

**MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**MONDAY, OCTOBER 16, 2017
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Pro Tem Klein Quinn. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend

Members absent:

Mayor Fagan - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
City Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Community Events Coordinator – Denise Fiore
Community Center Director – Rosalie Dillon
Police Officer-Investigations – David White

2.0 The invocation was led by Pastor Tim Niekerk of Salem Lutheran Church, Tomball

3.0 Pledges to U. S. and Texas Flags were led by Dylan Morgan, member of the Tomball High School Student Council.

- 4.0 Mayor Pro Tem Klein Quinn announced that Item 8.4 has been withdrawn from the agenda, at the request of the developer, and no action will be taken on Item 8.4.

The following public comments were received:

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| Dwight Mohle
13203 Spring Hollow, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Robert Maurer
13215 Spring Hollow, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Xavier Grostabussiat
13318 Wildwood, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Aileen Kirkham
13211 Lost Creek, 77375 | - | Expressed her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Rob Tutt
13710 Lost Creek, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| B. Tickle
13318 Spring Hollow, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Ted Johnson
13214 Spring Hollow, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| John Moss
30718 Spring Lake, 77375 | - | Expressed his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |
| Christine Ferrer
13210 Clepper Drive - B, 77375 | - | Expressed her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse "D" Reserve at Spring Lake-Section 2 |

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| Candy Ferrer
13210 Clepper Drive, 77375 | - | Expressed her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 |
| Sandy Maurer
13215 Spring Hollow, 77375 | - | Wished to have her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| Victor Lawrence
13202 Spring Hollow, 77375 | - | Wished to have his opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| Deana Lawrence
13202 Spring Hollow, 77375 | - | Wished to have her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| Ginger Tickle
13318 Spring Hollow, 77375 | - | Wished to have her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| Sherri Mohle
13203 Spring Hollow, 77375 | - | Wished to have her opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 read into the minutes. |
| David DiCamillo
31215 Ulrich, 77375
Owner of 13210 Clepper | - | His opposition to the proposed rezoning of 76.01 Acre of Land, Reverse “D” Reserve at Spring Lake-Section 2 was read into the minutes. |

5.0 Reports and Announcements:

- October 21, 2017– **2nd Annual Freight Train Food Truck Festival** – 11:00 a.m. to 5:00 p.m.
- October 28, 2017 – **6th Annual Tomball Bluegrass Festival** – 11:30 a.m. to 6:00 p.m.
- November 11, 2017 – **2nd Saturday at the Depot**
- November 17, 2017 – **“Holiday Lamp Post Stroll”**
- November 18, 2017 – **52nd Annual Tomball Holiday Parade**
- November 23-24, 2017 – **Thanksgiving Holidays** – City offices closed
- December 8-10, 2017 – **Tomball German Christmas Market**

- December 9, 2017 – **“Christmas on Commerce”** – a **2nd Saturday at the Depot** Event
- December 25-26, 2017 – **Christmas Holidays** – City offices closed
- January 1, 2017 – **New Year’s Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – reported on the success of **“Zomball in Tomball”**.
 - Mike Baxter – reported that Denise Fiore finished 9th in the Nation at the World Championship Hunter Rider Adult Challenge, United States Hunter Jumper Association, held in Baltimore.
 - Randy Parr – reported on the success of the free smoke alarms program, providing smoke alarms to area residents.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the October 2, 2017 Regular Tomball City Council Meeting and the Minutes of the October 9, 2017 Special Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2017-33, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455 for the Year 2017 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

7.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-35, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Deleting Section 44-67, Use of Certain Wireless Communication Devices While Driving Prohibited, of Article III, Operation of Vehicles, of Chapter 44, Traffic and Vehicles, Making Findings, and Providing for Severability. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Supplemental Number 1 for E&P Project 2003-10005, M121W Channel and M500 Detention Basin to Gunda Corporation, LLC, for an Amount of \$69,520.00.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Degges, second by Councilman Townsend, to approve the Purchase of Calidus Gyroplane and associated fuel trailer for the Tomball Police Department, in the Amount of \$35,000.

Motion carried unanimously.

- 8.3 Council received a presentation by Matt Bucchin, Halff Associates, regarding Tomball's Comprehensive Plan Update.

No action was taken.

- 8.4 Item 8.4 was withdrawn at the request of the developer. No consideration will be given to Approve **Zoning Case P17-0115**: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve "D" Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

- Conduct Public Hearing on **Zoning Case P17-0115**
- Adopt, on First Reading, Ordinance No. 2017-36, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Changing the Zoning District Classification of Approximately 76.01 Acres of Land, Legally Described Reserve "D" Reserve At Spring Lake – Section Two, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 20 Estate District; Said Property Being Generally Located at the North End of Spring Lake Boulevard; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

No action was taken.

- 8.5 Consideration to Approve **Zoning Case P17-0116**: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

- Mayor Pro Tem Klein Quinn called the Public Hearing on **Zoning Case P17-0116** to order at 7:18 p.m.; the following comments were received:

Kimberly Villarreal 30259 Old Joseph Rd, 77447	-	Expressed her support for the proposed rezoning.
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Latrell Shannon 823 Lizzie Lane, 77375	-	Expressed her opposition for the proposed rezoning.
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Receiving no additional comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 7:23 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-37 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2017-37, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Changing the Zoning District Classification of Approximately 1.5 Acres of Land, Legally Described Tract 245 Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial District; Said Property Being Generally Located at the Northeast Corner of Chestnut Street and Lizzie Lane; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Ford	<u>Nay</u>
Councilman Stoll	<u>Nay</u>
Councilman Degges	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion FAILED unanimously.

- 8.6 Consideration to Approve **Zoning Case P17-0117**: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

- Mayor Pro Tem Klein Quinn called the Public Hearing on **Zoning Case P17-0117** to order at 7:29 p.m.

Receiving no comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 7:29 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-38 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2017-38, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Changing the Zoning District Classification of Approximately 8.355 Acres of Land, Legally Described Lot 9 Tomball Marketplace, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the North Side of Medical Complex Drive, West of SH 249; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.7 Consideration to Approve **Zoning Case P17-0118**: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

- Mayor Pro Tem Klein Quinn called the Public Hearing on **Zoning Case P17-0118** to order at 7:33 p.m.

Receiving no comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 7:33 p.m.

- Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2017-39 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2017-39, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-115(B)(2) by Requiring Refuse Areas Which Are Visible from a Public Right-of-Way be Visually Screened by a Minimum Six-Foot Solid Masonry Wall on at Least Three Sides; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.
- Motion was made by Councilman Stoll, second by Councilman Ford, to postpone consideration to adopt, on First Reading, Ordinance No. 2017-39, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-115(B)(2) by Requiring Refuse Areas Which Are Visible from a Public Right-of-Way be Visually Screened by a Minimum Six-Foot Solid Masonry Wall on at Least Three Sides; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters until the November 6, 2017 Council Meeting. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion to POSTPONE carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Stoll, read Ordinance No. 2017-40 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2017-40, an Ordinance of the City of Tomball, Texas Amending Chapter 1, General Provisions, Section 1-8, Addition of New Material to Code, of the Code of Ordinances to Allow the City Secretary to Correct Scrivener's Errors in Ordinances, Resolutions, and Other Council Actions Whether Codified or Uncodified, Providing a Repealer, Providing for Severability, Providing for Publication, and Providing an Effective Date. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.9 Executive Session: The City Council recessed at 7:39 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening into regular session at 8:25 p.m., the following action was taken:

- 8.10 Motion was made by Councilman Stoll, second by Councilman Townsend to Approve the Amendments to and Extension of the Employment Contract for George Shackelford, City Manager, per the terms of the agreement to be prepared by the City Attorney.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 6th day of November 2017.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor