

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



MONDAY, JUNE 19, 2017

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Townsend
Councilman Klein Quinn

Members absent:

Councilman Degges - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Fire Marshal – Joe Sykora
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Senior Accountant – Kacie Richardson
Senior Accountant – Christine Brookshire
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Amelia Lindley
City Engineer – Beth Jones
Executive Director-TEDC – Kelly Violette
Assistant City Secretary – Tracy Garcia
Community Center Director – Rosalie Dillon
Police Corporal – Brandon Patin

2.0 The invocation was led by Bruce Hillegeist, President, Greater Tomball Area Chamber of Commerce.

3.0 Pledges to U. S. and Texas Flags were led by Randy Parr.

4.0 The following public comments were received:

William A. Roper 912 W. Main, 77375	- Requested consideration to reduce number of times the City cuts grass; to reduce the use of concrete by using iron ore instead; and to repair/rehabilitate the sidewalks down Main Street, with additional ramps, curbs, and crosswalks.
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5.0 Reports and Announcements:

- **TOMBALL KID'S CLUB** – June 20, 23, 27 and 30 and July 7, 11, and 14, 2017 - 11:00 a.m.-1:00 p.m., at the Community Center
- **Tomball City Pool – 2017 Swim Season - Jerry Matheson Park Pool** will operate with normal hours through August 20. From August 21 through September 3, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2017, except Memorial Day (May 29), July 4th, and Labor Day (September 4). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- **June 22, 2017 – 9th Annual Economic Outlook Luncheon** – sponsored by the Tomball Economic Development Corporation at Lone Star College-Tomball – 11:30 a.m.-1:30 p.m.
- July 4, 2017 – **Tomball July 4th Celebration & Street Festival**
- August 26, 2017 – **Tomball Texas Music Festival**
- September 23, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - George Shackelford reported that the Finance Department has received the **GFOA Distinguished Budget Award** for the ninth year.
 - Kelly Violette reported that she and Tiffani Wooten have received their **Certified Economic Developer** Certification from the International Economic Development Council and the Tomball Economic Development Corporation has received the 2016 Certificate of Achievement for Economic Excellence, awarded by the Texas Economic Development Council.

6.0 Motion was made by Councilman Stoll, second by Councilman Ford, to approve the Minutes of the June 5, 2017 Regular Tomball City Council Meeting and the June 5, 2017 Special Tomball City Council Meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to reappoint Gretchen Fagan, Steven Vaughan, and Chad Degges to their respective positions as members of the Tomball Economic Development Corporation, for New Terms Expiring May 31, 2019.

Motion carried unanimously.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Tomball Economic Development Corporation (TEDC) 2017-2018 Strategic Work Plan.

Motion carried unanimously.

- 7.3 City Council received the Tomball Economic Development Corporation (TEDC) 2016-2017 Annual Report, as presented by Kelly Violette.

No action necessary.

- 7.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept the donation of a 0.1173-Acre Tract (5,109 Square Feet) of Land via Special Warranty Deed from Lone Oak Holdings, LLC for Zion Road/Hufsmith Road Intersection Access to Broussard Community Park.

Motion carried unanimously.

- 7.5 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve the Interlocal Agreement between the City of Tomball and Concordia Lutheran High School (CLHS), affording the Tomball Police Department the Ability to Assign One (1) Student Resource Officer (SRO) to CLHS Campus.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Five (5) Student Resource Officers (SROs) to TISD Campuses.

Motion carried unanimously.

- 7.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve an Agreement to Provide Water Service and Interconnect between HMW Special Utility District and the City of Tomball for the Red Oak Terrace Subdivision

Motion carried unanimously.

- 7.8 Consideration to Approve **Zoning Case P17-0062**: Request by the City of Tomball to amend Section 50-80 (Planned Development District) of the Tomball Code of Ordinances in regards to patio home developments.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0062** to order at 6:36 p.m.

Receiving no comments, Mayor Fagan closed the Public Hearing at 6:36 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-17 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2017-17, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-80 (Planned Development District) in Regards to Patio Home Developments, 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>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 7.9 Consideration to Approve **Zoning Case P17-0059**: Request by Hogan Crum LLC for a Conditional Use Permit to operate a reception venue on approximately 2.5 acres, legally described as part of Tracts 18, 24, 30 & 36 and Tract B (Abandoned Part of Stansey Road) Tomball Outlots, generally located on the north side of East Hufsmith Road at Lovett Street and is zoned Single-Family 20 Estate District.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0059** to order at 6:54 p.m. The following comments were received:

Bill Sumner 12321 Zion Road, 77375	-	Expressed his opposition to the proposed zoning change.
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| Mike Clark
519 E. Hufsmith, 77375 | - | Expressed his support for the proposed zoning change. |
| Paul Garcia
13803 Sherburn, 77429 | - | Expressed his opposition to the proposed zoning change. |
| Dane Dunagin
535 E. Hufsmith, 77375 | - | Expressed his support for the proposed zoning change. |

Receiving no additional comments, Mayor Fagan closed the Public Hearing at 7:04 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-18 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. 2017-18, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Hogan Crum LLC to Operate A “Reception Venue” on a Property being Approximately 2.5 Acres, and Being Legally Described as part of Tracts 18, 24, 30 & 36 and Tract B (Abandoned Part of Stansey Road) Tomball Outlots, Harris County, Texas, Generally Located on the North Side of East Hufsmith Road at Lovett Street; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability.

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll *, to adopt, on First Reading, Ordinance No. 2017-18, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Hogan Crum LLC to Operate A “Reception Venue” on a Property being Approximately 2.5 Acres, and Being Legally Described as part of Tracts 18, 24, 30 & 36 and Tract B (Abandoned Part of Stansey Road) Tomball Outlots, Harris County, Texas, Generally Located on the North Side of East Hufsmith Road at Lovett Street; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability, with the additional requirements to the CUP of ten (10) trees being planted instead of five (5) on each side and a 100-ft. setback on the north side. Vote was as follows:

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

Motion, as AMENDED, carried unanimously.

- 7.10 Consideration to Approve **Zoning Case P17-0057**: Request by Rene Rodriguez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6.5 acres of land from the Commercial District to the Single-Family 6 District and approximately 95.7 acres of land from the Agricultural District to the Single-Family 6 District. The properties are legally described as Tracts 198, 202 & 206 Tomball Outlots, Tracts 4L 21 & 22 Abstract 632 C N Pillot and a 63.11 acre (2,749,160 square feet) parcel, situated in the Claude N. Pillot Survey, Abstract No. 632, Harris County, Texas, out of the residue of a called 111.5632 acre tract conveyed to Kevin Eric Graham by Warranty Deed recorded under Clerk's File No. X648265 of the Official Public Records of Harris County, Texas (O.P.R.H.C.T.) generally located on the south side of Theiss Lane at Commercial Park Road and the north side of Holderrieth Road between SH 249 and Cherry Street.

- Mayor Fagan called the Public Hearing on **Zoning Case P17-0057** to order at 7:39 p.m. The following comments were received:

Bill Sumner 12321 Zion Road, 77375	-	Expressed his opposition to the proposed zoning change.
Dennis Faske 12815 Pine Meadows, 77375	-	Expressed his opposition to the proposed zoning change.
Raymond Kocian 2014 Scotch Pine, 77375	-	Expressed his opposition to the proposed zoning change.

Receiving no additional comments, Mayor Fagan closed the Public Hearing at 7:47 p.m.

- Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2017-19 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. 2017-19, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 102 Acres of Land, Legally Described as Tracts 198, 202 & 206 Tomball Outlots, Tracts 4L 21 & 22 Abstract

632 C N Pillot and a 63.11-Acre (2,749,160 Square Feet) Parcel, Situated in the Claude N. Pillot Survey, Abstract No. 632, Harris County, Texas, out of the Residue of a Called 111.5632-Acre Tract Conveyed to Kevin Eric Graham by Warranty Deed Recorded under Clerk's File No. X648265 of the Official Public Records of Harris County, Texas (O.P.R.H.C.T.), within the City of Tomball, Harris County, Texas, from the Commercial District and Agricultural District to the Single-Family 6 District; Said Property Being Generally Located on the South Side of Theis Lane at Commercial Park Road and the North Side of Holderrieth Road between SH 249 and Cherry Street; 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>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Nay</u>

Motion carried, 3 votes Aye, 1 vote Nay.

- 7.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2017-12, a Resolution of the City Council of the City of Tomball, Texas, Rescheduling and Setting the Date of the First Regular Council Meeting of July 2017, per Section 2-22 Rules of Procedure, Code of Ordinances, and Section 6.12, Home Rule Charter, and setting Wednesday, July 5, 2017 as the date for the first Council meeting in July 2017.

Motion carried unanimously.

- 8.0 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 5th day of July 2017.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor