

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



**MONDAY, JANUARY 15, 2018
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 Degges
Councilman Townsend

Members absent:

Councilman Klein Quinn - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Assistant Fire Chief – Jonathon Fontenot
Fire Marshal – Joe Sykora
Marketing Director – Mike Baxter
HR Director – Lisa Coe
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
Warrant Officer/Bailiff – Ron McGullion

2.0 The invocation was led by Pastor Jason Nelson, Rose Hill United Methodist Church, Tomball.

3.0 The pledges to the U. S. and Texas flags were led by Rob Hauck.

4.0 No public comments were received.

5.0 Reports and Announcements:

- January 17, 2018– First day to apply for Place on Ballot for the May 5, 2018 City General Election
- February 10, 2018 – **2nd Saturday at the Depot**
- February 16, 2018 – Last date to file Application for Place on Ballot
- February 27, 2018 – **Trailride Reception** – 12 Noon at the Depot
- March 10, 2018 – **2nd Saturday at the Depot**
- TBA – **Shattered Lives Event** – Concordia Lutheran High School
- April 7, 2018 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 14, 2018 – **2nd Saturday at the Depot**
- April 28, 2018 – **Lions Club Car Show at the Depot**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Jonathan Fontenot presented a report on the success of the Fire Department **Holiday** Programs

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the January 2, 2018 Regular Tomball City Council Meeting and the January 8, 2018 Special Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2018-01, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include all of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball all of the Territory within Such Limits and Boundaries; Approving a Service Plan for all of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (Remaining Portion of Tract 1: 0.5968 Acre of Land Situated in the Chauncey Goodrich Survey, Abstract Number 311, City of Tomball, Harris County, Texas, Being a Portion of that Certain Called 9.4852 Acres of Land Described in Deed and Recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2016-317524; Located within the Extraterritorial Jurisdiction of the City of Tomball, Texas) [Majed, Inc.]. Vote was as follows:

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

Councilman Townsend Aye
Councilman Klein Quinn Absent

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the request by the Spring/Woodlands-based Rumble Cats Classic Car Club for Use of the Depot Festival Area for Its Annual “Rally in the Alley” Car Show, to be held on Saturday, March 3, 2018, from 7 a.m. to 5 p.m.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the request by Tomball United Methodist Church for Use of the Tomball Depot Area to Host a Fee community Easter egg hunt on Saturday, March 31, 2018 from 2:00 p.m.–4:30 p.m. and Approve In-Kind Support by the City of Tomball for the Event.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2018-03, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 3, 2018

- 8.4 Consideration and Possible Action regarding **Zoning Case P17-0145** Request by the City of Tomball to amend Sections 50-115 of the Tomball Code of Ordinances in regards to refuse areas.

- Mayor Pro Tem Klein Quinn called the Public Hearing to order at 6:12 p.m. for **Zoning Case P17-0145**.

Receiving no public comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 6:12 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-04 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. 2018-04, 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 to have a Gate that remains Closed at all Times Except when in Use and Adding Non-Conforming Language; 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 to AMEND was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2018-04, 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 to have a Gate that remains Closed at all Times Except when in Use and Adding Non-Conforming Language; 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 by clarifying the term “in use” to include when being used for filling, emptying, cleaning or maintenance. 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>Absent</u>

Motion, as AMENDED, carried unanimously.

- 8.5 Consideration and Possible Action regarding **Zoning Case P17-0137**: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5.8588 acres of land legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith at Hospital Road, from the Agricultural District to the General Retail District.

- Mayor Pro Tem Klein Quinn called the Public Hearing to order at 6:35 p.m. for **Zoning Case P17-0137**. The following public comments were received:

Denise Hammond 12123 Cathy Dr., 77065	-	Expressed her support for the proposed zoning change.
Carole Fisher 23010 Rosewood Tr, 77377	-	Did not wish to speak, but asked that her support for the proposed zoning change be read into the record.

- Debbie Allison - Did not wish to speak, but asked that her support for the proposed zoning change be read into the record.
1303 Cambourne Cir, 77379
- Karen Pitcock - Expressed her support for the proposed zoning change.
8831 Vista Springs, 77379
- Carrie Rand - Expressed her support for the proposed zoning change.
18910 Winding Atwood, 77377
- Lisa Daniels - Expressed her support for the proposed zoning change.
403 Epps, 77375
- Carol Sellers - Expressed her support for the proposed zoning change.
14227 Orion, 77375
- James Gordon - Expressed his support for the proposed zoning change.
1100 Graham Drive, 77375
- Mike Perez - Expressed his support for the proposed zoning change.
17 Royal King, 77377
- Cameo Bua-Clements - Expressed her support for the proposed zoning change.
2 Rolling Glen, 77375
- Toby Greenberg - Expressed her support for the proposed zoning change.
10300 Cypresswood, 77070
- Sandra Oliver - Expressed her support for the proposed zoning change.
37842 Clubhouse, 77355
- Yvonne Bosley - Expressed her support for the proposed zoning change.
19 Ricegrass Pl, 77389
- Marla McNeilly - Expressed her support for the proposed zoning change.
28203 Hickory Ct., 77355
- Billie Jouett - Expressed her support for the proposed zoning change.
12211 Woody Hollow, 77375
- Mary White - Expressed her support for the proposed zoning change.
14723 Daubern Ct., 77429

Denise Oliphant - Expressed her support for the proposed
202 Saddlebrook Ln, 77375 zoning change.

Receiving no additional public comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 6:47 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-03R 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. 2018-03R, 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 5.8588 Acres Of Land, Legally Described Lot 61 Block 1 Abandoned Animal Rescue Replat, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The **General Retail** District; Said Property Being Generally Located On The North Side Of East Hufsmith Road At Hospital Road; 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>Absent</u>

Motion carried unanimously.

- 8.6 Consideration and Possible Action regarding **Zoning Case P17-0166**: Request by Lance Langenhoven for a Conditional Use Permit to operate a mini-warehouse/self-storage facility at 419 E. Hufsmith Road. The property is approximately 5.8588 acres, legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith at Hospital Road, and is zoned Agricultural District.

- Mayor Pro Tem Klein Quinn called the Public Hearing to order at 6:58 p.m. for **Zoning Case P17-0166**.

Receiving no public comments, Mayor Pro Tem Klein Quinn closed the Public Hearing at 6:59 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-06 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. 2018-06, 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 Lance Langenhoven To Operate A “Mini-Warehouse/Self Storage” Facility At 419 East Hufsmith Road; Said Property Being Approximately 5.8588 Acres, And Being Legally Described As Lot 61 Block 1 Abandoned Animal Rescue Replat, Within The City Of Tomball, Harris County, Texas, Generally Located On The North Side Of East Hufsmith Road At Hospital Road; 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. 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>Absent</u>

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Supplemental No. 1 to Gunda Corporation, LLC, in Reference to E&P Project 2014-10014 – Broussard Park Site Improvements, in the Amount of \$126,748.00.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to reject Bids for Project No. 2018-03 and Award BuyBoard Contract to John Deere for the Purchase of One (1) Compact Track Loader with Breaker, Hydro-Axe, 6-Way Blade, Auger and Bucket Attachments, in the Amount of \$119,112.42.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Supplemental No. 1 to Freese & Nichols in Reference to E&P Project 2017-10002 – Critical Needs Improvements for the North and South Wastewater Treatment Plants, in the Amount of \$125,206.00.

Motion carried unanimously.

8.10 Executive Session: The City Council recessed at 7:06 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 7:32 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 5th day of February 2018.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor