

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



**MONDAY, OCTOBER 15, 2018
6:00 P.M.**

1.0 Meeting was called to order by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend

Members absent:

Councilman Klein Quinn - Excused

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
IT Manager – Doug Tippet
HR Director – Lisa Coe
Director of Community Development – Craig Meyers
Director of Public Works – Beth Jones
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Events Coordinator – Denise Fiore
Community Center Manager – Rosalie Dillon
Senior Accountant – Christine Brookshire
Police Officer-Investigations – Jimmy Harral

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

3.0 The pledges to the U. S. and Texas Flags were led by Randy Parr.

4.0 No public comments were received.

5.0 Mayor Fagan made the following presentation:

- Birth Proclamation – Jason and Hollyann Apel, Parents of **Charlie Wayne Apel**

6.0 Reports and Announcements:

- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot
- October 24, 2018 – Planning and Zoning Commission Special Meeting – 6:00 p.m.; possible quorum of City Council
- October 27, 2018 – **8th Annual Tomball Bluegrass Festival**, 12:00 p.m.-6:00 p.m.
- November 10, 2018 – **“Depot Day”**, a National Model Railroad Month Celebration at the Depot-Tomball; 10:00 a.m.-5:00 p.m.
- November 16, 2018 – **Christmas Tree Lighting** at the Depot – 7:00 p.m.
- November 17, 2018 – **Tomball Holiday Parade**
- 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”**.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the October 1, 2018 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Ford, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2018-33, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2018 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>Absent</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 TRHF Chair Vicki Clark and TRHF Attorney Kevin Reed presented the report from Tomball Regional Health Foundation.

No action necessary.

- 9.2 Consideration to Approve **Zoning Case P18-147**: Request by the City of Tomball to amend Section 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances by creating a land use for “Coffee Roasting”

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-147** at 6:26 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:27 p.m.

- Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2018-34 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. 2018-34, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-82(B) (“Use Charts”) by Creating a Land Use for “Coffee Roasting”; 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.

- 9.3 Consideration to Approve **Zoning Case P18-151**: Request by Persimmon Global Logistics for a Conditional Use Permit to operate a coffee roasting facility on approximately 4.0230 acres of land legally described as Lot 1 Block 1 Vasquez-

Phoenix, generally located at the southwest corner of Lizzie Lane and South Persimmon Road and zoned Commercial District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-151** at 6:37 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:37 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-35 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. 2018-35, 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 Persimmon Global Logistics to Operate a “Coffee Roasting” Facility; Said Property being Approximately 4.0230 Acres, and being Legally Described as Lot 1 Block 1 Vasquez-Phoenix, Harris County, Texas, Generally Located at the Southwest Corner of Lizzie Lane and South Persimmon Road and Zoned Commercial; 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 2018-35, 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 Persimmon Global Logistics to Operate a “Coffee Roasting” Facility; Said Property being Approximately 4.0230 Acres, and being Legally Described as Lot 1 Block 1 Vasquez-Phoenix, Harris County, Texas, Generally Located at the Southwest Corner of Lizzie Lane and South Persimmon Road and Zoned Commercial; 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, and to include the provision that, if the afterburners malfunction, operations will be shut down until repairs are completed. Vote was as follows:

Councilman Ford
Councilman Stoll

Aye
Aye

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

Motion, as **AMENDED**, carried unanimously.

- 9.3 Executive Session: The City Council recessed at 6:49 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. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Upon reconvening into regular session at 7:04 p.m., the following action was taken:

- 9.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the purchase, in the amount of \$265,000.00, from David and Jessica Sottolare, of the property located at 215 West Main Street and to authorize the Mayor or City Manager to execute the appropriate deed and associated documents.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

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

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor