

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



**MONDAY, FEBRUARY 17, 2020
6:00 P.M.**

1.0 Meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Degges
Councilman Townsend

Members absent:

Councilman Stoll - Excused
Councilman Klein Quinn - Excused

Others present:

Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Beth Jones
Fire Chief – Randy Parr
Interim Police Chief – Skip Oliver
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
Director of Community Development – Craig Meyers
IT Manager – Doug Tippey
Assistant City Secretary – Tracy Garcia
Fire Marshal – Joe Sykora
CSO-Administrative Assistant – Sasha Luna
City Planner – Amelia Lindley
Police Captain – Bryan Hill
Police Officer – David Sparks
Police Captain – Ricky Doerre
Warrant Officer/Bailiff – Ron McGullion
Police Officer – SRO – Jamy Brock
Police Officer – SRO – Tomeko Henagan
Police Officer – David Galindo
Community Center Manager – Rosalie Dillon

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

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

4.0 No public comments were received.

5.0 Presentations were made by Mayor Fagan and Members of the Tomball Police Department:

- Tomball Explorer Post #5451 – Grand Prairie, 3rd Annual Metroplex Challenge:

Team 1:

- 1st - Domestic Disturbance
- 1st - Misdemeanor Traffic
- 2nd - Over All

Team 2:

- 3rd - Unknown Call
- 3rd - Misdemeanor Traffic
- 2nd - Domestic Disturbance
- 1st - CSI

2nd in the Bike Course, Girls

TPD Advisors: Officers David Sparks, David Galindo, and Tomeko Henagan

6.0 Reports and Announcements:

- February 25, 2020 – ***Trailride Reception*** – 12 Noon at the Depot
- Tomball Police Department Annual Data Capture Report – 2019 (SB 1074)
- March 21, 2020 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.
- March 25-26, 2020 – “***Shattered Lives***” program – Concordia Lutheran High School
- March 27-29, 2020 – **Tomball German Sister City Heritage Festival** at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken

7.0 Motion was made by Councilman Ford, second by Councilman Degges, to approve the Minutes of the February 3, 2020 Regular Tomball City Council Meeting

Motion carried unanimously.

8.0 Old Business:

8.1 Mayor Fagan opened the floor at 6:09 p.m. to receive public comments were received regarding Ordinance No. 2020-03:

- | | |
|---|---|
| Kimberly Spangle
822 E. Brenda Ln, 77354 | - Did not wish to speak; asked to have her opposition read into the record. |
| Alok Khanna
31310 Bearing Star, 77375 | - Expressed his opposition to the adoption of Ordinance No. 2020-03. |
| Rebecca Beltin-Wooten
1007 Ranier Cove, 78665 | - Did not wish to speak; asked to have her opposition read into the record. |
| Priscilla Atwood
2121 Green Oaks Cir., 78665 | - Did not wish to speak; asked to have her opposition read into the record. |
| Adrian Berg
3826 Katy Hollow Dr., 77449 | - Expressed his opposition to the adoption of Ordinance No. 2020-03. |
| Leigha Lierz
21402 Park Orchard, 77450 | - Did not wish to speak; asked to have her opposition read into the record. |
| Hardyn Lierz
21402 Park Orchard, 77450 | - Expressed his opposition to the adoption of Ordinance No. 2020-03. |
| Gillian Luszik
6315 Walraven Cir., 76133 | - Expressed her opposition to the adoption of Ordinance No. 2020-03. |
| Samantha Bickel
5416 Enclave Cir. #1317, 76132 | - Did not wish to speak; asked to have her opposition read into the record. |
| Tim Holbert
23118 Biddle Dr., 77365 | - Did not wish to speak; asked to have his opposition read into the record. |
| Jill Varner
908 Genoa, Italy 76651 | - Did not wish to speak; asked to have her opposition read into the record. |
| Johnny Rosenbalm
18134 June Oak, 77429 | - Expressed his opposition to the adoption of Ordinance No. 2020-03. |
| Matthew Fank
1850 S. Cherry, 77375 | - Expressed his opposition to the adoption of Ordinance No. 2020-03. |

- Brandi Fank
724 Talmalge Hall Dr., 77302 - Expressed her opposition to the adoption of Ordinance No. 2020-03.
- Keith Raymond
17910 Rushing Hollow Ct, 77377 - Expressed his opposition to the adoption of Ordinance No. 2020-03.
- Lori Wilson
1821 S. Cherry St., 77375 - via email: Expressed her support for the adoption of Ordinance No. 2020-03.
- Kathleen Hauck
1820 S. Cherry St., 77375 - Expressed her support for the adoption of Ordinance No. 2020-03.

Receiving no additional public comments, Mayor Fagan closed the floor at 6:35 p.m.

Motion was made by Councilman Ford, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2020-03, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding a New Article VII, Keeping of Dangerous Animals, to Chapter 8, Animals, Defining and Adopting Regulations for Dangerous Animals, and Providing Exceptions to the Regulations; 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>Absent</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 Motion was made by Councilman Ford, second by Councilman Degges, to approve the purchase of an AirVac Exhaust Filtration System to Remove Contaminants from Apparatus Bays at Fire Station 1, from Air Vacuum Corporation, a Sole Source Provider, in the Amount of \$54,597.00.

Motion carried unanimously.

- 9.2 Consideration to approve **Zoning Case P20-007**: Request by B. Todd Jones, with DHIC, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 18 acres of land legally described as 18 acres out of Lot 2 Reserve at Tomball Partial Replat, within the City of Tomball, Harris

County, Texas, generally located on the north side of FM 2920 approximately 1,000 feet west of FM 2978, from the Commercial and Single-Family 9 Districts to the Planned Development (PD-13) District.

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P20-007** at 6:50 p.m.

Public comment was received:

Zachery Brinker - Expressed his opposition to the
1005 E. Main St., 77375 proposed zoning change.

No additional public comments were received and Mayor Fagan closed the Public Hearing at 6:52 p.m.

- Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2020-01 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. 2020-01, 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 18 Acres of Land, Legally Described as 18 Acres Out of Lot 2 Reserve at Tomball Partial Replat, within the City of Tomball, Harris County, Texas, from the Commercial and Single-Family 9 Districts to the Planned Development (PD-13) District; said Property being generally located on the North Side of FM 2920 Approximately 1,000 Feet West of FM 2978; 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>Absent</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 P19-187**: Request by Lance Langenhoven for a Conditional Use Permit to operate an amusement, commercial (indoor) facility at 419 East 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 Road at Hospital Road, within the City of Tomball, Harris County, Texas, and is zoned General Retail District.

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P19-187** at 7:10 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:10 p.m.

- Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2020-02 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. 2020-02, 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 an “Amusement, Commercial (Indoor)” Facility; said Properties Being 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 at the Northwest Corner of East Hufsmith Road and Neal Street at 419 East Hufsmith Road, and is Zoned General Retail District; 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>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Absent</u>

Motion FAILED, 2 votes Aye, 1 vote Nay.

Councilman Townsend stated he had voted Nay in error and requested that his vote be corrected to ‘Aye’. Vote, following correction, was as follows:

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

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the Annual Licensing and Support for Incode Software, Provided by Tyler Technology, in the Amount of \$50,212.72.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 2nd day of March 2020.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretch Fagan
Gretchen Fagan
Mayor