

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



**MONDAY, JULY 20, 2020
6:00 P.M.**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for July 6, 2020, at 6:00 p.m., at 401 Market Street, Tomball, Texas, 77375, via video/telephone conference (Zoom).

- 1.0 Mayor Fagan called the meeting to order at 6:06 p.m., having established a quorum. Mayor Fagan read a statement regarding the process for the conduct of the meeting via Zoom and telephone. Members present (in person):

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Klein Quinn

Members present (via video):

Councilman Townsend

Others present:

City Manager – Robert Hauck (in person)
Assistant City Manager – David Esquivel (in person)
City Secretary – Doris Speer (in person)
City Attorney – Loren B. Smith (in person)
Legal Secretary-Olson & Olson – Layla Walker (via video)
Fire Chief – Randy Parr (in person)
Police Chief – Jeff Bert (in person)
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor (in person)
Director of Public Works – Beth Jones (in person)
Director of Community Development – Craig Meyers (in person)
CSO Administrative Assistant – Sasha Luna (in person)
Police Officer-Investigations – Cleo Thomas (in person)
Fire Marshal – Joe Sykora (via video)
IT Sr. Specialist – Ben Lato (in person)
Christine Brookshire – Senior Accountant (in person)
Executive Director-TEDC – Kelly Violette (via video)
Pastor James Andrew – Real Life Ministries (via video)

2.0 The invocation was led by Pastor James Andrew – Real Life Ministries.

3.0 Pledges to U. S. and Texas Flags were led by Jeff Bert.

4.0 The following public comments were received:

Quentin Blanchard - Expressed his opposition to adoption of
1850 S. Cherry St., 77375 Item 7.5, Ordinance No. 2012-21.

5.0 Reports and Announcements:

- ***Tomball City Pool – 2020 Swim Season*** - Jerry Matheson Park Pool will operate with normal hours through August 16. The pool will be open on Saturday and Sunday only on the weekends of August 22-23 and August 29-30. The pool will be closed every Monday during swim season 2020, except Labor Day (September 7). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- ***TOMBALL KID'S CLUB – Activities (Food distribution only)***: July 23 and 30 from 11:00 a.m. to 12:00 p.m., at **Juergens Park**
- Reports by City staff and members of council about items of community interest on which no action will be taken:

6.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Minutes of the July 6, 2020 Special Tomball City Council Meeting and the July 6, 2020 Regular Tomball City Council Meeting

Motion carried unanimously.

7.0 Old Business Consent Agenda:

7.1 Adopt, on Second Reading, Ordinance No. 2020-13, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Four (Alexander Estates Subdivision)

7.2 Adopt, on Second Reading, Ordinance No. 2020-14, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment Against Section One Properties within the City of Tomball Public Improvement District Number Four (Alexander Estates Subdivision); and Making Certain Findings Related Thereto

7.3 Adopt, on Second Reading, Ordinance No. 2020-15, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Eight (Timber Trails Subdivision)

7.4 Adopt, on Second Reading, Ordinance No. 2020-16, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of

Tomball Public Improvement District Number Eight (Timber Trails) and Making Certain Findings Related Thereto

- 7.5 Adopt, on Second Reading, Ordinance No. 2020-21, an Ordinance of the City Council of Tomball, Texas, Amending Section 8-124 of Its Code of Ordinances to Remove the Use of the Term “Single-Family Residential Platted Lot” and Removing the Requirement that the One-Acre Requirement be Calculated Without Regard to Improvements Existing on the Property; 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 Townsend, second by Councilman Ford, to adopt Ordinance Nos. 2020-13, 2020-14, 2020-15, 2020-16 and 2020-21 (Items 7.1, 7.2, 7.3, 7.4 and 7.5) on Second Reading. 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 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2020-12, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business

- 9.1 Consideration and Possible Approval regarding **Zoning Case P20-069**: Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by

rezoning approximately 1 Acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P20-069** at 6:30 p.m.; the following comments were received:

Juan Martinez - Expressed his support for approval.
20703 Sundown Springs, 77379

Dave Tegtmeier - Expressed his opposition to approval.
614 E. Pecan, 77375

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 6:25 p.m.

- Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2020-09 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. 2020-09, 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 One Acre of Land Legally Described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District, said Property being generally located at the Southwest Corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas; 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 Degges	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>
Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried, 3 votes Aye, 2 votes Nay.

9.2 Consideration to Approve **Zoning Case P20-105**: Request by Whitmeyer’s Distilling Co., LLC for a Conditional Use Permit to operate a soap, detergents, cleaning preparations manufacture facility. The property is approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, generally located at the end of Spell Circle at 21250 Spell Circle, within the City of Tomball, Harris County, Texas and is zoned Light Industrial District.

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P20-105** at 7:01 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:01 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2020-17 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. 2020-17, 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 Whitmeyer’s Distilling Co., LLC to Operate a “Soap, Detergents, Cleaning Preparations Manufacture” Facility; Said Property being Approximately 6.10 Acres of Land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, within the City of Tomball, Harris County, Texas, generally located at the End of Spell Circle at 21250 Spell Circle, and is Zoned Light Industrial 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 Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>
Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>

Motion carried unanimously.

9.3 Consideration to Approve **Zoning Case P20-104**: Request by Jackie Rye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6 acres of land legally described as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District. The

property is generally located on the south side of FM 2920 at South Live Oak Street, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P20-104** at 7:09 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:09 pm.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2020-18 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. 2020-18, 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 6 Acres of Land, Legally Described as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, within the City of Tomball, Harris County, Texas, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District; Said Property being generally located on the South Side of FM 2920 at South Live Oak 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 Klein Quinn	<u>Nay</u>
Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.4 Consideration to approve **Zoning Case P20-103**: Request by Daniel Valdez with META Planning + Design to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 95.4 acres of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District. The property is generally located

on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P20-103** at 7:33 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:33 pm.

- Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2020-19 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. 2020-19, 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 95.4 Acres of Land, Legally Described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, PT Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, PT Tract 21A (AG-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, within the City of Tomball, Harris County, Texas, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District; said Property being generally located on the South Side of Theiss Lane at Commercial Park Road and North Side of Holderrieth Road between SH 249 and South 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>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.5 Consideration to approve **Zoning Case P20-099**: Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use)

Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P20-099** at 7:39 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:39 pm.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2020-20 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. 2020-20, 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 1.7958 Acres of Land Legally Described as Part of Tracts 6A 12A 18A 24A 30A & 36A (AG-Use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said Property being generally located on the North Side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas; 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 Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>
Councilman Ford	<u>Aye</u>

Motion carried unanimously.

- 9.6 Motion was made by Councilman Ford, second by Councilman Townsend, to approve Resolution No. 2020-19, a Resolution of the City of Tomball, Texas, Designating the Harris County Tax Office as the Officer to Calculate the No-New Revenue Tax Rate and the Voter Approval Tax Rate in Accordance with the Texas Tax Code.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Ford, second by Councilman Townsend, to authorize City Manager to Execute an Agreement for Grant Administration Services with Langford

Community Management Services for E&P Project 2019-10015, Lizzie Lane and South Persimmon Drainage Improvements, in the Amount of \$109,802.00.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1987-10418, styled City of Tomball vs. Benye Jackson Brown, HCAD Account No. 035-278-090-0023, to Maricsa Villasenor, in the Amount of \$3,000.00.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of August 2020.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor