

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



**MONDAY, DECEMBER 15, 2014**

**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 Hudgens  
Councilman Degges  
Councilman Stoll  
Councilman Townsend  
Councilman Klein Quinn

Others present:

City Manager – George Shackelford  
Assistant City Manager – Robert Hauck  
City Secretary – Doris Speer  
City Attorney – Loren Smith  
Fire Chief – Randy Parr  
Marketing Director – Mike Baxter  
Community Development Director – Craig Meyers  
City Engineer – Lori Lakatos  
City Planner - Harold Ellis  
Community Center Manager – Rosalie Dillon  
Community Development Coordinator – Amelia Vasquez  
Fire Marshal – Doug Sanguedolce  
Community Events Coordinator – Denise Neef-Fiore  
Executive Director-TEDC – Kelly Violette

**2.0** The invocation was led by Kenny Rodgers, Anointed Faith Family Church

**3.0** The pledges to U. S. and Texas Flags were led by Members of the Tomball High School Student Council.

**4.0** No comments were received.

5.0 Presentations were made by Mayor Fagan to the ***Broussard Community Park Sponsors*** in recognition of their contributions of time, resources, labor, etc. to the construction day at Broussard Community Park.

6.0 Reports and Announcements:

- December 24-25, 2014 – Christmas Holiday – City Offices Closed; open Friday, December 26, 2014
- January 1, 2015 – New Year’s Day Holiday – City Offices Closed; open Friday, January 2, 2015
- ***Walk Tomball!*** – Every Saturday at **9:00 a.m.** at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken:
  - Rosalie Dillon presented a report on the success of the City’s ***“Christmas on Commerce”***.
  - Denise Neef-Fiore presented a report on the success of the City’s ***“Lamp Post Decorating Contest”***.
  - Councilman Stoll requested consideration and possible action for the purchase of body cameras for Tomball police officers at a future Council meeting
  - Councilman Townsend requested City staff to provide information for Council consideration of methods to mitigate parking problems in the depot area during festivals and other City events, particularly visitors parking in private property owners’ front yards.

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the December 1, 2014 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Resolution No. 2014-29-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation’s Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and 2978 Panormus LP, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a multi-use project (Peck Station) on approximately 34.495 acres of land generally located at the northwest corner of FM 2978 and FM2920 in Tomball, Texas. Vote was as follows:

Councilman Hudgens          Aye

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-42, an Ordinance of the City of Tomball, Texas, Finding and Determining that the Public Convenience and Necessity no longer require the Continued Existence of a Certain Portion of a Gas Line Easement across a Certain 0.0125 Acre Tract of Land being out of and a part of the William Hurd Survey, A-378, Tomball, Harris County, Texas and being out of and a part of Commercial Reserve No. 7 of Tomball Parkway Plaza, the Map of which is recorded in Volume 331, Page 10 of the Map Records of Harris County, Texas, Located in the City of Tomball, Texas; Vacating, Abandoning, and Closing Said Portion of Such Gas Line Easement; Authorizing the City Manager to Execute and the City Secretary to Attest a Quitclaim Deed Quitclaiming the City's Interest in Said Abandoned Easement; and Containing Other Provisions Relating to the Subject. Vote was as follows:

Councilman Hudgens	<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.

9.0 New Business

- 9.1 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Tomball Art League Request for In-Kind Support of Two Annual Art Shows at the Tomball Community Center, to be Held Saturday, March 7, 2015 and Saturday, September 19, 2015
- 9.2 Consideration to Approve **ZONING CASE P14-227**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a "Dance/Drama/Music School." The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-227** at 6:25 p.m.

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

- Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2014-43 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2014-43, 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 Nancy Gomez Revocable Living Trust to Operate a "Dance/Drama/Music School;" Said Property Being Approximately 2.46 Acres, and Being Legally Described As Tract 42b, Tomball Outlots, Generally Located Between Ulrich Road and Rudolph Road, North of East Hufsmith Road; Providing Requirements and Conditions For This Cup; 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 Hudgens	<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.

- 9.3 Consideration to Approve **ZONING CASE P14-232**: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.13 acres of land, legally described as Tract 7D-3, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-232** at 6:31 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:31 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-44 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. 2014-44, 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 1.13 Acres of Land, Legally Described as Tract 7d-3, Abstract 34, Joseph House Survey, Within The City Of Tomball, Harris County, Texas, From The Multifamily Residential District to The Commercial District; Said Property Being Generally Located South of Baker Drive, West of State Highway 249; 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 Hudgens	<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.

- 9.4 Consideration to Approve **ZONING CASE P14-239**: Request by the City of Tomball to amend Section 50-82(b) (“Use Charts”) of the Tomball Code of Ordinances.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P14-239** 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 Klein Quinn, to read Ordinance No. 2014-45 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2014-45, an Ordinance of the City Of Tomball, Texas, Amending Chapter 50 (Zoning) of The Tomball Code of Ordinances By Amending Section 50-82(B) (“Use Charts”); 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 Klein Quinn, to adopt, on First Reading, Ordinance No. 2014-45, an Ordinance of

the City Of Tomball, Texas, Amending Chapter 50 (Zoning) of The Tomball Code of Ordinances By Amending Section 50-82(B) (“Use Charts”); 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, with the additional amendment to restrict Auto Parts Sales (new or rebuilt; with outside storage or display) and Tire Sales (outdoors, with outside storage) in the Old Town & Mixed Use (OT&MU) District. Vote was as follows:

Councilman Hudgens	<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, as Amended, carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Execute the Grant Application for the Houston-Galveston Area Council (H-GAC) 2015 TIP Call for Projects for FM 2920 (Main Street) From Tomball Parkway (Business SH 249) to Willow Street.

Motion to Amend was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Execute the Grant Application for the Houston-Galveston Area Council (H-GAC) 2015 TIP Call for Projects for FM 2920 (Main Street) From Tomball Parkway (Business SH 249) to Willow Street, and to authorize allocation of matching funds in the amount of \$3,000,000, for the proposed project.

Motion, as amended, carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to ratify the Purchase of Real Property and Authorize City Manager to Execute Contract Assignment of Buyer’s Interest from Douglas E. Carter to the City of Tomball for Lots 1-6, Block 27, Elm Street in Tomball, Texas; Property Owned by Jason S. Fuselier and Lori K. Fuselier.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to ratify the Purchase of Real Property and Authorize City Manager to Execute the Contract Assignment of Buyer’s Interest from Douglas E. Carter to the City of Tomball for Lot 5, Block 26, 100 Florence Street, Tomball, Texas; property owned by Malinda R. Edmonds.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Settlement Agreement and Release of All Claims between the City of Tomball, Texas, and Jana's Dirt, L.L.C.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2014-47 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2014-47, an Ordinance of the City of Tomball, Texas, Finding and Determining that the Public Convenience and Necessity no longer require the Continued Existence of a Certain Portion of a Roadway Right-of-Way Designated Michel Road, Such Portion Containing 1.2748 Acres of Land Located in the Jesse Pruitt Survey, Abstract Number 629 and being out of Lot 172, Tomball Townsite, a Subdivision Recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas and being out of a Residue of a 1.382 Acre Tract of Land Conveyed to the City of Tomball, Texas by Deed Recorded in the Harris County Clerk's Records File No. J819957, Film Code No. 002-64-1844 of the Official Public Records of Real Property of Harris County, Texas, Said Tract being more Particularly Described in Exhibit "A" Attached Hereto; Vacating, Abandoning, and Closing Said Portion of Such Road Right-of-Way; Authorizing the City Manager to Execute and the City Secretary to Attest a Special Warranty Deed Conveying the City's Interest in Said Abandoned Roadway Right-of-Way; and Containing Other Provisions Relating to the Subject. Vote was as follows:

Councilman Hudgens	<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.

- 9.10 Council recessed at 7:28 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 Real Property

Upon reconvening in regular session at 7:48 p.m., no action was taken.

10.0 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 January 2015.

Doris Speer  
Doris Speer, TRMC, CMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor