

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



**Monday, December 21, 2020
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for December 21, 2020, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Call to Order

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll
Council 3 Chad Degges
Council 4 Derek Townsend, Sr.
Council 5 Lori Klein Quinn

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer (via video)
Assistant City Secretary – Tracylynn Garcia (via video)
City Attorney – Loren Smith
Fire Chief – Randy Parr (via video)
Fire Marshal – Joe Sykora (via video)
Assistant Fire Chief – Taner Drake (via video)
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Director of Community Development – Craig Meyers
Municipal Court Judge – Brett Peabody (via video)
TEDC Executive Director – Kelly Violette (via video)
TEDC Administrative Assistant – Tori Gleason (via video)
Administrative Assistant - Johnita Robinson
Community Center Manager – Rosalie Dillon

B. Invocation - Led by Pastor Kenny Rodgers, Anointed Faith Family Church, Tomball.

- C. Pledges to U.S. and Texas Flags led by Joe Sykora.
- D. No public comments were received.
- E. Presentations:
 - 1. Real Life Ministries Texas - Senior Pastor Brandon Guindon and Executive Pastor Tommy Roberson presented a donation of \$10,000 to the Tomball Legacy Fund, for the Paces 4 Pink Annual Breast Cancer Fundraiser.
 - 2. Joseph Martinez, Minister, Light of the World Church, presented information regarding the donation to Public Works Department of trees at Broussard Park celebrating the sixth anniversary of the Church's opening.
- F. Reports and Announcements
 - 1. Announcements
 - I. December 24-25, 2020 – **Christmas Holidays** – City offices closed
 - II. January 1, 2021 – **New Year's Day Holiday** – City offices closed
 - 2. Reports by City staff and members of Council about items of community interest on which no action will be taken:
- G. Approval of Minutes
 - 1. Motion made by Council 2 Stoll, Seconded by Council 1 Ford to approve the Minutes of the December 7, 2020 Regular Tomball City Council Meeting.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn.

Motion carried unanimously.
- H. Old Business:
 - 1. Motion made by Council 4 Townsend, Sr., second by Council 1 Ford, to Adopt, on Second Reading, Resolution No. 2020-40-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 the City of Tomball to make direct incentives to, or expenditures for, improvements to Jerry Matheson Park located at 1240 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of

the Texas Local Government Code. The estimated amount of expenditures for such Project is \$300,000.00.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

I. New Business:

1. Mayor Fagan opened the Public Hearing of the City of Tomball, Texas to consider the advisability of the creation of a Public Improvement District to make certain improvements over certain property located within the City (TPID 11, Wood Leaf Reserve) at 6:14 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:14 p.m.

No action necessary.

4. Mayor Fagan announced that Item 4, Zoning Case P20-338 would be considered next, due to the number of interested parties.

Consideration to approve **Zoning Case P20-338:** Request by David Weekly Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Single-Family 6 District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

Mayor Fagan opened the public hearing at 6:30 p.m.; the following comments were received:

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| Ted Mielke
901 Inwood, 77375 | - | Stated that he was neutral regarding the zoning change, but opposed the proposed fence. |
| Sheryl Martinez
29514 Liberty | - | Expressed her opposition to the proposed zoning change. |
| Matthew Martinez
29514 Liberty | - | Expressed his opposition to the proposed zoning change. |

Maria Irigorri - Expressed her opposition to the proposed
29510 Liberty zoning change.

Stephen Hohl - Expressed his support for the proposed
13607 Lost Creek Road zoning change (property owner)

Robert Hauck read emails into the record for Thomas Porter and Debra Slack, expressing their opposition to the proposed zoning change.

Receiving no additional public comments, Mayor Fagan closed the public hearing at 6:46 p.m.

Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll to read Ordinance No. 2020-37 by caption only on first reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll to adopt, on First Reading, Ordinance No. 2020-37, 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 13.4 acres of land legally described tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J house, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Single-Family 6 District, said property being generally located on the south side of Brown Road between SH 249 and Quinn Road, 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.

Motion to AMEND made by Council 4 Townsend, Sr., Second by Council 2 Stoll to take no action regarding Ordinance No. 2020-37.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion to AMEND carried unanimously. No action taken.

Mayor Fagan called a recess at 7:26 p.m.; Council reconvened at 7:30 p.m.

2. Consideration to approve Zoning Case P20-321: Request by Trung Le and Sandy Pham to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning

approximately 5 acres of land legally described as Tract 10A-1 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located on the north side of Holderrieth Road at 12118 Holderrieth Road, within the City of Tomball, Harris County, Texas.

Mayor Fagan opened the Public Hearing on Zoning Case P20-321 at 7:35 p.m.

Sandy Pham and Trung Le, property owners, expressed their support for the zoning change.

Receiving no additional public comments, Mayor Fagan closed the public hearing at 7:38 p.m.

Motion made by Council 2 Stoll, second by Council 4 Townsend, Sr., to read Ordinance No. 2020-35 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 2 Stoll, second by Council 4 Townsend, Sr., to adopt, on First Reading, Ordinance No. 2020-35, 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 acres of land legally described as Tract 10A-1 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Light Industrial District, said property being generally located on the north side of Holderrieth Road at 12118 Holderrieth Road, 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.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

3. Consideration to approve Zoning Case P20-332: Request by 7Gen Planning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, from the Agricultural District to the Single-Family 6 District. The property is generally located on the east side of Cherry Street, across from the Cherry Pines Subdivision, within the City of Tomball, Harris County, Texas.

Mayor Fagan opened the Public Hearing on Zoning Case P20-332 at 7:42 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 7:42 p.m.

Motion made by Council 4 Townsend, Sr., second by Council 2 Stoll, to read Ordinance No. 2020-36 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., second by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2020-36, 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 20.78 acres of land legally described as Tract 9N-2 Abstract 632 C N Pillot, from the Agricultural District to the Single-Family 6 District, said property being generally located on the east side of Cherry Street, across from the Cherry Pines subdivision, 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.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

5. Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr. to approve Resolution No. 2020-44, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Date, Time, and Place for Public Hearing at which all Interested Parties shall have an Opportunity to be heard; Providing for Publication of Notice of Such Public Hearing; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (*Being a 3.119Acre (138,840 Square Feet) Tract or Parcel of Land Situated in the Elizabeth Smith Survey, A-70, Harris County, Texas, Being out of Unrestricted Reserve "C" of the Final Plat of Tomball Greens, as Recorded under Film Code No. 440128 of the Map Records of Harris County, Texas, also Being Out and Part of a 5.00 Acre Tract Described in Deed Recorded under Clerk's File No. Z331045 of the Real Property Records of Harris County, Texas*) [11234 Spell Road, HCAD 1207880000010]

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

6. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Power Now, LLC to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the relocation of its corporate headquarters to 215 South Persimmon Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$45,000.00.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn.

Motion carried unanimously.

7. Executive Session: The City Council recessed at 7:52 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. 551.071 - Consultation with the City Attorney regarding a Matter that the Attorney's Duty Requires to be Discussed in Closed Session

Upon reconvening into regular session at 8:53 p.m., no action was taken.

- J. Motion made by Council 4 Townsend, Sr., Second by Council 5 Klein Quinn to adjourn.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

PASSED AND APPROVED this the 4th day of January 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor