

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



**Monday, March 15, 2021  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for March 15, 2021, at 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting to order at 6:00 p.m.

## **PRESENT**

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

## **ABSENT**

Council 1 John Ford – Excused

## **Others Present:**

Assistant City Manager – David Esquivel  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
Police Chief – Jeff Bert  
Fire Chief – Randy Parr (via video)  
Fire Marshal – Joe Sykora  
Marketing Director – Mike Baxter (via video)  
Director of Community Development – Craig Meyers  
City Planner – Amelia Lindley  
City Engineer – Wesley Stoltz (via video)  
It Manager – Doug Tippey (via video)  
Community Events Coordinator – Denise Fiore  
Community Center Manager – Rosalie Dillon  
Municipal Court Judge – Brett Peabody  
Court Administrator – Maria Morris  
Public Works Administrative Assistant – Lexi McMinn  
Director of TEDC – Kelly Violette (via video)  
CSO Administrative Assistant – Sasha Luna  
CSO Administrative Assistant- Johnita Robinson

- B. The invocation was led by Pastor Greg Jenkins - Tomball Assembly of God
- C. Pledges to U.S. and Texas Flags were led by Joe Sykora.
- D. No public comments were received.
- E. Reports and Announcements
  - 1. Announcements – Mayor Fagan spoke regarding the City’s loss of Robert Hauck, City Manager on March 13, 2021.
    - I. April 19-24, 2021 – **Tomball Annual Spring Clean-Up and Chipping Week**
    - II. April 24, 2021 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
    - III. April 24, 2021 – **Tomball Rotary “Drive thru Fish Fry”** at Juergens Park
  - 2. Reports by City staff and members of council about items of community interest on which no action will be taken:
- F. Approval of Minutes
  - 1. Motion made by Council 2 Stoll, Seconded by Council 5 Klein Quinn, to approve the Minutes of the March 1, 2021 Regular Tomball City Council Meeting  
  
Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn  
Absent: Council 1 Ford  
  
Motion carried unanimously.
- G. Old Business
  - 1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to Approve, on Second Reading, Resolution No. 2021-07-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 Hutson Group to make direct incentives to, or expenditures for, the construction of capital improvements, including pedestrian and parking improvements, along Houston Street and North Elm Street in Old Town Tomball. The estimated amount of expenditures for such Project is \$48,800.00.

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

Motion carried unanimously.

H. New Business

1. Consideration to approve Zoning Case P21-011: Request by David Weekley 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 Planned Development (PD-16) 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 on Zoning Case P21-011 at 6:17 p.m.; the following comments were received:

|                                               |   |                                                                                      |
|-----------------------------------------------|---|--------------------------------------------------------------------------------------|
| Phillip Worley<br>29415 Liberty Lane, 77375   | - | Expressed his opposition to the proposed zoning change.                              |
| David McWhorter<br>29607 Liberty Lane, 77375  | - | Expressed his opposition to the proposed zoning change.                              |
| Bridget Cole<br>29506 Liberty Lane, 77375     | - | Expressed her opposition to the proposed zoning change.                              |
| Sheryl Martinez<br>29514 Liberty Lane, 77375  | - | Expressed her opposition to the proposed zoning change.                              |
| Matthew Martinez<br>29514 Liberty Lane, 77375 | - | Expressed his opposition to the proposed zoning change.                              |
| Morgan Martinez<br>29514 Liberty Lane, 77375  | - | Requested that his opposition to the proposed zoning change be read into the record. |
| Stephen Hohl<br>13607 Lost Creek, 77375       | - | Expressed his support of the proposed zoning change.                                 |

- |                                             |   |                                                                                   |
|---------------------------------------------|---|-----------------------------------------------------------------------------------|
| Hannah Hohl<br>707 Clarence St., 77375      | - | Expressed her support of the proposed zoning change.                              |
| Thomas Horder<br>29507 Liberty Lane, 77375  | - | Expressed his opposition to the proposed zoning change.                           |
| Gerald Renfrow<br>18711 Bridal Grove, 77377 | - | Expressed his support of the proposed zoning change and the proposed development. |

Receiving no public comments, Mayor Fagan closed the public hearing at 6:38 p.m.

No action necessary.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-07 by caption only on first reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-07, 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 as tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J House, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District; said property being generally located on the south side of Brown Road between SH 249 and Quinn Road; 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., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-07, 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 as

tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J House, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District; said property being generally located on the south side of Brown Road between SH 249 and Quinn Road; 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, and to include requirements for a 7-foot fence, hedges/trees/appropriate landscaping, and single-story homes only on the side of the development adjacent to Liberty Lane. Vote was as follows:

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

Motion, AS AMENDED, carried unanimously.

2. Mayor Fagan opened the Public Hearing for the Purpose of Considering the Following Annexation: (Being a Tract or Parcel Containing 6.5681 Acres of Land known as Tracts 1 & 2 out of that Certain Called 40.1148 Acre Tract of Land Situated in the John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract being that Same Tract of Land as Described in a Deed Filed for Record under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd, HCAD 04304100000055) at 7:02 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 7:02 p.m.

No action necessary.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-03 by caption only on first reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-03, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include all of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball all of

the Territory Within Such Limits and Boundaries; Approving a Service Plan for all of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (Being a Tract or Parcel Containing 6.5681 Acres of Land known as Tracts 1 & 2 out of That Certain Call 40.1148 Acre Tract of Land Situated in the John M. Hooper Survey, A-375 in Harris County, Texas, Said 40.1148 Acre Tract being that Same Tract of Land as Described in a Deed Filed for Record under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd HCAD 04304100000055)].  
Vote was as follows:

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

Motion carried unanimously.

4. Consideration to approve Zoning Case P20-436: Request by Paul Hicks to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land legally described as Tract 12 Abstract 375 J M Hooper, as Commercial District. The property is generally located at the southwest corner of SH 249 and Alice Road, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P20-436 at 7:06 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:06 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to read Ordinance No. 2021-04 by caption only on first reading.

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

Motion carried unanimously.

- Motion by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to adopt, on First Reading, Ordinance No. 2021-04, an Ordinance of the city of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land, legally described as Tract 12 Abstract 375 J M Hooper, within the city of Tomball, Harris County, Texas, as Commercial District; said property being generally located at the southwest corner of SH 249

and Alice Road; 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:

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

Motion carried unanimously.

5. Consideration to approve Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P20-010 at 7:14 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:14 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-08 by caption only on first reading.

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

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-08, 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 31.7 acres of land, legally described as Reserve A & B Block 1 Peck Station, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-6) District to the Planned Development (PD-15) District; said property being generally located on the west side of FM 2978 at Winfrey Lane; 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:

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

Motion carried unanimously.

Mayor Fagan recessed the Council meeting at 7:26 p.m.; upon reconvening into session at 7:35 p.m., Mayor Fagan brought Items H.10, H.11 and H.11 forward for consideration.

10. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Request from Tomball Rotary for In-Kind Services and Permission to Sell Alcohol at the 2021 Drive thru Fish Fry, to be held on April 24, 2021

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

Motion carried unanimously.

11. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to approve Request by the Tomball High School Athletic Booster Club (THSABC) for In-Kind Services to host their Crawfish Boil to raise money for scholarships at the Depot on April 17, 2021

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

Motion carried unanimously.

12. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to approve Request from Texas Deuce Days for In-Kind Services to host their opening day meet and greet at the Depot on May 6, 2021 from 3-8 p.m.

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

Motion carried unanimously.

6. Consideration to approve Zoning Case P20-442: Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P20-442 at 7:45 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:45 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-09 by caption only on first reading.

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

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-09, 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 5 acres of land legally described Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said property being generally located on the east side of Pitchford Road at 1333 Pitchford 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. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

7. Consideration to approve Zoning Case P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P20-420 at 7:55 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:55 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-10 by caption only on first reading.

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

Absent: Council 1 Ford

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-10, 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 2.844 acres of land legally described tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District, said property being generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville 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. Vote was as follows:

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

Absent: Council 1 Ford

Motion carried unanimously.

8. Consideration to approve Zoning Case P21-055: Request by Baker Drive Ventures Series LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 District to the Old Town & Mixed Use District. The property is generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P21-055 at 8:01 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 8:01 p.m.

- Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2021-13 by caption only on first reading.

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

Absent: Council 1 Ford

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-13, 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 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 district to the Old Town & Mixed Use District, said property being generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, 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:

Voting Nay: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Absent: Council 1 Ford

Motion FAILED unanimously.

9. Consideration to approve Zoning Case P21-056: Request by the City of Tomball to amend Section 50-112 (Off-street parking and loading requirements) of the Tomball Code of Ordinances.

- Mayor Fagan opened the Public Hearing on Zoning Case P21-056 at 8:10 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 8:10 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-12 by caption only on first reading.

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

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to adopt, on First Reading, Ordinance No. 2021-12, an Ordinance of the city of Tomball, Texas amending its Code of Ordinances by amending Section 50-112, Off-street parking and loading requirements, of Article IV, Development Standards, of Chapter 50, Zoning; 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:

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

Motion carried unanimously.

- 9.5 Executive Session: The City Council recessed at 8:12 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 which the Attorney's duty requires to be discussed in closed session

Upon reconvening into regular session at 9:04 p.m., no action was taken

- I. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to adjourn.

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

Absent: Council 1 Ford

Motion carried unanimously.

Meeting adjourned at 9:05 p.m.

PASSED AND APPROVED this the 5th day of April 2021.

Doris Speer

Doris Speer

City Secretary, TRMC, MMC

Gretchen Fagan

Gretchen Fagan

Mayor