

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



**Monday, October 18, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for October 18, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting of the Tomball City Council to order at 6:00 p.m.

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll
Council 3 Chad Degges
Council 5 Lori Klein Quinn

ABSENT:

Council 4 Derek Townsend, Sr. - Excused

OTHERS PRESENT:

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Police Chief – Jeff Bert
Fire Chief – Joe Sykora
Director of Public Works – Beth Jones
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
It Manager – Doug Tippey
Administrative Assistant-CSO – Sasha Luna
Community Center Manager – Rosalie Dillon

B. Invocation - Led by Jonathan Schleicher - CFRE, Director of Advancement

C. Pledges to U.S. and Texas Flags – Led by Joe Sykora

D. The following public comments were received:

Mark Clark, President - Requested the City's assistance and support to move the Rotary's "Big Show" to the Depot on Saturday, October 23, 2021, due to inability to hold the event at the originally planned location.

E. Reports and Announcements

1. Announcements

- I. November 3, 2021 – **Depot Day** – 10:00 a.m. – 4:00 p.m. at the Depot – Honoring *National Model Railroad Month*
- II. November 19, 2021 – *Light it Up! Tree Lighting* – 6:30 p.m. – 8:30 p.m. at the Depot
- III. November 20, 2021 – *56th Annual Holiday Parade* – Downtown – Greater Tomball Area Chamber of Commerce – 10:00 a.m. to 12:30 p.m.

2. Reports by City staff and members of council about items of community interest on which no action will be taken:

- I. Larrissa Roberts – Report on Success of *Drive-Boo at Juergens Park* and **2nd Saturday at the Depot**
- II. Mike Baxter – Report on Success of *"Bluegrass Tomball"*

F. Approval of Minutes

- 1. Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to approve the Minutes of the October 4, 2021 Regular Tomball City Council Meeting.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

G. New Business

- 1. Motion made by Council 5 Klein Quinn, Seconded by Council 3 Degges, to approve the request from Concordia Lutheran High School for City Support and In-Kind Services for the *3rd Annual Cruisin' Crusaders 5K Run/Walk* in downtown Tomball, on Saturday, February 5, 2022

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

2. Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to Accept Public Comments and Discuss the Petition (the “Petition”), Filed by 318 Sydney Park, LLC (the “Petitioner”), requesting that the City Dissolve Public Improvement District Number Nine (the “District”) which contains Land Owned Only by the Petitioner and Located Entirely within the Corporate Limits of the City at 6:15 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:16 p.m.

3. Motion made by Council 2 Stoll, Seconded by Council 3 Degges, to approve Resolution No. 2021-34, A Resolution Regarding the Dissolution of a Public Improvement District; Providing for a Severability Clause; Providing an Effective Date; and Containing Other Matters Relating to the Subject [TPID 9]

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

4. Motion made by Council 3 Degges, Seconded by Council 2 Stoll, to approve Resolution No. 2021-37, 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 Tract or Parcel Containing 240.075 Acres or 10,457,658 Square Feet of Land Situated in the Auguste Senerchal Survey, Abstract No. 722, Harris County, Texas, Being a Residue of a Called 314.8179 Acres described in Deed to Exxon Mobile Corporation, as recorded under Harris County Clerk's File (H.C.C.F.) No. W883345, with Said 240.075 Acre Tract Being More Particularly Described by Metes and Bounds Provided Herein, Harris County, Texas*) [0 Boudreaux, Lovett Industrial; HCAD No. 450260000004] and setting the date for the Public Hearing as November 15, 2021.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

5. Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to approve Resolution No. 2021-38, a Resolution of the City Council of the City of Tomball, Texas, Authorizing Participation in the National Opioid Settlement Agreements Secured by the Office of the Attorney General as a “Non-Litigating Subdivision”; and Authorizing the Mayor to Execute Certain Settlement Participation Documents.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

6. Consideration to Approve **Zoning Case P21-369**: Request by Louis Smulders to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.9 acres of land legally described as Reserve A Block 3 of Pine Meadows, from the Single-Family 6 District to the General Retail District. The property is generally located at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on **Zoning Case P21-369** at 6:37 p.m.

The following public comments were read into the record:

Loretta Dickerson - Her opposition to the proposed zoning
12714 Pine Woods, 77375 change was read into the record.

Arlene Knobloch - Her opposition to the proposed zoning
12727 Pine Woods, 77375 change was read into the record.

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 6:39PM

- Motion made by Council 2 Stoll, Seconded by Council 1 Ford to read Ordinance No. 2021-36 by caption only on First Reading.

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

Motion carried unanimously.

- Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2021-36, 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 1.9 acres of land legally described as Reserve A Block 3 of Pine Meadows, from the Single-Family 6 District to the General Retail District, said property being generally located at the southwest corner of Theis Lane and South Cherry 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.

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

Voting to Break Tie: Mayor Fagan, voting Yea.

Motion carried, 3 votes Aye, 2 votes Nay.

7. Motion made by Council 2 Stoll, Seconded by Council 3 Degges, to approve the Development Agreement between the City of Tomball and Classic Neighborhood – FC Holdings, LLC, for Public Improvement District (PID) Number 13, Pine Trails Subdivision

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

Motion carried unanimously.

- H. Motion made by Council 2 Stoll, Seconded by Council 5 Klein Quinn, to adjourn.

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

Motion carried unanimously.

Meeting adjourned at 7:04 p.m.

PASSED AND APPROVED this the 1st day of November 2021.

Doris Speer
Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Gretchen Fagan
Mayor