

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



MONDAY, JUNE 1, 2009

7:00 P.M.

1.0 Call to Order

The meeting was called to order by Mayor Fagan. Other members present were:

Councilman Quinn
Councilman Lazenby
Councilman Webb
Councilman Driver
Councilman Townsend

Others present:

City Manager – Jan Belcher
City Secretary – Doris Speer
City Attorney – Scott Bounds
Director of Public Works – David Kauffman
Director of Engineering and Planning – Mark McClure
Finance Director – Monica Kohlenberg
Assistant to City Manager – Shawn Cox
City Planner/Comm. Dev. Coordinator – Kelly Violette
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Pastor John Holiday, Power House Church of God in Christ

3.0 Pledges to U. S. and Texas Flags

- Led by Cynthia Tirso

4.0 The following public comments were received:

Mary Harvey
405 S. Walnut, 77375

- Expressed appreciation for the success of Mission Tomball and everyone who participated.

Grady Martin, President
Sister City Organization
8118 Boudreaux, 77379

- Presented a check from the Tomball Sister City Organization, the German Heritage Festival Committee, and the City of Teltge, Germany, for \$2,000.00, to the City of Tomball as a donation toward the new bronze conductor statue for the Tomball Depot.

The annual German Christmas Market will be held on December 12, 2009; many high-quality vendors will be participating and the Sister City Organization is requesting permission from the City Council to allow these vendors to set up and operate in the Community Center, which would be a more secure location.

5.0 Presentations:

Mayor Fagan presented Certificates of Appreciation to the following individuals and organizations for their assistance in Mission Tomball – Power House Church of God in Christ:

- Tom Greenfield and MAS Contractors, Inc.
- Holly Hudler and Waste Management of Texas, Inc.
- Manuel Garcia and GCC Builders
- Bob Sanchez and Classic Innovations
- Connie and Joe Vara
- Joey Eguia and Cluckers Wing Bar and Grill
- Dennis Snodgrass, Tomball Rotary Club
- Infinity Fitness - Aleata Oeser
- Brenda Pennington
- Wal-Mart.

Mayor Fagan presented a check for \$1,537.00, which was donated by the volunteers at Mission Tomball, to Pastor and Sis. Holiday.

6.0 Reports and Announcements:

- June 1-June 9, 2009 – Early Voting for Runoff Election, City Hall (see City's web site for times)
- June 13, 2009 – Runoff Election, City Hall, 7:00 a.m.-7:00 p.m.
- June 13, 2009 - 2nd Saturday at the Depot, 6:00 p.m.

- June 13, 2009 – Farmers Market begins
- August 7, 2009 – Tomball Night
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Comprehensive Plan website is now available online – <http://plantomball.com/index.html>
- Hurricane Preparedness

7.0 Motion was made by Councilman Driver, second by Councilman Lazenby, to approve the Minutes of the Regular City Council Meeting of May 18, 2009.

Motion carried unanimously.

8.0 Old Business

8.1 Mark McClure provided overview of recommended increases in impact fees for drainage, water, and wastewater. Motion was made by Councilman Townsend, second by Councilman Driver to Adopt, on Second Reading, Ordinance No. 2009-12, an Ordinance amending the Code of Ordinances of the City of Tomball, Texas, by adopting the Infrastructure Master Plan and Impact Fee Determination 2007-2017 as the City’s Capital Improvements Plan; amending Sec. 156. Schedule of Maximum Capital Recovery Fees of Chapter 82. Utilities thereof, establishing Impact Fees for Water, Wastewater and Drainage Utilities; and containing other Provisions Relating to the Subject. Vote was as follows:

Councilman Quinn	<u> Aye </u>
Councilman Lazenby	<u> Aye </u>
Councilman Webb	<u> Nay </u>
Councilman Townsend	<u> Aye </u>
Councilman Driver	<u> Aye </u>

Motion carried, 4 to 1.

8.2 Kelly Violette provided overview of the zoning request. Motion was made by Councilman Lazenby, second by Councilman Webb, to Adopt, on Second Reading, Ordinance No. 2009-13, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 3.09 Acres of land in the Jesse Pruitt Survey, Abstract 629, Harris County, Texas, from the SF-20-E-Single-Family Estate Residential-20 District to the C-Commercial District; said property also being known as Tracts 197A & 197A-1 of the Tomball Outlots, located on the easterly side of South Cherry Street, northerly of Theis 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:

Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Nay</u>

Motion **FAILED**, 2 to 3.

- 8.3 Kelly Violette provided overview of the zoning request. Motion was made by Councilman Townsend, second by Councilman Driver, to Adopt, on Second Reading, Ordinance No. 2009-14, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 7.8041 acres of land in the C.N. Pillot Survey, Abstract 632, Harris County, Texas, from the AG-Agricultural District to the C-Commercial District; said property also being known as Lots 1 and 2 of Block 1 of the Tomball Renewal Center Plat, located on the easterly side of Cherry Street, northerly of Holderrieth 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:

Councilman Webb	<u>Nay</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Lazenby	<u>Aye</u>

Motion carried, 4 to 1.

- 8.4 Mayor Fagan presented the list of Livable Centers Advisory Committee members, advising Council that the Livable Centers Advisory Committee is an ad hoc group with no voting authority and their work is basically complete. Jan Belcher advised Council that the recommendations from the consultant would be made to the Planning and Zoning Commission and the City Council at a later date. No action was necessary.
- 8.5 Motion was made by Councilman Townsend, second by Councilman Driver, to receive the requested update regarding the director position to be appointed by City Council. Scott Bounds presented information regarding appointment of a Council representative to the NWEMS Board of Directors; Council may, but is not required to, appoint a representative to the NWEMS Board and the appointee can, but does not have to, be a Councilmember. The director position is a voting position. No action was necessary; an item to consider the appointment of a representative to the NWEMS Board of Directors will be placed on the next agenda.

9.0 **New Business**

- 9.1 Mark McClure provided information regarding the pipeline removal project. Motion was made by Councilman Lazenby, second by Councilman Webb, to approve the Pipeline Removal Reimbursable Agreement with ExxonMobil in the amount of \$115,395.00.

Motion carried unanimously.

- 9.2 Mark McClure provided information regarding Project Number 2006-10000. Motion was made by Councilman Driver, second by Councilman Quinn, to award the Contract for Project Number 2006-10000, Water Supply & Storage Facility No. 5, to Low Bidder, Schier Construction Company, Inc., in the amount of \$3,150,600.00.

Motion carried unanimously.

- 9.3 Mark McClure provided information regarding the Jansep Investments plat. Motion was made by Councilman Driver, second by Councilman Webb, to approve **JANSEP INVESTMENTS**: A Final Plat of 3.8468 acres, containing 1 Lot, 1 Block, located in the Jesse Pruitt Survey, A-629, Harris County, Texas, as Recommended by Planning and Zoning Commission.

Motion carried unanimously.

- 9.4 Shawn Cox provided information regarding the proposed changes to the current Community Center use policy. Consensus of Council was unanimous that the proposed changes are necessary. No action was taken; an item to consider the proposed changes to Administrative Policy No. 15, "Tomball Community Center Policies and Operating Procedures" will be placed on a future agenda.

- 10.0 Motion was made by Councilman Townsend, second by Councilman Driver, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 15th day of June 2009.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor