

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



**TUESDAY, SEPTEMBER 8, 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 Stoll  
Councilman Webb  
Councilman Townsend  
Councilman Driver

Others present:

City Manager – Jan Belcher  
Assistant City Manager – Christal Kliever  
City Secretary – Doris Speer  
City Attorney – Martha Williams  
Director of Public Works – David Kauffman  
Chief of Police – Robert Hauck  
City Engineer – Mark McClure  
Fire Chief – Randy Parr  
Finance Director – Monica Kohlenberg  
Assistant to City Manager – Shawn Cox  
City Planner – Kelly Violette  
Executive Director-TEDC – Betty Reinbeck  
Intern from Telgte, Germany – Stefan Bruns

2.0 Invocation

- Led by Pastor Charlie Middlebrook, Impact Houston Church

3.0 Pledges to U. S. and Texas Flags

- Led by Tanner Jones and Lauren Cucci

4.0 The following public comments were received:

- |  |   |
|--|---|
| Efrain Gonzalez, Jr.<br>5811 Eldridge Glen, 77041        | - Item 9.8, formally introduced himself and Nexus Disposal LLC to City Council  |
| Mary Harvey<br>405 S. Walnut, 77375                      | - Item 9.6, questions regarding the Tomball Economic Development Corporation (TEDC) 2009-2010 Fiscal Budget                       |
| Rodney Hutson, M.D.<br>9431 Rosie Lane, Suite 100, 77354 | - Item 9.1, Livable Centers; City needs to implement plan, not just have another study  |
| David Martin<br>13319 Spring Hollow, 77375               | - Presented an email from Ben Griffin, former City Manager regarding Raleigh Creek and proposed extension of utilities            |
| Cameron Steiner<br>206 Lawrence Street, 77375            | - Requested city staff to look into possible nuisance violation of trucks parking in the right-of-way behind Church's restaurant  |
| Lana Hand<br>5922 Oakmoss Trail, 77379                   | - Item 9.3, requested waiver of community center fees for NAMI Metropolitan Houston - Northwest Chapter                           |
| Bob Hawthorne<br>17498 Deer Run                          | - Item 9.3 requested waiver of community center fees for Tomball Sesquicentennial Promenaders for Waiver of Community Center Fees |

5.0 Presentation:

- Mayor Fagan presented a Proclamation to Dr. Susan Karr, President, Lone Star College-Tomball, and Dr. Darlene Blair, Assistant to the Superintendent, Tomball Independent School District, declaring Saturday, September 19, 2009 as “**CommUnity Resources Day**”.

6.0 Reports and Announcements:

- September 11, 2009 – **3<sup>rd</sup> Annual Mayor's Challenge Community Blood Drive**, 1:00 p.m.-7:00 p.m., at the Tomball Community Center
- September 12, 2009 – **Farmers Market**, 8:00 a.m.
- September 12, 2009 - **2<sup>nd</sup> Saturday at the Depot**, 6:00 p.m.
- September 12, 2009 – **Walk Tomball!** – Depot Plaza – 8 a.m.
- September 19, 2009 – **CommUnity Resources Day**, 10:00 a.m.-2:00 p.m., Beckendorf Conference Center, Lone Star College-Tomball
- September 19 and 26, 2009 – **Walk Tomball!** – Depot Plaza – 8 a.m.

- Comprehensive Plan website is now available online – <http://plantomball.com/index.html>
- Reports by City staff and members of council about items of community interest on which no action will be taken

7.0 Motion was made by Councilman Webb, second by Councilman Stoll, to Approve the Minutes of the following meetings:

- Regular City Council Meeting of August 17, 2009
- Special Emergency City Council Meeting of August 26, 2009

Motion carried unanimously.

8.0 Old Business

8.1 Monica Kohlenberg presented an overview of the proposed budget for fiscal year 2009-2010. Motion was made by Councilman Townsend, second by Councilman Driver to Adopt, on Second Reading, Ordinance No. 2009-20, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2009-2010; and Authorizing the City Manager to Approve Intra-departmental (within the same Department only) Transfers of Budgeted Funds; and Providing other Details Relating to the Passage of This Ordinance. Vote was as follows:

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

Motion carried 4-1.

8.2 Kelly Violette presented an overview of the request for zoning reclassification. Motion was made by Councilman Townsend, second by Councilman Webb to Adopt, on Second Reading, Ordinance No. 2009-22, An Ordinance of The City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 1.3643 acres of land in the William Hurd Survey, Abstract 378, Harris County, Texas, from the D-Duplex Residential District to the C-Commercial District; Said property also being known as Lot 9 of Meadowlark Hill, an unrecorded subdivision, within the City Of Tomball, Harris County, Texas, generally located on the easterly side of Johnson Road, 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 Webb	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

- 8.3 Kelly Violette provided an overview of the request for zoning reclassification. Motion was made by Councilman Townsend, second by Councilman Driver to Adopt, on Second Reading, Ordinance No. 2009-23, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 1.3643 acres of land in the William Hurd Survey, Abstract 378, Harris County, Texas, from the D-Duplex Residential District to the C-Commercial District; said property also being known as Lot 8 of Meadowlark Hill, an unrecorded subdivision, within the City of Tomball, Harris County, Texas, generally located on the easterly side of Johnson Road, 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 Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Aye</u>

Motion carried unanimously.

- 8.4 Kelly Violette provided an overview of the request for zoning reclassification. Motion was made by Councilman Townsend, second by Councilman Webb to Adopt, on Second Reading, Ordinance No. 2009-25, An Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 1.729 acres of land, legally described as Unrestricted Reserves "A", "B", & "C", Leslie's Park, a subdivision in the Joseph House Survey, A-34, from the SF-20-E Single-Family Estate Residential-20 District to the SF-9 Single-Family Residential-9 District; generally located on the westerly side of Quinn Road, northerly of Inwood Street; 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 Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Councilman Webb                        Aye      
Councilman Townsend                   Aye    

Motion carried unanimously.

9.0 New Business:

9.1 Kelly Violette introduced Meredith Dang with HGAC, Ryan Bricker with HNTB, Katherine McCreight with TxDOT, and Tom Crofoot, Chairman of the Planning and Zoning Commission. Ms. Dang and Mr. Bricker provided a presentation of the Livable Centers Downtown Plan by HNTB, as recommended by Planning and Zoning Commission. Ms. McCreight presented information regarding traffic and proposed changes along FM 2920. Tom Crofoot presented information regarding the Planning and Zoning Commission's recommendations. No action necessary.

- Presentation Overview Presented by H-GAC
- Downtown Plan Draft Report Presented by HNTB

Mayor Fagan called a 10-minute recess at 8:40 p.m.; upon reconvening at 8:50 p.m., the following items were considered:

9.2 Kelly Violette introduced Bob Allen and Scott Bean, Developers, and David Kelly, Architect, who provided a Presentation of Proposed Development, The Reserve at Spring Lakes, and Discussion of the Creation of a Public Improvement District (PID).

Consensus of the Council was unanimous to proceed with the creation of the PID.

9.3 Shawn Cox provided an overview of the requests for waiver of fees. Motion was made by Councilman Townsend, second by Councilman Driver to Approve Request by NAMI Metropolitan Houston - Northwest Chapter and Tomball Sesquicentennial Promenaders for Waiver of Community Center Fees.

Motion carried unanimously.

9.4 Betty Reinbeck provided an overview of the proposed project. Motion was made by Councilman Townsend, second by Councilman Webb to Approve by Resolution No. 2009-20-TEDC, as a Project of the Corporation, an agreement with WireTel Services, L.P. to make direct incentives to, or expenditures for the promotion of new or expanded business development, to wit: WireTel Services relocation and development of its corporate headquarters to be located at 1032 Lizzie Lane within the City of Tomball. The estimated amount of expenditures for such Project is \$225,000.00.

Motion carried unanimously.

- 9.5 Betty Reinbeck provided an overview of the proposed project. Councilman Quinn advised that he would abstain from consideration and vote, due to a conflict of interest, and that he had filed an Affidavit with the City Secretary. Motion was made by Councilman Driver, second by Councilman Stoll to Approve by Resolution No. 2009-21-TEDC, as a Project of the Corporation, an agreement with Klein Financial Services, Inc. and David R. Quinn Architect, AIA to make direct incentives to, or expenditures for, the promotion of new or expanded business development, to wit: Klein Financial Services, Inc. and David R. Quinn Architect, AIA construction of an office building at 403 Baker Drive within the City of Tomball. The estimated amount of expenditures for such Project is \$50,000.00.

Motion was made by Councilman Driver to approve Resolution No. 2009-21-TEDC, subject to legalities being cleared up; no second received.

Motion was made by Councilman Webb, second by Councilman Townsend, to table consideration of Resolution No. 2009-21-TEDC until additional information regarding legal issues is provided; vote was as follows:

Councilman Quinn	<u>Abstain</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Nay</u>

Motion to table carried, 3 to 1.

- 9.6 Betty Reinbeck provided an overview of the TEDC 2009-2010 Fiscal Year Budget. Motion was made by Councilman Driver, second by Councilman Webb, to approve the Tomball Economic Development Corporation (TEDC) 2009-2010 Fiscal Year Budget.

Motion carried unanimously.

- 9.7 Betty Reinbeck provided an overview of the proposed Administrative Service Agreement. Motion was made by Councilman Townsend, second by Councilman Webb, to enter into an "Administrative Service Agreement" between the Tomball Economic Development Corporation and the City of Tomball, with the recommended change Section 5. Consideration to a sum of \$10,000 per year.

Motion carried unanimously.

- 9.8 David Kauffman provided an overview of the request for proposals for solid waste collection and disposal services. Motion was made by Councilman Townsend, second by Councilman Driver, to Award Contract for Project #2009-09, Solid Waste Collection and Disposal Services for the City of Tomball, to WCA Waste Corporation and Authorize the City Manager to Execute the Contract.

Motion carried unanimously.

- 9.9 Doris Speer provided an overview of the state requirements for annual certification of the City's compliance regarding impact fees. Motion was made by Councilman Townsend, second by Councilman Stoll, to Authorize and Direct the Mayor to Execute and Forward to the Texas Attorney General a Certification of Compliance with Chapter 395, Texas Local Government Code.

Motion carried unanimously.

- 9.10 Doris Speer provided an overview of the newly established HSCSD Board. Motion was made by Councilman Townsend, second by Councilman Webb to Nominate Alton Porter, former Mayor of La Porte, Texas, for Appointment to the Board of Directors of the Houston Ship Channel Security District as requested by Harris County Mayors' and Councils' Association.

Motion carried unanimously.

- 9.11 Mark McClure provided an overview of the plat for the Central Fire Station. Motion was made by Councilman Webb, second by Councilman Townsend, to Approve **CITY OF TOMBALL – CENTRAL FIRE STATION NO. 1 SUBDIVISION – FINAL PLAT**: A 2.009 acre (87,513 square foot) tract of land being all those certain tracts of land described in a deeds, recorded in Harris County Clerk's File Number U499576, and recorded in Harris County Deed Records, Volume 4127, Page 88, in the Joseph House Survey, Abstract Number 34, City of Tomball, Harris County, Texas.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 21st day of September 2009.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor