

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



MONDAY, FEBRUARY 16, 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 Harvey
Councilman Lazenby
Councilman Webb
Councilman Driver

Others present:

City Manager – Jan Belcher
Assistant City Manager – Mary Coker
City Secretary – Doris Speer
City Attorney – Scott Bounds, Olson & Olson
Fire Chief – Randy Parr
Chief of Police – Robert Hauck
Finance Director – Monica Kohlenberg
Director of Public Works – David Kauffman
Director of Engineering and Planning – Mark McClure
City Planner/Comm. Dev. Coordinator – Kelly Violette
Assistant to City Manager – Shawn Cox

2.0 Invocation

- Led by Head of School, Dean Unsicker, Rosehill Christian School

3.0 Pledges to U. S. and Texas Flags

- Led by Jenny Sung and Shelby Allison

4.0 The following public comments were received:

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| Bill Sumner
12321 Zion Road, 77375 | - Expressed opposition to Item 9.5, vested rights for Raleigh Creek proposed project. |
| Rodney Posinski
12215 Zion Road, 77375 | - Expressed opposition to Item 9.5, vested rights for Raleigh Creek proposed project. |
| David Martin
13319 Spring Hollow, 77375 | - Expressed opposition to Item 9.5, vested rights for Raleigh Creek proposed project. |
| John P. Dillon
14166 Turnervine, 77375 | - Expressed appreciation to City Council for successful 2 nd Saturday at the Depot event. |

5.0 Reports and Announcements

- A presentation of the Comprehensive Annual Financial Report (CAFR) for FY 2008 was made to City Council by the City's Auditors, Nathan Krupke, Belt Harris & Associates; the City of Tomball received an Unqualified ("Clean") opinion.
- Trail Ride Reception – Tuesday, February 24, 2009 (flyer) – 1:00 p.m.
- March 11, 2009 – Comprehensive Plan "**Tomball Vision Institute**," Tomball High School Auditorium – 6:00-9:00 p.m.
- Second Saturday at the Depot – March 14, 2009
- Annual Data Capture Report, as required under SB 1074
- April 11, 2009 – 1st Annual City of Tomball Bunny Run 5K and Kids 1K
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)
- Comprehensive Plan website is now available online – <http://plantomball.com/index.html>

6.0 Motion was made by Councilman Harvey to approve the Minutes of the Regular City Council Meeting of February 2, 2009; second by Councilman Lazenby.

Motion carried unanimously.

7.0 Old Business:

7.1 Monica Kohlenberg provided an overview of the proposed appropriations, carryover funds, and corrections to the FY 2008-2009 Budget. Motion was made by Councilman Driver to Adopt, on Second Reading, Ordinance No. 2009-07, an Ordinance of the City of Tomball, Texas, Adopting Amendment Number 3 to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2008-2009, as Adopted by Ordinance No. 2008-33; Providing for Appropriation of Funds from the Governmental Funds and the Proprietary Funds; Directing Publication of the Caption of this Ordinance; Finding that the Meetings at which this Ordinance is Considered are Open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing other Details Relating to the Passage of this Ordinance; second by Councilman Harvey. Vote was as follows:

Councilman Quinn	<u>Aye</u>
Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Aye</u>

Motion carried unanimously.

- 8.0 New Business – Consent Agenda *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

Mark McClure provided an overview of the plats presented for Council consideration.

- 8.1 Approve **CHESTNUT BUSINESS PARK FINAL PLAT**; Being an 18.1747-acre subdivision, consisting of 13 lots, 3 blocks; situated in the Jesse Pruitt Survey, Abstract 629, Harris County, Texas
- 8.2 Approve **WILLIAMS NUMBER ONE REPLAT**; Being a Replat of 0.5019 acres of land out of Block 88 and a portion of an abandoned road formally known as Ash Street according to the revised Map of Tomball, Harris County, Texas, as recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas

Motion was made by Councilman Lazenby to approve Items 8.1 and 8.2 in the Consent Agenda; second by Councilman Harvey.

Motion to approve the items on the Consent Agenda carried unanimously.

- 9.0 New Business – Regular Items:

- 9.1 Mark McClure presented an overview regarding Ordinance No. 2009-08. Erin Knesek with Schaumburg & Polk provided additional information regarding the Major Thoroughfare Plan, as developed by Schaumburg & Polk.

Motion was made by Councilman Driver to read Ordinance No. 2009-08 by caption only on first reading; second by Councilman Harvey.

Motion carried unanimously.

Motion was made by Councilman Lazenby to Adopt, on First Reading, Ordinance No. 2009-08, an Ordinance Adopting the "2009 Major Thoroughfare Plan" for the City of Tomball, Texas; Repealing all Ordinances or Parts of Ordinances Inconsistent Herewith;

and Providing for Severability; second by Councilman Harvey. Following discussion, an amending motion was made by Councilman Lazenby to include Alice-Theiss as a connection to Medical Complex Drive in the Major Thoroughfare Plan; second by Councilman Harvey. Vote was as follows:

Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

Motion, as amended to include Alice-Theiss as a connection to Medical Complex Drive in the Major Thoroughfare Plan, carried unanimously.

- 9.2 Mary Coker provided an overview of the proposed development agreement between the City of Tomball and St. Anne's Catholic Community. Motion was made by Councilman Webb to Approve the Development Agreement between the City of Tomball and St. Anne's Catholic Community for Construction of a Portion of M121 West; second by Councilman Driver.

Motion carried unanimously.

- 9.3 Jan Belcher provided an overview of the requests by the Tomball Sister City Organization. Motion was made by Councilman Driver to Approve the Request by Tomball Sister City Organization for 2009 German Heritage Festival Funding Support and Street Closures; second by Councilman Harvey.

Motion carried unanimously.

- 9.4 Gretchen Fagan provided information regarding the proposed reappointments and appointment of regular members to the Board of Adjustments. Motion was made by Councilman Harvey to approve the reappointment/Appointment of regular members to the Board of Adjustments as recommended by the Mayor; second by Councilman Lazenby. Following discussion, an amending motion was made by Councilman Harvey to reappoint Brett Tynes and Rick Tomlinson to their current positions as regular members and to postpone the appointment of a replacement for Dane Dunagin until the March 2, 2009 Council meeting.

Motion, as amended, carried unanimously. Brett Tynes and Rick Tomlinson are reappointed to their respective terms as regular members of the Board of Adjustments.

- 9.5 Jan Belcher presented the vested rights determination letter for the proposed Raleigh Creek project. Scott Bounds presented an explanation regarding vested rights accruing to a piece of property based on the date of first submission. Motion was made by Councilman

Harvey to receive the City Manager's Vested Rights Determination Letter dated January 30, 2009, regarding the Raleigh Creek Proposed Project; second by Councilman Lazenby.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 16th day of February 2008.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor