

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



MONDAY, JULY 20, 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
City Secretary – Doris Speer
City Attorney – Scott Bounds
Director of Public Works – David Kauffman
Director of Engineering and Planning – Mark McClure
Chief of Police – Robert Hauck
Fire Chief – Randy Parr
Finance Director – Monica Kohlenberg
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Pastor Andy Chute, Southwinds Baptist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Monica Kohlenberg

4.0 The following public comments were received:

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| Dennis Snodgrass
Rotary | - Presented a \$5,000 check as a donation from the Tomball Rotary for the bronze conductor statue. |
| Lynn LeBouef
CEO-Tomball Regional
605 Holderrieth, 77375 | - Request that Council reappoint current board members to the Tomball Regional Hospital Authority Board |
| Jeannette Plympton
3315 Alice Lane, 77375 | - Did not speak; asked that her support for <i>Grand Texas</i> be recorded. |
| Chris Kettenburg
31226 Antonio Lane, 77375 | - Did not speak; asked that her support for <i>Grand Texas</i> be recorded. |
| JoAnn Trchalek
30823 Martens Road, 77375 | - Did not speak; asked that her support for <i>Grand Texas</i> be recorded. |
| Mary West
10734 Spell Road, 77375 | - Did not speak; asked that her opposition to <i>Grand Texas</i> be recorded. |
| Blake & Amy Kelly
21115 Knight Quest Dr., 77375 | - Did not speak; asked that their opposition to <i>Grand Texas</i> be recorded. |
| Dan Rose
1130 Ancient Lore, 77375 | - Did not speak; asked that his opposition to <i>Grand Texas</i> be recorded. |
| Neal and Rosie Herman
21215 Belmont Farms, 77375 | - Neal Herman spoke in opposition to <i>Grand Texas</i> ; Rosie Herman did not speak; asked that her opposition to <i>Grand Texas</i> be recorded. |
| Stan, Marisa, and Grady Tomczyszyn
10611 Spell Road, 77375 | - Did not speak; asked that their opposition to <i>Grand Texas</i> be recorded. |
| James Alsup
21202 Belmont Farms, 77375 | - Did not speak; asked that his opposition to <i>Grand Texas</i> be recorded. |
| Auralicia Oropeza
11131 Benevolent Way | - Did not speak; asked that her opposition to <i>Grand Texas</i> be recorded. |
| Adam and Jennifer Dell
20811 Fairwyck, 77375 | - Did not speak; asked that their opposition to <i>Grand Texas</i> be recorded. |

- Dillon and Maria Blake
11131 Maidenfair Drive, 77375
- Dillon Blake spoke in opposition to *Grand Texas*; Maria Blake did not speak; asked that her opposition to *Grand Texas* be recorded.
- Shelia and Lawrence Pace
11106 Ancient Lore Dr., 77375
- Did not speak; asked that their opposition to *Grand Texas* be recorded.
- Vandana & Krishnan Raghuram
11103 Ancient Lore Dr., 77375
- Did not speak; asked that their opposition to *Grand Texas* be recorded.
- Homer Ford
11118 N. Country Club Green, 77375
- Spoke in opposition to *Grand Texas* be recorded.
- Eric Wilson
11110 Roundtable Drive, 77375
- Did not speak; asked that his opposition to *Grand Texas* be recorded.
- Ann Rankin
11103 Maidenfair, 77375
- Did not speak; asked that her opposition to *Grand Texas* be recorded.
- Melanie Abbott
11103 Roundtable Dr., 77375
- Did not speak; asked that her opposition to *Grand Texas* be recorded.
- N. Iuen
21227 Knight Crest, 77375
- Did not speak; asked that his opposition to *Grand Texas* be recorded.
- Becky Clepper
10722 Spell Road, 77375
- Spoke in opposition to *Grand Texas*.
- James R. Storfer
11215 Olde Mine House Lane, 77375
- Spoke in opposition to *Grand Texas*.
- Kelly Brooks
11202 Albury Park Lane, 77375
- Spoke in opposition to *Grand Texas*; Council should be careful when making decisions regarding *Grand Texas*.
- Dale Freeman
1311 Rodoff, 77375
- Did not speak; asked that his opposition to *Grand Texas* be recorded.
- Troy Lucas
1311 Rudolph
- Did not speak; asked that his support for *Grand Texas* be recorded.
- Monty Galland
26 Keelrock Place, 77382
- Developer; made presentation under Item 7.7

5.0 Reports and Announcements:

- Quarterly financial report
- August 7, 2009 - **Tomball Night** – “*Holidays Around the World*”
- August 8, 2009 – **Farmers Market**, 8:00 a.m.
- August 8, 2009 - **2nd Saturday at the Depot**, 6:00 p.m.
- August 12, 2009 – Comprehensive Plan Alternatives Workshop – 6:00 p.m. at the Community Center
- August 24, 2009 – Planning and Zoning Commission Special Meeting Livable Centers, Downtown Plan Presentation by HNTB – 6:00 p.m.
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Comprehensive Plan website is now available online – <http://plantomball.com/index.html>

6.0 Motion was made by Councilman Webb, second by Councilman Townsend, to approve the minutes of the following meetings. Councilman Townsend requested a correction to the minutes of the Regular City Council Meeting of July 6, 2009, Item 10.4, to read, “Motion to Amend was made by Councilman Stoll, second by Councilman Townsend, to include language in Administrative Policy No. 15 stating that Tomball-based youth groups **are** exempt from room rental fees.”

- Regular City Council Meeting of July 6, 2009
- Special City Council Meeting of July 7, 2009
- Special City Council Meeting of July 8, 2009.

Motion, with correction to the minutes of July 6, 2009, carried unanimously.

7.0 New Business

7.1 Motion was made by Councilman Townsend, second by Councilman Driver to read Ordinance No. 2009-18, by caption only, on first reading.

Motion carried unanimously.

Motion was made by Councilman Driver, second by Councilman Stoll, to Adopt, on First Reading, Ordinance No. 2009-18, An Ordinance Altering the Prima Facie Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of the City Of Tomball, as set out in this Ordinance; and Providing a Penalty of a Fine in an Amount not less than One Dollar (\$1.00) or more than Two Hundred Dollars (\$200.00) for the Violation of this Ordinance (SH 249/Tomball Expressway).

Motion was made by Councilman Townsend, second by Councilman Driver, to table consideration of Ordinance No. 2009-18, pending additional information from TxDOT regarding rationale for speed limits and accident information.

Motion carried unanimously; Ordinance No. 2009-18 tabled.

- 7.2 Motion was made by Councilman Quinn, second by Councilman Driver to re-appoint Latrell Shannon and Leonard Chambers to the Tomball Hospital Authority Board of Directors, as recommended by Mayor Fagan.

Motion carried unanimously.

- 7.3 Motion was made by Councilman Driver, second by Councilman Townsend to Receive City Manager's Vested Rights Determination Letter dated July 15, 2009, regarding the Tomball South Commercial Project.

Motion carried unanimously.

- 7.4 Motion was made by Councilman Stoll, second by Councilman Townsend for Council Consideration to Set August 17, 2009 as the Public Hearing Date for the City of Tomball's Proposed Budget for FY 2010.

Motion carried unanimously.

- 7.5 Mark McClure provided an overview regarding the Crofoot Farms Replat. Motion was made by Councilman Driver, second by Councilman Stoll, to approve **CROFOOT FARMS REPLAT**: To create 2 lots (4.2676 acres) out of the Residue of Outlot 34 of Tomball Outlots according to the Map or Plat thereof recorded in Vol. 2, Pg. 65, Map Records, Harris County, Texas; situated in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas.

Motion carried unanimously.

- 7.6 Mark McClure provided an overview regarding the Neal Falls Final Plat. Motion was made by Councilman Townsend, second by Councilman Driver to approve **NEAL FALLS FINAL PLAT**: Being a 1.913-acre tract of land described under Harris County Clark's File Number 20080088010 and a 2.0959-acre tract of land described under Harris County Clerk's File Number 20070661730 into a subdivision of a 3.9386-acre tract of land, situated in the John Soper Smith Survey Abstract 730, Harris County, Texas

Motion carried unanimously.

- 7.7 Discussion was conducted by Councilmembers regarding Media Coverage of *Grand Texas* Theme Park, as requested by Councilman Webb. Monty Galland, Developer, gave a PowerPoint presentation regarding the proposed theme park and responded to Council questions. No action taken.

- 7.8 Discussion was conducted by Councilmembers regarding the City Charter Provisions for a Volunteer Fire Department, as requested by Councilman Townsend. Randy Parr and Scott Bounds provided information regarding Charter provisions as they apply to the Tomball Fire Department. The City may maintain either a paid or a volunteer fire department, or a combination of paid and volunteer firefighting forces, as is the current situation. No action taken.
- 7.9 Discussion of the loss of the appointment of the position to the FBI/RCFL program and the impact this loss will have on the City of Tomball, as requested by Councilmen Stoll and Townsend. Robert Hauck provided an overview of the program as it was originally established and as it currently exists. No action taken.

Mayor Fagan called a 10-minute break at 8:40 p.m.; upon reconvening in regular session, the following items were considered:

- 7.10 Discussion was held regarding the Adoption of City Council Leadership Covenant, as developed during the Strategic Workshop. Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt the City Council Leadership Covenant, with an amendment to Covenant 5, to read, "The Tomball City Council will maintain political will to do what is right for citizens of Tomball". Vote was as follows:

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

Motion carried, 4 to 1.

- 7.11 Discussion was held regarding Adoption of City Council Strategic Plan 2009-2013. Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt the City Council Strategic Plan 2009-2013.

Motion carried unanimously.

- 7.12 Discussion was held regarding City Council Rules and Procedures Ordinance, as requested by City Council during the Strategic Planning Session. Councilmembers requested a form for use in requesting that an item be placed on the next agenda; use of the form must not constitute a "walking quorum". City Attorney will consider and provide options to Council. No action taken.

- 8.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 3rd day of August 2009.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor