

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



**MONDAY, APRIL 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 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  
Chief of Police – Robert Hauck  
Director of Public Works – David Kauffman  
Director of Engineering and Planning – Mark McClure  
Fire Chief – Randy Parr  
Assistant to City Manager – Shawn Cox  
City Planner/Comm. Dev. Coordinator – Kelly Violette  
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Pastor Charles Martin, Pilgrim Hill Baptist Church

3.0 Pledges to U. S. and Texas Flags

- Led by René Morris and Surayah Longe

4.0 The following public comments were received:

Michael Rebescher - Opposed to TISD agricultural facility in its proposed  
1568 Garden Lakes 77546 location unless the surrounding area is rezoned to office

or commercial; property is currently zoned SF-residential

Field Hudgens - Advised Council that he wished to resign from the Board  
717 Barbara Street, 77375 of Adjustments but thanked Council for the appointment

Doris Speer presented a check from the Tomball Art League to City Council, reimbursing the City for personnel costs to open and close the community center for the Tomball Art League's Juried Spring Art Show on March 14, 2009.

#### 5.0 Reports and Announcements:

- Quarterly Financial Report
- April 24, 2009 – Dedication of Tree, Theis-Attaway Park, 10:00 a.m.
- April 27 - May 5 - Early voting, City Hall (see City's web site for times)
- May 4, 2009 – Public Hearing on Adoption of Impact Fees, 7:00 p.m.
- May 5, 2009 – Comprehensive Plan “Future’s Forum”, Tomball High School Instruction Room, 6:00-8:00 p.m.
- May 5 through May 7, 2009 – Comprehensive Plan “Urban Design Studio”, Community Center, 8:00 a.m.-5:00 p.m.
- May 6, 2009 – Comprehensive Plan “Town Hall Meeting”, Tomball High School Auditorium, 6:00-9:00 p.m.
- May 7, 2009 – Comprehensive Plan “Future Fest”, Tomball High School Instruction Room, 6:00-8:00 p.m.
- May 9, 2009 – Election Day – General City Election at City Hall, 7:00 a.m.-7:00 p.m.
- May 9, 2009 – 2<sup>nd</sup> Saturday at the Depot, 6:00 p.m.
- May 18, 2009 – Planning and Zoning Commission Member Appointments (Expire June 1)
- **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 April 6, 2009; second by Councilman Driver.

Motion carried unanimously.

#### 7.0 **Old Business:**

7.1 Mark McClure provided an update regarding the Brown-Hufsmith Phase II project. Motion was made by Councilman Quinn to Approve Brown-Hufsmith Phase II Surveying and Design Contract with CLR, Inc. in the Amount of \$200,054.00; second by Councilman Harvey.  
Motion carried unanimously.

#### 8.0 **New Business – Consent Agenda**

8.1 Mark McClure provided a brief overview regarding **LOT 3 HUTSON TRACT REPLAT:** Being a subdivision of 0.4591 acres of land out of the William Hurd Survey,

Abstract 371, City of Tomball, Harris County, Texas; Being a Replat of Lots 3 thru 10, Block 3 of the Revised Map of Tomball, Volume 4, Page 25, M.R.H.C. (Map Records of Harris County), as Recommended by Planning and Zoning Commission.

- 8.2 Mark McClure provided a brief overview regarding **TOMBALL AUTO GLASS REPLAT**; Being a subdivision of 0.1377 acres of land out of the William Hurd Survey, Abstract 371, City of Tomball, Harris County, Texas; Being a Replat of Lots 25 and 26, Block 79 of the Revised Map of Tomball, Volume 4, Page 25, M.R.H.C. (Map Records of Harris County), as Recommended by Planning and Zoning Commission
- 8.3 David Kauffman provided a brief overview regarding the Renewal of Fuel Contract with Petroleum Traders Corporation for a Period of One (1) Year at the Current Prices

Motion was made by Councilman Lazenby to approve all items in the Consent Agenda; second by Councilman Harvey.

Motion carried unanimously.

#### 9.0 **New Business:**

- 9.1 Kelly Violette provided an overview of Tomball Independent School District's request for an amendment to the livestock ordinance. Motion was made by Councilman Harvey to read Ordinance No. 2009-11 by caption only on first reading; second by Councilman Driver.

Motion carried unanimously.

Motion was made by Councilman Lazenby to Adopt on First Reading, Ordinance No. 2009-11, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting Section 10-98 of Chapter 10 thereof, and Providing therefore a new Section 10-98 of Chapter 30, Establishing Restrictions that Shall Apply to All Livestock Kept Within the City, Exempting School District Property Utilizing Livestock for Educational Purposes; Providing a Penalty in an Amount not to Exceed \$2000 for each Day of Violation hereof; and Providing for Severability; and Making Other Provisions and Findings Related Thereto; second by Councilman Driver.

Motion was made by Councilman Harvey to table consideration of Item 9.1 pending the receipt of additional information, including the number of acres and the number of animals per acre, and notification of the surrounding property owners within 200 feet of the proposed facility; second by Councilman Driver.

Motion to table carried unanimously.

- 9.2 Jan Belcher and Paul Kipp, representative for PERC, presented a brief overview regarding the Request by Pregnancy Education and Resource Center (PERC) for Use of the Depot Plaza and Closure of Streets during the Rock for Life Music Festival, June 12-13, 2009.

Motion was made by Councilman Driver to Approve Request by Pregnancy Education and Resource Center (PERC) for Use of the Depot Plaza and Closure of Streets during the Rock for Life Music Festival, June 12-13, 2009; second by Councilman Harvey.

Motion carried unanimously.

- 9.3 Mayor Fagan provided an overview to Council regarding the appointment/reappointment of Members to the Tomball Economic Development Commission (TEDC). Motion was made by Councilman Webb to Reappoint Steven Vaughan, James Geer, and Gretchen Fagan to the Tomball Economic Development Commission (TEDC); second by Councilman Lazenby.

Motion carried unanimously.

- 9.4 Jan Belcher provided an overview to Council regarding City Manager's Vested Rights Determination Letter dated March 25, 2009, regarding Tomball Tomahawk Properties, LLC. Councilman Quinn advised that he would abstain from discussion and vote on Item 9.4, that he had failed an Affidavit of Conflict of Interest with the City Secretary, and left Council chambers during consideration of Item 9.4. Council received the City Manager's Vested Rights Determination Letter dated March 25, 2009, regarding Tomball Tomahawk Properties, LLC; no action was necessary.

Councilman Webb called Point of Order for the following requests, under Local Government Code, Sections 551.041 and 551.042, for the May 4, 2009 Council meeting:

1. A report regarding the project for the expansion/renovation of the central fire station being withdrawn; and
2. A list of the names and addresses of all the members of the Livable Center's advisory committee (Comprehensive Plan Advisory Committee) and an explanation as to why the members were not appointed or approved by Council.

- 10.0 Motion was made by Councilman Lazenby second by Councilman Harvey for adjournment.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 4th day of May 2009.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor