

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



MONDAY, APRIL 6, 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
City Attorney – Martha Williams, Olson & Olson
Chief of Police – Robert Hauck
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
Director of Public Works – David Kauffman
Director of Engineering and Planning – Mark McClure
City Planner/Comm. Dev. Coordinator – Kelly Violette
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by James Clark, Pastor, First Baptist Church

3.0 Pledges to U. S. and Texas Flags

- Led by the Tomball/Magnolia CFC Chapter

4.0 No public comments or receipts of petitions were received.

5.0 Reports and Announcements:

- Grady Martin presented a Report from the Tomball Sister City Organization regarding the German Heritage Festival. Record crowds, increased sales, many positive comments received from visitors. Special thanks to volunteer, Larry Love. Holger Rüsenschulte and Martin Wiedeier presented a gift to Mayor Fagan on behalf of the Telgte Amateur Radio Operators of Telgte, Germany.
- April 11, 2009 and May 9, 2009 – Second Saturday at the Depot
- April 11, 2009 – 1st Annual City of Tomball Bunny Run 5K and Kids 1K; over 260 people signed up to participate.
- 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 – 2nd 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, second by Councilman Webb, to approve the Minutes of the Following Meetings:

- Regular City Council Meeting of March 2, 2009
- Regular City Council Meeting of March 16, 2009

Motion carried unanimously.

7.0 Old Business:

- 7.1. Kelly Violette provided an overview of Zoning Case P08-074. Motion was made by Councilman Lazenby, second by Councilman Harvey, to adopt, on Second Reading, Ordinance No. 2009-09 an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by changing the Zoning District classification of approximately 142.770 acres of land in the Joseph Miller Survey, Abstract No. 50 in Harris County, Texas, Being a portion of a called 153.45 acre tract described in deed recorded under Harris County Clerk's File Number C-817579 and Being all of a called 7.3795 acre tract described in deed recorded under Harris County Clerk's File Number S-040076 located northerly of Zion Road, northwesterly of Hufsmith Road, northeasterly of Neal Street, southerly of the Missouri Pacific Railroad line from AG-Agricultural District to SF-

20-E-Single Family 20 Estate District; 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>Aye</u>
Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

Motion carried unanimously.

- 7.2 Kelly Violette provided an overview of Zoning Case P09-099. Motion was made by Councilman Driver, second by Councilman Lazenby, to adopt, on Second Reading, Ordinance No. 2009-10, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 10.1750 Acres of Land in the Jesse Pruitt Survey, A-629, Harris County, Texas, from the AG-Agricultural District to the C-Commercial District; said Property also Being Known as Lot 187 and Tracts 188, 191A, and 192A, of the Tomball Outlots, Located on the westerly side of Cherry Street, northerly side 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 Harvey	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Lazenby	<u>Aye</u>

Motion carried unanimously.

8.0 **New Business:**

- 8.1 Mark McClure provided information regarding the proposed agreement. Motion was made by Councilman Driver, second by Councilman Harvey, to approve the "Pipeline Relocation/Reimbursement in Lieu of Condemnation" Agreement with Tortuga Operating Company, Inc., in the Amount of \$114,970.33.

Motion carried unanimously.

- 8.2 Doris Speer provided information regarding Liberty Cab's application. Motion was made by Councilman Harvey, second by Councilman Webb, to approve the Application by

Liberty Cab Company, Inc., dba Tomball Taxi, to operate a Taxicab Service in the City of Tomball.

Motion carried unanimously.

- 8.3 Jan Belcher provided information regarding Resolution No. 2009-12. Motion was made by Councilman Webb, second by Councilman Lazenby, to approve Resolution No. 2009-12, a Resolution of the City Council of the City of Tomball, Texas, Expressing Support for Commuter Rail along the SH 249/BNSF Houston Subdivision Corridor and US 290/Eureka Subdivision Corridor as a Vital Element of the Long-Range City of Tomball Transportation Plan to Address Congestion and Air Quality.

Motion carried unanimously.

- 8.4 Randy Parr provided an overview regarding the Electronic Accountability program. Motion was made by Councilman Driver, second by Councilman Harvey, to approve Resolution No. 2009-13, a Resolution of the City of Tomball, Texas, Authorizing and Directing the City Manager to Execute and the City Secretary to Attest to an Interlocal Agreement with Harris County for the Use of Electronic Accountability Equipment Acquired under an Urban Area Security Initiative (UASI) Grant; and Providing for the Effective Date Thereof.

Motion carried unanimously.

Request was made by Councilman Webb to have an update on the Brown Hufsmith Phase II Design and Surveying Contract with CLR, Inc. and presentation of the Tomahawk vested rights letter at the April 20, 2009 agenda.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 20th day of April 2009.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor