

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



MONDAY, SEPTEMBER 29, 2008

6:00 P.M.

1.0 Call to Order

The meeting was called to order by Mayor Fagan. Other members present were:

Councilman Quinn
Councilman Webb
Councilman Harvey
Councilman Driver

Members absent:

Councilman Lazenby – Excused
Councilman Quinn – Excused

Others present:

City Manager – Jan Belcher
City Secretary – Doris Speer
City Attorney – Scott Bounds
Director of Engineering & Planning – Mark McClure
Finance Director – Monica Kohlenberg
Assistant to the City Manager – Shawn Cox
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt

2.0 New Business:

- 2.1 Motion was made by Councilman Harvey to approve Resolution 2008-24, a Resolution authorizing publication of a Notice of Intention to Issue Certificates of Obligation; second by Councilman Driver.

Motion carried unanimously

- 2.2 The Public Hearing on the proposed tax rate for FY 2008-2009 of \$.311455 per \$100 of assessed value was opened by Mayor Fagan at 6:02 p.m. The following comments were received:

- Eric Thompson
31403 Capella Circle, 77375 - Opposed to proposed tax rate.
- H. F. (Mac) McKinley
405 Texas, 77375 - Opposed to proposed tax rate.
- Rodney Hutson
9431 Rosie Lane, 77354 - Opposed to proposed tax rate.
- Michael Gatlin
31406 Capella Circle, 77375 - Opposed to proposed tax rate.
- Linda Gatlin
31406 Capella Circle, 77375 - Opposed to proposed tax rate.
- Malcolm C. Hamff
31335 Capella Circle, 77375 - Opposed to proposed tax rate.
- Kenneth Graham
607 N. Magnolia, 77375 - Opposed to proposed tax rate.
- Susan L. Brown
501 Percival, 77375 - Opposed to proposed tax rate.
- Jackie Barnes
10 Stratford Way Lane, 77070 - The Greater Tomball Area Chamber of
Commerce supports the proposed tax rate.
- Laurie Lawrence
1335 Serene Trails, 77375 - Opposed to proposed tax rate.

No additional public comments being received, the Public Hearing was closed by Mayor Fagan at 6:13 p.m.

- 2.3 Discussion was held regarding ZONING CASE P08-064: Request by CCG Venture Partners to rezone 3 tracts totaling approximately 74.406 acres of land, legally described as Reserve "B" of Block 1 of Tomball Center III and Tracts 6 and 21B, Abstract 34, in the Joseph House Survey, within the City of Tomball, Harris County, TX., located on the southerly side of Brown Rd., westerly of S.H. 249 Expressway, from the GR-General Retail District to the Planned Development (PD-3) District in order to facilitate a mixed use Planned Development for multi-family uses and general retail uses.

Scott Bounds presented an overview regarding Planned Development Districts (PD-e), including site-specific development requirements that may be established by Council and included in the ordinance governing the Planned Development District (PD-3). All of the

requirements will be stated/set forth in the ordinance instead of being referenced and the completed ordinance and associated agreement(s) will be maintained in the City Secretary's office. Any amendments to the original ordinance must follow the same process as the original ordinance. Council can also require the concept plan to be included in the ordinance.

Jeff Presnal, CCG, presented highlights of the proposed project, which will be market driven and will include retail, office, and multi-family elements. Council will have a great deal of control over the development. CCG and Greystar request variances to the current parking requirements and the minimum size requirement of 725 square feet for an apartment. The multi-family component and the general retail and office components will be accessible from SH 249 and Brown Road.

Trent Connor, Greystar Development Group, presented information regarding parking requirements in other cities and requested approval for 580 parking spaces. Consensus of Council was unanimous that 580 parking spaces would be sufficient.

Trent Connor presented request for a smaller unit size for the apartments, 741-1,000 square feet for one-bedroom apartments and 1,000-1,350 square feet for two-bedroom apartments. Rental price would be based on the conditioned space only. Councilman Driver stated opposition to smaller size; Councilmen Webb and Harvey stated the smaller size was acceptable.

Councilman Driver requested information regarding the ratio of multi-family to single-family housing. Trent Connor presented information indicating the ratio of multi-family housing in Tomball is 35%. Councilman Driver indicated the ratio was acceptable.

Trent Connor presented request for a variance from the required distance to a fire hydrant, from 150 feet to 200 feet, because all buildings will be sprinklered. Consensus of Council was unanimous that 200 feet would be acceptable.

Mark McClure presented drainage, utility and infrastructure requirements that would have to be met by the developers. The M124 channel may require additional dedications of easement; water, sewer and gas utilities are available to the north and could be made accessible to the south; and the developer would be responsible for extending the utilities. When the plat is submitted, the developer will be required to dedicate everything the City may need for drainage, utility and infrastructure improvements. Scott Bounds advised that some of the requirements will be included in the PD-3 ordinance and some of the requirements will be decided as the development proceeds, as required and approved by Engineering and City Council.

Reimbursement and developer agreements could be considered at a later date. All fees, including impact fees, will be applicable to the project and will be referenced in the PD-3 ordinance. Language regarding signage and amenities will be included in the PD-3 ordinance. TISD has advised that the development should have no negative effects on the school district.

Jeff Presnal requested that the variances requested by permitted by right instead of by a conditional use permit (CUP). Scott Bounds advised that the ordinance could include a use requirement for a Home Depot-type retail use. In addition, all existing standards will apply unless Council votes to change standards and the PD-3 ordinance will incorporate all the requirements (the ordinance will be self-contained).

Consensus of Council was unanimous that the requested variances, changes and suggested requirements for the planned development are acceptable. Scott Bounds will draft the ordinance, which will then be reviewed by City staff, CCG/Greystar, and Scott Bounds before being presented to Council for consideration.

- 2.4 Motion was made by Councilman Harvey to award Contract for Project 2003-23, Michel Road Improvements and Extension Project, to low bidder, South Coast Construction, Inc. in the amount of \$1,399,282.70; second by Councilman Driver.

Motion carried unanimously.

- 3.0 Motion was made by Councilman Harvey to adjourn; second by Councilman Driver.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 6 day of October 2008.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor