

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

**MONDAY, JUNE 16, 2008**



**7:00 P.M.**

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

Councilman Lazenby  
Councilman Webb  
Councilman Harvey  
Councilman Driver

Members absent:

Councilman Quinn – Excused

Others present:

City Manager – Jan Belcher  
Assistant City Manager – Mary Coker  
City Attorney – Bill Olson  
City Secretary – Doris Speer  
Asst. to City Manager – Shawn Cox  
City Planner/Community Development Coordinator – Kelly Violette

2.0 Invocation – Led by Tara Dorrrough, Chaplain Tomball Fire Department

3.0 Pledges to U. S. and Texas Flags – Led by Members of Cub Scout Troop – Pack 113

4.0 The following public comments and/or petitions were received:

Michael Wood  
1523 Carters Grove, Katy TX - Invitation to Tomball Freedom Festival  
on June 29, 2008 – First Baptist Church

Pat Bailey  
1319 Dove Trails, 77375 - Opposition to Item 7.1, Ordinance No.  
2008-09, Zoning Amendment

- Robert Pugh  
31310 Stella Lane - Opposition to Item 7.1, Ordinance No. 2008-09, Zoning Amendment
- Rosalie Dillon  
14166 Turnervine, 77375 - Thanks for 2<sup>nd</sup> Saturday at the Depot; opposition to Item 7.1, Ordinance No. 2008-09, Zoning Amendment
- Carla Hamilton  
1011 Village Square Drive #218  
77375 - Invitation to Tomball Night, to be held on August 1, 2008
- John Ford  
930 Agg Road, 77375 - Opposition to Item 7.1, Ordinance No. 2008-09, Zoning Amendment
- Barbara Tague  
503 Inwood, 77375 - Thanks for 2<sup>nd</sup> Saturday at Depot; support of Item 9.1, Livable Centers; opposition to Item 7.1, Ordinance No. 2008-09, Zoning Amendment
- Monique Dermaux  
2531 South Cherry, 77375 - Opposition to Item 7.1, Ordinance No. 2008-09, Zoning Amendment
- Lori Wallace  
1821 South Cherry, 77375 - Opposition to Item 7.1, Ordinance No. 2008-09, Zoning Amendment
- Jessica Lusk  
13600 Breton Ridge #601, 77070 - Support of Item 7.1, Ordinance No. 2008-09, Zoning Amendment
- Gerald Lusk  
12425 Island Drive, 77377 - Support of Item 7.1, Ordinance No. 2008-09, Zoning Amendment
- David Kelly  
32719 Windsor Terrace, 77441 - Support of Item 7.1, Ordinance No. 2008-09, Zoning Amendment

5.0 Reports and Announcements:

- Results of Hazardous Waste and E-Waste Recycling Event held on Saturday, June 7, 2008 – 200 cars representing approximately 300 households
- July 4<sup>th</sup> Fireworks
- Red-light Cameras Now Operational
- Reception to Welcome New Chief of Police – June 17, 2008, 5:00 p.m.-7:00 p.m.

6.0 Motion was made by Councilman Harvey to approve the Minutes of the Regular City Council Meeting of June 2, 2008; second by Councilman Lazenby.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Driver to Adopt, on Second Reading, Ordinance No. 2008-09, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 6.6972 Acres of Land in the C.N. Pillot Survey, A-632, Harris County, Texas, from AG-Agricultural District to O-Office District; said Property also being Known as Tracts 4A and 4A-3, as Recorded in H.C.F.C # 038706, in the C.N. Pillot Survey, A-632, Located on the Easterly Side of South Cherry Street, Northerly of Holderrieth Road; 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; second by Councilman Lazenby.

Following discussion, motion to adopt Ordinance No. 2008-09 was withdrawn by Councilman Driver and Councilman Lazenby.

Motion was made by Councilman Driver to remand the proposed Zoning Amendment back to the Planning and Zoning Commission for consideration at the July 14, 2008 (date certain) meeting; second by Councilman Lazenby.

Motion to remand the Zoning Amendment carried unanimously.

- 7.2 Motion was made by Councilman Harvey to Adopt, on Second Reading, Ordinance No. 2008-11, An Ordinance of the City of Tomball, Texas, Establishing and Allowing Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners who Qualify for Disability Benefits under the Federal Old Age, Survivors, and Disability Insurance Program for the Year 2008, and for All Subsequent Years, Unless Revised by City Council, on All Taxable Real and Personal Property Located in the City; Providing for Penalty, Interest, and Additional Penalty

on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject; second by Councilman Driver. Vote was as follows:

Councilman Driver	<u>AYE</u>
Councilman Quinn	<u>ABSENT</u>
Councilman Lazenby	<u>AYE</u>
Councilman Webb	<u>AYE</u>
Councilman Harvey	<u>AYE</u>

Motion carried unanimously.

- 7.3 Motion was made by Councilman Webb to Adopt, on Second Reading, Ordinance No. 2008-12, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Portion of the 60-Foot Road Right-of-Way, More Fully Described in Film Code Numbers 583192 and 605157 of the Harris County Map Records, Harris County, Texas; Vacating, Abandoning, and Closing a Portion of Said 60-Foot Road Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Road Right-of-Way to Weingarten Investments, Inc.; and Containing Other Provisions Relating to the Subject; 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>ABSENT</u>

Motion carried unanimously.

- 7.4 Motion was made by Councilman Webb to Adopt, on Second Reading, Ordinance 2008-13, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of the 100-Foot Road Right-of-Way, More Fully Described in Film Code Number 605157 of the Harris County Map Records, Harris County, Texas; Vacating, Abandoning, and Closing a Portion of Said 100-Foot Road Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quit Claim Deed Conveying Said Abandoned Road Right-of-Way to Weingarten Investments, Inc.; and Containing Other Provisions Relating to the Subject; second by Councilman Lazenby. Vote was as follows:

Councilman Webb	<u>AYE</u>
Councilman Harvey	<u>AYE</u>

Councilman Driver	<u>AYE</u>
Councilman Quinn	<u>ABSENT</u>
Councilman Lazenby	<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.]*

Motion was made by Councilman Harvey to approve Item 8.1 through 8.7 on the Consent Agenda; second by Councilman Lazenby:

- 8.1 Consideration to Approve Resolution No. 2008-13, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 26th Annual Tomball Night and Parade, to be Held in Tomball on Friday, August 1, 2008
- 8.2 Consideration to Approve a Professional Engineering Services Contract with O'Malley Engineers, L.L.P. to complete the design and provide construction phase services associated with the Hufsmith Road Water and Gas Line Extension Project, in the Amount of \$73,800.00
- 8.3 Consideration to Approve a Professional Engineering Services Contract with O'Malley Engineers, L.L.P. to complete the preliminary design services associated with the Tomball Hills Lift Station Project, in the Amount of \$18,400.00.
- 8.4 Consideration to Award Contract for Project 2008-15, FM 2920 West Utility Crossings Project, to Low Bidder, MAS Contractors, LLC, in the Amount of \$72,977.00
- 8.5 Consideration to Award Contract for Project 2008-16, M124 Ditch and Detention Basin, to Low Bidder, Kingsley Contractors Inc., in the Amount of \$1,183,587.75
- 8.6 Consideration to Award Contract for Project 2008-17, 12-Inch Water, 10-Inch Sanitary, and 4-Inch Gas Distribution along Brown Road, to Low Bidder, MAS Contractors LLC, in the amount of \$195,578.00.
- 8.7 Consideration to Approve Plat, as recommended by the Planning & Zoning Commission.
- Final Plat of Pine Country of Tomball, Section Two, a residential subdivision of 22.2880 acres; and Pine Country of Tomball, Section

Three, being 17.8812 acres; and Pine Country of Tomball, Section Four, being 15.5328 acres; being a Replat of Pine Country of Tomball, Section Two, of 55.7020 acres as recorded in H.C.F.C #597008 located in the John Edwards Survey, A-20 and the Chauncey Goodrich Survey A-311, City of Tomball, Harris County, Texas.

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

9.0 New Business:

- 9.1 Motion was made by Councilman Webb to Adopt Resolution No. 2008-14, a Resolution of the City Council of the City of Tomball, Texas, Approving an Interlocal Agreement Between the City of Tomball and the Houston-Galveston Area Council, Hereinafter called "H-GAC," for a Planning and Feasibility Study for Livable Centers, Appropriating Funds in the Amount of \$33,654 as the City's Contribution Toward the Completion of the Study; Containing other Provisions Relating to the Subject; and Providing for Severability; second by Councilman Harvey.

Motion carried unanimously.

- 9.2 The Public Hearing to consider the following Zoning Case P08-007 was declared open by Mayor Fagan at 7:39 p.m.:

**ZONING CASE P08-007:** Request by Flat Iron Land Co., Inc., on behalf of LAR Properties, to rezone 4 lots totaling approximately 38.91 acres of land, legally described as Reserves E, F and H of Block 1 of Leslie's Park Subdivision and Tract 18A, A-34 of the J House Subdivision, within the City of Tomball, Harris County, TX, located on the northerly and southerly sides of West Hufsmith Road, between Quinn Road and Baker Drive, from the SF-6-Single-Family 6 and SF-9-Single-Family 9 Districts to the Planned Development (#3) District in order to facilitate a master planned mixed use development with patio homes on the north side of West Hufsmith Road and senior living multi-family residences on the south side of West Hufsmith Road.

Public comments were received from:

- Cathy Griffith  
711 Baker Drive, 77375 - Opposition to Item 9.2, Zoning Case P08-007, Zoning Amendment
- Frank Minchew  
824 Wilson Road, 77375 - Opposition to Item 9.2, Zoning Case P08-007, Zoning Amendment

Brett Tynes  
824 Wilson Road, 77375 - Opposition to Item 9.2, Zoning Case  
P08-007, Zoning Amendment

No further public comments being received, the public hearing was closed at 7:49 p.m.

- 9.3 Motion was made by Councilman Driver to **DENY** the Approval of **ZONING CASE P08-007**: Request by Flat Iron Land Co., Inc., on behalf of LAR Properties, to rezone 4 lots totaling approximately 38.91 acres of land, legally described as Reserves E, F and H of Block 1 of Leslie's Park Subdivision and Tract 18A, A-34 of the J House Subdivision, within the City of Tomball, Harris County, TX, located on the northerly and southerly sides of West Hufsmith Road, between Quinn Road and Baker Drive, from the SF-6-Single-Family 6 and SF-9-Single-Family 9 Districts to the Planned Development (#3) District in order to facilitate a master planned mixed use development with patio homes on the north side of West Hufsmith Road and senior living multi-family residences on the south side of West Hufsmith Road; second by Councilman Lazenby.

Motion to **DENY** approval of Zoning Case P08-007 carried unanimously.

- 9.4 The Public Hearing to consider the following Zoning Case P08-023 was declared open by Mayor Fagan at 7:51 p.m.:

**ZONING CASE P08-023**: Request by David Kelly, on behalf of Albers Properties LP, to rezone 3 lots totaling approximately 16.111 acres of land, out of the Jesse Pruitt Survey, A-629, Harris County, TX, generally located on the southerly side of Timkin Road, easterly of South Chestnut Street, from the SF-6-Single-Family 6 District to the LI-Light Industrial District (H.C.C.F # 20070379254, H.C.C.F # 20070501339, H.C.C.F # 2007099053).

Public comment was received from:

Latrell Shannon  
823 Lizzie Lane, 77375 - Opposition to Item 9.4, Zoning Case  
P08-023, Zoning Amendment

No further public comments being received, the public hearing was closed at 7:55 p.m.

- 9.5 Motion was made by Councilman Webb to **DENY** the Approval of **ZONING CASE P08-023**: Request by David Kelly, on behalf of Albers Properties LP, to rezone 3 lots totaling approximately 16.111 acres of land, out of the Jesse Pruitt Survey, A-629,

Harris County, TX, generally located on the southerly side of Timkin Road, easterly of South Chestnut Street, from the SF-6-Single-Family 6 District to the LI-Light Industrial District (H.C.C.F # 20070379254, H.C.C.F # 20070501339, H.C.C.F # 2007099053); second by Councilman Harvey.

Motion to **DENY** approval of Zoning Case P08-023 carried unanimously.

9.6 Executive Session: The City Council recessed at 7:56 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

- Section 551.072 Deliberations Regarding Real Property

Upon reconvening into Regular Session at 8:01 p.m., no action was taken.

10.0 Motion was made by Councilman Driver for adjournment; second by Councilman Harvey.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of July 2008.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor