

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



MONDAY, OCTOBER 6, 2008

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 Webb
Councilman Harvey
Councilman Driver
Councilman Lazenby

Others present:

City Manager – Jan Belcher
Assistant City Manager – Mary Coker
City Secretary – Doris Speer
City Attorney – Bill Olson
City Attorney – David Olson
Chief of Police – Robert Hauck
Fire Chief – Randy Parr
Finance Director – Monica Kohlenberg
Assistant to the City Manager – Shawn Cox
Assistant City Planner – Rodney Schmidt

2.0 Invocation

- Led by Rev. Tim Barker, Tomball Assembly of God Church

3.0 Pledges to U. S. and Texas Flags

- Led by Cynthia Tirso and James Liu

4.0 Public Comments and Receipt of Petitions *(At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)*

The following public comments were received:

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| R. W. Burke,
29515 Orchard Grove Dr, 77377 | - Did not wish to speak; opposed to Zoning Case P08-064. |
| Cesario Torres
29519 Orchard Grove Dr, 77377 | - Did not wish to speak; opposed to Zoning Case P08-064. |
| Admiral Al Kelln
26810 Cherokee Lane
Magnolia, 77354 | - Introduction of new business, Tomball Pregnancy Education & Resource Center, 934 West Main, opening on December 2, 2008 to provide job skills and life skills training to women and men who wish to keep their babies. |
| Terry Tollefsbol
29507 Orchard Grove, 77377 | - Opposed to Zoning Case P08-064. |
| Joe Pantoja
29415 Imperial Creek Dr, 77377 | - Opposed to Zoning Case P08-064. |
| George B. Clarabut
14502 Spring Mountain Dr, 77377 | - Did not wish to speak; opposed to Zoning Case P08-064. |
| Dick Ramsey
14518 Spring Mountain Dr, 77377 | - Opposed to Zoning Case P08-064. |
| Shirley Hackenberry
29503 Orchard Grove, 77377 | - Opposed to Zoning Case P08-064. |
| Jeff Presnal,
CCG
14405 Brown Road, 77377 | - Supporting Zoning Case P08-064. |

5.0 Reports and Announcements

5.1 Presentation of Law Enforcement Funds from Harris County District Attorney's Office was made by John Harrison, HCDAO, to the City of Tomball Police Department, in the amount of \$173,795.87.

5.2 Reports and Announcements:

- Second Saturday at the Depot – October 11, 2008
- Public Hearings for Annexation – October 20, 2008 and October 27, 2008
- Special Council Meeting – October 27, 2008 at 6:00 p.m.
- Early Voting for November 4th Election – October 20-31, 2008 at the Public Works Building:

- October 20-October 24 8:00 a.m. – 4:30 p.m.
- October 25 (Saturday) 7:00 a.m. – 7:00 p.m.
- October 26 (Sunday) 1:00 p.m. – 6:00 p.m.
- October 27-October 31 7:00 a.m. – 7:00 p.m.

6.0 Motion was made by Councilman Webb to approve the Minutes of the Following Meetings; second by Councilman Harvey.

- Regular City Council Meeting of September 15, 2008
- Special City Council Meeting of September 17, 2008
- Special City Council Meeting of September 29, 2008.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Harvey to Adopt, on Second Reading, Ordinance No. 2008-28, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 3.8261 Acres of Land in the Jesse Pruitt Survey, A-629, Harris County, Texas, from SF-6-Single-Family 6 Residential District to the C-Commercial District; said Property also Being Known as Tracts 7 & 8 of the Jesse Pruitt Survey, Located at 430 South Persimmon Street on the Westerly Side of South Persimmon Street, Northerly of Lizzie 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; second by Councilman Driver. 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 Motion was made by Councilman Harvey to Adopt, on Second Reading, Ordinance No. 2008-29, An Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 0.2238 Acres of Land Legally Described as Lots 35, 36, and 37 of Block 89 of Revised Map of Tomball, as Recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas, from SF-6-Single-Family Residential-6 District to the D-Duplex Residential District; said Property being Located at 409 Ash Street, Situated on the Easterly side of Ash Street, Southerly of Timkin 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 Driver. 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.

- 7.3 Motion was made by Councilman Webb to Adopt, on Second Reading, Ordinance No. 2008-30, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit to Garth Lodgings, to Allow a Seventy (70) Foot Tall Hotel in a General Retail District, Where a Maximum Height of Forty-Two (42) Feet is Permitted; said Tract being Located within the City in Zoning District GR-General Retail and being Further Identified as the Holiday Inn Express Hotel Generally Located at Park Drive and S.H. 249 Expressway in Tomball, Texas; Providing Requirements and Conditions for this Conditional Use Permit; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount not to Exceed Two Thousand Dollars for Violations Hereof; and Providing for Severability; second by Councilman Harvey. Vote was as follows:

Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Aye</u>

Motion carried unanimously.

8.0 New Business:

- 8.1 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 7:31 p.m. The following comments were received:

Craig Brantley BJ Services, 77375	- Did not wish to speak; opposed to tax increase.
Eric Thompson 31403 Capella Circle, 77375	- Did not wish to speak; opposed to tax increase.
Amy Thompson 31403 Capella Circle, 77375	- Did not wish to speak; opposed to tax increase.

- John E. Smith, Sr.
31334 Capella Circle, 77375 - Did not wish to speak; opposed to tax increase.
- Malcolm Hamff
31335 Capella Circle, 77375 - Opposed to tax increase.
- Edna Helen Treichel
22118 Tomball Cemetery Rd,
77377 - Did not wish to speak; opposed to tax increase.
- JoNell Brown
27302 Decker Prairie-Rosehill Rd
Magnolia, 77355 - Did not wish to speak; opposed to tax increase.
- Barbara Tague
503 Inwood Drive, 77375 - Opposed to tax increase.
- Susan Wood
28227 Camille Drive, 77375 - Did not wish to speak; opposed to tax increase.
- David Wood
28227 Camille Drive, 77375 - Did not wish to speak; opposed to tax increase.
- Wayne Thomas
28223 Camille Drive, 77375 - Did not wish to speak; opposed to tax increase.
- Roy P. Lackey
31530 Capella Circle, 77375 - Opposed to tax increase.
- Dane Dunagin
535 East Hufsmith, 77375 - Opposed to tax increase.
- J. Michael Gatlin
31406 Capella Circle, 77375 - Opposed to tax increase.
- Linda Gatlin
31406 Capella Circle, 77375 - Did not wish to speak; opposed to tax increase.
- Wayne Nagel
12929 Zion Road, 77375 - Opposed to tax increase.
- Joe S. Green
31219 Stella Lane, 77375 - Did not wish to speak; opposed to tax increase.
- Betty A. Palmer
112 N. Chestnut, 77375 - Did not wish to speak; opposed to tax increase.

- Donna Lubeck
835 Baker Drive, 77375 - Did not wish to speak; opposed to tax increase.
- Janet Holmes
402 N. Live Oak, 77375 - Opposed to tax increase.
- Linda Gatlin
31406 Capella Circle, 77375 - Opposed to tax increase.
- Vernon Brown
27302 Decker Prairie-Rosehill,
77355 - Opposed to tax increase.

No additional public comments being received, the Public Hearing was closed by Mayor Fagan at 7:52 p.m.

- 8.2 Motion was made by Councilman Webb to Set October 20, 2008 and October 27, 2008 as the Dates to Vote to Adopt the Proposed 2008 Tax Levy; second by Councilman Lazenby.

Motion carried unanimously.

- 8.3 Motion made by Councilman Harvey to Accept the Terms and Conditions of the SAFER Grant Funding for Fire Fighter Positions; second by Councilman Lazenby. Vote was as follows:

Councilman Quinn	<u>Aye</u>
Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Nay</u>

Motion carried, 4 to 1.

- 8.4 Motion made by Councilman Harvey to Approve the Request to Close School Street for the Evenings of October 24 and 25, 2008 in conjunction with the Fire Department's Fall Festival at the Old School Administration Building; second by Councilman Driver.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 20th day of October 2008.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor