

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



MONDAY, NOVEMBER 17, 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 – Scott Bounds, Olson & Olson
Chief of Police – Robert Hauck
Director of Engineering and Planning – Mark McClure
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. Terry Johnson, Associate Pastor, First Baptist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Taylor Coleman and Stephanie Stevenson

4.0 The following public comments were received:

Rosalie Dillon
14166 Turnervine, 77375 - Asked City staff to take care of weeds and debris at the closed gas station located at Four Corners.

Taylor Coleman
16426 Willowbank, 77377

- Presented a \$10 Luby's gift card to Doris Speer as a token of appreciation from the TISD Student Council.

5.0 Reports and Announcements

- Livable Centers Meeting – Tuesday, November 18, 2008, from 6:00 p.m. to 8:00 p.m., at the Tomball Community Center, 221 Market Street
- 43rd Annual Holiday Parade – November 22, 2008, at 10:00 a.m.
- City of Tomball Holiday Closings
 - Thanksgiving – Thursday, November 27 and Friday, November 28, 2008
 - Christmas – Thursday, December 24 and Friday, December 25, 2008;
Offices will be open on Friday, December 26, 2008
 - New Year's – Thursday, January 1, 2009;
Offices will be open on Friday, January 2, 2009
- Second Saturday at the Depot – December 13, 2008
 - German Christmas Market – 10:00 a.m.-10:00 p.m.
 - Music, Arts, and Children's Activities – 10:00 a.m.-8:00 p.m.
 - Santa and Mrs. Clause – 4:30 p.m.-8:00 p.m.
 - Unveiling of the Thomas H. Ball Statue – 5:00 p.m.
 - Tree Lighting – 5:30 p.m.
 - Hay Wagon Rides – 6:00 p.m.-8:00 p.m.
 - Movie: *It's a Wonderful Life* – 8:00 p.m.
 - Fireworks – 9:30 p.m.

6.0 Presentations:

- Mayor Fagan presented the "Mayor's Challenge" Cup to Rob Hauck on behalf of the Police Department, winners of the Replenishment Blood Drive for Tomball Police Sergeant Keith Bitz, held on October 21, 2008 and a plaque to Brian Petrilla, honoring NWEMS' win in 2007.

7.0 Motion was made by Councilman Harvey to approve the Minutes of the Following Meeting; second by Councilman Driver.

- Regular City Council Meeting of November 3, 2008

Motion carried unanimously.

8.0 New Business

8.1 Consideration was given to the appointment of members to the Comprehensive Plan Advisory Committee. Mayor Fagan presented the proposed list of nominees. Motion was made by Councilman Lazenby to appoint the slate of nominees as presented; second by Councilman Harvey.

Motion was carried unanimously. The members of the Comprehensive Plan Advisory Committee are:

Alex Loera	Art DePue
Brad Hallmark	Chris Matthews
Chris Morris	Dan Atkinson
Earle Oldham	Jackie Barnes
Reverend James Roberson	Jeff Presnal
Jerald Till	Kathleen Scott
Kit Pfeiffer	Lanetta Osborne
Mark Stoll	Michael Gatlin
Monty Stone	Ray Deleon
Rick Brown	Rodney Hutson, M.D.
Rodney Light, M.D.	Susan Bulgawicz
Taylor Coleman	Tim Torres
Tom Crofoot	

- 8.2 Discussion was held regarding possible action on **ZONING CASE P08-073**: Request by Lisa Carswell, on behalf of Charles Cooke, to amend the Comprehensive Zoning Ordinance to rezone two tracts totaling approximately 0.9974 acres legally described as Tracts 55A and 55B located in the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, generally located on the easterly side of Quinn Road, southerly of Inwood Street from the Single Family 6 (SF-6) District to the Office (O) District.

The Public Hearing on **ZONING CASE P08-073** was opened by Mayor Fagan at 7:19 p.m.

Rodney Schmidt presented the City Staff report concerning Zoning Case P08-073. Justin Carswell, on behalf of Lisa Carswell, spoke in favor of the rezoning request. Doris Speer read an email from Karla Sparks, written in opposition to the rezoning request. Brett Tynes, 824 Wilson, spoke in opposition to the rezoning request.

No additional public comments being received, the Public Hearing was closed by Mayor Fagan at 7:21 p.m.

Motion was made by Councilman Driver to read Ordinance No. 2008-34 by caption only on First Reading; second by Councilman Harvey.

Motion carried unanimously.

Motion was made by Councilman Harvey to Adopt, on First Reading, Ordinance No. 2008-34, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 0.9974 acres of land legally described as Tracts 55A and 55B located in the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, from the SF-6-

Single Family 6 District to the O-Office District; Located on the easterly side of Quinn Road, southerly of Inwood Street; 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 Driver	<u>Nay</u>
Councilman Quinn	<u>Nay</u>
Councilman Lazenby	<u>Nay</u>
Councilman Webb	<u>Nay</u>
Councilman Harvey	<u>Nay</u>

Motion to adopt Ordinance No. 2008-34 on first reading **failed** unanimously.

- 8.3 Consideration was give to the appointment of members to the Board of Adjustments. Jan Belcher provided an overview of City staff's request. Motion was made by Councilman Webb to Appoint Rick Tomlinson as a regular board member on the Board of Adjustments and to not appoint additional alternate board members at the present time, second by Councilman Quinn.

Motion was carried unanimously.

- 8.4 Councilman Quinn advised that he would abstain from discussion and voting regarding Ordinance No. 2008-32 and that he had filed a Conflict of Interest Affidavit with the City Secretary. Motion was made by Councilman Harvey to read Ordinance No. 2008-32 by caption only on First Reading; second by Councilman Lazenby.

Motion carried unanimously.

Motion was made by Councilman Harvey to Adopt, on First Reading, Ordinance No. 2008-32, an Ordinance of the City of Tomball, Texas, Extending the City Limits of said City to include all of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball all of the Territory within Such Limits and Boundaries; Approving a Service Plan for all of the area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [State Highway 249 Bypass (Tomball Expressway) Road Right-of-Way, between the Intersection of SH 249 Bypass (Tomball Expressway) with SH 249 Business and Holderrieth Road to the South and between the Intersection of SH 249 Bypass (Tomball Expressway) with SH 249 Business North of Hicks Street, being Tracts 1, 2, 3, and 4; Being Called 172.812 Acres; Located within the Corporate City Limits of Tomball, Harris County, Texas]; second by Councilman Driver. Vote was as follows:

Councilman Quinn	<u>Abstain</u>
Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Aye</u>

Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Aye</u>

Motion carried unanimously.

- 8.5 Monica Kohlenberg provided an overview regarding Amendment No. 2 to the Budget for Fiscal Year 2008-2009. Motion was made by Councilman Harvey to read Ordinance No. 2008-33 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. 2008-33, an Ordinance of the City of Tomball, Texas, Adopting Amendment Number 2 to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2008-2009, as Adopted by Ordinance No. 2008-25; Providing for Appropriation of Funds from the Governmental Funds and the Proprietary Funds; Directing Publication of the Caption of this Ordinance; finding that the Meetings at which This Ordinance is Considered are open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing Other Details Relating to the Passage of This Ordinance; 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.

- 8.6 Jim Spurling, developer, Raleigh Creek, addressed Council regarding his request for an extension to the Development Agreement due to the recent economic conditions. Motion was made by Councilman Harvey to approve Resolution No. 2008-29, a Resolution Amending the Terms of the Development Agreement Establishing the Public Improvement District (PID) No.2 in the City of Tomball, Texas by providing an extension of 18 months; second by Councilman Quinn.

Motion carried unanimously.

- 8.7 Randy Parr provided an overview of the Memorandum of Understanding between the City and TISD. Motion was made by Councilman Harvey to approve the Memorandum of Understanding between the City of Tomball and Tomball Independent School District for Emergency Management of Incidents Affecting Tomball ISD Facilities and Use of Equipment and Expendable Resources; second by Councilman Lazenby.

Motion carried unanimously.

8.8 Randy Parr provided an overview of the requested amendment to the Schedule of Fees to recover costs to the City in conducting tests for capacity. Motion was made by Councilman Harvey to Approve an Amendment to the Schedule of Fees for Fire Permits and Inspections by Creating a New \$150 per Test Fee to be Charged for Observing the Test of the Capacity of a City Water Line Providing Water to be Used in the Design of a Fire Sprinkler System in Newly Constructed Buildings or Used in the Design of a Water Distribution System for New Commercial or Residential Developments; 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 1st day of December 2008.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor