

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



MONDAY, DECEMBER 15, 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 Harvey
Councilman Driver
Councilman Lazenby

Members absent:

Councilman Webb - Excused

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 Public Works – David Kauffman
Director of Engineering and Planning – Mark McClure
Assistant to the City Manager – Shawn Cox
City Planner/Comm. Dev. Coordinator – Kelly Violette
Assistant City Planner – Rodney Schmidt
Assistant City Engineer – Lori Lakatos
Police Captain – Rick Grassi
Police Sergeant – Danny Arriaga

2.0 Invocation

- Led by Pastor Jim Gill – First Presbyterian Church

3.0 Pledges to U. S. and Texas Flags

- Led by Shelby Allison

4.0 The following public comments were received:

Rosalie Dillon
14166 Turnervine, 77375 - Congratulations to the City on the great success of the Second Saturday at the Depot event and the unveiling of the Thomas Ball statue.

5.0 Reports and Announcements

- City of Tomball Holiday Closings
 - 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- January 10, 2009

6.0 Motion was made by Councilman Harvey to approve the Minutes of the Regular City Council Meeting of December 1, 2008; second by Councilman Lazenby.

Motion carried unanimously.

7.0 New Business:

7.1 Motion was made by Councilman Quinn to Appoint Latrell Simmons Shannon as an Additional Member to the Comprehensive Plan Advisory Committee (CPAC); second by Councilman Driver.

Motion carried unanimously.

7.2 Presentation was made by Mike Ivey on behalf of the Tomball Art League and the TAL Juried Spring and Fall Art Shows. Motion was made by Councilman Lazenby to Approve Request by Tomball Art League (TAL) for City Sponsorship through In-Kind Services, Including Waiver of Rental Fee and Portion of Personnel Fees for the Use of the Community Center, Tables, Chairs, and Personnel to Open and Close the Building for the TAL Juried Spring and Fall Art Shows, from 7:30 a.m. to 5:00 p.m., on Saturday, March 14, 2009 and Saturday, October 10, 2009; second by Councilman Harvey.

Motion carried unanimously.

7.3 Presentations were given and discussion was held regarding possible action on **ZONING CASE P08-074**: Request by James E. Spurlin with L.S. Development L.L.C. to amend

the Comprehensive Zoning Ordinance to rezone, from the AG-Agricultural District to the SF-6- Single Family 6 District, a 142.770 acre tract of land in the Joseph Miller Survey, Abstract No. 50 in Harris County:

Kelly Violette presented the City Staff report concerning Zoning Case P08-074. James Spurlin, owner, Jason Atkinson, engineer, and Park Patterson, developer, gave presentations to City Council regarding the proposed project, which would be completed in phases, with a second entrance added for the next phase. Presentation included information regarding required drainage, retention of trees, entrance, price range (\$275,000-\$475,000), amenities, model homes, the need for a left-turn lane on Zion, and future widening of Zion Road.

The Public Hearing on **ZONING CASE P08-074** was opened by Mayor Fagan at 7:35 p.m.; the following comments were received:

- | | |
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| Terry Martin
14161 Turnervine, 77375 | - Supports the residential development and zoning reclassification. |
| Bill Sumner
12321 Zion, 77375 | - Opposes the residential development and zoning reclassification. |
| Randy Summers
13472 Bunker Hill, 77318 | - Supports the residential development and zoning reclassification. |
| Rick Holloway
22923 Tomball Cemetery
77377 | - Supports the residential development and zoning reclassification. |
| Chris Hardee
30310 SH 249, 77375 | - Supports the residential development and zoning reclassification. |
| Kevin Frank
12226 Zion, 77375 | - Opposes the residential development and zoning reclassification. |
| Carl Miranda
12534 Zion, 77375 | - Impressed with development as presented; expressed concerns about traffic and drainage. |
| Jason Sirkel
82 S. Longsford Circle
77382 | - Supports the residential development and zoning reclassification; Tomball has fallen off the 'economic radar' due to lack of housing and infrastructure. |
| Rodney Posinski
12215 Zion, 77375 | - Expressed concerns about the residential development and zoning reclassification. |

- Dan Hill
722 W. Main, 77375
(letter read by City Secretary)
- Supports the residential development and zoning reclassification.
- James Spurlin, Owner
- Drainage project will address more concerns than just inside the development itself. Build-out will be gradual, from 2010 through 2013.

No additional public comments being received, the Public Hearing was closed by Mayor Fagan at 7:59 p.m.

Motion was made by Councilman Quinn to read Ordinance 2008-35 by caption only on first reading; second by Councilman Driver.

Motion carried unanimously.

Motion was made by Councilman Quinn to Approve, on First Reading, of Ordinance No. 2008-35, 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-6-Single Family 6 Residential 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; second by Councilman Driver.

Substitute motion was made by Councilman Driver to remand consideration of Zoning Case P08-074 back to the Planning and Zoning Commission for consideration as SF-9-Single Family 9 Residential District, second by Councilman Quinn. Vote was as follows:

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

Motion carried, 3-1.

- 7.4 Presentation of the Infrastructure Master Plan and Impact Fee Determination 2007-2017 was given by Bill Rosenbaum, Derek St. John, Brian Edwards, and David Manuel of Lockwood, Andrews and Newnam, Inc. Motion was made by Councilman Driver to

Approve the Calendar for the Adoption of Impact Fees under Chapter 395 Texas Local Government Code and to Authorize the City Attorney to Create a Draft Ordinance for the Adoption of the Infrastructure Master Plan and Impact Fee Determination 2007-2017; second by Councilman Harvey.

Motion carried unanimously.

- 7.5 Motion was made by Councilman Harvey to Accept the TxDOT Impaired Driving Mobilization STEP Grant for FY2009 in the Amount of \$24,064.00; second by Councilman Driver.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Harvey to Approve the Funding Necessary to Implement the Proposed Police Department Reorganization; second by Councilman Lazenby.

Motion carried unanimously.

- 7.7 Executive Session: The City Council recessed at 8:43 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:

- Sec. 551.071 - Consultation with Attorney Regarding Potential Litigation

Upon reconvening into Regular session at 9:08 p.m., no action was taken.

- 8.0 Motion was made by Councilman Harvey to adjourn, second by Councilman Driver.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 5th day of January 2009.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor