

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

MONDAY, JANUARY 21, 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 Lazenby
Councilman Webb
Councilman Harvey
Councilman Driver

Others present:

City Manager – Jan Belcher
Asst. City Manager – Mary Coker
City Attorney – Bill Olson
City Attorney – David Olson
City Secretary – Doris Speer
City Engineer – Mark McClure
Asst. Engineer – Erin Knesek
Finance Director – Monica Kohlenberg
Fire Chief – Randy Parr
Asst. to City Manager – Shawn Cox

1.1 Invocation – Led by Reverend Greg Sipe, First Baptist

1.2 Pledges – Led by Jenny Sung and Sam Parnell

2.0 No Public Comments or Petitions were received.

3.0 Reports and Announcements

- The Quarterly Financial Report was presented by Monica Kohlenberg.
- Special Council Meeting/Workshop, January 28, 2008 – 4:30 p.m.
- Tomball Fire Department Receives Grant from Texas Forest Service

Various reports and/or announcements were made by the Mayor and Councilmembers.

4.0 Motion was made by Councilman Webb to Approve the Minutes of the Following Meetings; second by Councilman Harvey:

- Regular Council Meeting of January 7, 2008

Motion carried unanimously.

Discussion/action of the following items:

5.0 Old Business:

6.0 New Business Consent Agenda:

Councilman Webb requested that Item 6.4 be removed from the consent agenda; consensus of Council was unanimous.

Motion was made by Councilman Harvey to approve Items 6.1, 6.2 and 6.3 on the New Business Consent Agenda; second by Councilman Lazenby:

- 6.1 Consideration to Award Contract for Project 2008-06, Purchase of Fleet Replacement Vehicles for the Police Department to Low Bidder, the Texas Association of School Boards (TASB) Buy Board, in the Amount of \$71,719.00
- 6.2 Consideration to Award Contract for Project 2008-06, Purchase of Fleet Replacement Vehicles for the Public Works Department to Low Bidder, Planet Ford, in the Amount of \$140,281.00
- 6.3 Consideration to Adopt Resolution No. 2008-02, a Resolution Appointing Officers Who are Authorized to Sign on Behalf of the City for Banking and Other Monetary Transactions

Motion to approve Consent Items carried unanimously.

6.0 New Business:

- 6.4 Consideration was given to the appointment of a Representative to the Southeast Texas Housing Finance Corporation (SETH). Councilman Webb nominated Mayor Fagan for consideration, in addition to Mayor's recommendation to appoint H. G. Harrington. Vote was as follows:

Councilman Webb - Gretchen Fagan
Councilman Harvey - Gretchen Fagan
Councilman Driver - H. G. Harrington
Councilman Quinn - H. G. Harrington
Councilman Lazenby - H. G. Harrington

H. G. Harrington is re-appointed to a three-year term as the City's Representative to the Southeast Texas Housing Finance Corporation (SETH).

- 6.5 Motion was made by Councilman Quinn to accept the 2007 Audited Financial Results, a Clean and Qualified Opinion, as presented by Auditors, Sanderson Knox and Belt, LLP; second by Councilman Harvey.

Motion carried unanimously.

- 6.6 Motion was made by Councilman Webb to approve the Amendment to Development Agreement between the City of Tomball and Tomball Spring Creek Commons, L.P.; second by Councilman Quinn.

Motion carried unanimously.

- 6.7 Motion was made by Councilman Harvey to approve Request by CCG Venture Partners for Abandonment of an Unimproved 1 5-ft. Wide Road right-of-Way Adjacent to Hufsmith-Kohrville Road and to authorize Preparation of Road Right-of-Way Abandonment; second by councilman Webb.

Motion carried unanimously.

The Zoning Commission was called to order by Chairman Ben Thomas. Other members present were:

Commissioner Tague
Commissioner Ford
Commissioner Shannon
Commissioner O'Donnell
Commissioner Parker.

- 6.8 The Joint Public Hearing before City Council and Zoning Commission regarding a proposed Zoning Ordinance and Zoning District Map was called to order at 7:15 p.m. by Mayor Fagan.

The following comments were received during the public hearing:

- Jim Streiner
411 Fannin, 77375
- Zoning map is too complicated; Commission should reconsider and reduce the number of zone; Commission should remove all extraneous references; ordinance does not include oil, gas, and water management
- Ron Haffner
13415 Lost Creek, 77375
- Presentation of 207 signatures requesting Council to put issue on ballot
- Frank Minchew
- Question regarding Z7; requests Council to put issue on ballot
- Irvin Petrie
220 Southmore, 77375
- Requests property between Southmore and Laurelwood be zoned "office" or something with low traffic; requests Council to vote
- Monique Dermaux
2531 South Cherry, 77375
- Wants zoning for Tomball; Council should vote.
- Peggy Ford
930 Ag, 77375
- 20 signatures requesting Council to vote
- Dan Rodano
12125 Zion, 77375
- Council should put issue on ballot
- Lori Wallace
1821 South Cherry, 77375
- 10 signatures requesting Council to vote
- Brad Hallmark
28231 Camille, 77375
- 15 signatures requesting Council to vote
- Sam Shannon
823 Lizzie Lane, 77375
- 44 signatures requesting Council to vote
- Ralph Wager
21303 Park Bishop, Katy
Century Hydraulics
- Requesting that Snook Lane be zoned commercial

- David Dellwo
1322 Serene Trails, 77375 - 12 signatures requesting Council to vote
- Art Cole
29506 Liberty, 77375 - 27 signatures requesting Council to vote
- Roy Lackey
31530 Capella, 77375 - 26 signatures requesting Council to vote
- Carolyn Carriage
911 Scenic Trail, 77375 - Requested that Council vote
- Tina Salem
1310 Pine Trail, 77375 - 48 signatures requesting Council to vote
- Jeanette Matthews
218 Southmore, 77375 - 50 signatures requesting Council to vote
- H. G. Harrington
619 N. Magnolia, 77375 - 56 signatures requesting Council to vote
- Phillip O'Sullivan
16014 Birchview; owns
310 Holiday - Requested that Council change zoning to
current use as duplex on Holiday Street or
OTT; requested less restrictive non-
conforming use for more than 50% damage
and 6 months to begin reconstruction
- Fletcher Scott
13307 Lost Creek, 77375 - 33 signatures requesting Council to vote
- Mike Kelly
30630 Quinn, 77375 - 98 signatures requesting Council to vote
- Rick Tomlinson
1720 Baker - 21 signatures requesting Council to vote
- Derwood Kennedy
427 Moore - Requested that Council vote

Tana Ross
30722 Country Meadows - 623 signatures requesting Council to vote

Darlene Vanderslice
201 Holderrieth Blvd - Against zoning

Tom Crofoot
Neal Road, 77375 - Requested economic impact analysis

Clifford Parker
10715 Hufsmith, Hufsmith - Requested that Council put issue on ballot

(?) Link
12 Hollingham Lane,
Houston - Requested that Council put issue on ballot

Marilyn O'Neil
14235 Turnervine, 77375 - Requested that Council vote

Earle D. Oldham
610 Inwood - Requested that Council vote

Art DePue
15530 Brown, 77377 - Requested that Council put issue on ballot

Sharon (?)
200 North Poplar - Requested that Council vote

Pastor Holiday
401 South Chestnut 77375 - Requested that Council vote

Rodney Hutson
9430 Rosie, 77355 - Requested that Council put issue on ballot

Pat Bailey
1319 Dove Trails - Requested that Council vote

Samantha Heard
212 South Pine - Requested that Council vote

No more comments being presented, the public hearing was closed at 8:30 p.m. by Mayor Fagan. A short recess was called by Mayor Fagan at 8:30 p.m.

Upon reconvening in session at 8:40 p.m., the Zoning Commission deliberated regarding recommended changes to the zoning map, as presented by Craig Farmer, zoning consultant.

Motion was made by Commissioner O'Donnell to accept the changes to the zoning map as presented, including changing Z-51 to commercial; second by Commissioner Ford. Vote was as follows:

Commissioner Tague	-	Nay
Commissioner Shannon	-	Nay
Commissioner Ford	-	Aye
Commissioner O'Donnell	-	Aye
Commissioner Parker	-	Aye

Motion carried 3-2.

Motion was made by Commissioner O'Donnell to approve the final report as changed and to present the final report as the Zoning Commission's recommendation; second by Commissioner Tague.

Motion carried unanimously.

Motion was made by Commissioner Ford to adjourn; second by Commissioner Tague.

Motion carried unanimously.

Zoning Commission meeting adjourned.

The public hearing was closed at 8:50 p.m. by Mayor Fagan.

6.9 The Final Report from the Zoning Commission on the Zoning Ordinance and Map was presented to Council by Zoning Chairman Thomas.

6.10 Motion was made by Councilman Quinn to read Ordinance No. 2008-01, 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. 2008-01, An Ordinance of the City of Tomball, Texas, Adopting a Zoning

Ordinance for the City; Establishing and Providing Zoning Regulations; Creating Use Districts in Accordance with the Comprehensive Land Use Plan Approved by the City Council; Regulating Within Such Districts the Height of Buildings and Structures, the Size of Yards, Courts, and Open Spaces, and the Height, Bulk, and Use of Buildings and Land for Nonresidential, Residential and Other Purposes; Providing for Conditional Use Permits; Specifying Minimum Requirements for Off-street Parking of Motor Vehicles and Off-street Loading Areas; Providing Minimum Required Floor Areas for Dwelling Units; Regulating the Density of Dwellings and Other Structures and the Percentage of Each Lot that May be Occupied by Impervious Surfaces; Establishing the Basis for Creating a Building Site; Providing for Plan Approval Processes; Providing Fence and Wall Regulations; Adopting a Zoning District Map and Making It a Part of This Ordinance, Together with all Symbols, Markings and Tables Appearing on Said Map and Within the Ordinance; Creating a Planning and Zoning Commission; Defining the Powers and Duties of the Planning & Zoning Commission; Creating a Board of Adjustments; Defining the Powers and Duties of the Board of Adjustments; Providing for Non-Conforming Uses and a Method of Discontinuance Thereof; Defining Certain Terms as Used within This Ordinance; Providing for a Certificate of Occupancy and Compliance; Authorizing Publication of the Descriptive Caption and Penalty Clause; Providing for a Penalty Not to Exceed Two Thousand Dollars (\$2,000.00) for Each and Every Offense; Providing a Savings Clause; Preserving Rights in Pending Litigation Regarding Violations Under the Existing Ordinance; and Preserving Asserted Vested Rights; second by Councilman Quinn. 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.

- 6.11 The Public Hearing regarding Tomahawk Properties, Being a Subdivision of a 1.7854-Acre Tract, Joseph House Survey, A-34, being a Replat of Lot 7, Block 1, of Tomball Terrace, Corrected, as Recorded in Volume 114, Page 67, H.C.M.R., was called to order at 8:59 p.m. by Mayor Fagan.

The following public comments were received:

Harry Byrd

- 602 North Hickory - Opposed to approval of plat
- Christine Roquemore
602 N. Hickory - Opposed to approval of plat
- Trace Morrell
Haynes & Boone - Opposed to approval of plat
- Merritt Spencer
12403 Hammersmith - Plat was submitted without
commercial designation; support
for approval of plat

No additional comments being received, the public hearing was closed at 9:08 p.m. by Mayor Fagan.

- 6.12 Councilman Quinn advised that he would abstain from discussion and vote on Item 6.12 and had filed a conflict of interest statement with the City Secretary. Motion was made by Councilman Driver to Approve Plat, as Approved by the Planning Commission; second by Councilman Harvey:

- Tomahawk Properties (Located at Intersection of Baker and Hicks Streets)

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 4th day of February 2008.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor