

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JANUARY 16, 2012
6:00 P.M.**

1.0 Call to Order

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

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson
Councilman Hudgens

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Director of Public Works – David Kauffman
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Fire Marshal – Doug Sanguedolce
Chief-NWEMS – Brian Petrilla

2.0 The invocation was led by Chaplain Gary Crowe, Tomball Police Department

3.0 Pledges to U. S. and Texas Flags were led by Courtlynn Noack, Tomball High School Student Council Secretary.

4.0 The following public comments were received:

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| Jarmon Wolfe
504 Kane, 77375 | - Expressed his concerns regarding overgrown lots in the City and the banning of smoking in restaurants. |
| Nancy Nygaard
517 W. Main, 77375 | - Expressed her appreciation for the Tribune being the official newspaper for Tomball in 2011 and her support for the Tribune being designated the official newspaper for Tomball in 2012. |

5.0 Mayor Fagan presented a Proclamation declaring January 16, 2012 as “**CONCORDIA LUTHERAN CRUSADERS VARSITY FOOTBALL TEAM DAY**” to the team members and coaching staff.

6.0 Reports and Announcements:

- January 24, 2012 – **Boards and Commissions Recruitment Reception** – Community Center, 221 Market Street, Room B, from 5:30 p.m.-7:30 p.m.
- **Farmers Market** – Opening Day is February 4, 2012, 9 a.m.-1:00 p.m.
- February 4 through March 5, 2012 – Dates to File Application for Place on May 12, 2012 Ballot
- February 11, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- February 20, 2012 – Appointments to Board of Adjustments (Terms expiring 3/2/2012)
- February 21, 2012 – **Trail Rider Reception** at the Depot – 12:30 p.m.
- March 5, 2012 – Last Day to File Application for Place on May 12, 2012 Ballot – 5:00 p.m.
- March 10, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 15, 2012 – Candidate Orientation (tentative date)
- April 14, 2012 – **3rd Annual City of Tomball Bunny Run 5K and Kids 1K**
- April 14, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- April 16-20, 2012 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 21, 2012 – Annual **Tomball Clean-up Recycling Day**
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Jim Patton, Cobourn, Linseisen & Ratcliff, provided an update on the timeline for Brown Road;
 - Dale Conger, Cobb Fendley & Associates, provided an update on the timeline for Medical Complex;
 - David Zuhlke, LJA Engineering, provided an update on the timeline for M121W;
 - Christal Weber provided information regarding the City’s plans to communicate project progress to the public;

- Randy Parr provided an update regarding the City's progress on the documentation for the creation of the TVFD Incentive Retention Plan, approved by Council on October 10, 2011
- George Shackelford provided information regarding the first SH 249 Corridor Coalition Interim Board Meeting, which will be held at Magnolia City Hall, 18111 Buddy Riley Boulevard, Magnolia, TX, on January 17, 2012 at 6:30 pm.

7.0 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the minutes of the January 3, 2012 Regular Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Councilman Stoll advised that he would refrain from discussion and possible action on the Spring Pine Estates sidewalks portion and that he had filed a conflict of interest affidavit with the City Secretary. Lori Lakatos presented information regarding possible updates to the City Sidewalks (Country Meadows & Spring Pine Estates). Council requested additional information regarding the frequency of repairs to the sidewalks on Zion.

No action necessary.

9.0 New Business:

9.1 Mike Baxter presented information regarding the proposed request by Oilfield Helping Hands (OHH). Motion was made by Councilman Townsend, second by Councilman Brown, to approve Request by Oilfield Helping Hands for City Support and Co-Sponsorship for the 2012 Car Show at Depot Plaza, to be held on Saturday, March 10, 2012.

Motion carried unanimously.

9.2 Glenn Windsor introduced Nathan Krupke, Belt Harris & Pechacek representative, who presented the status and results of the Annual Financial Report for Fiscal Year Ending September 30, 2011.

No action necessary.

9.3 Doris Speer presented information regarding the proposed Resolution to designate the City's official newspaper for 2012. Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Resolution No. 2012-02, a Resolution of the City Council of the City of Tomball, Texas, Designating the Tomball-Magnolia Tribune as the Official Newspaper for 2012 for Publication of Matters Pertaining to the City of Tomball.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to hold the public hearing as posted, but to table any action on the Ordinances under Items 9.4 and 9.5 until the next regular Council meeting on February 6, 2012.

Motion to table consideration and possible action on Ordinance No. 2012-01 and Ordinance No. 2012-02, under Items 9.4 and 9.5, until the February 6, 2012 meeting carried unanimously.

Rodney Schmidt presented the staff report on **ZONING CASE P11-382**: Public hearing to consider a request by K.E. Jams Investments, Inc. to amend Section 45.2 (“Definitions”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by revising the definition of “Recreational Vehicle (RV) Park/Campground” to eliminate the maximum amount of time a recreational vehicle, travel trailer, or similar vehicle can reside, park, or lease space in a recreational vehicle park or campground.

Mike O’Brien, owner, presented information regarding his request to remove the time limit for recreational vehicles, travel trailers, etc.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-382** at 6:34 p.m.; the following public comments were received:

John C. Saunders
1402 S. Cherry #37, 77375

- Expressed his support to remove the 90-day maximum time limit from the zoning ordinance.

Sharon Lyn Koschel
1402 S. Cherry #24, 77375

- Expressed her support to remove the 90-day maximum time limit from the zoning ordinance.

Davie Koschel
1402 S. Cherry #24, 77375

- Expressed his support to remove the 90-day maximum time limit from the zoning ordinance.

Jac Horton
1402 S. Cherry #25-3, 77375

- Expressed his support to remove the 90-day maximum time limit from the zoning ordinance and provided copies of petition containing 188 signatures supporting removal of the time limit.

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| Sandra Susil
1402 S. Cherry #104, 77375 | - Expressed her support to remove the 90-day maximum time limit from the zoning ordinance. |
| Dave Thurmond
1402 S. Cherry #150, 77375 | - Expressed his support to remove the 90-day maximum time limit from the zoning ordinance. |
| John F. Holliday
1402 S. Cherry #23, 77375 | - Left; his support to remove the 90-day maximum time limit from the zoning ordinance was read into the record. |
| Richard Brunner
1402 S. Cherry, 77375 | - Expressed his support to remove the 90-day maximum time limit from the zoning ordinance. |
| Charlene Moore
1402 S. Cherry #5A, 77375 | - Expressed her support to remove the 90-day maximum time limit from the zoning ordinance. |
| Ralph E. Sterle
1402 S. Cherry #23A, 77375 | - Expressed his support to remove the 90-day maximum time limit from the zoning ordinance. |
| Louise Brock
1402 Cherry #32A, 77375 | - Expressed her support to remove the 90-day maximum time limit from the zoning ordinance. |
| Steve Colby
1402 S. Cherry, 77375 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record. |
| Charles Duman
1402 S. Cherry #12A, 77375 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record. |
| Jennifer Hinnant
1402 S. Cherry #125, 77375 | - Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record. |
| Mike Susil
1402 Cherry, 77375 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record. |

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| Brenda Lohr
1402 S. Cherry #262, 77375 | - Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record. |
| Clifford P. Lohr
25346 Gravel Run, 16403 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record. |
| Billy C. Fairchild
1402 Cherry, 77375 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record |
| Steven Fish
1402 S. Cherry, 77375 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record |
| Jody Fish
1402 S. Cherry, 77375 | - Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record |
| Henry Soniat
1402 S. Cherry #8A, 77375 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record |
| Eldon Alford
1402 S. Cherry #124, 77375 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record |
| Charles Cannizzaro
1402 S. Cherry, 77375 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record |
| Lee Huddleston
1402 S. Cherry, 77375 | - Did not wish to speak; requested that his/her support to remove the 90-day maximum time limit be read into the record |
| Helen Holliday
1402 S. Cherry #23 | - Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record |
| Jim Hays
20821 Eva St. #134, 77356 | - Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record |

Laurie Hays
20821 Eva St. #134, 77356

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Lois Brunner
1402 S. Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Roy Karnitz
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Mary Karnitz
1402 S. Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Nancy Lau
1402 S. Cherry #2A, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Norma Evans
1402 S. Cherry #122, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Valarie Rice
1402 S. Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Ian Walker
1402 S. Cherry #14, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Johnny Ray Besier
23548 Coons Road, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Alfred L. Koon
1402 S. Cherry #129, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Debra Koon
1402 S. Cherry #129, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Ann Williams
1402 Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Larry Williams
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Jo Clark
1402 S. Cherry #25B, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Lori Theriot
1402 S. Cherry #159, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Dave Bacon
1662 SE 135th, 67074

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Twyla Bacon
1662 SE 135th, 67074

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Fred Gosch
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Chad Kirkfield
P. O. Box 145, 39649

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Joedey Solberg
1402 S. Cherry, 77375

- Did not wish to speak; requested that her support to remove the 90-day maximum time limit be read into the record

Robert Solberg
1402 S. Cherry, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

David Hopkins
1402 S. Cherry #162, 77375

- Did not wish to speak; requested that his support to remove the 90-day maximum time limit be read into the record

Rebecca Hopkins - Did not wish to speak; requested that her
1402 S. Cherry #162, 77375 support to remove the 90-day maximum time
limit be read into the record

Receiving no further public comments, Mayor Fagan closed the public hearing at 7:34 p.m.

- **Tabled** - Adopt on First Reading, Ordinance No. 2012-01, an Ordinance of the City of Tomball, Texas, amending Its Comprehensive Zoning Ordinance by Amending Section 45.2 (“Definitions”) by Revising the Definition of “Recreational Vehicle (RV) Park/Campground” by Eliminating the Maximum Amount of Time a Recreational Vehicle, Travel Trailer, or Similar Vehicle can Reside, Park, or Lease Space in a Recreational Vehicle Park or Campground; 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.

- 9.5 **Tabled** - Adopt, on First Reading, Ordinance No. 2012-02, an Ordinance of the City Council of the City of Tomball, Texas, amending Section 46-22 (“Nonconforming Manufactured Home Parks and Recreational Vehicle Parks”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) by Removing any Reference to Recreational Vehicle Parks; amending Section 46-64 (“Technical and Physical Requirements”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) by Removing the Minimum Recreational Vehicle Unit Size, Removing the Requirement to have a Fence or Wall Constructed on the Two Sides and Rear of a Recreational Vehicle Park, Removing the Requirement that Recreational Vehicle Parking Pads be Constructed a Minimum of 20 Feet from an Adjacent Recreational Vehicle Unit Boundary and Replacing It with Language Allowing Recreational Vehicle Parking Pads to be a Minimum of 20 Feet Apart, and Removing the Requirement that Walkways be Constructed between the Recreational Vehicle Park Streets to all Community Facilities Provided for Park Residents and to all Service Buildings.
- 9.6 Lori Lakatos presented the proposed Plats. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the following Plats:

- **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC 3:** Being a Replat of Lots 469, 470, 471, 472, 473, 474, 475, and 476; Five Acre Tracts Tomball Townsite, Vol. 2, Pg. 65 H.C.M.R. A Subdivision of 40.2077 Acres out of the J. Pruitt Survey, Abstract No. 629, Harris County, Texas.
- **FINAL PLAT OF FNR LLC:** Partial Replat of all of Outlot 183 and part of Outlots 179, 180 and 184 of Tomball Townsite; Containing 11.0886 Acres; located in the J. Pruitt Survey, A-629. (*Plat previously named Drachman Interests*)

Motion carried unanimously.

- 9.7 David Kauffman presented proposed amendment to the current Policy. George Shackelford requested an amendment item 12 of the policy to read “No piñatas or water recreation activities allowed, unless for a special event, as approved by City staff or Council”. Motion was made by Councilman Dodson, second by Councilman Brown, to approve the proposed amendments to Administrative Policy No. 23, entitled “**PARK RESERVATION POLICY** (Railroad Depot Gazebo, Railroad Depot Plaza, Juergens Park, Jerry Matheson Park, Theis Attaway Nature Park)”.

Motion carried unanimously.

- 9.8 The City Council recessed at 7:46 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(s):

- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into regular session at 8:18 p.m., no action was taken.

- 10.0 Motion was made by Councilman Townsend, second by Councilman Hudgens, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 6 day of February 2012.

Doris Speer

Doris Speer, CMC, TRMC
City Secretary

Gretchen Fagan

Gretchen Fagan
Mayor