

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



MONDAY, MAY 17, 2010

7:00 P.M.

1.0 Call to Order

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

Councilman Stoll
Councilman Webb
Councilman Townsend
Councilman Driver
Councilman Quinn
Council-Elect Brown

Others present:

Interim City Manager – Christal Kliewer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Director of Engineering & Planning – Mark McClure
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette

2.0 The invocation was led by Pastor Rick Brown, Sr. Pastor, ChristBridge Fellowship Church

3.0 The pledges to U. S. and Texas Flags were led by Cooper Cason, member of the THS Student Council

4.0 Canvass of Election
Escrutinio de la Elección
Kiểm Phiếu của Cuộc Bầu Cử

The Canvass of the May 8, 2010 Election was presented by Mary Coats, Election Judge. *El escrutinio del la elección del 8 de mayo de 2010 fue presentado por Mary Coats, Juez Electoral.* Kiểm phiếu Cuộc Bầu Cử ngày 8 tháng Năm, 2010 do bà Mary Coats, Trưởng Ban Điều Hành Cuộc Bầu Cử trình bày.

- 4.1 Motion was made by Councilman Driver, second by Councilman Stoll, to Adopt Resolution No. 2010-07, a Resolution and Order Canvassing the Returns and Declaring the Results of the General Election Held on May 8, 2010
Fue presentada una moción por el Concejal Driver, secundada por el Concejal Stoll, para adoptar la Resolución Nro. 2010-XX, una Resolución y Orden de Escrutinio y Declaración de Resultados de la Elección General Celebrada el 8 de Mayo de 2010. Kiến Nghị do Nghị Viên Driver đề ra, Nghị viên Stoll ủng hộ, thông qua Nghị Quyết Số 2010-XX, một Nghị Quyết và Lệnh Yêu Cầu Kiểm Phiếu Bầu và Công Bố Kết Quả của Cuộc Bầu Cử Tổng Quát tổ chức ngày 8 tháng Năm, 2010.

Motion carried unanimously.
Moción aceptada por unanimidad.
Kiến nghị được nhất trí thông qua.

- 4.2 The Oath of Office was administered by Judge George Covington to Gretchen Fagan as the newly elected Mayor and to Rick Brown as the newly elected Councilman, Position 3.
El juramento al cargo fue administrado por el juez George Covington a Gretchen Fagan como la nueva Alcaldesa electa, y a Rick Brown como el nuevo Concejal electo para la posición 3.
Tuyên Thệ nhậm chức đã được Chánh Án George Covington tiến hành cho ông Gretchen Fagan vào chức vụ Thị Trưởng mới được bầu, và cho ông Rick Brown trong chức vụ Nghị viên, Vị trí 3, mới được bầu.

- 4.3 Councilman Stoll nominated David Quinn as Mayor Pro-Tem and Councilman Townsend nominated Mark Stoll as Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter. Nominations ceased and vote was as follows:

Councilman Quinn	<u>David Quinn</u>
Councilman Stoll	<u>David Quinn</u>
Councilman Brown	<u>David Quinn</u>
Councilman Townsend	<u>Mark Stoll</u>
Councilman Driver	<u>David Quinn</u>

Councilman Quinn was elected Mayor Pro-Tem.

El Concejal Stoll nominó a David Quinn como Alcalde Interino y el Concejal Townsend nominó a Mark Stoll como Alcalde Interino, en conformidad con la Sección 6.08 da la Carta Orgánica de Gobierno Local de la Ciudad de Tomball. Las nominaciones cesaron y la votación fue de la siguiente manera:

<i>Concejal Quinn</i>	<u><i>David Quinn</i></u>
<i>Concejal Stoll</i>	<u><i>David Quinn</i></u>
<i>Concejal Brown</i>	<u><i>David Quinn</i></u>
<i>Concejal Townsend</i>	<u><i>Mark Stoll</i></u>
<i>Concejal Driver</i>	<u><i>David Quinn</i></u>

El Concejal Quinn fue elegido Alcalde Interino.

Thành viên hội đồng Stoll đề cử David Quinn làm Quyền Thị Trưởng và Thành viên hội đồng Townsend đề cử Mark Stoll làm Quyền Thị Trưởng, chiếu theo Mục 6.08 của Hiến Chương Luật Lệ Thành Phố Tomball. Các đề cử đã kết thúc và bỏ phiếu bầu như sau:

Thành viên hội đồng Quinn	<u>David Quinn</u>
Thành viên hội đồng Stoll	<u>David Quinn</u>
Thành viên hội đồng Brown	<u>David Quinn</u>
Thành viên hội đồng Townsend	<u>Mark Stoll</u>
Thành viên hội đồng Driver	<u>David Quinn</u>

Nghị viên Quinn được bầu làm Quyền Thị Trưởng.

5.0 The following public comments were received:

- | | |
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| Lori Wallace
1821 S. Cherry Street, 77375 | - Requested Council's consideration for her reappointment to the Planning & Zoning Commission. |
| Tina Roquemore | - Requested Council's consideration to waive the tennis court reservation fee for special needs individuals |
| Bruce Hillegeist
29201 Quinn Road, Suite B, 77375 | - Thanked Bill Webb for his service to the City of Tomball, Judy Wilson for her desire to serve on Council, good voter turnout for the City election, and congratulated Rick Brown and Gretchen Fagan. |

7.0 Reports and Announcements:

- Quarterly Investment Report
- Hurricane Preparedness Week – May 23-29, 2010
- Report regarding scheduled opening dates and times for Jerry Matheson Swimming Pool
- May 20 and May 21, 2010 – Strategic Planning Workshops
- May 23-29, 2010 – Hurricane Preparedness Week
- June 12, 2010 – **Farmers Market**
- June 12, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- **Walk Tomball!** (Every Saturday at 8:00 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
- Christal Kliewer provided an update regarding platting of the depot area property; staff is still working on the cost estimate.
- Mayor Fagan introduced Kevin Frayler, who will deploy on July 12.
- Robert Hauck and Randy Parr provided information regarding the escort processional honoring Marine Cpl. Jeffrey Johnson on Tuesday, May 18. Mayor Fagan read an email from the Governor's office, advising that the U. S. and Texas flags may be flown at half-staff from Tuesday, May 18, through Friday morning, May 21, to honor Cpl. Johnson.

6.0 Presentations:

- Mayor Fagan presented a plaque to Councilman and Mayor Pro Tem Bill Webb, honoring his years of service (2007-2010)
- Mayor Fagan presented a proclamation to Randy Parr, Fire Chief, proclaiming the week of May 23 through 29, 2010 as Hurricane Preparedness Week.

8.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the minutes of the following meetings:

- Special City Council Meeting of April 29, 2010
- Special City Council Meeting of May 3, 2010
- Regular City Council Meeting of May 3, 2010
- Special City Council Meeting of May 7, 2010

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Driver, second by Councilman Brown, to reappoint Lori Wallace to the Planning and Zoning Commission.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Stoll, second by Councilman Driver to reappoint Jerald Till and Gary Smith to the Tomball Economic Development Corporation and to appoint Vincent O'Donnell and William Sumner to the Tomball Economic Development Corporation.

Motion carried unanimously.

- 9.3 Kelly Violette presented the staff report for **ZONING CASE P10-226**: Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5.3584 acres of land, legally described as Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249 Business, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District (Tomball Parkway Business Center)

- Mayor Fagan opened the Public Hearing on **ZONING CASE P10-226** at 7:30 p.m.; no public comments being received, the public hearing was closed at 7:30 p.m.
- Motion was made by Councilman Driver, second by Councilman Townsend, to read Ordinance No. 2010-10 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Brown, to Adopt on First Reading Ordinance 2010-10, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 5.3584 acres of land, Legally Described as Tract 2 out of the Sam Lewis Survey, Abstract Number 1704, Within the City of Tomball, Harris County, Texas, From the AG-Agricultural District to the C-Commercial District; Said Property Being Generally Located on the westerly side of State Highway 249 Business, Southerly of Alice 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. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

Motion carried, 4 votes Aye to 1 vote Nay.

- 9.4 Kelly Violette presented the staff report for **ZONING CASE P10-225**: Request by Pete Terpstra to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.3637 acres of land, legally described as Tracts 2B, 2Y-1, and 2Z out of the C.N. Pillot Survey, Abstract Number 632, within the City of Tomball, Harris County, Texas, Generally located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District

- Mayor Fagan opened the Public Hearing on **ZONING CASE P10-225** at 7:35 p.m.; no public comments being received, the public hearing was closed at 7:35 p.m.
- Motion was made by Councilman Townsend, second by Councilman Driver, to read Ordinance No. 2010-11 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to Adopt on First Reading Ordinance 2010-11, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 6.3637 acres of land, Legally Described as Tracts 2B, 2Y-1, and 2Z out of the C.N. Pillot Survey, Abstract Number 632, Within the City of Tomball, Harris County, Texas, From the AG-Agricultural District to the C-Commercial District; Said Property Being Generally Located between the south intersection of SH 249 Bypass (Tomball Expressway) and SH 249 Business, northerly of Holderrieth 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. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.5 Glenn Windsor presented an overview of the proposed Resolution to extend the PID agreement. Motion was made by Councilman Driver, second by Councilman Stoll, to Approve Resolution No. 2010-08, a Resolution Amending the Terms of the Development Agreement Establishing Public Improvement District (PID) No. 2 in the City of Tomball, Texas (Raleigh Creek).

Motion carried unanimously.

- 9.6 Councilman Stoll presented the request for the proposed waiver of the reservation fee for the tennis courts for special-needs individuals. Motion was made by Councilman Stoll, second by Councilman Townsend to waive the Tennis Court Reservation Fee for Tina Roquemore's daughter. Motion to limit the waiver period to one (1) year was made by Councilman Stoll, second by Councilman Townsend.

Motion, as amended, carried unanimously.

- 9.7 Doris Speer presented the request to participate in the Emergency Wrecker Rotation List. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the request by Apex Towing to Participate in the Emergency Wrecker Rotation List.

Motion carried unanimously.

- 9.8 Shawn Cox presented an overview of the proposed Walk. Motion was made by Councilman Townsend, second by Councilman Quinn to approve the request from RE/MAX Platinum for Support with their Susan G. Koman "Walk for the Cure", to be held on Saturday, May 22, 2010.

Motion carried unanimously.

- 9.9 Mark McClure presented an overview of the proposed Plat. Motion was made by Councilman Townsend, second by Councilman Stoll, to Approve **FINAL PLAT OF PARKWAY OASIS PARTIAL REPLAT NO. 1:** Being a subdivision of a 7.5797 Acre Tract of Land in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey, Abstract No. 375 City of Tomball, Harris County, Texas, 4 Lots, and 1 Block.

Motion carried unanimously.

- 9.10 Mark McClure presented an overview of the proposed Replat. Motion was made by Councilman Driver, second by Councilman Townsend, to Approve **TOMBALL CENTER III – B2, REPLAT NO. 2:** 7.8351 Acres, Being a partial Replat of Reserves "A" & "B" of Tomball Center III – B2, Replat No. 1, Film Code Number 625078 H.C.M.R. located in the Joseph House Survey, Abstract Number 34, Harris County, Texas, 1 Block, 2 Reserves.

Motion carried unanimously.

- 9.11 **EXECUTIVE SESSION:** The City Council recessed at 8:01 to meet in Executive Session, as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purposes:

- Section 551.071 – Consultation with Attorney Regarding a Demand for City Action by Gary Smith Related to a Slope Failure at 31422 Rigel Court
- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a City Manager
- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a Municipal Court Judge

Upon reconvening into Regular session at 8:37 p.m., no action was taken regarding the following items:

- 9.12 Consideration and Possible Action regarding a Demand for City Action by Gary Smith Related to a Slope Failure at 31422 Rigel Court.
- 9.13 Consideration and Possible Action Regarding the Appointment of a Interim Municipal Court Judge.
- 9.14 Consideration and Possible Action Regarding the Hiring/Employment, Duties and Responsibilities of a City Manager.

10.0 Motion was made by Councilman Driver, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of June 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor