

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



MONDAY, MAY 3, 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

Others present:

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

2.0 The invocation was led by Pastor Bobby Ferguson, Freewill Baptist Church

3.0 The pledges to U. S. and Texas Flags were led by James Liu and Danny Zepeda, members of the THS Student Council

4.0 The following public comments were received:

Latrell Shannon 823 Lizzie Lane, 77375	- Expressed her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206
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| Cassandra Blackshear-Bradley
911 Timkin Road, 77375 | - Expressed her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Rick Tomlinson
1720 Baker Drive, 77375 | - Expressed his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Paul Mladenka
1631 S. Persimmon, 77375 | - Expressed his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Peggy Ford
930 Agg Road, 77375 | - Expressed her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| John Ford
930 Agg Road, 77375 | - Expressed his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Corrine Bauer
14102 Limerick, 77375 | - Expressed her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |
| Robert Fontenot
14150 Carneswood, 77375 | - Did not wish to speak; however, asked that his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206, be read into the record. |
| Joy Fontenot
14150 Carneswood, 77375 | - Did not wish to speak; however, asked that her opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206, be read into the record. |
| Bill O'Neal (email) | - Asked that his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206, be read into the record. |
| Brett Tynes
824 Wilson Lane, 77375 | - Expressed his opposition to the approval of Ordinance No. 2010-07, Zoning Case P10-206 |

5.0 The following presentation was made by Mayor Fagan:

- Proclamation for “National Emergency Medical Services Week”, May 16-22, and “Emergency Medical Services for Children (EMSC) Day”, May 19
- Due to the absence of David Kauffman, Director of Public Works, the presentation of the Proclamation for “National Public Works Week – Above, Below and All Around You”, May 16-22 will be presented to Public Works staff at a later date.

6.0 Reports and Announcements:

- April 26-May 4 – **Early Voting** at City Hall
- May 6, 2010 – **Mayor's Coffee** – (New Location) **Bootsie's** – 5:30 p.m.-7:00 p.m.
- **May 8, 2010 – Election Day – General City Election at City Hall, 7:00 a.m.-7:00 p.m.**
- May 8, 2010 - **Farmers Market**
- May 8, 2010 - **2nd Saturday at the Depot**
- May 11, 2010 – Ceremony in Heritage Plaza, 9:00 a.m. to ***“Honor the Standing and the Fallen”***, honoring Law Enforcement personnel
- May 17, 2010 – Tomball Economic Development Corporation Appointments
- May 17, 2010 – Planning and Zoning Commission Member Appointments
- Hurricane Preparedness Week – May 23-29, 2010
- June 12, 2010 - **2nd Saturday at the Depot, 6:00 p.m.**
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Report by the Interim City Manager on the permitted use of Cross-linked Polyethylene (PEX) pipe and tubing in construction
- Reports by City staff and members of council about items of community interest on which no action will be taken

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

- Special City Council Meeting of April 19, 2010
- Regular City Council Meeting of April 19, 2010

Motion carried unanimously.

8.0 Old Business:

- 8.1 Mark McClure presented an overview of the proposed Request for the extension of water utilities to Pine Country Subdivision, Section One. Motion was made by Councilman Townsend, second by Councilman Drive, to Approve Request by the Owners of Pine Country Subdivision, Section One, for the Extension of City of Tomball's Water Main to Service Their Eight-Lot Subdivision.

Motion carried unanimously.

- 8.2 Kelly Violette presented a review of the proposed Ordinance for Zoning Case P10-206. Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt on Second Reading, Ordinance No. 2010-07, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 5.006 Acres of land, Legally Described as Tract 281, Tomball Outlots, of the Map Records of Harris County, Texas, from the SF-20-E Single-

Family Estate Residential-20 District to the LI - Light Industrial District; Said Property Being Located on the westerly side of South Persimmon Street, northerly of Agg 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>Nay</u>
Councilman Webb	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Nay</u>
Councilman Quinn	<u>Nay</u>

Motion to adopt Ordinance No. 2010-07 on second reading FAILED unanimously.

- 8.3 Kelly Violette presented a review of the proposed Ordinance for Zoning Case P10-208. Motion was made by Councilman Townsend, second by Councilman Driver, to Adopt on Second Reading, Ordinance No. 2010-08, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 2.456 Acres of land, legally described as Block 16 and Lots 25 through 36, Block 23, Tomball Townsite, within the City of Tomball, Harris County, Texas, from the SF-6 Single-Family Residential-6 District to the OT&MU - Old Town and Mixed Use District, said property being generally located on the westerly side of South Cherry Street, southerly of Fannin 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. Vote was as follows:

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

Motion carried unanimously.

- 8.4 Kelly Violette presented a review of the proposed Ordinance for Zoning Case P10-218. Motion was made by Councilman Townsend, second by Councilman Webb, to Adopt on Second Reading, Ordinance No. 2010-09, Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 38, Use Regulations, to add "Temporary Real Estate Field Office" and "Model Home" as Listed Uses; Amending Section 43.8, Temporary Buildings, to Rename the Section "Temporary Structures and Uses" and add Development Regulations for Such; Amending Section 45, Definitions, to add a New Definition for "Temporary Real Estate Field Office;" 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 Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Scott Bean, PID Contract Administrator, Hawes Hill Calderon, presented an overview of the proposed Development Agreement. Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Development Agreement between the City of Tomball and Zion Road Properties, LLC.

Motion carried unanimously.

- 9.2 Mark McClure presented an overview of the request by Klein Independent School District (KISD) for the extension of utility services. Motion was made by Councilman Townsend, second by Councilman Driver, to direct the City Manager to work with KISD to develop a written proposal and a draft contract between the City of Tomball and Klein Independent School District for the extension of utility services.

Motion carried unanimously.

- 9.3 Mark McClure presented an overview of the proposed capital improvement plan. Motion was made by Councilman Townsend, second by Councilman Driver to approve Rudolph Road and Utilities Capital Improvement Plan Project Amended Design Contract with O'Malley Engineers, LLC for \$55,000.00. Vote was as follows:

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

Motion carried, 3 Aye votes to 2 Nay votes.

- 9.4 Mark McClure presented an overview of the request for continued funding. Motion was made by Councilman Driver, second by Councilman Webb, to approve continued

funding for Professional Services on Existing Agreement with Lockwood, Andrews, and Newnam, Inc., in the Amount of \$449,974.00 and to Authorize Director of Engineering and Planning to Request that Harris County Flood Control District (HCFCD) Develop Interlocal Agreement for Further Council Consideration.

Motion carried unanimously.

Mayor Fagan called for a 10-minute break at 8:27 p.m.; upon reconvening at 8:34 p.m., the following items were considered:

- 9.5 Mark McClure presented an overview of the proposed Dedication of Easement. Motion was made by Councilman Driver, second by Councilman Townsend, to approve the Dedication of Easement from the City of Tomball to CenterPoint Energy Houston Electric, LLC, associated with City of Tomball Water Well No. 5 and 6 Sites.

Motion carried unanimously.

- 9.6 Approval of the Proposal from Cobb, Fendley and Associates for Landman and Appraisal Services Associated with the Tomball Hufsmith Water and Gas Improvements Project, in an Amount Not to Exceed \$103,250.00 was pulled from the agenda, as the request had been approved by Council on April 5, 2010.

- 9.7 Christal Kliwer led the Discussion regarding development standards and platting requirements for the Depot area. Consensus of Council was unanimous that City staff bring a proposal for Council's consideration and possible action on May 17, 2010 for a plan and the associated costs to plat the depot property.

- 9.8 **EXECUTIVE SESSION:** The City Council recessed at 8:44 p.m. to meet in Executive Session, as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purposes:

- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a City Manager

Upon reconvening into Regular session at 9:27 p.m., the following action was taken:

- 9.9 Motion was made by Councilman Townsend, second by Councilman Driver, to authorize the Mayor, Interim City Manager, and City Attorney to negotiate a contract and conditional offer of employment with the selected candidate for City Manager.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 17th day of May 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor