

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



MONDAY, JANUARY 4, 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 Quinn
Councilman Stoll
Councilman Townsend
Councilman Driver
Councilman Webb

Others present:

Acting City Manager – Christal Klierer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Chief of Police – Robert Hauck
Director of Engineering & Planning – Mark McClure
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette
Community Events Coordinator – Rosalie Dillon

2.0 The invocation was led by Pastor Denny Dillon, New Life Community Church

3.0 Pledges to U. S. and Texas Flags were led by members of Girl Scout Troop 14220

4.0 The following public comments were received:

Pat Bailey
1319 Dove Trails, 77375

- Expressed her appreciation to everyone who contributed to successful Boys and Girls Country skating events; presented t-shirts to Rep. Allen Fletcher and David Kauffman.

Mary Harvey
405 S. Walnut, 77375

- Provided information regarding requirements to place items on City Council agendas.

Michael Gatlin
31406 Capella Circle, 77375

- Item 6.0 – requested an analysis/breakdown of ice rink costs, public vs. private funding.
Item 9.1 – requested information regarding the reason for such a large budget amendment; how many earmarks are included.
Item 9.3 – handbook; suggested term limits on Planning and Zoning and Board of Adjustments

Judy Wilson
506 N. Pecan, 77375

- Expressed her appreciation to city volunteers for Christmas gifts to citizens and Boys and Girls Country.

5.0 Presentations:

- Christal Kliever presented a report on the status of the Depot Tree Project; site plan must be completed before project can proceed. Information regarding a consultant and contract for the site plan process should be on the next agenda for Council consideration and/or action; should be ready to proceed by March 2010.

6.0 Reports and Announcements:

- **Tomball Holiday Ice Rink at the Depot** – through January 10, 2010
- January 9 and 23, 2010 - **Farmers Market** - 9:00 a.m.-1:00 p.m.
- January 9, 2010 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 9, 16, 23 and 30, 2010 – **Walk Tomball!** – Depot Plaza – 9:00 a.m.
- February 8 through March 8, 2010 – Dates to File Application for Place on May 8, 2009 Ballot
- Comprehensive Plan website is now available online – <http://plantomball.com/index.html>
- Reports by City staff and members of council about items of community interest on which no action will be taken
- Appointments to Board of Adjustments (expiring 3/2/2010) – February 15, 2010 agenda

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the Special City Council Meeting of December 21, 2009, and the Regular City Council Meeting of December 21, 2009, as corrected.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Webb, to Adopt, on Second Reading, Ordinance No. 2009-34, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 0.0695 acres of land, Legally Described as Lot 34, Block 89 of Revised Map of Tomball, as Recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas, from the SF-6-Single-Family Residential-6 District to the D-Duplex Residential District; Said Property Being Located on the Easterly Side of Ash Street, Southerly of Timkin 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. The vote was as follows:

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Driver, second by Councilman Townsend, to Adopt on Second Reading, Ordinance No. 2009-35, an Ordinance of the City of Tomball, Texas, amending Its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to Tomball Hospital Authority (D/B/A Tomball Regional Hospital), to allow a Sixty-Five (65) Foot Tall Health Science Center in a General Retail District, Where a Maximum Height of Forty-Two (42) Feet is Permitted; Said Tract Being Located within the City in Zoning District GR-General Retail and Being Legally Described as Reserve A, Block 1 as Shown on the Final Plat of "Doctors Professional Office Building Subdivision," Generally Located on the northerly side of Graham Drive, easterly of Holderrieth Boulevard in Tomball, Texas; Providing requirements and conditions for this Conditional Use Permit; Containing findings and other provisions relating to the subject; Providing a penalty in an amount not to exceed two thousand dollars for violations hereof; and providing for severability. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Randy Parr presented an overview of the proposed Ordinance. Motion was made by Councilman Webb, second by Councilman Stoll, to read Ordinance No. 2010-01 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Driver, second by Councilman Stoll, to Adopt, on First Reading, Ordinance No. 2010-01, an Ordinance of the City of Tomball, Texas, Adopting **Amendment Number 1** to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2009-2010, as Adopted by Ordinance No. 2009-20; Providing for Appropriation of Funds from the Governmental Funds and the Proprietary Funds; Directing Publication of the Caption of this Ordinance; Finding that the Meetings at which this Ordinance is Considered are Open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing Other Details Relating to the Passage of This Ordinance. Vote was as follows:

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

Motion failed, 3 Nay votes to 2 Aye votes.

- 9.2 Doris Speer presented an overview of the proposed Resolution. Motion was made by Councilman Stoll, second by Councilman Quinn, to Approve Resolution No. 2010-01, Ordering a Regular City Officer's Election to be Held on the 8th day of May, 2010; Designating the Polling Places and Appointing Election Officials for such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of such Election.

Motion carried unanimously.

- 9.3 Doris Speer provided an overview of the proposed Revised Handbook. Motion was made by Councilman Stoll, second by Councilman Driver, to Approve Proposed Revisions to the City of Tomball Boards, Commissions, and Committees Handbook, with addition to page 14 to include statements that 'generally, Council will appoint members to no more than three consecutive terms on a single board', change to page 14 that 'applications will be good for two years', and changing asterisks throughout document to a, b, c, etc.. Vote was as follows:

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

Motion carried, 4 Aye votes to 1 Nay vote.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 18th day of January 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor