

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



MONDAY, FEBRUARY 1, 2016

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Stoll
Councilman Klein Quinn
Councilman Townsend
Councilman Degges

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Police Chief – Billy Tidwell
Marketing Director – Mike Baxter
Community Events Coordinator – Denise Fiore
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
CSO Administrative Assistant – Tracy Garcia
Chief-NWEMS – Brian Bayani
Detective – Kenneth Yoho

2.0 The invocation was led by Pastor Kevin Pieper, Salem Lutheran Church.

3.0 The pledges to U. S. and Texas Flags were led by Eric Jensen and Lucas Phillips, Members of the Tomball High School Student Council.

4.0 The following public comment was received:

Ray Duerer - Presented the 2015 Orion District Boy Scout
12719 Mossy Ledge, 77377 "Community Leader of the Year" Award to Mayor Fagan.

5.0 Reports and Announcements:

- Billy Tidwell, Chief of Police, presented the Pinning of Officers on behalf of the Tomball Police Department to:
 - Lieutenant Danny Arriaga
 - Lieutenant Bryan Hill
 - Officer Courtney White
 - Officer Gabriel Muñoz
 - PSO Keaka Lasoya
 - PSO Korey Orr
 - Dispatcher Hailey Dixon
- February 13, 2016 – **2nd Saturday at the Depot**
- February 19, 2016 – Last day to apply for Place on Ballot for the May 7, 2016 City General Election – 5 p.m. deadline
- February 23, 2016 – **Trailride Reception** – 12 Noon at the Depot
- February 24-25, 2016 – **Shattered Lives** Event – **Tomball High School**
- March 12, 2016 – **2nd Saturday at the Depot**
- April 9, 2016 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 20-21, 2016 – **Shattered Lives** Event – **Tomball Memorial High School**
- April 30-May 1, 2016 – **Rails & Tails Mudbug Festival** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the January 18, 2016 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Hudgens, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2016-01, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Reserve at Spring Lake Section Two Properties within the City of Tomball Public Improvement District Number Three; and Making Certain Findings Related Thereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 7.2 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2016-02, an Ordinance of the City Council of Tomball, Texas, Correcting the Assessment of Two Parcels of Land within the Tomball Public Improvement District Number 1, Established by Resolution No. 2007-14. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Request by Tomball High School Student Council for In-Kind Services from the City Police, Fire, and Public Works Departments, and to Waive Associated Fees for the 1st Annual "THS Color Run", a 5k Run/Walk Fundraiser, to be held on Saturday, March 5, 2016.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Request by Salem Lutheran School (Kids Caring for Kenya) for In-Kind Services from the City Police, Fire, and Public Works Departments, and to Waive Associated Fees for the 3rd Annual 5K/1K Fun Run, to be held on Sunday, April 24, 2016, to Raise Awareness and Fund to Help Fight Unnecessary Malaria Deaths in Kenya.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve and authorize the Improved Fire Department Structure and Promotions resulting from the Addition of a Third Fire Station and Three Full-Time Driver/Operator Positions.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the proposed revisions to Administrative Policy No. 32, entitled "*Volunteer Firefighter Compensation*".

Motion carried unanimously.

- 8.5 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to appoint Robert Maxwell as the City of Tomball Representative to the 249 Partnership Board of Directors.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2016-03, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to Negotiate an Electric Supply Agreement for Five Years for Deliveries of Electricity Effective January 1, 2018; Authorizing TCAP to Act as an Agent on Behalf of the City to Enter into a Contract for Electricity; Authorizing George Shackelford or Robert Hauck or Glenn Windsor to Execute an Electric Supply Agreement for Deliveries of Electricity Effective January 1, 2018 and Committing to Budget for Energy Purchases in 2018 through 2022 and to Honor the City's Commitments to Purchase Power for Its Electrical Needs in 2018 through 2022 Through TCAP.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to appoint Ms. Echo Coleman as Associate Municipal Court Prosecutor for the Tomball Municipal Court, with Term Beginning February 2, 2016 and Expiring December 31, 2016.

Motion carried unanimously.

- 8.8 Carl Graham, Scott Equipment representing Orbit Laundry, address Council regarding the request to reduce impact fees. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the request from Orbit Laundry to Reduce Impact Fees by \$90,000.

Motion was made by Councilman Townsend to postpone consideration of the request from Orbit Laundry to Reduce Impact Fees by \$90,000. Motion died due to lack of second.

Motion was made by Councilman Townsend, second by Councilman Stoll, to withdraw the motion to postpone consideration of the request from Orbit Laundry to Reduce Impact Fees by \$90,000.

Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Nay</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion to approve FAILED, 4 votes Nay, 1 vote Aye.

- 8.9 Council recessed at 7:32 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. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding pending litigation, to wit: C.A. No. 4:14-CV-3572; David Kaufman v. City of Tomball; In the United States District Court for the Southern District of Texas, Houston Division

Upon reconvening in regular session at 8:34 p.m., no action was taken.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of February 2016.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor