

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



MONDAY SEPTEMBER 20, 2010

7:00 P.M.

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

Councilman Dodson
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Quinn

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Scott Bounds
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Director of Public Works – David Kauffman
Assistant to City Manager – Shawn Cox
Director of Engineering and Planning – Mark McClure
Assistant City Engineer – Lori Lakatos
Chief, Northwest EMS - Brian Petrilla

2.0 Invocation

- Led by Chaplain Steve Allison, VFW Post 2427

3.0 Pledges to U. S. and Texas Flags

- Led by Members of Tomball High School Student Council Members - Anna Liu, Parliamentarian, and Mansi Baxi, Committee Chair

4.0 The following public comments were received:

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| Mary Harvey
405 S. Walnut, 77375 | - Expressed her support for the German Christmas Market and special standing reservations for the tennis courts at Matheson Park. |
| Rosalie Dillon
14166 Turnervine, 77375 | - Thanked City Council, City staff, and volunteers for successful 2 nd Saturday event on September 11 |
| Joe Myrick
552 FM 3083, 77375 | - Expressed his opposition to President Obama and the current federal government policies, immigration, open borders, drug cartels, and past City Council decisions. |
| Mark Degge
30619 McKinney, 77375 | - Expressed his opposition to the day labor site, socialism, communism, and ethics violations; requested Mayor Fagan's resignation. |
| Mary Lu Wiley
14120 Carneswood, 77375 | - Expressed her concerns regarding events that do not meet the requirements for HOT funds. |
| Tina Salem
(email) | - Her email requesting that standing reservations at the tennis courts at Matheson Park to be granted to the tennis league to which she belongs was read into the record. |

5.0 Presentations:

- Presentation regarding Type B Sales Tax Corporations was given by Betty Reinbeck.
- Shawn Cox presented information regarding the 4th Annual Mayor's Challenge Community Blood Drive. Mayor Fagan presented to the Mayor's Trophy Cup to the Public Works Department, Winners of the 4th Annual Mayor's Challenge Community Blood Drive.

6.0 Reports and Announcements:

- September 25, 2010 – **Farmers Market** – 8:00 a.m.
- October 9, 2010 – **2nd Saturday at the Depot, 5:00 p.m.**
- October 9 and 23, 2010 – **Farmers Market** – 8:00 a.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
 - Mark McClure presented information regarding the City of Tomball's Comprehensive Plan – Vision 2030, which has been awarded the 2010 Comprehensive Planning Award by the Texas Chapter of the American Planning

Association (APA). Texas APA planning awards recognize individuals, organizations and communities for outstanding contributions to planning in Texas. Tomball's Comprehensive Plan was adopted in December 2009 after a year-long community involvement process that included more than 1,700 citizens, stakeholders, business owners, elected/appointed officials, consultants and City staff. The award will formally be presented to the City at the 2010 APA Texas Chapter Annual Conference on October 8, 2010 in San Antonio.

- Robert Hauck and David Kauffman presented an update on the School Zone Flasher Project.
- George Shackelford presented information regarding the Railroad Commission of Texas – Pipeline Safety Evaluation.

- 7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the Regular City Council Meeting of September 7, 2010.

Motion carried unanimously.

- 8.0 New Business:

- 8.1 Betty Reinbeck presented an overview of the proposed Budget. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Tomball Economic Development Corporation (TEDC) 2010-2011 Fiscal Year Budget.

Motion carried unanimously.

- 8.2 Shawn Cox presented an overview of the proposed Request. Motion was made by Councilman Dodson, second by Councilman Brown, to approve Request from the Tomball Sister City for Support, Funding, and Road Closures for the 3rd Annual Tomball German Christmas Market and 2nd Saturday, to be held December 10-12, 2010.

Motion carried unanimously.

- 8.3 Doris Speer presented an overview of the proposed Resolution. Motion was made by Councilman Dodson, second by Councilman Townsend to approve Resolution No. 2010-19, a Resolution of the City Council of the City of Tomball, Texas for the Designation of Representative and Alternate for the Houston-Galveston Area Council 2010 General Assembly, designating Councilman Townsend as the Representative and Councilman Stoll as the Alternate.

Motion carried unanimously.

- 8.4 Glenn Windsor presented an overview of the proposed Resolution. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Resolution No. 2010-20, a Resolution of the City of Tomball, Texas, Adopting the City of Tomball's Investment

Policy, as Set Out in City of Tomball Administrative Policy No. 13, Entitled "Investment Policy."

Motion carried unanimously.

- 8.5 Glenn Windsor Presented the 2010 Effective Tax Rate to the City Council. No action necessary.

- 8.6 Glenn Windsor presented an overview of the proposed Tax Rate. Motion was made by Councilman Dodson, second by Councilman Stoll, to Ratify the FY 2011 Budget and Find that the proposed Tax Rate of \$.251455/\$100 Generates Less Property Tax Revenue than the FY 2010 Budget.

Motion carried unanimously.

- 8.7 Glenn Windsor presented an overview of the proposed Debt Service Fund. Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt \$0.140000 as the Portion of the Tax Rate for the Interest and Sinking (Debt Service) Fund for FY 2010.

Motion carried unanimously.

- 8.8 Glenn Windsor presented an overview of the proposed M & O. Motion was made by Councilman Townsend, second by Councilman Brown, to adopt \$0.111455 as the Portion of the Tax Rate to Fund Maintenance and Operations (M&O) for FY 2011.

Motion carried unanimously.

- 8.9 Glenn Windsor presented an overview of the proposed Ordinance. Motion was made by Councilman Brown, second by Councilman Dodson, to read Ordinance No. 2010-20 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on First Reading, Ordinance No. 2010-20, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.251455/\$100 Value Assessed for the Year 2010 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. Vote was as follows:

Councilman Townsend

Aye

Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

- 8.10 Mark McClure and Lori Lakatos presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2010-16 by caption only on first reading.

Motion carried unanimously.

Council requested amendments to the ordinance to add to Section 38-30(c) that, following the decision of the board, the applicant should be notified of their right to appeal the decision, and to add to Section 38-6(b) that “the City Engineer may, with approval of City Council by resolution, designate certain areas to be flood-prone based on flood history or other characteristics that indicate a potential for future flooding events”. Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance Number 2010-16, as amended, an Ordinance amending the Code of Ordinances of the City of Tomball, Texas, by Deleting all of Chapter 38 Thereof and Substituting Therefore a New Chapter 38; Providing Rules and Regulations Designed to Prevent Damage to Property and Injury to Persons Resulting from Flooding; Providing a Penalty in an Amount not to exceed \$2,000 for Each Day of Violation of any Provision Hereof; and Providing for Severability. Vote was as follows:

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

Motion to adopt Ordinance No. 2010-16, as amended, carried unanimously.

- 8.11 Rob Hauck presented an overview of the proposed Authorization. Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize Substitute Position Authorities to Cover Vacancies created by unfilled Police Officer Positions and Long-term Absence of Tomball Police Officer, Paul Overcast.

Motion carried unanimously.

- 8.12 David Kauffman presented an overview of the proposed Contract. Motion was made by Councilman Brown, second by Councilman Stoll, to award Contract for Janitorial

Services for City of Tomball Facilities for the 2010-2011 Fiscal Year to Low Bidder, Phillips Cleaning Services, LLC.

Motion carried unanimously.

- 8.13 David Kauffman presented an overview of the proposed amendment. Motion was made by Councilman Stoll, second by Councilman Brown to approve amendment to Administrative Policy #24, Entitled "*Tennis Court Reservation Policy*." Revisions to the proposed amendments were requested by Council, to allow reservation of four courts at one time, to limit reservations to four months at a time, to restrict reservations to three months in advance, to limit reservations per court to three hours, and to increase non-resident league fees to \$170.00. Council also requested that notice be sent to special-needs users regarding the changes in the reservation policy. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the amendments to Administrative Policy #24, as revised by Council.

Motion carried unanimously.

- 8.14 Mark McClure presented the Capital Improvements Plan Advisory Committee (CIPAC) recommendation for the Mayor to Issue the Certificate of Compliance Letter to the Texas Attorney General Regarding Compliance with Chapter 395 of the Texas Local Government Code. Motion was made by Councilman Stoll, second by Councilman Brown, to receive the CIPAC recommendation.

Motion carried unanimously.

- 8.15 Mark McClure presented an overview of the proposed Compliance Letter. Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the Mayor to Issue the Certificate of Compliance Letter to the Texas Attorney General Regarding Compliance with Chapter 395 of the Texas Local Government Code.

Motion carried unanimously.

- 8.16 Mark McClure presented an overview of the proposed Change Orders. Motion was made by Councilman Townsend, second by Councilman Stoll to consider and vote on the Change Orders separately.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Brown, to approve Change Orders No. 1 for \$59,320.00 for the Quinn Road Sidewalks and Utilities Project, Engineering and Planning Project No. 2007-10005, Project Bid No. 2010-01.

Motion FAILED unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll to table consideration of Change Order, pending additional information regarding the contract and Change Order #1, to be provided at the October 4, 2010 meeting.

Motion carried unanimously.

Motion was made by Councilman Dodson to table consideration of Change Order #2; motion was withdrawn.

Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Change Order No. 2 for \$29,030.00 for the Quinn Road Sidewalks and Utilities Project, Engineering and Planning Project No. 2007-10005, Project Bid No. 2010-01.

Motion carried unanimously.

- 8.17 The City Council recessed at 9:27 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:

- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into open session at 9:39 p.m., no action was taken.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Stoll, for adjournment.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 4th day of October 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor