

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



TUESDAY, SEPTEMBER 2, 2014

6:00 P.M.

1.0 Call to Order

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

Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Excused Absence: Mayor Fagan - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Director of Public Works – David Kauffman
Marketing Director – Mike Baxter
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
Finance Director – Glenn Windsor
Executive Director-TEDC – Kelly Violette

2.0 Invocation was led by the Reverend Thomas Hopper, St. Anne's Catholic Church

3.0 Pledges to U. S. and Texas Flags were led by Randy Parr.

4.0 No public comments were received.

5.0 Reports and Announcements:

- **Tomball City Pool - 2014 Swim Season - Jerry Matheson Park Pool** closed on September 1, 2014.
- September 13, 2014 – **2nd Annual “New Life” 5K and Kid’s Walk Fundraiser** (Tomball Pregnancy Center and Salem Lutheran)
- September 13, 2014 - **2nd Saturday at the Depot - “Barnyard”** - 6:00 p.m.
- September 27, 2014 – **4th Annual Bugs, Brew & Barbeque Festival**
- October 7, 2014 – **Mayor’s Coffee, Cisco’s Salsa, Sol de Luna** – 5:30 p.m.-7:00 p.m.
- October 11, 2014 - **2nd Annual “Sherine’s Stride” 5K Run and 1-Mile Kids Run for Breast Cancer Awareness**
- October 20-31, 2014 – Early Voting for **November 4, 2014 Local Option Election**
- October 25, 2014 – **3rd Annual Tomball Bluegrass Festival**
- **November 4, 2014 (Tuesday) – Local Option Election, City Hall, 7:00 a.m.-7:00 p.m.**
- November 8, 2014 – **6th Annual 5K Tomball Dash** (Woodforest Bank)
- **Walk Tomball!** – Every Saturday at 8:00 a.m. at the Depot – **NOTE: Beginning September 6, walk will begin at 9:00 a.m.**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter presented a report on the success of the **Texas Music Festival**.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the August 18, 2014 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, **Ordinance No. 2014-23**, an Ordinance of the City of Tomball, Texas, Establishing an Emergency Management Program by Amending Chapter 22, Emergency Management, by Deleting Chapter 22 in Its Entirety and Adopting a New Chapter 22, Emergency Management; Establishing Program Response and Recovery Phase of Comprehensive Emergency Management; Acknowledging the Office of Emergency Management Director; Authorizing the Appointment of an Emergency Management Coordinator; and Providing for the Duties and Responsibilities of those Offices; Identifying an Operational Organization; Granting Necessary Powers to Cope with All Phases of Emergency Management which Threaten Life and Property in the City of Tomball; Authorizing Cooperative and Mutual Aid Agreements for Relief Work between This and Other Cities or Countries and for Related Purposes; Repealing Ordinance No. 92-16, Passed, Approved and Adopted on October 19, 1992; Providing for Severability; and Making Other 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 Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2014-25, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2014-2015; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2013-2014 Fiscal Year in Accordance with Actual Expenditures; and Providing other Details Relating to the Passage of This Ordinance. 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.

- 7.3 Motion was made by Councilman Degges, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2014-27, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance, by Approving a Planned Development (PD) District of Approximately 39.4 Acres of Land, Legally Described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt; within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be Known as PD District #7 (PD-7); Adopting a Concept Plan and Regulations Applicable to PD-7; 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 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.

- 7.4 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2014-28, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, Within the Corporate Limits of the City

of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance. 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 Stoll, second by Councilman Degges, to Ratify the FY 2014-2015 Budget and Find that the Proposed Tax Rate of \$.341455/\$100 of Value Does Not Exceed the Effective Tax Rate and Will Generate Less Property Tax Revenue than the FY 2013-2014 Budget.

Motion carried unanimously.

- 8.2 Mayor Pro Tem Hudgens announced that no Public Hearings on the Proposed Tax Rate for 2014 will be required.

No action necessary.

- 8.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve a Long-Term Use Agreement between the City of Tomball and Tomball Farmers Market Allowing Tomball Farmers Market to Use City of Tomball Property Located at 105-A Cherry Street.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to cast Ballot for Place 1 – Robert T. Herrera, Place 2 – John W. Fullen, Place 3 – George Shackelford, and Place 4 – Peter Vargas, for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees (TML-IRP).

Motion carried unanimously.

- 8.5 Motion was made by Councilman Degges, second by Councilman Klein Quinn, to approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2014-2015 Budget

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, as a Project of the Corporation, an agreement with Advanced Pressure Systems, L.P., to make direct incentives to or expenditures for equipment expansion for the creation and retention of primary jobs for Advanced Pressure Systems. The estimated amount of expenditures for such project is \$22,500.00.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the First Amendment to Economic Development Agreement between the Tomball Economic Development Corporation and Inline Services, Inc. for additional funding of \$21,129.00.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Degges, second by Councilman Stoll, to approve, as a Project of the Corporation, an agreement with Compass Instruments, LLC, to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the relocation and development of a manufacturing facility located at 321 South Persimmon Street, Tomball, TX. The estimated amount of expenditures for such Project is \$45,000.00.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the Assignment of Development Agreement regarding the Assignment of Annual Assessment Collections for PID No. 1, Pine Country of Texas.

Motion carried unanimously.

- 8.10 Motion was made by Councilman Degges, second by Councilman Townsend, to approve and authorize the City Manager to Execute the Pipeline Relocation/Reimbursement Agreement with Tortuga Operating Company ("Tortuga"), in the Amount of \$85,199.00.

Motion carried unanimously.

- 8.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Live Oak Center; A Subdivision of land containing 0.3335 acre, more or less, being a Replat of all of Lot 4, the adjoining 3.30 feet of Lot 3, and the adjoining south 10' of a 200' wide alley, in Block 10, of Main Street Addition, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 15, Page 43 of the map records of Harris County, Texas.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-26 by Caption only.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2014-26, an Ordinance of the City of Tomball, Texas, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2013-12 and All Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing Other Matters Relating to the Subject; and Providing for Severability. 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.

- 8.13 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2014-17, a Resolution of the City of Tomball, Texas, adopting the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy".

Motion was made by Councilman Townsend, second by Councilman Stoll, to TABLE consideration of Resolution No. 2014-17, a Resolution of the City of Tomball, Texas, adopting the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy" to the September 15, 2014 Council meeting, in order to obtain information regarding brokerage CDs and off-shore banking.

Motion to **TABLE** carried unanimously.

- 8.14 Council recessed at 6:41 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. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter of Potential Litigation that the Duty of the Attorney Requires be Held in Closed Session
- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening in regular session at 7:32 p.m., the following items were considered and action taken:

Motion was made by Councilman Townsend, second by Councilman Stoll, to remove Items 8.15, 8.16, and 8.17 from the table.

Motion to remove from table carried unanimously.

- 8.15 Motion to Amend was made by Councilman Townsend, second by Councilman Stoll, “that the City of Tomball authorize the use of the power of eminent domain to acquire the 3.608 acre right-of-way for drainage purposes, owned by James Midkiff for the M121 Drainage Project”, and to approve Resolution No. 2014-02, a Resolution of the City Council of the City of Tomball, Texas Determining that a 3.608 Acre Tract of Land is Needed for Use as a Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings, with amending language in Resolution No. 2014-02, paragraph 1, line 3, from “in the City of Tomball” to “for the City of Tomball”. Vote was as follows:

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

Motion as AMENDED carried, 3 votes Aye, 2 votes Nay.

- 8.16 Motion to Amend was made by Councilman Degges, second by Councilman Stoll, “that the City of Tomball authorize the use of the power of eminent domain to acquire the 8.288 acre right-of-way for drainage purposes, owned by Carolyn Ann Lang for the M121 Drainage Project”, and to approve Resolution No. 2014-03, a Resolution of the City Council of the City of Tomball, Texas, Determining that 8.288 Acre Tract of Land is Needed for Use as a Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings, with amending language in Resolution No. 2014-02, paragraph 1, line 3, from “in the City of Tomball” to “for the City of Tomball”. Vote was as follows:

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

Motion as AMENDED carried, 3 votes Aye, 2 votes Nay.

- 8.17 Motion to Amend was made by Councilman Degges, second by Councilman Stoll, “that the City of Tomball authorize the use of the power of eminent domain to acquire the 3.001 acre right-of-way for drainage purposes, owned by Martha J. Michel, Trustee of Michel Family Irrevocable Trust for the M121 Drainage Project”, and to approve Resolution No. 2014-21, a Resolution of the City Council of the City of Tomball, Texas,

determining that 3.001 Acre Tract of Land is Needed for Use as a Drainage Channel as Part of the M121 Drainage Channel as Part of the M121 Drainage Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings, with amending language in Resolution No. 2014-02, paragraph 1, line 3, from “in the City of Tomball” to “for the City of Tomball”. Vote was as follows:

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

Motion as AMENDED carried, 3 votes Aye, 2 votes Nay.

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 September 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor