

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, AUGUST 19, 2013
6:00 P.M.**

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Fire Chief – Randy Parr
Director of Public Works – David Kauffman
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
IT Director – Doug Tippet
Assistant City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Raul Reyes

2.0 Invocation

- Led by Dr. Mary Beth Gaertner, Principal Salem Lutheran School

3.0 Pledges to U. S. and Texas Flags

- Led by Raul Reyes, Chief-NWEMS

4.0 The following public comments were received:

- | | |
|---|--|
| Dawson Duerer
12719 Mossy Ledge Dr., 77377 | - Presented draft of final report on his Eagle Scout project to City Council. |
| Rachel Slack
521 W. Hufsmith, 77375 | - Expressed her opposition to proposed BMX park if located near Hufsmith and Ulrich. |
| Debra Slack
501 W. Hufsmith, 77375 | - Expressed her opposition to proposed BMX park if located near Hufsmith and Ulrich. |

5.0 Reports and Announcements:

- **August 27-30, 2013** – City Pool is Closed for the Season
- **August 31-September 2, 2013** – City Pool is Open for Labor Day Weekend
- September 3, 2013 at 6:00 p.m. – **Public Hearing on Proposed Tax Rate**
- September 9, 2013 at 5:00 p.m. – **Public Hearing on Proposed Tax Rate**
- September 14, 2013 – Second Saturday at the Depot – 6:00 p.m.
- September 28, 2013 – **Bugs, Brew & Barbecue, VW Show and MusicFest** – 9:00 a.m.-6:00 p.m.
- October 26, 2013 – **Tomball Bluegrass Festival** – 11:00 a.m.-7:00 p.m.
- November 2, 2013 – **Diesels & Easels Art Festival** – 10:00 a.m.-6:00 p.m.
- November 19, 2013 – **20th Anniversary of Lone Star College-Tomball**
- **Walk Tomball!** – Every Saturday at 8:00 a.m. at the Depot
- Reports by City staff, members of Council, and others about items of community interest on which no action will be taken:
 - Glenn Windsor presented the Quarterly Investment Report for Period Ending June 30, 2013 - The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On June 30, 2013, the City had total cash equivalents and investments totaling \$51,221,643. A copy of the report was attached for review.
 - Glenn Windsor introduced the new Finance employees:
 - Phoebe Briseño, Accountant
 - Kristin Kelley, Accounts Payable Clerk

- Craig Meyers introduced the new Community Development Employee:
 - Robert Pemberton, Building Inspector
- George Shackelford announced that Christal Weber, Assistant City Manager, had accepted the Assistant City Manager position in Lee's Summit, Missouri, effective August 23, 2013.

6.0 Motion was made by Councilman Stoll, second by Councilman Dodson, to approve the Minutes of the August 5, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2013-10, an Ordinance of the City of Tomball, Texas, Adopted in Accordance with Section 2.05 of the City Charter, Establishing a Charter Review Commission to Study the Charter and to Review and Consider Proposed Amendments to the City Charter; Providing for the Selection Of Thirteen (13) Members to Comprise the Charter Review Commission and for the Manner of Selection and Period of Service of Such Members; Providing for a Schedule for Submission of Proposed Charter Amendments to the Voters; Providing for Procedures for the Conduct of the Business of the Charter Review Commission; Containing Recitations; 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 Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

7.2 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading Ordinance No. 2013-11, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2013-2014; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2012-2013 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2013-12, 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. 2012-24 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

- 7.4 Mayor Fagan announced that the applicant was unable to attend the meeting and that Consideration to Adopt, on Second Reading, Ordinance No. 2013-13, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision) would be postponed to the September 3, 2013 Council meeting.

8.0 New Business:

- 8.1 Motion was made by Councilman Dodson, second by Councilman Hudgens, to Ratify the FY 2013-2014 Budget and Find that the Proposed Tax Rate of \$0.341455/\$100 Generates LESS Property Tax Revenue than the FY 2012-2013 Budget.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Hudgens, second by Councilman Townsend, to Set and Announce that the Dates for the Public Hearings on the Proposed Tax Rate for 2013 will be September 3, 2013 at 6 p.m. and September 9, 2013 at 5 p.m.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Dodson, second by Councilman Stoll, to Appoint the Following Individuals as Members of the Charter Review Commission and to Designate Steven Vaughan as Commission Chairman:

Richard Anderson
Lori Ball
Will Benson
Patricia Brautigam
Chad Degges
John Lynch
Gloria Monzingo
Kit Pfeiffer
Tina Salem
Latrell Shannon
William Sumner, III
Steven Vaughan
Mark Walicki.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Brown, second by Councilman Dodson, to Reappoint Latrell Simmons Shannon to Position 2 and to Appoint William "Rick" Pritchett to Position 4 on the Tomball Regional Health Foundation, with terms expiring September 1, 2015.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Hudgens, second by Councilman Brown, to approve Resolution No. 2013-23, a Resolution of the City Council of the City of Tomball, Texas, nominating Ed Heathcott as a Candidate for a Position on the Board of Directors of the Harris County Appraisal District. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Nay</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2013-24, a Resolution of the City Council of the City of Tomball, Texas, Adopting Procedures and Requirements to Appoint Council Representatives to Boards for which City of Tomball has no Oversight

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Resolution No. 2013-25, 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 carried unanimously.

- 8.8 Motion was made by Councilman Hudgens, second by Councilman Dodson, to move that the City of Tomball authorize the use of the power of eminent domain to acquire the 0.345 acres of land owned by Mary Radcliffe for the Raleigh Creek Utility Line Project and to approve Resolution No. 2013-26, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed for the Completion of the Raleigh Creek Utility Line Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings (Mary Radcliffe, 0.345 Acres).

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 4 votes Aye, 1 votes Nay.

- 8.9 Mayor Fagan opened the Public Hearing at 6:36 p.m. to consider approval of **ZONING CASE P13-106**: Request by Joel Bode, on behalf of Concordia Lutheran High School of North Harris County, to amend Section 43.8 ("Temporary Structures & Uses") of the City's Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing denominational schools to utilize temporary buildings under certain conditions.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:36 p.m.

Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2013-14 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Brown, to adopt, on First Reading, Ordinance No. 2013-14, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 43.8 ("Temporary Structures & Uses") Allowing Denominational Schools to

Utilize Temporary Buildings Under Certain Conditions; 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

- 8.12 Mayor Fagan opened the Public Hearing at 6:51 p.m. to consider approval of **ZONING CASE P13-114**; Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 34.6.E.1 (“Additional Off-Street Parking Space Requirements”) to require that residential developments in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion shall provide off-street parking stalls in accordance with Section 38 of the Tomball Comprehensive Zoning Ordinance.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:51 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-15 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2013-15, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 34.6.E.1 (“Additional Off-Street Parking Space Requirements”) to Require that Residential Developments in the OT & MU - Old Town & Mixed Use District for that Portion of the Old Town Area Bounded by Fannin Street, Houston Street, the Railroad Tracks, and Pine Street, and Including the Lots that Front on Fannin Street and Houston Street Adjacent to such Portion shall Provide Off-Street Parking Stalls in Accordance with Section 38 of the Tomball Comprehensive Zoning Ordinance; 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>Nay</u>
--------------------	------------

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

Motion carried, 4 votes Aye, 1 vote Nay.

9.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of September 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor