

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, AUGUST 5, 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 Jeff Presnal, President, Armor of God Military Ministry

3.0 Pledges to U. S. and Texas Flags

- Led by Courtlynn Noack and Allison Pace, Tomball High School Student Council Members

4.0 No public comments were received.

5.0 Presentations:

- Mayor Fagan presented Certificates of Appreciation to the Sponsors of ***Tomball Kids Club – H-E-B, Buffalo Wild Wings, Cisco’s Salsa Company, Salem Lutheran Ministries, Tomball Bible Church, Redeemer Church, Carrie Whillock, Tomball High School Student Council, Football, and Cheerleaders, Tomball Public Works Department, Tomball Fire Department, Tomball Police Department, Waste Corporation of America, and Northwest EMS***
- Mayor Fagan presented the ***2013 Comptroller’s Transparency Award*** – Gold Level Award for Financial Transparency to Glenn Windsor, Finance Director
- Mike Baxter presented the ***Texas Festival Events Association Awards*** received by the City of Tomball to City Council
- Mayor Fagan presented Mike Baxter, Marketing Director with the ***2013 Texas Professional of the Year for the Texas Festival & Events Association Award***

6.0 Reports and Announcements:

- August 10, 2013 – **Second Saturday at the Depot**
- August 16, 2013 – **Friday Night Creature Feature – THEM!**
- August 19, 2013 – Appoint/Reappoint Members to the Tomball Regional Health Foundation Board of Directors for Terms Expiring September 1, 2013
- 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 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:
 - Boy Scout Dawson Duerer presented a report regarding his Eagle Scout Service Project for Downtown Tomball to Rehabilitate Existing Concrete Street Markers.

- 7.0 Motion was made by Councilman Brown, second by Councilman Dodson, to approve the Minutes of the July 15, 2013 Special City Council Meeting and the July 15, 2013 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2013-08, an Ordinance of the City of Tomball, Texas, Establishing the Tomball Legacy Fund, Inc. for the Purpose of Receiving Private and/or Corporate Grant Funds; said Funds to be used on Behalf of the City of Tomball, Texas for Projects serving the Tomball Community; Providing for the Selection of Seven (7) Members to Comprise the Tomball Legacy Fund, Inc. Board of Directors and for the Manner of Selection and Period of Service of Such Members; Providing for Duties and Procedures for the Tomball Legacy Fund, Inc. Board of Directors; 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Consultant Services Proposal and Consideration of Proposed Project, presented by Don Edmonds, Edmonds & Associates, for the Charter Amendment Review Project No. 2013-14.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2013-10 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. 2013-10, 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.

Motion to Amend was made by Councilman Hudgens, second by Councilman Brown, to adopt Ordinance No. 2013-10 on first reading, with an amendment to remove the one-year residency requirement from the Ordinance. Vote was as follows:

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

Motion, as amended, carried unanimously.

- 9.3 Mayor Fagan opened the Public Hearing at 6:46 p.m. to consider the Proposed Budget for Fiscal Year 2013-2014.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:46 p.m.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2013-11 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on First 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 Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-12 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. 2013-12, 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.

- 9.6 Motion was made by Councilman Brown, second by Councilman Dodson, to accept a Grant from the Tomball Regional Health Foundation to Acquire Equipment to Install in the TXDOT Traffic Control Boxes at All Protected Intersections to Allow Vehicles Responding to an Emergency to Navigate through Intersections in a Safer Manner.

Motion carried unanimously.

- 9.7 Lynn LeBeouf presented a Report from Tomball Regional Health Foundation to City Council.

No action taken.

- 9.8 Discussion was held regarding appointments by City Council to other Boards and the possible adoption of an ordinance prohibiting City Council from appointing members to boards that are private entities or have no "reporting" obligations to City Council.

Council requested information from Hap Harrington, representative to the Southeast Texas Housing Finance Corporation. Consensus of Council was to request report from each board as City appointments/reappointments arise.

No action taken.

Motion was made by Councilman Townsend, second by Councilman Brown, to approve items 9.9, 9.10, 9.11, and 9.12.

- 9.9 Approve Request from the Tomball Pregnancy Center for City Support of the First "New Life" 5K and Kid's Walk Fundraiser, to be held on Saturday, September 21, 2013, through In-Kind Services Provided by the City of Tomball.
- 9.10 Approve Request from Salem Lutheran Ministries for City Support of the Salem Lutheran's Kids for Kenya Second "4 Their Lives" 5K Run and 1-Mile Kids Run Fundraiser, to be held on Saturday, October 5, 2013, through In-Kind Services Provided by the City of Tomball.
- 9.11 Approve Request from Woodforest Bank for City Support of the 5th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 9, 2013, through In-Kind Services Provided by the City of Tomball.
- 9.12 Approve Request from City of Tomball Human Resources Department for City Support of the First "Sherine's Stride" 5K Run and 1-Mile Kids Run for Breast Cancer Awareness to be held on Saturday, October 12, 2013, through In-Kind Services Provided by the City of Tomball.

Motion to approve items 9.9, 9.10, 9.11, and 9.12 carried unanimously.

- 9.13 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Request by the Reserve at Spring Lakes Homeowners Association to Allow the Construction of a Water Well for the Detention Facility.

Motion carried unanimously.

- 9.14 Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2013-13 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First 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), with the assessment fee being amended to establish a set rate of \$3,150.00 per lot. Vote was as follows:

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

Motion carried unanimously.

- 9.15 Motion was made by Councilman Dodson, second by Councilman Townsend, to reappoint Laryssa Korduba Hrcir and Stephen Vigorito as Alternate Municipal Court Judges, to new two-year terms, expiring August 15, 2015.

Motion carried unanimously.

- 9.16 Motion was made by Councilman Dodson, second by Councilman Brown, to award Contract for COT Project Bid Number 2013-06, Graham Drive & Lawrence Street Sidewalk Project, E&P Project Number 2012-10018, to 4-C Construction Services in the amount of \$223,550.00.

Motion carried unanimously.

- 9.17 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Renewal of Health Insurance Agreement with Blue Cross Blue Shield.

Motion carried unanimously.

- 9.18 Motion was made by Councilman Brown, second by Councilman Townsend, to deny the Tax Abatement for Tax Year 2013 under the Existing Agreement between the City of Tomball and American National Carbide.

Motion to DENY carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of August 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor