

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MAY 6, 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
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Raul Reyes

2.0 Invocation

- Led by Pastor Danny Williams, Dominion International

3.0 Pledges to U. S. and Texas Flags

- Led by Matthew Pollini and Courtlynn Noack, Members of the Tomball High School Student Council.

4.0 The following public comments were received:

Bruce Hillegeist
GTACC
29201 Quinn Rd, 77375

- Reported on the successful trip by Tomball representatives, Mayor Fagan, Kelly Violette-TEDC, Brandy Beyer-GTACC, and Bruce Hillegeist-GTACC to the ExxonMobil Corporation in Fairfax, Virginia and the resulting interest of ExxonMobil employees regarding Tomball.

Mark Walicki
13319 Lost Creek Rd, 77375

- Expressed his interest in serving on the Planning and Zoning Commission, if appointed.

5.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- May 7, 2013 – **Mayor's Coffee** – *Sol de Luna*, 207 Commerce, 5:30 p.m.
- May 11, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- May 25, 2013 – **Memorial Day Weekend Chili Challenge** – 11:00 a.m.-6:00 p.m.
- May 27, 2013 – **"Oiltown USA Jamboree...80 Years in the Making"** – 11:00 a.m.-6:00 p.m.
- June 8, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- June 21, 2013 – **Friday Night Creature Feature** – *Creature from the Black Lagoon*
- July 4, 2013 – **City of Tomball July 4th Celebration** – 2:00 p.m.-10:30 p.m.
- July 13, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- July 19, 2013 – **Friday Night Creature Feature** – *Invasion of the Body Snatchers*
- August 16, 2013 – **Friday Night Creature Feature** – *THEM!*
- **Walk Tomball!** – Every Saturday at 9:00 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:
 - o David Kauffman reported on the success of the annual **Tomball Spring Clean-up Week and Consolidated Recycling Day**
 - o Mike Baxter reported on the success of the **Rails and Tails Mudbug Festival**

- 6.0 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Minutes of the April 15, 2013 Regular City Council Meeting and the April 15, 2013 Special Tomball City Council and Tomball Planning and Zoning Commission Meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Glenn Windsor, Christine Crotwell, First Southwest, and Peggy Foreman, Bracewell & Giuliani, presented information regarding the bids received for the proposed issuance and sale of the Certificates of Obligation, recommending Southwest Securities in Dallas to complete the funding of the Certificates of Obligation. Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2013-06 by caption only on First and Final Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Hudgens, to adopt, on First and Final Reading, Ordinance No. 2013-06, an Ordinance Authorizing the Issuance and Sale of the City of Tomball, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013; Awarding the Sale Thereof; Levying a Tax And Providing for the Security and Payment Thereof; Approving the Official Statement; Approving the Paying Agent/Registrar Agreement; and Enacting Other Provisions Relating Thereto. 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.

- 7.2 Mayor Fagan opened the Public Hearing at 6:30 p.m. to consider the Adoption of an Ordinance to Participate in the Texas Enterprise Zone Program and to Consider and Nominate Baker Hughes Oilfield Operations, Inc., 11211 FM 2920 Road, Tomball, Texas 77375, to the Office of the Governor as a Texas Enterprise Zone Project.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:30 p.m.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-07 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on First Reading, Ordinance No. 2013-07, an Ordinance of the City Council of the City of Tomball, Texas, Authorizing the City of Tomball to Participate in the Texas Enterprise Zone Program Under The Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Defining Available Tax Incentives; Nominating Baker Hughes Oilfield Operations, Inc. to the Office of the Governor Economic Development and Tourism through the Economic Development Bank for Designation as an Enterprise Project under The Act; and Designating a Liaison for overseeing Enterprise Projects and Communicating with Interested Parties. 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.

- 7.4 Motion was made by Councilman Dodson, second by Councilman Stoll, to reappoint Gretchen Fagan, Steven Vaughan, and Chad Degges to the Tomball Economic Development Corporation Board, with new terms of office expiring May 31, 2015.

Motion carried unanimously.

- 7.5 Motion was made by Councilman Dodson, second by Councilman Stoll, to appoint Mark Walicki to the Planning and Zoning Commission, with term of office expiring June 1, 2016.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Brown, second by Councilman Stoll, to approve Resolution No. 2013-18, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Sixth Annual Homecoming Parade and Pep Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, on Wednesday, October 16, 2013.

Motion carried unanimously.

- 7.7 Motion was made by Councilman Brown, second by Councilman Stoll, to approve Resolution No. 2013-19, a Resolution of the City Council of the City of Tomball Texas, Adopting the Maximum Ponding Depth of the 1% AEP Storm Map and the Maximum Ponding Depth 0.2% AEP Storm Map as Attached to this Resolution and Designating such Areas to be Flood-Prone Areas Pursuant to Section 38-6(b) of the Tomball Code of Ordinances.

Motion carried unanimously.

- 7.8 Discussion was held regarding Request from Jim Spurlin and Park Patterson, representing LS Development, that the City of Tomball Assist LS Development with the Acquisition of Rights-of-Way and Easements for Water and Sanitary Sewer Main Extensions to the Raleigh Creek Subdivision.

City Council requested that LS Development make additional attempts to arrive at equitable solutions with the property owners to acquire the necessary easements and rights-of-way and return on May 20, 2013 to provide an update to Council regarding the results of their efforts.

No action taken.

- 7.9 Motion was made by Councilman Townsend, second by Councilman Dodson, to award Job Order Proposal for the Construction of the Depot Restroom Building to KBR, for a Not to Exceed Price of \$183,000.00.

Motion carried unanimously.

- 7.10 Motion was made by Councilman Townsend, second by Councilman Brown, to authorize the City Manager to Execute the Texas Department of State Health Services First Responder Organization Administrator Information Form and the First Responder Organization Agreement between the City of Tomball Fire Department and Northwest EMS.

Motion carried unanimously.

- 7.11 The City Council recessed at 7:04 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 and Attorney-Client Matters that the Duty of the Attorney Requires be Held in Closed Session.
- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into Regular Session at 8:00 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of May 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor