

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, AUGUST 20, 2012
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 Stoll
Councilman Townsend
Councilman Dodson
Councilman Hudgens
Councilman Brown

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Rob Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
IT Specialist – Doug Tippey
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla
Kelly Violette – TEDC Executive Director

2.0 Invocation:

- Led by Mike Beasley, Youth Pastor, ChristBridge Fellowship

3.0 Pledges to U. S. and Texas Flags

- Led by Texas Peppers 10U Fastpitch Softball Team Members

4.0 No public comments were received.

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| Denton Bryant
30542 Country Meadows,
77375 | - On behalf of the Sons of the Republic of Texas, presented Texas and United States flags to the City Council that have been flown over the state capitol |
| Mary Lu Wiley
14120 Carneswood, 77375 | - Expressed her opposition to the City's proposed funding of a delegation/trip to Telgte, Germany. |
| Rodney Hutson
9430 Rosie Lane, 77354 | - Expressed his concerns with two areas of the proposed sign ordinance and one section of the Downtown Specific Plan. |
| Bruce Hillegeist
20339 Telgte, 77377 | - Expressed his support for the reappointment of Ellen Stutts, Ray Lingo, and Dr. Ben Thomas to the Tomball Regional Authority Board of Directors. |

5.0 Presentations

- Mayor Fagan presented a Proclamation declaring August 20, 2012 as ***"Texas Peppers Gold – Amateur Softball Association (ASA) Girls Fastpitch 10-Under "A" Southern National Champions - Day"***
- Mayor Fagan administered the Oath of Office to newly appointed Corporals Bryan Hill and Brandon Patin, Tomball Police Department

6.0 Reports and Announcements:

- **August 28-31, 2012** – City Pool is Closed for the Season
- **September 1-3, 2012** – City Pool is Open for Labor Day Weekend
- September 8, 2012 – **Second Saturday at the Depot – 6:30 p.m.**
- **September 29, 2012 – Bugs, Brew & Barbecue, VW Show and MusicFest – TBA**
- **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

7.0 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the minutes of the following City Council Meetings:

- Special Tomball City Council and Tomball Economic Development Corporation Meeting – August 6, 2012
- Regular City Council Meeting – August 6, 2012

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve a Development Agreement between BK 2920, Ltd, the City of Tomball, and the Tomball Economic Development Corporation to Provide Economic Incentives for the Redevelopment of the Four Corners Shopping Center located at 14011 FM 2920, Tomball, Texas 77375.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Brown, second by Councilman Townsend, to approve, on Second Reading, Resolution No. 2012-20-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving, as a Project of the Tomball Economic Development Corporation, an Economic Development Incentive between the City of Tomball (the “City”), Tomball Economic Development Corporation (the “TEDC”), and BK 2920, Ltd. (the “Developer”), to Expend Funds in Accordance with an Economic Development Agreement to Promote New and Expanded Business Development Associated with the Redevelopment of a Portion of the Four Corners Shopping Center; Containing other Provisions relating to the Subject; and Providing for Severability.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Hudgens, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2012-23, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2012-2013; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2011-2012 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance.

Motion was made by Councilman Hudgens, second by Councilman Dodson, to amend the Fiscal Year 2012-2013 Budget to reduce the Council travel and training budget to \$11,000, and to adopt, on Second Reading, Ordinance No. 2012-23, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2012-2013; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2011-2012 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, as amended, carried unanimously.

- 8.4 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2012-24, 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. 2011-20 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>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.

- 8.5 Rebeca Guerra presented proposed changes to Chapter 60, Sign Ordinance. Requests and suggestions by Council will be incorporated and proposed ordinance will be presented to Council at a future meeting. No action taken.

9.0 New Business:

- 9.1 Motion was made by Councilman Dodson, second by Councilman Brown, to ratify the FY 2012-2013 Budget and Find that the Proposed Tax Rate of \$.341455/\$100 Generates More Property Tax Revenue than the FY 2011-2012 Budget.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Dodson, second by Councilman Brown, to Set September 10, 2012 and September 17, 2012 as the Dates for Public Hearings on Proposed Tax Rate for 2012, and to authorize the City Secretary to change the dates of the public hearings in the event that Harris County fails to provide the necessary information in a timely manner.

Motion carried unanimously.

- 9.3 Jack Smith presented information to Council regarding the Tomball Regional Health Foundation. No action taken.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to Reappoint Ellen Stutts, H. Ray Lingo, and Dr. Ben Thomas to their respective positions on the Tomball Regional Health Foundation (Tomball Hospital Authority) Board of Directors, with new terms to expire on September 1, 2014.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Dodson, to appoint Billy Hemby to the City of Tomball Board of Adjustment to Regular Position 3, term expiring March 2, 2013, and to appoint Christine Roquemore to Alternate Position 1, term expiring March 2, 2014.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Stoll, second by Councilman Dodson, to approve Resolution No. 2012-21, 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.

- 9.7 Rodney Schmidt presented the staff report on **COMPREHENSIVE PLAN CASE P12-456**: Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from High Density Residential to Employment/Office.

- Mayor Fagan opened the Public Hearing on **COMPREHENSIVE PLAN CASE P12-456** at 8:17 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 8:17 p.m.
- Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2012-25 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. 2012-25, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 1.28 Acres of Land, Legally Described as Tract 1, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, from High Density Residential to Employment/Office; said Property being Generally Located on the Southwestern Corner of Michel Road and Johnson Road; Providing for the Amendment of the Comprehensive Plan of the City; 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 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.

- 9.8 Rodney Schmidt presented the staff report on **ZONING CASE P12-457**: Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from the Duplex Residential District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-457** at 8:20 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 8:20 p.m.
- Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-26 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2012-26, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.28 Acres of Land, Legally Described as Tract 1, Meadow Lark Hill (Unrecorded), Within The City Of Tomball, Harris County, Texas, From the Duplex Residential District to the **Office** District; said Property being Generally Located on the Southwestern

Corner of Michel Road and Johnson Road; Providing for the Amendment of the Official Zoning Map of the City; 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 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.

- 9.9 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve the Rank Structure for the Tomball Full-Time Firefighter Positions.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Brown, second by Councilman Stoll, to approve Interlocal Cooperation Agreement between the City of Tomball and the Tomball Independent School District for Use of Contraband Detection Canine within TISD Campuses.

Motion carried unanimously.

- 9.11 Discussion regarding Regulation of Left-Turns on FM 2920 During Specific Hours was withdrawn at the request of Councilman Townsend until the September 17, 2012 Council meeting.

- 9.12 Motion was made by Councilman Townsend, second by Councilman Stoll, to appoint a Committee to Investigate the North Harris County Regional Water Authority (NHCRWA) Fee Currently Being Charged to the City of Tomball Residents, consisting of Councilman Stoll, Councilman Hudgens, Barbara Tague, and Roy Lackey.

Motion carried unanimously.

- 9.13 Executive Session: The Tomball City Council did not meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding Real Property

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 4th day of September 2012.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor