

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, AUGUST 6, 2012
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order at 6:44 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
Director Human Resources – Lisa Coe
Police Chief – Rob Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
IT Specialist – Doug Tippey
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Accountant – Craig Price
Community Events Coordinator – Rosalie Dillon
Assistant Fire Chief – Jonathan Fontenot
Assistant Fire Marshall – Tommy Nicholson
Chief-NWEMS – Brian Petrilla

The Tomball Economic Development Corporation meeting was called to order by President Gretchen Fagan, a quorum being present. Other members present were:

Chad Degges
Richard Bruce
Vincent O'Donnell
Steven Vaughan

TEDC Members absent:

Lori Klein Quinn – Excused
William Sumner – Excused

Other TEDC representatives present:

Kelly Violette – TEDC Executive Director
Tiffani Wooten – TEDC Coordinator

2.0 Invocation:

- Led by Pastor Bob Webb, Rosehill United Methodist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Members of Boy Scout Troop # 113 and Member of Boy Scout Troop #469

4.0 The following public comments were received:

Larry Hugonin 30507 Country Meadows Drive 77375	- Expressed his appreciation to City Council for installation of the four-way stop at Quinn and Brown Road intersection.
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5.0 Presentations

- Mayor Fagan presented the ***“2012 Mayor’s Volunteer of the Year”*** Award and Proclamation to Grady Martin, President, Tomball Sister City Organization.
- Mayor Fagan presented the 2012 Leadership Circle Score Sheet – Gold Level Award for Financial Transparency to Glenn Windsor.
- Mayor Fagan presented the GFOA Award to Glenn Windsor and Craig Price.
- Mike Baxter presented plaques to Council for the seven Texas Festival Events Association Awards won by the City of Tomball Marketing Department for Tomball’s 2011 events in the ‘Events with Budgets Under \$75,000 Category’ – Best New Event, Best Mascot in Texas, Best Social Media Site, Best Promotional Poster, Best Promotional T-Shirt Design, Best Promotional Cap, and Best Event Button. Mike Baxter has also been appointed as the Secretary-Treasurer of the Texas Festival Events Association for 2013.

- Robert Hauck presented and Mayor Fagan administered the oath of office to Peter Manickas and Johnny Sampson, newly appointed Tomball Police Officers, and Julia Jarrell, newest Tomball Police Dispatcher.
- Robert Hauck presented and Mayor Fagan administered the oath of office to Virginia Gorman and Jason Welch, newly appointed Tomball Police Department Sergeants.

6.0 Reports and Announcements:

- **June 25 through August 13, 2012 – Tomball Kids Club at MLK, Jr. Park – Hosted by HEB, in Partnership with Buffalo Wild Wings and Cisco’s Salsa Company**
- **August 11, 2012 – 2nd Saturday at the Depot – 6:00 p.m. (new time)**
- **August 7, 2012 – Mayor’s Coffee – 5:00 p.m.—7:00 p.m. at 207 Commerce (Sol de Luna banquet facility)**
- August 20, 2012 – Appoint/Reappoint Members to the Tomball Regional Hospital Authority Board of Directors for Terms Expiring September 1, 2012
- August 20, 2012 – Appointment to fill unexpired term on the Board of Adjustment
- **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:
 - Glenn Windsor presented the Quarterly Investment Report for Period Ending June 30, 2012 - 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, 2012, the City had total cash equivalents and investments totaling \$41,776,238. A copy of the report is attached for review.
 - David Kauffman and Jerry Waterman presented an update on the City’s Comprehensive Preventative Maintenance Programs—the Utility Infrastructure Replacement Program, the Asphalt Street Management Program, the Concrete Pavement Maintenance Program, and the Drainage Maintenance Program.

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

- Special City Council Meeting – July 16, 2012
- Special Tomball City Council and Tomball Economic Development Corporation Meeting – July 16, 2012
- Regular City Council Meeting – July 16, 2012

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt on Second Reading, Ordinance No. 2012-21, an Ordinance of the City of Tomball, Texas, amending Its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit to E.L. Chapman to Operate a “Feed & Grain Store/Farm Supply Store”; said Tract being Approximately 0.71 acres, and being Legally Described as Tract 4, Block 3, Hirschfield Farms Section 1 (Unrecorded), generally Located on the Easterly Side of State Highway 249 Expressway, Northerly of Hirschfield Road at 13918 Hirschfield Road, Tomball, Texas; 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 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.

Mayor Fagan recessed the Regular Council meeting at 6:44 p.m. and called the Special Tomball City Council and Tomball Economic Development Corporation meeting to order at 6:44 p.m.

After adjourning the Special Tomball City Council and Tomball Economic Development Corporation meeting at 8:03 p.m., Mayor Fagan reconvened the Regular Tomball City Council meeting at 8:03 p.m. and the following items were considered:

9.0 New Business:

- 9.1 Executive Session: The Tomball City Council recessed at 8:03 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. 551.072 – Deliberations Regarding Real Property

Upon reconvening into Regular Session at 8:12 p.m., the following items were considered and action taken:

- 9.2 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Assignment and Assumption of Contract: Unimproved Property Contract (the “Contract”) in the amount of \$25,500.00 with an Effective Date of July 19, 2012, by and between TOM CONDON, TRUSTEE, as Buyer, and JASON S. AND LORI K. FUSELIER, as Seller, for

the sale of Lots 2, 3 and 4, Block 26 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas with those Lots being located on Elm Street, Tomball, Texas.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Assignment and Assumption of Contract: Unimproved Property Contract (the "Contract") in the amount of \$9500.00 with an Effective Date of July 19, 2012, by and between TOM CONDON, TRUSTEE, as Buyer, and RICHARD QUINONES, JR., as Seller, for the sale of Lot 9 Block 6 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas with this Lot being located on Elm Street, Tomball, Texas.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Brown, second by Councilman Stoll, to approve Request for Funding of the 2nd Annual Bugs, Brew and Barbecue Event, to be Held on September 29, 2012, as recommended by the Tourism Advisory Committee, in the Amount of \$12,000 in Hotel-Motel Tax Revenues.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Request for City Support/Co-Sponsorship of the 5th Annual Tomball German Christmas Market, to be held December 6 through Sunday, December 9, 2012 and Approve Funding, as recommended by the Tourism Advisory Committee, in the Amount of \$25,000 in Hotel-Motel Tax Revenues.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Brown, to approve Request for City Support/Co-Sponsorship of the 13th Annual Tomball German Heritage Festival, to be held March 21 through March 24, 2013, and Approve Funding, as recommended by the Tourism Advisory Committee, in the Amount of \$35,000 in Hotel-Motel Tax Revenues.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Brown, second by Councilman Dodson, to approve Request from the Tomball Pregnancy Center for City Support of the First "Run for Life" Fundraiser, to be Held on Saturday, October 6, 2012, beginning and ending at Tomball Depot Plaza, through In-Kind Services Provided by the City of Tomball.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve **STANFIELD ESTATES SUBDIVISION REPLAT**: Being a Replat of Lots 24, 25, 26, 27, 28, 29, 30, 31, and 32 of Block 41 of Tomball Townsite Subdivision, Recorded under Volume 4, Page 25 of Map Records of Harris County, Texas, Situated in the J. Pruitt Survey, Abstract 629, Harris County, Texas.

Motion carried unanimously.

- 9.9 Motion was made by Councilman Dodson, second by Councilman Townsend, to award the Bid for Project No. 2012-08, Concrete Street Improvements, to Low Bidder, TJ & T Enterprises, in the Amount of \$210,061.80.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve a Change of Medical Providers from Aetna to Blue Cross Blue Shield and Approve Renewal of Agreements with All Other Existing Providers (RFP No. 2012-07).

Motion carried unanimously.

- 9.11 Mayor Fagan opened the Public Hearing on the Proposed Budget for Fiscal Year 2012-2013 at 8:38 p.m.

Councilman Stoll and Councilman Townsend expressed their support for the budget as presented by the City Manager, with the exception of the \$20,000 budgeted to send a delegation of City officials and TSCO officials to Telgte, suggesting that the budgeted funds be reduced to \$4,000 and that the Mayor and City Manager form the delegation representing Tomball.

Receiving no public comments, Mayor Fagan closed the Public Hearing on the Proposed Budget for Fiscal Year 2012-2013 at 8:40 p.m.

- 9.12 Motion was made by Councilman Hudgens, second by Councilman Brown, to read Ordinance No. 2012-23 by caption only on First Reading.

Motion carried unanimously.

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 9.13 Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2012-24 by caption only on First Reading.

Motion carried unanimously.

Adopt, on First 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 Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Nay</u>
Councilman Brown	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.14 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the City of Tomball Fire Department's Acceptance of a Two-Year DHS SAFER Grant to Hire Nine (9) Full-time Personnel in the Amount of \$1,244,952.

Motion carried unanimously.

Request was made by Councilman Townsend, second by Councilman Stoll, to discuss left turns on Main Street at the next Council meeting.

Motion 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 20th day of August 2012.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor