

NOTICE OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, FEBRUARY 20, 2012
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson
Councilman Hudgens

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Scott Bounds
Police Chief – Robert Hauck
Director of Public Works – David Kauffman
Assistant City Engineer – Lori Lakatos
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
Assistant City Planner – Rodney Schmidt
Director of Community Development – Narciso Lira
IT Director – Doug Tippey
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla

2.0 Invocation

- Led by Eric Ramsey, Member of Tomball High School Student Council

3.0 Pledges to U. S. and Texas Flags

- Led by E. J. Jones and Matt Thomas, Members of the Tomball High School Student Council

4.0 The following public comments were received:

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| Jac Horton
1402 S. Cherry, #25-3, 77375 | - Thanked Council for favorable consideration of Items 8.1 and 8.2 |
| Sharon Koschel
1402 S. Cherry, #24, 77375 | - Thanked Council for favorable consideration of Items 8.1 and 8.2 |
| Han Soniat
1402 S. Cherry, #8A, 77375 | - Did not wish to speak but asked that his support for Items 8.1 and 8.2 be read into the record. |
| Brenda J. Lohr
1402 S. Cherry, #262, 77375 | - Did not wish to speak but asked that her support for Items 8.1 and 8.2 be read into the record. |
| Billy Fairchild
1402 S. Cherry, #17, 77375 | - Did not wish to speak but asked that his support for Items 8.1 and 8.2 be read into the record. |
| Cliff Lohr
1402 S. Cherry, #262, 77375 | - Did not wish to speak but asked that his support for Items 8.1 and 8.2 be read into the record. |
| Mary L. Karnitz
1402 S. Cherry, #37, 77375 | - Did not wish to speak but asked that her support for Items 8.1 and 8.2 be read into the record. |
| Roy Karnitz
1402 S. Cherry, #37, 77375 | - Did not wish to speak but asked that his support for Items 8.1 and 8.2 be read into the record. |
| Dave Bacon
1662 SE 135 th , 67074 | - Did not wish to speak but asked that his support for Items 8.1 and 8.2 be read into the record. |
| Twyla Bacon
1662 SE 135 th , 67074 | - Did not wish to speak but asked that her support for Items 8.1 and 8.2 be read into the record. |
| Dave Koschel
1402 S. Cherry, #24, 77375 | - Did not wish to speak but asked that his support for Items 8.1 and 8.2 be read into the record. |
| Helen Holliday
1402 S. Cherry, #23, 77375 | - Did not wish to speak but asked that her support for Items 8.1 and 8.2 be read into the record. |

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| John F. Holliday
1402 S. Cherry, #23, 77375 | - Did not wish to speak but asked that his support for Items 8.1 and 8.2 be read into the record. |
| Norma Evans
1402 S. Cherry, #122, 77375 | - Did not wish to speak but asked that her support for Items 8.1 and 8.2 be read into the record. |
| Charles Cannizzaro
1402 S. Cherry, #4-A, 77375 | - Did not wish to speak but asked that his support for Items 8.1 and 8.2 be read into the record. |

5.0 Presentations:

- Eric Ramsey and Cooper Cason, Members of the Tomball High School Student Council, and Mrs. Billie Dio, THS Student Council Advisor gave a PowerPoint presentation, **“Shower for Shane.”**

6.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday)
- February 4 through March 5, 2012 – Dates to File Application for Place on May 12, 2012 Ballot
- February 21, 2012 – **Trail Rider Reception** at the Depot – 12:30 p.m.-2:00 p.m.
- February 22, 2012 – **SH 249 Partnership Meeting** – Magnolia City Hall – 6:30 p.m.
- February 28, 2012 – Workshop to Discuss/Consider Medical Complex Project
- February 29, 2012 – **Tree Dedication** TXU Juergens Park – 2:00 p.m.
- February 29, 2012 – Deadline to Purchase Pavers for the Tomball Depot Fountain
- March 5, 2012 – Last Day to File Application for Place on May 12, 2012 Ballot – 5:00 p.m.
- March 10, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 15, 2012 – Candidate Orientation (tentative date)
- April 4, 2012 – **City of Tomball Youth Fair** – **Beckendorf Conference Center** at LoneStar College, Time TBA
- April 14, 2012 – **3rd Annual City of Tomball Bunny Run 5K and Kids 1K**
- April 14, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- April 23-28, 2012 – **Annual Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 28, 2012 – **Annual Tomball Clean-up Recycling Day – E-Waste and Drug Take-Back Program**
- Possible Harris County Primary Election Dates – April 17, May 29, or June 5, 2012
- **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
 - George Shackelford introduced Narciso Lira, Director of Community Development.

- 7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the February 6, 2012 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. 2012-01, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Amending Section 45.2 (“Definitions”) by Revising the Definition of “Recreational Vehicle (RV) Park/Campground” by eliminating the maximum amount of time a recreational vehicle, travel trailer, or similar vehicle can reside, park, or lease space in a recreational vehicle park or campground; 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.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2012-02, an Ordinance of the City Council of the City of Tomball, Texas, amending Section 46-22 (“Nonconforming Manufactured Home Parks and Recreational Vehicle Parks”) of Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) by Removing any reference to Recreational Vehicle Parks; amending Section 46-64 (“Technical and Physical Requirements”) of Chapter 46 (“Manufactured Homes, Mobile dwelling Structures, and Recreational Vehicles”) by Removing the Minimum Recreational Vehicle Unit Size, Removing the Requirement that Recreational Vehicle Parking Pads be Constructed a Minimum of 20 Feet from an Adjacent Recreational Vehicle Unit Boundary and Replacing it with Language allowing Recreational Vehicle Parking Pads to be a Minimum of 20 Feet Apart, and Removing the Requirement that Walkways be Constructed between the Recreational Vehicle Park Streets to All Community Facilities provided for Park Residents and to All Service Buildings; Providing a Penalty of up to \$2,000.00 for Violations with Each Day Constituting a Separate Violation; Providing for the Publication of This Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

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

Motion carried, 4 votes Ayes, 1 vote Nay.

9.0 New Business:

- 9.1 Nathan Krupke, a representative of Belt Harris Pechacek, LLLP, presented the city of Tomball Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending September 30, 2011. Motion was made by Councilman Dodson, second by Councilman Brown, to accept the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending September 30, 2011, as Presented by the CPA firm of Belt Harris Pechacek, LLLP.

Motion carried unanimously.

- 9.2 Mayor Fagan presented her recommendations regarding appointments/reappointments to the City of Tomball's Board of Adjustment. Motion was made by Councilman Dodson, second by Councilman Hudgens, to re-appoint John Ford, John Lynch, Billy Hemby, and April Gray to their current positions, which terms will expire March 2, 2014, and to appoint Chad Degges to the vacant position of Alternate 2 and Jarmon Wolfe to the position of Alternate 4, which terms will expire March 2, 2013.

Motion carried unanimously.

- 9.3 Scott Bounds presented information regarding the City's eminent domain authority. Motion was made by Councilman Dodson, second by Councilman Brown, to authorize the Mayor to Issue Letter to the Texas State Comptroller, Submitting Documentation of the City of Tomball's Eminent Domain Authority in Texas to the Texas State Comptroller, Detailing the City of Tomball's Legal Authority to Exercise Eminent Domain in Compliance with Senate Bill 18, enacted by the 82nd Texas Legislature.

Motion carried unanimously.

- 9.4 Randy Parr presented information regarding the Memorandum of Understanding. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve and authorize the Mayor to Execute a Memorandum of Understanding with Lone Star College-Tomball for the use of the College Parking Lot for a Point of Distribution (POD) Site.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Brown, to approve **REPLAT MARTIN MARIETTA SUBDIVISION**: Being a Subdivision of 31.4759 Acre; Being all of Reserve A, Block 1 and 0.1780 Acre Tract 1.5012 Acre Tract dedicated for road widening to City of Tomball, Martin Marietta Subdivision recorded under Film Code No. 597006, Harris County Map Records, Situated in the William Hurd Survey, Abstract 371 and the Jesse Pruett Survey Abstract 629, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 9.6 David Kauffman presented information regarding Phases I and II of the water service conversion. Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Job Order Proposal by KBR for Phase II of Water Service Conversions to the City's New Water Mains in the Downtown area, for a Not to Exceed Cost of \$27,925.00.

Motion carried unanimously.

- 9.7 David Kauffman presented a request to purchase two fleet replacement trucks. Motion was made by Councilman Brown, second by Councilman Townsend, to award Contracts for the Purchase of Two Fleet Replacement Trucks for the Public Works Department to Caldwell Country Chevrolet through the Buy Board Government Contract, for a Total Amount of \$51,704.00.

Motion carried unanimously.

- 9.8 George Shackelford presented the lease agreement request. Motion was made by Councilman Dodson, second by Councilman Townsend to authorize the Mayor to execute a Lease Agreement with Aaron and Sondra Matthews for the Property Located at 24114 Lovett, Owned by the City.

Motion carried unanimously.

- 9.9 Executive Session: The City Council recessed at 6:44 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:

- Section 551.071 - Consultation with Attorney regarding Litigation

Councilman Dodson stated that he would abstain from participation in discussion or action in the first portion of the Executive Session, based on the Conflict of Interest Affidavit previously filed with the City Secretary.

Upon reconvening in regular session at 8:02 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 5th day of March 2012.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor