

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, FEBRUARY 6, 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 – Loren Smith
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
Chief-NWEMS – Brian Petrilla

2.0 The invocation was led by Pastor Abraham Jasso, Templo La Hermosa

3.0 Pledges to U. S. and Texas Flags were led by Courtlynn Noack, Tomball High School Student Council

4.0 The following public comments were received:

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| Rodney Hutson
9431 Rosie Lane, 77355 | - Expressed his appreciation in the City's continued improvements in the development process |
| Mike Ott
16840 Krug, 77377 | - Expressed his opposition to the new marketing website regarding city "spirit" wear |
| Mike O'Brien
11767 Quail Creek, 77070 | - Expressed his appreciation of Council's consideration of residents' concerns |
| Sharon Lyn Koschel
1402 S. Cherry #24, 77375 | - Spoke in favor of Items 7.1 and 7.2. |
| Jack Horton
1402 S. Cherry #25-3, 77375 | - Spoke in favor of Items 7.1 and 7.2. |
| Dave Koschel
1402 S. Cherry #24, 77375 | - Spoke in favor of Items 7.1 and 7.2. |
| Richard Brunner
1402 s. Cherry, 77375 | - Spoke in favor of Items 7.1 and 7.2. |
| John Saunders
1402 S. Cherry #37, 77375 | - Spoke in favor of Items 7.1 and 7.2. |
| Donna Voss
7028 Scheffler Road, 53063 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| A. D. Paine
1402 S. Cherry, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Wendy Gladden
12702 Ravensway, 77429 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 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 7.1 and 7.2 be read into the record. |
| Lois Brunner
1402 S. Cherry, 77375 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| Twyla Bacon
1662 SE 135 th Street, 67074 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |

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| Jo Clark
1402 S. Cherry #25-2, 77377 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| Nancy Lau
17535 Forest Vine Court, 77377 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| John F. Holliday
1402 S. Cherry #23, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Helen Holliday
1402 S. Cherry #23, 77375 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| Billy Fairchild
1402 S. Cherry, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Charles Cannizzaro
1402 S. Cherry #4A, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Henry Soniat
1402 S. Cherry #8A, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Robert McBane
1402 S. Cherry #163, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Norma Evans
1402 S. Cherry #122, 77375 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| Dave Bacon
1402 S. Cherry #10, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Roy Karnitz
1402 S. Cherry, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Debra Koon
1402 S. Cherry #129, 77375 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| Alfred Koon
1402 S. Cherry #129, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Frances DeFazio
20139 Telge, 77377 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |

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| Clifford P. Lohr
1402 S. Cherry, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Brenda J. Lohr
1402 S. Cherry #26-2, 77375 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| Louis DeFazio
20139 Telge, 77377 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| James T. Potter
1402 S. Cherry #164, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Charles Dumas
1402 S. Cherry #12A | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Rebecca Hopkins
1402 S. Cherry #162, 77375 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| David Hopkins
1402 S. Cherry #162, 77375 | - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Linda Keltgen
1402 S. Cherry, 77375 | - Did not wish to speak but asked that her support for Items 7.1 and 7.2 be read into the record. |
| John Keltgen
1402 S. Cherry | - - Did not wish to speak but asked that his support for Items 7.1 and 7.2 be read into the record. |
| Gene & Missy Oehl
5409 Odom Ave., 76114 | - Did not wish to speak but asked that their support for Items 7.1 and 7.2 be read into the record. |

5.0 Reports and Announcements:

- Tomball Police Department Annual Data Capture Report (SB 1074); report will be provided to Council and media at the meeting
- **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
- **Mayor's Coffee – Thursday**, February 9, 2012 – Sol de Luna (Cisco Salsa's banquet room), 207 Commerce – 5:00 p.m.
- February 20, 2012 – Appointments to Board of Adjustments for terms expiring 3/2/2012
- February 21, 2012 – **Trail Rider Reception** at the Depot – 1:00 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 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**
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)
- New Tomball online storefront at CafePress: **“Tomball - Texan for Fun”** at <http://www.cafepress.com/tomballtexanforfun>
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Glenn Windsor – Quarterly Investment Report for Quarter Ending December 31, 2011. The Texas Public Funds Investment Act requires that a report on investments be presented to the City Council on a quarterly basis. A report on our investments at 12/31/2011 is attached. The report presents information on each investment, the diversity of our portfolio, our various earnings rates, and the different maturities of each investment.
 - David Kauffman – Update on Pine Street No. 1 Water Well

- 6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the minutes of the January 16, 2012 Regular Council Meeting.

Motion carried unanimously.

- 7.0 Old Business:

- 7.1 Rodney Schmidt presented the staff report on the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-01 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. 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 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.

- 7.2 Rodney Schmidt presented the staff report on the proposed Ordinance. Mike O'Brien, owner, spoke briefly. Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-02 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Brown, second by Councilman Stoll, to adopt on First Reading, Ordinance No. 2012-02, 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 to have a fence or wall constructed on the two sides and rear of a recreational vehicle park, 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 and amending Ordinance No. 2012-02, prior to second reading, by removing the fencing requirement, Subsection 46-64(h). 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>Nay</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 7.3 Lori Lakatos presented the City Sidewalks Update - Country Meadows Subdivision. No action was taken.

- 7.4 Lori Lakatos the City Sidewalks Update - Spring Pine Estates Subdivision. Councilman Stoll advised that he would refrain from discussion and possible action on the Spring Pine Estates sidewalks and that he had filed a conflict of interest affidavit with the City Secretary. No action was taken.

8.0 New Business:

- 8.1 Mike Baxter presented an overview of the proposed Request. Motion was made by Councilman Dodson, second by Councilman Brown, to approve Request by The Regional Arts Council (TRAC) for Financial Support for Six Performances of "The Nutcracker" Ballet, held December 9-11, 2011, in the Amount of \$11,200.00.

Motion carried unanimously.

- 8.2 Mike Baxter presented an overview of the proposed Grant. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Request for Grant Funding for Production of a City of Tomball Mascot Costume, in an Amount not to Exceed \$6,000.00.

Motion carried unanimously.

- 8.3 Mike Baxter presented an overview of the proposed Request. Motion was made by Councilman Brown, second by Councilman Stoll, to approve Funding Request for the Tomball Honky Tonk Music Festival, to be Held on Saturday, March 24, 2012, in the Amount of \$13,000.00

Motion carried unanimously.

- 8.4 Mike Baxter presented an overview of the proposed Request. Motion was made by Councilman Dodson, second by Councilman Brown, to approve Funding Request for Spring **Art Walk, Tomball** and Afternoon Concert Event Scheduled for Saturday, April 21, 2012, in the Amount of \$5,000.00.

Motion carried unanimously.

- 8.5 Mike Baxter presented an overview of the proposed Request. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Request by the Tomball Lions Club for Support and Road Closures for the 2012 Annual Car Show, to be held Sunday, April 22, 2012.

Motion carried unanimously.

- 8.6 Mike Baxter presented an overview of the proposed Request. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Funding Request for the Rails & Tails Mudbug Festival at Depot Plaza, to be Held May 5 and 6, 2012, for the Estimated Amount of \$26,000.00.

Motion carried unanimously.

- 8.7 Mike Baxter presented an overview of the proposed Request. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Funding Request for the Memorial Day Weekend Chili Challenge, Saturday, May 26, 2012 at Depot Plaza, in the Amount of \$7,500.00.

Motion carried unanimously.

- 8.8 David Kauffman presented an overview of the proposed Agreement. Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the Professional Services Agreement with Jones & Carter, Inc. for Engineering Services for the Design and Construction for the Pine Street Water Plant Emergency Generator, for a Not to Exceed Cost of \$50,000.00.

Motion carried unanimously.

- 8.9 Lori Lakatos presented an overview of the proposed Request. Motion was made by Councilman Stoll, second by Councilman Townsend, for the City of Tomball to Apply for Grant Assistance for 13142 Holderrieth Road for Request from Jacqueline Angelo.

Motion was made by Councilman Hudgens, second by Councilman Stoll, to table consideration of Item 8.9, pending receipt of copies of electric and sanitation utility bills for the property, additional information regarding FEMA's and/or the flood insurance definition of "primary residence", and further research by the Engineering Department regarding the grant process and qualifications requirements, an explanation of what is required of the City and Ms. Angelo, what the city's options are to protect the city's interests, how lifting the house may affect zoning, and what will be involved in lifting the entire house and placing it on stilts.

Motion to TABLE carried unanimously.

- 8.10 Lori Lakatos presented an overview of the proposed Letter. Motion was made by Councilman Dodson, second by Councilman Brown, to approve Agreement Letter to PAR Real Estate Holdings Regarding the Proposed Final Plat for "Tomball 2920", Approximately 59.8577 Acres.

Motion carried unanimously.

- 8.11 Lori Lakatos presented an overview of the proposed Plat. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve **TOMBALL 2920 FINAL PLAT**; A 59.790 acres tract of land being all of a called 13.97 acre tract, a called 37.024 acre tract, a called 8.383 acre tract, and a called 0.528 acre tract recorded in Harris County Clerk's File No. 20090504626 of the official public records of Harris County, in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 8.12 Lori Lakatos presented an overview of the proposed Replat. Motion was made by Councilman Dodson, second by Councilman Townsend, to approve **D'ANDREA SUBDIVISION REPLAT**: Being a Replat of Lot 1 and Lot 3 of D'Andrea Subdivision, Recorded under Harris County Film Code Number 474061, Map Records, Harris County, Texas, Situated in the William Hurd Survey, Abstract 378, Harris County, Texas.

Motion carried unanimously.

- 8.13 George Shackelford presented an overview of the proposed workshop. Consensus of Council was to hold a special meeting on February 28, 2012 at 5:00 p.m. to Discuss/Consider the Medical Complex Project.

No action necessary.

- 8.14 George Shackelford presented an overview of the proposed Letter. Motion was made by Councilman Townsend, second by Councilman Dodson, to receive the City Manager's Vested Rights Determination Letter dated February 6, 2012, regarding 647 James Street.

Motion carried unanimously.

- 8.15 Randy Parr presented an overview of the proposed Resolution. Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt Resolution No. 2012-03 with Harris County for the Sharing of Resources in the Event of a Disaster and Authorize the Mayor to Execute the Bi-Annual Joint Resolution between the City of Tomball and Harris County, Documenting the Intentions of the City and the County to Work Together to Mitigate the Effects of Disaster Incidents Impacting Our Area.

Motion carried unanimously.

- 8.16 Randy Parr presented an overview of the proposed Request. Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve Request by Tomball Fire Department to Apply for a Two-Year Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of \$613,257.53 Annually. Vote was as follows:

Councilman Hudgens Aye

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.17 Randy Parr presented an overview of the proposed Firefighter Positions. Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Creation of a Formal Rank Structure for Current and Future Full-Time Firefighter Positions.

Motion carried unanimously.

- 8.18 Randy Parr presented an overview of the proposed Promotions. Motion was made by Councilman Hudgens, second by Councilman Brown, to approve the Promotion of Current Full-Time Firefighters for up to Three Lieutenant Positions and up to Three Driver/Operator Positions

Motion carried unanimously.

- 8.19 George Shackelford presented an overview of the proposed Encroachment Agreement. Motion was made by Councilman Hudgens, second by Councilman Brown, to authorize the Mayor to Sign the Encroachment Agreement for 106 Market Street.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 20th day of February 2012.

Doris Speer
Doris Speer, CMC, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor