

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, DECEMBER 5, 2011
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
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla
Director-TEDC – Kelly Violette
City Attorney – Scott Bounds
First Southwest representative – Joe Morrow
Vinson & Elkins representative – Jonathan Frels

2.0 The invocation was led by Wayne Graumann, Salem Lutheran Church

3.0 Pledges to U. S. and Texas Flags were led by Members of Boy Scout Troop 469.

4.0 No public comments were received.

5.0 Mayor Fagan presented a Proclamation declaring December 5, 2011 as “*Sophomore Tomball Redcats, 2011 Sophomore Super Bowl Champions Day*” to the members of the 2011 Sophomore Redcats team and coaching staff.

6.0 Reports and Announcements:

- December 9, 2011 – **Tomball Fire Department** will officially place the new **Engine 1** in service - 4:00 pm at Station 1 on Rudel
- December 9, 2011 – **Dedication of the Depot Plaza Fountain** – 5:00 p.m. at Depot Plaza
- January 7, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 24, 2012 – **Annual Boards and Commission Recruitment Reception** – 5:30 p.m.-7:00 p.m. at the Community Center
- Appointments to Board of Adjustments will be on February agenda (terms expiring 3/2/12)
- **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
 - Rosalie Dillon presented information regarding **Christmas on Commerce**, which will be held on Saturday, December 10, 2011, in conjunction with the German Christmas Market being held in the Depot Plaza area.
 - Councilman Hudgens announced that Rosalie Dillon was selected as the 2011 Volunteer of the Year for the Greater Tomball Area Chamber of Commerce.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the minutes of the November 21, 2011 Regular Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Kelly Violette presented the proposed Resolution. Motion was made by Councilman Dodson, second by Councilman Brown, to approve on Second Reading, Resolution No. 2011-24-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation’s Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and ValueBank Texas to Make Direct Incentives to, or Expenditures for, relocation and rent assistance for new or expanded business enterprise; Containing Other Provisions Relating to the Subject; and Providing for Severability, Approving, as a Project of the Corporation, an agreement with ValueBank Texas to make direct incentives to, or expenditures for, relocation and rent assistance for new or expanded business enterprise to be located at 990 Village Square, Suite P, Tomball, Texas. The

estimated amount of such expenditures for such Project is \$15,750.00. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.2 Kelly Violette addressed City Council before the public hearing. Mayor Fagan opened the Public Hearing regarding Proposed Ordinance No. 2011-24, Opting Out of the "Super Freeport Exemption" created by Senate Bill 1 and Providing for the Taxation of Tangible Personal Property in Transit ("Goods-in-Transit") at 6:19 p.m.; no public comments being received, Mayor Fagan closed the public hearing at 6:19 p.m.
- 8.3 Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2011-24 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2011-24, an Ordinance of the City of Tomball, Texas, Providing for the Taxation of Tangible Personal Property in Transit, which would otherwise be Exempt from Taxation Pursuant to Texas Tax Code, Section 11.253; Repealing all Ordinances or Parts of Ordinances Inconsistent or In Conflict Herewith; and Providing for Severability. Vote was as follows:

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

Motion FAILED unanimously.

- 8.4 Rodney Schmidt presented the proposed ordinance. Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt on Second Reading, Ordinance No. 2011-27, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the C-Commercial and OT/MU-Old Town & Mixed

Use Districts to the C-Commercial District; 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 Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

- 8.5 Rodney Schmidt presented the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt on Second Reading, Ordinance No. 2011-28, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the C-Commercial District to the OT/MU-Old Town and Mixed Use District; 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 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 carried unanimously.

9.0 New Business:

- 9.1 Doris Speer presented the request by Tomball Art League for City support and sponsorship. Motion was made by Councilman Brown, second by Councilman Dodson to approve Request by Tomball Art League (TAL) for City Sponsorship through In-Kind Services, Including Waiver of Rental Fee and Portion of Personnel Fees for the Use of the Community Center, Tables, Chairs, and Personnel to Open and Close the Building for the TAL Juried Spring and Fall Art Shows, from 1:30 p.m. to 4:00 on Friday, March 9, 2012 and Friday, September 7, 2012 for pre-registration of artwork and from 7:30 a.m. to 5:00 p.m., on Saturday, March 10, 2012 and Saturday, September 8, 2012 for the Juried Art Shows.

Motion carried unanimously.

- 9.2 Glenn Windsor introduced Joe Morrow, First Southwest, and Jonathan Frels, Vinson & Elkins, to present the proposed information. Motion was made by Councilman Brown, second by Councilman Dodson, to read Ordinance No. 2011-31 by caption only on the first and final ready.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on First and Final Reading, Ordinance No. 2011-31, an Ordinance Authorizing the Issuance and Sale of the City of Tomball, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2012; 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 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.

- 9.3 Lori Lakatos presented of the proposed Agreements. Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Professional Services Agreement with LJA Engineering, Inc., in the amount of \$1,445,800.00 for Final Design, and the Professional Services Agreement with Cobb Fendley & Associates, Inc., in the amount of \$34,600.00 for Professional Services related to Land Acquisition, and to authorize City Manager to Execute Agreements.

Motion carried unanimously.

- 9.4 Discussion was held regarding planning, extension, and repair of City Sidewalks (Country Meadows & Spring Pine Estates).

No action taken.

- 9.5 The City Council recessed at 6:53 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 Executive Session, based on the Conflict of Interest Affidavit previously filed with the City Secretary.

Upon reconvening into regular session at 8:28 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19th day of December 2011.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor