

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, AUGUST 15, 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 Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

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
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Assistant City Engineer – Lori Lakatos
Marketing Director – Mike Baxter
Chief, NWEMS – Brian Petrilla

2.0 Invocation

- Led by Reverend Tommy Lyles, Tomball United Methodist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Robert Hauck, Randy Parr, and Brian Petrilla

4.0 The following public comments were received:

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| Mary Harvey
405 S. Walnut, 77375 | - Expressed her appreciation for City support in successful Tomball Night event; expressed her support for a fountain at the Depot Plaza area. |
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5.0 Reports and Announcements:

- August 22, 2011 – **Public Hearing for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2011-2012** – 6:00 p.m.
- September 10, 2011 – **2nd Saturday at the Depot** – 6:00 p.m.
- September 28, 2011 – **Homecoming Parade and Rally at the Depot** – 6:00 p.m.- 8:00 p.m.
- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, September 10 through November 12)
- October 8, 2011 – **Open House at the Central Fire Station** – 10:00 a.m.-3:00 p.m.
- October 8, 2011 – **2nd Saturday at the Depot** – 6:00 p.m.
- October 28-29, 2011 – **Fire Department Fall Festival** – 6:00 p.m.
- November 1, 2011 – **Mayor's Coffee** – 5:30 p.m.-7:00 p.m., Nona's Italian Grill
- November 12, 2011 – **2nd Saturday at the Depot** – 6:00 p.m.
- **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
 - David Kauffman provided an update on fleet operations, the October 10, 2011 Fall Cleanup, and the October 15, 2011 E-Waste Recycling Event.
 - Rob Hauck provided an update regarding expanded warrant service operations.
 - Rosalie Dillon provided information regarding the Special Events planned for 2nd Saturday at the Depot on September 10, 2011.
 - Mayor Fagan thanked HEB and Buffalo Wild Wings for their sponsorship of Tomball Kids Club.

6.0 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the minutes of the August 1, 2011 Regular City Council meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Christal Weber presented the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2011-15 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. 2011-15, an Ordinance Terminating the Designation of a Continuous Geographic Area within the City of Tomball as Tax Increment Reinvestment Zone Number One, City of Tomball, Texas, for Tax Increment Financing Purposes, Pursuant to Chapter 311 of the Texas Tax Code; Containing Findings and Provisions related to the Termination; Providing for Severability; and Providing an Effective Date. 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.

- 7.2 Lori Lakatos presented the proposed Ordinance. Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2011-17 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. 2011-17, an Ordinance amending Chapter 38 of the Code of Ordinances of the City of Tomball, Texas to add a new Article IV, Drainage Design, to Chapter 38, Flood Damage Prevention, to allow minimum standards for stormwater drainage system design to be adopted by Resolution of City Council; providing a penalty in an amount of not more than \$2,000 for violation of any provision hereof, with each day constituting a separate violation; providing for savings and severability; providing for publication; and making other provisions and findings related thereto. 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.

- 7.3 Glenn Windsor presented the proposed Ordinance, advising that the gas rate will decrease from \$12.75/mcf to \$11.75/mcf and the water, sewer, and sanitation rates will remain the same. Motion was made by Councilman Dodson, second by Councilman Brown, to read Ordinance No. 2011-20 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. 2011-20, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2010-18 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.

- 7.4 David Kauffman presented the proposed Resolution. Motion was made by Councilman Stoll, second by Councilman Hudgens, to adopt Resolution No. 2011-13, a Resolution of the City of Tomball, Texas in Support of Proposed *Implementation Plan For Total Maximum Daily Loads For Bacteria In The Houston-Galveston Region*, developed by the Bacteria Implementation Group.

Motion carried unanimously.

- 7.5 Loren Smith presented the proposed Agreement to move the building back 25 feet. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the Peach Street Building Agreement and authorize the City Manager to Execute the Agreement.

Motion carried unanimously.

- 7.6 George Shackelford presented the proposed Exchange of Property; the City of Tomball will exchange property with Dr. Hutson and the City will lease and maintain the tax office. Motion was made by Councilman Townsend, second by Councilman Brown, to award the Bid for Project 2011-04, Purchase or Exchange of Property for City-Owned Property Located at 101 South Walnut to Dr. Rodney Hutson.

Motion carried unanimously.

- 7.7 Walter and Cheryl Prescott, Aquascapes, presented the concept plan for an entry fountain at the Depot Plaza; Mayor Fagan and George Shackelford presented recommendations from the Tourism Advisory Committee regarding the proposed fountain. Motion was made by Councilman Brown, second by Councilman Dodson to accept the Tourism

Advisory Board's recommendation to build and construct entry fountain at Depot Plaza and to authorize construction.

Motion was made by Councilman Townsend, second by Councilman Stoll, to table consideration and/or approval to construct an entry fountain at Depot Plaza, pending receipt of additional information regarding liability to the City and a revised concept plan to remove the pool and create a splash pad, separated from the fountain area.

Motion to TABLE carried unanimously.

- 7.8 Lori Lakatos presented the proposed Certification of Compliance. Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize and direct the Mayor to execute and forward to the Texas Attorney General a Certification of Compliance with Chapter 395, Texas Local Government Code.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 6th day of September 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor