

**MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, MAY 2, 2011

7:00 P.M.

1.0 Call to Order

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

Councilman Quinn
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Kliever
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Finance Director – Glenn Windsor
Chief of Police – Robert Hauck
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
Assistant City Engineer – Lori Lakatos
Fire Inspector – Tommy Nicholson
Chief-NWEMS – Brian Petrilla

2.0 The invocation was given by Anthony Malfitano, Chaplain, Rolling Thunder Texas–Chapter 1

3.0 Pledge to the U. S. flag was led by Cooper Cason; pledge to the Texas flag was led by Anna Liu.

4.0 The following public comments were received:

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| Sherrie Meicher
222 Southmore, 77375 | - Asked Council and audience to become members of, and City to support, the Tomball Museum Center. |
| Cooper Cason
19302 Red Canyon Lane, 77377 | - Requested City Support/Co-Sponsorship for the 3 rd Annual Homecoming Parade, to be held on September 28, 2011 from 6:30 p.m.-8:00 p.m. |

5.0 Presentations:

- Mayor Fagan presented a Proclamation declaring the Month of May 2011 as **“Motorcycle Safety & Awareness Month”** to members of the Houston Region of the Texas Confederation of Clubs and Independents, Texas Motorcycle Safety Coalition

6.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, April through July)
- May 5, 2011 – **Tomball National Day of Prayer** – 12:00 p.m. at the Gazebo (Depot Plaza)
- May 5, 2011 – **Mayor’s Coffee** – **Nona’s Italian Grill** - 5:30 p.m.-7:00 p.m.
- May 14, 2011 – **2nd Saturday at the Depot**
- May 14, 2011 – **Election Day – General City Election at City Hall, 7:00 a.m.-7:00 p.m.**
- May 16, 2011 – **Reception honoring David Quinn, Council 1 – 5:00 p.m.**
- May 16, 2011 – **Council Meeting at 6:00 p.m. (new time)**
- **May 17, 2011 – Canvass May 14, 2011 Election Results, Oath(s) of Office, and Elect Mayor Pro-Tem – 6:00 p.m.**
- **Walk Tomball!** (every Saturday at 8:00 a.m. at the Depot)
- **June 20-August 15** (skip July 4th) – **HEB/City of Tomball’s Mayor’s Summer Nutrition Challenge –MLK Community Park**
- 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 March 31, 2011 and the Mid-Year Financial Report for Six Months Ending March 31, 2011.
 - Councilman Townsend requested additional information regarding expenditures versus budget in the streets department.
 - Councilman Townsend requested an update regarding the effect of the current drought on the City’s water capacity for the May 16, 2011 meeting.
 - Councilman Stoll announced that Tomball reported the best results during the “Take Back Drugs Program”, sponsored by the Drug Enforcement Administration and Tomball Police Department; the next event in Tomball will be held in October 2011.

- 7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the minutes of the April 18, 2011 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Lori Lakatos presented the proposed Professional Services Agreements. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Professional Services Agreements with CLR, Inc., in an amount not to exceed \$74,186 for Two Parking Lots, City-owned Lots AN and ES, for Professional Services related to Downtown Parking Lots and to authorize the City Manager to Execute the Agreements.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2011-04, an Ordinance of the City of Tomball, Texas, finding and determining that public convenience and necessity no longer require the continued existence of road right-of-way containing all that certain tract or parcel containing 7,827.73 square feet situated in the William Hurd Survey, A-371 in Harris County, Texas, same also being a part of Ash Street, (variable width, unimproved), as shown on the revised map of Tomball, a subdivision in Harris County, Texas according to the map or plat thereof filed for record in volume 4, page 25 of the Harris County Map Records and a part of Timkin Road, (variable width) as recorded in instruments filed for record in volume 338, page 552 and under Harris County Clerk's File No. M-572329 of the Harris County Deed Records; vacating, abandoning, and closing said roadway right-of-way; authorizing the Mayor to execute and the City Secretary to attest, respectively, deed without warranty of title; providing for severability; and containing other provisions relating to the subject. Vote was as follows:

Councilman Quinn	<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.

- 8.3 Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt on Second Reading, Ordinance No. 2011-06, An Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by amending Section 34.6.E.1 ("Additional off-street parking space requirements") to delete the off-street parking requirements in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the Lots that Front on Fannin Street and Houston Street adjacent to

such portion; 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 Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2011-07, an Ordinance of the City of Tomball, Texas, amending Chapter 2. Administration, of Its Code of Ordinances to Change Its Regular Meeting Time to 6:00 P.M.; amending Subsections 2-32(C) Meetings and 2-32(D)(6) Organization and Order Of Agenda Related to the Same; Making Other Provisions Related Thereto; Repealing Ordinances or Parts of Ordinances Inconsistent Herewith; and Providing for Severability. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Mayor Fagan presented recommendation for appointments to the Planning and Zoning Commission. Councilman Townsend nominated Lisa Daniels and Councilman Stoll nominated John Dillon for consideration; nominations ceased. Vote was as follows:

Councilman Quinn	<u>Michele Beauvais and James Kendler</u>
Councilman Stoll	<u>Michele Beauvais and John Dillon</u>
Councilman Brown	<u>Michele Beauvais and James Kendler</u>
Councilman Townsend	<u>Lisa Daniels and James Kendler</u>
Councilman Dodson	<u>Michele Beauvais and James Kendler</u>

Michele Beauvais and James Kendler are appointed to the Planning and Zoning Commission, effective June 1, 2011.

- 9.2 Lori Lakatos presented an overview of the proposed Contract. Motion was made by Councilman Brown, second by Councilman Stoll, to award Contract for Bid 2011-03,

Project Number 2007-10006, Tomball Hills Lift Station Replacement, to Low Bidder, N&S Construction Co., L.P., in the amount of \$349,775.00.

Motion carried unanimously.

- 9.3 George Shackelford presented an overview of Chapter 60. Signs and LED signage. Brian Lizak, ClearChoice LED, presented information regarding LED signage and possible restrictions that Council might consider. Council requested City staff to review Chapter 60 and bring recommendations to Council at a future meeting. No action taken
- 9.4 The City Council recessed at 8:10 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:
- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting regarding Contemplated Litigation
 - Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into regular session at 8:30 p.m., the Item 9.5 was considered and action taken.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Townsend, to request Applicant, Patti Fisher, to Demolish Substandard Building Located at 29503 Orchard Grove Drive.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 16th day of May 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor