

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



MONDAY, APRIL 4, 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 Smith
Chief of Police – Robert Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Assistant to City Manager – Shawn Cox
Assistant Fire Chief – Jon Fontenot
Assistant City Planner – Rodney Schmidt
Assistant City Engineer – Lori Lakatos
Building Official – David Allen

2.0 The invocation was led by Pastor Richard Jennings, River of Praise

3.0 Pledges to the U. S. and Texas flags were led by Michelle Barrera and Ana Feria, Tomball High School Student Council.

4.0 The following public comments were received:

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| Mary Lu Wiley
14120 Carneswood, 77375 | - Urged Council to consider more closely the viewpoints/backgrounds of individuals Council appoints to boards and commission. |
| Bill Webb
915 Baker, 77375 | - Expressed his concerns regarding Items 8.3, new fire truck, and 9.3, fire station foundation. |

5.0 Presentations:

- Mayor Fagan presented a proclamation declaring Saturday, April 9, 2011 as a **“Day of Healthy Living in Tomball”** to the members of the Tomball Area Health Awareness Organization.

6.0 Reports and Announcements:

- April 2, 2011 – **Farmers Market** Opens – 9 a.m.-1:00 p.m. (Every Saturday)
- April 9, 2011 – **3rd Annual City of Tomball Bunny Run 5K and Kids 1 Mile – 8:00 a.m. and 8:45 a.m.**
- April 9, 2011 – **“Day of Healthy Living in Tomball”** – Health Expo sponsored by Tomball Area Health Awareness Organization and the City of Tomball – 9:00 a.m.
- April 9, 2011 – **Downtown Specific Plan Public Design Workshop**, Tomball Community Center, 221 Market Street, beginning at 3:00 p.m.
- April 9, 2011 – **Downtown Specific Plan Question & Answer Session** at the Second Saturday Event, at The Depot, beginning at 5:00 p.m.
- April 9, 2011 and May 14, 2011 – **2nd Saturday at the Depot**
- April 11, 2011 – 7:00 p.m.-9:00 p.m. – **Joint CC / P&Z / DTAC Workshop #2**
- April 18, 2011 – Appointments to Tomball Economic Development Corporation for terms expiring May 2, 2011
- April 18-23, 2011 – **City of Tomball Spring Clean Up Week** – 8:00 a.m. to 4:30 p.m.
- April 26, 2011 – **Boards and Commissions Appreciation Banquet** – 6:00 p.m. to 8:00 p.m., at the Community Center, Room A
- May 14, 2011 – **Election Day – General City Election at City Hall, 7:00 a.m.-7:00 p.m.**
- May 16, 2011 – Appointments to Planning and Zoning Commission for terms expiring June 1, 2011
- **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
 - Glenn Windsor – Report regarding Request for Proposals to Auditors for the Independent Audit of the Financial Statements for the Fiscal Year

ending September 30, 2011; RFPs will be sent out in fiscal year 2011-2012 for auditor services. George advised that he and Glenn Windsor will update Council following a meeting with the current auditors to discuss the audit process for fiscal year ending September 30, 2011.

- o Shawn Cox - Update regarding Oilfield Helping Hands Auto Show and Motorcycle Rally
- o Lisa Coe - Report on the Youth Opportunities Fair

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

Motion carried unanimously.

- 8.0 Old Business:

Councilman Dodson advised Mayor and Council that he would recuse himself from discussion and vote regarding Items 8.1 and 8.2 and that he had filed an affidavit of Conflict of Interest with the City Secretary.

- 8.1 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt on Second Reading, Ordinance No. 2011-02, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 2.57 Acres of Land, Legally Described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas, From the AG-Agricultural District to the C-Commercial District; Said Property Being Generally Located on the westerly side of State Highway 249, southerly of Alice Road; 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>Abstain</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2011-03, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit to CMH Homes, Inc., to operate a "Manufactured Home Display or Sales (New or Used)"

Facility; Said Property Being Located within the City in Zoning District C-Commercial and Being Legally Described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, Generally Located on the westerly side of State Highway 249, Southerly of Alice Road in Tomball, Texas; Providing Requirements and Conditions for this Conditional Use Permit; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an amount not to exceed Two Thousand Dollars for Violations Hereof; and Providing for Severability. 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>Abstain</u>

Motion carried unanimously.

- 8.3 Randy Parr presented information regarding the proposed acquisition of a new fire truck and the associated additional equipment. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the acquisition of a New Fire Truck to replace Engine 4, the Frontline Pumper at Station 1, due to Significant Mechanical and Safety Issues, and to authorize the City Manager to Execute the Necessary Documentation.

Motion carried unanimously.

- 8.4 Glenn Windsor presented information regarding the proposed financing of a new fire truck and associated additional equipment. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Tax-Exempt Financing through Oshkosh Capital, not to exceed \$725,000, to purchase a Pierce Custom Velocity PUC Fire Truck to Replace TFD Engine 4, the Frontline Pumper at Station 1, due to Significant Mechanical and Safety Issues.

Motion carried unanimously.

9.0 New Business:

- 9.1 Rob Hauck and Shawn Cox presented the proposed request for city support. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve request from Shattered Lives Program City Support in the Use of Police and Fire Personnel and Equipment.

Motion carried unanimously.

- 9.2 Lori Lakatos presented an overview of the proposed plats. Motion was made by Councilman Dodson, second by Councilman Brown, to approve the following plats, as recommended by the Planning and Zoning Commission:

- **CORRIENTE COMMERCIAL FINAL PLAT**: Being a subdivision of 4.8595 acres of land situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, as described in deed recorded in Clerk's File Number U311750 of the Real Property Records of Harris County, Texas.
- **REPLAT 1 OF TOMBALL MEDICAL PLAZA**: Being a Replat of Tomball Medical Plaza being 2.8278 acres out of Lot 12, Recorded under F.C. No 635259 of the Harris County Map Records, Situated in the William Hurd Survey, Abstract 378, Harris County, Texas.
- **RESERVE AT TOMBALL FINAL PLAT**: A 56.530 acre tract of land being a partial Replat of Tomball Townsite Recorded in Volume 2, Page 65, H.C.M.R., and Tomball East Gate Center recorded under Film Code No. 542107, H.C.M.R., Being all of a called 55.6484 acre tract recorded under Harris County Clerk's File No. 20100211861, and the residue of unrestricted Reserve "B", Tomball East Gate Center, in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 9.3 George Shackelford, Dale Conger, Cobb, Fendley & Associates, and Jay Khayrattee, Matrix Structural Engineers, presented information regarding Cobb, Fendley's proposed revision to the pier and pier cap design for the Tomball Central Fire Station. George Shackelford advised Council that the delay in the project was created due to the incorrect placement of the piers by the contract and that he had advised Momentum Construction that no additional expenses would be accepted by the City as a result of their actions. Motion was made by Councilman Townsend, second by Councilman Stoll, to accept Cobb, Fendley's recommendations regarding revisions to the Pier and Pier Cap Design for the Tomball Central Fire Station Expansion and to direct Momentum Construction to proceed with the corrective installation of two additional dowels at each pier and spaced between those already provided, as recommended by Cobb, Fendley. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.4. George Shackelford presented an overview of proposed HB 2255. Motion was made by Councilman Dodson, second by Councilman Quinn, to endorse HB 2255, Relating to the Authority of the Texas Department of Transportation to Enter into Comprehensive Development Agreements for Certain Projects, including the Grand Parkway and State Highway 249 Projects in Harris and Montgomery Counties from Spring Cypress Road to Farm-to-Market Road 1774 and to authorize the City Manager or his Designee to write letters and provide additional communications to members of the State Legislature.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 18th day of April 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor