

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



MONDAY, NOVEMBER 1, 2010

7:00 P.M.

1.0 Call to Order

The 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
City Secretary – Doris Speer
City Attorney – Scott Bounds
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Director of Public Works – David Kauffman
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette
Assistant Engineer – Lori Lakatos

2.0 The invocation was led by Father Dan Dunlap, Episcopal Church of the Good Shepherd

3.0 Pledges to the U. S. and Texas flags were led by Eta Sigma Alpha Home School Honor Society – Gamma Chapter Students

4.0 The following public comments were received.

Rosalie Dillon
14166 Turnervine, 77375

- Announced the 2nd Saturday at the Depot theme for November 13, 2010 – “Give Thanks Tomball”

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| Lynn Chambers Brewer
13626 Country Hill, 77375 | - Expressed her support for the proposed sidewalk extensions; requested extension of sidewalk from Zion to Ulrich as well. |
| Ron Tocci
General Manager, LaQuinta
27004 Decker Prairie-Rosehill
77355 | - Expressed his support to amend the Tourism Advisory Committee to include three members from the hotel/motel industry, for a total of nine members. |
| Prakash Patel
Manager, Executive Inn
603 West Main, 77375 | - Expressed his support to amend the Tourism Advisory Committee to include three members from the hotel/motel industry, for a total of nine members. |

5.0 Presentations:

- Mayor Fagan presented a Collage of the Coat of Arms of the cities of Telgte, Germany and Tomball, Texas.
- Mike Darlow, Perdue Brandon & Mott, presented an update regarding PB&M Warrants and Delinquent Tax Collections.

6.0 Reports and Announcements:

- November 13, 2010 – **Farmers Market** – 8:00 a.m.
- November 13, 2010 – **Woodforest “Tomball Dash” 5K Run** – 8:00 a.m., Depot Plaza
- November 13, 2010 – **2nd Saturday at the Depot – “Give Thanks Tomball”, 5:00 p.m.**
- November 16, 2010 – **Mayor’s Coffee** – 5:30 p.m.-7:00 p.m., Main Street Crossing
- November 20, 2010 - **Special Walk Tomball** in the **Holiday Parade** behind the *Walk Tomball! It’s a Wonderful Life* banner – 10:00 a.m.
- **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
 - Robert Hauck - Tomball Police Department formal inspection will be held on Thursday, November 4, 2010 at 8:00 a.m., 400 Fannin
 - Robert Hauck – provided an update regarding Tomball Police Department support for Dispatcher Sherine Amanollahi, currently fighting breast cancer
 - Randy Parr – expressed his appreciation to Council, City employees, and community for support and assistance in successful Fall Festival
 - Councilman Townsend – reported on Governor Perry’s campaign stop in Tomball.

7.0 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the minutes of the following meetings:

- October 18, 2010 Regular City Council Meeting
- October 22, 2010 Special City Council Meeting

Motion carried unanimously.

8.0 Old Business:

- 8.1 Shawn Cox presented an overview of the proposed Ordinance. Motion was made by Councilman Quinn, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2010-21, an Ordinance Amending Chapter 74 of the Code of Ordinances of the City of Tomball, Texas, by Adding a New Section 74-32, Establishing Procedures for the Management and Administration of Revenue Generated by the Hotel Occupancy Tax, Determining that the City Council of the City of Tomball Shall Maintain Control Over Revenue Generated by the Hotel Occupancy Tax, and Establishing the Tourism Advisory Committee to Consider and Review all Requests for the Funding of Activities with Revenue Generated by the Hotel Occupancy Tax; Providing for Severability; and Providing an Effective Date.

Motion was made by Councilman Quinn, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2010-21, an Ordinance Amending Chapter 74 of the Code of Ordinances of the City of Tomball, Texas, by Adding a New Section 74-32, Establishing Procedures for the Management and Administration of Revenue Generated by the Hotel Occupancy Tax, Determining that the City Council of the City of Tomball Shall Maintain Control Over Revenue Generated by the Hotel Occupancy Tax, and Establishing the Tourism Advisory Committee to Consider and Review all Requests for the Funding of Activities with Revenue Generated by the Hotel Occupancy Tax; Providing for Severability; and Providing an Effective Date, with the following amendments:

1. Section 74-32(d)(1) shall be changed to include “The Committee shall consist of nine members who shall be recommended by the Mayor and approved by City Council to serve three-year staggered terms. The initial term for positions 1, 4 and 7 will be 1 year; positions 2, 5, and 8 will be 2 years; and positions 3, 6 and 9 will be 3 years”.
2. Section 74-32(d)(1) shall be changed to include “The Chair shall retain the right to vote and make motions as a member of the Committee.”
3. Section 74-32(d)(7) shall be changed to read:

“Members of the Committee shall possess at least one of the following qualifications:

- a. Positions 1, 2 and 3 must reside within the city limits of the City of Tomball, provided, however, that no more than three Committee members qualify solely under this subsection;

- b. Positions 4, 5 and 6 must work for, own, or be an officer or director of a business, other than a hotel or motel, with business locations within the city limits of the City of Tomball, provided, however, that no more than three Committee members qualify solely under this subsection;
- c. Positions 7, 8 and 9 must work for, own, or be an officer of a hotel or motel located in the city limits of the City of Tomball, who may either be a resident or non resident of the City of Tomball, provided, however, that no more than three Committee members may qualify solely under this subsection.”

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, as amended, carried – 4 votes Aye, 1 vote Nay.

- 8.2 Glenn Windsor presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Brown, to Adopt, on Second Reading, Ordinance No. 2010-22, an Ordinance of the City of Tomball, Texas, Adopting **Amendment Number 1** to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2010-2011, as adopted by Ordinance 2010-17; Providing for Appropriation of Funds from the Governmental and Proprietary Funds; Directing Publication of the Caption of this Ordinance; finding that the Meetings at which this Ordinance is Considered are open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing Other Details Relating to the Passage of this Ordinance. 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.

- 8.3 Kelly Violette presented an overview of the proposed Ordinance. Motion was made by councilman Quinn, second by Councilman Townsend, to Adopt on Second Reading, Ordinance No. 2010-23, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of

Approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District; said Property being generally located on the westerly side of Quinn Road, northerly of Zion 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 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 George Shackelford presented an overview of the proposed Ride. Council Received an Update on Proposed MS 150 Bike Ride for the Multiple Sclerosis Association, April 16 and 17, 2011.

No action taken.

- 9.2 David Kauffman presented an overview of the proposed Resolution. Motion was made by Councilman Quinn, second by Councilman Brown, to Approve Resolution No. 2010-22, a Resolution of the City of Tomball, Texas, Authorizing the City Manager, Assistant City Manager, and Director of Public Works to Negotiate with Eagle Energy Partners, I.L.P., to Fix a Set Price, for a Specific Period of Time, for the City's Future Purchases of Natural Gas; and Providing other Matters Related to the Subject.

Motion carried unanimously.

- 9.3 Lori Lakatos presented an overview of the proposed plat. Motion was made by Councilman Stoll, second by Councilman Quinn, to Approve Final Replat called **TOMBALL ISD MAINTENANCE FACILITY:** Being a subdivision of 3.994 acres out of the W. Hurd Survey, Abstract No. 371, City of Tomball, Harris County, Texas. Also being a Replat of Lots 1-12 of Block 15, Lots 1-24 of Block 16 and Lots 25-36 of Block 23, and the Abandonment of Existing Right-of-Ways between South Cherry Street and South Oak Street within this subdivision of Revised Map of Tomball, Recorded under Vol. 4, Pg. 25, H.C.M.R., 1 Block, 1 Lot.

Motion carried unanimously.

9.4 George Shackelford presented an Overview and Discussion regarding Sidewalks from:

- a. Quinn Road to Country Meadows Drive (cost estimate: \$31,000+)
- b. Country Meadows Drive to Spring Forest Estates (cost estimate: \$61,000+)
- c. Country Meadows Drive to Ulrich Road (cost estimate: \$136,000+)

Council expressed concerns regarding crossing railroad tracks, the need to build sidewalks on the south side of Tomball, possible funding options, possibly extending sidewalks down Ulrich to Matheson and Juergens parks, and Council action to budget funds, providing direction to the City Manager and staff.

No action taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 15th day of November 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor