

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



MONDAY, OCTOBER 18, 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 Brown
Councilman Townsend
Councilman Dodson

Member Absent:

Councilman Stoll - Excused Absence

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Kliewer
Assistant City Secretary – Betsy Gates
City Attorney – David Olson
City Attorney – Brian Begle
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Director of Engineering & Planning – Mark McClure
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette

2.0 The invocation was led by Kevin Pieper, Director Missions and Outreach, Salem Lutheran Church

3.0 The pledges to U. S. and Texas Flags were led by Led by the Members of Tomball High School Student Council – E. J. Jones, Cooper Cason, and Michelle Barrera

4.0 No public comments were received.

5.0 Presentations:

- Presentation was given by Mayor Fagan to Mark McClure and Kelly Violette from Engineering and Planning for winning the Vision 2030 State Award. The award was formally presented to the City of Tomball at the 2010 APA Texas Chapter Annual Conference on October 8, 2010 in San Antonio.

6.0 Reports and Announcements:

- October 23, 2010 – **Farmers Market** – 8:00 a.m.
- October 29-30, 2010 – **Fire Department Fall Festival** – 6:00 p.m.
- October 30, 2010 - **Special Walk Tomball** to support American Heart Association – 10:00 a.m.; Heart Walk routes (1, 2 or 3 mile options) begin at The Heart Center at Tomball Regional (north entrance; use free parking garage or adjacent lots)
- November 4, 2010 – **Mayor's Coffee** – 5:30 p.m. – 7:00 p.m.
- November 13, 2010 – **2nd Saturday at the Depot** – 6:00 p.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

7.0 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the minutes of the Regular City Council Meeting of October 4, 2010

Motion carried unanimously.

8.0 Old Business:

8.1 Mayor Fagan requested a Motion to Take from the Table consideration of the Quinn Road Sidewalk Change Order #1. Motion was made by Councilman Townsend, second by Councilman Dodson, to Take from the Table consideration of the Quinn Road Sidewalk Change Order # 1.

Motion carried unanimously.

8.2 Mark McClure presented the proposed Change Order information. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Change Order # 1 for \$59,320.00 for the Quinn Road Sidewalks and Utilities Project, Engineering and Planning Project No. 2007-10005, Project Bid No. 2010-01.

Motion carried unanimously.

9.0 New Business

- 9.1 George Shackelford presented a review of the proposed Ordinance. Motion was made by Councilman Brown, second by Councilman Quinn, to read Ordinance No. 2010-21 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Quinn, to adopt on First Reading Ordinance No. 2010-21, An Ordinance 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; Establishing Hotel Occupancy Advisory Board to Consider and Review all Requests for the Funding of Activities with Revenue Generated by the Hotel Occupancy Tax, with changes to (1) better clarify the makeup of the membership and qualification categories and (2) review Section 74-32(d)(9) to better clarify the timeframe in which applications come to the City Council. 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>Absent</u>

Motion carried unanimously.

- 9.2 Glenn Windsor presented an overview of the proposed Ordinance. Motion was made by Councilman Quinn, second by Councilman Brown, to read Ordinance No. 2010-22 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on First 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 Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Absent</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

- 9.3 Glenn Windsor presented an overview of the proposed Grant request. Motion was made by Councilman Dodson, second by Councilman Brown, to approve Grant for the Spring Creek County Historical Association (Tomball Museum) in the amount of \$14,000.00.

Motion carried unanimously.

- 9.4 Mayor Fagan and George Shackelford presented information regarding City support of the proposed MS 150 Bike Ride for the Multiple Sclerosis Association April 16 – 17, 2011.

No action taken.

- 9.5 Kelly Violette presented the staff report for **ZONING CASE P10-273**: Request by WDL Lumber, on behalf of William and Jean Adams, to amend the City's Comprehensive Zoning Ordinance to rezone 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, generally located on the westerly side of Quinn Road, northerly of Zion Road, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P10-273** at 7:52 p.m.; no public comments being received, the public hearing was closed at 7:52 p.m.
- Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2010-23 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Brown, to adopt on First 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 Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Absent</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

- 9.11 Executive Session: The City Council recessed at 7:56 to meet in Executive Session, as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purposes:

- Sec. 551.072 – Deliberations Regarding Real Property
- Sec. 55.071 – Private Consultation with Attorney in Closed Meeting Regarding Contemplated Litigation and Attorney-Client Matters – Claim of Terrance Holiday

Upon reconvening into Regular session at 9:20 p.m., the following items were considered:

- 9.7 Possible Action Regarding Claim Filed by Terrance Holiday.

No action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 1st day of November 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor