

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



MONDAY OCTOBER 4, 2010

7:00 P.M.

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

Councilman Dodson
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Quinn

Others present:

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

2.0 Invocation

- Led by Chaplain Tara Dorrah, Tomball Fire Department

3.0 Pledges to U. S. and Texas Flags

- Led by Members of Tomball High School Student Council Members, E.J. Jones and Cooper Cason, and Gentry Sipe, 2nd Grade, Tomball Elementary

4.0 The following public comments were received:

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| Cameron Steiner
206 Lawrence Street, 77375 | - Expressed his opposition to the protesters at SH 249 and FM 2920; has taken threats from protesters to the Tomball Police Department; requested Council consideration of an ordinance regulating protesters. |
| Becky Clepper
10722 Spell, 77375 | - Expressed her interest in the light rail presentation; requested information regarding costs, potential tax increases, placement of the depot, and having the referendum voted on by citizens. |
| Brandy Beyer
20331 New Kentucky, 77447 | - Spoke in favor of the 2010 Tomball Holiday Parade, to be held on Saturday, November 20, 2010. |
| Joe Myrick
552 FM 3083, 77301 | - Presented additional concerns regarding illegal immigration; expressed his opposition to President Obama, current presidential and federal government plans. |
| Gary Smith
31422 Rigel Court, 77375 | - Expressed his opposition to illegal immigration and concern that he did not receive notification regarding an update being placed on the 10/4/10 agenda regarding the status of 31422 Rigel Court |
| Mary Lu Wiley
14120 Carneswood, 77375 | - Expressed her appreciation regarding Council's vote on 9/20/10 to amend Administrative Policy No. 24, allowing the reservation of all four courts at Matheson Park for league play. |
| Matthew Heffernan
1903 Hemlock, 77375 | - Expressed his opposition to passage of Ordinance No. 2010-16. |

5.0 Presentations:

- Presentation was given by Maureen Crocker, Gulf Rail District Authority, regarding future freight rail and passenger rail expansion and development.
- Lori Klein Quinn, member of the GPA Board of Directors, introduced David Gornet, Executive Director of the Grand Parkway Association. David Gornet gave a presentation regarding the current status of the Grand Parkway and possible future plans for the interchange at SH 249, approximately 700 feet south of Boudreaux Road (a bridge over SH 249 will be built first, then direct ramps as traffic increases). Grand Parkway will go under FM 2920 near Hooks Airport, to accommodate air traffic.

- Mayor Fagan presented a proclamation to Randy Parr, Fire Chief, and Tommy Nicholson, Fire Inspector, declaring the week of October 3-9, 2010 as **“Fire Prevention Week”**.

6.0 Reports and Announcements:

- October 9, 2010 – **Farmers Market** – 8:00 a.m.
- October 9, 2010 – **2nd Saturday at the Depot** – 5:00 p.m. (**Special Time**)
- 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)
- **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
 - Lori Lokatos presented an update regarding the slope failure at 31422 Rigel Court. Geotech Engineering and Testing conducted geotechnical soil sample tests; three recommendations have been presented to Tomball Engineering and Planning; final design has not been submitted to Tomball Engineering and Planning for review and recommendation to City Council.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the Regular City Council Meeting of September 20, 2010.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Glenn Windsor presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2010-20, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.251455/\$100 Value Assessed for the Year 2010 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters 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.

- 8.2 Lori Lakatos presented an overview of the proposed Ordinance. Motion was made by Councilman Stoll, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2010-16, an Ordinance of the City Council of the City of Tomball, Texas, Amending Chapter 38, Flood Damage Prevention, by Providing for the Designation of Additional Flood Hazard Areas, Requiring the Mitigation of Fill in Flood-Prone Areas, Prohibiting New Development in the Floodway, Altering Appellate Procedures, and Making Other Related Changes; Providing a Penalty in an Amount of Not More than \$2,000 for Violation of any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making Other Provisions and Findings Related Thereto. 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.

9.0 New Business:

- 9.1 Shawn Cox presented an overview of the proposed Resolution. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Resolution No. 2010-21, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 45th Annual Tomball Holiday Parade, "**Peace, Love, and the Holidays**" to be held in Tomball on Saturday, November 20, 2010 and to Approve Requested Street Closures and In-kind Services.

Motion carried unanimously.

- 9.2 Randy Parr presented an overview of the proposed Request. Motion was made by Councilman Brown, second by Councilman Stoll, to approve Request by Tomball Fire Department to Close School Street between Main and Malone on Friday Night, October 29, and Saturday Night, October 30, 2010 in Conjunction with the Fire Department's Annual Fall Festival and Haunted House Event and to Allow the Safe Passage of Pedestrians from the School Parking Lot across School Street to the Event Site.

Motion carried unanimously.

- 9.3 Randy Parr and Carl Joiner, Architect, presented an overview of the proposed Expansion project. Motion was made by Councilman Stoll, second by Councilman Dodson, to approve Proposal from Momentum Construction for the Expansion of Tomball Fire Station

#1 (Project No. 2010-08) and Authorize the City Manager to Negotiate and Execute a Contract with Momentum Construction, in the amount off \$440,999.00.

Motion carried unanimously.

- 9.4 Randy Parr presented an overview of the proposed Memorandum. Motion was made by Councilman Townsend, second by Councilman Dodson, to authorize the City Manager to Negotiate a Memorandum of Understanding (MOU) with Northwest EMS, whereby Northwest EMS would Purchase Fuel for Ambulances and Vehicles from the City of Tomball.

Motion carried unanimously.

Mayor Fagan called a recess at 8:45 p.m.; upon reconvening into regular session at 8:52 p.m., the following items were considered:

- 9.5 Randy Parr presented an overview of the proposed Grant. Motion was made by Councilman Townsend, second by Councilman Brown, to authorize the Tomball Fire Department to submit a Staffing for Adequate Fire and Emergency Response (SAFER) Grant Application for Two Firefighters under the SAFER Program.

Motion carried unanimously.

- 9.6 Shawn Cox presented an overview of the proposed HOT Board. Motion was made by Councilman Townsend, second by Councilman Brown, to Establish a Hotel Occupancy Tax Funds Board (HOT Board), to authorize the City Attorney to draft an ordinance creating the HOT Board, including the following requirements:

- a. Board will consist of seven (7) members;
- b. Board will be advisory only, bringing recommendations to City Council for final approval or denial;
- c. Board composition will include three (3) Tomball residents, three (3) Tomball business representatives, and one (1) Tomball hotel-motel representative;
- d. Length of term will be three (3) years,
- e. Terms will be staggered, and
- f. Regular meetings will be held quarterly, with special meetings held as needed.

Motion carried unanimously.

- 9.7 The City Council recessed at 9:26 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. 551.072 – Deliberations Regarding Real Property

Upon reconvening into open session at 10:01 p.m., no action was taken.

10.0 Motion was made by Councilman Townsend, second by Councilman Stoll, for adjournment.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 18 day of October 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor