

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



TUESDAY, JULY 6, 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 Stoll
Councilman Townsend
Councilman Quinn
Councilman Brown

Others present:

City Secretary – Doris Speer
City Attorney – Scott Bounds
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Director of Engineering & Planning – Mark McClure
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette

2.0 Invocation

- Led by Pastor Scott Knight, The Pointe Fellowship Church

3.0 Pledges to U. S. and Texas Flags

- Led by Allen Fletcher, Texas State Representative, District 130

4.0 The following public comments were received:

Lamar Barr
Hampton Inn
14100 Medical Complex, 77375

- Requesting additional police patrols through complex; requesting that utility bills be billed current, not behind; requested review of utility rates being charged for dumpsters.

H. G. Harrington
619 N. Magnolia, 77375

- Provided history regarding day labor site; expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Tina Salem
1310 Pine Trails, 77375

- Email read into the record - expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Mary Harvey
405 S. Walnut, 77375

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Rodney Hutson, M.D.
9431 Rosie Lane, 77355

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Sallie Fisher
723 Hospital, 77375

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Jack Ripley
14134 Castor Street, 77375

- Expressed his opposition to people hiring illegal workers; asked that the City require proof that workers at day labor site are legal workers and that contractors hiring workers at the day labor site are legal workers.

Nora Stovall
307 Florence, 77375

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Ken Shuman, Pastor
611 Clayton, 77375

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Lori Wallace
1821 S. Cherry, 77375

- Did not speak; requested that her support for renewal of the lease agreement for the day labor site and continued City oversight be read into the record

Tommy Lyles, Pastor
621 N. Magnolia, 77375

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Roy Wooten
1455 School Street, 77375

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Denny Dillon, Pastor
14103 Timbergreen Dr., 77355

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Alvaro Navarro, Pastor
20019 Emerald Way, 77355

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Sarah Starnes
11810 Piney Way Lane, 77375

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Linda J. Williams
1415 Joseph Court, 77375

- Did not wish to speak, requested that her support for renewal of the lease agreement for the day labor site be read into the record

John P. Dillon
14166 Turnervine, 77375

- Did not wish to speak, requested that his support for renewal of the lease agreement for the day labor site be read into the record

James Wrentz
31203 Antonia Lane, 77375

- Did not wish to speak, requested that his support for renewal of the lease agreement for the day labor site and for Walk Tomball be read into the record

Linda Wrentz
31203 Antonia Lane, 77375

- Did not wish to speak, requested that her support for renewal of the lease agreement for the day labor site and for Walk Tomball be read into the record

Bruce Hillegeist
20339 Telge Road, 77377

- Thanked City and Fire Department for wonderful fireworks display; requested City's approval and co-sponsorship of the 38th Annual Tomball Night; expressed his support for the memorial statue proposed for Matheson Park; express his support for renewal of the lease agreement for the day labor site and continued City oversight.

Janet Hampton
18902 Rosewood Trail, 77377

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Mary Lu Wiley
14120 Carneswood, 77375

- Expressed her opposition to additional Oklahoma statues and to proposed memorial statue for Matheson Park; suggested charging men to use the day labor site.

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| William Shaffer, Commander
VFW Post 2427, 77375 | - His letter expressing the VFW's support for the memorial statue proposed for Matheson Park was read into the record. |
| Pat Bailey
1319 Dove Trails, 77375 | - Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight. |
| Barbara Tague
503 Inwood, 77375 | - Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight. |
| Linda Wrentz
31203 Antonio Ln, 77375 | - Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight. |
| Tony Martinez
26635 Leafston Lane, 77354 | - Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight. |
| Allen Fletcher
23718 Powdermill Drive, 77377 | - Did not speak; was present to show his support for the memorial statue proposed for Matheson Park. |

5.0 Reports and Announcements:

- July 10, 2010 – **Farmers Market** – 8:00 a.m.
- July 10, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- July 19, 2010 – Budget Workshop – 8:00 a.m.
- July 22, 2010 – Budget Workshop – 5:00 p.m.
- July 24, 2010 – **Farmers Market** – 8:00 a.m.
- August 2-10, 2010 -- **Early Voting for Special Election** on August 14, 2010
 - August 2 - 7:45 a.m. – 5:00 p.m.
 - August 3 - 7:45 a.m. – 7:45 p.m.
 - August 4 - 7:45 a.m. – 5:00 p.m.
 - August 5 - 7:45 a.m. – 5:00 p.m.
 - August 6 - 7:45 a.m. – 4:00 p.m.
 - August 9 - 7:45 a.m. – 5:00 p.m.
 - August 10 - 7:45 a.m. – 7:45 p.m.
- August 5, 2010 – **Mayor's Coffee**, Main Street Crossing – 5:30 p.m.-7:00 p.m.
- August 6, 2010 – **38th Annual Tomball Night**
- **August 14, 2010 - Special Election** – City Hall, **7:00 a.m.-7:00 p.m.**
- August 14, 2010 – **Farmers Market** – 8:00 a.m.
- August 14, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- August 16, 2010 – Appointments to Tomball Hospital Authority for Terms Expiring 8/31/2010

- **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
 - July 4th Activities - Randy Parr, Fire Chief
 - Benefit for Paul Overcast, Tomball Police Officer - Robert Hauck, Police Chief

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the following Meetings:

- Special City Council Meeting of June 21, 2010 – Strategic Plan Advance
- Special City Council Meeting of June 21, 2010 – Workshop
- Regular City Council Meeting of June 21, 2010

7.0 Old Business:

7.1 Randy Parr presented information regarding the proposed Ordinance. Motion was made by Councilman Brown, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2010-06, an Ordinance of the City of Tomball, Texas, amending Chapter 26, "Emergency Services" of the Code of Ordinances of the City to Establish Policies, Procedures and Regulations as they relate to Alarms; Providing a Penalty in an Amount of not more than \$500 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 Townsend	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Nay</u>
Councilman Brown	<u>Aye</u>

Motion carried, 3 votes Aye to 1 vote Nay.

7.2 Shawn Cox presented information regarding the proposed lease renewal. Motion was made by Councilman Brown, second by Councilman Stoll, to approve the renewal of the proposed Lease Agreement with Frank and Russell DeNina for the Property containing the Day Labor Site.

Motion was made by Councilman Quinn to table consideration of the lease agreement until other options have been explored; motion died for lack of second. Discussion continued. Robert Hauck explained police department operations regarding the day labor site, responded to Council questions, and requested Council's consideration to keep the day labor site intact. Motion was made by Councilman Stoll, second by Councilman Quinn, to table consideration to allow time for the Mayor to find additional funding sources. No vote taken. Scott Bounds advised Council that the City has a continuing liability as the current occupant of the property and must provide 30-day notice to cancel the lease agreement.

Motion was made by Councilman Stoll, second by Councilman Quinn, to modify his motion to table consideration to renew the lease until December 2010 to allow staff time to find another group to work out an agreement with the DeNinas to pay the ad valorem taxes and keep the day labor site intact. Vote was as follows:

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

Motion to table carried, 3 votes Aye, 1 vote Nay.

Mayor Fagan called a five-minute break at 8:49 p.m.; upon returning into regular session at 8:56 p.m., the following items were considered:

8.0 New Business:

- 8.1 Bobby Payne presented information regarding the request by family and friends of Cpl. Johnson to donate a monument to the City of Tomball, "To the Fallen." A maquette of the proposed monument was displayed; names of the fallen will be etched on a marker. Councilman Townsend suggested that an M-16, helmet, and boots should be added to the monument and suggested that the City should provide a U.S. flag and a Tomball flag to the families of the fallen. The monument would be unveiled in January, in time for Cpl. Johnson's fellow service members to attend. Doug Van Zandt spoke on behalf of Sandra Van Zandt regarding the proposed creation and installation of the monument and presented the maquette. Councilman Quinn suggested etching the M-16, helmet, and boots onto the granite. Councilman Stoll asked about qualifications to have a service member's name engraved on monument. Motion was made by Councilman Townsend, second by Councilman Brown, to accept the donation of the proposed memorial monument.

Motion carried unanimously.

- 8.2 Joe Morrow, First Southwest, and Glenn Windsor gave a presentation regarding the proposed refinancing of previously issued City of Tomball, Texas Series 1995 and 1998 Bonds. Motion was made by Councilman Townsend, second by Councilman Stoll, to Authorize First Southwest to prepare the necessary documents to obtain a credit rating for the City, to prepare bid/proposal documents, and to return proposals to Council in August for consideration and/or approval.

Motion carried unanimously.

- 8.3 Scott Bean, Hawes Hill & Calderon, presented information regarding the proposed service and assessment plan.

Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2010-14 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Quinn, second by Councilman Brown, to adopt, on First Reading, Ordinance No. 2010-14, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number One (Pine Country of Tomball Subdivision). Vote was as follows:

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

Motion carried unanimously.

- 8.4 Mayor Fagan opened the public hearing regarding PID #1, Section Two Assessment Roll at 9:28 p.m. Hearing no public comments, Mayor Fagan closed the public hearing at 9:28 p.m.
- 8.5 Scott Bean, Hawes Hill & Calderon, presented information regarding the proposed ordinance to levy an assessment for PID #1.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2010-15 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll to adopt, on First Reading, Ordinance No. 2010-15, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Pine Country of Tomball Subdivision, Section Two Properties, within the City of Tomball Public Improvement District Number One; and Making Certain Findings Related Thereto. Vote was as follows:

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

Motion carried unanimously.

- 8.6 Glenn Windsor presented information regarding Resolution 2010-13. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Resolution 2010-

13, Designating Authorized Representatives to Conduct Authorized Participation in TexPool and TexPool Prime on Behalf of the City of Tomball.

Motion carried unanimously.

- 8.7 Glenn Windsor presented information regarding the public hearing for the FY 2010-2011 Budget. Motion was made by Councilman Stoll, second by Councilman Quinn, to set August 2, 2010 as the Date of the Public Hearing Date for the City of Tomball's Proposed Budget for FY 2010-2011.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Stoll, second by Councilman Townsend, to appoint Richard Bruce as Alternate Member, Position 2 to the City of Tomball Board of Appeals (BOA).

Motion carried unanimously.

- 8.9 Randy Parr presented information regarding proposed Resolution No. 2010-11. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2010-11, a Resolution of the City Council of the City of Tomball, Texas, Adopting the Harris County All Hazard Mitigation Plan.

Motion carried unanimously.

- 8.10 Doris Speer presented information regarding the request from the Chamber of Commerce. Motion was made by Councilman Quinn, second by Councilman Brown, to approve Resolution No. 2010-12, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 38th Annual Tomball Night and Parade, to be held in Tomball on Friday, August 6, 2010.

Motion carried unanimously.

- 8.11 Shawn Cox and Randy Parr presented information regarding the request from Hamilton Valley Management. Motion was made by Councilman Quinn, second by Councilman Stoll, to approve the Request from Hamilton Valley Management, Inc. for Renewed Support of Their Application for State of Texas Housing Tax Credits for Mid-Towne Apartments and to Authorize Mayor to Issue Letter of Support.

Motion carried unanimously.

- 8.12 Robert Hauck presented the proposed Interlocal Agreement between the City and TISD. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the 2010-2011 Interlocal Agreement between the City of Tomball and the Tomball Independent

School District (TISD), affording the Tomball Police Department the ability to assign a Student Resource Officer (SRO) to a TISD Campus.

Motion carried unanimously.

- 8.13 Robert Hauck presented the proposed Interlocal Agreement between the City and TISD. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Interlocal Agreement between the City of Tomball and the Tomball Independent School District, affording the Tomball Police Department the ability to provide police services on a contractual basis for specialized events occurring before, during and after the normal campus hours.

Motion carried unanimously.

- 8.14 Robert Hauck presented his request for a substitute position. Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize a Substitute Position Authority, on a Temporary Basis, to Cover Vacancy created by Long-term Absence of Tomball Police Officer, Paul Overcast.

Motion carried unanimously.

- 8.15 Executive Session: The City Council recessed at 9:47 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 in regular session at 10:23 p.m., no action was taken.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Brown, for adjournment.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19th day of July 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor