

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**TUESDAY, SEPTEMBER 6, 2011
6:00 P.M.**

1.0 Call to Order

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

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson
Councilman Hudgens

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
Assistant City Secretary – Betsy Gates
City Attorney – Loren Smith
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Assistant City Engineer – Lori Lakatos
Marketing Director – Mike Baxter

2.0 The invocation was led by Pastor Bill Rasco, Spring Creek Church of Christ

3.0 Pledges to U. S. and Texas Flags were led by Members of the Tomball High School Student Council, HEB Buddy, and Buffalo Wild Wings

4.0 The following public comments were received:

Ken Shuman - Announced a new mentorship program, *Mentor Tomball*, in 611 Clayton, 77375 Tomball ISD, for 3rd to 6th grade

5.0 Mayor Fagan presented Certificates of Appreciation to representatives of HEB, Buffalo Wild Wings, TISD Student Council, and Tomball Bible Church for their support and contributions to the success of **Tomball Kids Club 2011**

6.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, September 10-November 12)
- September 7, 2011 – **Planning and Zoning Commission Public Workshop** to review the Downtown Specific Plan – 6:00 p.m. at the Community Center
- September 9, 2011 – **Annual Mayor’s Challenge Community Blood Drive** – Hosted by NWEMS
- September 10, 2011 – **2nd Saturday at the Depot** – 6:00 p.m.
- September 11, 2011 – **“Stop & Remember” – 12:00 p.m. (1:00 p.m. EDT) – September 11 National Moment of Remembrance**
- September 17, 2011 – **Tomball Art Walk** – 2:00 p.m.-6:00 p.m.; Free Live Jazz at the Depot (Gary Michael Dahl Band) – 5:00 p.m.-7:30 p.m.
- September 28, 2011 – **Homecoming Parade and Rally at the Depot** – 6:00 p.m.-8:00 p.m.
- October 1, 2011 – **Bugs, Brew and Barbecue** at the Depot – 9:00 a.m. – 6:00 p.m.
- October 8, 2011 – **Open House at the Central Fire Station** – 10:00 a.m.-3:00 p.m.
- October 8, 2011 – **2nd Saturday at the Depot “Spooktacular Bash” – 5:00 p.m.**
- October 10, 2011 – **Fall Cleanup Week**
- October 15, 2011 – **E-Waste Recycling Day**
- October 15, 2011 – **Tomball Art Walk** – 2:00 p.m.-6:00 p.m.; Free Live Jazz at the Depot – 5:00 p.m.-7:30 p.m.
- October 28-29, 2011 – **Fire Department Fall Festival** – 6:00 p.m.
- November 1, 2011 – **Mayor’s Coffee** – 5:30 p.m.-7:00 p.m., Nona’s Italian Grill
- November 12, 2011 – **2nd Saturday at the Depot – 5:00 p.m.**
- November 19, 2011 – **46th Annual Holiday Parade** – 10:00 a.m.
- November 19, 2011 - **Special Walk Tomball** in the **Holiday Parade** behind the *Walk Tomball! It’s a Wonderful Life* banner – 10:00 a.m.
- November 19, 2011 – **Tomball Art Walk** – 2:00 p.m.-6:00 p.m.; Free Live Jazz at the Depot – 5:00 p.m.-7:30 p.m.
- **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
 - Randy Parr updated Council on the status of the Montgomery, Waller and Grimes County Fire. Over 30 agencies have responded and Tomball Police Department has assisted in traffic control, as it will take several more days to contain the fire

- Rob Hauck commented on the excellent job that Randy Parr, the firefighters and emergency personnel were providing to the community during the fire emergency. He sent the entire police patrol to Magnolia and brought all management in to cover city patrol. Northwest EMS also took satellite up to Magnolia. The gyroplane went up to report back to incident management and to take photos of fire.

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

- August 15, 2011 Special Council Meeting
- August 15, 2011 Regular Council Meeting
- August 22, 2011 Special Council Meeting

Motion carried unanimously.

8.0 Old Business:

8.1 George Shackelford presented the proposed ordinance. Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2011-18, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2011-2012; and Authorizing the City Manager to Approve Intra-departmental (within the same Department only) Transfers of Budgeted Funds; and Providing other Details Relating to the Passage of This Ordinance. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

9.0 New Business:

9.1 George Shackelford suggested postponing the vote to Ratify the FY 2012 Budget and Find that the Proposed Tax Rate of \$.341455/\$100 Generates **More** Property Tax Revenue than the FY 2011 Budget because Harris County has not provided the final figures.

Consensus of Council was unanimous to postpone consideration of Item 9.1.

9.2 George Shackelford presented the dates of September 26 and October 3, 2011 for Public Hearings on Proposed Tax Rate. Motion was made by Councilman Stoll, second by Councilman Brown, to approve September 26 and October 3, 2011 for the public hearings.

Motion carried unanimously.

- 9.3 Mike Baxter presented an overview of the scheduled events. Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the Sale of Wine and Beer at Depot Plaza for City-Sponsored Tomball Art Walks on September 17, October 15, and November 19 and for the Bugs, Brew, and Barbecue on October 1, 2011. Vote was as follows:

Councilman Hudgens	<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 Kelly Violette presented the proposed TEDC Budget. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the Tomball Economic Development Corporation (TEDC) 2011-2012 Fiscal Year Budget

Motion carried unanimously.

- 9.5 George Shackelford presented proposed Resolution No. 2011-14; Councilman Townsend provided an overview of the responsibilities of the H-GAC representatives. Motion was made by Councilman Dodson, second by Councilman Hudgens, to approve Resolution No. 2011-14, a Resolution of the City Council of the City of Tomball, Texas for the Designation of a Representative and Alternate for the Houston-Galveston Area Council 2012 General Assembly, reappointing Councilman Townsend and Councilman Stoll as the Representative and Alternate, respectively.

Motion carried unanimously.

- 9.6 George Shackelford presented proposed Resolution No. 2011-15 and a letter from Ed Heathcott asking City of Tomball to re-elect him to the position. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2011-15, a Resolution of the City Council of the City of Tomball, Texas, Nominating Ed Heathcott for a position on the Board of Directors of the Harris County Appraisal District.

Motion carried unanimously.

- 9.7 Lori Lakatos presented proposed Resolution No. 2011-16. Motion was made by Councilman Brown, second by Councilman Townsend, to approve Resolution No. 2011-

16, a Resolution of the City Council of the City of Tomball, Texas, Adopting the City of Tomball Minimum Standards for Stormwater Drainage System Design Manual

Motion carried unanimously.

- 9.8 Kelly Violette presented proposed Resolution No. 2011-17-TEDC. Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Resolution No. 2011-17-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and the City of Tomball to Make Direct Incentives to, or Expenditures for, the Expansion and Development of Medical Complex Drive; Containing Other Provisions Relating to the Subject; and Providing for Severability, Approving, as a Project of the Corporation, an agreement with the City of Tomball to make direct incentives to or expenditures for, the expansion and development of Medical Complex Drive in the City of Tomball. The estimated amount of expenditures for such project is \$850,000.

Motion carried unanimously.

- 9.9 Kelly Violette presented proposed Resolution No. 2011-18-TEDC. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2011-18-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Spring Creek County Historical Association to make Direct Incentives to, or Expenditures for, Signage and/or Improvements for the Tomball Museum; Containing Other Provisions Relating to the Subject; and Providing for Severability, Approving, as a Project of the Corporation, an agreement with Spring Creek County Historical Association to make direct incentives to, or expenditures for, signage and/or improvements for The Tomball Museum located at 510 North Pine Street in the City of Tomball. The estimated amount of expenditures for such project is an amount not to exceed \$500.00.

Motion carried unanimously.

- 9.10 Kelly Violette presented proposed Resolution No. 2011-19-TEDC. Motion was made by Councilman Brown, second by Councilman Hudgens, to approve Resolution No. 2011-19-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation's Project to Expend Funds to Commission the Proposed Fountain at the Historic Depot Plaza; Containing Other Provisions relating to the Subject; and Providing for Severability, Approving, as a Project of the Tomball Economic Development Corporation, an agreement with the City of Tomball to make direct incentives to or expenditures for, improvements including a proposed Fountain at the Historic Depot Plaza located at 201 South Elm Street in the City

of Tomball. The estimated amount of expenditures for such project is an amount not to exceed \$25,000.

Motion carried unanimously.

- 9.11 Lori Lakatos presented proposed Resolution No. 2011-20. Motion was made by Councilman Dodson, second by Councilman Hudgens, to approve Resolution No. 2011-20, a Resolution of the City of Tomball, Texas, Adopting a Fee to Allow Joinder of Lots Under Common Ownership Without Requiring a Plat Provided that the Joinder of Lots Does Not Require the Dedication or Removal of Any Public Rights-of-Way, Public Easements or Public Improvements

Motion carried unanimously.

- 9.12 Glenn Windsor presented proposed Resolution No. 2011-21. Motion was made by Councilman Stoll, second by Councilman Hudgens, to approve Resolution No. 2011-21, a Resolution of the City of Tomball, Texas, adopting the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy".

Motion carried unanimously.

- 9.13 George presented information regarding the proposed new position and transfer of funds within the department. Motion was made by Councilman Brown, second by Councilman Townsend, to approve Adding Full-Time Position in IT Department.

Motion carried unanimously.

- 9.14 Mayor Fagan presented the current requirements to receive a Service Flag. Motion was made by Councilman Dodson, second by Councilman Stoll, to table Item 9.14 until more information is gathered regarding geographical data emailed to the Mayor from the other Council members.

No action taken.

- 9.15 Executive Session: The City Council recessed at 7:03 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:

- Section 551.071 Consultation with Attorney regarding Litigation

Councilman Dodson stated that he would abstain from participation in the Executive Session, based on the Conflict of Interest Affidavit previously filed with the City Secretary.

Upon reconvening into regular session at 8:01 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19th day of September 2011.

Betsy Gates
Betsy Gates, TRMC
Assistant City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor