

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



**MONDAY, OCTOBER 5, 2009**

**7:00 P.M.**

1.0 Call to Order

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

Councilman Quinn  
Councilman Stoll  
Councilman Townsend  
Councilman Driver

Members absent:

Councilman Webb – Excused

Others present:

City Manager – Jan Belcher  
Assistant City Manager – Christal Klierer  
City Secretary – Doris Speer  
City Attorney – Scott Bounds  
Director of Public Works – David Kauffman  
Fire Chief – Randy Parr  
Director of Engineering & Planning – Mark McClure  
Assistant to City Manager – Shawn Cox  
City Planner – Kelly Violette  
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Pastor Mike Westbury, Lifebridge Fellowship Church

3.0 Pledges to U. S. and Texas Flags

- Led by Rene' Morris and Kellen Cantrell

4.0 The following public comments were received:

Charles Hall  
10715 Mahaffey Road, 77375

- Signed up to speak; declined to speak.

Stefan Bruns  
Intern, Telgte, Germany

- Expressed his appreciation to City Council, City staff, his host family, Frank and Kit Pfeiffer, Grady and Sandra Martin, Bruce Hillegeist and the Chamber of Commerce, and citizens of Tomball for making his internship an enjoyable experience and presented a City of Telgte plaque to Mayor Fagan.

5.0 Mayor Fagan made the following presentations:

- Proclamation to Chamber of Commerce – “**Chamber of Commerce Week**”
- Proclamation to Planning and Zoning, Board of Adjustments, and Comprehensive Plan Advisory Committee members – “**Community Planning Month**”
- Certificates to Tomball Master Planners

6.0 Reports and Announcements:

- **2009 City of Tomball Photo Contest** – “What You Love about Tomball and What Should be Preserved for the Future”
- October 10, 17, 24, and 31, 2009 – **Walk Tomball!** – Depot Plaza – 9:00 a.m. (**Please note change in time**)
- October 10, 2009 – **Farmers Market**, 8:00 a.m.
- October 10, 2009 - **2<sup>nd</sup> Saturday at the Depot**
- October 21-23, 2009 – Texas Municipal League Conference – Ft. Worth
- October 24, 2009 – **Farmers Market**, 8:00 a.m.
- October 27, 2009 – Joint City Council and Planning & Zoning Comprehensive Plan Meeting – City Hall at 5:00 p.m.
- October 28, 2009 – CPAC Meeting #7 – Community Center at 6:00 p.m.
- **Tomball Holiday Ice Rink at the Depot** - November 21, 2009 through January 10, 2010
- Comprehensive Plan website is now available online – <http://plantomball.com/index.html>
- BNSF Railway Foundation Donation to Conductor Statue – We were notified that the BNSF Foundation approved a grant in the amount of \$8,500 toward the conductor statue, bringing total donations to \$16,500, and that representatives from BNSF Railroad will participate in the statue unveiling on December 12.
- Reports by City staff and members of council about items of community interest on which no action will be taken
  - Councilman Townsend advised that he has formed an advisory committee of builders and developers to help him find ways to bring development back to the City of Tomball.

- 7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the Regular City Council Meeting of September 21, 2009.

Motion carried unanimously.

8.0 Old Business

- 8.1 Doris Speer presented an overview of the proposed Ordinance adopting the 2009 Tax Levy. Motion was made by Councilman Townsend, second by Councilman Driver, to Adopt, on Second Reading, Ordinance No. 2009-26, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.251455/\$100 Value Assessed for the Year 2009 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 Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Absent</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

- 8.2 Doris Speer presented an overview of the proposed Ordinance adopting the new utility rates. Motion was made by Councilman Driver, second by Councilman Stoll, to Adopt, on Second Reading, Ordinance No. 2009-27, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2008-24 and all Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing other Matters Relating to the Subject; and Providing for Severability. Vote was as follows:

Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>

Motion carried unanimously.

- 8.3 Doris Speer presented an overview of the proposed Ordinance adopting the final amendment to the FY 2008-2009 Budget. Motion was made by Councilman Townsend, second by Councilman Stoll, to Adopt, on Second Reading, Ordinance No. 2009-28, an

Ordinance of the City of Tomball, Texas, Adopting Amendment Number 4 to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2008-2009, as Adopted by Ordinance No. 2008-25; Providing for Appropriation of Funds from the Governmental Funds and the 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 Webb	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.4 Kelly Violette presented an overview of the proposed Ordinance amending the Zoning Ordinance. Motion was made by Councilman Stoll, second by Councilman Driver, to Adopt, on Second Reading, Ordinance No. 2009-29, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 0.614 Acres of Land in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, from the SF-9- Single Family 9 Residential District to the C-Commercial District; Said Property also being known as a 0.614 acre tract of land out of and a part of a 1.3997 acre tract of land described in deed recorded under Clerk's File No. S487819 of the Official Public Records of Real Property of Harris County, Texas, generally located on the westerly side of Snook Lane, southerly of Crestview Subdivision; 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 (Zoning Case P09-158). Vote was as follows:

Councilman Webb	<u>Absent</u>
Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Nay</u>
Councilman Stoll	<u>Aye</u>

A tie vote being cast, Mayor Fagan cast the deciding ballot: Aye

Motion carried, 3 Aye votes to 2 Nay votes.

9.0 New Business:

- 9.1 Mark McClure presented an overview of proposed ordinance for erosion and sediment control. Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2009-30 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Driver, to Adopt, on First Reading, Ordinance No. 2009-30, an Ordinance Amending the Code of Ordinances of the City Council of the City of Tomball, Texas, by Adding a new Article IV to Chapter 38; Implementing and Enforcing Erosion and Sediment Control Management Guidelines; Providing a Penalty in an Amount Not to Exceed \$2000 for Each Day of Violation Hereof; and Providing for Severability; and Making other Provisions and Findings related Thereto. Vote was as follows:

Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Absent</u>

Motion carried unanimously.

- 9.2 Doris Speer provided an overview of the proposed resolution for the 44th Annual Tomball Holiday Parade. Motion was made by Councilman Townsend, second by Councilman Driver, to Approve Resolution No. 2009-26, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 44th Annual Tomball Holiday Parade, "Holidays Around the World," to be held in Tomball on Saturday, November 21, 2009 and to Approve Requested Street Closures.

Motion carried unanimously.

- 9.3 Mark McClure provided an overview of the proposed services to be included in the Contract Amendment, advising that funds are available in the Brown-Hufsmith Road project fund, which has been completed, or in the general undesignated funds. Motion was made by Councilman Stoll, second by Councilman Driver, to Approve Water Supply and Storage Facility Number 5 Scope of Services Contract Amendment for the Design and Construction Phase Services for Water Supply and Storage Facility Number 5, Resulting from the Approved Addition of Water Well Number 6, Amending the Currently Approved Contract Amount of \$367,143.00 to include an Additional Amount of \$34,484.00, for a Total Contract Amount of \$401,627.00.

Motion carried unanimously.

- 9.4 David Kauffman, and Eduardo Choquis, Raba-Kistner, provided an overview of the proposed Agreement for the Leachate Pumping System. Motion was made by Councilman Driver, second by Councilman Stoll, to Approve Agreement with Raba-Kistner Consultants, Inc. for Proposal No. PSF09-463-00 for Environmental Services Associated with Installation, Maintenance, and Monitoring of a Solar-Powered Leachate Pumping System for a Cost Not to Exceed \$67,650.00.

Motion carried unanimously.

- 9.5 Mark McClure presented an overview of the Planning and Zoning Commission's recommendations regarding the Matthews Dryden plat. Motion was made by Councilman Driver, second by Councilman Stoll, to Approve **MATTHEWS DRYDEN SUBDIVISION ABBREVIATED FINAL PLAT**: Being a replat of Lots 7, 8, 9, and 10, in Block 59 of the Revised Map of Tomball, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas and Lot 11, in Block 59 of Texas Peach, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Film Code Number 626137 of said Map Records, said replat being situated in the William Hurd Survey, Abstract Number 371, of Harris County, Texas. Vote was as follows:

Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Absent</u>

Motion carried, 3 Aye votes to 1 Nay vote.

- 9.6 Randy Parr provided an overview of the Fire Department's request to close School Street. Motion was made by Councilman Townsend, second by Councilman Stoll, to Approve Request by Tomball Fire Department to Close School Street for the Evenings of October 30 and 31, 2009 in Conjunction with the Fire Department's Fall Festival at the Former School Administration Building on Main Street.

Motion carried unanimously.

- 9.7 Shawn Cox presented an overview of the proposed City Communications Policy. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve a New Administrative Policy Number 14, entitled "City Communication Policy," Replacing the Current Administrative Policy Number 14, entitled "Media Communication Procedures," in its Entirety.

Motion carried unanimously.

- 9.8 Shawn Cox presented an overview of the proposed amendments to the Community Center Policies and Procedures. Motion was made by Councilman Townsend, second by Councilman Driver, to Approve Amendment to Administrative Policy Number 15, entitled "Community Center Policies and Procedures." Motion was made by Councilman Townsend, second by Councilman Driver, to add a provision to make the Community Center available for use by non-profit or not-for-profit organizations that benefit the City in some way at no charge.

Motion, as amended, carried unanimously.

- 9.9 Doris Speer provided an overview of the proposed repeal of Administrative Policy No. 8 and the proposed amendment to Administrative Policy No. 22. Motion was made by Councilman Driver, second by Councilman Townsend, to Repeal Administrative Policy No. 8, entitled "Financial Accountability for Non-Profit Organizations Receiving Funds from the City" and Approve Amendment to Administrative Policy 22, entitled "Hotel Occupancy Tax Grant Process".

Motion carried unanimously.

- 9.10 Doris Speer presented an overview of the request by Purdue, Brandon, Collier, Field and Mott that the City rescind the Resale Deed approved by City Council on August 4, 2008. Motion was made by Councilman Townsend, second by Councilman Stoll to Rescind Approval of Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 97-47251, City of Tomball, et al vs. Westby, Carole A., et al, said Property being described as: Lot 28, Block 68 in the City of Tomball, located in Harris County, Texas, according to a Special Warranty Deed filed under Clerk's File No. S315303 in the Deed Records of Harris County, Texas to Rovin Deleon, approved by City Council on August 4, 2008.

Motion carried unanimously.

Councilmembers requested that the following items be included in the October 19, 2009 agenda:

- An Executive Session to deliberate the evaluation, assignments and duties of the City Manager.

Consensus of the Council was unanimous to include this item on the October 19, 2009 agenda.

- An update regarding the costs and expenses to bring the Pine Street water well back on line.

Consensus of the Council was unanimous to include this item on the October 19, 2009 agenda.

- An item to define the scope of a potential report on the City's financial practices.

Vote was as follows:

Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Nay</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Absent</u>

Consensus of the Council was 3 Aye votes to 1 Nay vote to include this item on the October 19, 2009 agenda.

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 October 2009.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor