

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



**MONDAY, JUNE 21, 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 Driver  
Councilman Quinn  
Councilman Brown

Others present:

Assistant City Manager – Christal Klierer  
City Secretary – Doris Speer  
City Attorney – Scott Bounds  
Finance Director – Glenn Windsor  
Police Chief – Robert Hauck  
Fire Chief – Randy Parr  
Assistant to City Manager – Shawn Cox  
Director of Engineering & Planning – Mark McClure  
Accountant – Becky Parker

2.0 Invocation

- Led by Pastor Arthur Purvis, Christ Fellowship Church

3.0 Pledges to U. S. and Texas Flags

- Led by Lynlee Coleman, E. J. Jones, and Matt Mundkowsky, members of the THS Student Council.

4.0 The following public comments were received:

- |   |  |
|---|--|
| Phil Johnson<br>810 Sentinel Oaks, 77362  | - Expressed his opposition to a Tomball-financed day labor center.                                 |
| Mary Coker<br>12147 Thompson Road, 77318  | - Spoke about her working relationship with Warren Driver and congratulated him on his retirement. |
| Betty Reinbeck<br>Executive Director-TEDC | - Spoke about her working relationship with Warren Driver and congratulated him on his retirement. |

5.0 Presentations:

- Mayor Fagan and Glenn Windsor presented the GFOA Distinguished Budget Award to the City of Tomball Finance Department to Randy Parr and Becky Parker

6.0 Reports and Announcements:

- **July 4, 2010** (Sunday) – **Fireworks** Display by Tomball Fire Department, approximately 9:15 p.m.; Randy Parr provide additional information regarding daytime events and fireworks program for the July 4<sup>th</sup> celebration.
- July 5, 2010 (Monday) – City offices closed for 4<sup>th</sup> of July holiday
- July 10, 2010 – **Farmers Market** – 8 a.m.
- July 10, 2010 - **2<sup>nd</sup> Saturday at the Depot**, 6:00 p.m.
- July 24, 2010 – **Farmers Market** – 8 a.m.
- August 6, 2010 – **38<sup>th</sup> Annual Tomball Night**
- 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. Robert Hauck provided information regarding a benefit for Paul Overcast, Tomball Police Officer.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the Regular City Council Meeting of June 7, 2010.

Motion carried unanimously.

8.0 Old Business:

8.1 Betty Reinbeck presented information regarding the proposed project. Motion was made

by Councilman Townsend, second by Councilman Driver, to adopt, on Second Reading, Resolution No. 2010-09-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 Glass Tex Enterprises LLC to promote and develop a new or expanded business enterprise; containing other provisions relating to the subject; and providing for severability; approving, as a project of the Tomball Economic Development Corporation (TEDC), an agreement with Glass Tex Enterprises LLC, to make direct incentives to, or expenditures for assistance with infrastructure costs related to the development and construction of a commercial building to be located at 200 East Main Street in Tomball, Texas. The estimated amount of expenditure for such Project is \$15,000.00.

Motion carried unanimously.

- 8.2 Shawn Cox presented information regarding the proposed amendments to the Code of Ordinances. Motion was made by Councilman Brown, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2010-12, an Ordinance of the City Council of the City of Tomball, Texas, amending Chapter 24. Courts, by deleting Chapter 24 in its Entirety and substituting therefore a new Chapter 24, making General Provisions for the Operation of the Municipal Court; specifying the Term of the Municipal Court and the Judges of the Court; providing for Citations to the Municipal Court; providing for Severability; providing for a Penalty of an amount not to exceed \$500 for each day of violation of any provision hereof; making Findings of Fact; and making other provisions related thereto. Vote was as follows:

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

Motion carried unanimously.

- 8.3 Randy Parr presented information regarding the proposed amendments to Chapter 26, "Emergency Services". Motion was made by Councilman Driver, second by Councilman Townsend, to read Ordinance No. 2010-06, 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. 2010-06, an Ordinance of the City of Tomball, Texas, amending Chapter 26, "Emergency Services" of the Code of Ordinances of the City of

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

Motion carried, 3 Aye votes to 2 Nay votes.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to amend Resolution No. 2010-04, a Resolution of the City Council of the City of Tomball, Texas, by Designating the Potpourri as the Official Newspaper for the remainder of 2010 for Publication of Matters Pertaining to the City of Tomball.

Motion to amend Resolution No. 2010-04 carried unanimously.

#### 9.0 New Business:

- 9.1 Nomination was made by Mayor Fagan to appoint Mary Harvey to fill the vacancy on the Planning and Zoning Commission; nomination was made by Councilman Townsend to appoint Barbara Tague to fill the vacancy on the Planning and Zoning Commission. Nominations ceased; vote was as follows:

Councilman Quinn	<u>Mary Harvey</u>
Councilman Stoll	<u>Barbara Tague</u>
Councilman Brown	<u>Mary Harvey</u>
Councilman Townsend	<u>Barbara Tague</u>
Councilman Driver	<u>Barbara Tague</u>

Barbara Tague is appointed to fill the vacancy and complete the unexpired term on the Planning and Zoning Commission.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Driver, to appoint Councilman Brown as the Council Representative to NWEMS Board of Directors.

Motion carried unanimously.

- 9.3 Robert Hauck presented information regarding the proposed reallocation of position. Motion was made by Councilman Townsend, second by Councilman Driver, to approve

Reallocation of One (1) Full-Time Police Officer Position Authority to One (1) Full-Time Public Safety Officer "Jailer" (PSO) Position Authority.

Motion carried unanimously.

- 9.4 Mark McClure presented information regarding the proposed Development Agreement. Motion was made by Councilman Townsend, second by Councilman Driver, to approve the Development Agreement for Construction of Public Improvement with Tomball Hospital Authority in the amount of \$27,746.29.

Motion carried unanimously.

- 9.5 Mark McClure presented information regarding the proposed Development Agreement. Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Development Agreement for Construction of Public Improvement with Eagles Nest Christian Fellowship in the Amount of \$18,042.82.

Motion carried unanimously.

- 9.6 Mark McClure presented information regarding the proposed plat. Motion was made by Councilman Townsend, second by Councilman Driver, to approve **ARMENDARIZ PLACE SUBDIVISION REPLAT**: Being a Subdivision of 0.3214 Acres or 14,000 Square Feet of land, being situated in Revised Map of Tomball, an addition in Harris County, Texas and Being a Replat of Lots 21, 22, 23, 24, in Block 31 of Revised Map of Tomball in Harris County, Texas as recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, 1 Lot and 1 Block.

Motion carried unanimously.

- 9.7 Mark McClure presented information regarding the proposed plat. Motion was made by Councilman Quinn, second by Councilman Brown, to approve **TOMBALL MEDICAL PLAZA FINAL PLAT**: Being a Plat of 2.8278 Acres out of Tract 13, 1.4635-Acre Tract Recorded under File No. J064863 and Tract No. 12, 1.3643-Acre Tract Recorded under File No. J089622 of the Harris County Map Records, Situated in The William Hurd Survey, Abstract 378, Harris County, Texas, 1 Block, and 1 Lot.

Motion carried unanimously.

- 9.8 Shawn Cox presented information regarding the proposed amendment to Policy #3. Motion was made by Councilman Stoll, second by Councilman Brown, to approve the proposed revisions to the City of Tomball's Administrative Policies, Rules and Procedures #3, entitled "*Municipal Court Temporary Judge Selection Procedure*". Motion was made by Councilman Townsend, second by Councilman Quinn, to amend

the motion to approve the proposed revisions to the City of Tomball's Administrative Policies, Rules and Procedures #3, entitled "*Municipal Court Temporary Judge Selection Procedure*" by returning Section 7 to the policy.

Motion, as amended to return Section 7 to the policy, carried unanimously.

- 9.9 Motion was made by Councilman Driver, second by Councilman Stoll, to accept the Resignation of Councilman Warren Driver.

Motion carried unanimously.

- 9.10 Mayor Fagan presented a plaque to Warren Driver, honoring his years of service on the City Council (2004-2010).

- 9.11 Motion was made by Councilman Quinn, second by Councilman Stoll, to approve Resolution No. 2010-10, a Resolution and Order of the City Council of the City of Tomball, Texas, ordering a Special City Officer's Election, to be held in the City of Tomball on Saturday, August 14, 2010; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if needed; and Providing Details Relating to the Holding of Such Election

*Fue hecha la moción por el Concejal Quinn, secundada por el Concejal Stoll, para aprobar la Resolución Nro. 2010-10, una resolución y Orden de la ciudad de Tomball, Texas, ordenando una Elección Especial de Funcionarios de la Ciudad, a celebrarse en la Ciudad de Tomball el sábado 14 de agosto de 2010; designando los lugares de votación y nombrando a los oficiales de dicha Elección; instruyendo que se notifique la celebración de dicha Elección; designando la fecha de la Elección de Desempate de ser necesaria; y disponiendo los detalles relacionados a la celebración de dicha Elección*

Kiến nghị được đệ trình bởi Nghị viên Quinn, được Nghị viên Stoll, ủng hộ để chấp thuận Nghị Quyết Số 2010-10, một Nghị Quyết và Lệnh của Hội Đồng Thành Phố của Thành Phố Tomball, Texas, yêu cầu một Cuộc Bầu Cử Viên Chức Thành Phố Đặc Biệt được tổ chức trong thành phố Tomball vào thứ bảy, 14 tháng Tám, 2010; Chỉ định các địa điểm bỏ phiếu và Bổ nhiệm các Viên chức phụ trách Cuộc Bầu Cử cho Cuộc Bầu Cử nói trên; Hướng dẫn Thủ tục Đưa ra Thông Báo về Cuộc Bầu Cử trên; Chỉ định Ngày cho Cuộc Bầu Cử Chung Cuộc nếu cần; và Thiết định các Chi Tiết có liên quan đến việc tổ chức Cuộc Bầu Cử nói trên.

Motion carried unanimously.

*La moción fue aprobada por unanimidad.*

Kiến nghị đã được thông nhất ủng hộ.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 6th day of July 2010.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor