

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, OCTOBER 3, 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 Brown
Councilman Townsend
Councilman Dodson
Councilman Hudgens
Councilman Stoll

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Director of Public Works – David Kauffman
Assistant City Engineer – Lori Lakatos
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla

2.0 The invocation was led by Father Fred Vallone, St. Anne's Catholic Church

3.0 Pledges to U. S. and Texas Flags were led by Courtlynn Noack and Jacob Chumley, members of the Tomball High School Student Council

4.0 The following public comments were received:

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| Mary Harvey
405 S. Walnut, 77375 | - Expressed her appreciation to Council support of events held at the depot and in the downtown Tomball area, and for hiring new Marketing Director, Mike Baxter |
| Mary Lu Wiley
14120 Carneswood, 77375 | - Questioned how assessments will be applied to property owners where roads are being extended |

5.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, September 24-November 12)
- 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 10, 2011 – Planning and Zoning Commission Meeting – moved to 5:00 p.m.
- October 10, 2011 – Special Council Meeting – Public Hearing on Proposed Tax Rate – 6:00 p.m.
- October 15, 2011 – **E-Waste and Shredding Event – LoneStar-Tomball College Campus, Parking Lot N3**
- October 15, 2011 – **Tomball Art Walk**, 2:00 p.m.–6:00 p.m.; Free Concert at the Depot (Grateful Geezers Band), 4:30 p.m.–7:00 p.m.
- October 22, 2011 – **2nd Annual American Heart Association’s Northwest Harris County Virtual Heart Walk** to support the American Heart Association – 9:30 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)
- October 24, 2011 – Tourism Advisory Committee Meeting – moved to 4:00 p.m.
- October 24, 2011 – Special Council and Planning and Zoning Commission Meeting regarding the Downtown Specific Plan – 6:00 p.m.
- October 28-29, 2011 – **Fire Department Fall Festival, 709 West Main** – 7:00 p.m.-12:00 Midnight
- November 1, 2011 – **Mayor’s Coffee**, 5:30 p.m.–7:00 p.m., **Nona’s Italian Grill**
- November 5, 2011 - Appointments to Tourism Advisory Committee for Terms expiring December 5, 2011
- 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 Concert 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
 - Mike Baxter presented an update regarding the success of the September 17,

2011 *Tomball Art Walk* and the October 1, 2011 **Bugs, Brew and Barbecue** Events. The Art Walks will start at 11:00 a.m., beginning with the October 15 event.

- 6.0 Motion was made by Councilman Stoll, second by Councilman Brown, to approve the minutes of the September 19, 2011 Regular Council Meeting.

Motion carried unanimously.

- 7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt on Second Reading, Ordinance No. 2011-21, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 3.9078 acres of land, legally described as tract 2aa out of the C.N. Pillot Survey, Abstract Number 632, within the City of Tomball, Harris County, Texas, from the AG-Agricultural District to the C-Commercial District; said property being generally located on the westerly side of State Highway 249, northerly of Holderrieth Road; 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. Vote was as follows:

Councilman Hudgens	<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.

- 7.2 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt on Second Reading, Ordinance No. 2011-22, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 97.48 acres of land, legally described as lots 386 and 387 and tract 385 out of the Tomball Outlots and tract 4 out of the Elizabeth Smith Survey, Abstract 70, within the City of Tomball, Harris County, Texas, from the SF-6 - Single-Family Residential-6 District and C-Commercial District to the LI-Light Industrial District; Said property being generally located on the westerly side of Hufsmith-Kohrville Road, northerly of Holderrieth Road; 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. 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 Hudgens	<u>Aye</u>

Motion carries unanimously.

8.0 New Business:

8.1 Mayor Fagan opened the Public Hearing on Tax Rate Increase at 6:13 p.m. and announced that the second public hearing will be held on October 10, 2011 at 6:00 p.m. The following public comments were received:

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| Marilyn O'Neal
14235 Turnervine, 77375 | - Expressed her opposition to the proposed tax increase; requested that proposed tax increase be taken to the voters. |
| Schalee Lodge
30720 William Juergens, 77375 | - Expressed her opposition to the proposed tax increase; requested that proposed tax increase be taken to the voters. |
| Jack Ripley
14134 Castor Street, 77375 | - Expressed his opposition to the proposed tax increase; requested that proposed tax increase be taken to the voters. |
| Mattie Ripley
14134 Castor Street, 77375 | - Did not wish to speak but requested that her opposition to the proposed tax increase be read into the record. |

No additional public comments being received, Mayor Fagan closed the public hearing at 6:21 p.m.

8.2 Announcement was made that the Vote on Tax Rate will be held on October 17, 2011 at 6:00 p.m. and October 24, 2011 at 5:30 p.m.

8.3 George Shackelford presented the amendment to the vested rights determination letter. Motion was made by Councilman Brown, second by Councilman Townsend, to receive the City Manager's Amendment to the Vested Rights Determination Letter dated July 31, 2008, regarding Timkin Office Park/Chestnut Business Park.

Motion carried unanimously.

- 8.4 Randy Parr presented the proposed Request. Motion was made by Councilman Stoll, second by Councilman Dodson, to approve the request by Tomball Fire Department to Close School Street between Main and Malone on Friday Night, October 28, and Saturday Night, October 29, 2011, 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.

- 8.5 Randy Parr presented the proposed Contract. Motion was made by Councilman Townsend, second by Councilman Stoll, to Table consideration of the Personal Services Contract with Baker Botts, LLP for the Creation of a Pension Program for the Volunteer Firefighters of the Tomball Fire Department and Authorizing the City Manager to Execute the Contract until October 10, 2011.

Motion to TABLE carried unanimously.

- 9.0 Motion was made by Councilman Dodson, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 17th day of October 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor