

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, DECEMBER 19, 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 Hudgens

Members absent:

Councilman Dodson - Excused

Others present:

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

2.0 The invocation was led by Pastor Kenny Rodgers, Anointed Faith Family Church.

3.0 The pledges to U. S. and Texas Flags were led by Randy Parr, Fire Chief, City of Tomball.

4.0 The following Public Comments were received:

Grady Martin, President, TSCO 8118 Boudreaux Road, 77379	- Expressed the Tomball Sister City Organization's appreciation for the City's support in the successful German Christmas Market.
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5.0 Presentations:

- Mayor Fagan honored Walter and Sheryl Prescott, Aquascapes, and Brett Farley, Artist, for their contributions to the construction of the Depot Plaza Fountain, splash pad, and oil derrick.
- Mayor Fagan presented Ken Walden with the Proclamation naming him the "**Mayor's Volunteer of the Year 2011**". State Representative Allen Fletcher presented Ken Walden with a Texas flag flown over the Texas State Capitol in honor of the "**Mayor's Volunteer of the Year 2011**" on December 14, 2011.
- Mayor Fagan presented a photograph to State Representative Allen Fletcher.
- Mayor Fagan recognized Glenn Windsor and the Tomball Finance Department for earning the Certificate of Achievement for Excellence in Financial Reporting for fiscal year ending September 30, 2010 for the 21st year.

6.0 Reports and Announcements:

- **NO Walk Tomball!** on December 24, 2011
- **Tuesday**, January 3, 2012 – Regular City Council Meeting – 6:00 p.m.
- January 14, 2012 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 24, 2012 – **Annual Boards and Commission Recruitment Reception** – 5:30 p.m.-7:00 p.m. at the Community Center
- Appointments to Board of Adjustments will be on February agenda (terms expiring 3/2/12)
- **Walk Tomball!** (Every Saturday at 9:00 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
 - David Kauffman and Randy Parr presented an update on Dead/Dying Trees. HL&P and the City Public Works Department have been removing trees as needed due to the extended drought; the estimated additional cost for the removal of approximately 260 trees in the public right-of-way only is \$104,000. Randy Parr advised that there are approximately 10,000 dead trees on public and private property in the community. He is pursuing grant funds to offset the costs of removal and/or replacement of some of these trees; the estimated cost to removal the majority of the dead trees is \$2.1 million, of which the City would be

responsible for a portion of the cost. City staff will provide on-going updates to Council regarding progress.

- 7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the December 5, 2011 Regular City Council Meeting.

Motion carried unanimously.

8.0 New Business:

- 8.1 Doris Speer presented Resolution No. 2011-27. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Resolution No. 2011-27, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 3, 2012.

Motion carried unanimously.

- 8.2 Kelly Violette presented Resolution No. 2011-28. Motion was made by Councilman Brown, second by Councilman Stoll, to approve Resolution No. 2011-28, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Mayor to Execute a Warranty Deed Conveying 97.5 Acres of Land, Generally Located at the Northwest Corner of Hufsmith-Kohrville and Holderrieth Roads, to the Tomball Industrial Development Corporation (also known as the Tomball Economic Development Corporation).

Motion carried unanimously.

- 8.3 Lori Lakatos presented the recommendation from the Capital Improvement Plan Advisory Committee in Compliance with Chapter 395, Texas Local Government Code, stating that no changes are recommended by the CIPAC at this time.

No action was necessary/taken.

- 8.4 Lori Lakatos presented the Barajas Tract No. 2 Replat. Motion was made by Councilman Brown, second by Councilman Stoll, to approve **REPLAT BARAJAS TRACT NO. 2:** Being a Subdivision of 0.4821 Acre Tract, 21,000.00 square feet, in the Joseph House Survey A-34 in Harris County, Texas, Being a Replat of Lots 23, 24, 25, 26, 27 and 28, Block 69 in the Revised Map of Tomball according to the Map Records in Volume 4, Page 25 of the Map Records of Harris County, Texas.

Motion carried unanimously.

- 8.5 Rodney Schmidt presented information regarding **ZONING CASE P11-375:** Request by Drachman Interest on behalf of FNR, LLC to amend the City's Comprehensive Zoning Ordinance to rezone approximately 11.09 acres of land, legally described as Lot

183 and Tracts 179A, 180A, and 184A, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Cherry Street, southerly of Agg Road, from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-375** at 6:35 p.m.; no public comments being received, Mayor Fagan closed the Public Hearing at 6:35 p.m.
- Motion was made by Councilman Stoll, second by Councilman Brown, to read Ordinance No. 2011-32 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. 2011-32, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 11.09 acres of land, Legally described as Lot 183 and Tracts 179A, 180A, and 184A, Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said property being generally located on the westerly side of South Cherry Street, southerly of Agg 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 Hudgens	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Absent</u>

Motion carried unanimously.

- 8.6 Lori Lakatos presented the tabulation and recommendation for COT Project Bid Number 2012-01. Motion was made by Councilman Townsend, second by Councilman Hudgens, to award the Contract for COT Project Bid Number 2012-01, E&P Project Number 2009-10006, Brown Hufsmith Phase II, to Low Bidder, Monarch Civil Constructors, LLC, in the amount of \$961,487.78.

Motion carried unanimously.

- 8.7 Lori Lakatos presented the tabulation and recommendation for COT Project Bid Number 2012-02. Motion was made by Councilman Townsend, second by Councilman Hudgens, to award the Contract for COT Project Bid Number 2012-02, E&P Project Number 2011-

10003, Brown Road Utility Extension West of SH 249, to Low Bidder, Monarch Civil Constructors, LLC, in the amount of \$169,053.02.

Motion carried unanimously.

- 8.8 Robert Hauck presented the requested amendment. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Amendment to the Current Contract between the City of Tomball and AOT Public Safety Corporation for False Alarm Billing and Tracking Services. Vote was as follows:

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

Motion carried, 3 votes Aye to 1 vote Nay.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19th day of December 2011.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor