

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



MONDAY, OCTOBER 6, 2014

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
HR Director – Lisa Coe
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Senior Accountant – Kacie Richardson
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Community Events Coordinator/Community Center Manager – Rosalie Dillon
Community Development Coordinator – Amelia Vasquez
Executive Director-TEDC – Kelly Violette

- 2.0 The invocation was led by Pastor and Founder, Elder Edward V. Mathews, Newness of Life Church of God in Christ.
- 3.0 Pledges to U. S. and Texas Flags were led by Kamryn Grice, National American Miss Texas Jr. Pre-Teen 2014, and Ashtyn Grice, Miss Mini Bay Area 2014
- 4.0 No public comments were received.

- 5.0 A presentation of a \$2,000 check was made by Roger Matheson and Members of the Jerry Matheson Family (Judy Matheson Evans and husband, John; Kyle and Joy Matheson; Lance and Michelle Matheson; and Deana [nee Matheson] and Carl Phillipott) of a Donation to City Council for the Purchase of New Picnic Tables and BBQ Grills for the New Pavilion at Jerry Matheson Park

Mayor Fagan and Mayor Pro Tem Hudgens made the following presentations:

- Proclamation – “**Marine Lance Corporal Chris Masters**” Day to Lance Corporal Chris Masters and his family.
- Presentation of 2013 Comptroller’s Transparency Award – Platinum Level Award for Financial Transparency to Glenn Windsor
- Presentation of 2013 Comprehensive Annual Financial Report Award to Glenn Windsor

- 6.0 Reports and Announcements:

- October 7, 2014 – **Mayor’s Coffee, Cisco’s Salsa, Sol de Luna** – 5:30 p.m.-7:00 p.m.
- October 7, 2014 – **National Night Out** at the Depot – 6:00 p.m.-8:00 p.m.
- October 11, 2014 - **2nd Annual “Sherine’s Stride” 5K Run and 1-Mile Kids Run for Breast Cancer Awareness**
- October 11, 2014 – “**Zomball in Tomball**” – a 2nd Saturday at the Depot Event for Kids, starting at 5 p.m.
- October 20-24 and October 27-31, 2014 – Early Voting for **November 4, 2014 Local Option Election**
- October 25, 2014 – **3rd Annual Tomball Bluegrass Festival**
- **November 4, 2014 (Tuesday) – Local Option Election, City Hall, 7:00 a.m.-7:00 p.m.**
- November 8, 2014 – **6th Annual 5K Tomball Dash (Woodforest Bank)**
- **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:
 - Mike Baxter reported on the success of the **4th Annual Bugs, Brew & Barbeque Festival**
 - Craig Meyers introduced the new City Planner, Harold Ellis, and the new Community Development Coordinator, Amelia Vasquez

- 7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the September 15, 2014 Regular City Council Meeting.

Motion carried unanimously.

- 8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-30, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2014 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; 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 Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2014-31, an Ordinance of the City of Tomball, Texas, Adopting and Enacting a New Code for the City of Tomball, Texas; Providing for the Repeal of Certain Ordinances not included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; Providing when Such Code and This Ordinance shall become Effective; 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 (Link to Code: <http://www.ci.tomball.tx.us/Archive.aspx?AMID=48>). Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2014-33, an Ordinance Of The City Of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 4.31 Acres of Land, Legally Described as Tract 2, Howe Tract, Within The City Of Tomball, Harris County, Texas, from High Density Residential to Employment/Office; Said Property Being Generally Located Between Michel Road and This Lane, West of Johnson Road; Providing for the Amendment Of The Comprehensive Plan 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 Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-34, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance by Changing the Zoning District Classification of Approximately 4.31 Acres of Land, Legally Described as Tract 2, Howe Tract, Within The City of Tomball, Harris County, Texas, from The Duplex District to The Commercial District; Said Property Being Generally Located Between Michel Road and Theis Lane, West of Johnson 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 Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt on Second Reading and with the Designated Section corrected due to the revised numbering system in the newly adopted Code of Ordinances, Ordinance No. 2014-35, an Ordinance of The City of Tomball, Texas, Amending Its Zoning Ordinance by Amending **Section 50-82(b)** (“Use Charts”) by Allowing a “Dance/Drama/Music Schools (Performing Arts, Martial Arts)” With a Conditional Use Permit in the Agricultural, Single-Family Estate Residential-20, Single-Family Residential-9, Single-Family Residential-6, Duplex, Multi-Family, and Manufactured Home Park Districts; 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 Matter. Vote was as follows:

Councilman Hudgens	<u>Nay</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Nay</u>

Motion to adopt Ordinance No. 2014-35, with the Section corrected, carried, 3 votes Aye, 2 votes Nay.

9.0 New Business:

- 9.1 Motion was made by Councilman Degges, second by Councilman Stoll, to approve the Land Donation Agreement between BD Broussard Real Estate Partnership, Ltd. and the City of Tomball for Broussard Community Park, and to include the lead-based paint disclosure in the Agreement.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to set October 13, 2014 at 4:00 p.m., with an alternate date of October 20, 2014 at 4:00 p.m., as the date and time for City Council Workshop to Discuss the City of Tomball Community Development Department Development Review Process Evaluation.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the Appointment of Brent Peabody as Presiding Municipal Court Judge, to fulfill the unexpired term of Judge Andrea Walker, expiring August 31, 2016.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve Resolution No. 2014-22, a Resolution of the City of Tomball, Texas, Adopting a Master Fee Schedule for Fiscal Year 2014-2015, with the addition of a table of contents.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Degges, second by Councilman Townsend, to approve Resolution No. 2014-23, 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 (H-GAC) 2015 General Assembly, appointing Councilman Townsend as the Representative and Councilman Stoll as the Alternate.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Degges, second by Councilman Stoll, to approve Resolution No. 2014-24, a Resolution of the City of Tomball, Texas, Replacing the City of Tomball's Current Human Resources Policies and Employee Handbook in Its Entirety with the "Human Resources Handbook" and Repealing all other Resolutions or Parts of Resolutions Inconsistent or in Conflict Herewith; and Providing for Severability.

Motion carried unanimously.

- 9.7 Loren Smith requested that City Council consider Ordinance No. 2014-36 following the Executive Session.

- 9.8 Council recessed at 6:45 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(s):

- Sec. 551.072 – Deliberations Regarding Real Property

- Sec. 551.074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Chief of Police
- Sec. 551.074 – Personnel Matters: Deliberation of the Evaluation of a Public Officer or Employee – City Manager

Upon reconvening in regular session at 9:16 p.m., the following items were considered and action taken:

- 9.7 Mayor Fagan announced that no action would be taken regarding consideration to adopt Ordinance No. 2014-36, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 40-76, Utilities, of Article III, Design Standards, of Chapter 40, Plats and the Subdivision of Land, to Require all Utility Lines, Other than Electric Lines, to be Located Underground; to Require all Electric Distribution Lines to be Underground if the Customer Elects Such Pursuant to the Utility’s Distribution Tariff; and to Require All Aboveground Electric Distribution Lines be Located Along the Perimeter of the Overall Subdivision Unless the Utility Determines Different Placement is Needed to Provide Safe and Reliable Electric Service; Providing a Penalty in an Amount Not to Exceed \$2,000 for Each Violation Hereof; and Providing for Severability; and Making Other Provisions and Findings Related Thereto.

No action taken.

- 9.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Employment and Appointment of Billy Tidwell as Chief of Police by the City Manager, Pursuant to Section 7.03 of the City Charter.

Motion carried unanimously.

- 9.10 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the amendments to and extension of the employment contract for George Shackelford, City Manager for an additional year, to October 2016, with a 3 percent increase.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of October 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor