

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



**MONDAY, FEBRUARY 4, 2013  
6:00 P.M.**

## 1.0 Call to Order

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

Councilman Hudgens  
Councilman Brown  
Councilman Townsend  
Councilman Dodson

Members absent:

Councilman Stoll – Excused Absence

Others present:

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

## 2.0 Invocation

- Trinity Tanner, Tomball Elementary School-Fourth Grade

3.0 Pledges to U. S. and Texas Flags

- Led by Marcus Cobb, Member of the Tomball High School Student Council

4.0 The following Public Comments were received:

|   |   |   |
|---|---|---|
| Dianne Austin<br>21127 Burnt Amber Lane, 77073          | - | Extended invitation to new business, Southern Comfort Café, 413 Main.                             |
| Rodney Hutson<br>9431 Rosie Lane, 77354                 | - | Expressed his support for Ordinance No. 2013-01, suspending the impact fees in the Old Town area. |
| Lisa Townsend (E-mail)<br>30618 William Juergens, 77375 | - | Email expressing her opposition to Ordinance No. 2012-51 was read into the record.                |

5.0 Mayor Fagan Presented Wayne Gloyer with a Proclamation declaring Monday, February 4, 2013 as “**Wayne Gloyer Day**”, honoring his years of service on the Board of Directors for Northwest Rural Emergency Medical Services (NWEMS).

6.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m. to 1:00 p.m.
- February 6, 2013 (**Wednesday**) – *Mayor’s Coffee – Sol de Luna*, 207 Commerce, 5:30 p.m.-7:00 p.m.
- February 9, 2013 – **2nd Saturday at the Depot, “A Real Pig Tale in Tomball” – “Charlotte’s Web”** 2006, starring Dakota Fanning – 5:00 p.m.
- February 18, 2013 - Appointment of members to BOA (regular and alternate members for terms expiring March 2, 2013)
- February 19, 2013 – **Trail Rider Reception at the Depot** – 12:00 p.m.
- March 1, 2013 – Last Day to File Application for Place on May 11, 2013 Ballot – 5:00 p.m.
- March 9, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 16, 2013 – **Tomball HonkyTonk Music Festival** – 11:00 a.m.-7:00 p.m.
- March 18, 2013 – Candidate Orientation (tentative date)
- March 18, 2013 and April 1, 2013 – Public Hearings regarding Tomball’s Juvenile Curfew Ordinance
- April 13, 2013 – **5th Annual City of Tomball Bunny Run 5K and Kids 1K**
- April 21-27, 2013 – **Annual Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 27, 2013 – **Annual Tomball Recycle and E-Waste Event**

- Reports by City staff and members of council about items of community interest on which no action will be taken

7.0 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Minutes of January 21, 2013 Special Tomball City Council and Tomball Economic Development Corporation Meeting and the January 21, 2013 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2012-51, an Ordinance of The City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Amending Section 42.4 (“Fences In Residential Areas”); 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 Brown    | <u>Aye</u>    |
| Councilman Townsend | <u>Nay</u>    |
| Councilman Dodson   | <u>Aye</u>    |
| Councilman Hudgens  | <u>Aye</u>    |
| Councilman Stoll    | <u>Absent</u> |

Motion carried, 3 votes Aye, 1 vote Nay.

8.2 Christal Weber provided information regarding possible regulation of Donation Boxes and Regulations. No action necessary.

9.0 New Business:

9.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve Consultant Services Agreement with MuniServices, LLC to Perform Audit and Administration Services to Assist the City of Tomball with the Collection and Administration of the City of Tomball's Local Hotel Occupancy Tax, and to authorize the City Manager to Execute the Agreement.

Motion carried unanimously.

9.2 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the request for funding of the City of Tomball 80th Anniversary of the 1933 Tomball Oil Strike Celebration, to be Held May 27, 2013, as recommended

by the Tourism Advisory Committee, in the Amount of \$15,000 in Hotel-Motel (HOT) Tax Revenues.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2013-01 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2013-01, an Ordinance of the City of Tomball, Texas Waiving the Assessment and Collection of Impact Fees for Water and Wastewater Utilities for the Development of Commercial Properties within the Old Town Area as Defined in the Tomball Comprehensive Plan and including the Properties located West of the BNSF Railroad, South of Fannin Street, East of South Elm Street, and North of Florence Street, starting at the DSP Boundary in the Southeast Corner at the BNSF Railroad and Florence Street Westerly along Florence Street to South Pine Street, Northerly along South Pine Street to Percival Street, Westerly along Percival Street to School Street, Northerly along School Street to Main Street, Westerly along Main Street to Baker Street, Northerly along Baker Street to Hicks Street, Easterly along Hicks Street to North Magnolia Street, Northerly along North Magnolia Street to Unimproved Right-of-Way North of Hicks and Epps Streets, Easterly along Unimproved Right-of-Way North of Hicks and Epps Streets to North Cherry Street, Southerly along North Cherry Street to Epps Street, Easterly along Epps Street to North Elm Street, Southerly along North Elm Street to Main Street, Main Street Southerly along South Elm Street to Unimproved Fannin Street, Easterly along Unimproved Fannin Street to Right-of-Way adjacent to BNSF Railroad, Southerly along Right-of-Way adjacent to BNSF Railroad to Florence Street until March 15, 2015; Declaring all Impact Fees for Water and Wastewater Suspended by Operation of Ordinance No. 2012-31 Waived; Repealing Ordinance No. 2012-31 Passed, Approved and Adopted on the 17<sup>th</sup> Day of September, 2012 and All Other Ordinances or Parts of Ordinances in Conflict Herewith to the Extent of Such Conflict; and Providing for Severability. Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 18th day of February 2013.

*Doris Speer*  
Doris Speer, TRMC, CMC  
City Secretary

*Gretchen Fagan*  
Gretchen Fagan  
Mayor