

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, OCTOBER 7, 2013
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 were:

Councilman Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Fire Chief – Randy Parr
Director of Public Works – David Kauffman
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Assistant City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Raul Reyes

2.0 Invocation

- Led by Pastor John Holiday, Powerhouse Church of God in Christ

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 The following public comments were received:

Rodney Hutson 9431 Rosie Lane, 77354	-	Expressed his support and appreciation for City Manager, George Shackelford
Tomball High School Student Council Presidents	-	Extended invitation to Council and audience to attend the 2013 Homecoming Parade and Pep Rally, to be held on October 16, 2013

5.0 Presentations:

- Rodney Reid, representing the Harris County Fire Marshal's Office, presented plaques and certificates in recognition of the Crew of TFD Engine 1 by Harris County for Performing a Lifesaving Rescue at a Structure Fire:

Lieutenant Steven Foehner
Firefighter Chris Caron
Firefighter Steve McHenry
Firefighter William McDugle.

6.0 Reports and Announcements:

- October 12, 2013 – ***“Sherine’s Stride for Breast Cancer Awareness” – 5K Run/Walk*** at 8:00 a.m. and ***1 Mile Run/Walk*** at 9:00 a.m.
- October 12, 2013 - **2nd Saturday at the Depot** – 5:00 p.m.
- October 14, 2013 at 5 p.m. – **Vote** on Proposed Tax Rate
- October 21, 2013 - Appointment of Member to Tomball Legacy Fund, Inc.
- October 26, 2013 – ***Tomball Bluegrass Festival*** – 11:30 a.m.-6:00 p.m.
- November 4, 2013 – Appointments to Tourism Advisory Committee for terms expiring December 5, 2013
- November 5, 2013 – **Mayor’s Coffee** – 5:00 p.m.-7:00 p.m. – 207 Commerce (Sol de Luna)
- November 9, 2013 – ***Woodforest Run at the Depot*** – 8:00 a.m.
- November 9, 2013 – **2nd Saturday at the Depot** – 5:00 p.m.
- November 16, 2013 – **48th Annual Tomball Holiday Parade** –10:00 a.m.
- November 19, 2013 – **20th Anniversary of Lone Star College-Tomball**
- ***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 – *Bugs, Brew & Barbecue, VW Show and MusicFest*
 - Robert Hauck - *Annual National Night Out at the Depot*

7.0 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the minutes of the following meetings:

- September 16, 2013 Regular City Council Meeting
- September 23, 2013 Special City Council meeting
- September 30, 2013 Special City Council Meeting

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Brown, second by Councilman Stoll, to adopt on Second Reading, Ordinance No. 2013-16, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting Article VII, Water Conservation, of Chapter 82, Utilities, Thereof in Its Entirety and Substituting Therefor a New Article VII, Water Conservation; Establishing Water Conservation Regulations; Defining Certain Terms; Providing Rules and Regulations Governing Drought Response States; Providing Procedures for Administration and Enforcement of a Water Conservation and Emergency Management Plan; Providing a Penalty in an Amount Not to Exceed Two Thousand Dollars (\$2,000.00) for Each Day of Violation of Any Provision Hereof; Repealing Ordinance No. 2002-20 and All Other Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; and Containing Other Provisions related to the Subject. 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.

8.2 Mayor Fagan reconvened and re-opened the public hearing regarding **ZONING CASE P13-117**: Request by Cecilio Cano to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located westerly of South Persimmon Road, northerly of Agg Road, from the Light Industrial District to the Agricultural District at 6:27 p.m.

- George Cano, son of Cecilio Cano - Presented Cano family's request for
4406 Brandemere Way, 77066 zoning change.
- Frederico Fano - Expressed his opposition to the
1100 S. Cherry, 77375 proposed zoning change.

Receiving no additional comments, Mayor Fagan closed the public hearing at 6:30 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-17 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2013-17, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 5 Acres of Land, Legally Described as Lot 271, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District; Said Property being Generally Located Westerly of South Persimmon Road, Northerly 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. Adopt, on First Reading, Ordinance No. 2013-17, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 5 Acres of Land, Legally Described as Lot 271, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District; Said Property being Generally Located Westerly of South Persimmon Road, Northerly 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 Hudgens	<u>Nay</u>
Councilman Stoll	<u>Nay</u>
Councilman Brown	<u>Nay</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Nay</u>

Motion FAILED, 4 votes Nay, 1 vote Aye.

9.0 New Business:

- 9.1 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt \$0.230000 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2013-2014. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.2 Motion was made by Councilman Brown, second by Councilman Stoll, to adopt \$0.111455 as the Portion of the Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2013-2014. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-18 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. 2013-18, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2013 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 Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

- 9.4 Mayor Fagan Announced that the Final Vote on the Proposed 2013 Tax Rate will be held at a Special City Council Meeting on October 14, 2013 at 5:00 p.m. Councilman Townsend advised that he would be unable to attend the October 14 meeting.

No action taken.

- 9.5 Consideration of Proposed Revisions to the City of Tomball Boards, Commissions, and Committees Handbook was delayed; item moved to the October 21, 2013 Council meeting.

No action taken.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Hudgens, to Approve the proposed amendments to Administrative Policy No. 32, entitled "*Pay and Training Policy for Volunteer Fire Fighters*", Revising the Pay and Training Policy for Tomball Volunteer Firefighters.

Motion carried unanimously.

- 9.7 City Council entered into a Workshop Session for the Following Purpose:

- Long-term Planning for the Tomball Fire Department

No action taken.

- 9.8 The City Council recessed at 7:26 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. 551.074 – Deliberations Regarding Personnel Matters - Evaluation of City Manager

Upon reconvening into Regular Session at 7:48 p.m., the following action was taken:

- 9.9 Motion was made by Councilman Townsend, second by Councilman Brown, to approve Amendments to and Extension of the Employment Contract for George Shackelford, City Manager.

Motion carried unanimously.

10.0 Motion was made by Councilman Stoll, second by Councilman Dodson, to adjourn. Vote was as follows:

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

Motion FAILED, 4 votes Nay, 1 vote Aye.

Motion was made by Councilman Stoll, second by Councilman Brown, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 21st day of October 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor