

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, NOVEMBER 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 Fagan. Other members present were:

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Councilmembers absent:

Councilman Hudgens – Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Fire Chief – Randy Parr
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
HR Director – Lisa Coe
Assistant City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
Internal Operations Director-NWEMS – Terry Rogers

2.0 The invocation was led by Pastor Rick Brown, ChristBridge Church

3.0 The pledges to the U. S. and Texas Flags were led by Martha Roquemore and Megan Whatley, representing Tomball High School.

4.0 No Public Comments were received.

5.0 Presentations: Mayor Fagan made the following presentations:

- **Mayor's "Man of the Year"** to State Representative Allen Fletcher and Harris County Commissioner R. Jack Cagle
- **SH 249 Groundbreaking Photos** to Participants in the 249 Groundbreaking and Participating Restaurants
- **Eagle Scout, Cameron James Arnold**
- Mayor Fagan and Lisa Coe presented a check in the amount of \$2,180.59 to Judy Deyo, Executive Director-TOMAGWA, and Robert Hauck, President-TOMAGWA Board of Directors, on behalf of **TOMAGWA**, and representing proceeds resulting from the October 12, 2013 *Sherine's Stride* Breast Cancer event.

6.0 Reports and Announcements:

- November 5, 2013 – **Mayor's Coffee** – 5:30 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 19, 2013 – **20th Anniversary of Lone Star College-Tomball**
- November 23, 2013 – **48th Annual Tomball Holiday Parade** – 10:00 a.m.
- December 13-15, 2013 – **2013 Tomball German Christmas Market** – 10:00 a.m.-8:00 p.m.
- December 14, 2013 – **"Christmas on Commerce" – a 2nd Saturday at the Depot Event**, from 10:00 a.m.-8:00 p.m.
- **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 – Report on **"Zomball in Tomball Do-Over" at the Depot and Tomball Blue Grass Festival**
 - Councilman Townsend reminded the audience that the Supreme Court will be voting on prayer at Council meetings this week.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the October 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 2013-19, an Ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by amending Section 38.2 ("Use Charts") by creating a new land use called "Fortune Telling and Similar

Activities,” permitting it only with a Conditional Use Permit in the Light Industrial District, and assigning it a parking requirement of one parking space per three hundred (300) square feet of building area; and amending Section 45.2 (“Definitions”) by creating a definition for “Fortune Telling and Similar Activities;” 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>Absent</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Mayor Fagan advised that the Request to approve a Letter of Acceptance Binding and Obligating Tandem Energy to Abide by the conditions Prescribed in Section 30-51 of City Ordinance No. 2008-23 in Lieu of a Surety Bond will be removed from the November 4, 2013 agenda.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Brown, second by Councilman Townsend, to reappoint Jeffie Cappadonna, Dr. Rodney Hutson, and Ron Tocci to their current respective positions as Members of the Tourism Advisory Committee for Terms Expiring December 5, 2013.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Request by Spring Creek County Historical Association for Support through Hotel-Motel Tax Revenues in the Amount of \$30,000 for SCCHA's 2013-2014 Fiscal Budget for Annual Operations.

Motion to Amend was made by Councilman Townsend, second by Councilman Brown, to approve the Request by Spring Creek County Historical Association for Support through Hotel-Motel Tax Revenues for SCCHA's 2013-2014 Fiscal Budget for Annual Operations in an Amount up to \$40,000, with the additional \$10,000 above the \$30,000 originally budgeted allocated from grant funds to be designated for the fees associated with the surveying and replatting process required by the City.

Motion, as Amended, carried unanimously.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Request by The Regional Arts Council (TRAC) for Financial Support through Hotel-Motel Tax Revenues in the Amount of \$11,000, for Four Performances of "The Nutcracker" Ballet, to be held December 7 and 8, 2013 at the Tomball High School Auditorium.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Resolution No. 2013-30, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of Ed Heathcott to the Board of Directors of the Harris County Appraisal District.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Dodson, to authorize the City Manager to Execute Documents related to the Acquisition of Approximately 2.25 Acres of Land near the Intersection of East Hufsmith and Stanolind Roads in Order to Acquire a Site for a Third City Fire Station and a Training Tower Capable of Being Utilized by Both the Fire and Police Departments. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 9.7 Motion was made by Councilman Brown, second by Councilman Dodson, to approve Professional Services Agreement with Cobb Fendley and Associates in the Amount of \$60,000 for the Design of Pipeline Lowering for Medical Complex Drive, Segment 3.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2013-20 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. 2013-20, an Ordinance Reducing the *Prima Facie* Speed Limit Established for Vehicles under the Provisions of

§545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon SH 249 Frontage Roads/Access Roads, from the Intersection of the SH 249 Frontage Roads/Access Roads and Holderrieth Road, to the North Intersection of the Tomball Bypass and Business 249, within the Corporate Limits of the City of Tomball as set out in This Ordinance; and Providing a Penalty of a Fine in an Amount not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance. Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 18th day of November 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Preston Dodson
Preston Dodson
Mayor Pro Tem