

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



**MONDAY, MARCH 3, 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 were:

Councilman Hudgens  
Councilman Stoll  
Councilman Degges  
Councilman Townsend  
Councilman Dodson

Others present:

City Manager – George Shackelford  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
Fire Chief – Randy Parr  
Director of Public Works – David Kauffman  
Finance Director – Glenn Windsor  
Marketing Director – Mike Baxter  
IT Director – Doug Tippey  
Community Development Director – Craig Meyers  
City Engineer – Lori Lakatos  
City Planner – Rebeca Guerra  
Community Events Coordinator – Rosalie Dillon  
NWEMS Director – Brian Bayani

## 2.0 The invocation was led by Bruce Hillegeist, President-Greater Tomball Area Chamber of Commerce.

3.0 The pledges to the U. S. and Texas Flags were led by Members of the Tomball High School Student Council.

4.0 The following public comments were received:

- |  |   |   |
|--|---|---|
| Nancy Nygaard<br>517 W. Main, 77375                    | - | Expressed her support for the Tomball Tribune to be designated as the official City newspaper for 2014. |
| Dustin Pfeffer<br>719 E. Kuehn Street<br>Bellville, TX | - | Expressed his appreciation for the City's support for Motorcycle Safety Awareness Month                 |

5.0 Reports and Announcements:

- Mayor Fagan presented a Proclamation declaring May 2014 as ***“Motorcycle Safety and Awareness Month”*** to Mr. Pfeffer and members of motorcycle associations.
- March 8, 2014 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 15, 2014 – **3rd Annual Tomball Honky Tonk Music Festival**
- **March 23, 2014 – “2014 Ride 2 Recovery Texas Challenge”** Welcome and Rest Stop – 9:30 a.m.-11:00 a.m.
- March 25, 2014 (Tuesday) – **Special City Council Meeting – 6:00 p.m.**
- **March 28-30, 2014 – Tomball German Heritage Festival** – 3/28, 6:00 p.m.-10:00 p.m.; 3/29, 10:00 a.m.-10:00 p.m.; 3/30, 10:00 a.m.-6:00 p.m. – Old Town Tomball, Market and Commerce Streets
- April 12, 2014 – **6<sup>th</sup> Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 21-25, 2014 – **Annual Spring Clean-Up and Chipping**
- April 26, 2014 – **Annual Recycle Day at LoneStar College-Tomball**
- April 28-May 6, 2014 – **Early Voting for the May 10, 2014 General and Charter Amendment Elections**
- May 3-4, 2014 – **3<sup>rd</sup> Annual Rails & Tails Mudbug Festival**
- May 10, 2014 – **General and Charter Amendment Elections** – City Hall, 7:00 a.m.-7:00 p.m.
- May 24, 2014 – **3<sup>rd</sup> Annual Memorial Day Weekend Chili Challenge**
- **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 – Presented a report to Council regarding 2014 TML Risk Pool Gas Utility Survey Report.

6.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the February 17, 2014 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the Tomball Art League's Request for In-Kind Support of Two Annual Art Shows at the Tomball Community Center, to be Held Saturday, March 8, 2014 and Saturday, September 13, 2014.

Motion carried unanimously.

- 7.2 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Resolution No. 2014-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Tomball-Magnolia Tribune as the Official Newspaper for 2014 for Publication of Matters Pertaining to the City of Tomball.

Motion carried unanimously.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2014-05, a Resolution of the City Council of the City of Tomball, Texas, Authorizing a Joint Election with the Harris County Emergency Services District No. 8 (ESD 8), to be held on May 10, 2014; Designating the Joint Polling Place; Providing a Severability Clause; and Providing an Effective Date.

Motion carried unanimously.

- 7.4 Mayor Fagan opened the public hearing regarding Proposed Assessments against Section One Properties in the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision) at 6:19 p.m.:

No comments being received, Mayor Fagan closed the public hearing at 6:19 p.m.

- 7.5 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2014-05 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2014-05, an Ordinance of the City Council of Tomball, Texas, Approving the First Amended and Restated Service and Assessment for the City of Tomball Public Improvement District (PID) No. 2, for the Raleigh Creek Subdivision. 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 Dodson	<u>Aye</u>

Motion carried unanimously.

- 7.6 Mayor Fagan advised that consideration of Ordinance No. 2014-06, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto would be moved to the March 17, 2014 Council agenda, due to inaccurate language and inadequate notice being given regarding the topic of discussion.

No action necessary.

- 7.7 George Shackelford introduced Damon Palermo and Jerry Hayley, who presented a project being considered by 2978 Panormus LLP, regarding "Peck Station", a Proposed Development Located between Snook Lane and FM 2978.

No action necessary.

- 7.8 Motion was made by Councilman Dodson, second by Councilman Townsend, to award Proposal for North Wastewater Treatment Plant Fine Screen Rehab and Improvements to R&B Group, Inc., for a total cost of \$120,000.00, and to authorize the City Manager to Execute the Necessary Agreement.

Motion carried unanimously.

- 7.9 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Proposal from Evoqua Water Technologies for Emergency Repairs to Rotor #1 at the South Waste Water Treatment Plant in the Amount of \$116,000.00, and to authorize the City Manager to Execute the necessary Agreement

Motion carried unanimously.

- 7.10 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Amendment to the Interlocal Agreement between Tomball Police Department and Northwest EMS (NWEMS) to Allow the Sharing of Communication Resources between the Tomball Police Department and NWEMS and Approve Amendment to Existing Agreement between the City of Tomball and Comcast, to Add a Third Fiber Connection to Connect NWEMS to the City's Network, and Authorize City Manager to Execute Agreements

Motion carried unanimously.

- 7.11 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the following Plats, as recommended by the Planning and Zoning Commission:

**BREAUX MACHINE WORKS NORTH;** A subdivision of 4.7261 Acres composed of Lot 1, Block 1, 4.3402 Acres comprised of Lots 1, 2, and 3, Block 3 of Hirschfield Farms, Section 1, an Unrecorded Subdivision, 0.1246 Acres being the residue of a called 2.8805 Acre Tract (Tract Two) as recorded in H.C.C.F. No. J904080 and 1.5918 Acres being the residue of a called 3.5864 Acre Tract as recorded in H.C.C.F. Film Code No. 119-48-0065 and Unrestricted Reserve A 0.3859 Acres; being the westerly residue of a 0.7411 Acre Tract as recorded in H.C.C.F. No R013662 located in the John M. Hooper Survey, A-375 City of Tomball, Harris County, Texas

**REPLAT OF MCCOY'S BUILDING SUPPLY - TOMBALL;** All of that certain Tract of land being 8.5395 Acres; being comprised of a 4.9671 Acre easterly residual Tract of land hereby known as Block 1, Lot 1, and a 3.5724 Acre westerly residual Tract of land hereby known as Block 2, Lot 1; said parcels being out of and a part of a called 10.702 Acre Tract known as Block 1, Restricted Reserve A of McCoy's Building Supply – Tomball as recorded in Film No. 368124, Harris County Map Records, Harris County, Texas and being more particularly described by metes and bounds.

Motion carried unanimously.

- 7.12 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Professional Services Agreement with R.G. Miller Engineers, Inc. for City of Tomball Storm Water Management Plan for the Small Municipal Separate Storm Sewer System (MS4) Permit TXR040000, E&P Project Number 2014-10001, in the Amount of \$27,995.00

Motion carried unanimously.

- 7.13 Motion was made by Councilman Townsend, second by Councilman Dodson, to award Contract for COT Project Bid Number 2014-04, Medical Complex Drive Expansion, Segment 3, from Lawrence Street to South Cherry Street Project, E&P Number 2011-10019, to Hassel Construction Company, Inc., in the Amount of \$5,879,967.05.

Motion carried unanimously.

- 7.14 Motion was made by Councilman Dodson, second by Councilman Degges, to approve Development Agreement for Construction of Public Improvements with Breaux Properties, LTD, in the Amount of \$10,632.96.

Motion carried unanimously.

- 7.16 Motion was made by Councilman Townsend, second by Councilman Degges, to authorize City Staff to seek Proposal from Evoqua Water Technologies for Emergency Repairs to Rotor #2 and Rotor #3 at the South Waste Water Treatment Plant, in the Estimated Amount Not to Exceed \$232,000.00, and to authorize the City Manager to Execute the Necessary Agreement.

Motion carried unanimously.

- 7.15 Executive Session: The Tomball City Council recessed at 7:22 p.m. as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

- Sec. 551.072 – Deliberations Regarding Real Property

After reconvening into regular session at 7:57 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 17th day of May 2014.

Doris Speer  
Doris Speer, TRMC, CMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor