

**HUMBLE CITY COUNCIL**

**MINUTES**

**OCTOBER 27, 2011 - 6:30 P.M.**

**REGULAR MEETING**

**HELD AT CITY HALL, 114 WEST HIGGINS, HUMBLE, TEXAS**

**MEMBERS PRESENT:** Mayor Donnie McMannes, Presiding  
Mayor Pro Tempore Allen Lee  
Councilmember Merle Aaron  
Councilmember Ray Calfee  
Councilmember Bill Conner  
Councilmember Allan Steagall  
City Manager Darrell Boeske  
City Secretary Sue Daniel

**EMPLOYEES PRESENT:** Assistant City Manager Mark Martin  
Lt. Delbert Dawes

**VISITORS PRESENT:** John Rudloff  
Arliss Bentley  
Brandon McCain, Boy Scout Troop 674  
Ruth McCain

Mayor Donnie McMannes called the regular meeting of the Humble City Council to order at 6:30 p.m. with all members present.

**1. INVOCATION/PLEDGE OF ALLEGIANCE**

Assistant City Manager Mark Martin gave the invocation and Brandon McCain, a member of Boy Scout Troop 674, led the Pledge of Allegiance.

**2. MINUTES - SEPTEMBER 8 AND 22, 2011**

Minutes were presented to the mayor and councilmembers for approval. Councilmember Allen Lee moved to approve the minutes of September 8<sup>th</sup> and 22<sup>th</sup>, 2011 as printed and circulated.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall  
Nays: None  
Motion Carried.

**3. FINANCIAL STATEMENT**

The financial statement for September was presented to the mayor and councilmembers for

approval. Councilmember Allan Steagall moved to approve the financial statement.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall

Nays: None

Motion Carried.

#### 4. CURRENT INVOICES

Invoices were presented to the mayor and councilmembers for approval of payment.

Accounts Payable:

General Fund	\$ 673,102.67
W/S Operating Fund	353,092.12
Special Revenue Fund	26,369.65
Beautification Committee Fund	300.00
Red Light Camera Fund	112,629.41
C.O., Series 2005A	<u>222,147.12</u>
Total	\$ 1,387,640.97

Purchase Cards:

General Fund	\$ 122,979.00
W/S Operating Fund	22,757.55
Special Revenue Fund	7,399.63
Beautification Committee Fund	662.63
Red Light Camera Fund	<u>1,313.05</u>
Total	\$ 155,111.86

Councilmember Lee moved to pay the invoices.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall

Nays: None

Motion Carried.

#### 5. PUBLIC HEARING ON PROPOSED ORDINANCE TAXING TANGIBLE PERSONAL PROPERTY IN TRANSIT THAT WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253

Mayor McMannes opened a public hearing for citizens to comment on a proposed ordinance taxing tangible property in transit that would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. Mayor McMannes asked for comments and no one asked to speak so he closed the public hearing.

#### 6. ORDINANCE NO. 12-700 TAXING TANGIBLE PERSONAL PROPERTY IN TRANSIT THAT WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253; AND MAKING OTHER FINDS AND PROVISIONS RELATED THERETO

City Manager Darrell Boeske presented Ordinance No. 12-700 to the mayor and councilmembers and recommended approval. He stated the City of Humble already has the taxation of personal property in transit ordinance in effect but with the recent Texas Legislature legislation, the City must adopt this Ordinance.

ORDINANCE NO. 12-700

AN ORDINANCE OF THE CITY OF HUMBLE, TEXAS, TAXING TANGIBLE PERSONAL PROPERTY IN TRANSIT THAT WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.

WHEREAS, the 82<sup>nd</sup> Texas Legislature in its First Special Session has enacted Senate Bill 1, which amends Texas Tax Code Section 11.251; and

WHEREAS, Texas Tax Code Section 11.253(j-l) as amended allows the governing body of a taxing unit, after conducting a public hearing, to provide for the taxation of goods-in-transit if it so votes between October 1, 2011 and December 31, 2011; and

WHEREAS, the City Council, after determining all legal requirements of notice have been met and having conducted a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution, is of the opinion that it is in the best interest of the City to tax such goods-in-transit; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS:

Section 1. That goods-in-transit, as defined by Texas Tax Code Section 11.253(a)(2), as amended by the 82<sup>nd</sup> Texas Legislature in its First Special Session, shall be subject to taxation by the City of Humble, Texas.

Section 2. That the city secretary is hereby directed to send a certified copy of this ordinance to the chief appraiser for each appraisal district that serves the City of Humble.

Section 3. That this ordinance shall be in full force and effect from and after its passage.

Mayor McMannes moved to adopt Ordinance No. 12-700.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall

Nays: None

Motion Carried.

**7. RESOLUTION NO. 12-715 OF THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT**

City Manager Boeske presented Resolution 12-715 to the mayor and councilmember for approval.

RESOLUTION NO. 12-715

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUMBLE,  
TEXAS CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO  
THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL  
DISTRICT

WHEREAS, the chief appraiser of the Harris County Appraisal District, Harris County, Texas, has delivered to the mayor of this city, the names of those persons duly nominated as candidates to serve in that position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities other than the City of Houston, participating in said appraisal district; and

WHEREAS, this city deems it appropriate and in the public interest to cast its vote for the candidate of its choice to fill such position; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUMBLE:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby adopted, ratified, and confirmed.

Section 2. That the City of Humble cast its vote, and it does hereby cast its vote, for Ed Heathcott, to fill the position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities, other than the City of Houston, participating in the appraisal district.

Section 3. That the mayor be, and he or she is hereby, authorized and directed to deliver or cause to be delivered an executed or certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than December 19, 2011.

Councilmember Merle Aaron moved to approve Resolution No. 12-715.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall

Nays: None

Motion Carried.

**8. RESOLUTION NO. 12-716 ADOPTING THE CITY OF HUMBLE FAIR HOUSING ACTIVITY STATEMENT- TEXAS**

City Manager Boeske asked that agenda item # 8 be deferred until a later date.

**9. KILLION NORTH HOUSTON DEVELOPMENT PLAT - KILLION PROPERTIES, INC. - 1106 NORTH HOUSTON**

City Manager Boeske presented a development plat from Killion North Houston and recommended approval. Councilman Bill Conner moved to approve agenda item # 9.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall

Nays: None

Motion Carried.

**10. MULLINS PARKING DEVELOPMENT PLAT - 3000 WILSON ROAD**

City Manager Boeske presented Mullins Parking Development Plat and recommended approval. He stated that this plat would add a few more parking spaces to the property. Councilmember Steagall moved to approve agenda item # 10.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall

Nays: None

Motion Carried.

**11. CHANGE ORDER NO. 1 POND STREET DETENTION POND PROJECT**

City Manager Boeske presented Change Order No. 1 for the pond Street Detention Pond Project and recommended approval. He stated that change order provided for a 6 foot chain link fence around the detention pond with a 2 foot concreted mow strip. No motion was made for agenda item # 11.

**12. MAY 2012 ELECTION COMPLIANCE WITH SENATE BILL 100**

City Manager Boeske presented an analysis of Senate Bill 100 and recommendations for the City to implement by the City Secretary:

“In the last regular session of the Texas Legislature, Senate Bill 100 was introduced to allow Texas to implement federal legislation designed to help overseas military personnel participate in elections. Among other things, it moved the date for primary runoffs from April to May of even-numbered years. This change causes primary runoffs to overlap with local government elections. The bill also gives counties the authority to refuse to administer government elections in May of even-numbered years.

Harris County has informed all entities that they will not be able to provide equipment and services for their entities in the May elections of even-numbered years. This affects our election

system in the City of Humble.

There are three options that are available to the City of Humble:

1. Moving the elections to the November uniform election date
2. Moving all elections to the odd-numbered years and unstage the terms of office (all five positions would be up for election in the odd-numbered years and no elections in the even-numbered years)
3. Lease or buy equipment and keep the staggered terms of office and continue with the even-numbered year elections

Options:

1. If the elections are moved to the November uniform election date, the City of Humble Ballot will be at the end of the lengthy ballot for state and county offices. A problem could be with people who vote straight tickets may not go to the City's ballot and vote for our election.
2. If the City unstages the terms of office for the mayor and councilmembers, you could have a situation whereby all elected officers could be new with no experienced members on the council.
3. To keep the even-numbered election in May, the best option would be to lease or buy equipment and the City would administer its own election.

Recommendation:

Because this is a new situation and I have heard that the State Legislature might revisit this issue next session, I would recommend that the City use paper ballots and rent a AutoMARK Voter Assist Terminal and a Model 100 Precinct Scanner from Election Systems & Software and use the election services of the same company. I have quotes from Hart Intercivic to buy eSlate equipment, like we currently rent from Harris County and use their election services, but it is very expensive and would be useless if the Legislature should change the current election dates. After the next Legislative session, the Council should reassess the voting system for May 2014. The AutoMark Voter Assist Terminal is required for handicapped voters and is certified by the State of Texas."

Councilmember Lee moved to approve the City Secretary's voting system recommendation for the May 12, 2012 General Election.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall  
Nays: None  
Motion Carried.

**13. CHRISTMAS PARADE PERMIT - HUMBLE BEAUTIFICATION COMMITTEE**

City Manager Boeske presented the parade permit application for the City of Humble Annual Christmas Parade to be held December 6, 2011. Mayor McMannes moved to grant the parade permit.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall  
Nays: None  
Motion Carried.

**14. DESIGNATION OF DECEMBER 23 AND 26, 2011 AND JANUARY 2, 2012 AS CITY HOLIDAYS**

City Manager Boeske recommended to the mayor and councilmembers that December 23 and 26, 2011 and January 2, 2012 be designated city holidays. Councilmember Conner moved to approve agenda item # 14.

Ayes: Aaron, Calfee, Conner, Lee, McMannes, Steagall  
Nays: None  
Motion Carried.

**15. MONTHLY DEPARTMENT REPORTS**

Mayor McMannes stated the monthly reports were for information only.

**16. ADJOURNMENT**

There being no further business to transpire, Mayor McMannes moved the meeting be adjourned. Meeting Adjourned. 6:46 p.m.

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D. G. McMannes  
Mayor

ATTEST:

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Sue Daniel  
City Secretary