

HUMBLE CITY COUNCIL

MINUTES

SPECIAL MEETING

FEBRUARY 26, 2013 - 9:30 A.M.

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

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

EMPLOYEES PRESENT: Finance Director Dixie Kellum
Chief Gary Outlaw
Director of Public Works Barry Brock
Court Administrator Sandra Elliott
Assistant Chief Mike Legoudes
Risk Manager Teresa Ower

VISITORS PRESENT: Kelly Hunter
Bill Conner
Scott Brady
Fran Morris
Bryan Kirk

Mayor McMannes called the special meeting of the Humble City Council to order at 9:30 a.m. with all members present.

1. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Merle Aaron gave the invocation and Councilmember Allen Lee led the Pledge of Allegiance.

2. CURRENT INVOICES

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

<u>Accounts Payable:</u>	
General Fund	\$ 367,684.75
W/S Operating Fund	117,497.55
Special Revenue Fund	6,506.21
C.O., Series 2005A	<u>78,418.82</u>
Total	\$ 570,107.33

Councilmember Lee moved to pay the invoices.

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

3. PRESENTATION OF CITY OF HUMBLE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012 - MR. KELLY HUNTER, FITTSROBERTS & CO, P.C.

Mr. Kelly Hunter, representing FittsRoberts &Co, P.C., appeared before the mayor and councilmembers to give a report of the City's Comprehensive Annual Financial Report for fiscal year October 1, 2011 through September 30, 2012. Mr. Hunter stated it was a pleasure to do the City's audit and thanked City Manager Darrell Boeske, Finance Director Dixie Kellum and the staff for their help and cooperation in the audit. In reference to the Letter of Transmittal he stated the City had been awarded for the tenth year a Certificate of Achievement for Excellence in Financial Reporting for the audit ending September 30, 2011. In the Independent Auditor's Report he found that the financial statements present fairly the condition of the financial position and the accounting principles generally accepted in the United States of America.

The financial highlights of the audit were:

- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by \$ 108,816,821(net assets). Of this amount \$ 44,010,676 (unrestricted net assets) may be used to meet the government's ongoing obligations to citizens and creditors.
- The City's total net assets increased by \$ 7,540,750.
- At the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$ 38,963,037, an increase of \$5,585,255 over the prior year. Approximately 61% of this total amount, \$ 23,634,980, is available for spending at the City's discretion (unassigned fund balance).
- At the end of the current fiscal year, unassigned fund balance for the general fund was \$23,634,980 or 122 percent of total general fund expenditures.
- The City's total liabilities decreased by \$494,476 due primarily to debt payments.

Mr. Hunter closed by stating the City of Humble is in a sound fiscal status. Mayor McMannes thanked Mr. Hunter for his report of the audit. Mayor McMannes stated the report by Mr. Hunter was for information only.

4. APPROVAL OF CITY OF HUMBLE GOOD OIL DAYS TO BE HELD APRIL 6, 2013 AND

CLOSURE OF MAIN STREET FROM RAILROAD AVENUE TO AVENUE E INCLUDING THE CROSS STREETS FROM HIGGINS TO GRANDBERRY

City Manager Darrell Boeske presented a request from the Good Oil Days Festival Committee to hold the 33rd Annual Good Oil Festival on Saturday, April 6, 2013. The festival would be held on Main Street from Railroad Avenue to Avenue E including the cross street from Higgins to Grandberry. The committee would also ask to use Uptown Park, its parking lot and the side driveway. Also the request asks that the areas be blocked off to traffic on April 6th from 5 a.m. to 5 p.m. Mayor McMannes stated the City will keep the Good Oil Days Festival going and the Senior Center's flowers will once again be sold as Park Superintendent Rocky Mittag's health has improved and he will oversee the project. Councilmember Lee moved to approve the Good Oil Days Festival to be held April 6, 2013.

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

5. APPROVAL OF ARCHITECTURAL CONTRACT FOR PUBLIC WORKS FACILITY, ANIMAL SHELTER AND JAIL EXPANSION

City Manager Boeske presented a architectural agreement with Joiner Partnership, Inc. for the City of Humble Miscellaneous Projects - Additions and Renovations to the Humble Police Station, Additions and Renovations to the Public Works Facility, and Additions and Renovations to the Humble Animal Shelter and recommended approval. The fee for the project would be 7% of the construction cost. Mayor McMannes stated that the architect for the project is Scott Brady, a graduate of Humble High School. Mayor McMannes moved to enter into an agreement with Joiner Partnership for their services.

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

6. AMENDMENT TO ORGANIZATION CHART BY ADDING ASSISTANT FINANCE DIRECTOR

City Manager Boeske presented an amendment to the City's Organizational Charter which would create an Assistant Finance Director position. Councilmember Aaron moved to approve item #6 - approve the position of Assistant Finance Director.

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

7. CITY OF HUMBLE ORDINANCE NO. 13-715 ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY WELLS

City Manager Boeske presented to the mayor and councilmembers Ordinance No. 13-715 which establishes rules and regulations regarding sanitation and pollution control of the areas in proximity to the City's public water supply wells and recommended approval.

ORDINANCE NO. 13-715

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS, ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY WELLS

WHEREAS, the City of Humble, Texas (the "City"), owns and operates water supply facilities within the City, including five (5) water wells and related facilities (the "Wells"), which provide potable water to the residents of the City; and

WHEREAS, because maintenance of sanitary conditions around such Wells is vital to the protection of the Wells and to the protection of the health and safety of the residents of the City, the City Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Wells; now, therefore,

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

Section 1. Purpose.

- A. This Ordinance sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of the Wells in order to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations.
- B. The objective of this Ordinance is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

Section 2. Definitions.

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- A. *City Council* shall mean the City Council of the City of Humble, Texas.
- B. *City* shall mean the City of Humble, Texas.
- C. *Ordinance* shall mean this Ordinance Establishing Rules and Regulations Regarding Sanitary and Pollution Control of the Area in Proximity to the City's Public Water Supply

Wells.

- D. *Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.
- E. *Wells* shall mean the water wells owned and operated by the City, which are more specifically identified and described in Exhibit "A" attached hereto and made a part hereof.

Section 3. Prohibited Activities.

The following activities are prohibited within the designated areas of land surrounding the Wells:

- A. Construction an/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility , military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, Class 1,2,3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purposes of this Ordinance, "improperly constructed water wells" are those wells that do not meet the surface and subsurface construction standards for a public water supply well.
- B. Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the Wells.
- C. Construction of homes or building upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met.
- D. Normal farming and ranching operations are not prohibited by this Ordinance; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

Section 4. Right of Entry.

City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

Section 5. Penalty.

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$ 500.00. Each day of violation shall constitute a separate offense.

Section 6. Required Removal.

Any person who shall violate any provision of this Ordinance shall be required to remove the prohibited construction or contamination source within 10 (ten) days after notification that they are in violation of this Ordinance.

Section 7. Superceding Regulation or Statute.

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

Section 8. Severability.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Humble, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Councilman Allan Steagall moved to approve Ordinance No. 13-715.

Ayes: Aaron, Calfee, Lee, McMannes, Steagall

Nays: None

Motion Carried.

8. CORRESPONDENCE: TML LEGISLATIVE UPDATE

Mayor McMannes stated the correspondence was for information only.

9. ADJOURNMENT

There being no further business to transpire, Mayor McMannes moved the meeting be adjourned. Meeting Adjourned. 9:40 a.m.

D. G. McMannes
Mayor

ATTEST:

Sue Daniel
City Secretary