

**HUMBLE CITY COUNCIL**

**MINUTES**

**REGULAR MEETING**

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

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

**MEMBERS PRESENT:**

Mayor Donnie McMannes, Presiding  
Mayor Pro Tempore Allan Steagall  
Councilmember Merle Aaron  
Councilmember Bill Conner  
Councilmember Andy Curry  
Councilmember Allen Lee  
City Manager Darrell Boeske  
City Secretary Sue Daniel

**EMPLOYEES PRESENT:**

Assistant City Manager Mark Martin  
Finance Director Dixie Kellum  
Director of Public Works Barry Brock  
Fire Marshal Clint Johnson  
Civic Center Director Johnnie Scroggins  
Officer J. Manning

**VISITORS PRESENT:**

Shirley Conner  
John Rudloff  
Ngoc Le  
Corey Turner

Mayor Donnie McMannes called the regular meeting of the 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 led the Pledge of Allegiance.

**2. MINUTES - REGULAR MEETING JANUARY 13, 2011**

Minutes of the council meeting held on January 13, 2011 were presented to the mayor and councilmembers for approval. Councilmember Allen Lee moved to approve the minutes of January 13, 2011 as printed and circulated.

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

**3. CURRENT INVOICES**

Invoices were presented to the councilmembers for approval of payment.

<u>Accounts Payable:</u>	
General Fund	\$ 196,224.76
W/S Operating Fund	31,449.26
Special Revenue Fund	8,267.85
Beautification Committee Fund	140.14
Red Light Camera Fund	<u>56,156.61</u>
C.O., Series 2005A	\$ 440,459.62

<u>Purchase Cards:</u>	
General Fund	\$ 53,635.51
W/S Operating Fund	9,587.91
Special Revenue Fund	3,965.94
Red Light Camera Fund	<u>154.99</u>
Total	\$ 67,344.35

Councilmember Lee moved to pay the invoices.

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

**4. ORDINANCE NO. 11-693 ORDERING A GENERAL ELECTION TO BE HELD ON MAY 14, 2011 FOR THE PURPOSE OF ELECTING CITY OFFICIALS - MAYOR, COUNCILMEMBER PLACE NO. 1, AND COUNCILMEMBER PLACE NO. 2**

City Manager Darrell Boeske presented Ordinance No. 11-693 to the mayor and councilmembers for approval.

ORDINANCE NO. 11-693

STATE OF TEXAS:

COUNTY OF HARRIS:

TO THE REGISTERED VOTERS OF THE CITY OF HUMBLE, TEXAS:

Notice is hereby given that a general election has been ordered to be held on the 14<sup>th</sup> day of May, 2011 for the purpose of electing the following City Officials:

MAYOR

COUNCILMEMBER PLACE NO. 1

COUNCILMEMBER PLACE NO. 2

The entire corporate limits of the city shall constitute one election precinct and the polling place for said election shall be City Hall located at 114 West Higgins, Humble, Texas. The polls will open at 7:00 a.m. and close at 7:00 p.m.

Early voting by personal appearance will be conducted each weekday at the office of the city secretary located in City Hall at 114 West Higgins, Humble Texas. Early voting will be held May 2 - May 6, 2011 between the hours of 8:00 a.m. and 5:00 p.m. On May 9 and 10, 2011 early voting will be held from 7:00 a.m. to 7:00 p.m.

Applications for a ballot by mail shall be mailed to:

CITY OF HUMBLE  
SUE DANIEL, CITY SECRETARY  
114 WEST HIGGINS  
HUMBLE, TEXAS 77338

Applications for a ballot by mail must be received no later than the close of business on May 6, 2011 at 5:00 p.m.

No person shall vote at said election unless they are qualified to vote under the Constitution and laws of the State of Texas and the City of Humble Charter regulating election when not in conflict with the provisions of the statutes relating thereto.

BY THE ORDER of the City Council of the City of Humble, Texas, duly passed, approved and adopted this 27<sup>th</sup> day of January, 2011.

Councilmember Merle Aaron moved to approve Ordinance No. 11-693 ordering a general election.

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

**5. RESOLUTION NO. 11-711 ESTABLISHING A FEE FOR A TENT PERMIT AS REQUIRED BY CITY OF HUMBLE CODE OF ORDINANCES CHAPTER 12 BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX TENTS AND OTHER TEMPORARY STRUCTURES**

City Manager Boeske presented Resolution No. 11-711 to the mayor and councilmembers and recommended approval.

**RESOLUTION NO. 11-711**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS TO ESTABLISH A FEE FOR A TENT PERMIT AS REQUIRED BY CITY OF HUMBLE CODE OF ORDINANCES CHAPTER 12 BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX TENTS AND OTHER TEMPORARY STRUCTURES**

WHEREAS, as the governing body of the City of Humble, Texas deems it a necessity to establish a fee charged for tent permits as required by City of Humble Code of Ordinances Chapter 12, Article IX, the following fee shall be established:

Tent Permit	\$ 25.00
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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Humble, Texas that the aforementioned fee shall be charged and be in effect February 1, 2011.

PASSED, APPROVED AND ADOPTED this 27<sup>th</sup> day of January, 2011.

Councilmember Bill Conner moved to approve agenda item # 5.

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

**6. ORDINANCE NO. 11-694 ESTABLISHING AN ANNUAL PERMITTING PROCESS FOR FARMERS' MARKET VENDORS**

City Manager Boeske presented Ordinance No. 11-694 to the mayor and Councilmembers and recommended approval. He stated this ordinance would allow the City to mirror Harris County's farmers' market vendors regulations with a per it valid for one year.

ORDINANCE NO. 11-694

AN ORDINANCE CREATING AN ANNUAL FARMERS' MARKET VENDOR'S PERMIT; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

**Section 1.** Whereas, in accordance with Chapter 20 of the Code of Ordinances of the City of Humble, the City currently utilizes Harris County to conduct inspections and administer permits concerning food service establishments, retail food stores, mobile food units, and roadside food vendors, and has adopted the County's regulations with respect thereto.

**Section 2.** In furtherance thereof, it is the desire of the City Council to specifically adopt and establish this Ordinance to require that food establishment vendors obtain an *annual* Farmers' Market Vendor's Permit (known as a Food Establishment E by Harris County) from the City and obey the laws, rules and regulations related to this Ordinance.

**Section 3.** A Farmers' Market Vendor's Permit (Food Establishment Category E) is required when (1) yard eggs or any pre-packed foods that are required to be under temperature control are sold or distributed at a farmers' market; and (2) the market is located in the City of Humble whose food establishments are inspected and permitted by Harris County. In addition, the food establishment must be located at a site which has been identified for use by farmers and producers primarily for the distribution and sale of (1) raw and custom shelled agricultural products; and (2) products made by farmers and producers from their agricultural products directly to consumers. At any given time, a Farmers' Market Vendor's Permit may apply to only one booth regardless of location. Copies of the Farmers' Market Vendor's Permit will not be considered valid. Food preparation or processing is not allowed at the market. This includes sampling of food unless the samples are provided in pre-packaged containers and meet state manufacturer's license requirements. A valid and current manufacturer's license, when required, must be provided upon request. A valid and current Farmers' Market Vendor's Permit must be posted in or on every food establishment in a conspicuous place. A Farmers' Market Vendor's permit is not needed for produce that

is present in its natural state (i.e. no cutting, peeling, slicing), and is not needed for pre-packaged foods that do not require temperature control and are prepared at a location permitted by a regulatory authority. However, pre-packaged foods must be properly labeled and meet state manufacturer's license requirements. Once a Farmers' Market Vendor's Permit is obtained, it will be valid for one year, and it is the vendor's responsibility to renew or obtain a new permit from the Harris County Public Health & Environmental Services (HCPHES). The permit shall be valid only at farmers' markets as defined by Harris County.

**Section 4.** With reference to the foregoing matter, it is the intention of the City of Humble and its City Council to comply with all applicable provisions of the laws of the State of Texas and of the Charter of the City of Humble.

**Section 5.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City in the manner and for the time required by law preceding this meeting, as required by the Open Government Law, Chapter 551 of the Government Code, V.T.C.A., as amended; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 6.** If any section or part of this Ordinance be held unconstitutional, illegal or invalid or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no wise affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

**Section 7.** This Ordinance shall take effect on and be effective from and after the date of its final passage and adoption.

INTRODUCED AND PASSED AND APPROVED on the 27<sup>th</sup> day of January, 2011.

Councilmember Allan Steagall moved to pass Ordinance No. 11-711.

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

Nays: None

Motion Carried.

**7. PROPOSAL FOR ENGINEERING SERVICES FOR ADDING RIGHT TURN LANES ALONG SOUTH HOUSTON AVENUE; AND ALONG WILSON ROAD NORTH AND SOUTH BOUND AT WILL CLAYTON PARKWAY**

**8. MONTHLY DEPARTMENT REPORTS**

Mayor McMannes stated the monthly department reports were for information only.

**9. CORRESPONDENCE: TML LEGISLATIVE UPDATE**

Mayor McMannes stated the correspondence was for information only.

**10. ADJOURNMENT**

There being no further business to transpire, Mayor McMannes moved to adjourn the meeting. Meeting Adjourned. 6:36 p.m.

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Donnie McMannes  
Mayor

ATTEST:

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Sue Daniel  
City Secretary