

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



MONDAY, FEBRUARY 1, 2010

7:00 P.M.

1.0 Call to Order

The meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Quinn
Councilman Stoll
Councilman Townsend
Councilman Webb
Councilman Driver

Others present:

Interim City Manager – Christal Kliewer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Chief of Police – Robert Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Assistant to City Manager – Shawn Cox
Director of Engineering & Planning – Mark McClure
City Planner – Kelly Violette
Community Events Coordinator – Rosalie Dillon

2.0 The invocation was led by Phil Johnson, Pastor, Tomball Assembly of God Church.

3.0 Pledges to U. S. and Texas Flags were led by Kirsten Holland and Cooper Cason.

4.0 The following public comments were received:

Judy Wilson
506 N. Pecan Drive, 77375

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Requested that Council exercise fiscal responsibility in evaluating projects and

associated costs before approving them.

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| Mary Lu Wiley
14120 Carneswood, 77375 | - | Expressed concerns about the profitability and success of the ice skating rink. |
| Audrey Marks
21901 Tomball Parkway, 77077 | - | Provided information to Council and expressed her support regarding the Tomball Potpourri as the official newspaper for 2010. |
| Nancy Nygaard
5137 West Main, 77375 | - | Provided information to Council and expressed her support regarding the Tomball Tribune as the official newspaper for 2010. |
| Dane Dunagin
535 East Hufsmith, 77375 | - | Did not speak; wished to have his support for the abandonment of Stasney Road entered into the record. |
| Bill Sumner
12321 Zion Road, 77375 | - | Expressed his support for the abandonment of Stasney Road. |
| Mary Harvey
405 S. Walnut, 77375 | - | Expressed her concerns regarding limitations on total contributions by individuals to candidates for municipal office. |
| Pat Bailey
1319 Dove Trails, 77375 | - | Expressed her concerns regarding solicitations by City representatives to citizens, donations by citizens to the City, and limitations on total contributions by individuals to candidates for municipal office. |

5.0 Presentation:

- Mayor Fagan presented certificates of appreciation from the City Council to Corbin Sterle, Lisa Sterle, Collin Sterle, William Conover, Rebekah Conover, Marshall Conover, Will Harris, Will Harris II, Ron Dorrell, Braden Dorrell, Tom Brewers, Ben Brewers, Daniel Torres, Mikey Torres, Sam Wells, Sam Wells II, John Dillon, Jim McKinney, and Randy Parr for their volunteer assistance as members of *Mission Tomball* in cleaning up Kathy Bitner's home following extensive water damage, enabling her to return to her home.
- Doug Sanguedolce will present the Fire Marshal's Report for 2009 on February 15, 2010.

6.0 Reports and Announcements:

- **Farmers Market** – Will reopen in March 2010
- February 4, 2010 – **Mayor's Coffee** – 5:30 p.m.-7:00 p.m. at Main Street Crossing

- February 8 through March 8, 2010 – Dates to File Application for Place on May 8, 2009 Ballot
- February 13, 2010 – **2nd Saturday at the Depot** – 5:00 p.m.
- February 15, 2010 agenda – Appointments to Board of Adjustments (expiring 3/2/10)
- February 23, 2010 – **Trail Rider Reception** at the Depot – 1:00 p.m.
- March 1 and March 15, 2010 -- **Public Hearings** regarding Tomball's Juvenile Curfew Ordinance
- March 8-13, 2010 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- March 15, 2010 – Candidate Orientation (tentative date)
- April 10, 2010 – **2nd Annual City of Tomball Bunny Run 5K and Kids 1K**
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)
- Comprehensive Plan website is now available online – <http://plantomball.com/index.html>
- Reports by City staff and members of council about items of community interest on which no action will be taken

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the Regular City Council Meeting of January 18, 2010.

Motion carried unanimously.

8.0 Old Business:

8.1 Randy Parr presented an overview of the proposed Ordinance. Motion was made by Councilman Driver, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2010-01, an Ordinance of the City of Tomball, Texas, Adopting **Amendment Number 1** to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2009-2010, as Adopted by Ordinance No. 2009-20; Providing for Appropriation of Funds from the Governmental Funds and the Proprietary Funds; Directing Publication of the Caption of this Ordinance; Finding that the Meetings at which this Ordinance is Considered are Open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing Other Details Relating to the Passage of This Ordinance. Vote was as follows:

Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

8.2 Motion was made by Councilman Townsend, second by Councilman Driver, to reconsider Resolution No. 2010-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2010 for Publication of Matters

Pertaining to the City of Tomball. Motion was made by Councilman Stoll to designate the Tomball Potpourri as the official newspaper; motion died for lack of second. Motion was made by Councilman Townsend to place reconsideration of Resolution No. 2010-04 on the February 15, 2010 agenda; motion died for lack of second. Motion to reconsider Resolution No. 2010-04 was withdrawn by Councilman Townsend, second by Councilman Driver, with request to reconsider Resolution No. 2010-04 when the 90-day period required for defeated motions under Chapter 2, Section 2-32. Rules of Procedure, (9) *Reconsideration of a subject when defeated*, in the Code of Ordinances has expired.

No action taken.

9.0 New Business:

- 9.1 Grady Martin, President of the Tomball Sister City Organization, presented an overview of the Request by the Tomball Sister City Organization for City sponsorship of the 2010 German Heritage Festival. Motion was made by Councilman Stoll, second by Councilman Driver, to approve Request by the Tomball Sister City Organization for 2010 German Heritage Festival Funding Support and Street Closures.

Motion carried unanimously.

- 9.2 Shawn Cox presented an overview of the Facilities Agreement with Tennessee Gas Pipeline. Motion was made by Councilman Townsend, second by Councilman Stoll to approve Assignment of Facilities Agreement with Tennessee Gas Pipeline Company to Alamo Pipeline, LLC and Authorize Interim City Manager to Execute Agreement.

Motion carried unanimously.

- 9.3 Kelly Violette presented an overview of the Common Access Agreement. Motion was made by Councilman Quinn, second by Councilman Webb, to approve Common (Reciprocal) Access Agreement with James A. Walker of 607 Clayton Street and James A. Rice and wife, Lavirl Rice, of 605 Clayton Street.

Motion carried unanimously.

- 9.4 Mark McClure presented an overview of the Request by Adjacent Property Owners. Motion was made by Councilman Webb, second by Councilman Townsend, to Approve Request by Adjacent Property Owners to Abandon an Unimproved Road Right-of-Way Known as Stasney Road and Authorize the City Attorney and City Staff to proceed with the Process for the Abandonment of the Unimproved Road Right-of-Way Known as Stasney Road.

Motion carried unanimously.

- 9.5 Mark McClure presented an overview of the Request by Tomball Independent School District. Motion was made by Councilman Driver, second by Councilman Stoll, to Approve Request by Tomball Independent School District to Abandon the Unimproved Road Right-of-Ways Known as Fannin Street, Tyler Street, and the Alley Way between South Cherry Street and South Oak Street and Authorize the City Attorney and City Staff to Proceed with the Process for the Abandonment of the said Unimproved Road Right-of-Ways.

Motion carried unanimously.

- 9.6 Mark McClure presented an overview of the Memorandum of Understanding requested by the Harris County Flood Control District. Motion was made by Councilman Webb, second by Councilman Townsend, to Approve Memorandum of Understanding with Harris County Flood Control District and City of Tomball to Coordinate Floodplain Management of Mapping, Models, and Data and Authorize the Mayor to Execute the Memorandum.

Motion carried unanimously.

- 9.7 Mark McClure introduced the Rudolph Road and Utilities Preliminary Engineering Report from O'Malley Engineers, dated Revised December 2009. Ronny Becker, O'Malley Engineers, presented an overview of the preliminary engineering report and the planned phases of the improvements to Rudolph Road.

No action necessary.

Mayor Fagan called for a 5-minute recess at 8:39 p.m. Upon reconvening at 8:50 p.m., the following items were considered:

- 9.8 Derek Townsend expressed his concerns regarding limitations on total contributions by individuals to candidates for municipal office. Motion was made by Councilman Townsend, second by Councilman Stoll, to Direct the Interim City Manager to prepare an Ordinance to Amend Chapter 25, Section 25-2, "Limitation on Total Contributions by Individual". Vote was as follows:

Councilman Quinn	<u>Nay</u>
Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Nay</u>

Motion carried, 3 Aye votes to 2 Nay votes.

- 9.9 Derek Townsend expressed his concerns regarding solicitations made by City representatives to area businesses and organizations. Consensus of Council was unanimous that City representatives will practice caution with regard to solicitations to and donations from area businesses and organizations.

No action necessary.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 15th day of February 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor