

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



MONDAY, FEBRUARY 15, 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
Director of Public Works – David Kauffman
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 Reverend Bob Myers, Retired

3.0 The pledges to U. S. and Texas Flags were led by Sheldon Spurgin, Scout Troop #1114, Zachary Jaramillo, Scout Troop #471, and George Drewny, Scout Troop 471

4.0 The following public comments were received:

Mary Harvey
405 S. Walnut, 77375 - Expressed her opposition regarding proposed changes to
Items 8.2, 8.3, 8.4, and 8.5.

- Bill Sumner
12321 Zion Road, 77375
- John P. Dillon
14166 Turnervine, 77375
- Mary Lu Wiley
14120 Carneswood, 77375
- Rick Brown
13510 Country Lane, 77375
- Becky Clepper
10722 Spell Road, 77375
- Judy Wilson
506 North Pecan Drive, 77375
- Jody and Laura Higginbotham
210 Belmont, 77375
- Expressed his opposition regarding proposed changes to Items 8.2, 8.3, and 8.4; expressed his concerns regarding protections for the city in the future employment contract with the new city manager.
 - Expressed his concerns regarding the time span for posting campaign signs.
 - Expressed her concerns regarding the code of ethics and proposed changes in election procedures.
 - Expressed his opposition regarding proposed changes to Item 8.3, sign ordinance.
 - Expressed her support for the proposed changes to Item 8.3, sign ordinance.
 - Did not wish to speak; however, wished to have her support for Item 8.3 read into the record.
 - Did not wish to speak; however, wished to have their opposition to Item 8.2, 8.3, and 8.4 read into the record.

5.0 Presentation:

- Shawn Cox provided an update regarding progress made in developing the 2nd Annual City of Tomball Bunny Run 5K and Kids 1K, to be held on Saturday, April 10, 2010.

6.0 Reports and Announcements:

- Glenn Windsor presented the interim Skating Rink Report, effective February 12, 2010.
- Tomball Police Department Annual Data Capture Report (SB 1074); report will be provided to Council and media at the meeting
- **Farmers Market** – Will reopen March 13, 2010
- 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, 2010 – Last Day to File Application for Place on May 8, 2009 Ballot – 5:00 p.m.
- March 8-13, 2010 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- March 13, 2010 – **2nd Saturday at the Depot** – 5:00 p.m.
- 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

Christal Kliewer provided an update regarding the City Manager search to Council. The first staff review date of applications will be Friday, February 19, 2010. Approximately 45 applications have been received to date, but all of the applicants may not meet Council’s specified requirements. The review process will be very rigorous but should result in the best applicants being presented to Council for consideration.

- 7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the Regular City Council Meeting of February 1, 2010.

Motion carried unanimously.

- 8.0 New Business:

- 8.1 Mayor Fagan presented an overview of the Candidates for the BOA. Motion was made by Councilman Townsend, second by Councilman Webb to reappoint John Ford and appoint John Lynch as Regular members and to appoint Billy Hemby, April Gray, and Evelyn Torres-Chervenak as Alternate members 1, 3, and 4, respectively to the City of Tomball Board of Adjustments (BOA). Vote was as follows:

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

Motion carried, 3 Aye votes to 2 Nay votes.

- 8.2 Christal Kliewer presented an overview of the proposed ordinance to increase individual political contributions from \$1,000 to \$2,500. Motion was made by Councilman Townsend, second by Councilman Driver, to read Ordinance No. 2010-02 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Webb to Adopt, on First Reading, Ordinance No. 2010-02, an Ordinance Amending the Code of Ordinances of the City Council of the City of Tomball, Texas, by Amending Chapter 25, “Elections,” Article I, “Political Contributions” by Increasing the Limit on Political Contributions to Candidates and Officers of the City; Providing a Penalty in an Amount of not more than

\$500 for Violation of any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making Other Provisions and Findings Related Thereto. Vote was as follows:

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

Motion FAILED, 2 Aye votes to 3 Nay votes.

- 8.3 Christal Kliever presented an overview of the proposed Ordinance to remove existing restrictions regarding private property. Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2010-03 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll to Adopt, on First Reading, Ordinance No. 2010-03, an Ordinance amending the Code of Ordinances of the City Council of the City of Tomball, Texas, by amending Chapter 60, "Signs", Section 60-7, "Miscellaneous Signs", (b) "Political Signs", by Eliminating Restrictions regarding Private Property. Councilman Webb requested a correction, from "Dickinson" to "Tomball," on page 2 of the Ordinance. Vote was as follows:

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

Motion carried, 4 Aye votes to 1 Nay vote.

- 8.4 Christal Kliever presented an overview of the Proposed Changes to the Restrictions on Placement of Political Signs. Motion was made by Councilman Townsend, second by Councilman Driver, to allow two (2) signs per candidate, one on each front entrance to Heritage Plaza or Public Works, during early voting, and four (4) signs per candidate, one at each entrance to Heritage Plaza, on Election Day, and to authorize the city attorney to prepare an ordinance. Vote was as follows:

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

Councilman Quinn	<u>Nay</u>
Councilman Stoll	<u>Nay</u>

Motion FAILED, 1 Aye vote to 4 Nay votes.

- 8.5 Christal Kliewer presented an overview regarding proposed changes to the use of City property during City elections. Motion was made by Councilman Townsend, second by Councilman Driver, to accept proposed changes to the Use of City Property during Elections. Vote was as follows:

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

Motion FAILED, 1 Aye vote to 4 Nay votes.

- 8.6 Christal Kliewer presented an overview of the proposed Contract with PSA and requested a reallocation of \$4,500 in reserve funds to the project. Motion was made by Councilman Stoll, second by Councilman Quinn, to Approve Reallocation of Funds for Strategic Planning Services Contract with PSA, in the amount of \$4,500.

Motion carried unanimously.

Mayor Fagan called for a 5-minute recess at 8:20 p.m. Upon reconvening at 8:27 p.m., the following items were considered:

- 8.7 Mayor Fagan presented an overview for Adding Items to Future Agendas. Motion was made by Councilman Stoll, second by Councilman Driver, to establish the following procedure for Councilmembers to add items to future agendas:

A Councilmember will contact the Mayor regarding an item for the agenda. If the Mayor agrees, the item will be placed on the agenda. If the Mayor disagrees, the request will be forwarded to the City Manager, who will poll Councilmembers via email or telephone regarding the proposed agenda item.

Motion carried unanimously.

- 8.8 Mayor Fagan presented an overview regarding the process for Council to contact the City Attorney directly. Motion was made by Councilman Driver, second by Councilman Stoll, that all correspondence to the City Attorney will be made

through the Mayor or the City Manager, who will contact the City Attorney on Council's behalf.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 1st day of March 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor