

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



MONDAY, DECEMBER 6, 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 Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Klierer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Director of Engineering and Planning – Mark McClure
City Planner – Kelly Violette
Assistant to City Manager – Shawn Cox

2.0 The invocation was led by Pastor Larry Trendell, Youth Minister, ChristBridge Fellowship Church

3.0 Pledges to the U. S. and Texas flags were led by Cooper Cason and Robert Tirso, members of the THS Student Council.

4.0 The following public comments were received.

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| Lamar Barr
14100 Medical Complex Dr., 77377 | - Expressed his enthusiasm for in interest in serving on the newly created Tourism Advisory Committee |
| Beverly Leday
503 Garrett Drive, 77354 | - Expressed her enthusiasm for in interest in serving on the newly created Tourism Advisory Committee |
| Ron Tocci
27004 Decker Prairie-Rosehill, 77355 | - Expressed his enthusiasm for in interest in serving on the newly created Tourism Advisory Committee |
| Rodney Hutson
9431 Rosie Lane, 77355 | - Expressed his enthusiasm for in interest in serving on the newly created Tourism Advisory Committee; will probably require more than quarterly meetings |
| Ken Shuman
611 Clayton St., 77375 | - Expressed his enthusiasm for in interest in serving on the newly created Tourism Advisory Committee |
| Jeffie Cappadonna
12727 Zion Road, 77375 | - Expressed her enthusiasm for in interest in serving on the newly created Tourism Advisory Committee |
| Holly Cook
12303 Westlock Dr., 77377 | - Expressed her enthusiasm for in interest in serving on the newly created Tourism Advisory Committee |
| Mary Harvey
405 S. Walnut | - Could not attend; email expressing her interest in serving on the newly created Tourism Advisory Committee was read into the record |
| Bruce Hillegeist
29201 Quinn, 77375 | - Introduced Jade Gilbo, 2011 Miss Tomball, to City Council |
| Jade Gilbo
2011 Miss Tomball | - Thanked everyone for their support during the upcoming year. |

5.0 Presentations:

- Mayor Fagan presented a proclamation proclaiming Monday, December 6, 2010 as “***We Believe – Tomball High School Cougar Football Team Day***” to Coach Tommy Kaiser
- Mayor Fagan presented the Certificate of Achievement for Excellence in Financial Reporting to the Finance Department, awarded by the Government Finance Officers Association to the City of Tomball for its Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2009 to Glenn Windsor, on behalf of the Finance Department.

6.0 Reports and Announcements:

- December 11, 2010 – **2nd Saturday at the Depot – 5:00 p.m. – Unveiling of the Beckendorf Statue (Farmer)**
- December 11-12, 2010 – **German Christmas Market**
- December 13, 2010 - Special Joint City Council and Planning and Zoning Commission Meeting - 6:00 p.m., City Hall
- December 23-24, 2010 – **Christmas Holiday** – City offices will be closed
- December 31, 2010 – **New Year’s Day Holiday** – City offices will be closed
- **Walk Tomball!** (Every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - ◆ George Shackelford provided an update on Proposed 2011 MS 150 Bike Ride for the Multiple Sclerosis Association.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the minutes of the November 15, 2010 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business

8.1 Rob Hauck presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2010-24, an Ordinance Amending Chapter 42, "Heath and Sanitation", of the Code of Ordinances of the City of Tomball, Texas, by Adding a New Article VI. "Prohibited Smoking Paraphernalia and Smoking Products", Providing for Severability; Establishing a Penalty up to \$200 per Offense; and Providing an Effective Date. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

Motion carried unanimously.

8.2 Rob Hauck presented an overview of the proposed Ordinance Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2010-25, an Ordinance Amending Chapter 78, Traffic and Vehicles, of the Code of Ordinances of the City Council of the City of Tomball, Texas, by Adding a New Section 78-73, "Use of Certain Wireless Communication Devices While Driving

Prohibited”; Regulating the Use of Wireless Communication Devices while Operating Motor Vehicles; Providing a Penalty in an Amount Not to Exceed \$200 for Each Violation Hereof; and Providing for Severability; and Making Other Provisions and Findings Related Thereto. Vote was as follows:

Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Mayor Fagan presented recommendations regarding appointments for each position on the newly created Tourism Advisory Committee. Motion was made by Councilman Dodson, second by Councilman Brown, to appoint Ken Shuman, Mary Harvey, Jeffie Cappadonna, Holly Cook, Beverly Leday, Rodney Hutson, Kevin Lala, Lamar Barr, and Ronald Tocci to Positions 1 through 9 on the Tourism Advisory Committee, as presented and recommended by Mayor Fagan.

Motion carried unanimously.

- 9.2 Craig Bogner, Tomball Rotary, presented an overview of the proposed request from the Rotary to sell beer and wine during the annual Tomball Rotary Fish Fry in Juergens Park. Motion was made by Councilman Stoll, second by Councilman Dodson to approve the request from Tomball Rotary Club to allow the sale of beer and wine in Juergens Park during the 40th Annual Tomball Rotary Fish Fry, to be held in April 2011, providing that a temporary T.A.B.C. permit is obtained and City requirements are met. Vote was as follows:

Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.3 George Shackelford introduced Dan Dompier, who presented the proposed Brandt Exploration Property Development Plan at Hufsmith-Kohrville Road and Proposed Medical Complex Drive. No action necessary.

- 9.4 Randy Parr presented an overview of the proposed Interlocal Agreement. Motion was made by Councilman Townsend, second by Councilman Brown, to approve renewal of the Interlocal Agreement for Fire Protection Services between the City of Tomball and Harris County Emergency Services District No. 15.

Motion carried unanimously.

- 9.5 George Shackelford presented an overview of the proposed information technology contract. Motion was made by Councilman Dodson, second by Councilman Townsend, to approve renewal of the Consulting Services Agreement with Waypoint Business Solutions, LLC, for Turn-key Outsourcing of Information Technology Services for the City of Tomball.

Motion carried unanimously.

- 9.6 Doris Speer provided information regarding possible changes to Chapter 54, Peddlers and Solicitors. Council requested additional information regarding more stringent restrictions to the hours of solicitation and adding a requirement for a copy of each vendor's sales tax certificate. City attorney and staff will provide additional information regarding Council requests. No action taken.

- 9.6 Executive Session: The City Council recessed at 8:30 p.m. to meet in Executive Session, as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purposes:

Section 551.071 Consultation with Attorney regarding the following matters:

- A. Possible civil action to enforce ordinance regarding construction of building and use of land at 30702 State Highway 249;
- B. Pending litigation including: Kallus v. City, G. Singh Enterprises v. City, Kucharski v. City, and Cloud v. City; and
- C. Status of land acquisition for lift station from P. Hildreth.

Councilman Dodson advised the Mayor and Council that he would recuse himself from discussion and/or action regarding Items A. and C. during the Executive Session, due to a conflict of interest and that he had filed an Affidavit of Conflict of Interest with the City Secretary regarding the Executive Session.

Upon reconvening into Regular session at 9:18 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 20th day of December 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor