

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



MONDAY, JANUARY 3, 2011

7:00 P.M.

1.0 Call to Order

Other Council members present:

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
Chief of Police – Robert Hauck
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Assistant to City Manager – Shawn Cox
Municipal Court Clerk – Virginia Young
Assistant City Secretary – Betsy Gates
Vital Statistics Registrar – Debbie Owens
Administrative Assistant-CSO – Wendy Torres

2.0 The invocation was led by Councilman Brown.

3.0 Pledges to the U. S. and Texas flags were led by Randy Parr, Fire Chief

4.0 The following public comments were received:

Mary Harvey
405 S. Walnut, 77375

- Expressed her concerns regarding the proposed
Oilfield Helping Hands event.

Calvin Beaulier
10585 Bluebell, 77318

- Expressed his concerns regarding his recent arrest by Tomball Police Department and requested sensitivity training for TPD officers.

5.0 Presentations:

- Mayor Fagan presented a plaque to Virginia Young, Municipal Court Clerk, honoring her 34 Years of Service with the City of Tomball.
- Mayor Fagan presented a plaque to Debbie Owens, Betsy Gates, and Wendy Torres, City Secretary's Office, for earning the 2010 Five-Star Local Registrar Vital Registration Award from the Texas Department of Health, and Certificates to Debbie Owens and Betsy Gates, City Secretary's Office, for their accomplishments as Master Registrars

6.0 Reports and Announcements:

- January 8, 2011 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 8, 15, 22 and 29, 2011 – **Walk Tomball!** – Depot Plaza – 9:00 a.m.
- January 17, 2011 – **Special Meeting with Planning and Zoning Commission** – 5 p.m.
- January 15, 2011 – **Re-Grand Opening of MLK, Jr. Park** – 11:30 a.m.
- January 16, 2011 – **Memorial Tree Planting** at the Depot Plaza – 2:00 p.m.
- January 25, 2011 – **Annual Boards and Commission Recruitment Reception** – 5:30 p.m.-7:00 p.m.
- Appointments to Board of Adjustments will be on February agenda (terms expiring 3/2/11)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Mayor Fagan announced that the unveiling of the Beckendorf statue will be held on February 13, 2011 at 2:00 p.m., with a reception following
 - Shawn Cox provided an update regarding the recent visit by YaoZhung Sister City representatives to Tomball on December 23, 2011
 - George Shackelford announced that the Greater Tomball Area Chamber of Commerce has schedule a trip to Austin on January 11, 2011, which is the start of the Legislative Session and has invited the Council to attend.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the following minutes:

- December 20, 2010 Special Tomball City Council and Tomball Planning and Zoning Commission Meeting
- December 20, 2010 Regular City Council Meeting, as corrected on Item 9.11.

Motion to approve the minutes, as corrected, carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to move Item 9.1 before Old Business items.

Motion carried unanimously.

Shawn Cox presented an overview of the proposed Request from Oilfield Helping Hands. Motion was made by Councilman Stoll, second by Councilman Dodson to approve the Request from Oilfield Helping Hands to use Depot Area and Close Streets for Oilfield Helping Hands 3rd Annual Classic Car Show and Motorcycle Rally to be held on Saturday, March 12, 2011. 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.

8.0 Old Business:

- 8.1 Executive Session: The City Council recessed at 7:36 p.m. 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:
- Possible Civil Action to Enforce Ordinances regarding Construction of Building and Use of Land at 30702 State Highway 249

Councilman Dodson recused himself from discussion during Executive Session and stated that he had filed a Conflict of Interest Affidavit with the City Secretary.

Upon reconvening into regular session at 8:03 p.m., the following action was taken:

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Attorney to File Civil Action to Enforce City Ordinances regarding Construction of Building and Use of Land at 30702 State Highway 249. Councilman Dodson recused himself from voting on the motion and stated that he had filed a Conflict of Interest Affidavit with the City Secretary. Vote was as follows:

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

Motion carried unanimously.

- 8.3 Doris Speer presented an overview of the proposed changes to Chapter 54 and advised that Benny Corn's request for a renewed 12-month vendor permit will be granted under the current requirements. Motion was made by Councilman Townsend, second by Councilman Brown, to Provide Direction to City Attorney and City Staff regarding Chapter 54, Peddlers and Solicitors, of the Code of Ordinances of the City of Tomball, Texas.

Motion carried unanimously.

Consensus of Council was unanimous to direct the City Attorney to bring back information regarding the following possible amendments to Chapter 54:

- a. changing the hours of solicitation to between 8:00 a.m. and 8:00 p.m., Monday through Saturday;
- b. prohibiting door-to-door solicitation on Sundays;
- c. establishing a time limit for temporary vendors to occupy a particular area;
- d. establishing a limit on the number of permits and/or renewals for temporary vendors;
- e. determining what constitutes temporary building materials and/or temporary vendors;
- f. defining, more specifically, each type of vendor to be licensed;
- g. specifically defining organizations that will be exempted from the permitting requirements.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 17th day of January 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor