

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



MONDAY, NOVEMBER 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 Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Kliever
City Secretary – Doris Speer
City Attorney – Scott Bounds
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Director of Public Works – David Kauffman
Assistant to City Manager – Shawn Cox
Director of Engineering and Planning – Mark McClure

2.0 The invocation was led by Pastor Shawn O'Hearn, Saddle Creek Church

3.0 Pledges to the U. S. and Texas flags were led by Samuel Freeman and Robert Tirso, Members of the THS Student Council.

4.0 The following public comments were received.

Vince O'Donnell
1322 Dove Trails, 77375

- Requested that Council consider changes to Chapter 54 of the Code of Ordinances, "Peddlers and Solicitors" to keep solicitors out of residential subdivisions.

Dan Adkisson
500 Inwood, 77375

- Requested Council support for the Tomball Art League Juried Art Shows, to be held at the Tomball Community Center

5.0 Presentations:

- Mayor Fagan presented a Proclamation to the coach and members of the Lady Crusaders, proclaiming Monday, November 15, 2010 as ***“Concordia Lutheran Lady Crusaders 2010 TAPPS Class 4A State Championship Day”***.

6.0 Reports and Announcements:

- November 16, 2010 – **Mayor’s Coffee** – 5:30 p.m.-7:00 p.m., Main Street Crossing
- November 20, 2010 - **Special Walk Tomball** in the **Holiday Parade** behind the *Walk Tomball! It’s a Wonderful Life* banner – 10:00 a.m.
- November 25-26, 2010 – **Thanksgiving Holiday – City offices will be closed**
- December 11, 2010 – **2nd Saturday at the Depot – 5:00 p.m.**
- December 11-12, 2010 – **German Christmas Market** – Depot Plaza, from 10:00 a.m. to 10:00 p.m.
- December 11, 2010 – **Unveiling of the Farmer Statue and Lighting of the Christmas Tree** – Depot Plaza, 5:00 p.m.
- **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
 - David Kauffman provided an update regarding the planned school zone lighting upgrade; Harris County has provided a Letter of Understanding regarding the County’s continued maintenance of the county roads and Tomball’s maintenance of the flashing lights. Councilman Townsend volunteered his assistance in maintaining the flashing lights.
 - Randy Parr introduced the new Assistant Fire Chief, John Fontenot.
 - Councilman Stoll congratulated the Tomball Cougars for their recent win in the championship playoffs.
 - Councilman Townsend requested that an item be placed on the next agenda to discuss Chapter 54, Peddlers and Solicitors.

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

Motion carried unanimously.

8.0 New Business

- 8.1 Glenn Windsor presented an overview of the proposed Grant to The Regional Arts Council. Motion was made by Councilman Quinn, second by Councilman Brown, to approve the Grant Application Request by The Regional Arts Council (TRAC) for Hotel Occupancy Funds in the amount of \$10,500, to be used in the Production of "The Nutcracker Ballet," to be held December 3-6, 2010 at the Tomball High School Auditorium.

Motion carried unanimously.

- 8.2 Doris Speer presented an overview of the proposed Request. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the Request by Tomball Art League (TAL) for City Sponsorship through In-Kind Services, Including Waiver of Rental Fee and Portion of Personnel Fees for the Use of the Community Center, Tables, Chairs, and Personnel to Open and Close the Building for the TAL Juried Spring and Fall Art Shows, from 2:00 p.m. to 4:00 on Friday, March 11, 2011 and Friday, October 7, 2011 for pre-registration of artwork and from 7:30 a.m. to 5:00 p.m., on Saturday, March 12, 2011 and Saturday, October 8, 2011 for the Juried Art Shows.

Motion carried unanimously.

- 8.3 Glenn Windsor presented an overview of the proposed Bank Depository Services Contract. Motion was made by Councilman Townsend, second by Councilman Brown, to award the Contract for Bank Depository Services to Wells Fargo Bank, N.A., effective January 1, 2011.

Motion carried unanimously.

- 8.4 Rob Hauck presented an overview of the proposed Ordinance banning K-2 and similar products. Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2010-24 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. 2010-24, 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 Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

- 8.5 Rob Hauck presented an overview of the proposed Ordinance to ban texting while driving. Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2010-25 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. 2010-25, 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 Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

- 8.6 Doris Speer presented an overview of the proposed Ordinance regarding the use of City-owned facilities for filming. Motion was made by Councilman Stoll, second by Councilman Brown, to read Ordinance No. 2010-26 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. 2010-26, an Ordinance of the City of Tomball, Texas, adding Chapter 15, "Filming," to the Code of Ordinances of the City of Tomball, to Require a Permit for Commercial Filming in the City of Tomball, to Establish Policies, Procedures and Regulations as they relate to Filming; 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.

Motion was made by Councilman Townsend, second by Councilman Stoll, to table consideration of Ordinance No. 2010-26 until the requested research and suggested changes have been prepared for Council's consideration.

Motion to table carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 6th day of December 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor