

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



MONDAY, MARCH 1, 2010

7:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, March 1, 2010 at 7:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Ken Shuman, Wellspring Church

3.0 Pledges to U.S. and Texas Flags

- Led by Rene Morris and Cynthia Tirso, THS Student Council

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in*

accordance with law.]

5.0 Reports and Announcements

- Financial Report for the First Quarter of the 2010 Fiscal Year (October - December); summarizing the operating results, by fund, for the three months ended December 31, 2009 as well as a report of the City's investments
- Fire Department Report - Response Activities for 2009 in Comparison with 2006-2008
- Update on Depot Tree Project
- March 8, 2010 – Last Day to Apply for Place on Ballot for **May 8, 2010** General City Election
- 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 13, 2010 – **Farmers Market** reopens
- March 15, 2010 – Second **Public Hearing** regarding Tomball's Juvenile Curfew Ordinance
- March 15, 2010 – Candidate Orientation (tentative date)
- April 1, 2010 – **Census Day**
- April 10, 2010 – **2nd Annual City of Tomball Bunny Run/Walk 5K and Kids 1 Mile**
- **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

6.0 Approve the Minutes of the Special City Council Meeting of February 15, 2010 and the Regular City Council Meeting of February 15, 2010

7.0 Old Business:

- 7.1 Adopt, on Second 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

8.0 New Business:

- 8.1 Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 25th day of February 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*Doris Speer*_____

Doris Speer

City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council

Agenda Item

Meeting Date: March 1, 2010

Data Sheet

Topic:

- Financial Report for the First Quarter of the 2010 Fiscal Year (October - December); summarizing the operating results, by fund, for the three months ended December 31, 2009 as well as a report of the City's investments
- Fire Department Report - Response Activities for 2009 in Comparison with 2006-2008
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- 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

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Financial Report for First Fiscal Quarter 2010

Fire Department - 2009 Statistical Report Narrative

Fire Department - 2009 Statistical Report

2010 Annual Clean Up Tomball Week
Farmers Market
2nd Annual Bunny Run 5K and Kids 1 Mile

INTEROFFICE MEMORANDUM

TO: THE MAYOR AND CITY COUNCIL
THRU: CHRISTAL KLIEWER, ASSISTANT CITY MANAGER
FROM: BECKY PARKER, BUDGET ANALYST/PROJECT ACCOUNTANT
SUBJECT: FY 2010-FIRST QUARTER FINANCIAL REPORT
DATE: 2/25/2010

Attached is the Financial Report for the City's operating results for the 1st quarter of FY10. As of December 31st, we have completed 25% of the budget year. This report includes financial information on the City's primary funds: the General Fund, Debt Service Fund, and Enterprise Fund. In addition to the fund reports, the City's quarterly Investment Report and the Capital Improvement Project Report are also provided.

General Fund

General Fund revenues for the first quarter totaled \$3,401,682 which is approximately 22% of total budgeted revenues for the fiscal year. Property tax collections are shown to be 14% of budget which is equal to what they were for the same period in FY09. Total retail sales tax revenues (including 4B sales tax) of \$2.05 million were about 14% lower than those received during the same time period of FY 2009. Although the monthly collections have been down compared to last year, total sales tax collections for the year are right below our target at \$1,541,541 or 24.8% of budget due to conservative budgeting. Permit and Licenses revenues are currently at 15.5% of budget. The slowdown in residential and retail construction seen across the nation has been experienced locally to an extent as well. Interest earnings are also below budget at only 9.7% of budget earned because interest rates are low right now. Other than the categories mentioned above, all other revenues are at or above budget with the other revenues and fines and warrants.

Operating expenditures totaled below \$3.4 million at quarter end which is about 21.4% of budget. Expenditures for capital outlay and capital projects were 32.4% of budget.

Debt Service Fund

Debt Service Fund revenues through the first quarter totaled \$212,509 or 14% of total budgeted revenues for FY 2010. Property tax collections were 14.2%. Interest earnings of \$721 represent approximately 3% of the budget.

Expenditures totaled \$2,188 because we have not made a debt payment yet this year. The City's first debt payment will occur in February and will be reflected on the 2nd quarter financial report.

Enterprise Fund

Enterprise Fund revenues at December 31st totaled \$2.6 million which is nearly 25% of total budgeted revenues for FY 2010. Water sales were at 28.5% of budget while sewer sales were slightly short of budget at 24%. Gas sales were 27% of budget due to a cold winter. Interest earnings were short of budget at 11%.

Operating expenses at December 31st totaled just under \$1.2 million which is about 20% of total budgeted operating expenses for the Enterprise Fund. The first debt payment will not be made until February. Capital outlay/projects were at about 58.5%.

Investments

Cash and investments totaled \$25.2 million at December 31st, 2009. The City's funds are diversified with 59% in Local Government Investment Pools (LGIP), 20% in United States Agency Securities, 16% in Certificates of Deposit and 5% in checking and cash on hand. The weighted average maturity of the portfolio at quarter end was 609 days. The weighted average yield of the portfolio was 1.7% outperforming our benchmark yield, the one year Treasury Bill, by .47%.

Capital Improvement Projects

This report shows each project for which funds have been appropriated for FY 2010 plus the planned carried over amounts from the prior fiscal year, the amount spent on the project in prior years, the funding available for 2010, the amount spent this fiscal year and the budget remaining after deducting contracts currently outstanding on the project all separated by general fund and enterprise fund. This report is only to provide a financial status of each project as it relates to the budget. Zero dollars spent on a project doesn't necessarily mean that the project is not moving forward in any manner. As of December 31st, 17.34% of funds budgeted for capital improvement projects had been spent.

If you have any questions regarding any aspect of this report, please let me know.

City of Tomball
Balance Sheet - General Fund
December 31, 2009

Assets

Cash and cash equivalents	\$ 5,623,927
Investments	5,357,735
Receivables, net of allowances	1,787,304
Inventories	23,626
Prepaid expenses	289
 Total Assets	 <u>\$ 12,792,881</u>

Liabilities

Accounts payable and other current liabilities	\$ 315,074
Deposits	19,712
Due to other funds	
Unearned revenue	9,599
Escrow funds	48,320
Deferred revenue - taxes	88,134
Total Liabilities	<u>480,839</u>

Fund Balance

Unrestricted	12,312,043
Total Fund Balance	<u>12,312,043</u>
 Total Liabilities and Fund Balance	 <u>\$ 12,792,881</u>

City of Tomball
Statement of Revenues and Expenditures - General Fund
For the Fiscal Year Ending December 31, 2009
25% of Fiscal Year Elapsed

	Budget	FY 2009 Actual	% of Budget Realized
Revenues:			
Property taxes	\$ 1,438,921	\$ 205,223	14.26%
Sales taxes	6,242,000	1,556,233	24.93%
Franchise taxes	1,254,540	327,247	26.09%
Permits and licenses	251,750	39,007	15.49%
Fines and warrants	731,200	154,831	21.17%
Service fees	2,365,200	488,283	20.64%
Intergovernmental	32,000	20,331	63.53%
Interest	350,000	34,105	9.74%
Other	68,400	11,390	16.65%
Transfers In	2,260,134	565,034	25.00%
Total Revenues	14,994,145	3,401,682	22.69%
Expenditures:			
City Hall Administration	414,103	113,752	27.47%
Building Permits and Inspections	352,300	73,933	20.99%
Mayor and Council	79,968	10,388	12.99%
City Secretary	304,655	57,684	18.93%
Human Resources	378,423	53,821	14.22%
Finance	461,450	73,095	15.84%
Information Systems	226,129	60,640	26.82%
Legal	153,425	19,924	12.99%
Non Departmental	1,893,310	464,278	24.52%
Police	4,334,262	965,742	22.28%
Municipal Court	347,449	82,267	23.68%
Community Center	136,096	25,729	18.90%
Fire Marshal	174,373	34,468	19.77%
Fire	994,599	213,027	21.42%
Emergency Management	14,520	0	0.00%
Public Works Administration	47,242	10,956	23.19%
Garage	68,366	14,333	20.97%
Parks	320,261	63,059	19.69%
Streets	729,769	125,438	17.19%
Sanitation	2,358,400	350,433	14.86%
Engineering and Planning	813,516	210,064	25.82%
Facilities Maintenance	489,478	132,615	27.09%
Capital outlay	724,900	234,727	32.38%
Total Expenditures	15,816,994	3,390,371	21.43%

Other Sources/(Uses):

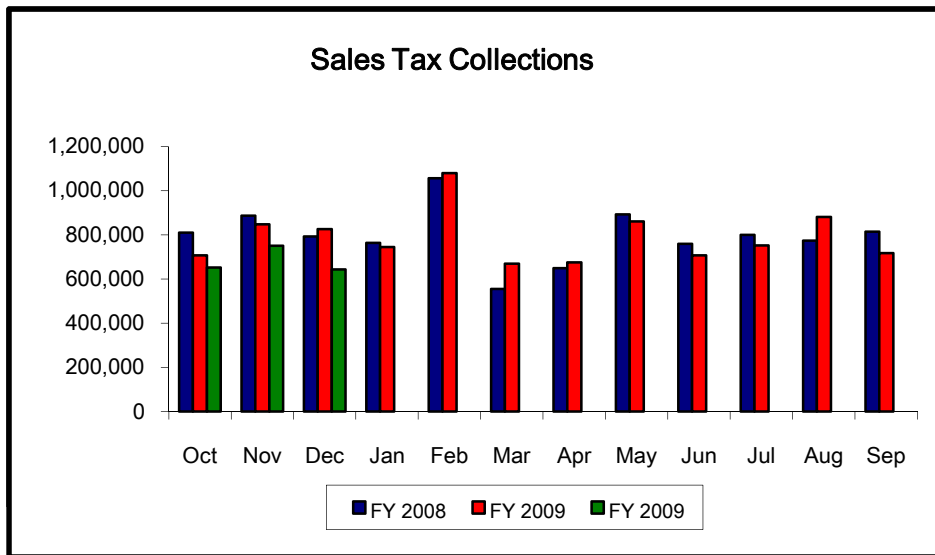
Transfer to Fleet Replacement	489,033	122,259	25.00%
Total Other Sources/(Uses)	<u>489,033</u>	<u>122,259</u>	

Revenues Over/(Under) Expenditures (1,311,882) (110,947)

Beginning Fund Balance 12,785,157 12,785,157

Ending Fund Balance \$ 11,473,275 \$ 12,674,210

Reserves 76.0% 401.6%



Sales tax revenues through the first quarter of FY 2010 totaled \$2,047,167 which is a 14% decrease when compared to the same period last year.

City of Tomball
Balance Sheet - Debt Service Fund
December 31, 2009

Assets

Cash and cash equivalents	\$	1,415,804
Investments		
Receivables, net of allowances		127,695
Total Assets	\$	<u>1,543,499</u>

Liabilities

Accounts payable and other current liabilities	\$	0
Deferred revenue - taxes		127,695
Total Liabilities		<u>127,695</u>

Fund Balances

Reserved for debt service		1,415,804
Total Fund Balance		<u>1,415,804</u>
Total Liabilities and Fund Balance	\$	<u>1,543,499</u>

City of Tomball
Statement of Revenues and Expenditures - Debt Service Fund
For the Fiscal Year Ending December 31, 2009
25% of Fiscal Year Elapsed

	Budget	FY 2010 Actual	% of Budget Realized
Revenues:			
Current taxes	\$ 1,497,342	\$ 212,509	14.19%
Delinquent, penalty, interest, & fees	56,000	7,447	13.30%
Interest	25,000	721	2.89%
Total Revenues	<u>1,578,342</u>	<u>220,678</u>	13.98%
Expenditures:			
Principal	1,385,500	0	0.00%
Interest	659,983	0	0.00%
Fees	17,000	2,188	12.87%
Total Expenditures	<u>2,062,483</u>	<u>2,188</u>	0.11%
Other Sources/(Uses):			
Transfers	0	0	
Total Other Sources/(Uses)	<u>0</u>	<u>0</u>	
Revenues Over/(Under) Expenditures	(484,141)	218,490	
Beginning Fund Balance	1,812,576	1,812,576	
Ending Fund Balance	<u>\$ 1,328,435</u>	<u>\$ 2,031,066</u>	
Ending FB as % of Next Year's Debt Service Requirement	80.76%		

City of Tomball
Balance Sheet - Enterprise Fund
December 31, 2009

Assets

Cash and cash equivalents	\$ 5,644,541
Investments	3,558,434
Receivables, net of allowances	1,274,032
Due from other funds	
Inventories	77,530
Prepaid expenses	
Capital assets:	
Land and construction in progress	2,362,694
Other capital assets, net of accumulated depreciation	35,074,975
Total Assets	<u>\$ 47,992,206</u>

Liabilities

Accounts payable and other current liabilities	\$ 190,978
Accrued interest payable	66,825
Accrued compensated absences	202,196
Customer deposits	353,876
Bonds and capital leases payable	12,247,000
Other	165,875
Due to other funds	
Total Liabilities	<u>13,226,750</u>

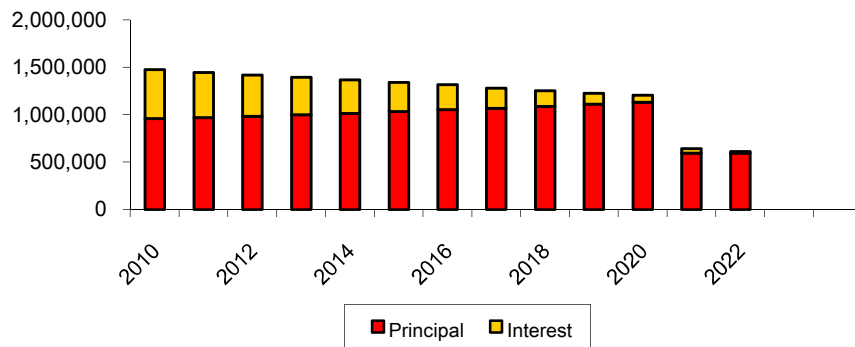
Fund Equity

Invested in capital assets net of debt	24,209,271
Restricted for:	
Debt Service	770,866
Unrestricted	9,785,319
Total Fund Equity	<u>34,765,456</u>
Total Liabilities and Fund Equity	<u>\$ 47,992,206</u>

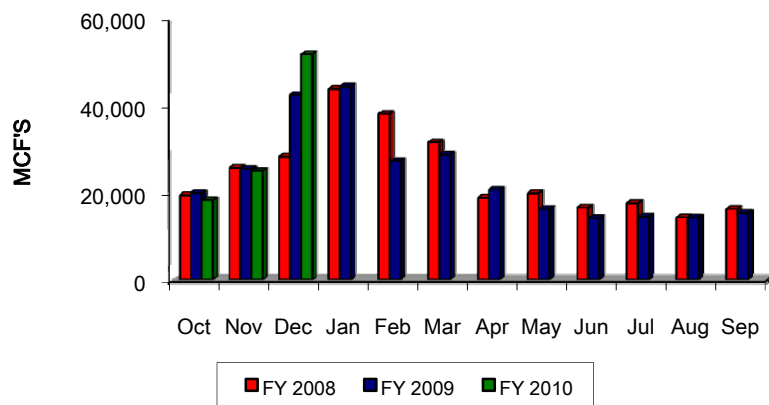
City of Tomball
Statement of Revenues and Expenses - Enterprise Fund
For the Fiscal Year Ending December 31, 2009
25% of Fiscal Year Elapsed

	Budget	FY 2010 Actual	% of Budget Realized
Revenues:			
Administrative charges	\$ 41,000	\$ 10,265	25.04%
Water sales	2,992,500	851,964	28.47%
Sewer sales	2,350,000	556,561	23.68%
Gas sales	4,080,000	1,104,231	27.06%
Reconnect fees	34,000	6,550	19.26%
Tap fees	32,000	6,869	21.47%
Late penalties	95,000	18,700	19.68%
Interest	214,000	24,204	11.31%
Other	23,800	450	1.89%
Transfers In	720,000	0	0.00%
Total Revenues	10,582,300	2,579,793	24.38%
Operating Expenses:			
Utility Administration	268,350	85,257	31.77%
Utility Billing	267,165	82,059	30.71%
Water	1,780,846	288,115	16.18%
Wastewater	1,249,230	290,233	23.23%
Gas	2,424,423	449,465	18.54%
Total Expenses	5,990,014	1,195,129	19.95%
Net Revenue Available for Debt	4,592,286	1,384,664	
Debt Service			
Principal	1,269,500	0	0.00%
Interest	515,479	0	0.00%
Fees	10,000	1,313	13.13%
Total Debt Service	1,794,979	1,313	0.07%
Other Sources/(Uses):			
Transfer to Fleet Replacement	121,510	30,377	25.00%
Transfer to General Fund	2,260,134	565,034	25.00%
Capital outlay	2,007,100	1,174,003	58.49%
Total Other Sources/(Uses)	4,388,744	1,769,413	
Revenues Over/(Under) Expenses	(1,591,437)	(386,062)	
Beginning Unrestricted Net Assets	10,942,247	10,942,247	
Ending Unrestricted Net Assets	\$ 9,350,810	\$ 10,556,185	
Debt Coverage Ratio (1.25 required)	2.57		
Reserves	156%		

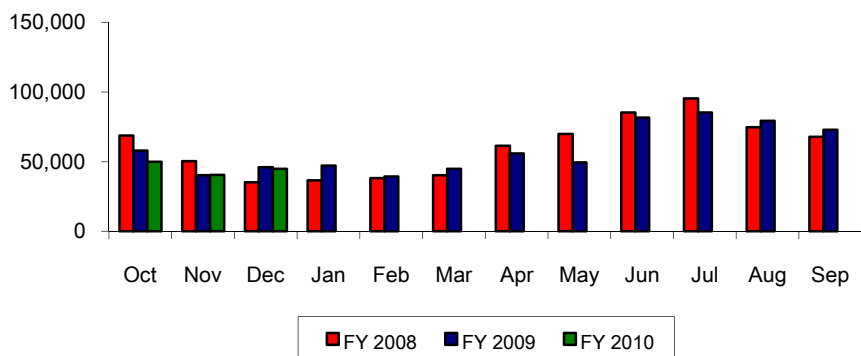
Enterprise System Debt - Annual Requirements



Metered Natural Gas



Water Sales - Gallons Billed (000's omitted)



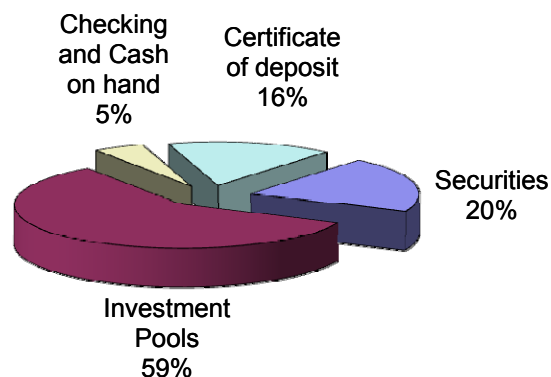
PORTFOLIO DIVERSIFICATION

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 5,166,169	20.45%
Investment Pools	14,878,015	58.90%
Checking and Cash on hand	1,216,458	4.82%
Certificate of deposit	4,000,000	15.83%
Total Portfolio	<u>\$ 25,260,642</u>	

Safety of principal is the first priority of any Public investing portfolio. The City of Tomball currently invests in Securities of the United States, in Texas CLASS and in the state pool, TexPool. These investments are only in securities and pools with an AAA rating, the highest rating available. Our charter requires that we maintain reserves of no less than 90 days and no more than one year of the current budgeted expenditures. The City is in compliance with this provision.

Diversification By Type

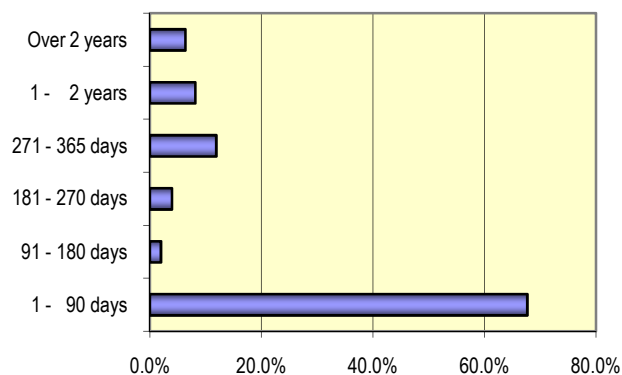


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 17,094,473	67.7%
91 - 180 days	500,095	2.0%
181 - 270 days	1,000,000	4.0%
271 - 365 days	3,005,630	11.9%
1 - 2 years	2,055,839	8.1%
Over 2 years	1,604,605	6.4%
Total Portfolio	<u>\$ 25,260,642</u>	

Ensuring adequate liquidity is available to cover all expenditures is the second priority of any public investing program. The City staff forecasts cash flow and ladders the maturity of investments to ensure funds are adequate when needed. A portion of funds are kept in overnight investments as a buffer for any unexpected expenditures. This overnight investment (TexPool) has been performing according to market in the yield category as well as providing liquidity.

Diversification by Maturity



INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
December 31, 2009

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	7,155,180	7,175,557	1.0028	1.906%	0.40%
Purchases		0			
Maturities	2,000,000	2,000,000			
Change in value		9,388			
Sales					
End of period	5,155,180	5,166,169	1.0021	1.688%	0.47%

Total Accrued Interest at end of period: \$ 51,847

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 609 days.

This report is in compliance with the investment strategies as approved
and the Public Funds Investment Act.

Treasurer

Asst. Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF DECEMBER 31, 2009**

SECURITY DESCRIPTION	CUSIP NUMBER	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 12/31/09	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) NE Iowa Community College- 2%	664212BC0	6/1/2010	1.800%	500,095	152	9.680%	14.71
2) Federal Home Loan Bank- 1.125%	3133XTG91	10/6/2010	1.125%	1,005,630	279	19.466%	54.31
3) Texas State Water GO- 4%	882722GR6	8/1/2011	1.250%	1,052,180	578	20.367%	117.72
4) Fannie Mae- 1.25%	3136FHSN6	11/28/2011	1.250%	1,003,659	697	19.428%	135.41
5) NE Iowa Communtiy College- 3%	664212BE6	6/1/2012	2.950%	502,595	883	9.729%	85.90
6) Texas State Water GO- 5%	882722GS4	8/1/2012	1.750%	1,102,010	944	21.331%	201.37
TOTALS			1.688%	5,166,169	589	100.000%	609.42

**CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
December 31, 2009**

FUNDS		CASH AND CASH EQUIVALENTS					INVESTMENTS			TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
MAJOR FUNDS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	CERTIFICATE OF DEPOSIT	INVESTMENT SECURITIES	TOTAL INVESTMENTS		
General	\$ 2,252,120	\$ 2,993,539	\$ 376,107	\$ 2,161	\$ 5,623,927	\$ 2,750,000	\$ 2,607,735	\$ 5,357,735	\$ 10,981,662	
Debt Service	\$ 500,471	\$ 700,138	\$ 215,196	\$ -	\$ 1,415,805	\$ -	\$ -	\$ -	\$ 1,415,805	
Enterprise	\$ 2,001,884	\$ 3,306,340	\$ 335,718	\$ 599	\$ 5,644,541	\$ 1,000,000	\$ 2,558,434	\$ 3,558,434	\$ 9,202,975	
OTHER FUNDS										
Special Revenue	\$ 75,071	\$ 81,085	\$ 2,960	\$ -	\$ 159,116	\$ -	\$ -	\$ -	\$ 159,116	
Housing Trust		\$ 5,955	\$ -	\$ -	\$ 5,955	\$ -	\$ -	\$ -	\$ 5,955	
Municipal Court Building Security	\$ 100,094	\$ 98,078	\$ 2,346	\$ -	\$ 200,518	\$ -	\$ -	\$ -	\$ 200,518	
Municipal Court Technology	\$ 60,057	\$ 81,291	\$ 2,975	\$ -	\$ 144,323	\$ -	\$ -	\$ -	\$ 144,323	
Hotel Tax	\$ 100,094	\$ 123,538	\$ 1,677	\$ 200	\$ 225,509	\$ -	\$ -	\$ -	\$ 225,509	
Red Light Camera Program	\$ 250,236	\$ 81,037	\$ 80,159	\$ -	\$ 411,432	\$ -	\$ -	\$ -	\$ 411,432	
PD District Attorney Grant	\$ -	\$ 16,647	\$ 65	\$ -	\$ 16,712	\$ -	\$ -	\$ -	\$ 16,712	
Disaster Preparedness	\$ -	\$ 146,733	\$ 92	\$ -	\$ 146,825	\$ -	\$ -	\$ -	\$ 146,825	
Tomball "Fun Runs"	\$ -	\$ -	\$ 518	\$ -	\$ 518	\$ -	\$ -	\$ -	\$ 518	
General Capital Projects	\$ 50,047	\$ 83,528		\$ -	\$ 133,575	\$ -	\$ -	\$ -	\$ 133,575	
Fleet Replacement	\$ 450,424	\$ 687,689	\$ 152,901	\$ -	\$ 1,291,014	\$ -	\$ -	\$ -	\$ 1,291,014	
Water Capital Recovery	\$ 100,094	\$ 156,073	\$ 5,800	\$ -	\$ 261,967	\$ 125,000	\$ -	\$ 125,000	\$ 386,967	
Sewer Capital Recovery	\$ 150,141	\$ 219,096	\$ 7,232	\$ -	\$ 376,469	\$ 125,000	\$ -	\$ 125,000	\$ 501,469	
Health Insurance Trust	\$ -	\$ 6,515	\$ 29,752	\$ -	\$ 36,267	\$ -	\$ -	\$ -	\$ 36,267	
TOTALS	\$ 6,090,733	\$ 8,787,282	\$ 1,213,498	\$ 2,960	\$ 16,094,473	\$ 4,000,000	\$ 5,166,169	\$ 9,166,169	\$ 25,260,642	

DECEMBER 2009 CAPITAL IMPROVEMENT PROJECT REPORT

<u>Project Name</u>	<u>Prior Year Expenditures in All Funds</u>	<u>Fund</u>	<u>FY 2009-2010 Budget by Fund*</u>	<u>Amount Spent This FY 2009-2010 by Fund</u>	<u>Current Year Budget Remaining by Fund</u>	<u>Budget Remaining Minus Outstanding Contracts</u>	<u>Total Spent to Date in All Funds</u>	<u>% of FY 2010 Budget Spent</u>
Agg Road Extension (Medical Complex)	\$ 498,361	GF EF	\$ 27,168 211,896	\$ 7,802 -	\$ 19,366 211,896	\$ 8,255 211,896	\$ 506,163 -	28.72% 0.00%
Barbara Street Drainage	9,663	GF	398,737	2,616	396,121	396,121	12,279	0.66%
Brown-Hufsmith Road Utilities	939,876	GF EF	2,414 311,256	- -	2,414 311,256	2,414 282,681	939,876	0.00% 0.00%
Brown-Hufsmith Road Phase 2	94,428	GF EF	382,797 15,000	29,482 -	353,315 15,000	245,000 15,000	123,910 -	7.70% 0.00%
Central Fire Station Renovation	102,144	GF	346,878	-	346,878	346,728	102,144	0.00%
Comprehensive Plan	206,344	GF EF	71,828 21,828	61,990 21,828	9,838 -	1,385 -	290,162	86.30% 100.00%
Hufsmith Sanitary Sewer Improvements	75,775	EF	331,251	161	331,090	299,002	75,936	0.05%
Hufsmith Water and Gas Improvements	102,718	EF	352,840	10,546	342,294	302,769	113,264	2.99%
Liberty Lane/Hicks Street Drainage	2,183,465	GF	200,180	-	200,180	154,876	2,183,465	0.00%
M118 Drainage Ditch	1,836,053	GF	47,957	6,936	41,021	21,496	1,842,989	14.46%
M124 Drainage Ditch	593,095	GF	549,937	88,042	461,895	338,628	681,137	16.01%
Mechanic Street	975,866	GF	2,246	-	2,246	-	975,866	0.00%
Michel Road Improvements and Ext.	1,638,773	GF	673,815	-	673,815	538,909	1,638,773	0.00%
Neal Road Utilities	21,600	EF	45,200	-	45,200	37,300	21,600	0.00%
Old Town Tomball Revitalization (Depot)	2,225,151	GF	280,289	884	279,405	279,405	2,226,035	0.32%
Quinn Road Improvements	120,515	GF EF	315,654 126,885	6,545 3,681	309,109 123,204	300,235 118,900	130,741	2.07% 2.90%

DECEMBER 2009 CAPITAL IMPROVEMENT PROJECT REPORT

Project Name	Prior Year Expenditures in All Funds	Fund	FY 2009- 2010 Budget by Fund*	Amount Spent This FY 2009- 2010 by Fund	Current Year Budget Remaining by Fund	Budget Remaining Minus Outstanding Contracts	Total Spent to Date in All Funds	% of FY 2010 Budget Spent
Rudolph Road and Utilities	334,712	GF	364,030	1,148	362,882	289,763	335,894	0.32%
		EF	78,007	-	78,007	14,742		0.00%
TEDC Grant		Grant	251,056	34	251,022	247,001		0.01%
School Street Sidewalks	22,423	GF	7,577	-	7,577	7,577	22,423	0.00%
Tomball Hills Lift Station	46,125	EF	219,625	1,500	218,125	197,900	47,625	0.68%
Water Well #5	1,016,963	EF	2,447,845	1,158,275	1,289,570	-1,020,489	2,175,238	47.32%
TOTAL	\$ 13,044,050		\$ 8,084,196	\$ 1,401,471	\$ 6,682,725	\$ 3,637,494	\$ 14,445,520	17.3359%



Tomball Fire Department
Chief Randall F. Parr, EFO, CFO
1200 Rudel
Tomball, Texas 77375
(281) 351-7101
(Fax) 281-357-4714



February 25, 2010

Mayor and Council
City Of Tomball

The Tomball Fire Department is pleased to provide you with a summary of its annual activity for the period January 1 through December 31, 2009 and a comparison with the previous years. The report has been developed to indicate the frequency with which the Department responds to certain types of emergency situations. Included in the report is information comparing our response times to the national standards developed by the National Fire Protection Association.

The Tomball Fire Department is described as a “combination” agency as it is staffed with volunteer, part-time paid and full-time paid personnel. The full time staff consists of the Fire Chief, an Assistant Chief – Day-time Operations, an Administrative Assistant and two shift firefighters working 24 hour shifts every third day. The Department staffs an “A” and a “B” shift at Station 1 with the one full-time firefighter each. The remainder of the day-time staffing, working from 8:00 am until 6:00 pm Monday through Saturday, consists of 6 part-time paid firefighters working three each at Station 1 and Station 2.

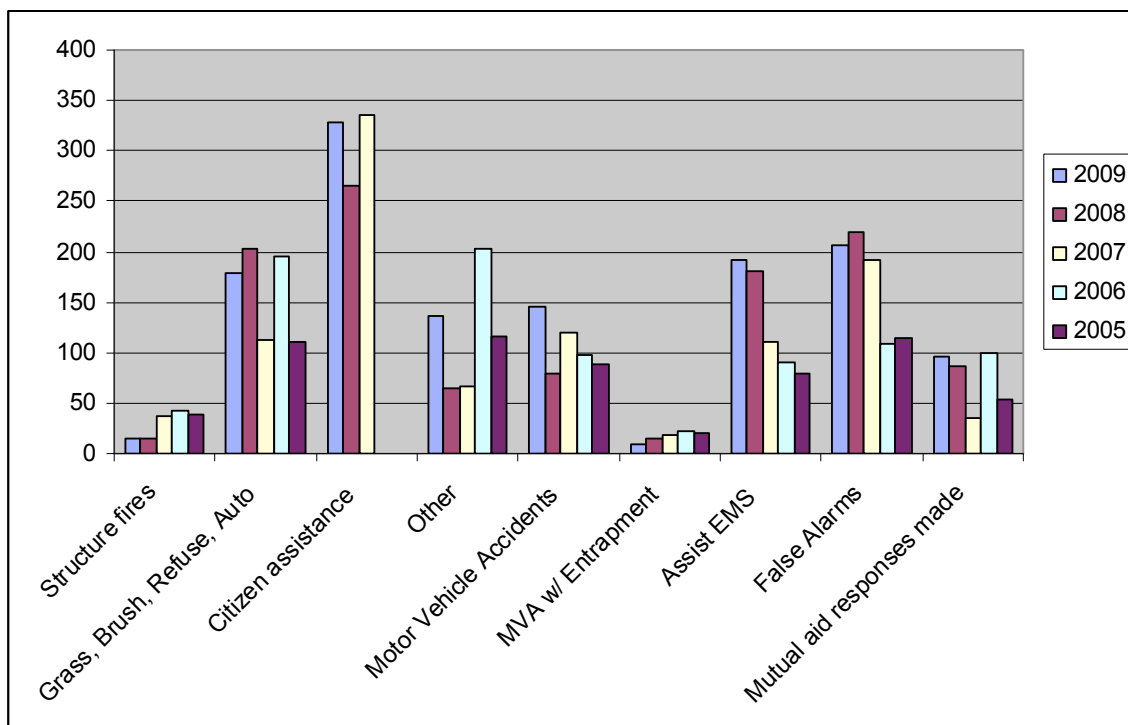
At night-time and on Sundays, the department is staffed by approximately 35 dedicated, well-trained and motivated volunteers. TFD Station 1 is staffed virtually every night by some of these volunteers. Station 2 is staffed at night approximately 25% of the evenings. It is for that reason that the first engine arrives on the emergency scene inside the City Limits within five minutes of receiving the call better than 60% of the time.

TFD responds to many types of incidents, some are emergencies and many are not. Obviously, the core focus of our mission is to protect lives, property and the environment. However, the Department responds to numerous other non life threatening types of incidents that we typically classify as citizen assistance.

The following table and graph show a comparison of our responses by type for the past five years. We began tracking citizen assistance calls as a separate category in 2007. Prior to 2007 those types of calls were interspersed throughout the other categories. As is evident from the table, total call volume has risen over the past five years.

Response Activity

	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>
Residential structures	6	9	24	33	27
Commercial structures	5	5	13	9	12
Apartment structures	<u>3</u>	<u>1</u>			
Total structure fires	14	15	37	42	39
Grass, trash and vehicle fires	178	202	113	196	111
Citizen assist calls	329	265	336		
Other calls for assistance	136	65	66	202	116
Motor vehicle accidents	145	79	120	98	89
MVAs with entrapment	10	14	18	23	21
Assist EMS	192	180	111	91	79
False alarms	207	220	192	108	114
Mutual aid responses	<u>95</u>	<u>86</u>	<u>35</u>	<u>100</u>	<u>54</u>
Total responses	1,306	1,126	1,028	860	623



As indicated in the Response Activity Table, responses to structure fires declined from 2005 to 2009. In the commercial structure fire category, both the fire chief and the fire marshal would like to point to the quality and caliber of the annual inspection process for lowering the number of fires in commercial buildings. Fires in residential structures have also declined over the past five years.

A significant number of our calls have been related to the inadvertent activation of an automatic heat, smoke or fire detection system that is designed to automatically send a signal to a monitoring company who will then contact the dispatch center to send the fire trucks. Grass fire activity is typically weather dependant. As the community continues to develop, the amount of vacant grass available for these events should dwindle. Motor vehicle incidents have increased with additional intersections being added by the 249 Bypass and other factors.

Response time to emergency incidents is critical to successful outcomes. A fire doubles in size every sixty seconds and a flashover (the entire contents of the room heats to its ignition point) generally occurs in a burning room within the first 12 minutes of incident. If a sufficient number of our firefighters and their apparatus can arrive at the scene to safely conduct a primary search of the premises, initiate an attack on the fire, ventilate above the fire and do the other tasks necessary, we generally can have an acceptable outcome where lives are not lost and property loss is minimized.

The TFD measures its response time against the criteria indicated by the National Fire Protection Association in the Standard 1710. This standard stipulates that the fire department shall establish a goal of 80 seconds (1 minute, 20 seconds) from the time the call is dispatched to the fire station for the apparatus to be enroute to the scene. The standard provides that the fire department shall establish an objective of having the first apparatus arrive on the scene of an emergency incident within 240 seconds (4 minutes) of leaving the fire station and for the balance of the full first alarm assignment (typically a minimum of 3 engine companies, a ladder company and a rescue truck) to arrive on the scene with 480 seconds (8 minutes) of the first truck leaving the station. The standard indicates that the fire department shall establish a performance objective of achieving the above objectives 90 percent of the time.

An analysis of our average response times to emergency incidents indicates a year-to-year improvement for the past five consecutive years. Our average response times have been 6:17, 6:07, 5:40, 5:16 and 4:46 for the years 2005 through 2009, respectively. However, when comparing the performance standard against the benchmark of 90%, our percentages have been 59%, 64% and 61% for the years 2007 through 2009 respectively. This calculation is only for the first arriving apparatus on the scene of an emergency incident.

All firefighters within the Department, from the Fire Chief down to the beginning cadet and including the part-time and full-time paid duty crew, are required to complete certain basic trainings and are also required to receive continuing education hours. Formal training classes for the volunteer members are scheduled each Thursday evening. Impromptu training for the volunteers may occur anytime members get together and wish to practice existing skills or learn new ones. Duty crew firefighters spend at least one hour of each shift in some type of training activity. All first responders are required to complete the four basic National Incident Management System courses with supervisors and command staff being required to complete two additional multiday classes.

The Tomball Fire Department is also involved in numerous community wide events and special projects. The Department plans and delivers the July 4th Fireworks Show each year, participates in the Holiday Parade, Second Saturday, Halloween Festival events and

numerous other activities. TFD is proud to annually sponsor its holiday season family adoption program that provides meals at Thanksgiving and Christmas presents and meals at Christmas time.

The Department also hosts the Community Emergency Response Training (CERT) program and, to date, has trained over 150 persons in emergency preparedness in the community. We also host the TFD Citizens' Fire Academy, a twelve week program designed to provide participants with a "taste" of the activities of firefighters. The academy culminates in the participants putting their training to use in a live burn evolution at a local training facility.

**TOMBALL FIRE DEPARTMENT
RESPONSE ACTIVITIES FOR 2009 AND COMPARISON WITH 2008, 2007 AND 2006**

2009

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2009 Total	2008 Total	2007 Total	2006 Total
Calls for Service																
Residential Structures	-	-	-	-	1	1	1	-	-	2	-	1	6	9	24	33
Commercial Structures	-	-	-	-	-	2	-	1	-	1	-	1	5	5	13	9
Apartment Structures	-	-	1	-	-	-	-	1	-	-	-	1	3	1	-	
Grass, Brush, Refuse, Auto	15	32	27	22	9	14	18	15	10	6	9	1	178	202	113	196
Citizen assistance	13	4	14	15	8	27	22	22	23	26	127	28	329	265	336	
Other	2	2	9	11	1	5	11	8	8	9	56	14	136	65	66	202
Motor Vehicle Accidents	-	1	14	17	18	13	11	15	9	19	18	10	145	79	120	98
MVA w/ Entrapment	1	2	2	1	-	1	1	-	-	1	-	1	10	14	18	23
Assist EMS	22	24	20	11	11	12	16	15	13	15	15	18	192	180	111	91
False Alarms	17	18	16	21	17	17	13	15	16	19	13	25	207	220	192	108
Mutual aid responses made	5	2	8	7	9	8	14	7	6	8	12	9	95	86	35	100
Total Responses	75	85	111	105	74	100	107	99	85	106	250	109	1,306	1,126	1,028	860
Mutual Aid Received	-	1	-	-	1	2	-	1	2	3	3	4	17	20	19	30
Average Response Time (Minutes):	3:41	5:12	5:08	4:19	4:16	4:26	4:53	4:23	5:59	6:28	5:13	3:17	4:46	5:16	5:40	6:07
County/ETJ	6:05	6:43	6:02	6:03	6:15	7:13	6:27	9:30	9:41	7:26	7:57	6:16	7:05	7:28	7:19	8:49
NFPA 1710 response times-City																
incidents for first arriving apparatus	81%	53%	55%	63%	77%	62%	52%	62%	59%	36%	56%	79%	61%	64%	59%	39%
Value of Structure/Contents Lost	\$ -	\$ -	\$ 1,150	\$ -	\$ -	\$ 450,000	\$ -	\$ 100,000	\$ -	\$ 350,000	\$ -	\$ 6,000	\$ 907,150	\$ 1,408,000	\$ 188,200	\$ 73,415
Value of Structure/Contents Saved	\$ -	\$ -	\$ 750,000	\$ -	\$ 94,000	\$ 1,200,000	\$ -	\$ 100,000	\$ -	\$ 3,900,000	\$ -	\$ 809,000	\$ 6,853,000	\$ 2,788,000	\$ 5,178,900	\$ 2,420,400
Volunteer Participants:	34	32	33	33	33	35	36	36	38	35	33	34	35	35	37	37

City of Tomball

Spring Clean up

Week of March 8, 2010 to March 13, 2010
Monday – Saturday - 8:00 am - 4:30 pm

Objective:

Provide the citizens of Tomball the opportunity to dispose of large, hard-to-handle items that cannot be collected under the normal garbage service. Remember this is for residents of Tomball only (must have **City utility bill** as proof); **NO COMMERCIAL BUSINESS OPERATORS.**

Roll Offs will be available at the City Landfill Site (0.4 miles north of E. Hufsmith on Rudolph) to dispose of the acceptable items. See map to landfill site below.

Acceptable Items:

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> • Lumber • Bicycle parts • Plywood (4 cubic yd. max) • Rugs/carpet • Siding • Clothing • Box springs and mattresses | <ul style="list-style-type: none"> • Bricks (small amount) • Empty buckets or pails • Rocks (small amount) • Washing machines • Dryers • Water heaters • Furniture | <ul style="list-style-type: none"> • Gutter material • Cardboard boxes • Lawn mowers (oil & gas removed) • Dishwashers |
|---|---|--|

Not Acceptable:

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> • Tree trimmings • Limbs or stumps • Tires • Engine blocks • Structural steel • Equipment with oil or gasoline • Fertilizers • Pool chemicals • Batteries • Oil filters | <ul style="list-style-type: none"> • Insecticides • Container with unmarked labels holding liquids • Sealed containers of any type • Large amounts of construction or demolition material • Smoke detectors • Pressurized vessels • Flammable, combustible or corrosive products | <ul style="list-style-type: none"> • Raw meats, food products or byproducts • Televisions • Computers • Refrigerators • AC units • Appliances with Freon or fluids |
|--|---|--|

All appliances must be drained and tagged by a licensed technician.

Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

The City of Tomball will provide a free chipping service for brush and small limbs during the week of Tomball Cleanup. To participate, please call **(281) 290-1400** the week before the cleanup begins to be added to the chipping list.

CHIPPING SPECIFICATIONS:

- Turn all big ends toward road or in one direction
- Limit size to 6 ft.-8 ft., maximum
- Keep logs separate from limbs, nothing over 6" dia.
- Place limbs & brush near roadside and not on property
- Leaves, please bag for regular garbage pickup

Map to Tomball landfill site →





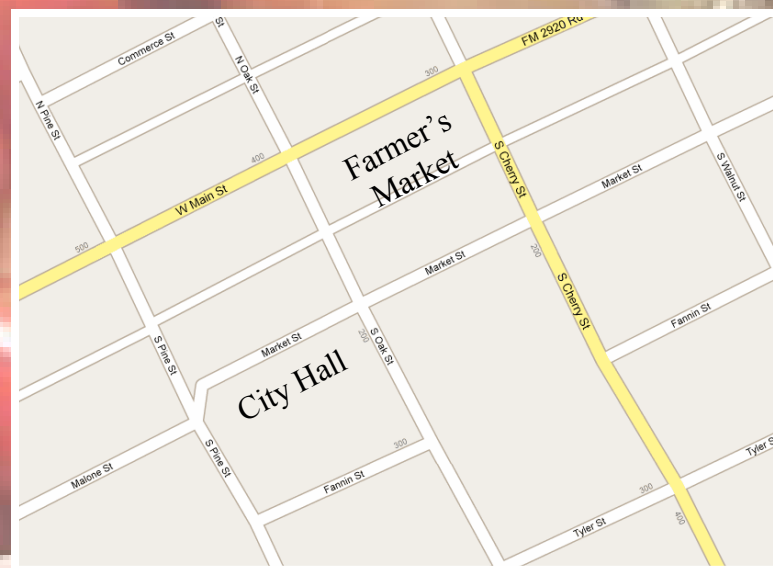
Bringing the farmers back to the community!

Come enjoy the Tomball Farmer's Market! We'll have produce, prepared foods and crafts for you to purchase.

**Now open on the
2nd & 4th Saturday
of every month!**

**Market opens
at 9 AM!**

**Located at the
corner of Cherry &
FM 2920**





GET HOPPING!
 Register for the
 2nd Annual
 City of Tomball
 Bunny Run 5K Run/Walk & the Kid's 1Mile
 Presented by:
24 HR Emergency Room

Saturday, April 10, 2010
 8:00 A.M. – 5K Run/Walk
 8:45 A.M. – 1Mile Run/Walk
 Tomball Train Depot



Location

The Historic Tomball Train Depot Plaza located at 201 S. Elm St.

About This Event

The Bunny Run 5K and Kid's 1 Mile are the second in a series of Fun Runs to bring families, friends and visitors together to see that here in Tomball, *It's a wonderful life!*

The Course

5K (3.1 miles) and 1 Mile: Flat, major tree-lined streets, USATF-certified 5K course. No wheels (except wheelchairs) & no pets, please! Baby joggers and carriages OK for 1 MILE WALK ONLY.

Awards

Prizes will be awarded to the top three finishers in the following categories for the 5K Run: 11-14, 15-19, 20-29, 30-39, 40-49, 50-59, 60+. All kids participating in the 1 mile run will receive a medal.

Packet Pick-up

April 7th, 8th, 9th: 5:30 PM – 7:30 PM at the Tomball Train Depot
 Race Day Pick-up & Registration: 7:00 AM – 7:45 AM (No t-shirt guarantee)

Information

Registration forms can be downloaded at www.ci.tomball.tx.us, or picked up at Tomball City Hall (401 Market St) or Tomball Public Works (501 James St). Forms & payments may be made at Tomball City Hall or Tomball Public Works, or you may mail in your registration to: City of Tomball, Attn: Shawn Cox, 401 Market St., Tomball, TX 77375. You may also submit your registration via fax 281-351-6256 or via e-mail at scox@ci.tomball.tx.us. For more information, call 281-351-5484.

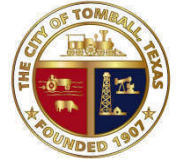
Your privacy will be respected and no information will be shared with third parties.

Event Fees		
Category	On or Before 3/26/2010	After 3/26/2010
5K Run	\$15	\$20
1 Mile Run/Walk 11 yrs +	\$15	\$20
1 Mile Run/Walk 10 & under	\$10	\$12



GET HOPPING!
Register for the
2nd Annual
City of Tomball
Bunny Run 5K Run/Walk & the Kid's 1 Mile
Presented by:
24 HR Emergency Room

Saturday, April 10, 2010
8:00 A.M. – 5K Run/Walk
8:45 A.M. – 1 Mile Run/Walk
Tomball Train Depot



24+HR
Emergency Room
The Emergency Specialists
281.866.8475 Tomball-Texas



Registration Form

****One registration form per participant****

Category: ☐ 5K Run/Walk ☐ 1 Mile Run/Walk ADULT ☐ 1 Mile Run/Walk YOUTH

First Name: _____ Last Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: (____) _____

Birth Date: ____/____/____ Gender: ☐ F ☐ M

Shirt Size: ☐ YS ☐ YM ☐ YL | ☐ S ☐ M ☐ L ☐ XL ☐ XXL

For Credit Card Payments

Name on Card: _____ Type: ☐ Visa ☐ MasterCard

Card Number: _____ Exp. Date: _____ 3 Digit Sec. Code: _____

Emergency Contact: _____ Phone: (____) _____

Emergency Contact: _____ Phone: (____) _____

Waiver and Release: In consideration of the acceptance of this registration entry, I, the undersigned, assume full & complete responsibility for any injury or accident which may occur during my participation in this race, or while I am on the premises of this event and I hereby release and hold harmless the sponsors, officials and all other persons and entities associated with this event from any and all injury, damages or illness which may directly or indirectly result from participation in this race. I further state that I am in proper physical condition to participate.

Signature of Participant

Date

Signature of Parent/Guardian if Participant is Minor

Date

OFFICE USE ONLY:

Clerk: _____ Date/Time: _____ Total: \$ _____

Method of Payment: ☐ Cash ☐ Check ☐ Visa ☐ MC Auth. # _____

Regular City Council Agenda Item Data Sheet

Meeting Date: March 1, 2010

Topic:

Approve the Minutes of the Special City Council Meeting of February 15, 2010 and the Regular City Council Meeting of February 15, 2010

Background:**Origination:****Recommendation:****Funding:****Party(ies) responsible for placing this item on agenda:**

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - 2/15/2010 Special City Council
Draft Minutes - 2/15/2010 Regular City Council

**NOTICE OF SPECIAL CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, FEBRUARY 15, 2010

6:00 P.M.

Notice is hereby given of a Special meeting of the Tomball City Council, to be held on Monday, February 15, 2010 at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

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

Councilman Stoll
Councilman Townsend
Councilman Webb
Councilman Driver

Members absent:

Councilman Quinn

Others present:

Interim City Manager – Christal Kliewer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Director of Public Works – David Kauffman
Assistant to City Manager – Shawn Cox
Director of Engineering & Planning – Mark McClure
City Planner – Kelly Violette

draft

2.0 Workshop Session:

- 2.1** City Council entered into a Workshop Session to discuss a Request by Klein Independent School District for the Extension of Utility Services by the City of Tomball into Tomball extraterritorial jurisdiction (ETJ). Presentation was given by Ed Shackelford, Vice

President-Jones & Carter, Engineers for Klein Independent School District, regarding KISD request for Tomball utility services. Council directed staff to study the impact of KISD's request, possible annexation, ETJ release from the City of Houston, and fee structures and rates. Ed Shackelford advised Council that KISD would be willing to pay for the study to determine the various impacts to the City of Tomball

Doris Speer read public comments from Larry and Peggy Hugonin, 30507 Country Meadows Drive, Tomball, Texas 77375, who did not wish to speak but asked that their opposition to KISD's request be read into the record.

3.0 Motion was made by Councilman Townsend, second by Councilman Driver, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 1st day of March 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

**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

draft

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 | - 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. |
| John P. Dillon
14166 Turnervine, 77375 | - Expressed his concerns regarding the time span for posting campaign signs. |
| Mary Lu Wiley
14120 Carneswood, 77375 | - Expressed her concerns regarding the code of ethics and proposed changes in election procedures. |
| Rick Brown
13510 Country Lane, 77375 | - Expressed his opposition regarding proposed changes to Item 8.3, sign ordinance. |
| Becky Clepper
10722 Spell Road, 77375 | - Expressed her support for the proposed changes to Item 8.3, sign ordinance. |
| Judy Wilson
506 North Pecan Drive, 77375 | - Did not wish to speak; however, wished to have her support for Item 8.3 read into the record. |
| Jody and Laura Higginbotham
210 Belmont, 77375 | - 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, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: March 1, 2010

Data Sheet

Topic:

Adopt, on Second 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

Background:

In 2002, Council amended Chapter 60, Signs; one of the provisions adopted was Section 60-7. Miscellaneous sign provisions, (b) Political signs, which included a restriction that signs erected solely for and relating to a public election could be posted for a period commencing 60 days prior to and for 10 days following such public election, and providing that such unpermitted signs shall be located on private property only.

State law prohibits the placement of political signs on all public rights-of-way; municipalities may control the placement of political signs on public rights-of-way within corporate city limits. In 2003, the state Legislature amended Local Government Code, Section 216.903, removing municipalities' authority to restrict the posting of political signs on private property.

Adopting Ordinance No. 2010-03 on second reading will bring City ordinances into compliance with the Local Government Code by removing the prohibition against political signs on private property.

The recommended change to Section 60-7(b) is as follows:

"(b) Political Signs. The following signs are are exempt from the permit requirements of this chapter:

A sign that contains primarily a political message and that is located on private real property with the consent of the property owner. Private real property does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose. Provided, however, the sign may not have a sign area greater than 36 square feet, be more than eight feet high, be illuminated or have a moving part. This subsection does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political."

Origination:

Doris Speer, City Secretary

Recommendation:

Adoption, on second reading, of Ordinance No. 2010-03

Funding:

Party(ies) responsible for placing this item on agenda:

Doris Speer, City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2010-03
TxDOT Rules for Political Signs
Local Government Code, Section 216.903

ORDINANCE NO. 2010-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, AMENDING CHAPTER 60, SIGNS, OF THE CITY'S
CODE OF ORDINANCES RELATING TO POLITICAL SIGNS;
PROVIDING A PENALTY OF UP TO \$2,000.00 FOR VIOLATIONS;
PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND
MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

* * * * *

Whereas the 78th Texas Legislature adopted Chapter 1004 relating to the regulation of political signs by a municipality; and

Whereas as codified by Texas Local Government Code §216.903 the Legislature restricted the City's authority to regulate certain signs that contain primarily a political message; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. Subsection (2) of “**Section 60-7, “Miscellaneous Signs”, (b) “Political Signs”**”, of the Code of Ordinances, City of Tomball, Texas, is hereby amended to read as follows:

“(b) Political Signs. The following signs are are exempt from the permit requirements of this chapter:

A sign that contains primarily a political message and that is located on private real property with the consent of the property owner. Private real property does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose. Provided, however, the sign may not have a sign area greater than 36 square feet, be more than eight feet high, be illuminated or have a moving part. This subsection does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.”

Section 2: All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

Section 3. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. This Ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is published once in the official newspaper of the City, by the City Secretary, as required by law.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15TH DAY OF FEBRUARY 2010.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>NAY</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF MARCH 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN WEBB	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DRIVER	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

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Rules for Posting Campaign Signs

During campaign season, the landscape blooms with a special kind of flower - the political sign. Unlike wildflowers that are welcome anywhere, putting campaign signs on public lands is illegal. So before you plant that sign, learn the law and keep Texas beautiful.

You need to know

- It is illegal to place any signs on or within the right of way. This includes posting signs on trees, telephone poles, traffic signs and other objects on the right of way.
- Campaign signs along Texas roads can be placed on private property with the owner's permission. Signs must be made of lightweight material and be no larger than 50 square feet.
- Campaign signs may be posted as early as 90 days before an election (no earlier) and must be removed within 10 days after the election.
- Before placing a sign inside of incorporated city limits, check with the city for applicable ordinances.

Sign Removal

If you've placed your sign in the right of way or it's posing a traffic hazard, we will remove it without prior notice. All costs associated with sign removal will be paid by the sign owner.

Contact Us

For more information about the rules governing campaign signs, please call (512) 416-2901.

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Sec. 216.903. REGULATION OF POLITICAL SIGNS BY MUNICIPALITY. (a) In this section, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

(b) A municipal charter provision or ordinance that regulates signs may not, for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner:

- (1) prohibit the sign from being placed;
- (2) require a permit or approval of the municipality or impose a fee for the sign to be placed;
- (3) restrict the size of the sign; or
- (4) provide for a charge for the removal of a political sign that is greater than the charge for removal of other signs regulated by ordinance.

(c) Subsection (b) does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(d) Subsection (b) does not apply to a sign that:

- (1) has an effective area greater than 36 feet;
- (2) is more than eight feet high;
- (3) is illuminated; or
- (4) has any moving elements.

Added by Acts 2003, 78th Leg., ch. 1004, Sec. 1, eff. Sept. 1, 2003.

Regular City Council

Agenda Item

Meeting Date: March 1, 2010

Data Sheet

Topic:

Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

"§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
 - (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

Public hearings will be held on March 1 and March 15, 2010 regarding the effectiveness and the need to continue the ordinance, with the first reading of the ordinance on March 15, 2010 and the second reading on April 5, 2010 in order to satisfy the state-required timeframe for readoption.

Origination:

State Law

Recommendation:

N/A

Funding:

Party(ies) responsible for placing this item on agenda:

City Secretary

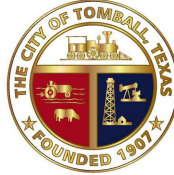
APPROVAL ☐ YES ☐ NO	ACTION TAKEN READINGS PASSED ☐ 1ST ☐ 2ND	OTHER
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ATTACHMENTS:

Notice of Public Hearing - Curfew - 3/1/2010

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**

**MONDAY, MARCH 1, 2010
AND
MONDAY, MARCH 15, 2010**



7:00 P.M.

Notice is hereby given that the Governing body of the City of Tomball, Texas, will hold Public Hearings during the Regular City Council Meetings to be held on Monday, MARCH 1, 2010, and Monday, MARCH 15, 2010, at City Hall, 401 Market Street, Tomball, Texas 77375 at 7:00 p.m. to consider the following:

**CONDUCT A PUBLIC HEARING AND REVIEW OF THE
CITY OF TOMBALL'S JUVENILE CURFEW ORDINANCE
TO DETERMINE THE NEED TO RE-ADOPT, ABOLISH,
CONTINUE OR MODIFY THE ORDINANCE.**

Any member of the public has the right to appear at these Public Hearings and will be given an opportunity to be heard.

Written comments should be received no later than February 26, 2010 for the March 1, 2010 Public Hearing and no later than March 12, 2010 for the March 15, 2010 Public Hearing. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of February 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.