

NOTICE OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MARCH 21, 2011
7:00 P.M.**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, March 21, 2011 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 Dean Unsicker, Rosehill Christian School
- 3.0 Pledges to U. S. and Texas Flags
 - Led by Members of the Tomball High School 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 Presentations:
 - Stefan Bruns, Greetings from the City of Telgte, Germany
- 6.0 Reports and Announcements:
 - March 24-27, 2011 – **11th Annual German Heritage Festival**
 - March 31, 2011 – **Youth Opportunities Fair**, hosted by City of Tomball HR Department at the Community Center – 2:00-4:30 p.m.
 - April 2, 2011 – **Farmers Market Opens** – 9 a.m.-1:00 p.m. (Every Saturday)
 - April 9, 2011 – **3rd Annual City of Tomball Bunny Run 5K and Kids 1 Mile**

- April 18-23, 2011 – **City of Tomball Spring Clean Up Week** – 8:00 a.m. to 4:30 p.m.
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)
- Appointments to TEDC Board of Directors will be on April 18 agenda (for terms expiring 5/2/11)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Shawn Cox – Report on the Oilfield Helping Hands Event
 - David Kauffman – Update regarding School Zone Flashing Beacon Project
 - Lori Lakatos – Status of Proposals for Designated Parking Lots

7.0 Approve the Minutes of the Following Meetings:

- March 7, 2011 Special City Council and Planning and Zoning Commission Meeting
- March 7, 2011 Regular City Council Meeting

8.0 Old Business:

- 8.1 Approve, on Second Reading, Resolution No. 2011-03-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation's Project to Expend Funds in Accordance with an Economic Development Agreement by and between the Corporation and Community Bank of Texas N.A. to Promote and Develop a New or Expanded Business Enterprise; Containing other Provisions relating to the Subject; and Providing for Severability - Approving, as a Project of the Corporation, an Agreement with Community Bank of Texas, N.A. to Make Direct Incentives to, or Expenditures for, Assistance with Infrastructure Costs related to the Development and Construction of a Commercial Building to be located at 28515 State Highway 249 in Tomball, Texas. The Estimated Amount of Expenditures for such Project is \$60,000
- 8.2 Award Contract for Project No. 2011-02, South Wastewater Treatment Plant Headworks Replacement, to Lowest Responsible Bidder, JTR Constructors, Inc., in the amount of \$256,250.00, and Authorize the City Manager to Execute the Necessary Contract for Construction
- 8.3 Approve Professional Services Agreements with CLR, Inc. in the amount of \$65,160.00 and Cobb Fendley & Associates, Inc. in the amount of \$7,000.00 for Professional Services related to Extension of Utilities located on Brown Road, extending westerly of State Highway 249 and easterly of Spring Creek Estates, and Authorize City Manager to Execute Agreements
- 8.4 Adopt, on Second Reading, Ordinance No. 2011-01, an Ordinance Amending Chapter 54, Peddlers and Solicitors, of the Code of Ordinances of the City of Tomball, Texas, by Providing Exceptions to the Regulations Established in Chapter 54; by Providing Regulations and Criminal Violations related to any Peddler who Refuses to Leave a Premises upon Notification to Leave or Not to Enter Such Premises; by Providing for

Hours of Operation; by Prohibiting Misrepresentations by Peddlers; by Providing Regulations related to the Responsibility of Owners, Tenants and Lessees who Allow Peddlers to Utilize Their Property; by Providing for Compliance with the Home Solicitation Sales Act; by Providing for Regulations Related to Structures Erected or Maintained by Peddlers; by Providing Information Required to Obtain a Permit; by Providing Application and Permit Fees; by Providing Regulations related to the Approval, Denial, Issuance and Appeal of a Permit; by Providing certain Limitations and Prohibiting the Assignability of Permits; by Providing for the Required Contents of a Permit; by Providing for the Duration and Renewal of a Permit; 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

9.0 New Business:

- 9.1 Approve, as a Project of the Corporation, an Agreement with Waukesha-Pearce Industries to make direct incentives to, or expenditures for, the creation or retention of primary jobs and that are found by the Board of Directors to be required or suitable for the development, retention, or expansion of manufacturing and industrial facilities: to wit: Waukesha-Pearce Industries expansion and development of its manufacturing facility located at 1720 Hicks Street, Tomball, Texas. The estimated amount of expenditures for such Project is \$12,000.
- 9.2 Consideration and possible action regarding **ZONING CASE P11-302:** Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), to amend the City's Comprehensive Zoning Ordinance to rezone approximately 2.57 acres of land, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.
- Conduct a Public Hearing on **ZONING CASE P11-302**
 - Adopt on First Reading, Ordinance No. 2011-02, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 2.57 Acres of Land, Legally Described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas, From the AG-Agricultural District to the C-Commercial District; Said Property Being Generally Located on the westerly side of State Highway 249, southerly of Alice Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an amount not to exceed \$2,000 for each day of violation of any Provision Hereof, Making Findings of Fact; and Providing for other Related Matters.

- 9.3 Consideration and possible action regarding **ZONING CASE P11-303**: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), for a Conditional Use Permit to operate a “Manufactured Home Display or Sales (New or Used)” facility. The property is an approximately 2.57-acre site, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, generally located on the westerly side of State Highway 249, southerly of Alice Road at 27225 State Highway 249, Tomball, Texas.
- Conduct a Public Hearing on **ZONING CASE P11-303**
 - Adopt on First Reading, Ordinance No. 2011-03, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Granting a Conditional Use Permit to CMH Homes, Inc., to operate a “Manufactured Home Display or Sales (New or Used)” Facility; Said Property Being Located within the City in Zoning District C-Commercial and Being Legally Described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, Generally Located on the westerly side of State Highway 249, Southerly of Alice Road in Tomball, Texas; Providing Requirements and Conditions for this Conditional Use Permit; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an amount not to exceed Two Thousand Dollars for Violations Hereof; and Providing for Severability.
- 9.4 Approve the 2010-2011 (Interim) Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the ability to assign a Student Resource Officer (SRO) to a TISD Campus
- 9.5 Approve Service Agreement between the City of Tomball and the Sheriff's Association of Texas for Research and Evaluation of Gyroplane Aircraft used in Law Enforcement Operations

10.0 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 18th day of March 2011 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 contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.