

NOTICE OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



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

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, March 7, 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 Pastor Ken Shuman, WellSpring Church
- 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:
 - Plaque and Gift Certificate to Betty Reinbeck, retiring Executive Director for the Tomball Economic Development Corporation
- 6.0 Reports and Announcements:
 - March 12, 2011 – **2nd Saturday at the Depot – Oilfield Helping Hands Car Show and Motorcycle Rally**
 - March 12, 2011 – **Farmers Market** reopens

- March 14, 2011 – Last Day to Apply for Place on Ballot for May 14, 2011 General City Election
- March 21, 2011 – Possible Date for Candidate Orientation – 6 p.m.
- March 31, 2011 – **Youth Opportunities Fair**, hosted by City of Tomball HR Department – 2:00-4:30 p.m.
- 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 (expire 5/2/11)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Water Wells 5 and 6 have been accepted by the City of Tomball and are operational; the operation and maintenance will be maintained by the City's Public Works Department. The wells have a one-year maintenance warranty, effective January 21, 2011 through January 20, 2012

7.0 Approve the Minutes of the Following Meetings:

- February 21, 2011 Special City Council and Planning and Zoning Commission Meeting
- February 21, 2011 Regular City Council Meeting

8.0 Old Business:

- 8.1 Accept the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2010
- 8.2 Accept Resignation of LaMar Barr and Appoint Replacement Member to Unexpired Term on the Tourism Advisory Committee (Hotel Industry Position 8)

9.0 New Business:

- 9.1 Appoint Representative to the Southeast Texas Housing Finance Corporation Board of Directors (SETH)
- 9.2 Approve Request by the Tomball Sister City Organization for 2011 German Heritage Festival Support and Street Closures
- 9.3 Approve Grant Application by Main Street Crossing for Hotel Occupancy Tax Funds, in the Amount of \$23,479, as recommended by the Tourism Advisory Committee
- 9.4 Approve, as a Project of the Corporation, an agreement with BL Technology, Inc. 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: BL Technology, Inc.'s expansion and development of its manufacturing facility located at

1730 S. Cherry Street, Tomball, Texas. The estimated amount of expenditures for such Project is \$51,000

- 9.5 Approve, as a Project of the Corporation, an agreement with the City of Tomball to expend funds as assistance with infrastructure necessary to promote or develop new or expanded business enterprises to include water, sewer, and gas utilities, right-of-way and utility easement acquisition: to wit: Brown Road Utility Extension, within the segment of Brown Road extending westerly of State Highway 249 easterly of Spring Creek Estates. The estimated amount of expenditures for such Project is \$500,000
- 9.6 Approve, as a Project of the Corporation, an agreement with Paloma Energy Consultants LP to make direct incentives to, or expenditures for, the promotion of new or expanded business development: to wit: Paloma Energy Consultants LP relocation and development of its corporate headquarters to be located at 14405 Brown Road within the City of Tomball. The estimated amount of expenditures for such Project is \$204,000
- 9.7 Approve, on First 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
- 9.8 Approve Utility Extension along Brown Road and Direct Engineering and Planning Department to Negotiate and Prepare Professional Services Contract
- 9.9 Approve Proposed Amendments to for Administrative Policy Number 65, "*Right-of-Way Abandonment Policy*," Incorporating Fee and Application
- 9.10 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
- 9.11 Adopt, on First 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 Deleting Subsection (4) of Section 54-2 and Substituting a New Subsection (4) and Adding a New Subsection (5), Providing Exceptions to the Regulations Established in Chapter 54; by Deleting Section 54-3 and Substituting a New Section 54-3, 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 Deleting Section 54-6 and Substituting a New Section 54-6, Providing for Hours and Time Limit of Operation; by Deleting Section 54-8 and Substituting a New Section 54-8, Prohibiting Misrepresentations by Peddlers; by Adding a New Section 54-9, Providing Regulations related to the Responsibility of Owners, Tenants and Lessees who allow Peddlers to Utilize their Property; by Adding a New Section 54-10, Providing for Compliance with the Home Solicitation Sales Act; by Adding a New Section 54-11, Providing for Regulations related to Structures Erected or Maintained by Peddlers; by Deleting Subsection (12) of Section 54-31 and Substituting a New Subsection (12) and Adding a New Subsection (13), Providing Information Required to Obtain a Permit; by Deleting Section 54-37 and Substituting a New Section 54-37, Providing Application and Permit Fees; by Deleting Section 54-39 and Substituting a New Section 54-39, Providing Regulations related to the Approval, Denial, Issuance and Appeal of a Permit; by Deleting Section 54-40 and Substituting a New Section 54-40, Providing Certain Limitations, Prohibiting the Assignability of Permits, and Restricting the Number of Permits Allowable for Peddlers Representing the Same Business Entity; by Deleting Section 54-41 and Substituting a New Section 54-41, Providing for the Required Contents of a Permit; by Deleting Section 54-43 and Substituting a New Section 54-43, 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

- 9.12 Authorize City Staff to Solicit Proposals for Lease or Lease/Purchase of Fire Truck to Replace TFD Engine 4, the Frontline Pumper at Station 1, due to Significant Mechanical and Safety Issues

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 4th 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.