

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



MONDAY, MARCH 7, 2011

7:00 P.M.

1.0 Call to Order

The Council 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 Klierer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Chief of Police – Robert Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette
Assistant City Engineer – Lori Lakatos

2.0 The invocation was led by Pastor Ken Shuman, WellSpring Church

3.0 Pledges to the U. S. and Texas flags were led by Eric Ramsey, Tomball High School Student Council.

4.0 The following public comments were received:

Mary Harvey
405 S. Walnut, 77375

- Expressed her concern that City should adopt standards and procedural guidelines regarding

German Heritage Festival, Oilfield Helping Hands, March of Dimes, Tomball Sports Association parade, and other special events and parades, requiring financial participation by organizations located outside Tomball.

Philip O'Sullivan
16014 Birchview, 77377

- Requested a higher level of code enforcement in the area of town around MLK Park (the southeast portion of town); requested a traffic light at the intersection of Chestnut and FM 2920.

Ken Tidwell
19188 Timberland Blvd., 77365

- Representing Panorama Development Group; requested Council consideration to award contract for Project 2011-02 to his company instead of JTR Constructors. Scout Bounds advised Council that Mr. Tidwell would be permitted to speak to Council during their deliberations regarding Item 9.10.

5.0 Presentations:

- Mayor Fagan presented a 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**
- April 2, 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
 - Lori Lakatos provided an update on Water Wells 5 and 6, which have been accepted by the City of Tomball and are operational; the operation and maintenance duties will be handled 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 Motion was made by Councilman Townsend, second by Councilman Stoll, to 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

Motion carried unanimously.

8.0 Old Business:

8.1 Glenn Windsor presented the Comprehensive Annual Financial Report (CAFR). Motion was made by Councilman Dodson, second by Councilman Brown, to accept the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2010.

Motion carried unanimously.

8.2 Mayor Fagan presented information regarding the resignation of LaMar Barr and recommended appointment to the unexpired term, Position 8. Motion was made by Councilman Dodson, second by Councilman Brown, to accept the resignation of LaMar Barr and to appoint Prakash Patel to the unexpired term on the Tourism Advisory Committee (Hotel Industry Position 8).

Motion carried unanimously.

9.0 New Business:

9.1 Mayor Fagan presented recommendation to re-appoint H. G. "Hap" Harrington to the board of directors for Southeast Texas Housing Finance Corporation. Motion was made by Councilman Townsend, second by Councilman Stoll, to re-appoint H. G. "Hap" Harrington to the Southeast Texas Housing Finance Corporation Board of Directors (SETH).

Motion carried unanimously.

9.2 Shawn Cox presented the proposed request from the Tomball Sister City Organization. Motion was made by Councilman Brown, second by Councilman Dodson, to approve request by the Tomball Sister City Organization for Support and Street Closures for the 2011 German Heritage Festival.

Motion carried unanimously.

9.3 Shawn Cox presented the proposed grant application by Main Street Crossing for Hotel Occupancy Tax funding. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the grant application by Main Street Crossing for Hotel Occupancy Tax Funds, in the amount of \$23,479, as recommended by the Tourism

Advisory Committee, and to authorize City staff to negotiate a service agreement.

Motion carried unanimously.

- 9.4 Betty Reinbeck presented the proposed agreement with BL Technology, Inc. Motion was made by Councilman Dodson, second by Councilman Townsend, to 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.

Motion carried unanimously.

- 9.5 Betty Reinbeck presented the proposed agreement with the City of Tomball. Motion was made by Councilman Townsend, second by Councilman Brown, to 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.

Motion carried unanimously.

- 9.6 Betty Reinbeck presented the proposed agreement with Paloma Energy Consultants, L.P. Motion was made by Councilman Dodson, second by Councilman Brown, to 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.

Motion carried unanimously.

- 9.7 Betty Reinbeck presented the proposed Resolution authorizing expenditure of funds to Community Bank of Texas, N.A. Motion was made by Councilman Townsend, second by Councilman Brown, to 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. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

Betty Reinbeck presented a summary of projects and investments made by the TEDC during her tenure as Executive Director.

- 9.8 Lori Lakatos presented the proposed utility extension project. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Utility Extension along Brown Road and to direct the Engineering and Planning Department to Negotiate and Prepare a Professional Services Contract.

Motion carried unanimously.

- 9.9 Kelly Violette presented proposed amendments to the current Administrative Policy. Motion was made by Councilman Dodson, second by Councilman Brown, to approve the proposed amendments to Administrative Policy Number 65, "*Right-of-Way Abandonment Policy*," incorporating Fee and Application.

Motion carried unanimously.

- 9.10 David Kauffman presented the recommendation from Waterworks Engineers regarding awarding the proposed contract to the lowest responsible bidder. Motion was made by Councilman Townsend, second by Councilman Stoll, to 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 to authorize the City Manager to Execute the Necessary Contract for Construction. Motion was made by Councilman Stoll, second by Councilman Townsend, to table consideration to award contract for Project No. 2011-02 to the March 21, 2011, to request a copy of the specifications, and to have the engineer from Waterworks Engineers present.

Motion to TABLE carried unanimously.

- 9.11 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance 2011-01 by caption only.

Motion carried unanimously.

Doris Speer presented a review of the changes to the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Dodson, to 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, and to request that Scott Bounds provide information regarding research into limiting the total number of vendors representing a single organization prior to the second reading of Ordinance No. 2011-01. Vote was as follows:

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

Motion carried unanimously.

- 9.12 Randy Parr presented information regarding the condition of TFD Engine 4 and the associated stresses being placed on remaining fire equipment. Motion was made by

Councilman Townsend, second by Councilman Dodson, to authorize City Staff to pursue tax-exempt funding and to solicit proposal for purchase, lease, or lease/purchase of equipment to replace TFD Engine 4, the Frontline Pumper at Station 1, due to significant mechanical and safety issues.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 21st day of March 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor