MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, DECEMBER 20, 2010

7:00 P.M.

1.0 Call to Order

The Council meeting was called to order by Mayor Gretchen Fagan at 7:00 p.m.; the TEDC meeting was called to order by Vice Chair Steven Vaughan, who announced a quorum of the TEDC board and recessed the TEDC meeting at 7:01 p.m.

Other Council members present:

Councilman Quinn
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Tomball Economic Development Corporation members present:

Vice Chair – Steven Vaughan
Gary Smith
William Sumner, Jr.
Vincent O'Donnell
Executive Director – Betty Reinbeck

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Kliewer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
Director of Public Works – David Kauffman

Director of Engineering and Planning – Mark McClure
City Planner – Kelly Violette
Assistant City Planner – Rodney Schmidt

2.0 The invocation was led by Pastor Kenny Rodgers, Anointed Faith Family Church

3.0 Pledges to the U. S. and Texas flags were led by Mayor Fagan.

4.0 The following public comments were received:

Rosalie Dillon 14166 Turnervine, 77375	- Expressed her appreciation for City support in holding a very successful German Christmas Market and Second Saturday at the Depot.

5.0 Presentations:

- Mayor Fagan presented a proclamation proclaiming Monday, December 20, 2010 as ***"Tomball High School Junior Varsity Red Team Football Day"*** prior to the Council meeting.

6.0 Reports and Announcements**:**

- December 23-24, 2010 **– Christmas Holiday – City offices will be closed**
- December 31, 2010 – **New Year's Day Holiday – City offices will be closed**
- January 8, 2011 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 25, 2011 – **Annual Boards and Commission Recruitment Reception** – 5:30 p.m.-7:00 p.m.
- ***Walk Tomball!*** (Every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
  - Mark McClure provided an update on the Quinn Road Sidewalks project.
  - Glenn Windsor provided an update regarding modest increases in sales tax revenues during the last three months, a 5.51% increase for the first quarter of fiscal year 2010-2011.

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the following minutes:

- December 6, 2010 Regular City Council Meeting
- December 13, 2010 Special Tomball City Council and Tomball Planning and Zoning Commission Meeting

Motion carried unanimously.

8.0 Old Business:

8.1 Doris Speer provided information regarding provisions enacted by other cities regarding peddlers and solicitors, for consideration by City Council. No action was taken.

9.0 New Business:

9.1 Betty Reinbeck presented an overview of the proposed Agreement. Motion was made by Councilman Quinn, second by Councilman Stoll, to approve, as a Project of the Corporation, an Agreement with the City of Tomball to Make Direct Incentives to, or Expenditures for, the Expansion and Development of Medical Complex Drive in the City of Tomball; the estimated amount of Expenditures for such Project is $850,000.

Motion carried unanimously.

9.2 Betty Reinbeck presented an overview of the proposed Agreement. 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 Make Direct Incentives to, or Expenditures for, the Improvements to MLK Park located on Chestnut Street in the City of Tomball; the Estimated Amount of Expenditures for Such Project is an Amount not to exceed $6,500.

Motion carried unanimously.

9.3 Betty Reinbeck presented an overview of the proposed Agreement. Motion was made by Councilman Dodson, second by Councilman Brown, to approve, as a Project of the TEDC, an Agreement with Hole Specialists 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: Hole Specialists Inc.'s Expansion and Development of its Manufacturing Facility located at 27950 Commercial Park Road, Tomball, Texas; the Estimated Amount of Expenditures for Such Project is $75,000.

Motion carried unanimously.

9.4 Betty Reinbeck presented an overview of the proposed Amendment. Motion was made by Councilman Brown, second by Councilman Townsend, to approve a Grant Funding Amendment to the Albers Properties, LP - TEDC Agreement which was Approved by the TEDC Board on December 1, 2009, Regular Board Meeting.

Motion carried unanimously.

9.5 Executive Session: Steven Vaughan reconvened the TEDC meeting at 7:35 p.m.; the City Council recessed at 7:36 p.m. to meet with the Tomball Economic Development Corporation in Executive Session, as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Section 551.072 Deliberation regarding the Purchase of Real Property where Deliberation in Open Session would have a Detrimental Effect on the Position of the City in its Negotiations

Upon reconvening Council and the Tomball Economic Development Corporation into regular session at 8:25 p.m., no action was taken regarding the executive session.

Motion was made by TEDC Member Smith, second by TEDC Member O'Donnell, to adjourn the TEDC meeting.

Motion carried unanimously; TEDC meeting adjourned.

The regular City Council meeting continued and the following items were considered:

9.6 Councilman Quinn recused himself from discussion and action regarding this item and stated that he had filed a Conflict of Interest Affidavit with the City Secretary. George Shackelford presented information regarding the proposed request from the Klein family. Motion was made by Councilman Dodson, second by Councilman Brown, to approve the request from the Klein Family to abandon a Portion of Klein Drive and to authorize the City Manager to provide a Letter from the City of Tomball to the Veterans Administration, Expressing the City's Willingness to Abandon and Close a Portion of Klein Road. City's willingness to abandon a portion of Klein Drive will be contingent upon the Veterans Administration selecting the Klein tracts for the VA clinic. Vote was as follows:

Councilman Quinn	Abstain
Councilman Stoll	Aye
Councilman Brown	Aye
Councilman Townsend	Aye
Councilman Dodson	Aye

Motion carried unanimously.

9.7 Doris Speer presented the request from Tomball Sports Association and the proposed Resolution. Motion was made by Councilman Townsend, second by Councilman Stoll, to Approve Resolution No. 2010-23, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 5, 2011

Motion carried unanimously.

9.8 Mayor Fagan presented recommendation regarding the proposed appointment to an unexpired term on the Planning and Zoning Commission. Motion was made by Councilman Townsend, second by Councilman Dodson, to appoint Field Hudgens to fill the vacancy and complete the unexpired term on the Planning and Zoning Commission.

Motion carried unanimously.

9.9 Kelly Violette presented information regarding the proposed agreement with Partners for Strategic Action. Motion was made by Councilman Stoll, second by Councilman Brown, to approve the Professional Services Agreement with Partners for Strategic Action (PSA) for the Preparation of a Downtown Specific Plan (DSP), in an amount not to exceed $177,400. Motion was made by Councilman Stoll, second by Councilman Brown, to amend the motion to include the following paragraph in the proposed agreement and in future City of Tomball contracts:

> "The Company further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized by law to be employed in that manner in the United States."

Motion, as amended, carried unanimously.

9.10 Mark McClure presented an overview of the proposed Agreement. Motion was made by Councilman Quinn, second by Councilman Brown, to approve Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of $20,000 for Consulting Services related to the Feasibility Study of the Capital Improvements Project titled, "Parking - Three Downtown Parking Lots". Request was made by George Shackelford to reduce the 90-day timeframe to a 60-day timeframe; Joe Wilhite, Kimley-Horn representative, agreed to the 60-day timeframe. Motion was made by Councilman Townsend to 'Call the Question' (Motion to End Debate and Vote); no vote was taken to support motion to end debate and vote. Vote to approve the agreement with Kimley-Horn and Associates was as follows:

Councilman Quinn	Aye
Councilman Stoll	Nay
Councilman Brown	Aye
Councilman Townsend	Nay
Councilman Dodson	Nay

Motion FAILED, 2 votes Ayes to 3 votes Nay.

9.11 Mark McClure presented the proposed Plat. Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the **FOUR CORNERS SUBDIVISION FINAL PLAT**: being a subdivision of 15.7493 acres of land including a partial replat of reserve "E" of Tomball Park, Vol. 335, Pg. 109 M.R.H.C. and being out of the John M. Hooper Survey, Abstract No. 375 in Tomball, Harris County, Texas.

Motion carried unanimously.

9.12 Mark McClure presented the proposed Plat. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the **PARTIAL REPLAT OF TOMBALL REGIONAL HOSPITAL NO. 1**; being 12.8478 acres located in the William Hurd Survey, A-378, Harris County, Texas, City of Tomball, Texas; being a Replat out of Tomball Regional Hospital Reserve “A”, Block 4, Vol. 424, Pg. 128, M.R.H.C.T.

Motion carried unanimously.

9.13 Mayor Fagan postponed and moved consideration of item 9.13, Approval of Maintenance Agreement for North Star Estates Soldier Pile Improvements in the Public Right of Way of the J133-00-00, Ditch M with Partners in Building, L.P., to follow the executive session.

9.14 Executive Session: The City Council recessed at 9:14 p.m. to meet in Executive Session, as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Section 551.071 Consultation with Attorney regarding the following matters:

  A. Demands related to a slope failure at 31422 Rigel Court

  B. Status of land acquisition for lift station from Peter Hildreth

  C. Possible civil action to enforce ordinance regarding construction of building and use of land at 30702 State Highway 249

Councilman Dodson recused himself from discussion and action regarding items B and C and stated that he had filed a Conflict of Interest Affidavit with the City Secretary.

Upon reconvening into regular session at 10:40 p.m., no action was taken regarding item 9.13 or 9.14; Scott Bounds requested, with regard to item 9.13, that Council table this matter until 1) Council receives plans approved by the City Engineer with regard to the proposed improvements adjacent to Mr. Smith’s property and the adjacent property, 2) the City Engineer provides City Council an estimate of the nature and costs of the maintenance of the proposed improvements, and 3) the City Attorney provides to City Council a revised proposed maintenance agreement. Motion was made by Councilman Townsend, second by Councilman Dodson, that item 9.13 be tabled in accordance with that request.

Motion to table consideration of item 9.13 carried unanimously.

9.15 Motion was made by Councilman Townsend, second by Councilman Brown, to Table consideration to authorize City Attorney to File Civil Action to Enforce City Ordinances regarding Construction of Building and Use of Land at 30702 State Highway 249. Councilman Dodson recused himself from discussion and action regarding item 9.15 and stated that he had filed a Conflict of Interest Affidavit with the City Secretary. Vote was as follows:

Councilman Quinn	Aye
Councilman Stoll	Aye
Councilman Brown	Aye
Councilman Townsend	Aye
Councilman Dodson	Abstain

Motion to table consideration of item 9.15 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 3rd day of January 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor