

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



MONDAY, MARCH 21, 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 Kliewer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Chief of Police – Robert Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
Assistant City Planner – Rodney Schmidt
Assistant City Engineer – Lori Lakatos
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Dean Unsicker, Rosehill Christian School

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

4.0 The following public comments were received:

Lee Cummings - Expressed his support for the expansion of
13907 Windy Meadow, 77375 Rudolph Road.

5.0 Presentations:

- Stefan Bruns brought 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
 - Mayor Fagan – April 9, 2011 – “**A Day of Healthy Living**” - Tomball Area Health Expo – 9:00 a.m.-2:00 p.m. at Texas Sports Medicine Center
 - 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
 - Councilman Townsend – Tomball Citizens Police Academy Alumni Association will be hosting a shredding event on Saturday, April 30, at the TISD Administrative Building as a fundraiser.

7.0 Motion was made by Councilman Stoll, second by Councilman Brown, to 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

Motion carried unanimously.

8.0 Old Business:

8.1 Kelly Violette presented the proposed Resolution authorizing expenditure of funds to Community Bank of Texas, N.A. Motion was made by Councilman Brown, second by Councilman Townsend, to 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. 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.

- 8.2 David Kauffman presented an overview of the proposed contract. Motion was made by Councilman Townsend, second by Councilman Dodson, 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 Authorize the City Manager to Execute the Necessary Contract for Construction. Scott Bounds stipulated that Mr. Tidwell, the representative for Panorama, was given the opportunity, on March 7, to address Council at this meeting and was not in attendance.

Motion carried unanimously.

- 8.3 Lori Lakatos presented an overview of the proposed Agreements. Motion was made by Councilman Dodson, second by Councilman Townsend, to 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.

Motion carried unanimously.

- 8.2 Doris Speer and Scott Bounds presented an overview of the proposed Ordinance, with revisions requested by Council. Motion was made by Councilman Stoll, second by Councilman Brown, to 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. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Kelly Violette presented an overview of the proposed Agreement with Waukesha-Pearce. Motion was made by Councilman Dodson, second by Councilman Brown, to 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.

Motion carried unanimously.

- 9.2 Councilman Dodson advised Mayor and Council that he would recuse himself from discussion and vote regarding Items 9.2 and 9.3 and that he had filed an affidavit of Conflict of Interest with the City Secretary.

Rodney Schmidt presented the staff report for **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.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-302** at 7:40 p.m.

Tony Sortino - Spoke in favor of the zoning requests.
13314 Timberwild, 77375

No further public comments being received, Mayor Fagan closed the public hearing at 7:43 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2011-02 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. 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. Vote was as follows:

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

Motion carried unanimously.

- 9.3 Rodney Schmidt presented the staff report for **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.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P11-303** at 7:45 p.m.; no public comments being received, Mayor Fagan closed the public hearing at 7:45 p.m.
- Motion was made by Councilman Townsend second by Councilman Stoll, to read Ordinance No. 2011-03 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. 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. Vote was as follows:

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

Motion carried unanimously.

- 9.4 Rob Hauck presented an overview of the proposed Agreement with Tomball Independent School District. Motion was made by Councilman Townsend, second by Councilman Stoll, to 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.

Motion carried unanimously.

- 9.5 Rob Hauck presented an overview of the proposed Agreement with the Sheriff's Association of Texas. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the 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.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 4th day of April 2011.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor