

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



**MONDAY, FEBRUARY 2, 2009**

**7:00 P.M.**

1.0 Call to Order

The meeting was called to order by Mayor Fagan. Other members present were:

Councilman Quinn  
Councilman Harvey  
Councilman Lazenby  
Councilman Webb

Members absent:

Councilman Driver - Excused

Others present:

City Manager – Jan Belcher  
Assistant City Manager – Mary Coker  
City Secretary – Doris Speer  
City Attorney – Loren Smith, Olson & Olson  
Fire Chief – Randy Parr  
Chief of Police – Robert Hauck  
Finance Director – Monica Kohlenberg  
Director of Engineering and Planning – Mark McClure  
City Planner/Comm. Dev. Coordinator – Kelly Violette  
Assistant to City Manager – Shawn Cox

2.0 Invocation

- Led by Father Stan Gerber, St. Timothy's Episcopal Church

3.0 Pledges to U. S. and Texas Flags

- Led by René Morris and Cynthia Tirso

4.0 No public comments were received.

5.0 Reports and Announcements

- Monica Kohlenberg presented the Fiscal Year 2008 – 2009 City of Tomball Final Budget to City Council.
- February 2, 2009 – Comprehensive Plan Focus Group Meeting (Homeowners Associations & Neighborhoods) – 5:30 p.m., Tomball Public Works Building Training Room, 501 James Street
- February 3, 2009 – Comprehensive Plan Advisory Committee Group Meeting # 2 – 6:00 p.m., Tomball Public Works Building Training Room, 501 James Street
- February 12, 2009 – Community Visioning Workshop for the Livable Centers Downtown Plan – from 6:00 p.m. – 8:00 p.m., Beckendorf Conference Center, Lone Star College- Tomball
- February 14, 2009 - Second Saturday at the Depot
- February 16, 2009 – Public Hearing on Land Use Assumptions and Capital Improvements Plan Relating to Possible Adoption of Impact Fees – 6:30 p.m., City Hall, 401 Market Street
- February 24, 2009 – Trail Ride Reception – 1:00 p.m. at the Depot
- April 11, 2009 – 1<sup>st</sup> Annual City of Tomball Bunny Run 5K and Kids 1K
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)

6.0 Motion was made by Councilman Harvey to approve the Minutes of the Regular City Council Meeting of January 19, 2009; second by Councilman Lazenby.

Motion carried unanimously.

7.0 Old Business:

7.1 Jan Belcher presented an overview regarding Ordinance No. 2009-04. Motion was made by Councilman Harvey to Adopt, on Second Reading, Ordinance No. 2009-04, an Ordinance of the City Council of the City of Tomball, Texas, Amending Chapter 74, Taxation, of the Code of Ordinances of the City of Tomball, Texas, by Adding a New Article V. Entitled “Charitable Organization Exemption”; Providing a Property Tax Exemption for Qualified Charitable Organizations Engaged Primarily in Performing Religious, Charitable, Scientific, Literary, or Educational Functions; Requiring a Determination Letter from the State Comptroller’s Office Finding the Organization is Engaged Primarily in Performing Religious, Charitable, Scientific, Literary, or Educational Functions; Providing a Five (5) Year Term for the Property Tax Exemption; Providing a Severability Clause; and Providing for an Effective Date; second by Councilman Lazenby. Vote was as follows:

Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Absent</u>
Councilman Quinn	<u>Aye</u>
Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Aye</u>

Motion carried unanimously.

8.0 New Business – Regular Items:

- 8.1 Jan Belcher provided an overview to Council regarding the necessity of appointing an individual from the ETJ to serve on the Capital Improvements Plan Advisory Committee and the proposed appointment of Michael Chambers as the ETJ Representative for the Capital Improvements Plan Advisory Committee. Motion was made by Councilman Lazenby to Appoint Michael Chambers as the ETJ Representative for the Capital Improvements Advisory Committee; second by Councilman Harvey.

Motion carried unanimously.

- 8.2 Rob Hauck presented information regarding the request by Lamar Little Paint and Body to return to the Emergency Wrecker Rotation List. Motion was made by Councilman Harvey to return Lamar Little Paint and Body to the Emergency Wrecker Rotation List; second by Councilman Lazenby.

Motion carried unanimously.

- 8.3 Mark McClure presented an overview of the Real Property Earnest Money Contract and Water Well Agreement between the City of Tomball and Fritz Strayer and Jack Dicke, to Purchase Real Property and Drill Water Well No. 5, in the Amount of \$226,887. If the test well is good, the City can proceed with purchasing the property; if the test well is unsatisfactory, the City can back out of the purchase with a minimum cost. Motion was made by Councilman Lazenby to Authorize the Execution of the Real Property Earnest Money Contract and Water Well Agreement between the City of Tomball and Fritz Strayer and Jack Dicke, to Purchase Real Property and Drill Water Well No. 5, in the Amount of \$226,887; second by Councilman Quinn.

Motion carried unanimously.

- 8.4 Jan Belcher presented an overview regarding the appropriation and transfer of budgeted funds for the first quarter of Fiscal Year 2008-2009 under Ordinance No. 2009-07. Motion was made by Councilman Lazenby to read Ordinance No. 2009-07 by caption only on first reading; second by Councilman Harvey.

Motion carried unanimously.

Motion was made by Councilman Lazenby to Adopt, on First Reading, Ordinance No. 2009-07, an Ordinance of the City of Tomball, Texas, Adopting Amendment Number 3 to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2008-2009, as Adopted by Ordinance No. 2008-33; Providing for Appropriation of Funds from the Governmental Funds and the Proprietary Funds; Directing Publication of the Caption of

this Ordinance; Finding that the Meetings at which this Ordinance is Considered are Open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing other Details Relating to the Passage of this Ordinance; second by Councilman Harvey. Vote was as follows:

Councilman Driver	<u>Absent</u>
Councilman Quinn	<u>Aye</u>
Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Harvey	<u>Aye</u>

Motion carried unanimously.

9.0 Motion was made by Councilman Harvey to adjourn, second by Councilman Lazenby.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 16th day of February 2009.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor