

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON
MONDAY, JUNE 18, 2007 AT 7:00 P.M., CITY HALL, 401 MARKET STREET,
TOMBALL, TEXAS, 77375**

1.0 MEETING WAS CALLED TO ORDER BY MAYOR FAGAN. OTHER MEMBERS
PRESENT:

COUNCILMAN LAZENBY
COUNCILMAN HARVEY
COUNCILMAN DRIVER

MEMBERS ABSENT – COUNCILMAN QUINN - EXCUSED

OTHERS PRESENT:

INTERIM CITY MANAGER – MARY COKER
CITY SECRETARY – DORIS SPEER
CITY ATTORNEY – BILL OLSON
CITY ATTORNEY – DAVID OLSON
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
CHIEF OF POLICE – MICHAEL BLAKE
FINANCE DIRECTOR - MONICA KOHLENBERG
FIRE CHIEF – RANDY PARR
EXEC. DIRECTOR-TEDC – BETTY REINBECK
EXEC. ASST. TO CITY MANAGER – SHAWN COX

2.0 THE FOLLOWING PUBLIC COMMENTS WERE RECEIVED:

LORI WALLACE
1821 S. CHERRY, 77375 - EXPRESSED INTEREST IN APPOINTMENT
TO PLANNING COMMISSION

3.0 REPORTS AND ANNOUNCEMENTS

3.1 PRESENTATION OF A SERVICE FLAG WAS MADE BY MAYOR
FAGAN TO THE FAMILY OF ADAM BOYCE LEWIS, LIEUTENANT,
U.S. ARMY.

VARIOUS REPORTS AND ANNOUNCEMENTS WERE MADE BY MAYOR AND
COUNCILMEMBERS.

3.2 THE CITY MANAGER'S REPORT WAS PRESENTED BY MARY COKER:

- A. A SPECIAL COUNCIL MEETING WILL BE HELD AT 6:00 P.M. ON JUNE 25, 2007 TO CANVASS THE JUNE 16, 2007 RUNOFF ELECTION.
- B. AN UPDATE REGARDING NORTHWEST EMS WAS PRESENTED BY BRIAN PETRILLA.
- C. JULY 4TH FIREWORKS DISPLAY
- D. THE NEXT ZONING COMMISSION MEETING WILL BE HELD AT 6:30 P.M. ON JUNE 20, 2007.

4.0 MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF JUNE 4, 2007; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN DRIVER TO SET JULY 16, 2007 AS THE DATE FOR A PUBLIC HEARING REGARDING THE CREATION OF TAX INCREMENT REINVESTMENT ZONE (TIRZ) NUMBER ONE – BRIDGEWATER ESTATES; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TOMBALL AND THE JOSEPH FAMILY LIMITED PARTNERSHIP, LTD, FOR PUBLIC IMPROVEMENT DISTRICT NO. ONE, PINE COUNTRY, SECTION 2; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPOINT LORI WALLACE TO FILL THE VACANCY ON THE PLANNING COMMISSION; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

LORI WALLACE IS APPOINTED TO THE PLANNING COMMISSION.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE CONTRACT FOR ENGINEERING SERVICES BETWEEN THE CITY OF TOMBALL AND R. M. ATKINSON, JR., FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF SANITARY TRUNK LINES AND WATER MAINS ALONG NEAL ROAD AND ZION ROAD, IN THE AMOUNT OF \$29,500; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO AUTHORIZE CONTRACT WITH LOCKWOOD, ANDREWS, AND NEWNAM, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE M124-00-00 PRELIMINARY ENGINEERING REPORT, INCLUDING TOPOGRAPHIC SURVEY AND PHASE I ENVIRONMENTAL INVESTIGATION, IN THE AMOUNT OF \$339,065; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE CHANGE ORDER FOR PHASE II UTILITY IMPROVEMENT PROJECT ALONG FM 2920, IN THE AMOUNT OF \$33,512 TO KINGSLEY CONSTRUCTORS, INC. AND TO APPROPRIATE FUNDS IN THE AMOUNT OF \$33,512; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE CHANGE ORDER FOR HUFSMITH-KOHRVILLE ROAD UTILITY CONSTRUCTION PROJECT IN THE AMOUNT OF \$31,762.70 TO KINGSLEY CONSTRUCTORS, INC. AND TO APPROPRIATE FUNDS IN THE AMOUNT OF \$31,762.70; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN DRIVER TO AWARD THE CONTRACT FOR PROJECT 2007-09, PAVING AND DRAINAGE FACILITIES FOR THE CONSTRUCTION OF MECHANIC STREET EXPANSION, TO LOW BIDDER, KINGSLEY CONSTRUCTORS, INC. IN THE AMOUNT OF \$300,926.30; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN DRIVER TO AWARD THE CONTRACT FOR PROJECT 2007-10, CHLORINE AND SULFUR DIOXIDE, TO SOLE BIDDER, DXI INDUSTRIES, INC., AS OUTLINED IN BID TABULATION; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NUMBER 2007-07 BY CAPTION ONLY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT THE FIRST READING OF ORDINANCE NUMBER 2007-07, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF CHAPTER 38 THEREOF AND SUBSTITUTING THEREFOR A NEW CHAPTER 38; PROVIDING RULES AND REGULATIONS DESIGNED TO PREVENT DAMAGE TO PROPERTY AND INJURY TO PERSONS RESULTING FROM FLOODING; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN HARVEY. VOTE WAS AS FOLLOWS:

COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

- 6.12 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:24 P.M. TO MEET IN EXECUTIVE SESSION AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSES:
- A. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY
 - B. SECTION 551.074 PERSONNEL MATTERS

UPON RECONVENING INTO REGULAR SESSION AT 7:50 P.M.,
NO ACTION WAS TAKEN.

7.0 MOTION WAS MADE BY COUNCILMAN HARVEY TO ADJOURN; SECOND BY
COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETARY

(signed) Gretchen Fagan
GRETCHEN FAGAN
MAYOR