

MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, AUGUST 6, 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 QUINN
COUNCILMAN LAZENBY
COUNCILMAN WEBB
COUNCILMAN HARVEY
COUNCILMAN DRIVER

OTHERS PRESENT:

INTERIM CITY MANAGER – MARY COKER
CITY SECRETARY – DORIS SPEER
CITY ATTORNEY – DAVID OLSON
CHIEF OF POLICE – MICHAEL BLAKE
POLICE CAPTAIN – RICKY DOERRE
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
FINANCE DIRECTOR - MONICA KOHLENBERG
FIRE CHIEF – RANDY PARR
ASST. CITY ENGINEER – ERIN CUSTER
EXEC. ASST. TO CITY MANAGER – SHAWN COX

2.0 PUBLIC COMMENTS

FRANKIE STEWART
706 MASON, 77375 - APPRECIATION EXPRESSED FOR
CITY'S AND SISTER CITY
ORGANIZATION'S ASSISTANCE IN
SUCCESSFUL TOMBALL NIGHT

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE MADE BY THE MAYOR AND COUNCILMEMBERS.

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

- A. MAYOR'S COFFEE – AUGUST 9, 2007
- B. CONTRACTS SIGNED BY CITY MANAGER
- C. OLD TOWN TOMBALL SIGNAGE
- D. A PROCLAMATION WILL BE PRESENTED TO THE 2007 MAJORS ALL-STAR TEAM, TOMBALL LITTLE LEAGUE, ON AUGUST 20

- 4.0 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF JULY 16, 2007 AND SPECIAL COUNCIL MEETING OF JULY 24, 2007; SECOND BY COUNCILMAN QUINN.

CORRECTION WAS REQUESTED TO ITEM 6.9, TO CHANGE THE LOCATION STATED FOR FIRST BAPTIST CHURCH FROM "SOUTH OF HUFSMITH ROAD" TO "SOUTH OF HICKS STREET."

MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING JULY 16, 2007, AS CORRECTED, AND SPECIAL COUNCIL MEETING OF JULY 24, 2007; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

- 5.0 OLD BUSINESS:

- 6.0 NEW BUSINESS:

- 6.1 NOMINATIONS WERE RECEIVED TO APPOINT MEMBERS TO THE TOMBALL HOSPITAL AUTHORITY BOARD OF DIRECTORS. RECOMMENDATION BY MAYOR FAGAN WAS TO REAPPOINT LATRELL SHANNON AND LEONARD CHAMBERS. NOMINATION WAS MADE BY COUNCILMAN WEBB TO APPOINT DIANE HOLLAND AND ROY LACKEY.

MOTION WAS MADE BY COUNCILMAN DRIVER THAT NOMINATIONS CEASE; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

VOTE WAS AS FOLLOWS:

| | |
|--------------------|-------------------------|
| COUNCILMAN QUINN | <u>LATRELL SHANNON</u> |
| | <u>LEONARD CHAMBERS</u> |
| COUNCILMAN LAZENBY | <u>LATRELL SHANNON</u> |
| | <u>LEONARD CHAMBERS</u> |
| COUNCILMAN WEBB | <u>DIANE HOLLAND</u> |
| | <u>ROY LACKEY</u> |
| COUNCILMAN HARVEY | <u>LATRELL SHANNON</u> |
| | <u>LEONARD CHAMBERS</u> |

- 6.6 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE PROPOSAL FROM SO-DEEP, INC. FOR PROFESSIONAL SUBSURFACE UTILITY ENGINEERING SERVICES FOR LIBERTY LANE AND HICKS STREET DRAINAGE IMPROVEMENTS AND BROWN-HUFSMITH ROAD EXTENSION, IN THE AMOUNT OF \$34,010; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE PROPOSAL FROM CLR, INC. FOR PROFESSIONAL SURVEYING SERVICES TO EXTEND CITY LIMITS TO INCLUDE SH 249 EXPRESSWAY FROM FM 2920 TO HOLDERRIETH ROAD, IN THE AMOUNT OF \$19,000; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE PROPOSAL FROM RABA KISTNER TO PERFORM SERVICES ASSOCIATED WITH THE LANDFILL GAS REMEDIATION PLAN AND TO APPROPRIATE FUNDING FROM GENERAL FUND RESERVES IN THE AMOUNT OF \$96,800; SECOND BY COUNCILMAN HARVEY.

MOTION WAS MADE BY COUNCILMAN WEBB TO AMEND MOTION TO RECOMMEND APPROVAL OF PROPOSAL FROM RABA KISTNER WITH REGARDS TO ATTACHMENT NO. 2 AND TO AUTHORIZE CITY ATTORNEY TO NEGOTIATE TERMS WITH RABA KISTNER REGARDING ATTACHMENT NO. 1; SECOND BY COUNCILMAN HARVEY.

MOTION, AS AMENDED, CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN WEBB TO ADOPT RESOLUTION NO. 2007-29, A RESOLUTION DECLARING THE INTENTION OF THE CITY OF TOMBALL, TEXAS, TO INSTITUTE PROCEEDINGS TO ANNEX CERTAIN TERRITORY; DESCRIBING SUCH TERRITORY; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED (2.4843 ACRES LOCATED ON PARK ROAD, NORTH OF FM 2920 – PARK ROAD LLC); SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT RESOLUTION NO. 2007-30, A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE CITY MANAGER, ASSISTANT CITY MANAGER, AND FINANCE DIRECTOR TO NEGOTIATE WITH EAGLE ENERGY PARTNERS, I.L.P., TO FIX A SET PRICE, FOR A SPECIFIC PERIOD OF TIME, FOR THE CITY'S FUTURE PURCHASES OF NATURAL GAS; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.11 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE PLAT, AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN HARVEY:
- A. TREMBLEY ACRES (COMMERCIAL, LOCATED AT THE INTERSECTION OF FLORENCE AND SOUTH WALNUT STREETS)

MOTION CARRIED UNANIMOUSLY.

- 6.12 PRESENTATION REGARDING RED-LIGHT CAMERA ENFORCEMENT WAS MADE BY CAPTAIN DOERRE.
- 6.13 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2007-08 BY CAPTION ONLY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN QUINN TO ADOPT THE FIRST READING OF ORDINANCE NO. 2007-08, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING A NEW ARTICLE VIII TO CHAPTER 78 THEREOF; PROVIDING RULES AND REGULATIONS IMPLEMENTING A PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM WITHIN THE CITY; PROVIDING DEFINITIONS; PROVIDING A CIVIL PENALTY IN AN AMOUNT OF \$75.00 FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING A LATE FEE FOR NONPAYMENT OF SUCH PENALTY; PROVIDING AN ADMINISTRATIVE ADJUDICATION HEARING PROCEDURE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer

DORIS SPEER, TRMC
CITY SECRETARY

(signed) Gretchen Fagan

GRETCHEN FAGAN
MAYOR