

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

MONDAY, AUGUST 20, 2007

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 Lazenby
Councilman Webb
Councilman Harvey
Councilman Driver.

Others present:

Interim City Manager – Mary Coker
City Attorney – David Olson
City Secretary – Doris Speer
Fire Chief – Randy Parr
Finance Director – Monica Kohlenberg
Director of Public Works – Rod Hainey
Asst. City Engineer – Erin Custer
Police Captain – Ricky Doerre
Executive Director-TEDC – Betty Reinbeck

2.0 No Public Comments or Petitions were received.

3.0 Reports and Announcements

3.1 Presentations:

3.1.1 A Proclamation was presented by Mayor Fagan to the Tomball Little Leagues Majors All-Star Team, Winners of the 2007 Texas East State Championship.

3.1.2 The presentation of the Service Flag to the Family of Sean Patrick Keane, U.S. Army will be moved to the September 4, 2007 agenda, at the request of the Keane family.

3.2 City Manager's Report:

- A. Mayor's Coffee – August 9, 2007
- B. Contracts Signed by the City Manager
- C. Reminder – Next Regular Council Meeting – September 4
- D. First Public Hearing Regarding Annexation – Park Road, LLC
- E. Special Meeting on September 10, 2007

Various reports and announcements were made by the Mayor and Councilmembers. Councilman Webb mentioned the death of Ollie Lee Thomas, former Mayor of Tomball (1954-1958).

- 4.0 Motion was made by Councilman Webb to approve the Minutes of the Regular Council Meeting of August 6, 2007, Special Meetings of August 7 and 8, 2007, and Special Meeting of August 13, 2007; second by Councilman Harvey.

Motion carried unanimously.

Discussion/Action of the Following Items:

5.0 Old Business:

- 5.1 Motion was made by Councilman Harvey to adopt the Second 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 Lazenby. The vote was as follows:

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

Motion carried unanimously.

6.0 New Business:

- 6.1 The Public Hearing Regarding the Proposed Annexation of 232 Acres – Reserve at Spring Lakes, located on Zion Road, East of Ulrich Road; Yaupon Ranch, Ltd., Owners was opened by Mayor Fagan at 7:12 p.m.

Bryan Sabin
12912 Zion

- Council consideration of the affect of annexation on the traffic along Zion and Rudolph Roads; possible alternate avenues of ingress and egress.

No other comments were received; the Public Hearing was closed at 7:18 p.m. by Mayor Fagan.

- 6.2 Motion was made by Councilman Harvey to approve the Contract between the City of Tomball and Red Flex Traffic Systems, Inc. for the Installation and Operation of Red-Light Camera Enforcement Equipment; second by Councilman Quinn.

Motion carried unanimously.

- 6.3 Motion was made by Councilman Driver to approve an Amendment to the Municipal Maintenance Agreement, Between the City of Tomball and TxDOT, for the Furnishing, Installing, Operation and Maintenance of Cameras on State Highway Rights-of-Way to Monitor Compliance with Traffic-Control Signals; second by Councilman Harvey.

Motion carried unanimously.

- 6.4 Motion was made by Councilman Driver to approve Resolution No. 2007-31, A Resolution of the City of Tomball, Texas, Supporting the Passage of HR 1382, “Mandatory Funding for Veterans Act of 2007”; second by Councilman Webb.

Motion carried unanimously.

- 6.5 Motion was made by Councilman Webb to set September 4, 2007 as the date for the Public Hearing for City of Tomball Fiscal Year 2007-2008 Budget; second by Councilman Harvey.

Motion carried unanimously.

- 6.6 Executive Session: The City Council recessed at 7:20 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 551.087 Deliberations Regarding Economic Development
- B. Section 551.072 Deliberations Regarding Real Property
- C. Section 551.074 Personnel Matters – City Manager Search

Upon reconvening into regular session at 9:04 p.m., the following action was taken:

- 6.7 Motion was made by Councilman Driver to approve the Amendment to the Economic Development Agreement Between the Tomball Economic Development Corporation, the City of Tomball, and CCG Venture Partners, LLC, to promote a New Multi-tenant Commercial/Retail Development, to be known as “Spring Creek Commons”; second by Councilman Lazenby.

The motion failed unanimously.

- 6.8 Motion was made by Councilman Webb to approve the Contract with MAS Construction for Construction of Utilities on Quinn Road and Brown Road, in the amount of \$901,154.08; second by Councilman Driver.

Motion carried unanimously.

- 7.0 Motion was made by Councilman Harvey to adjourn; second by Councilman Webb.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 4th day of September 2007.

(signed) Doris Speer
Doris Speer, TRMC
City Secretary

(signed) Gretchen Fagan
Gretchen Fagan
Mayor