

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

MONDAY, SEPTEMBER 17, 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 Webb
Councilman Harvey
Councilman Driver.

Members absent:

Councilman Lazenby - Excused

Others present:

Interim City Manager – Mary Coker
City Attorney – David Olson
City Secretary – Doris Speer
Fire Chief – Randy Parr
Finance Director – Monica Kohlenberg
City Engineer – Ivalu Rose
Chief of Police – Michael Blake
Asst. City Engineer – Erin Custer
Building Official – Dave Allen

2.0 Public Comments

No public comments or petitions were received.

3.0 Reports and Announcements

3.1 Presentations:

- 3.1.1 Presentation of the Service Flag was made by Mayor Fagan to the Family of Blake Allen Fletcher.

Various reports and/or announcements were made by the Mayor and Councilmembers.

3.2 City Manager's Report:

The City Manager's report was presented by Mary Coker.

- A. Public Hearing – October 1, 2007 - Tandem Energy Application to Re-open Tomball Gas Unit "9" #1 (E. F. Milo #10) Sidetrack Permit
- B. Joint Special Meeting (Council & Zoning) – September 24, 2007
- C. Special Council Meeting – September 25, 2007
- D. Special Council Meeting – October 8, 2007
- E. Investment Portfolio Summary for Quarter Ending June 30, 2007
- F. Update on Powdermill Estates
- G. Update on Wayne Stovall Sports Complex Improvements
- H. Resignation of Zoning Commission Member

- 4.0 Motion was made by Councilman Webb to approve the Minutes for the following Meetings; second by Councilman Harvey:

- Special Council Meeting of August 30, 2007
- Special Council Meeting of August 31, 2007
- Regular Council Meeting of September 4, 2007
- Special Council Meeting of September 10, 2007

Motion carried unanimously.

Discussion/action regarding the following items:

5.0 Old Business:

- 5.1 Motion was made by Councilman Driver to Adopt, on Second Reading, Ordinance No. 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.

Councilman Driver withdrew his motion to adopt Ordinance No. 2007-07 on second reading.

Motion was made by Councilman Quinn to table consideration of Ordinance No. 2007-07, pending additional information; second by Councilman Webb.

Motion carried unanimously.

- 5.2 Motion was made by Councilman Quinn to Adopt, on Second Reading, Ordinance No. 2007-09, an Ordinance Designating a Contiguous Geographic Area within the City of Tomball as Tax Increment Reinvestment Zone Number One, City of Tomball, Texas, for Tax Increment Financing Purposes, Pursuant to Chapter 311 of the Texas Tax Code; Creating a Board Of Directors for Such Zone; Containing Findings and Provisions Related to the Foregoing Subject; Providing for Severability; and Declaring an Emergency – Lakes at Crosspoint and Bridgewater Estates; second by Councilman Harvey. Vote was as follows:

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

Motion carried unanimously.

- 5.3 Motion was made by Councilman Driver to Adopt, on Second Reading, Ordinance No. 2007-11, an Ordinance Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2006-07 and Ordinance No. 2006-12 and all Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing other Matters Relating to the Subject; and Providing for Severability; second by Councilman Quinn. Vote was as follows:

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

Motion carried unanimously.

- 5.4 Motion was made by Councilman Webb to Adopt, on Second Reading, Ordinance No. 2007-12, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to include all of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball all of the Territory within Such Limits and Boundaries; Approving a Service Plan for all of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (232.8801 Acres on Zion Road – Reserve at Spring Lakes); second by Councilman Quinn. Vote was as follows:

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

Motion carried unanimously.

6.0 New Business:

- 6.1 The Public Hearing Regarding the Proposed Annexation of 2.4843 Acres on Park Road (Park Road LLC) was called to order by Mayor Fagan at 7:12 p.m.

No comments were received and the Public Hearing was closed at 7:12 p.m.

- 6.2 Motion was made by Councilman Driver to Establish the Conditions for Quality Development to be placed upon the Sale of the Following Tracts of Land, Previously Authorized for Sale by Council as designated below; second by Councilman Quinn:

- A. Fire Station No. 2, Located at 503 East Main Street (Commercial)
- B. Lots 1 and 2, Block 27, Located at the Intersection of Elm and Florence Streets (Residential)

Motion carried unanimously.

- 6.3 Motion was made by Councilman Webb to Ratify the Locked-in Price of Natural Gas under the Existing Agreement with Eagle Energy Partners, L.L.P., for the City's Future Purchase of Natural Gas, as Adopted under Resolution 2007-30 on August 6, 2007; second by Councilman Harvey.

Motion carried unanimously.

- 6.4 Motion was made by Councilman Webb to Approve the Agreement between the City of Tomball and High Heater, L.L.D. for Rudolph Road Improvements; second by Councilman Harvey.

Motion carried unanimously.

- 6.5 Motion was made by Councilman Driver to Read Ordinance No. 2007-13 by caption only on first reading; second by Councilman Harvey.

Motion carried unanimously.

Motion was made by Councilman Driver to Adopt, on First Reading, Ordinance No. 2007-13, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting Article III of Chapter 14 Thereof and Substituting Therefore a New Article III of Chapter 14, Adopting the 2003 Edition of the International Mechanical Code and Providing for Amendments to the International Mechanical Code; Deleting Section 14-285 of Chapter 14 Thereof and Substituting Therefore a New Section 14-285 of Chapter 14, Adopting the 2005 Edition of the National Electrical Code; Deleting Section 14-325 and Section 14-328 of Chapter 14 Thereof and Substituting Therefore a New Section 14-325 and Section 14-328 of Chapter 14, Adopting the 2003 Edition of the International Residential Code and Providing for Amendments to Such Code, Respectively; Deleting Section 14-405 and Section 14-406 of Chapter 14 Thereof and Substituting Therefore a New Section 14-405 and Section 14-406 of Chapter 14, Adopting the 2003 Edition of the International Plumbing Code and Providing for Amendments to Such Code, Respectively; Providing a Penalty in an Amount Not to Exceed \$2000 for Each Day of Violation Hereof; and Providing for Severability; second by Councilman Harvey.

Councilman Driver withdrew his motion to Adopt Ordinance No. 2007-13 on First reading.

Motion was made by Councilman Webb to table consideration to approve Ordinance No. 2007-13 until the October 1, 2007 meeting; second by Councilman Driver.

Motion carried unanimously.

- 6.6 Motion was made by Councilman Driver to read Ordinance No. 2007-14 by caption only on first reading; second by Councilman Webb.

Motion carried unanimously.

Motion was made by Councilman Webb to Adopt, on First Reading, Ordinance No. 2007-14, Amendment Number 4 to the Original Budget of the City of Tomball, Texas,

for the Fiscal Year 2006-2007, as Adopted by Ordinance No. 2006-06; 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 Quinn	<u>Aye</u>
Councilman Lazenby	<u>Absent</u>
Councilman Webb	<u>Aye</u>
Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Aye</u>

Motion carried unanimously.

- 6.7 Motion was made by Councilman Driver to Approve Plats, as Approved by the Planning Commission; second by Councilman Harvey:

- A. Everhealth (Commercial; located on Cherry Street, north of Theis Lane)
- B. Hydro Power (Commercial; located on Hufsmith-Kohrville Road, south of FM 2920)

Motion carried unanimously.

- 6.8 The Public Hearing regarding Application by Tandem Energy to Re-enter the E. W. Handy #3 Well, located on Lot 378, at the south end of Persimmon Street was called to order by Mayor Fagan at 7:25 p.m.

The following public comments were received:

Karen Laube Henry S. Miller	-	Concerns regarding development problems due to easement, pipeline, and well issues
Paul Mladenka 15527 Baldswelle Drive, 77377 Owner, Lot 378	-	Concerns and opposition to approval of permit
Betty Reinbeck TEDC	-	Influence oil companies to work with the City and TEDC regarding development within the city

- John Ford
930 Agg Road - Concerns and opposition to approval of permit
- Toben Scott
Tandem Energy - Support for approval of permit
- Tracy Randall
Sold Lot 378 to Mladenka - Concerns and opposition to approval of permit

Hearing no additional public comments, the Public Hearing was closed by Mayor Fagan at 7:40 p.m.

- 6.9 Executive Session: The City Council recessed at 7:41 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- A. Section 551.071 Consultation with Attorney
 - B. Section 551.074 Personnel Matters – Director of Public Works and Community Development Coordinator

Upon reconvening in regular session at 8:55 p.m., the following action was taken:

- 6.10 Motion was made by Councilman Webb to approve the Application by Tandem Energy to Re-enter the E. W. Handy #3 Well, located on Lot 378, at the south end of Persimmon Street; second by Councilman Driver.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 1st day of October 2007.

(signed) Doris Speer
Doris Speer, TRMC
City Secretary

(signed) Gretchen Fagan
Gretchen Fagan
Mayor