

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

MONDAY, OCTOBER 1, 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
Chief of Police – Michael Blake
Asst. City Engineer – Erin Custer
Exec. Asst. to City Manager – Shawn Cox

2.0 Public Comments

The following public comments were received:

Michael Gatlin
31406 Capella Circle, 77375 - Concerns regarding request by Tandem Energy for waiver of bond and condition of E. W. Handy #3 well; request that Council require testing of casing and that Council not waive bond requirements

Elaine Chrisman
309 Market Street, 77375 - TRAC Juried Art Show on October 13, 2007 and Council consideration regarding 2008 art shows

3.0 Reports and Announcements

3.1 Presentations:

- 3.1.1 The “Mayor’s Challenge” Community Blood Drive Award was presented by Mayor Fagan to Carrie Gracey, EMS representative, and Ray Sherrod, Gulf Coast Regional Blood Center.
- 3.1.2 A Proclamation to the Greater Tomball Area Ham Radio Operators, supporting “Tomball Amateur Radio Field Days” was presented by Mayor Fagan to Nora Stovall and Eddy Reynolds
- 3.1.3 A Proclamation to Southeast Texas Tae Kwon Do, supporting “National Martial Arts Day World Record Kick-A-Thon” was presented by Mayor Fagan to the members of Southeast Texas Tae Kwon Do.

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. Special Meeting – October 8, 2007 – 5:30 p.m.
- B. 2006 TCEQ Public Drinking Water Recognition
- C. Performance Indicators – Assistant City Manager/City Secretary

4.0 Approval of Minutes

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

- Regular Council Meeting of September 17, 2007
- Special Council Meeting of September 24, 2007
- Special Joint Council/Zoning Commission Meeting of September 24, 2007
- Special Council Meeting of September 25, 2007

Motion carried unanimously.

Discussion/action regarding the following items:

5.0 Old Business:

5.1 Motion was made by Councilman Webb to Adopt, on Second 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 Quinn. Vote was as follows:

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

Motion carried unanimously.

6.0 New Business:

6.1 Motion was made by Councilman Harvey to approve the Proposed 2007 Tax Rate of \$0.251455/\$100 Assessed Value for the City of Tomball, Texas and to set October 15, 2007 and October 22, 2007 as the Dates for Public Hearings on Tax Increase; second by Councilman Webb.

Motion carried unanimously.

6.2 The Public Hearing regarding Application by Tandem Energy to Re-open Tomball Gas Unit "9" #1 (E. F. Milo #10) Sidetrack Permit was called to order by Mayor Fagan at 7:24 p.m. The following comments were received:

Rodney Hutson
9431 Rosie Lane, 77355 - Safety and health consequences related to E. F. Milo #10 and condition of casing

Toben Scott
VP-Tandem Energy - E. W. Handy #3; H-15 cannot be performed until casing has been unplugged. E. F. Milo #10 is active well on property owned by Louis Smulders; no new flowline will be necessary.

Michael Gatlin
31406 Capella Circle, 77375 - Mr. Scott is correct regarding H-15; condition of casing should be verified by H-15 test before Tandem begins pumping. Milo #10 okay as long as it meets ordinance requirements.

Toben Scott
VP-Tandem Energy - Tandem will perform H-15 when casing is opened on E. W. Handy #3 and will seal according to new guidelines when operations are complete.

The public hearing was closed at 7:34 p.m.

Items 6.6, 6.7, and 6.8 were brought forward by Mayor Fagan:

- 6.6 Motion was made by Councilman Webb to approve the Request by The Regional Arts Council (TRAC) for Waiver of Rental Fee and Personnel Fees for the Use of the Community Center, Tables, Chairs, and Personnel to Open and Close the Building for the Tomball Art League (TAL) Juried Spring and Fall Art Shows, from 7:30 a.m. to 5:00 p.m., on Saturday, March 8, 2008 and Saturday, October 11, 2008; second by Councilman Lazenby.

Motion carried unanimously.

- 6.7 Motion was made by Councilmen Harvey to approve the Plat, as Approved by the Planning Commission; second by Councilman Driver:

A. Park Manor of Tomball (Commercial, Located on School Street)

Motion carried unanimously.

- 6.8 Executive Session: The City Council recessed at 7:35 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 551.071 Consultation with Attorney
- B. Section 551.072 Deliberations Regarding Real Property
- C. Section 551.074 Personnel Matters.

Upon reconvening in regular session at 8:30 p.m., the following actions were taken:

- 6.3 Motion was made by Councilman Driver to approve the Application by Tandem Energy to Re-open Tomball Gas Unit "9" #1 (E. F. Milo #10) Sidetrack Permit; second by Councilman Webb.

Council requested explanation regarding possibility of flooding, since the well is in the flood plain.

Bill Baker, Tandem Energy, advised that E. F. Milo #10 is on 2-acre drill site; the well pad and road are elevated. The wellhead is isolated and pressurized to prevent ingress of floodwater and well would be shut down should flooding occur.

Motion carried unanimously.

- 6.4 Motion was made by Councilman Quinn to DENY the Request by Tandem Energy to Waive Bond Requirements for E. W. Handy #3 Well, City of Tomball Drilling Permit No. 2007-09-02; second by Councilman Harvey.

Motion to DENY carried unanimously.

- 6.5 Motion was made by Councilman Webb to DENY the Request by Tandem Energy to Waive Bond Requirements for Tomball Gas Unit "9" #1 (E. F. Milo #10) Sidetrack Permit; second by Councilman Quinn.

Motion to DENY carried unanimously.

- 6.9 Motion was made by Councilman Lazenby to approve the Employment Contract for Jan Belcher, City Manager, to expire October 28, 2009; second by Councilman Webb.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 15th day of October 2007.

(signed) Doris Speer
Doris Speer, TRMC
City Secretary

(signed) Gretchen Fagan
Gretchen Fagan
Mayor