

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

MONDAY, NOVEMBER 5, 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:

City Manager – Jan Belcher
Assistant 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
City Engineer – Ivalu Rose
Assistant City Engineer – Erin Custer
Building Official – Dave Allen
Exec. Asst. to City Manager – Shawn Cox

2.0 The following Public Comments were received:

Diane Holland
901 Baker Drive - Invitation to celebrate Tomball's 100th Birthday on
December 2, 2008; presentation of VIP tickets and gifts to
Mayor and Council

3.0 Reports and Announcements

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

3.1 The City Manager's Report was presented by Jan Belcher:

A. Special Meeting – November 12, 2007

4.0 Motion was made by Councilman Webb to Approve the Minutes of the following meetings; second by Councilman Harvey:

- A. Special Council Meeting of October 8, 2007
- B. Regular Council Meeting of October 15, 2007
- C. Special Council Meeting of October 22, 2007

Motion carried unanimously.

Discussion/action of the following items:

5.0 Old Business:

5.1 Motion was made by Councilman Driver to Adopt, on Second 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 Webb. 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 Aye

Motion carried unanimously.

- 5.2 Motion was made by Councilman Driver to Adopt, on Second Reading, Ordinance No. 2007-16, an Ordinance of the City of Tomball, Texas, Deleting Section 2-29 of the Code of Ordinances and Adding a New Section 2-29, Setting the Monthly Stipend for the Mayor and Monthly Compensation for the Mayor and Members of the City Council; Finding and Determining that the Meetings at which this Ordinance is Passed are Open to the Public as Required by Law; Providing for Publication and an Effective Date; Providing for the Repeal of Ordinance No. 95-04, Adopted April 3, 1995, and the Repeal of all Other Inconsistent Ordinances; Providing for Severability; and Providing Other Matters Related to the Subject; second by Councilman Harvey. Vote was as follows:

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

Motion carried, 3-2.

6.0 New Business:

- 6.1 Motion was made by Councilman Driver to Authorize Sale of Lot 1, Block 27, to Sole Bidders, Jason and Lori Fuselier, in the Amount of \$12,501.00, for Single-Family Residential Development Only; second by Councilman Harvey.

Motion carried unanimously.

- 6.2 Motion was made by Councilman Driver to Authorize Sale of Lot 2, Block 27, to Sole Bidders, Jason and Lori Fuselier, in the Amount of \$8,001.00, for Single-Family Residential Development Only; second by Councilman Webb.

Motion carried unanimously.

- 6.3 Motion was made by Councilman Webb to Authorize Sale of Main Street Fire Station to Sole Bidder, Williams Properties, in the Amount of \$175,100.00, for Commercial Development Only; second by Councilman Harvey.

Motion carried unanimously.

- 6.4 Motion was made by Councilman Quinn to Approve Renewal of Contract between the City of Tomball and Waypoint for IT Services; second by Councilman Harvey.

Motion carried unanimously.

- 6.5 Motion was made by Councilman Webb to Authorize Preparation of Letter of Support to the City of Houston, Declaring City of Tomball's Willingness to Annex an 18.739-Acre tract of Land, Located on FM 2920, and Requesting Release of Said Property by the City of Houston into the City of Tomball's Extraterritorial Jurisdiction; second by Councilman Harvey.

Motion carried unanimously.

- 6.6 Motion was made by Councilman Harvey to Approve Annual Service Maintenance Agreement Between City of Tomball and VisionAIR for the Tomball Police Department Computer-Aided Dispatch System, Records Management System, and Mobile Data Computers; second by Councilman Driver.

Motion carried unanimously.

- 6.7 Motion was made by Councilman Webb to Approve Resolution No. 2007-35, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for Laurence W. Tobin for the Election of a Person to the Board of Directors of the Harris County Appraisal District; second by Councilman Harvey. Vote was as follows:

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

Motion carried, 4-1.

- 6.8 Motion was made by Councilman Driver to Adopt Resolution No. 2007-36, a Resolution of the City Council of the City of Tomball, Texas, Repealing the Current Fee, Previously Adopted under Resolution No. 2007-15, for Debit/Credit Card Processing Services; second by Councilman Lazenby.

Motion carried unanimously.

- 6.9 Motion was made by Councilman Lazenby to Adopt \$0.150000 as the Portion of the Tax Rate for the Interest and Sinking Fund; second by Councilman Harvey.

Motion carried unanimously.

- 6.10 Motion was made by Councilman Harvey to Adopt \$0.101455 as the Portion of the Tax Rate for the Maintenance and Operations Fund; second by Councilman Driver.

Motion carried unanimously.

- 6.11 Motion was made by Councilman Driver to read Ordinance No. 2007-12 by Caption only, on first reading; second by Councilman Quinn.

Motion carried unanimously.

Motion was made by Councilman Harvey to Adopt, on First Reading, Ordinance No. 2007-17, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.251455 for the Year 2007 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject; second by Councilman Lazenby. Vote was as follows:

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

Motion carried unanimously.

- 6.12 Executive Session: The City Council recessed at 7:28 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 -- Deliberation Regarding Economic Development

B. Section 551.072 -- Deliberations Regarding Real Property

Upon reconvening into regular session at 8:10 p.m., the following action was taken:

- 5.2 Motion was made by Councilman Driver to amend Ordinance No. 2007-16 by changing the effective date to November 6, 2007; second by Councilman Harvey.

Motion carried unanimously.

- 6.13 Motion was made by Councilman Webb to Approve Agreement between the City of Tomball and Tortuga Operating Company for Pipeline Relocation in Connection with the Construction of M124 (Liberty Lane/Hicks and Brown Road Drainage), in the Amount of \$85,000; second by Councilman Harvey.

Motion carried unanimously.

- 7.0 Motion was made by Councilman Harvey to Adjourn; second by Councilman Lazenby.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19th day of November 2007.

(signed) Doris Speer
Doris Speer, TRMC
City Secretary

(signed) Gretchen Fagan
Gretchen Fagan
Mayor