

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

MONDAY, DECEMBER 3, 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
City Engineer – Ivalu Rose
City Engineer – Mark McClure
Asst. City Engineer – Erin Knesek
Asst. to City Manager – Shawn Cox

1.1 Invocation – Rev. Rick Brown, Senior Pastor of ChristBridge Church of Tomball

1.2 Pledges – Led by Gabe Marengo and Taylor Coleman

2.0 No Public Comments or Petitions were presented.

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

4.0 Motion was made by Councilman Webb to approve the Minutes of the Regular Council Meeting of November 19, 2007; second by Councilman Lazenby.

Motion carried unanimously.

Discussion/action of the following items:

5.0 Old Business:

5.1 Motion was made by Councilman Quinn to Adopt, on Second Reading, Ordinance No. 2007-18, an Ordinance of the City of Tomball, Texas, Adopting Amendment Number 1 to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2007-2008, as Adopted by Ordinance No. 2007-10; 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 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.

5.2 Motion was made by Councilman Harvey to Adopt, on Second Reading, Ordinance No. 2007-19, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Renumbering Paragraph (30) of Subsection (a) of Section 14-487 Thereof to Now Read as Paragraph (31) of Such Subsection, and Adding a New Paragraph (30) to Subsection (a) of Section 14-487 Thereof, Establishing Off-street Parking Requirements for Shopping Centers; by Deleting Subsection (e) of Section 14-487 Thereof, and Substituting Therefor a New Subsection (e) of Section 14-487, Referencing the Paragraph Establishing Method for Computing Required Parking Spaces of Shopping Centers; by Deleting Paragraph (4) of Subsection (o) of Section 14-487 Thereof, and Substituting Therefor a New Paragraph (4) of Subsection (o) of Section 14-487, Also Referencing the Paragraph Establishing Method for Computing Required Parking Spaces of Shopping Centers; Providing a Penalty in an Amount Not to Exceed \$500 for Each Day of Violation of Any Provision Hereof; and Providing for Severability; second by Councilman Driver. 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>Aye</u>

Motion carried unanimously.

6.0 New Business:

- 6.1 Motion was made by Councilman Quinn to Approve, as a Project of the Tomball Economic Development Corporation (TEDC), an Agreement to Expend Funds, in an Amount Not to Exceed \$66,000.00, to MICO Group, Ltd. as Assistance with the Relocation and Development Costs for a Manufacturing Operation to be Located at 1028 Lizzie Lane in Tomball, Texas; second by Councilman Harvey.

Motion carried unanimously.

- 6.2 Motion was made by Councilman Quinn to Approve, as a Project of the Tomball Economic Development Corporation (TEDC), an Agreement to Expend Funds, in an Amount Not to Exceed \$36,000.00, to Maxpro South Inc. as Assistance with the Relocation and Development Costs for a Distribution and Service Operation to be Located at 202 South Live Oak in Tomball, Texas; second by Councilman Lazenby.

Motion carried unanimously.

- 6.3 Motion was made by Councilman Harvey to Approve, as a Project of the Tomball Economic Development Corporation (TEDC), an Agreement to Expend Funds, in an Amount up to 40 Percent (40%) of the Total Drainage Improvements Cost, Not to Exceed \$60,000.00, to Persimmon Development Partners, LLC Regarding a Grant Funding Request as Assistance with Infrastructure Costs Related to the Construction and Development of a Multi-Building Commercial/Industrial Development to be Located at 702 Persimmon Street in Tomball, Texas; second by Councilman Quinn.

Motion carried unanimously.

- 6.4 Motion was made by Councilman Driver to Approve Resolution No. 2007-37, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 1, 2008; second by Councilman Webb.

Motion carried unanimously.

- 6.5 Motion was made by Councilman Driver to Approve Emergency Wrecker License Application by ABI Wreckers of Tomball to Participate in the Emergency Wrecker Rotation Program; second by Councilman Quinn.

Motion carried unanimously.

- 6.6 Motion was made by Councilman Webb to Approve Amended Agreement between Harris County and the City of Tomball for the Construction of Drainage Improvements and Utility Adjustments between Graham Drive and Barbara Street to Include Harris

County Flood Control, to Appropriate Funds in the Amount of \$396,613.74, and to Authorize Mayor to Execute Amended Agreement; second by Councilman Quinn.

Motion carried unanimously.

- 6.7 Motion was made by Councilman Harvey to Approve Agreement between the City of Tomball and Smithers Merchant Builders, LP, for M-121 West Ditch Improvements (Park Manor Nursing Home) and Authorize Mayor to Execute Contract; second by Councilman Driver.

Motion carried unanimously.

- 6.8 Motion was made by Councilman Driver to Approve Letter Agreement between the City of Tomball and CCG Venture Partners, LLC for Construction of Utility Upgrades and Sidewalks along Brown Road and Quinn Road, in the Amount of \$169,061.08, and to Authorize Mayor to Execute Letter Agreement; second by Councilman Webb.

Motion carried unanimously.

- 6.9 Motion was made by Councilman Harvey to Approve Addendum to Existing Contract with Lockwood, Andrews & Newnam, Inc. (LAN), Regarding Additional Professional Engineering Services for the M124-00-00 Preliminary Engineering Report to Include Detention Analysis, in the Amount of \$41,320.00 and Authorize City Manager to Execute Addendum; second by Councilman Lazenby.

Motion carried unanimously.

- 6.10 Motion was made by Councilman Driver to Approve Proposal for Professional Engineering Services along Mechanic Street to Cobb Fendley & Associates in the amount of \$62,234.00 and Authorize City Manager to Execute Contract; second by Councilman Harvey.

Motion carried unanimously.

- 6.11 Motion was made by Councilman Harvey to Approve Plat, as Approved by Planning Commission; second by Councilman Lazenby:

- A. The Shoppes at Spring Creek Commons Section One, being a 31.22 Acre Subdivision out of the Joseph House Survey, Abstract 34; Also Being a Replat of a Portion of the Plat of Tomball United Methodist Church, Film Code No. 358131, H.C.M.R., Tomball, Harris County, Texas (Commercial; Located on East Side of SH 249 at Future Brown-Hufsmith Road Extension)

Motion carried unanimously.

Motion was made by Councilman Driver to Approve Plat, as Approved by Planning Commission; second by Councilman Harvey:

- B. The Shoppes at Spring Creek Commons Section Two, **Being** an 18.49-Acre Subdivision out of the Joseph House Survey, Abstract 34, Tomball, Harris County, Texas (Commercial; Located on East Side of SH 249 at Future Brown-Hufsmith Road Extension), Removing Note #9 Regarding the Access Easement between Liberty Lane and Brown-Hufsmith Road, and Allowing for a Natural Barrier between Residential Property and The Shoppes at Spring Creek Commons Section Two.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 17th day of December 2007.

(signed) Doris Speer
Doris Speer, TRMC
City Secretary

(signed) Gretchen Fagan
Gretchen Fagan
Mayor