

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

**MONDAY, APRIL 21, 2008**



**7:00 P.M.**

1.0 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 – Scott Bounds  
City Secretary – Doris Speer  
Asst. to City Manager – Shawn Cox  
City Engineer – Mark McClure  
Director of Public Works – David Kauffman  
Finance Director – Monica Kohlenberg  
Asst. City Engineer – Erin Knesek  
City Planner/Community Development Coordinator – Kelly Violette

2.0 Invocation – Monica Kohlenberg, Finance Director

3.0 Pledges to U. S. Flag and the Texas Flag – Julie Gauthier and Stephanie Trzcinski

4.0 The following public comments were received:

Eric Monte  
29734 Orchard Grove Drive, 77375 - Opposition to City's banning of curbside  
Containers for trash pickup

5.0 Reports and Announcements

- Hazardous Waste Recycling Event – June 7, 2008

- BOA meetings have been scheduled for May 6, 2008 (Training) and May 8, 2008
- The Quarterly Financial Report was presented by Monica Kohlenberg.
- The preliminary report from the Tomball German Heritage Festival and Tomball Sister City Organization was presented by Grady Martin, President.
- Consideration for appointments of members to the Planning and Zoning Commission will be considered at the May 5, 2008 Council Meeting.

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

- Special Joint City Council and Planning and Zoning Commission Meeting of April 7, 2008
- Regular City Council Meeting of April 7, 2008

Motion carried unanimously.

Discussion/action of the following items:

7.0 New Business Consent Agenda: *[All matters listed under Consent Agenda, are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

Motion was made by Councilman Harvey to remove Item 7.3 from the Consent Agenda; second by Councilman Driver.

Motion carried unanimously.

7.1 Consideration to Award Contract for Project 2008-11, (Water Meters and Gas Meter Modules to Complete Automated Meter Reading System) to Badger Meter, Inc., in the Amount of \$71,859.35

7.2 Consideration to Award Contract for Project 2008-12, Diesel Fuel and Gasoline, to Petroleum Traders Corporation

Motion was made by Councilman Harvey to approve Items 7.1 and 7.2 on the Consent Agenda; second by Councilman Lazenby.

Motion carried unanimously.

7.3 Motion was made by Councilman Quinn to Approve Plats, as Recommended by the Planning and Zoning Commission; second by Councilman Webb:

- Parkway Oasis; Being a Subdivision of a 10.0596-Acre Tract, William Hurd Survey, A-387, and John Hooper Survey, A-375; located on SH 249
- Brown-Hufsmith Commercial; Being a 9.907-acre subdivision situated in the J. House Survey, A-34, Harris County, Texas as described in Deed Recorded under H.C.C.F. No. T473372; located on Brown-Hufsmith Road

Motion to approve Item 7.3 carried unanimously.

8.0 New Business:

- 8.1 The Public Hearing to Consider **ZONING CASE P08-006**: Request by Sam Pisano, on behalf of Persimmon Development Partners, LLC and MICO Group LTD to rezone approximately 4.3265 acres, legally described as Vasquez-Phoenix Subdivision, Block 2, Lots 1, 2 and 3, located on the northwest corner of Lizzie Lane and South Persimmon Street from the SF-6-Single-Family 6 District to the C-Commercial District (1028 & 1032 Lizzie Lane and 702 South Persimmon Street) was opened by Mayor Fagan at 7:21 p.m.

No public comments were received and the public hearing was closed at 7:21 p.m.

- 8.2 Motion was made by Councilman Webb to Approve **ZONING CASE P08-006**: Request by Sam Pisano, on behalf of Persimmon Development Partners, LLC and MICO Group LTD to rezone approximately 4.3265 acres of land, legally described as Lots 1, 2 and 3 of Block 2 of the Vasquez-Phoenix Subdivision, a subdivision within the City of Tomball, Harris County, Texas, located on the northwest corner of Lizzie Lane and South Persimmon Street from the SF-6-Single-Family 6 District to the C-Commercial District. (1028 and 1032 Lizzie Lane and 702 South Persimmon Street); second by Councilman Driver.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Quinn to read Ordinance No. 2008-05, by Caption only, on First Reading; second by Councilman Lazenby.

Motion carried unanimously.

Motion was made by Councilman Webb to Adopt, on First Reading, Ordinance No. 2008-05, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately

4.3265 Acres of Land in the Vasquez-Phoenix Subdivision, Harris County, Texas, from SF-6-Single Family 6 District to C-Commercial District; Said Property also Being Known as Lots 1, 2 And 3 of Block 2 of the Vasquez-Phoenix Subdivision Located at the Northwest Corner of Lizzie Lane and South Persimmon Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters; second by Councilman Harvey. Vote was as follows:

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

Motion carried unanimously.

- 8.4 Motion was made by Councilman Harvey to read Ordinance No. 2008-06, by Caption only, on First Reading; second by Councilman Driver.

Motion carried unanimously.

Motion was made by Councilman Driver to Adopt, on First Reading, Ordinance No. 2008-06, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of the Remainder of a 30-Foot Unimproved Road Right-of-Way, More Fully Described in Volume 2, Page 65 of the Harris County Map Records and Within the Tomball Townsite Subdivision, Harris County, Texas, Vacating, Abandoning, and Closing the Remainder of Said 30-Foot Unimproved Road Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Road Right-of-Way to 2978 Industrial Partners, LLC; and Containing Other Provisions 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.

- 8.5 Motion was made by Councilman Harvey to Approve Resolution No. 2008-06, a Resolution of the City of Tomball, Texas, Amending the City of Tomball's Personnel Policy by Deleting Chapter 9, Entitled "Travel and Expense Reimbursement Policy" in its Entirety; second by Councilman Driver.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Driver to Approve Administrative Policy No. 20, Entitled "Travel and Expense Reimbursement Policy"; second by Councilman Harvey.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Webb to Adopt Resolution No. 2008-07, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which all Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (70.5113 Acres Located South of Holderrieth Road – M118 Drainage Channel) and setting May 19, 2008 and May 27, 2008 as the dates of the public hearings; second by Councilman Lazenby.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Webb to Adopt Resolution No. 2008-08, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which all Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (44.787 Acres Located at the Southwest Corner of Brown Road and State Highway 249 – Brown Road Timber Resources) and setting May 19, 2008 and May 27, 2008 as the dates of the public hearings; second by Councilman Quinn.

Motion carried unanimously.

- 8.9 Executive Session: The City Council recessed at 7:31 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:

- Section 551.072 Deliberations Regarding Real Property

- Section 551.074 Personnel Matters – Deliberations Regarding Hiring/Employment of a Police Chief

Upon reconvening into Regular Session at 8:21 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 5th day of May 2008.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor