

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

**MONDAY, MAY 5, 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 – Bill Olson  
City Attorney – David Olson  
City Secretary – Doris Speer  
Asst. to City Manager – Shawn Cox  
Fire Chief – Randy Parr  
Director of Public Works – David Kauffman  
Finance Director – Monica Kohlenberg  
City Planner/Community Development Coordinator – Kelly Violette

2.0 Invocation – Randy Parr, Fire Chief

3.0 Pledges to U. S. Flag and the Texas Flag – Curtis Morris and Sam Parnell

4.0 No public comments were received.

5.0 Reports and Announcements

- “Clean Up Tomball Week” and Hazardous Waste and E-Waste Recycling Event – Saturday, June 7, 2008

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

- Regular City Council Meeting of April 21, 2008
- Special City Council Meeting of April 28, 2008

Motion carried unanimously.

Discussion/action of the following items:

7.0 Old Business:

7.1 Motion was made by Councilman Webb to Adopt, on Second 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 Quinn   | <u>Aye</u> |
| Councilman Lazenby | <u>Aye</u> |
| Councilman Webb    | <u>Aye</u> |
| Councilman Harvey  | <u>Aye</u> |
| Councilman Driver  | <u>Aye</u> |

Motion carried unanimously.

7.2 Motion was made by Councilman Harvey to Adopt, on Second 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 Driver. 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.

- 8.0 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 Driver to approve Item 8.1 on the Consent Agenda; second by Councilman Harvey.

Motion carried unanimously.

- 8.1 Consideration to Amend Administrative Policy No. 56, Entitled “*Emergency Gas Leaks and Repair Policy*”

- 9.0 New Business:

- 9.1 Motion was made by Councilman Driver to Appoint the Following Individuals to serve on the Planning and Zoning Commission, as recommended by Mayor Fagan; second by Councilman Harvey:

Tom Crofoot  
John Mottershaw.

Vote was as follows:

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

Motion carried 4-1; Tom Crofoot is reappointed and John Mottershaw is appointed to the Planning and Zoning Commission.

- 9.2 Motion was made by Councilman Driver to Read Ordinance No. 2008-07, by Caption Only, on First Reading; second by Councilman Harvey.

Motion carried unanimously.

Motion was made by Councilman Harvey to Adopt, on First Reading, Ordinance No. 2008-07, an Ordinance Amending the Code of Ordinances of the City Council of the City of Tomball, Texas, by Adding the Definition of “Changeable Electronic Variable Message Sign (CEVMS)” to Section 60-1 Thereof; by Adding a New Section 60-11 to Chapter 60 Thereof, Prohibiting All On-premise and Off-premise Changeable Electronic Variable Message Signs (CEVMS) Within the Corporate Limits of the City and the Area of Its Extraterritorial Jurisdiction; Providing a Penalty in an Amount Not to Exceed \$2000 for Each Day of Violation of Any Provision Hereof; and Providing for Severability; and Making Other Provisions and Findings Related Matters Thereto; 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.

- 9.3 Motion was made by Councilman Lazenby to Adopt Resolution No. 2008-09, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Mayor to Execute and the City Secretary to Attest Amendment No. 1 to Agreement with Developer for Construction of Public Improvements By and Between the City and Gardens at Tomball, L.P.; second by Councilman Quinn.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Harvey to Adopt Resolution No. 2008-10, Approving a Tax Abatement Policy for the City of Tomball; second by Councilman Quinn.

Motion carried unanimously.

- 9.5 Executive Session: The City Council recessed at 7:23 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:

- Section 551.074 Personnel Matters – To Deliberate the Appointment, Employment, and Duties of the Chief of Police.

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

- 9.6 Motion was made by Councilman Harvey to Approve the Appointment of Robert S. Hauck as Chief of Police, Pursuant to Section 7.03 of the City Charter, effective June 2, 2008; second by Councilman Lazenby.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19th day of May 2008.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor