

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

MONDAY, JUNE 2, 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 Secretary – Doris Speer
Asst. to City Manager – Shawn Cox
Director of Engineering & Planning – Mark McClure
Fire Chief – Randy Parr
Chief of Police – Rob Hauck
Finance Director – Monica Kohlenberg
City Planner/Community Development Coordinator – Kelly Violette

2.0 Invocation – Led by Pastor Carol Burgeson, Tomball Presbyterian Church

3.0 Pledges to U. S. and Texas Flags – Led by Rob Hauck, Chief of Police

4.0 The following public comments were received:

Elaine Chrisman,
17735 Shaw, 77429

- Invitation to attend “Second Saturday at the Depot,” scheduled for June 14, July 12, and August 9; the City is hosting a free movie and live music at each event.

5.0 Reports and Announcements:

Presentations:

- Mayor Fagan presented the Blue Star Service Flag to John and Peggy Ford, Parents of Captain John C. Ford, U. S. Army
- Kit Pfeiffer presented the Telgte, Germany exchange Students and Host Families to Council on behalf of Tomball German Sister City Organization

Reports:

- Hazardous Waste and E-Waste Recycling Event will be held on Saturday, June 7, 2008 from 9 a.m. to 12 noon.

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 May 19, 2008
- Special Council Meeting of May 27, 2008

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Driver to Adopt Second Reading of Ordinance No. 2008-08, an Ordinance of the City of Tomball, Texas, amending its comprehensive zoning ordinance by changing the zoning district classification of approximately 0.2754 acres of land in the Lizzie-Persimmon Subdivision, Harris County, Texas, from SF-6-Single Family District to C-Commercial District; said property also being known as lot 1 block 3 of the Lizzie-Persimmon Subdivision, a subdivision within the City of Tomball, Harris County, Texas, according to a plat recorded in Volume 352, Page 80, of the Harris County Deed Records, located on the easterly side of South Persimmon Street, northerly of Lizzie Lane; 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 Quinn. 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.

- 7.2 Motion was made by Councilman Driver to Adopt Second Reading of Ordinance No. 2008-09, an Ordinance of the City of Tomball, Texas, amending its comprehensive zoning ordinance by changing the zoning district classification of approximately 6.6972 acres of land in the C.N. Pillot Survey, A-632, Harris County, Texas, from AG-Agricultural District to O-Office District; said property also being known as Tracts 4A and 4A-3, as recorded in H.C.F.C # 038706, in the C.N. Pillot Survey, A-632, located on the easterly side of South Cherry Street, northerly of Holderrieth Road; 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 Webb.

Motion was made by Councilman Lazenby to table consideration of Ordinance No. 2008-09, pending further study and receipt of additional information from City staff; second by Councilman Driver.

Motion to table consideration of Ordinance No. 2008-09 carried unanimously.

- 7.3 Motion was made by Councilman Harvey to Adopt Second Reading of Ordinance No. 2008-10, an Ordinance of the City of Tomball, Texas, amending its comprehensive zoning ordinance by changing the zoning district classification of approximately 2.8278 acres of land in the Meadowlark Hill Subdivision, Harris County, Texas, from D-Duplex Residential District to C-Commercial District; said property also being known as Tracts 12 and 13 of the William Hurd Survey, A-378, Vol. 43, Page 44, located at the southeast corner of Michel Road and Johnson Road; 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 Driver.
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.

8.0 New Business:

- 8.1 Motion was made by Councilman Driver to Award Contract for RFP No. 2008-09, the Expansion of the Existing Server Room, to Evolve Data Solutions, in the amount of \$117, 257.00; second by Councilman Harvey.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Webb to Approve the City of Tomball's Share of the Cost of Appraisals for David Wayne Hooks Airport in the amount of \$3,067.50; second by Councilman Lazenby.

Motion FAILED unanimously.

- 8.3 Motion was made by Councilman Lazenby to read Ordinance No. 2008-11 by caption only on first reading; second by Councilman Harvey.

Motion carried unanimously.

Motion was made by Councilman Driver to Adopt, on First Reading, Ordinance No. 2008-11, An Ordinance of the City of Tomball, Texas, Establishing and Allowing 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 for the Year 2008, and for All Subsequent Years, Unless Revised by City Council; Repealing All Ordinances or Parts of Ordinances Inconsistent or In Conflict Herewith; Providing for Severability; and Providing Other Matters Relating to the Subject; second by Councilman Harvey.

Motion was made by Councilman Lazenby to amend Ordinance No. 2008-11 to increase the homestead exemption to \$90,000; second by Councilman Driver.
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.

Vote to Adopt, on First Reading, Ordinance No. 2008-11, as amended, 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.

- 8.4 Motion was made by Councilman Webb to read Ordinance No. 2008-12 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. 2008-12, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Portion of the 60-Foot Road Right-of-Way, More Fully Described in Film Code Numbers 583192 and 605157 of the Harris County Map Records, Harris County, Texas; Vacating, Abandoning, and Closing a Portion of Said 60-Foot 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 Weingarten Investments, Inc.; and Containing Other Provisions Relating to the Subject; 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.

- 8.5 Motion was made by Councilman Harvey to read Ordinance 2008-13 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 2008-13, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence

of the 100-Foot Road Right-of-Way, More Fully Described in Film Code Number 605157 of the Harris County Map Records, Harris County, Texas; Vacating, Abandoning, and Closing a Portion of Said 100-Foot Road Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quit Claim Deed Conveying Said Abandoned Road Right-of-Way to Weingarten Investments, Inc.; and Containing Other Provisions Relating to the Subject; second by Councilman Lazenby. 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.

- 8.6 Presentation of Utility Rate Study Results was given by Monica Kohlenberg. No action necessary.
- 8.7 Executive Session: The City Council recessed at 7:49 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 551.071 Consultation with Attorney Regarding Litigation

Upon reconvening into regular session at 7:57 p.m., no action was taken.

9.0 Motion was made by Councilman Harvey for adjournment; second by Councilman Driver.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 16th day of June 2008.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor