

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

MONDAY, JULY 7, 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

Members absent:

Councilman Driver – Excused

Others present:

City Manager – Jan Belcher
Assistant City Manager – Mary Coker
City Attorney – Bill Olson
City Attorney – David Olson
City Secretary – Doris Speer
Chief of Police – Rob Hauck
Police Captain – Ricky Doerre
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Asst. to City Manager – Shawn Cox

2.0 Invocation – Led by Judge Advocate Franklin Stephens, VFW Post 2427

3.0 Pledges to U. S. and Texas Flags – Led by Commander William E. Shaffer, VFW Post 2427

4.0 The following public comments were received:

Mike O'Brien
11767 Quail Creek, 77070

- Request to amend Section 46-64 of the Code of Ordinances to reduce distance requirements between pad sites

Frankie Stewart
706 Mason, 77375

- Fireworks were wonderful, congratulations to
the City of Tomball for terrific event.

5.0 Reports and Announcements:

5.1 Presentation of Proclamation was made by Mayor Fagan to Brooke Daniels, Miss Texas USA 2009.

5.2 Reports and Announcements:

- July 4th Event Report
- 2nd Saturday at the Depot – July 12, 2008
- Property Tax Collection Reports – May 2008 and June 2008
- Tomball Night – Friday, August 1, 2008
- 2nd Saturday at the Depot – August 9, 2008
- Hospital Authority - Board of Directors Appointments

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

- Regular City Council Meeting of June 16, 2008
- Special City Council Meeting of June 23, 2008

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Quinn to Adopt, on Second Reading, Ordinance No. 2008-14, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory Within Certain Limits and Boundaries and Annexing to the City of Tomball all of the Territory Within Such Limits and Boundaries; Approving a Service Plan for All of the Area Within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (44.787 Acres Located at the Southwest Corner of Brown Road and State Highway 249 – Brown Road Timber Resources); second by Councilman Harvey. Vote was as follows:

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

Motion carried unanimously.

- 7.2 Motion was made by Councilman Harvey to Adopt, on Second Reading, Ordinance No. 2008-15, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory Within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory Within Such Limits and Boundaries; Approving a Service Plan for All of the Area Within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (56.3111 Acres Located South of Holderrieth Road – M118 Drainage Channel); second by Councilman Lazenby. Vote was as follows:

Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Absent</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.]*

Request was made by Councilman Quinn to remove item 8.1 from the consent agenda; request was made by Councilman Webb to remove items 8.1, 8.3, and 8.4 from the consent agenda. Motion was made by Councilman Webb to remove items 8.1, 8.3, and 8.4 from the consent agenda; second by Councilman Harvey.

Motion carried unanimously.

Motion was made by Councilman Webb to approve items 8.2 and 8.5 on the consent agenda; second by Councilman Quinn:

- 8.2 Consideration to Approve the Appointment of a New Reserve Police Officer, Jason Reel, to the Tomball Police Department
- 8.5 Consideration to Approve Plats, as Recommended by the Planning & Zoning Commission:
- Abbreviated Plat of Kelley Home; Being a Replat of Lots 25, 26, 27 and 28 into Lot 1 in Block 74 of Revised Map of Tomball, as Recorded in volume 4,

Page 25, of the Map Records of Harris County, William Hurd Survey, A-371, and Ralph Hubbard Survey, A-383

- Final Plat of Ortensia’s Assisted Living, being a 0.7785-acre tract out of a called 1.557-acre tract recorded under Harris County Clerk’s File No. K-905023; also being part of Tomball Townsite, Outlot No. 125 as recorded in Volume 2, page 65 of the map records of Harris County, Texas
- Abbreviated Plat of D&N #8, Being a Replat of Lots 43, 44 and 45 of block 74 into Lot 1 of Block 74 of Revised Map of Tomball; as Recorded in Vol. 4, Pg. 25, of the Map Records of Harris County, situated in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas.

Motion to approve items 8.2 and 8.5 on the consent agenda carried unanimously.

- 8.1 Motion was made by Councilman Lazenby to Award Contract for Project No. 2008-13, Expansion and Remodeling of Police Evidence Room, to Low Bidder, Bey Commercial Construction, LTD., in the Amount of \$117,541.00; second by Councilman Harvey.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Harvey to Approve Contract Purchase of “Komatsu” WB 146-5/E Backhoe/loader from Waukesha-Pearce Industries through the Texas Association of School Boards (T.A.S.B.) “Buyboard” Contract, in the Amount of \$59,440.00; second by Councilman Lazenby. Vote was as follows:

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

Motion carried, 3-1.

- 8.4 Motion was made by Councilman Harvey to Approve Contract with Raba-Kistner Consultants, Inc. for the Removal of Leachate from Existing Gas Vents at the City of Tomball Closed Landfill Site, for a Total Cost Not to Exceed \$87,180.00; second by Councilman Quinn.

Motion carried unanimously.

9 New Business:

- 9.2 Motion was made by Councilman Harvey to Adopt Resolution No. 2008-15, a Resolution of the City Council of the City of Tomball, Texas, 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 (8.4395 Acres Located North of FM 2920, East of Park Road – Tomball Place), setting August 4, 2008 and August 18, 2008 as the dates for the public hearings; second by Councilman Quinn.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Harvey to Approve Addendum to Contract with Sandra Van Zandt Art Sculptures for the Addition of a Dog to the Thomas Henry Ball Statue, at an Additional Cost of \$3,500; second by Councilman Lazenby.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 21st day of July 2008.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor