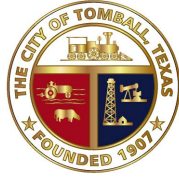


**MINUTES OF REGULAR CITY COUNCIL MEETING  
CITY OF TOMBALL, TEXAS**



**MONDAY, AUGUST 4, 2008**

**7:00 P.M.**

1.0 Call to Order

The meeting was called to order by Mayor Fagan. Other members present were:

Councilman Lazenby  
Councilman Webb  
Councilman Harvey  
Councilman Driver

Members absent:

Councilman Quinn - Excused

Others present:

City Manager – Jan Belcher  
Assistant City Manager – Mary Coker  
City Secretary – Doris Speer  
City Attorney – Bill Olson  
Police Captain – Ricky Doerre  
Director of Public Works – David Kauffman  
Fire Chief – Randy Parr  
City Planner/Community Development Coordinator – Kelly Violette

2.0 Invocation – Led by Reverend Richard White, Tomball United Methodist Church

3.0 Pledges to U. S. and Texas Flags - Led by Congressman Michael McCaul, Austin McWilliams (pursuing Eagle Scout), and Caleb Churchman

4.0 The following public comments were received:

Bruce Hillegeist  
GTACC

- Thanks to Mayor, City Council, and City employees for assistance in making Tomball Night a huge success

5.0 Reports and Announcements:

- 2nd Saturday at the Depot – August 9, 2008
- Mayor’s Coffee – August 14, 2008
- TRAC Gala – August 23, 2008
- Delinquent Property Tax Collection Report
- Special Council Meeting Dates:
  - Tuesday, August 5, 2008 – 6 p.m.
  - Thursday, August 7, 2008 – 6:00 p.m.
  - Tuesday, September 2, 2008 – 7:00 p.m. (Labor Day Holiday, September 1)
  - Monday, September 8, 2008 – 6:00 p.m. (Tomball Place Annexation)

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

- Special City Council Meeting of July 21, 2008
- Regular City Council Meeting of July 21, 2008
- Special City Council Meeting of July 28, 2008
- Special City Council Meeting of July 29, 2008

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Harvey to Adopt, on Second Reading, Resolution No. 2008-17-TEDC, Approving, as a Project of the Tomball Economic Development Corporation, an Agreement to Make Direct Incentives to, or Expenditures For, the Promotion of New or Expanded Business Development, Without the Project Having to Create or Retain Primary Jobs: to wit: OM Hospitality Construction of a Hampton Inn and Suites Franchise on Medical Complex Drive in the City of Tomball, in the Amount of \$72,615.00; second by Councilman Driver.

Motion carried unanimously.

7.2 Motion was made by Councilman Driver to Adopt, on Second Reading, Ordinance No. 2008-16, an Ordinance of the City of Tomball, Texas, Providing for a Fee to Defray Costs of Collecting Delinquent Fines, Fees, and Other Debts Pursuant to Article 103.0031 of the Texas Code of Criminal Procedure; Authorizing the Mayor to Execute Contract and the City Secretary to Attest Contract, Respectively; and Containing Other Provisions Relating to the Subject; second by Councilman Harvey. Vote was as follows:

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

Motion carried unanimously.

- 7.3 Motion was made by Councilman Webb to Adopt, on Second Reading, Ordinance No. 2008-17, an Ordinance of the City of Tomball, Texas, amending its comprehensive zoning ordinance by changing the zoning district classification of approximately 43.741 acres of land in the John Hooper Survey, A-375, Harris County, Texas, from AG-Agricultural and GR-General Retail Districts to C-Commercial District; said property also being known as Lots 1-3, 5-8 and Reserve B located in Tomball Marketplace, H.C.F.C # 605157, in the John Hooper Survey, Abstract No. 375, located on the southerly side of FM 2920, westerly of Tomball Parkway (S.H. 249); 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 Lazenby. Vote was as follows:

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

Motion carried unanimously.

- 7.4 Motion was made by Councilman Webb to Adopt, on Second Reading, Ordinance No. 2008-18, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 6.321 Acres of Land in the Jesse Pruett Survey, A-629, Harris County, Texas from SF-20-E-Single Family 20 Estate District to the LI-Light Industrial District; said Property also being known as a Portion of Lots 197, 201 and 205, "Five Acre Tracts, Tomball Townsite," Located at 1919 South Cherry Street, According to the Map or Plat thereof recorded in Vol. 2, Page 65, of the Harris County Map Records, Located on the Easterly side of South Cherry Street near the Easterly terminus of Theiss 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 Harvey. Vote was as follows:

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

Motion carried unanimously.

- 7.5 Motion was made by Councilman Webb to Adopt, on Second Reading, Ordinance No. 2008-20, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of an approximately 96.572- acre tract of land, generally located on the northerly side of Holderrieth Road, westerly of Hufsmith-Kohrville Road within the City of Tomball, Harris County, Texas, from AG-Agricultural District and SF-20-E-Single-Family Estate Residential-20 District to SF-6-Single-Family Residential-6 District and C-Commercial District; describing that portion of such tract of land rezoned to SF-6-Single-Family Residential-6 District and C-Commercial District, respectively; providing for amendment of the official zoning map of the city; providing for severability; providing a penalty in 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 Lazenby	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Harvey	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Absent</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 Webb to remove Items 8.5, 8.6 and 8.8 from the consent agenda.

Motion was made by Councilman Webb to approve Items 8.1, 8.2, 8.3, 8.4 and 8.7; second by Councilman Harvey.

- 8.1 Consideration to Approve Contract with Perdue, Brandon, Fielder, Collins, & Mott LLP (Perdue) for Collection Services for Delinquent and Outstanding Warrants
- 8.2 Consideration to Award Contract for Project No. 2008-20, Purchase of Liquid Polyphosphate Blend and Zinc Orthophosphate, to Low Bidder, Water Utility Services, Inc.
- 8.3 Consideration to Award Contract for Project No. 2008-21, Purchase of Chlorine and Sulfur Dioxide Gas, to Low Bidder, DXI Industries, Inc. in the Amounts of \$618.00 per Ton Cylinder of Chlorine Gas, \$738.00 per Ton Cylinder of Sulfur Dioxide gas, and \$87.00 per 150# Cylinder of Chlorine Gas

- 8.4 Consideration to Approve Execution by the Mayor of a Memorandum of Understanding (MOU) with the Texas Department of Public Safety to Allow City of Tomball Public Safety Departments to Use State-licensed Frequencies for the Purpose of Coordination between Emergency Response Agencies and Resources.
- 8.7 Consideration to Set September 2nd and September 8th as Public Hearing Dates for the Fiscal Year 2009 City of Tomball Annual Budget

Motion to approve Items 8.1, 8.2, 8.3, 8.4 and 8.7 carried unanimously.

- 8.5 Motion was made by Councilman Harvey to Approve the 2008-2009 Interlocal Agreement between the City of Tomball and the Tomball Independent School District, Affording the Tomball Police Department the Ability to Assign a Full-Time Student Resource Officer to a TISD Campus; second by Councilman Driver.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Lazenby to Approve the Interlocal Agreement between the City of Tomball and the Tomball Independent School District, Affording the Tomball Police Department the Ability to Provide Police Services on a Contractual Basis for Specialized Events Occurring Before, During and After the Normal Campus Hours; second by Councilman Harvey.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Driver to Approve Plat, as Recommended by Planning and Zoning Commission; second by Councilman Harvey:

- Tomball Center III – B2, Replat No. 1, Being a Partial Replat of reserves “A” & “B” of Tomball Center III-B2, Film Code Number 610088 H.C.M.R., located in the Joseph House Survey, Abstract Number 34, Harris County, Texas

Motion carried unanimously.

9.0 New Business:

- 9.1 The first Public Hearing regarding Annexation of an 8.4395-acre tract, north of FM 2920/east of Park Road, located in the Joseph House Survey, A-34 and the Chauncey Goodrich Survey, A-311, both in Harris County, Texas, and owned by Tomball Place Partners, Ltd. was opened by Mayor Fagan at 7:19 p.m.

No public comments were received and the Public Hearing was closed by Mayor Fagan at 7:19 p.m.

- 9.2 Motion was made by Councilman Webb to Authorize the Purchase of Lots 17, 18, 19, 20, 21, and 22, Block 4, Tomball Townsite for \$160,000.00; second by Councilman Lazenby. Councilman Harvey stated that she would refrain from discussion and vote on the item and had filed an affidavit with the City Secretary.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Harvey to Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 97-47251, City of Tomball, et al vs. Westby, Carole A., et al, said Property being described as: Lot 28, Block 68 in the City of Tomball, located in Harris County, Texas, according to a Special Warranty Deed filed under Clerk's File No. S315303 in the Deed Records of Harris County, Texas; second by Councilman Driver.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Webb to Approve Request from Tomball City Council that the City of Houston (COH) Release COH Extraterritorial Jurisdiction (ETJ) Containing 43.54 Acres of Land to the City of Tomball; second by Councilman Harvey.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Webb to Approve Renewal of Existing Contract with Blue Cross Blue Shield for Employee Health Benefits; second by Councilman Harvey.

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 18 day of August 2008.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor