

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



**MONDAY, AUGUST 18, 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  
Councilman Quinn

Others present:

City Manager – Jan Belcher  
Assistant City Manager – Mary Coker  
City Secretary – Doris Speer  
City Attorney – Bill Olson  
City Attorney – Scott Bounds  
Director of Engineering & Planning – Mark McClure  
Assistant to the City Manager – Shawn Cox  
Finance Director – Monica Kohlenberg  
Fire Chief – Randy Parr

2.0 Invocation – Led by Pastor Ron Boswell, First Baptist Church

3.0 Pledges to U. S. and Texas Flags - Led by Taryn Salem and Tristin Salem

4.0 The following public comments were received:

Taylor Coleman  
16426 Willowbank  
Tomball, TX. 77377

- Would like to have the homecoming parade on  
October 1, 2008 at 6:30 p.m. start at the  
intermediate school and hold Court at the Depot

Chris Morris  
Decker Prairie Rosehill Rd.  
Tomball, TX. 77355

Would like to have the homecoming parade on  
October 1, 2008 at 6:30 p.m. start at the  
intermediate school and hold Court at the Depot

5.0 Reports and Announcements:

- TRAC Gala – August 23, 2008
- Special Council Meeting Dates:
  - Tuesday, September 2, 2008 – 7:00 p.m. (Labor Day Holiday, September 1)
  - Monday, September 8, 2008 – 6:00 p.m. (Tomball Place Annexation)
- 2nd Saturday at the Depot – September 13, 2008

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

- Regular City Council Meeting of August 4, 2008
- Special City Council Meeting of August 5, 2008

Motion carried unanimously.

7.0 New Business:

- 7.1 The Public Hearing regarding Annexation of an 8.4395-acre tract, north of FM 2920 and 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 7:06 p.m.

No public comments were received and the Public Hearing was closed by Mayor Fagan at 7:06 p.m.

- 7.2 Motion was made by Councilman Harvey to approve Professional Engineering Services Contract with O'Malley Engineers, LLP to Complete Phase I - Preliminary Design, Phase II - Final Design and Phase III - Construction Phase Services Associated with the Rudolph Road and Utilities Extension Project, in the Amount of \$153,700; second by Councilman Driver.

Motion carried unanimously.

- 7.3 Motion was made by Councilman Harvey to approve Resolution 2008-18, Authorizing the City Manager, Assistant City Manager, and Finance Director to Negotiate with Eagle Energy Partners I, L.P. to Fix a Set Price, for a Specific Period of Time, for the City's Future Purchases of Natural Gas; and Providing Other Matters Related to the Subject; second by Councilman Webb.

Motion carried unanimously.

- 7.4 Motion was made by Councilman Driver to read Ordinance No. 2008-21 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. 2008-21, an Ordinance Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a 0.5645-Acre Tract of Land Being that Portion of Michel Road West of its Intersection with School Street, in the William Hurd Survey, A-378, of Harris County, Texas; Vacating, Abandoning, and Closing said Portion of Michel Road; Authorizing the Mayor to Execute and the City Secretary to Attest, a Quitclaim Deed Conveying said Abandoned Roadway Easement to RYM, LTD; and Containing Other Provisions Relating to the Subject; second by Councilman Lazenby.

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.

- 7.5 Motion was made by Councilman Webb to read Ordinance No. 2008-22 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. 2008-22, an Ordinance of the City of Tomball, Texas, Granting to CenterPoint Energy Houston Electric, LLC, Its Successors and Assigns, the Right, Privilege and Franchise, for a Period of Thirty (30) Years, to Conduct an Electric Delivery Business and to Erect, Construct, Maintain, Operate, Use, Extend, Remove, Replace and Repair In, Under, Upon, Over, Across, and Along Any and All of the Present and Future Public Roads, Highways, Streets, and Alleys of the City, and Over and Across any Stream or Streams, Bridge or Bridges, and/or Easement, Now or Hereafter Owned or Controlled by the City, a System of Poles, Pole Lines, Towers, Transmission and Distribution Lines, Wires, Guys, Gas and Other Pipelines, Fiber Optic and Other Cables, Conduits, Meters and Other Desirable Equipment, Facilities, Instrumentalities, and Appurtenances (Including Facilities for the Grantee's Own Use) Necessary or Useful for the Transmission, Distribution, Furnishing and/or Selling of Electricity for Light, Power and Heat, and for Any Other Purpose for which Electricity and Other Related Services Provided by Grantee May be Used, to the City and Its Inhabitants, and for Any Other Business Purpose as the Company May Desire from Time to Time, Specifically Including, But Not Limited to, the Granting of Access to Those Facilities for the Delivery by Third Parties of Broadband through Power Lines or Similar Service; Providing Conditions Controlling the Use of Public Thoroughfares and Extensions Therein; Establishing Standards of Service; Providing for Acceptance; Providing for Compensation to be Paid to the City; Providing that the Franchise Granted by this Ordinance Shall Not be Exclusive; Providing the Grantee's Obligation to Furnish Efficient Electrical Service at Rates Specified in the Tariff for Electrical Services between the Grantee and the City;

Providing for Severability; Repealing all Ordinances in Conflict Herewith; and Providing for Other Matters Relating to the Subject; second by Councilman Harvey. Vote was as follows:

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

Motion carried, 4-1.

- 7.6 Motion was made by Councilman Driver to read Ordinance No. 2008-23 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. 2008-23, an Ordinance Amending the Code of Ordinances of the City Council of the City of Tomball, Texas, by Deleting Article II. Oil and Gas Wells and Pipelines of Chapter 30 thereof, and Providing Therefore a New Article II of Chapter 30, Establishing Rules and Regulations for the Registration, Permitting, and Operation of Wells and Pipelines; Providing a Penalty in an Amount Not to Exceed \$2000 for Each Day of Violation Hereof; and Providing for Severability; and Making Other Provisions and Findings Related 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.

- 7.7 Executive Session: The City Council recessed at 7:13 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

Upon reconvening into Regular session at 7:28 p.m., no action was taken.

- 8.0 Motion was made by Councilman Harvey to adjourn; second by Councilman Lazenby.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 2nd day of September 2008.

*Doris Speer*  
Doris Speer, TRMC  
City Secretary

*Gretchen Fagan*  
Gretchen Fagan  
Mayor