

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



**TUESDAY, SEPTEMBER 2, 2008**

**7:00 P.M.**

1.0 Call to Order

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

Councilman Quinn  
Councilman Webb  
Councilman Harvey  
Councilman Driver  
Councilman Lazenby

Others present:

City Manager – Jan Belcher  
Assistant City Manager – Mary Coker  
City Secretary – Doris Speer  
City Attorney – Scott Bounds  
Chief of Police – Robert Hauck  
Director of Public Works – David Kauffman  
Director of Engineering & Planning – Mark McClure  
Fire Chief – Randy Parr  
Assistant to the City Manager – Shawn Cox

2.0 Invocation – Led by Father Fred Valone, St. Anne’s Catholic Church

3.0 Pledges to U. S. and Texas Flags - Led by Taylor Coleman and Chris Morris

4.0 No public comments or petitions were received.

5.0 Reports and Announcements:

- Special Council Meeting Dates: Monday, September 8, 2008 – 6:00 p.m.
- Second Saturday at the Depot – September 13, 2008

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

- Special City Council Meeting of August 14, 2008
- Regular City Council Meeting of August 18, 2008

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Harvey to adopt, on Second 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 Quinn. 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.

7.2 Motion was made by Councilman Webb to adopt, on Second 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 Harvey. 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.

- 8.0 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 Webb to approve Items 8.1, 8.2 and 8.3; second by Councilman Driver.

- 8.1 Consideration to Authorize Purchase of Lots 14, 15, and 16, Block 4, Tomball for \$80,000.00.
- 8.2 Consideration to Award Contract for Project No. 2008-22, Asphalt Overlay Improvements, to Low Bidder, Forde Construction Company, Inc. in the amount of \$148,686.19.
- 8.3 Consideration to Approve Plat, as Recommended by the Planning and Zoning Commission:
- Final Plat of Tomball Forest Estates; Being a Subdivision of 2.0286 Acres of Land out of Called 106.5632-Acre Tract of Land Situated in the C.N. Pillot Survey, A-632 in the City of Tomball, Harris County, Texas

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

- 9.0 New Business:

- 9.1 Motion was made by Councilman Lazenby to Approve the Tomball Economic Development Corporation Fiscal 2008-2009 Budget; second by Councilman Harvey.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Driver to Authorize the Purchase of 21 Utility Easement and Road Right-of-Way Parcels for the Rudolph Road Expansion Project, in an Amount Not to Exceed the Appraised Value of \$147,922.00; second by Councilman Harvey.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Harvey to Approve One-Year Service Contract Renewal, with a 7.1% Rate Increase, as Requested by Waste Management Inc., to be Effective October 1, 2008; second by Councilman Driver.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Harvey to Award Contract for Project 2008-18, M118-00-00 Channel Outfall Project, to Low Bidder, Rebel Contractors, Inc., in the Amount of \$209,340.00; second by Councilman Quinn.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Driver to Award Contract for Project 2008-24, Mechanic Street Extension, to Kingsley Constructors Inc., in the Amount of \$428,216.50; second by Councilman Harvey.

Motion carried unanimously

- 9.6 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 551.074 – Personnel Matters: Evaluation of City Manager

Upon reconvening into Regular session at 7:35 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 15th day of September 2008.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor