

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



MONDAY, OCTOBER 20, 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 and Planning – Mark McClure
Fire Chief – Randy Parr
Finance Director – Monica Kohlenberg
Assistant to the City Manager – Shawn Cox
Fire Marshal – Steve Chapman

2.0 Invocation

- Led by Pastor Rick Brown, ChristBridge Fellowship Church

3.0 Pledges to U. S. and Texas Flags

- Led by René Morris and Chris Morris

4.0 Public Comments and Receipt of Petitions *(At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)*

The following public comments were received:

- | | |
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| Dale Conger (via email)
Cobb, Fendley & Associates, 77040 | - Support for the proposed tax increase read into the record. |
| Roger Garza
1322 Pine Brook, 77375 | - Did not speak; support for the proposed tax increase read into the record. |
| Michael Fagan
1314 Pine Brook, 77375 | - Did not speak; support for the proposed tax increase read into the record. |
| Fred Grube
1327 Pine Brook, 77375 | - Did not speak; support for the proposed tax increase read into the record. |
| Diane Grube
1327 Pine Brook, 77375 | - Did not speak; support for the proposed tax increase read into the record. |
| Pat Bailey
1319 Dove Trails, 77375 | - Expressed support for the proposed tax increase. |
| Tina Salem
1304 Pine Trails, 77375 | - Expressed support for the proposed tax increase. |
| Brad Hallmark
28231 Camille, 77375 | - Expressed support for the proposed tax increase. |
| Rosalie Dillon
14166 Turnervine, 77375 | - Expressed support for the proposed tax increase. |
| Lori Wallace
1821 S. Cherry, 77375 | - Expressed support for the proposed tax increase. |
| Jim McKinney
1306 Dove Trails, 77375 | - Did not speak; support for the proposed tax increase read into the record. |
| Rodney Hutson
9431 Rosie Lane, 77355 | - Expressed opposition to the proposed tax increase. |
| Wayne Nagel
12929 Zion Road, 77375 | - Expressed opposition to the proposed tax increase. |
| David Wood
28227 Camille Drive, 77575 | - Did not speak; opposition to the proposed tax increase read into the record. |

- Bill Wilson
31222 Stella Lane, 77375
- John Smith, Sr.
31334 Capella Circle, 77375
- Amy Thompson
31403 Capella Circle, 77375
- Eric Thompson
31403 Capella Circle, 77375
- Malcolm Hamff
31335 Capella Circle, 77375
- Linda Gatlin
34406 Capella Circle, 77375
- Todd Salem
1306 Pine Trails, 77375
- Nettie Doty
1315 Pine Brook, 77375
- Dane Dunagin
535 E. Hufsmith, 77375
- David Lubeck
835 Baker Drive, 77375
- Donnie Lubeck
835 Baker Drive, 77375
- Michael Gatlin
31406 Capella Circle, 77375
- Carolyn Herrmann
31076 Quinn, 77375
- L. T. Hermann
31076 Quinn, 77375
- Bill O'Neal
14235 Turnervine, 77375
- Did not speak; opposition to the proposed tax increase read into the record.
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 - Did not speak; opposition to the proposed tax increase read into the record.
 - Did not speak; support for the proposed tax increase read into the record.
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 - Expressed opposition to the proposed tax increase.
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 - Did not speak; opposition to the proposed tax increase read into the record.
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 - Did not speak; opposition to the proposed tax increase read into the record.
 - Did not speak; opposition to the proposed tax increase read into the record.
 - Expressed opposition to the proposed tax increase.

- Jackie Barnes
10 Stratford Way, 77070 - Expressed support for the proposed tax increase.
- Dan Adkisson
500 Inwood, 77375 - Expressed thanks to City for the success of the TRAC Art Show.
- Kelly Burmaster
29603 Orchard Grove Dr., 77375 - Expressed opposition to the proposed tax increase.
Expressed opposition to Zoning Case P08-064.
- Cristel Burmaster
29603 Orchard Grove Dr., 77375 - Expressed opposition to the proposed tax increase.
Expressed opposition to Zoning Case P08-064.

5.0 Reports and Announcements

- “Mayor’s Challenge” Replenishment Blood Drive for Tomball Police Sergeant Keith Bitz - October 21, 2008, from 1:00 p.m. to 7:00 p.m., at the Community Center
- Early Voting for November 4th Election – October 20-31, 2008 at the Public Works Building:
 - October 20–October 24 8:00 a.m. – 4:30 p.m.
 - October 25 (Saturday) 7:00 a.m. – 7:00 p.m.
 - October 26 (Sunday) 1:00 p.m. – 6:00 p.m.
 - October 27–October 31 7:00 a.m. – 7:00 p.m.
- Election Day – City Hall, November 4, 2008, from 7:00 a.m. to 7:00 p.m.
- Second Saturday at the Depot – November 8, 2008

6.0 Motion was made by Councilman Webb to approve the Minutes of the Regular City Council Meeting of October 6, 2008; second by Councilman Harvey.

Motion carried unanimously.

7.0 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 remove Item 7.10 from the Consent Agenda; second by Councilman Driver.

Motion carried unanimously.

Motion was made by Councilman Lazenby to approve Items 7.1 through 7.9; second by Councilman Harvey.

Motion to approve Items 7.1 through 7.9 carried unanimously.

- 7.1 Consideration to Approve the Appointment of Laryssa Korduba as an Additional Temporary Judge to the Tomball Municipal Court
- 7.2 Consideration to Approve the Continuation of the Interlocal Agreement between Harris County and the City for the Continuation of the Conduction of Food Establishment Inspections in Tomball by Harris County Public Health and Environmental Services
- 7.3 Consideration to Approve Resolution No. 2008-26, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 43rd Annual Tomball Holiday Parade, "Music of Christmas", to be held In Tomball on Saturday, November 22, 2008 and to Approve Requested Street Closures
- 7.4 Consideration to Approve **REPLAT "TEXAS PEACH"**: Being a Replat of Lots 11, 18, and 19 of Block 59 into New Lot 11 of Block 59 of Revised Map of Tomball, as Recorded in Vol. 4, Pg. 25, of the Map Records of Harris County, Situated in the William Hurd Survey, A-371, Harris County, Texas, said Lot 11 Having Been Originally Platted on Map of Tomball, an Addition in Harris County, Texas, according to the Map or Plat thereof Recorded in Volume 2, Page 36, of the Map Records of Harris County, Texas.
- 7.5 Consideration to Award Annual Contract for Project No. 2009-01 (Weekly Uniform Services) to Low Bidder, G&K Services
- 7.6 Consideration to Award the Contract for Project No. 2008-25, Preparation of the Comprehensive Plan, to Partners for Strategic Action (PSA, Inc.), in an Amount Not to Exceed \$298,615
- 7.7 Consideration to Approve Resolution No. 2008-27, a Resolution of the City of Tomball, Texas, Expressing the City's Intent to Finance Expenditures to be Incurred for Mechanic Street, in the Amount of \$550,000
- 7.8 Consideration to Reaffirm Administrative Policy No. 13, Entitled "Investment Policy"
- 7.9 Consideration to Approve Administrative Policy No. 21, Entitled "Identity Theft Policy".
- 7.10 Consideration to Approve the Appointment of a New Reserve Police Officer, Bobby Sellers, to the Tomball Police Department

Motion was made by Councilman Harvey to approve Item 7.10; second by Councilman Quinn.

Motion to approve Item 7.10 carried unanimously.

8.0 New Business:

8.1 The Public Hearing to Consider the Annexation of State Highway 249 Bypass (Tomball Expressway) Road Right-of-Way, Between the Intersection of SH 249 Bypass (Tomball Expressway) with SH 249 Business and Holderrieth Road to the South and Between the Intersection of SH 249 Bypass (Tomball Expressway) with SH 249 Business North of Hicks Street, Being Tracts 1, 2, 3, and 4; Being Called 172.812 Acres; Located Within the Corporate City Limits of Tomball, Harris County, Texas was opened by Mayor Fagan at 7:51 p.m.

No public comments being received, the Public Hearing was closed by Mayor Fagan at 7:51 p.m.

8.2 Motion was made by Councilman Quinn to Adopt \$0.238241 as the Portion of the Tax Rate for the Interest and Sinking (Debt Service) Fund for FY 2009; second by Councilman Harvey.

Motion carried unanimously.

8.3 Motion was made by Councilman Harvey to Adopt \$0.073214 as the Portion of the Tax Rate to Fund Maintenance and Operations (M&O) for FY 2009; second by Councilman Quinn. Vote was as follows:

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

Motion carried, 3-2.

8.4 Motion was made by Councilman Harvey to read Ordinance No. 2008-21 by caption only on First Reading; second by Councilman Lazenby.

Motion carried unanimously.

Motion made by Councilman Quinn to Adopt, on First Reading, Ordinance No. 2008-27, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.311455/\$100 Value Assessed for the Year 2008 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for 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; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject; second by Councilman Harvey.
Vote was as follows:

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

Motion failed, 4-1.

9.0 Motion was made by Councilman Driver to adjourn; second by Councilman Harvey.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 3RD day of November 2008.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor