

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



MONDAY, DECEMBER 1, 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
City Secretary – Doris Speer
City Attorney – Scott Bounds, Olson & Olson
Director of Public Works – David Kauffman
Director of Engineering and Planning – Mark McClure
Fire Chief – Randy Parr
Assistant to the City Manager – Shawn Cox

2.0 Invocation

- Led by Pastor Kenny Rodgers, Anointed Family Church

3.0 Pledges to U. S. and Texas Flags

- Led by Amanda Chapline, James Liu, and René Morris

4.0 The following public comments were received:

Bruce Hillegeist
GTACC, 77375

- Expressed appreciation for Council's support in making the GTACC annual parade a success. Introduced Amanda Chapline, Miss Tomball 2009, to the Mayor and Council.

Amanda Chapline - Expressed her excitement about being selected as
12151 Auburn Hills Dr., 77377 Miss Tomball 2009 and representing the City of
Tomball in 2009.

5.0 Reports and Announcements

- City of Tomball Holiday Closings
 - Christmas – Thursday, December 24 and Friday, December 25, 2008;
Offices will be open on Friday, December 26, 2008
 - New Year's – Thursday, January 1, 2009;
Offices will be open on Friday, January 2, 2009
- Second Saturday at the Depot – December 13, 2008
 - German Christmas Market – 10:00 a.m.-10:00 p.m.
 - Music, Arts, and Children's Activities – 10:00 a.m.-8:00 p.m.
 - Santa and Mrs. Clause – 4:30 p.m.-8:00 p.m.
 - Unveiling of the Thomas H. Ball Statue – 5:00 p.m.
 - Tree Lighting – 5:30 p.m.
 - Hay Wagon Rides – 6:00 p.m.-8:00 p.m.
 - Movie: *It's a Wonderful Life* – 8:00 p.m.
 - Fireworks – 9:30 p.m.
- Comprehensive Plan Advisory Committee Meeting – December 9, 2008;
4:00 p.m. – 9:00 p.m.

6.0 Motion was made by Councilman Harvey to approve the Minutes of the Regular City Council Meeting of November 17, 2008; second by Councilman Lazenby.

Motion carried unanimously.

7.0 Old Business

7.1 An overview of the proposed annexation was given by Mayor Fagan. Councilman Quinn advised that he would abstain from discussion and voting regarding Ordinance No. 2008-32 and that he had filed a Conflict of Interest Affidavit with the City Secretary. Motion was made by Councilman Webb to Adopt, on Second Reading, Ordinance No. 2008-32, 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 [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]; 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>Abstain</u>
Councilman Lazenby	<u>Aye</u>

Motion carried unanimously.

- 7.2 An explanation of the proposed amendment to the Budget for Fiscal Year 2008-2009 was given by Jan Belcher. Motion was made by Councilman Driver to Adopt, on Second Reading, Ordinance No. 2008-33, an Ordinance of the City of Tomball, Texas, Adopting Amendment Number 2 to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2008-2009, as Adopted by Ordinance No. 2008-25; Providing for Appropriation of Funds from the Governmental Funds and the Proprietary Funds; Directing Publication of the Caption of this Ordinance; finding that the Meetings at which This Ordinance is Considered are open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing Other Details Relating to the Passage of This Ordinance; second by Councilman Harvey. Vote was as follows:

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

An explanation of each item in the Consent Agenda was given by Jan Belcher. Councilman Webb requested the removal of Item 8.2 from the Consent Agenda. Motion was made by Councilman Harvey to approve Items 8.1, 8.3 and 8.4 in the Consent Agenda; second by Councilman Lazenby.

- 8.1 Consideration to Award Contract for Project No. 2009-02, Purchase of Wastewater Polymer, to Low Bidder, Atlantic Coast Polymers, Inc.

- 8.3 Consideration to Approve the Yearly Compensation Amendment to Interlocal Agreement for Fire Protection, Fire Suppression, and Rescue Services, in the Amount of \$45,000, Covering the City of Tomball Fire Department's Continued Provision of Fire Protection and Rescue Services to the Area Contained in the Boundaries of Harris County ESD #15.
- 8.4 Consideration to Approve **REVISED MAP OF TOMBALL – REPLAT OF LOTS 31 & 32 IN BLOCK 53**; Being a Replat of Lots 31 & 32 in Block 53 of Revised Map of Tomball, an Addition to Harris County, Texas, according to the Map or Plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas. (To combine Lots 31 and 32, Block 53, into New Lot 31).

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

- 8.2 Discussion was held regarding the merits of purchasing through the TASB Buyboard versus the bidding process; David Kauffman stated that the City purchases through buyboards or uses the bidding process, depending on which process yields the best cost savings. Motion was made by Councilman Driver to Award Contract for Purchase of Ford F-550 Service Truck for the Utility Department to Philpott Motors, Inc., through the Texas Association of School Boards (T.A.S.B.) "Buyboard" Contract, in the Amount of \$83,107.03; second by Councilman Harvey.

Motion carried unanimously.

9.0 New Business:

- 9.1 Following an overview of the costs associated with the City's support of the annual parade by Jan Belcher, motion was made by Councilman Harvey to Approve Resolution No. 2008-31, supporting the annual baseball parade, to be held in Tomball on Saturday, March 7, 2009; second by Councilman Driver.

Motion carried unanimously.

- 9.2 Following an overview of the offer from CCG to donate Lot 10, Block 6 by Jan Belcher, motion was made by Councilman Harvey to Accept Gift Deed for Lot 10 Block 6, Tomball, from Spring Creek Development, Ltd.; second by Councilman Driver.

Motion carried unanimously.

- 9.3 Following an overview of the project and the proposed change order by Mark McClure, motion was made by Councilman Harvey to Approve Change Order Number 4 with Kingsley Constructors, Inc., in the Amount of \$22,300.00, for the

Design changes and Modifications to the M124 Ditch and Detention Basin
Project, Bid Project #2008-16; second by Councilman Driver.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 15th day of December 2008.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor