

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

MONDAY, MARCH 3, 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 Lazenby
Councilman Webb
Councilman Harvey
Councilman Driver

Others present:

City Manager – Jan Belcher
Asst. City Manager – Mary Coker
City Attorney – Bill Olson
City Attorney – David Olson
City Secretary – Doris Speer
Police Captain – Rick Grassi
City Engineer – Mark McClure
Director of Public Works – David Kauffman
Finance Director – Monica Kohlenberg
Fire Chief – Randy Parr
Fire Marshal – Steve Chapman
Asst. to City Manager – Shawn Cox

1.1 Invocation – Led by Scotty Benjamin, Tomball Campus Pastor, WoodsEdge Community Church

1.2 Pledges – Led by Brittany Flores and Gabriel Marenco

2.0 The following public comments were received:

Dameon A. Barbery
19453 Village Forest Drive, 77356 - Denial of public access in regards to benefits/fundraisers

- George Georgulas, II
9407 Edgeloch Drive, 77379 - Denial of permit for benefit
- Ben Sigmund
15507 Forest Creek, 77429 - Benefits/fundraisers in Tomball, Texas
- Gregory Nikolaiev
1014 Graham Drive, Apt. J-3, 77375 - Allowance of a charity event for the victims of the Cobble Creek Apartment fire
- Juanita Walker
29515 Brownsville Street, 77354 - Benefit/fundraiser
- Gary Crawford
14083 FM 2920, 77375 - Benefit scheduled for 3/3/2008
- Marcus Drescher
1000 Hicks Street, 77375 - Benefit scheduled for 3/3/2008
- Gary Karg
13530 Country Circle, 77375 - Denial of advertised benefit planned for Cobble Creek apartment residents to have been held on March 2, 2008
- Brett Tynes
824 Wilson Lane, 77375 - Desire to serve on Board of Adjustments
- Vickie Butler-Rindos
The Woodlands, 77381 - Invitation to Council to attend the Shattered Lives program in Tomball
- Troy D. Finney, Sr.
29302 Potsroy Street, 77354 - Gary's Spot and Cobble Creek apartments function

3.0 Reports and Announcements

Presentations:

- Presentation was made by Mayor Fagan of a Service Flag to the Jacob Currington Family.

- Presentation was made by Wyatt Wright of Wayne Wright Lawyers, regarding partnering with the City of Tomball Fire Department to distribute free smoke alarms to residents of Tomball as part of Wayne Wright's *Smoke Alarms in Every Home Campaign* program.
- Presentation was made by Joyce Walter, Creative Consumer Research, of the results of the City survey conducted by CCR.

Reports and Announcements:

- Free CPR Training through Tomball Fire Department
- Property Tax Collection Report

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

- Regular Council Meeting of February 18, 2008
- Special Council Meeting of February 25, 2008

Motion carried unanimously.

Discussion/action of the following items:

5.0 Old Business:

5.1 Motion was made by Councilman Quinn to Adopt, on Second Reading, Ordinance No. 2008-03, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting Section 34-7 to Article I of Chapter 34 Thereof; by Deleting Article III of Chapter 34 Thereof and Substituting Therefore a New Article III of Chapter 34, Adopting the 2006 Edition of the International Fire Code and Providing for Amendments to the International Fire Code; by Deleting Article IV of Chapter 34 Thereof and Substituting Therefore a New Article IV of Chapter 34, Creating Standards for the Installation of Fire Sprinkler Systems and Providing for Amendments to NFPA 13D; Containing Other Provisions Relating to the Subject; Providing a Penalty in an Amount not to Exceed \$2000 for Each Day of Violation Hereof; and Providing for Severability; second by Councilman Lazenby. Vote was as follows:

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

Motion carried unanimously.

- 5.2 Motion was made by Councilman Harvey to adopt, on Second Reading, Ordinance No.2008-04, an Ordinance of the City Council of the City of Tomball, Texas, Requiring the Harris County Tax Assessor-Collector to Assess and Collect the Ad Valorem Taxes the City of Tomball Imposes; second by Councilman Quinn. Vote was as follows:

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

Motion carried unanimously.

- 5.3 Motion was made by Councilman Harvey to alternate the Official Newspaper of the City of Tomball each year, starting with the Tomball-Magnolia Tribune, and to Approve Resolution 2008-03, a Resolution of the City Council for the City of Tomball, Texas, Designating the Tomball-Magnolia Tribune as the Official Newspaper for 2008 for Publication of Matters Pertaining to the City of Tomball; second by Councilman Webb. Vote was as follows:

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

Motion carried, 4-1.

6.0 New Business Consent Agenda:

Motion was made by Councilman Driver to approve Items 6.1, 6.2, 6.3 and 6.4 on the New Business Consent Agenda; second by Councilman Lazenby:

- 6.1 Consideration to Approve Amendment to Administrative Policy No. 9.5, Procurement Card Program
- 6.2 Consideration to Approve Amendment to Administrative Policy No. 9, Purchasing Policy, to Reflect Changes in Financial Policies and Purchasing Card Program
- 6.3 Approval of Plats, as approved by Planning Commission:
- Dominguez Acres

- Paloma Park Development

6.4 Consideration to Approve Request by the German Sister City Organization for Closure of the Following Streets during the German Heritage Festival:

- the 300 Block of Market Street from Cherry to Oak, South Elm and 100 Block of Market, and South Walnut between Market and Fannin Streets from 12:00 p.m. Thursday, March 27, 2008 until 10:00 p.m. Sunday, March 30, 2008;
- the 200 Block of Market at Cherry, at 9:00 a.m., Friday, March 28, 2008 until 7:00 p.m., Sunday, March 30, 2008; and
- South Walnut Street at Main from 5:00 p.m., Friday, March 28, 2008 until 7:00 p.m., Sunday, March 30, 2008

Motion to approve New Business Consent Items carried unanimously.

6.0 New Business:

6.5 Motion was made by Councilman Lazenby to Appoint as Members to the City of Tomball Board of Adjustments (BOA) the following individuals; second by Councilman Driver:

Regular Board of Adjustment Member:

Dane Dunagin (1-year term)
John Ford (2-year term)
Roy Lackey (1-year term)
Latrell Shannon (2-year term)
Brett Tynes (1-year term)

Board of Adjustment Alternate Member:

Tana Ross (2-year term)
Rick Tomlinson (1-year term)

Vote to approve slate of individuals 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. The following individuals are appointed to the City of Tomball Board of Adjustments:

Regular Board of Adjustment Member:

Dane Dunagin (1-year term)
John Ford (2-year term)
Roy Lackey (1-year term)
Latrell Shannon (2-year term)
Brett Tynes (1-year term)

Board of Adjustment Alternate Member:

Tana Ross (2-year term)
Rick Tomlinson (1-year term)

- 6.6 Motion was made by Councilman Harvey to adopt the First Reading of Resolution No. 2008-04-TEDC, a Resolution Approving, as a Project of the Tomball Economic Development Corporation (TEDC), an Agreement to Expend Funds, in an Amount Not to Exceed \$45,000, to Century Hydraulics, LLC, as Assistance with the Relocation of the Company's Corporate Headquarters, Including the Construction of a 9,000-Square Foot Facility at 23706 Snook Lane, Tomball, Texas; second by Councilman Quinn.

Motion carried unanimously.

- 6.7 Motion was made by Councilman Harvey to approve the following recommendations presented by City staff regarding the use of City Property during Elections; second by Councilman Quinn:

- marking off 12' x 12' spaces and drawing for a designated space prior to the election, leaving adequate voter parking;
- creating a beginning and ending time for the tents;
- limiting the number of signs per tent to one;
- limiting the number of chairs outside the tent to two; and
- disallowing cooking, camping, etc.

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>Nay</u>

Motion carried, 4-1. City staff will prepare a policy for Council's consideration.

6.8 Executive Session: The City Council recessed at 8:19 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 551.071 Consultation with Attorney Regarding Potential Litigation
- Section 551.072 Deliberations Regarding Real Property

Upon reconvening into Regular Session at 9:02 p.m., the following action was taken:

6.9 Motion was made by Councilman Webb to Approve the Agreement to Compromise and Settle Termination of a Contract by and between the City of Tomball, Texas and Spectrum Construction Services, Inc.; second by Councilman Harvey.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 17th day of March 2008.

(signed) Doris Speer
Doris Speer, TRMC
City Secretary

(signed) Gretchen Fagan
Gretchen Fagan
Mayor