

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

**MONDAY, FEBRUARY 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 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  
Chief of Police – Michael Blake  
City Engineer – Mark McClure  
Finance Director – Monica Kohlenberg  
Fire Chief – Randy Parr  
Fire Marshal – Steve Chapman  
Asst. to City Manager – Shawn Cox

1.1 Invocation – Rev. Abraham Jasso, Associate Pastor, Templo La Hermosa

1.2 Pledges – Led by the 3rd Grade Brownie Troop 14081 from Willowcreek Elementary

2.0 The following public comments were received:

Bill Wilson  
31222 Stella Lane, 77375 - Problem with tax payments; ill treatment by city staff; thanks for opportunity for speak.

Nancy Nygaard  
Publisher, Tribune - Asked Council to designate the Tribune as  
the official city newspaper for 2008

### 3.0 Reports and Announcements

#### Presentations:

- 3.1 Presentation was made by Mayor Fagan of a Service Flag to the McCauley Family
- 3.2 Presentation was made by Chief Michael Blake and Mayor Fagan of The President's Volunteer Service Award to Mary Harvey, Pat Bailey, and Janet Barcelona
- 3.3 Presentation was made by Mayor Fagan of a TRMC Recertification Certificate to Doris Speer, City Secretary

#### Reports:

- Trail Ride Reception – Tuesday, February 26, 2008
- Tomball Police Department Annual Data Capture Report (SB 1074)

Various reports and/or announcements were made by the Mayor and Councilmembers

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

- Special Council Meeting of January 28, 2008
- Regular Council Meeting of February 4, 2008

Motion carried unanimously.

#### Discussion/action of the following items:

### 5.0 Old Business:

- 5.1 Motion was made by Councilman Harvey to Adopt, on Second Reading, Ordinance No. 2008-02, an Ordinance amending the Code of Ordinances of the City Council of the City of Tomball, Texas, by Adding Thereto a New Chapter 25, "Elections," Article I, "Political Contributions"; Limiting Political Contributions to Candidates and Officers of the City; Limiting Political Contributions for Certain Measures; Providing a Penalty In an Amount of Not More Than \$500 for Violation of Any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making Other Provisions and Findings Related Thereto; second by Councilman Driver. Vote was as follows:

Councilman Lazenby	<u>Aye</u>
Councilman Webb	<u>Nay</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 Harvey:

6.1 Consideration to Approve Plats, as Recommended by Planning Commission:

- A. Murr Commercial, Located on the future Brown-Hufsmith Road
- B. Ellington Place, Located on South Persimmon
- C. Replat of Amended Plat of Lots 30, 31 and 32, Block 31, Located at  
405 Florence

6.2 Consideration to Award Contract for Purchase of "Schwarze A-7000" Regenerative Air Sweeper to Heil of Texas through H-GAC Purchase Program, in the Amount of \$158,810.00

6.3 Consideration to Award Contract for Project No. 2008-07, Plastic Garbage Bags, to Houston Poly Bag I, Ltd., in the Amount of \$36,840.00

6.4 Consideration to Approve Request from Howard Katz, ESD #8, to Share Election Facilities with the City of Tomball for the ESD #8 May 10, 2008 Election of District Commissioners

Motion to approve New Business Consent Items carried unanimously.

6.0 New Business:

6.5 Motion was made by Councilman Lazenby to Approve Application by Tomball Cab to Operate Taxicab Service in the City of Tomball; second by Councilman Driver.

Motion carried unanimously.

6.6 Motion was made by Councilman Harvey to Designate the Tomball-Magnolia Tribune as the Official Newspaper for City Publications for the Year 2008; second by Councilman Quinn. Vote was as follows:

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

Motion failed, 3-2.

Motion was made by Councilman Lazenby to Designate the Potpourri as the Official Newspaper for City Publications for the Year 2008; motion died for lack of second.

Motion was made by Councilman Webb to Table Designation of the Official Newspaper until the March 3, 2008 Council meeting; second by Councilman Driver. Vote was as follows:

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

Motion carried, 4-1.

- 6.7 Motion was made by Councilman Driver to read Ordinance No. 2008-03 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. 2008-03, 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 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.

- 6.8 Motion was made by Councilman Webb to read Ordinance No. 2008-04 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. 2008-04, 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 Driver. 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.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 3rd day of March 2008.

(signed) Doris Speer  
Doris Speer, TRMC  
City Secretary

(signed) Gretchen Fagan  
Gretchen Fagan  
Mayor