

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

**MONDAY, FEBRUARY 4, 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 Secretary – Doris Speer  
City Engineer – Mark McClure  
Asst. Engineer – Erin Knesek  
Finance Director – Monica Kohlenberg  
Fire Chief – Randy Parr  
Asst. to City Manager – Shawn Cox

1.1 Invocation – Led by Kay Johnson, Pastor, Rosehill United Methodist

1.2 Pledges – Led by Tomball High School students

2.0 The following public comments were received:

Preston Dodson  
830 Baker Drive, 77375 - Request to change three properties  
owned by Dr. Mandviwala to office or  
light industrial

Rick Gatewood  
22725 Tomball Cemetery, 77375 - Opposed to Zoning

- Derek Townsend  
30618 William Juergens, 77375 - Illegal immigration; opposed to campaign fund restrictions; zoning should be put to vote
- Rick Tomlinson  
1720 Baker Drive, 77375 - Thanks to Council for voting on zoning
- Tina Salem  
1310 Pine Trails, 77375 - Thanks to Council for voting on zoning
- Linda Van Bebber  
220 Roxanne, 77375 - Supports zoning; 1-acre tracts should be zoned residential; 2-3 acres should not be zoned residential; please require dumping of dumpsters between 6 a.m. and 10 a.m. only
- Jacqueline Rumfolo Angelo  
13142 Holderrieth Road, 77375 - Request to change zoning from commercial to AG
- Tana Ross  
30722 Country Meadows, 77375 - Thanks to Council for voting on zoning
- Joel English  
11607 Deckar Drive, 77065 - Represents 3 tracts on Hufsmith, Cherry, Michel and Johnson; requested change of zoning
- Leonard Chambers  
30626 Quinn, 77375 - Thanks to Council for voting on zoning
- Michael Kelly  
30630 Quinn, 77375 - Thanks to Council for voting on zoning
- Pat Bailey  
1319 Dove Trails - Thanks to Council for voting on zoning

### 3.0 Reports and Announcements

- Trail Ride Reception – Tuesday, February 26, 2008

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

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

- Regular Council Meeting of January 21, 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. 2008-01, An Ordinance of the City of Tomball, Texas, Adopting a Zoning Ordinance for the City; Establishing and Providing Zoning Regulations; Creating Use Districts in Accordance with the Comprehensive Land Use Plan Approved by the City Council; Regulating Within Such Districts the Height of Buildings and Structures, the Size of Yards, Courts, and Open Spaces, and the Height, Bulk, and Use of Buildings and Land for Nonresidential, Residential and Other Purposes; Providing for Conditional Use Permits; Specifying Minimum Requirements for Off-street Parking of Motor Vehicles and Off-street Loading Areas; Providing Minimum Required Floor Areas for Dwelling Units; Regulating the Density of Dwellings and Other Structures and the Percentage of Each Lot that May be Occupied by Impervious Surfaces; Establishing the Basis for Creating a Building Site; Providing for Plan Approval Processes; Providing Fence and Wall Regulations; Adopting a Zoning District Map and Making It a Part of This Ordinance, Together with all Symbols, Markings and Tables Appearing on Said Map and Within the Ordinance; Creating a Planning and Zoning Commission; Defining the Powers and Duties of the Planning & Zoning Commission; Creating a Board of Adjustments; Defining the Powers and Duties of the Board of Adjustments; Providing for Non-Conforming Uses and a Method of Discontinuance Thereof; Defining Certain Terms as Used within This Ordinance; Providing for a Certificate of Occupancy and Compliance; Authorizing Publication of the Descriptive Caption and Penalty Clause; Providing for a Penalty Not to Exceed Two Thousand Dollars (\$2,000.00) for Each and Every Offense; Providing a Savings Clause; Preserving Rights in Pending Litigation Regarding Violations Under the Existing Ordinance; and Preserving Asserted Vested Rights; second by Councilman Lackey.

Motion was made by Councilman Webb to amend the motion to adopt Ordinance No. 2008-01 and place the Ordinance on the May 10, 2008 ballot. Motion to amend died for lack of second.

Vote to adopt Ordinance No. 2008-02 upon second reading 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.

6.0 New Business:

- 6.2 Motion was made by Councilman Driver to Approve Administrative Policy No. 19, Entitled "Financial Management Policy Statements"; second by Councilman Harvey.

Motion carried unanimously.

- 6.1 Nominations were received for appointments to the Tomball Hospital Authority Board of Directors to Fill the Unexpired Term of Position 3, Due to Resignation of Director for consideration along with recommendation by Mayor Fagan of Ben Thomas:

Councilman Webb	-	H. Ray Lingo
Councilman Driver	-	Jerald Till

Motion was made by Councilman Quinn that nominations should cease and vote be taken; second by Councilman Harvey.

Motion carried unanimously.

Vote was as follows:

Councilman Harvey	<u>Ben Thomas</u>
Councilman Driver	<u>Jerald Till</u>
Councilman Quinn	<u>Ben Thomas</u>
Councilman Lazenby	<u>H. Ray Lingo</u>
Councilman Webb	<u>H. Ray Lingo</u>

Results: Ben Thomas - 2 votes  
H. Ray Lingo - 2 votes

Vote was as follows:

Councilman Harvey	<u>Ben Thomas</u>
Councilman Driver	<u>H. Ray Lingo</u>
Councilman Quinn	<u>Ben Thomas</u>
Councilman Lazenby	<u>H. Ray Lingo</u>

Councilman Webb

H. Ray Lingo

Results: Ben Thomas - 2 votes  
H. Ray Lingo - 3 votes

H. Ray Lingo is appointed to the unexpired term of Position 3 on the Tomball Hospital Authority Board of Trustees.

- 6.3 Motion was made by Councilman Driver to read Ordinance No. 2008-02 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. 2008-02, 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 Quinn. Vote was as follows:

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

Motion carried 4-1.

- 6.4 Executive Session: The City Council recessed at 7:45 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

A. Section 551.071 – Consultation with Attorney Regarding Potential Litigation

Upon reconvening into regular session at 8:05 p.m., no action was taken.

- 6.5 No Action was taken regarding possible termination of Contract with Spectrum Construction Services for Construction of Central Fire Station.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 18th day of February 2008.

*(signed) Doris Speer* \_\_\_\_\_  
Doris Speer, TRMC  
City Secretary

*(signed) Gretchen Fagan* \_\_\_\_\_  
Gretchen Fagan  
Mayor