

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON
TUESDAY, JULY 5, 2005 AT 7:00 P.M., CITY HALL, 401 MARKET
STREET, TOMBALL, TEXAS, 77375**

- 1.0 MEETING WAS CALLED TO ORDER BY MAYOR HARRINGTON. OTHER MEMBERS PRESENT:

COUNCILMAN FORD
COUNCILMAN FAGAN
COUNCILMAN GATLIN
COUNCILMAN DRIVER

MEMBERS ABSENT:

COUNCILMAN QUINN - EXCUSED

OTHERS PRESENT:

CITY MANAGER – BEN GRIFFIN
ASSISTANT CITY MANAGER – MARY COKER
CITY ATTORNEY – JOHN OLSON
CITY SECRETARY – DORIS SPEER
FINANCE DIRECTOR – SHERRIE MATTSON
POLICE CAPTAIN – RON STEWART
FIRE CHIEF – RANDY PARR
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
CITY ENGINEER – JOE SHERWIN
ASSISTANT TO CITY MANAGER – TERRI DESHAZIER
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

- 2.0 PUBLIC COMMENTS

- 2.1 PRESENTATION OF A CERTIFICATE OF APPRECIATION WAS MADE BY MAYOR HARRINGTON TO ALEX BENTLEY, 5A STATE CHAMPION POLE VAULTER, TOMBALL HIGH SCHOOL.

PUBLIC COMMENTS WERE RECEIVED:

JIM GRAF
17299 BEAVER SPRINGS, 77090 - GREENSPACE REQUIREMENTS;
REQUEST FOR VARIANCE TO
ORDINANCE REQUIREMENTS

MARY HARVEY
405 SOUTH WALNUT, 77375

- ITEMS 6.2 AND 6.3 ON THE AGENDA;
EXPRESSED APPRECIATION FOR
CITY'S HELP ON TOMBALL NIGHT

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM THE COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. LITTLE LEAGUE ELECTRICAL BILLS; LITTLE LEAGUE PAID 50% OF THE BALANCE ON JULY 5 FOR ELECTRICAL AND WATER BILLS
- B. REPORT ON 4TH OF JULY ACTIVITIES
- C. IMPLEMENTATION OF VOLUNTARY WATER CONSERVATION PER SECTION 82-255 OF THE CODE OF ORDINANCES
- D. BUDGET WORKSHOP SCHEDULED
- E. CONTRACTS SIGNED BY CITY MANAGER
- F. TML INTERGOVERNMENTAL RISK POOL
- G. UPDATE ON FIRE STATION; GROUNDBREAKING CEREMONY WILL BE HELD AT THE SITE ON JULY 13 AT 6 P.M.

4.0 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE MINUTES OF THE JUNE 20, 2005 REGULAR MEETING OF THE CITY COUNCIL; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 EXECUTIVE SESSION: THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:25 P.M., AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSES:

- 1. SECTION 551.071 CONSULTATION WITH ATTORNEY REGARDING POTENTIAL LITIGATION
- 2. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY

3. SECTION 551.074 PERSONNEL MATTERS

AFTER RECONVENING IN OPEN SESSION AT 7:40 P.M., NO ACTION WAS TAKEN AND THE REGULAR MEETING CONTINUED.

- 6.2 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE RESOLUTION NO. 2005-22, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE 33RD ANNUAL TOMBALL NIGHT AND PARADE, TO BE HELD IN TOMBALL ON FRIDAY, AUGUST 5, 2005; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE REQUEST BY THE TOMBALL AREA CHAMBER OF COMMERCE FOR STREET CLOSURES, CITY SPONSORSHIP OF FIREWORKS DISPLAY, AND USE OF CITY ELECTRICAL SERVICE ON TOMBALL NIGHT, FRIDAY, AUGUST 5, 2005; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE REQUEST BY JIM GRAF FOR VARIANCE TO GREENSPACE REQUIREMENTS UNDER CITY OF TOMBALL CODE OF ORDINANCES; SECOND BY COUNCILMAN FORD. VOTE WAS AS FOLLOWS:

COUNCILMAN FORD	<u>NAY</u>
COUNCILMAN FAGAN	<u>NAY</u>
COUNCILMAN GATLIN	<u>NAY</u>
COUNCILMAN DRIVER	<u>NAY</u>

MOTION FAILED, 4-0.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO AUTHORIZE ZONING COMMISSION TO BEGIN SEARCH FOR PLANNER TO ASSIST WITH DEVELOPMENT OF ZONING ORDINANCE; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN FAGAN TO AUTHORIZE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 82, SECTION 82-255, CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES, TO RESTRICT USE OF SPRINKLERS BETWEEN 10 A.M. AND 6 P.M. WHEN DROUGHT

CONDITIONS HAVE BEEN DECLARED; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE AMENDMENT TO ADMINISTRATIVE POLICY NO. 15, "**TOMBALL COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES**," AS PRINTED; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.8 PUBLIC HEARING WAS CALLED TO ORDER BY MAYOR HARRINGTON AT 7:48 P.M. TO CONDUCT PUBLIC HEARING ON AND REVIEW OF ORDINANCE NO. 2005-05, AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, SAID CHAPTER 70 CONTAINING RULES AND REGULATIONS GOVERNING PLATS AND THE SUBDIVISION OF LAND, BY DELETING ALL OF SECTION 70-36 THEREOF AND SUBSTITUTING THEREFOR A NEW SECTION 70-36; PROVIDING THAT THE MINIMUM PAVED WIDTH OF NEW STREETS BE NOT LESS THAN TWENTY-EIGHT FEET (28'); PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

NO PUBLIC COMMENTS WERE RECEIVED. THE PUBLIC HEARING WAS CLOSED BY MAYOR HARRINGTON AT 7:49 P.M.

- 6.9 MOTION WAS MADE BY COUNCILMAN FORD TO READING ORDINANCE NO. 2005-05 BY CAPTION; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT FIRST READING OF ORDINANCE NO. 2005-05, AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, SAID CHAPTER 70 CONTAINING RULES AND REGULATIONS GOVERNING PLATS AND THE SUBDIVISION OF LAND, BY DELETING ALL OF SECTION 70-36 THEREOF AND SUBSTITUTING THEREFOR A NEW SECTION 70-36; PROVIDING THAT THE MINIMUM PAVED WIDTH OF NEW STREETS BE NOT LESS THAN TWENTY-EIGHT FEET (28'); PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000.00

FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

7.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADJOURN; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETARY

(signed) H. G. Harrington
H. G. HARRINGTON
MAYOR