

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON  
JULY 18, 2005 AT 7:00 P.M., IN CITY HALL, 401 MARKET STREET,  
TOMBALL, TEXAS, 77375**

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

COUNCILMAN QUINN  
COUNCILMAN FORD  
COUNCILMAN FAGAN  
COUNCILMAN GATLIN  
COUNCILMAN DRIVER

OTHERS PRESENT:

ASSISTANT CITY MANAGER – MARY COKER  
CITY ATTORNEY – BILL OLSON  
CITY SECRETARY – DORIS SPEER  
FINANCE DIRECTOR – SHERRIE MATTSON  
CHIEF OF POLICE – MICHAEL BLAKE  
ASSISTANT FIRE CHIEF – ERIC HOFFMAN  
DIRECTOR OF PUBLIC WORKS – ROD HAINNEY  
CITY ENGINEER – JOE SHERWIN  
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

2.0 PUBLIC COMMENTS

- 2.1 PRESENTATION OF A PROCLAMATION WAS MADE BY MAYOR HARRINGTON DECLARING “TEXAS DISTRICT 28 – 9-YEAR-OLD DIVISION ALL-STAR CHAMPIONSHIP TEAM DAY”

PRESENTATION OF A SERVICE FLAG WAS MADE BY MAYOR HARRINGTON TO CITY OF TOMBALL POLICE OFFICER, DAVID WHITE, AND FAMILY

PUBLIC COMMENTS WERE RECEIVED:

JAMES VOELKLE  
13410 ZION ROAD - REQUEST FOR VARIANCE TO  
SETBACK REQUIREMENTS FOR  
TOMBALL MASONIC LODGE #1096  
BUILDING AT 600 KANE STREET

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3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM THE COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED BY MARY COKER:

- A. CONFERENCE AND VACATION
- B. UPDATE ON DEPOT
- C. ASPHALT OVERLAY PROJECT
- D. HUFSMITH-ULRICH PARK UPDATE
- E. SARATOGA RANCH UPDATE
- F. MEDALLIONS FOR BYPASS
- G. PRESENTATION WAS MADE BY BO EGBERT, WASTE MANAGEMENT, REGARDING CITY'S SANITATION CONTRACT AND REQUESTED 11.4% INCREASE IN SANITATION FEES.
- H. TEXAS MUNICIPAL LEAGUE
- I. UPDATE ON DELINQUENT HOTEL/MOTEL TAX WAS GIVEN BY MARY COKER. HOTEL OWNER HAS MADE A PARTIAL PAYMENT; WILL CONTINUE MAKING PARTIAL PAYMENTS ALONG WITH QUARTERLY PAYMENTS UNTIL PAST DUE AMOUNT IS PAID IN FULL

4.0 MOTION WAS MADE BY COUNCILMAN GATLIN TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 5, 2005 AND THE SPECIAL CITY COUNCIL MEETING OF JULY 12, 2005; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

- 5.1 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT SECOND 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. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN DRIVER TO REJECT ALL BIDS ON PROJECT 2005-14, PURCHASE OF 25-PASSENGER BUS, AND TO AUTHORIZE PURCHASE OF 25-PASSENGER BUS THROUGH HOUSTON-GALVESTON AREA COUNCIL (HGAC) IN THE AMOUNT OF \$40,683.00; SECOND BY COUNCILMAN QUINN. COUNCILMAN FORD ABSTAINED FROM DISCUSSION AND VOTE; HIS CONFLICT OF INTEREST AFFIDAVIT IS ON FILE WITH THE CITY SECRETARY. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN FORD	<u>ABSTAIN</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED.

- 6.2 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE PLATS, AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN GATLIN. COUNCILMAN QUINN ABSTAINED FROM DISCUSSION AND VOTE ON BRUCE OFFICE DUE TO CONFLICT OF INTEREST; AFFIDAVIT TO BE FILED WITH THE CITY SECRETARY. VOTE WAS AS FOLLOWS:

- A. DARLA DUPLEX THREE
- B. PARR COURT, SECTION 2, COMMERCIAL SUBDIVISION

MOTION CARRIED UNANIMOUSLY.

- C. BRUCE OFFICE

COUNCILMAN QUINN	<u>ABSTAIN</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED.

6.3 EXECUTIVE SESSION: THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:35 P.M., AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSE:

1. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY

AFTER RECONVENING IN OPEN SESSION AT 7:50 P.M., THE FOLLOWING ACTION WAS TAKEN:

6.4 MOTION WAS MADE BY COUNCILMAN GATLIN TO AUTHORIZE SALE OF 0.0732 ACRES TO TEXAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF SH 249 BYPASS AND TO AUTHORIZE EXECUTION OF CONTRACT BETWEEN CITY OF TOMBALL, WOODFOREST NATIONAL BANK, AND THE STATE OF TEXAS, IN THE AMOUNT OF \$50,514.00; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer  
DORIS SPEER, TRMC  
CITY SECRETAR

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