

**MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON
SEPTEMBER 19, 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 QUINN
COUNCILMAN FORD
COUNCILMAN FAGAN
COUNCILMAN GATLIN
COUNCILMAN DRIVER

OTHERS PRESENT:

CITY MANAGER – BEN GRIFFIN
ASST. CITY MANAGER – MARY COKER
CITY ATTORNEY – BILL OLSON
CITY SECRETARY – DORIS SPEER
POLICE CHIEF – MICHAEL BLAKE
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
FINANCE DIRECTOR – SHERRIE MATTSON
FIRE CHIEF – RANDY PARR
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

2.0 PUBLIC COMMENTS

2.1 PRESENTATION OF “MAYOR’S CUP” TO H. G. HARRINGTON, MAYOR OF TOMBALL, BY JIMMY THORNTON, MAYOR OF MAGNOLIA WILL BE HELD AT A FUTURE COUNCIL MEETING

2.2 PRESENTATION OF “**ALL AMERICAN: IMAGES OF HERITAGE AND CITIZENSHIP**” PRINTS TO THE CITY COUNCIL WAS MADE BY DEBRA DOBBINS, DIRECTOR OF ARTS EDUCATION SERVICES, ON BEHALF OF THE REGIONAL ARTS COUNCIL AND TEXAS COMMISSION ON THE ARTS

PUBLIC COMMENTS WERE RECEIVED:

RAY MITCHELL
31118 QUINN, 77375 - OPPOSITION TO COMMERCIAL OPERATION
(CADWALDER) IN RESIDENTIAL AREA

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TIM PRINCE
30625 QUINN, 77375 - OPPOSITION TO COMMERCIAL OPERATION
(CADWALDER) IN RESIDENTIAL AREA

PAULA DEAN
30611 QUINN, 77375 - OPPOSITION TO COMMERCIAL OPERATION
(CADWALDER) IN RESIDENTIAL AREA

ROY WOODS
30607 QUINN, 77375 - OPPOSITION TO COMMERCIAL OPERATION
(CADWALDER) IN RESIDENTIAL AREA

L. T. HERMAN
31076 QUINN, 77375 - OPPOSITION TO COMMERCIAL OPERATION
(CADWALDER) IN RESIDENTIAL AREA

LESA MITCHELL
31118 QUINN, 77375 - OPPOSITION TO COMMERCIAL OPERATION
(CADWALDER) IN RESIDENTIAL AREA

MARJORIE HUEGEL
30525 QUINN, 77375 - OPPOSITION TO COMMERCIAL OPERATION
(CADWALDER) IN RESIDENTIAL AREA

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM THE
COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. SPECIAL COUNCIL MEETING, SEPTEMBER 26, 2005
- B. LETTER FROM HARRIS COUNTY APPRAISAL DISTRICT
- C. NOMINATION FOR THE BOARD OF DIRECTORS OF THE
HARRIS COUNTY APPRAISAL DISTRICT
- D. JANUARY COUNCIL RETREAT; BEST DATE IS SATURDAY,
JANUARY 14, 2006
- E. ZONING COMMISSION; ACTION ITEM WILL BE PLACED ON
OCTOBER 3 FOR APPOINTMENT OF NEW ZONING
COMMISSIONER
- F. BROWN ROAD EXTENSION UPDATE

- G. POTENTIAL IMPACT OF HURRICANE KATRINA ON HOTEL/MOTEL TAX
- H. UPDATE REGARDING CITY STAFF'S PROGRESS REGARDING CADWALDER FARMS WAS PRESENTED BY BEN GRIFFIN.
- I. RELOCATION OF NON-CONFORMING SIGNS; CONCENSUS OF COUNCIL IS FOR THE CITY ATTORNEY TO DRAFT AN AMENDMENT TO THE SIGN ORDINANCE ALLOWING THE RELOCATION OF AN EXISTING SIGN UPON APPROVAL OF THE CITY COUNCIL.

4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF SEPTEMBER 6, 2005; SECOND BY COUNCILMAN GATLIN.

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. 2005-09, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ELECTING TO REPEAL ORDINANCE 2001-05 IN ITS ENTIRETY, AND ELECTING TO PROVIDE FIVE-YEAR VESTING FOR EMPLOYEES OF THE CITY OF TOMBALL, TEXAS, WHO ARE MEMBERS OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM; 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 GATLIN TO APPROVE A REQUEST BY THE REGIONAL ARTS COUNCIL TO APPROVE CLOSURE OF MARKET STREET FROM SOUTH CHERRY TO SOUTH WALNUT, WAIVER OF THE RENTAL FEE FOR THE COMMUNITY CENTER, APPROVAL TO USE

ELECTRICITY FROM THE TAX OFFICE AND COMMUNITY CENTER BUILDINGS, ADDITIONAL SANITATION SERVICES, PARTICIPATION OF TOMBALL POLICE DEPARTMENT AND TOMBALL FIRE DEPARTMENT, USE OF PARKING LOT ON SOUTH WALNUT IN FRONT OF TAX OFFICE AND USE OF HERITAGE PLAZA FOR THE ANNUAL ART WALK FESTIVAL, ***STROLLING THROUGH THE ARTS***, ON SATURDAY, OCTOBER 22, 2005; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN FAGAN TO AWARD CONTRACT ON PROJECT 2005-20, JANITORIAL SERVICES, TO UNITED BUILDING SERVICE, IN THE AMOUNT OF \$49,480; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT RESOLUTION NO. 2005-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, FOR THE DESIGNATION OF MAYOR HARRINGTON AS REPRESENTATIVE AND MAYOR PRO TEM FAGAN AS ALTERNATE FOR THE HOUSTON-GALVESTON AREA COUNCIL 2006 GENERAL ASSEMBLY; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO READ ORDINANCE NO. 2005-08 BY CAPTION ONLY; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT FIRST READING OF ORDINANCE NO. 2005-08, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM GRANTING THE ADDITIONAL RIGHTS AUTHORIZED BY SECTION 854.202(g) OF TITLE 8, TEXAS GOVERNMENT CODE, AS AMENDED, AND PRESCRIBING THE EFFECTIVE DATE FOR THE ORDINANCE; 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.

- 6.5 MOTION WAS MADE BY COUNCILMAN FAGAN TO READ ORDINANCE 2005-10 BY CAPTION ONLY; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT FIRST READING OF ORDINANCE 2005-10, AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR POTABLE WATER, SANITARY SEWER, NATURAL GAS, AND GARBAGE COLLECTION AND DISPOSAL SERVICES; REPEALING ORDINANCE NO. 2004-06 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; 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.

- 6.6 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE PROPOSED 2005 TAX RATE OF \$0.28 FOR THE CITY OF TOMBALL AND TO SET SEPTEMBER 26, 2005 AND OCTOBER 3, 2005 AS THE DATES TO VOTE ON THE PROPOSED TAX RATE; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE AMENDMENT TO ADMINISTRATIVE POLICY 13, ENTITLED "*INVESTMENT POLICY*" AS RECOMMENDED BY THE CITY MANAGER; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

6.8 EXECUTIVE SESSION: THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:55 P.M., AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSES:

1. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY
2. SECTION 551.074 PERSONNEL MATTERS – INCLUDING EVALUATION OF CITY MANAGER

AFTER RECONVENING IN OPEN SESSION AT 9:37 P.M., NO ACTION WAS TAKEN.

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