

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON  
OCTOBER 17, 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  
CITY ENGINEER – JOE SHERWIN

- 2.0 PUBLIC COMMENTS WERE RECEIVED:

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

VICKIE BUTLER-RINDOS  
BJ SERVICES  
11211 FM 2920 - ANNUAL TOMBALL HOLIDAY PARADE

- 3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM THE COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

A. DRAFT AGENDA FOR 10/25/05 WORKSHOP. COUNCILMAN GATLIN REQUESTED AN UPDATE ON ZONING AND COPIES OF THE CURRENT OIL AND GAS ORDINANCE TO HAND OUT AT THE WORKSHOP. COUNCILMAN DRIVER

REQUESTED GUIDANCE FROM THE CITY ATTORNEY REGARDING CITY'S JURISDICTION ON OIL AND GAS ISSUES. COUNCILMAN GATLIN REQUESTED INFORMATION REGARDING ENFORCEMENT OF CURRENT OIL AND GAS ORDINANCE REQUIREMENTS.

- B. CONTRACTS AND CHANGE ORDERS SIGNED BY CITY MANAGER
- C. TOMBALL WATER PROJECT
- D. CADWALDER FARMS UPDATE. COUNCILMAN FAGAN REQUESTED CONSIDERATION TO DRAFT ORDINANCE BANNING PORTABLE TOILETS. COUNCIL REQUESTED UPDATE ON LICENSING FOR ALL ON-SITE ACTIVITIES.
- E. COMMERCIAL BUILDINGS UPDATE
- F. CITY SALES AND USE TAX COMPARISON SUMMARY – OCTOBER 2005
- G. HARRIS COUNTY – NOVEMBER 8, 2005 ELECTION INFORMATION

- 4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF OCTOBER 3, 2005; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

- 5.0 OLD BUSINESS:

- 6.0 NEW BUSINESS:

- 6.1 CONSIDERATION WAS GIVEN TO THE APPOINTMENT OF A BOARD MEMBER TO THE ZONING COMMISSION. NOMINATION OF LATRELL SHANNON WAS MADE BY COUNCILMAN DRIVER; NOMINATION OF TED PROPHET WAS MADE BY COUNCILMAN GATLIN.

MOTION THAT NOMINATIONS SHOULD CEASE WAS MADE BY COUNCILMAN FAGAN; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	-	LATRELL SHANNON
COUNCILMAN FORD	-	LATRELL SHANNON

COUNCILMAN FAGAN - LATRELL SHANNON  
COUNCILMAN GATLIN - TED PROPHET  
COUNCILMAN DRIVER - LATRELL SHANNON

LATRELL SHANNON IS APPOINTED TO THE ZONING COMMISSION.

- 6.2 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE REQUEST BY NEWQUEST FOR REIMBURSEMENT OF THE COSTS ASSOCIATED WITH INCREASED UTILITY CAPACITY FOR DEVELOPMENT AT ALICE AND STATE HIGHWAY 249; SECOND BY COUNCILMAN FAGAN.

MOTION WAS MADE BY COUNCILMAN QUINN TO TABLE CONSIDERATION OF THIS REQUEST UNTIL OCTOBER 25, 2005 WORKSHOP AND NOVEMBER 7, 2005 COUNCIL MEETING. VOTE WAS AS FOLLOWS:

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

MOTION TO TABLE WAS DEFEATED

VOTE ON MOTION TO APPROVE REQUEST BY NEWQUEST WAS AS FOLLOWS:

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

MOTION CARRIED.

COUNCILMAN QUINN REQUESTED THAT A DISCUSSION ITEM REGARDING REIMBURSEMENT OF COSTS ASSOCIATED WITH INCREASED UTILITY CAPACITY WHEN REQUESTED BY THE CITY BE PLACED ON THE OCTOBER 25, 2005 WORKSHOP AGENDA.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE RESOLUTION NO. 2005-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE 40<sup>TH</sup> ANNUAL TOMBALL HOLIDAY PARADE, **“STARS SHINE BRIGHT . . . WHO OR WHAT IS YOUR SHINING STAR?”**, TO BE HELD IN TOMBALL ON SATURDAY, NOVEMBER 19, 2005; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE RESOLUTION NO. 2005-27, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, CALLING FOR LEGISLATIVE REVIEW AND NECESSARY REVISION OF EMERGENCY EVACUATION PROCEDURES AND POLICIES PROMPTED BY HURRICANE RITA IMPACTING THE UPPER TEXAS GULF COAST AND INLAND COMMUNITIES ALONG THE DESIGNATED EVACUATION ROUTES; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT RESOLUTION NO. 2005-28, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING CERTAIN FINDINGS CONCERNING CERTAIN LAND DESCRIBED IN SUCH RESOLUTION; DETERMINING THAT SUCH LAND IS NEEDED FOR CONSTRUCTION OF THE BROWN-HUFSMITH ROAD PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.943 ACRES); SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT RESOLUTION NO. 2005-29, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING CERTAIN FINDINGS CONCERNING CERTAIN LAND DESCRIBED IN SUCH RESOLUTION; DETERMINING THAT SUCH LAND IS NEEDED FOR CONSTRUCTION OF THE BROWN-HUFSMITH ROAD PROJECT FOR THE CITY OF TOMBALL, TEXAS (3.514 ACRES); SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT RESOLUTION NO. 2005-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING CERTAIN FINDINGS

CONCERNING CERTAIN LAND DESCRIBED IN SUCH RESOLUTION;  
DETERMINING THAT SUCH LAND IS NEEDED FOR CONSTRUCTION OF  
THE BROWN-HUFSMITH ROAD PROJECT FOR THE CITY OF TOMBALL,  
TEXAS (1.495 ACRES); SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT RESOLUTION  
NO. 2005-31, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TOMBALL, TEXAS, MAKING CERTAIN FINDINGS CONCERNING  
CERTAIN LAND DESCRIBED IN SUCH RESOLUTION; DETERMINING  
THAT SUCH LAND IS NEEDED FOR CONSTRUCTION OF THE BROWN-  
HUFSMITH ROAD PROJECT FOR THE CITY OF TOMBALL, TEXAS (4.191  
ACRES); SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT  
RESOLUTION NO. 2005-32, A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF TOMBALL, TEXAS, DECLARING A CITY DISASTER  
EMERGENCY CAUSED BY HURRICANE KATRINA; SECOND BY  
COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT  
RESOLUTION NO. 2005-33, A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF TOMBALL, TEXAS, DECLARING A CITY DISASTER  
EMERGENCY CAUSED BY HURRICANE RITA; SECOND BY  
COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.11 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE PLATS,  
AS APPROVED BY PLANNING COMMISSION; SECOND BY  
COUNCILMAN FORD:

- A. CAMERON CENTRAL
- B. HOLMES CORNER
- C. LRC ACRES
- D. FIRST COMMUNITY CREDIT UNION TOMBALL

MOTION CARRIED UNANIMOUSLY.

COUNCILMAN QUINN REQUESTED THAT A DISCUSSION ITEM REGARDING CONVERSION OF RESIDENTIAL PROPERTY TO COMMERCIAL PROPERTY MEETING ALL COMMERCIAL BUILDING REQUIREMENTS BE PLACED ON THE OCTOBER 25, 2005 WORKSHOP AGENDA.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer  
DORIS SPEER, TRMC  
CITY SECRETAR

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