

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING, HELD ON
OCTOBER 25, 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
BUILDING OFFICIAL – DAVID ALLEN
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

- 2.0 PUBLIC COMMENTS WERE RECEIVED:

RODNEY HUTSON, M.D.
9431 ROSIE LANE #100, 77354 - SUPPORT FOR ITEM 3.6, REGARDING
CONVERSIONS OF RESIDENTIAL
PROPERTY TO COMMERCIAL; CREATION
OF HISTORICAL ZONE REQUIRING
UNIFORMITY OF APPEARANCE IN OLD
TOWN TOMBALL

- 3.0 COUNCIL ENTERED INTO WORKSHOP TO DISCUSS THE FOLLOWING ITEMS:
MOTION

ITEMS ON THE ADDENDUM WERE BROUGHT FORWARD FOR DISCUSSION
BEFORE WORKSHOP ITEMS, AT THE REQUEST OF COUNCILMAN GATLIN.

- 3.9 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE

CHANGE ORDER NUMBER 2 TO ASPHALT OVERLAY CONTRACT BETWEEN CITY AND CRAIG & HEIDT, INC., FOR REPAIR OF NORTH PINE STREET, IN THE AMOUNT OF \$1,715.00; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 3.10 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE CONTRACT BETWEEN THE CITY OF TOMBALL AND CRAIG & HEIDT, INC. FOR STREET REPAIRS TO SOUTH PINE AND BROWN ROAD/SH 249, IN THE AMOUNT OF \$23,245.00; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 3.1 UPDATE REGARDING HOOKS AIRPORT WAS PRESENTED BY BEN GRIFFIN. THE FINANCIAL STUDY SHOULD BE AVAILABLE FOR STUDY IN JANUARY 2006. BEN GRIFFIN ADVISED THAT THE CITY MIGHT NEED TO FUND PURCHASE OF THE AIRPORT OVER MORE THAN ONE YEAR. COUNCILMAN DRIVER REQUESTED THAT BEN GRIFFIN REQUEST LETTERS OF SUPPORT FROM THE CITY OF HOUSTON, THE FAA, TxDOT, AND COMMISSIONER EVERSOLE.

MAYOR HARRINGTON ADVISED COUNCIL THAT A MEETING IS SCHEDULED FOR JANUARY 20, 2006 OR JANUARY 27, 2006, AT THE COLLEGE BETWEEN THE CITY OF TOMBALL, TOMBALL AREA CHAMBER OF COMMERCE, HARRIS COUNTY, TxDOT, THE CITY OF HOUSTON, THE FAA, AND VARIOUS STATE REPRESENTATIVES AND SENATORS.

WARREN DRIVER PRESENTED PROPOSED STRATEGY FOR PROPERLY CONSIDERING THE ACQUISITION OF HOOKS AIRPORT BY THE CITY OF TOMBALL, DATED OCTOBER 18, 2004.

BEN GRIFFIN ADVISED THAT FINANCIAL STATEMENTS WILL BE INCLUDED IN THE TxDOT REPORT, DUE IN JANUARY; HE ALSO ADVISED THAT COUNCILMEMBERS WOULD BE WELCOME TO ATTEND MEETING WITH FINANCIAL ADVISOR TO DETERMINE DETAILS OF CITY'S FUNDING AND ISSUANCE OF DEBT.

- 3.2 PRESENTATION REGARDING THE LITTLE LEAGUE WAS GIVEN BY HEATHER GOODMAN, PRESIDENT-TSA. FINANCIAL STATEMENT COVERING TWO MONTHS WAS PRESENTED TO CITY COUNCIL. MS.

GOODMAN ADVISED THAT THE DISTRICT ATTORNEY'S OFFICE IS CURRENTLY CONDUCTING AN INVESTIGATION INTO ALLEGED IMPROPRIETIES BY PREVIOUS BOARD MEMBERS. REQUEST WAS MADE BY COUNCILMAN GATLIN FOR CREATION OF AN EX OFFICIO POSITION ON THE TOMBALL SPORTS ASSOCIATION BOARD, TO BE FILLED BY A MEMBER OF THE PARKS BOARD; MS. GOODMAN WILL PRESENT REQUEST TO THE TSA EXECUTIVE BOARD OF DIRECTORS.

BEN GRIFFIN ADVISED THAT CITY CAN REQUEST AN ANNUAL AUDIT AND QUARTERLY FINANCIAL STATEMENTS FROM THE TSA EXECUTIVE BOARD. THE CITY BUDGETED \$125,000 FOR REPAIRS; THIS BUDGET ITEM WILL NEED TO BE ROLLED OVER TO THE 2005-06 BUDGET YEAR.

COUNCILMAN QUINN REQUESTED CONSIDERATION OF A 24-HOUR EMERGENCY CONTACT NUMBER; MS. GOODMAN WILL PRESENT REQUEST TO TSA BOARD. MS. GOODMAN ADVISED THAT 447 CHILDREN ARE SIGNED UP FOR THE FALL SEASON.

3.3 INFORMATION REGARDING THE CURRENT OIL AND GAS ORDINANCES WAS PRESENTED BY MARY COKER.

BILL OLSON ADVISED THAT, UNDER THE CODE, THE CITY HAS AUTHORITY TO PERMIT PIPELINES WITHIN PUBLIC ROAD RIGHTS-OF-WAY. CITY COULD, BY ORDINANCE, REQUIRE A PIPELINE COMPANY TO SUPPLY INFORMATION REGARDING THE LOCATION OF THEIR PIPELINES. UNDER THE CITY'S CODE OF ORDINANCES, REGULATIONS ARE PROVIDED FOR NEW DRILLING AND NEW PIPELINE INSTALLATIONS.

COUNCILMAN GATLIN REQUESTED CLARIFICATION REGARDING SECTIONS 30-96 AND 30-69; BILL OLSON WILL PROVIDE RESPONSE. COUNCILMAN GATLIN REQUESTED THAT CITY STAFF ENFORCE THE CURRENT ORDINANCE TO THE FULLEST EXTENT. COUNCILMAN GATLIN REQUESTED INFORMATION REGARDING RAILROAD COMMISSION'S FURNISHING OF FORMS H-15 (INTEGRITY TESTS) TO THE CITY.

MARY COKER ADVISED THAT EXISTING WELLS HAVE BEEN REGISTERED WITH THE CITY. BILL OLSON ADVISED THAT THE CITY HAS LIMITED AUTHORITY REGARDING THE REGULATION OF EXISTING PIPELINES, BUT MAY, UNDER AN ECONOMIC DEVELOPMENT PROGRAM, REQUIRE RELOCATION OF A PIPELINE

UNDER AUTHORITY OF EMINENT DOMAIN, BUT WOULD HAVE TO PAY THE VALUE OF THE EASEMENT, PIPELINE, AND EXPENSES INVOLVED IN RELOCATING THE PIPELINE.

BEN GRIFFIN ADVISED THAT CITY CURRENTLY HAS NO QUALIFIED STAFF TO HANDLE ENFORCEMENT OF OIL AND GAS ORDINANCE; THE CITY COULD CONTRACT WITH SOMEONE TO HANDLE ENFORCEMENT IF COUNCIL IS WILLING TO FUND THE CONTRACT.

JEFF STALLONES ADVISED THAT A REPRESENTATIVE OF THE RAILROAD COMMISSION HAD SAID THAT THE CITY CAN REQUIRE RELOCATION OF PIPELINES IF THE OIL COMPANY DOES NOT SUFFER AND IF THE LANDOWNER IS WILLING TO PAY THE EXPENSE.

- 3.4 INFORMATION REGARDING PROPOSED ANNEXATION PLAN WAS PRESENTED BY BEN GRIFFIN. CREATION OF AN ANNEXATION PLAN IS NOT NECESSARY AT THE PRESENT TIME. BILL OLSON ADVISED THAT HOME RULE CITIES MAY STILL ANNEX UNDER CURRENT CODES. ONCE ANNEXATION PLAN IS ADOPTED, IF ANNEXATION IS NOT COMPLETED WITHIN THREE-YEAR PERIOD, THE CITY WOULD INCUR A PENALTY AND COULD NOT ANNEX THE PROPERTY COVERED BY THE PLAN FOR AN ADDITIONAL TWO YEARS. HOOKS AIRPORT FALLS UNDER EXEMPTION; REQUIRES CITY OF HOUSTON'S CONSENT.
- 3.5 INFORMATION REGARDING CURRENT POLICY FOR OVERSIZING OF UTILITIES AND REIMBURSEMENTS FOR OVERSIZING WAS PRESENTED BY BEN GRIFFIN. CITY WILL BEGIN WORKING ON UPDATE OF CAPITAL IMPROVEMENT/MASTER INFRASTRUCTURE PLAN IN 2006.
- 3.6 INFORMATION REGARDING "GRANDFATHERING" OF NON-CONFORMING CONVERSIONS OF RESIDENTIAL PROPERTY TO COMMERCIAL PROPERTY WAS PRESENTED BY BEN GRIFFIN. BILL OLSON ADVISED THAT THE CODE OF ORDINANCES COULD BE AMENDED TO PROVIDE THAT CONVERSIONS OF RESIDENTIAL PROPERTY TO COMMERCIAL USE MUST MEET ALL COMMERCIAL REQUIREMENTS. CONSENSUS OF COUNCIL IS FOR CITY ATTORNEY TO DRAFT AN AMENDMENT REQUIRING ANYTHING OUTSIDE OLD TOWN TOMBALL TO MEET SETBACK REQUIREMENTS. COUNCILMAN FAGAN REQUESTED A MAP OF ORIGINAL OLD TOWN AREA BEFORE AMENDMENT TO ORDINANCE IS PRESENTED.

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- 3.7 UPDATE REGARDING ZONING COMMISSION ACTIVITIES WAS PRESENTED BY MARY COKER.
- 3.8 INFORMATION REGARDING PORTABLE TOILETS WAS PRESENT BY BEN GRIFFIN, MICHAEL BLAKE, AND BILL OLSON. BILL OLSON ADVISED THAT CITY CANNOT MAKE EXCEPTIONS TO ORDINANCE FOR CITY-OWNED/OPERATED FACILITIES; DAY LABOR SITE AND PISTOL RANGE WILL BE REQUIRED TO MEET ORDINANCE STANDARDS. CONCENSUS OF COUNCIL IS FOR CITY ATTORNEY TO PREPARE DRAFT FOR COUNCIL CONSIDERATION.
- 4.0 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