

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON
NOVEMBER 21, 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
OLSON & OLSON – DAVID OLSON

2.0 PUBLIC COMMENTS

2.1 PRESENTATION OF SERVICE FLAG WAS MADE BY MAYOR HARRINGTON TO THE FAMILY OF STAFF SERGEANT ANDERSON, USAF

PUBLIC COMMENTS WERE RECEIVED:

TIM PRINCE
30625 QUINN - DEVALUATION OF PROPERTY ON QUINN AND CRESCENT ROADS; BUILT HOME WITHOUT HAVING TO PAVE DRIVEWAY (1,300 FT.)

BRUCE HILLEGEIST
TACC - APPRECIATION OF CITY'S EFFORTS IN MAKING HOLIDAY PARADE A SUCCESS; INTRODUCED MISS TOMBALL 2006 – JESSICA HARRIS

JESSICA HARRIS
MISS TOMBALL 2006 - GREETINGS TO CITY COUNCIL

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM THE COUNCILMEMBERS.

3.1 CITY MANAGER'S REPORT:

- A. PROPOSAL FOR TOMBALL DEPOT – RUSSELL SNYDER HAS OFFERED DONATION OF MOTORIZED HANDCAR FOR DEPOT
- B. SALES TAX REPORT – NOVEMBER 2005
- C. APPOINTMENTS TO PARKS BOARD
- D. APPOINTMENT TO TECHNICAL AIRPORT ADVISORY COMMITTEE
- E. HOLIDAY LIGHTING ON MAIN STREET
- F. UPDATE ON CADWALDER FARMS; UPDATE LETTER WILL BE SENT TO QUINN ROAD RESIDENTS
- G. UPDATE ON 1946 PUMPER RENOVATIONS – JOHNNY BANG'S IS RESTORING PUMPER; WILL BE PARADE VEHICLE FOR CENTENNIAL; FUNDS WERE PREVIOUSLY BUDGETED FOR THIS EXPENDITURE
- H. UPDATE ON DEPOT RENOVATION – ROD HAINEY ADVISED THAT THERE IS NO NEW TERMITE DAMAGE; TRANSOM WINDOWS HAVE BEEN UNCOVERED; TICKET OFFICE IS IN GOOD SHAPE. DEPOT AREA IS FENCED OFF FOR SAFETY.

4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF NOVEMBER 7, 2005; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE ACQUISITION OF 0.3763-ACRE TRACT, 0.3685-ACRE TRACT, 0.4747-ACRE TRACT, AND 0.1484-ACRE TRACT FOR UTILITY EASEMENTS ON HUFSMITH-KOHRVILLE FROM E. R. LEWIS AND FAMILY, IN THE AMOUNT OF \$65,000; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE AMENDMENT TO EXISTING CONTRACT BETWEEN KLOTZ & ASSOCIATES AND THE CITY OF TOMBALL FOR CONSTRUCTION PHASE SERVICES FOR THE EXTENSION OF UTILITIES ON HUFSMITH-KOHRVILLE ROAD, PROJECT 2006-01, IN THE AMOUNT OF \$47,400; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE AMENDMENT TO EXISTING CONTRACT BETWEEN KLOTZ & ASSOCIATES AND THE CITY OF TOMBALL FOR CONSTRUCTION PHASE SERVICES FOR PHASE II UTILITY IMPROVEMENTS FM 2920 WEST, PROJECT 2006-02, IN THE AMOUNT OF \$51,800; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO AWARD PROJECT NO. 2006-05, PURCHASE OF CHLORINE AND SULFUR DIOXIDE, TO LOW BIDDER, DXI INDUSTRIES; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE APPLICATION FOR EMERGENCY WRECKER LICENSE TO PARTICIPATE IN EMERGENCY WRECKER ROTATION FROM CRC COLLISION REPAIR CENTER, INC.; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT RESOLUTION NO. 2005-37, 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 M121 EAST DRAINAGE DITCH PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.449 ACRES, TOMBALL VENTURE, LTD.); SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT RESOLUTION NO. 2005-38, 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 M121 EAST DRAINAGE DITCH PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.3257 ACRES, TOMBALL VENTURE, LTD.); SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN DRIVER TO AUTHORIZE CITY ATTORNEY TO DRAFT AMENDMENT TO BUILDING CODE OF ORDINANCES, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE, WITH EXCEPTIONS AS RECOMMENDED; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FAGAN TO READ ORDINANCE NO. 2005-12 BY CAPTION ONLY; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN GATLIN TO ADOPT FIRST READING OF ORDINANCE NO. 2005-12, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING THE PARAGRAPH DEFINING *TITLE CERTIFICATE* IN SECTION 70-2 OF CHAPTER 70 AND SUBSTITUTING THEREFOR A NEW PARAGRAPH DEFINING *TITLE CERTIFICATE* IN SECTION 70-2 AND BY DELETING THE FIRST PARAGRAPH OF SECTION 70-17 OF CHAPTER 70 AND SUBSTITUTING THEREFOR A NEW FIRST PARAGRAPH OF SECTION 70-17; PROVIDING THAT A TITLE CERTIFICATE SHALL NOT HAVE BEEN EXECUTED MORE THAN 45 DAYS PRIOR TO SUBMISSION OF SAME TO THE COMMISSION AND THAT A SEARCH OF THE APPROPRIATE RECORDS WITH REGARD THERETO WAS PERFORMED WITHIN 45 DAYS PRIOR TO THE DATE THE FINAL PLAT IS DATED AND FILED; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR 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
COUNCILMAN DRIVER

AYE
AYE

MOTION CARRIED UNANIMOUSLY.

6.9 EXECUTIVE SESSION: THE CITY COUNCIL MET AT 7:38 P.M. IN EXECUTIVE SESSION 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
2. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY

COUNCIL MEETING WAS RECONVENED BY MAYOR HARRINGTON AT 9:00 P.M.; THE FOLLOWING ACTIONS WERE TAKEN:

6.10 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE PURCHASE OF 0.003-ACRE TRACT FROM SPRINGWOOD COMMUNITY IMPROVEMENT ASSOCIATION, INC. FOR THE EXTENSION OF BROWN ROAD, IN THE AMOUNT OF \$500; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

6.11 MOTION WAS MADE BY COUNCILMAN QUINN TO APPROVE THE PURCHASE OF 0.254-ACRE TRACT FROM MRS. CAROLYN HOHL FOR THE EXTENSION OF BROWN ROAD, IN THE AMOUNT OF \$6,350; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

7.0 MOTION WAS MADE BY COUNCILMAN FORD TO ADJOURN; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETARY

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