

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON
DECEMBER 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
FIRE CHIEF – RANDY PARR
CITY ENGINEER – JOE SHERWIN
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK
OLSON & OLSON – DAVID OLSON
ASST. TO CITY MANAGER – MICHELLE ANDREWS
PARKS BOARD MEMBER – BRAD HALLMARK

- 2.0 PUBLIC COMMENTS WERE RECEIVED:

RUSS BROWN
PINE COUNTRY OF TOMBALL - APPRECIATION TO CITY
COUNCIL AND CITY STAFF FOR
ASSISTANCE IN COMPLETING
THE PLATTING OF HIS
SUBDIVISION

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

3.1 PRESENTATION OF SERVICE FLAG WAS MADE BY MAYOR HARRINGTON TO KERI KERNS

- 3.2 PRESENTATION OF CERTIFICATES TO WINNERS OF THE 2005 TOMBALL HOLIDAY DECORATIONS CONTEST WAS MADE BY MAYOR HARRINGTON AND BRAD HALLMARK.

PRESENTATION OF CITY MANAGER'S AWARD WAS MADE BY BEN GRIFFIN TO SPRINGWOOD SUBDIVISION.

- 3.3 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. DRAFT AGENDA FOR RETREAT
- B. DECEMBER SALES TAX SUMMARY REPORT
- C. JANUARY 3, 2006 COUNCIL MEETING
- D. M121 DRAINAGE CHANNEL UPDATE
- E. CHURCH OF THE GOOD SHEPHERD PARKING
- F. PROPOSED PORTABLE TOILET ORDINANCE; CITY ATTORNEY WILL INCORPORATE PROPOSED CHANGES TO DRAFT
- G. MAIN STREET SIDEWALKS

- 4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF DECEMBER 5, 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 DRIVER TO ADOPT SECOND READING OF ORDINANCE NO. 2005-13, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ARTICLE II OF CHAPTER 14 THEREOF AND SUBSTITUTING THEREFORE A NEW ARTICLE II OF CHAPTER 14 ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE AND PROVIDING FOR AMENDMENTS TO THE INTERNATIONAL BUILDING CODE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION 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.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE REQUEST BY JOE D. STUTTS FOR ANNEXATION OF A 1.3006-ACRE TRACT OF LAND LOCATED AT 13907 HIRSCHFIELD ROAD ON THE SOUTHWEST CORNER OF HIRSCHFIELD ROAD AND HIGH MEADOW ROAD AND TO AUTHORIZE THE TEMPORARY EXTENSION OF WATER SERVICE TO SAID 1.3006-ACRE TRACT; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN GATLIN TO ADOPT RESOLUTION NO. 2005-39, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A RELEASE AND CONTRACT OF SETTLEMENT BY AND BETWEEN THE CITY, CERTAIN CITY OFFICIALS, COREY IRVING, CHRISTINA O'TOOLE, AND RONA SMITH, IN CAUSE NO. H-05-2832, *COREY IRVING, CHRISTINA O'TOOLE, AND RONA SMITH V. CITY OF TOMBALL, MICHAEL BLAKE, IN HIS OFFICIAL CAPACITY AS POLICE CHIEF, BEN GRIFFIN, IN HIS OFFICIAL CAPACITY AS CITY MANAGER, AND H. G. HARRINGTON, IN HIS OFFICIAL CAPACITY AS MAYOR*, IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION; SECOND BY COUNCILMAN FAGAN.

MAYOR HARRINGTON READ THE FOLLOWING STATEMENT:

“IT HAS COME TO THE CITY COUNCIL’S ATTENTION THAT IN JUNE 2005, THE KU KLUX KLAN RENTED THE CITY COMMUNITY CENTER TO HAVE AN EXHIBIT OF KLAN PARAPHERNALIA AND EXPRESS ITS BELIEFS ON VARIOUS MATTERS. I CANNOT SAY STRONGLY ENOUGH THAT THE CITY OF TOMBALL DOES NOT ENDORSE THE VIEWS OF THE KLAN. NEVERTHELESS, BECAUSE THE CITY RESPECTS THE FIRST AMENDMENT RIGHTS OF ALL PERSONS TO EXPRESS THEIR VIEWS ON MATTERS OF PUBLIC CONCERN, THE CITY WAS OBLIGATED TO RENT THE COMMUNITY CENTER TO THE KLAN, JUST AS IT WOULD TO ANY CITIZEN GROUP, HOWEVER UNPOPULAR THE KLAN’S VIEWS MIGHT BE.

IT LATER CAME TO OUR ATTENTION THAT THE KLAN ATTEMPTED TO OPEN ITS FUNCTION TO ANY MEMBER OF THE GENERAL PUBLIC WHO WAS WHITE, BUT INTENDED TO EXCLUDE ALL PERSONS OF COLOR WHO DESIRED TO ENTER. THE POLICY THAT THE COUNCIL HAS ADOPTED TODAY WILL, IN THE FUTURE, PREVENT ANY PERSON RENTING OR USING ANY CITY PROPERTY FOR A FUNCTION OPEN TO THE PUBLIC, FROM EXCLUDING PERSONS SEEKING ADMISSION SIMPLY ON THE BASIS OF THEIR RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, AGE, NATIONAL ORIGIN, OR DISABILITY. ON THE OTHER HAND, IF THE FUNCTION IS A PRIVATE ONE, SUCH AS A WEDDING PARTY OR GROUPS OF PERSONS WHO SHARE A COMMON SET OF BELIEFS, THE CITY WILL CONTINUE TO RESPECT THE FIRST AMENDMENT RIGHTS OF SUCH PERSONS AND THEIR SPECIFIC INVITEES TO ASSEMBLE IN LIMITED GROUPS.

THANK YOU.”

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN QUINN TO ADOPT RESOLUTION NO. 2005-40, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE PROPOSED INTEGRATED HOUSING DEVELOPMENT KNOWN AS “THE GARDENS AT TOMBALL”; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE INTERLOCAL AGREEMENT FOR FIRE PROTECTION, FIRE SUPPRESSION, AND RESCUE SERVICES BETWEEN THE CITY OF TOMBALL AND HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 15; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION’S ACTION TO REIMBURSE THE CITY OF TOMBALL IN THE AMOUNT OF \$550,000 FOR THE FM 2920 UTILITY PROJECT; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN QUINN TO AWARD CONTRACT FOR PROJECT 2006-04, ULRICH BALLFIELD IMPROVEMENTS, TO LOW BIDDER, JERRICO GENERAL CONTRACTOR, INC. IN THE AMOUNT OF \$97,253.20; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE PURCHASE OF THREE (3) PICKUP TRUCKS THROUGH H-GAC IN THE AMOUNT OF \$59,566.30; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

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

- A. PINE COUNTRY OF TOMBALL SECTION TWO (RESIDENTIAL)
- B. REPLAT – LOTS 1, 2 AND PORTIONS OF LOTS 3, 7, 8 AND 9, IN BLOCK 4 (COMMERCIAL) – SKELTON'S

- 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 SECRETARY

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