

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, AUGUST 21, 2006 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 LAZENBY  
COUNCILMAN FAGAN  
COUNCILMAN HARVEY  
COUNCILMAN DRIVER

OTHERS PRESENT:

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

2.0 PUBLIC COMMENTS WERE RECEIVED:

RONNIE BIRD  
13302 TIMBERWILD COURT - CONDITION, READING AND  
CLEANING OF WATER METERS  
BY CITY EMPLOYEES

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM THE COUNCILMEMBERS.

3.1 A PLAQUE WAS PRESENTED BY MAYOR HARRINGTON TO KENNETH GRAHAM IN HONOR OF HIS EIGHT YEARS OF SERVICE ON THE TOMBALL HOSPITAL AUTHORITY BOARD OF DIRECTORS.

3.2 A PROCLAMATION WAS PRESENTED BY MAYOR HARRINGTON TO OPAL GRAHAM, DECLARING AUGUST 25, 2006 AS “OPAL GRAHAM DAY”, IN HONOR OF HER 100<sup>TH</sup> BIRTHDAY.

3.3 THE CITY MANAGER’S REPORT WAS PRESENTED:

- A. AN UPDATE ON THE STATUS OF THE RESTORATION OF THE CITY'S 1946 HOWE PUMPER WAS GIVEN BY RANDY PARR.
- B. SPECIAL CITY COUNCIL MEETING – AUGUST 28, 2006
- C. REQUEST FROM CHAPARRAL GENEALOGICAL SOCIETY & LIBRARY FOR FINANCIAL ASSISTANCE
- D. UPDATE ON MECHANIC STREET PROJECT
- E. SCHEDULE OF COUNCIL MEETINGS FOR AUGUST AND SEPTEMBER
- F. UPDATE ON SALES TAX REPORT - AUGUST 2006
- G. UPDATE: CALEA ON-SITE ASSESSMENT REVIEW
- H. CONTRACTS SIGNED BY CITY MANAGER
- I. HAZARDOUS WASTE AND E-WASTE EVENT

- 4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF REGULAR AND SPECIAL COUNCIL MEETINGS OF AUGUST 7, 2006; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

- 5.0 OLD BUSINESS:

- 6.0 NEW BUSINESS:

- 6.1 THE PUBLIC HEARING REGARDING THE PROPOSED ANNEXATION OF 25.62 ACRES, J. M. HOOPER SURVEY, LOCATED SOUTH OF FM 2920 AND NORTH OF MEDICAL COMPLEX BOULEVARD WAS OPENED BY MAYOR HARRINGTON AT 7:23 P.M. NO COMMENTS WERE RECEIVED AND THE PUBLIC HEARING WAS CLOSED AT 7:24 P.M.
- 6.2 THE PUBLIC HEARING FOR THE PURPOSE OF ADOPTING THE CITY OF TOMBALL'S BUDGET FOR FISCAL YEAR 2006-2007 WAS OPENED BY MAYOR HARRINGTON AT 7:25 P.M. AN OVERVIEW OF THE BUDGET WAS PRESENTED BY BEN GRIFFIN; NO COMMENTS WERE RECEIVED AND THE PUBLIC HEARING WAS CLOSED AT 7:29 P.M.
- 6.3 THE PUBLIC HEARING CONCERNING THE ADOPTION OF AN ORDINANCE TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM AND NOMINATE BJ SERVICES COMPANY, U.S.A. TO THE OFFICE OF GOVERNOR AS A TEXAS ENTERPRISE PROJECT WAS OPENED BY MAYOR HARRINGTON AT 7:29 P.M. AN OVERVIEW OF THE PROGRAM WAS

PRESENTED BY SHARON WELHOUSE; NO COMMENTS WERE RECEIVED AND THE PUBLIC HEARING WAS CLOSED AT 7:42 P.M.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE RESOLUTION NO. 2006-22, A RESOLUTION DECLARING THE INTENTION OF THE CITY OF TOMBALL, TEXAS, TO INSTITUTE PROCEEDINGS TO ANNEX CERTAIN TERRITORY; DESCRIBING SUCH TERRITORY; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED (2.00 ACRES OF LAND LOCATED AT 11355 FM 2920); SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE AGREEMENT BETWEEN THE CITY OF TOMBALL AND TORTUGA OPERATING COMPANY FOR RELEASE AND RECOGNITION OF TORTUGA EASEMENT RIGHTS; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN FAGAN TO AUTHORIZE PREPARATION OF ORDINANCE FOR ABANDONMENT OF EASEMENTS ON 8.489-ACRE TRACT OWNED BY KCS DEVELOPMENT AND 6.598-ACRE TRACT OWNED BY JTS DEVELOPMENT, LTD.; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2006-05 BY CAPTION ONLY; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT FIRST READING OF ORDINANCE NO. 2006-05, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE CITY OF TOMBALL TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; DEFINING AVAILABLE TAX INCENTIVES; NOMINATING BJ SERVICES COMPANY, U.S.A. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE

ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS AN ENTERPRISE PROJECT UNDER THE ACT; AND DESIGNATING A LIAISON FOR OVERSEEING ENTERPRISE PROJECTS AND COMMUNICATING WITH INTERESTED PARTIES; SECOND BY COUNCILMAN LAZENBY. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2006-06 BY CAPTION ONLY; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN HARVEY TO ADOPT THE FIRST READING OF ORDINANCE NO. 2006-06, AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF TOMBALL, TEXAS, FOR FISCAL YEAR 2006-2007; AND AUTHORIZING THE CITY MANAGER TO APPROVE INTRA-DEPARTMENTAL (WITHIN THE SAME DEPARTMENT ONLY) TRANSFERS OF BUDGETED FUNDS; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE; SECOND BY COUNCILMAN FAGAN. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FAGAN TO READ ORDINANCE NO. 2006-07 BY CAPTION ONLY; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT THE FIRST READING OF ORDINANCE NO. 2006-07, AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR POTABLE WATER, SANITARY SEWER,

NATURAL GAS, AND GARBAGE COLLECTION AND DISPOSAL SERVICES;  
REPEALING ORDINANCE NO. 2005-10 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 HARVEY. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

6.10 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:50 P.M. TO MEET IN EXECUTIVE SESSION 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 – CITY MANAGER’S EVALUATION

COUNCIL RECONVENED IN REGULAR SESSION AT 9:00 P.M.; NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer  
DORIS SPEER, TRMC  
CITY SECRETARY

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