

MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, SEPTEMBER 18, 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 ATTORNEY – DAVID OLSON
CITY SECRETARY – DORIS SPEER
POLICE CAPTAIN – RICK DOERRE
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
CITY ENGINEER – IVALU ROSE
FIRE CHIEF – RANDY PARR
FINANCE DIRECTOR – SHERRIE MATTSON
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK
EXECUTIVE ASSISTANT TO CITY MANAGER – SHAWN COX

2.0 PUBLIC COMMENTS WERE RECEIVED:

JANIE AUD-RINEY
15018 MIST LANE, 77014 - TOMBALL HOLIDAY PARADE

BRUCE HILLEGEIST
CHAMBER OF COMMERCE
14011 PARK DRIVE #111, 77375 - PROGRESS ON HOOKS AIRPORT STUDY

RODNEY HUTSON, M.D.
9431 ROSIE LANE, 77355 - RETURN OF DONATED STREET LIGHTS

3.0 NO REPORTS OR ANNOUNCEMENTS WERE RECEIVED FROM THE MAYOR OR COUNCILMEMBERS.

- 3.1 A PRESENTATION OF SERVICE FLAGS WAS MADE BY MAYOR HARRINGTON TO THE FAMILIES OF:

SERGEANT MATTHEW MEADOR
SPECIALIST MICHAEL BLACK.
- 3.2 A PRESENTATION OF PROCLAMATION TO THE TOMBALL TORNADOS, DECLARING SEPTEMBER 18, 2006 AS "TOMBALL TORNADOS DAY" WAS MADE BY MAYOR HARRINGTON.
- 3.3 PRESENTATION OF WORLD SERIES AWARD PINS WAS MADE TO THE MAYOR AND COUNCIL BY THE MEMBERS OF THE TOMBALL TORNADOS.
- 3.4 PRESENTATION OF "MAYOR'S CUP" TO H. G. HARRINGTON, MAYOR OF TOMBALL, BY JIMMY THORNTON, MAYOR OF MAGNOLIA WAS POSTPONED TO A FUTURE DATE.
- 3.5 THE CITY MANAGER'S REPORT WAS PRESENTED:
 - A. SPECIAL COUNCIL MEETING – SEPTEMBER 25, 2006
 - B. RETURN OF EQUITY FROM TML-IRP
 - C. INVESTMENT PORTFOLIO SUMMARY FOR QUARTER ENDING JUNE 30, 2006
 - D. HAZARDOUS AND E-WASTE EVENT – SEPTEMBER 30, 2006
 - E. SALE & USE TAX COMPARISON SUMMARY – SEPTEMBER 2006
 - F. SET DATE FOR WORKSHOP – CONSENSUS OF COUNCIL IS TO HOLD THE WORKSHOP ON OCTOBER 23 AT 5:00 P.M.
 - G. LIGHTS AT THE DEPOT – THE CONTRACTOR ADVISES AGAINST USING THE LIGHTS REMOVED FROM MAIN STREET DUE TO THEIR DETERIORATED CONDITION, RECOMMENDING INSTEAD THE INSTALLATION OF THE SAME LIGHTS BEING USED IN THE DOWNTOWN AREA ON MAIN STREET, TO BE INSTALLED AND MAINTAINED BY CENTERPOINT ENERGY.
- 4.0 MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF SEPTEMBER 5, 2006 AND THE SPECIAL COUNCIL MEETING OF SEPTEMBER 12, 2006; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

- 5.1 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT THE SECOND READING OF ORDINANCE NO. 2006-08, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (25.66 ACRES OF LAND WEST OF SH 249 BYPASS AND NORTH OF MEDICAL COMPLEX DRIVE); SECOND BY COUNCILMAN QUINN. THE 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.

- 5.2 CONSENSUS OF COUNCIL WAS UNANIMOUS TO TABLE CONSIDERATION TO ADOPT SECOND READING OF ORDINANCE NO. 2006-09, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A FOURTEEN-FOOT PUBLIC UTILITY EASEMENT, A TEN-FOOT PUBLIC UTILITY EASEMENT, AND A SIX-FOOT PUBLIC UTILITY EASEMENT, IDENTIFIED AND DESCRIBED HEREIN; VACATING, ABANDONING, AND CLOSING SAID PUBLIC UTILITY EASEMENT; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT AT THE REQUEST OF THE CITY MANAGER.
- 6.0 NEW BUSINESS:
- 6.1 THE PUBLIC HEARING REGARDING THE PROPOSED ANNEXATION OF 2.000 ACRES OF LAND, LOCATED AT 11355 FM 2920 WAS OPENED BY MAYOR HARRINGTON AT 7:26 P.M. NO COMMENTS WERE RECEIVED AND THE PUBLIC HEARING WAS CLOSED AT 7:28 P.M.
- 6.2 MOTION WAS MADE BY COUNCILMAN QUINN TO APPOINT TONY SORTINO AS TEMPORARY JUDGE FOR TOMBALL MUNICIPAL COURT; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN HARVEY TO ADOPT RESOLUTION NO. 2006-23, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE 41ST ANNUAL TOMBALL HOLIDAY PARADE, "*A BROADWAY HOLIDAY*", TO BE HELD IN TOMBALL ON SATURDAY, NOVEMBER 18, 2006; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 NOMINATION WAS MADE BY COUNCILMAN QUINN TO DESIGNATE THE MAYOR AND MAYOR PRO TEM AS THE REPRESENTATIVE AND ALTERNATE REPRESENTATIVE, RESPECTIVELY, FOR THE HOUSTON-GALVESTON AREA COUNCIL 2007 GENERAL ASSEMBLY. MOTION WAS MADE BY COUNCILMAN DRIVER THAT NOMINATIONS CEASE; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN HARVEY TO ADOPT RESOLUTION NO. 2006-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, FOR THE DESIGNATION OF REPRESENTATIVE AND ALTERNATE FOR THE HOUSTON-GALVESTON AREA COUNCIL 2007 GENERAL ASSEMBLY; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT RESOLUTION NO. 2006-25, 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 (8.1479 ACRES LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE, NORTH OF SPELL ROAD); SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT RESOLUTION NO. 2006-26, 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 (4.998 ACRES LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE, NORTH OF SPELL ROAD); SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN HARVEY TO ADOPT RESOLUTION NO. 2006-27, 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 (146 ACRES LOCATED ON THE NORTH SIDE OF ZION ROAD EAST OF ULRICH ROAD); SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN QUINN TO AWARD PROJECT 2006-14, SELF-CONTAINED BREATHING APPARATUS UPGRADES TO FERARA FIRE APPARATUS, INC., IN THE AMOUNT OF \$42,054.60; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE PLATS AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN HARVEY:

A. VACATING PLAT OF SUNNY ACRES SUBDIVISION
(RESIDENTIAL, 8 LOTS, 2 BLOCKS AT THE INTERSECTION OF
LIZZIE LANE AND SOUTH PERSIMMON)

MOTION CARRIED UNANIMOUSLY.

- 6.10 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:36 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:

- A. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
- B. SECTION 551.071 CONSULTATION WITH ATTORNEY REGARDING POTENTIAL LITIGATION
- C. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY
- D. SECTION 551.074 PERSONNEL MATTERS

CITY COUNCIL RECONVENED INTO REGULAR SESSION AT 7:59 P.M. AND NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETARY

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