

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, OCTOBER 2, 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  
CHIEF OF POLICE – MICHAEL BLAKE  
DIRECTOR OF PUBLIC WORKS – ROD HAINEY  
CITY ENGINEER – IVALU ROSE  
FIRE CHIEF – RANDY PARR  
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK  
EXECUTIVE ASSISTANT TO CITY MANAGER – SHAWN COX

2.0 PUBLIC COMMENTS WERE RECEIVED:

MONIQUE DERMAUX  
2531 SOUTH CHERRY, 77375

- GARDENS AT TOMBALL  
DEVELOPMENT; PRESERVATION  
OF TREES; EXCESSIVE PARKING

MIKE ALLISON  
13519 LOST CREEK ROAD, 77375  
CCG VENTURE

- HICKS TO BROWN ROAD UTILITY  
PROJECT; CITY COMMITMENT TO  
PROJECT

VERNON BROWN  
27302 DECKER PRAIRIE-ROSEHILL

- HAZARDOUS AND E-WASTE  
EVENT; GOOD JOB; APPRECIATED  
OPPORTUNITY TO SAFELY  
DISPOSE OF HAZARDOUS  
MATERIALS

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

3.1 PRESENTATION OF SERVICE FLAG WAS MADE BY MAYOR HARRINGTON TO AMANDA MORRIS, MOTHER OF:

CORPORAL JOSHUA GLAMEYER.

3.2 THE CITY MANAGER'S REPORT WAS PRESENTED BY BEN GRIFFIN:

- A. REQUEST FOR MORATORIUM ON WRECKER COMPANY APPLICATIONS FOR EMERGENCY ROTATION
- B. TEXAS FOREST SERVICE GRANT
- C. ESD#15 SECOND QUARTERLY INSTALLMENT
- D. OCTOBER 16, 2006 PUBLIC HEARING FOR ANNEXATIONS
- E. OCTOBER 23, 2006 WORKSHOP
- F. FOLLOW-UP ON THE HAZARDOUS & E-WASTE EVENT WAS PRESENTED BY SHAWN COX.
- G. TRIANGLE AREA AT LITTLE LEAGUE FIELDS. A RESOLUTION TO NAME THE LITTLE LEAGUE FIELDS AND THE TRIANGLE AREA THE "WAYNE STOVALL SPORTS COMPLEX" WILL BE PLACED ON THE OCTOBER 16, 2006 AGENDA.
- H. SCHEDULE OF COUNCIL MEETINGS, OCTOBER-DECEMBER

4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF SPECIAL AND REGULAR COUNCIL MEETINGS OF SEPTEMBER 18, 2006 AND SPECIAL COUNCIL MEETING OF SEPTEMBER 25, 2006; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE APPLICATION FOR EMERGENCY WRECKER LICENSE TO PARTICIPATE IN EMERGENCY WRECKER ROTATION FROM CHUMLEY'S TOWING & RECOVERY; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN QUINN TO APPROVE REQUEST BY THE REGIONAL ARTS COUNCIL (TRAC) TO APPROVE WAIVER OF RENTAL FEE AND PERSONNEL FEES FOR THE USE OF THE COMMUNITY CENTER, TABLES, CHAIRS, AND PERSONNEL TO OPEN AND CLOSE THE BUILDING FOR THE TOMBALL ART LEAGUE (TAL) JURIED SPRING AND FALL ART SHOWS, ON SATURDAY, MARCH 10, 2007 AND SATURDAY, OCTOBER 13, 2007; SECOND BY COUNCILMAN HARVEY.

MOTION TO APPROVE WAS WITHDRAWN BY COUNCILMAN QUINN;  
MOTION TO SECOND WAS WITHDRAWN BY COUNCILMAN HARVEY.

MOTION WAS MADE BY COUNCILMAN QUINN THAT THE CITY OF TOMBALL WILL CO-SPONSOR THE TOMBALL ART LEAGUE (TAL) JURIED SPRING AND FALL ART SHOWS, ON SATURDAY, MARCH 10, 2007 AND SATURDAY, OCTOBER 13, 2007 BY PROVIDING THE COMMUNITY CENTER, TABLES, CHAIRS, AND PERSONNEL TO OPEN AND CLOSE THE BUILDING FOR THE SPRING AND FALL ART SHOWS; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE AGREEMENT BETWEEN TOMBALL ECONOMIC DEVELOPMENT CORPORATION AND GRACO AWARDS FOR THE EXPANSION OF EXISTING FACILITIES AT 723 SOUTH CHERRY STREET, IN THE AMOUNT OF \$40,000; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN LAZENBY TO AUTHORIZE PREPARATION OF AGREEMENT BETWEEN THE CITY OF TOMBALL AND TOMBALL ECONOMIC DEVELOPMENT CORPORATION FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH CONSTRUCTION OF STREET AND UTILITY IMPROVEMENTS – PEACH AND MECHANIC STREETS; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF TOMBALL AND HARRIS COUNTY ANIMAL CONTROL FOR ANIMAL CONTROL SERVICES; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN QUINN TO READ ORDINANCE NO. 2006-10 BY CAPTION ONLY; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT FIRST READING OF ORDINANCE NO. 2006-10, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING SECTION 82-17 THEREOF AND SUBSTITUTING THEREFORE A NEW SECTION 82-17, PROVIDING FOR THE UNLAWFUL RESALE OF UTILITY SERVICES, EXCEPT FOR MASTER METERED COMPLEXES WITH MORE THAN TWELVE UNITS AND OTHER SPECIAL ARRANGEMENTS APPROVED BY CITY COUNCIL; BY DELETING SECTION 82-19 AND SUBSTITUTING THEREFORE A NEW SECTION 82-19, PROVIDING FOR SEPARATE UTILITY SERVICE CONNECTIONS FOR EVERY BUILDING, STRUCTURE OR CONSUMER, EXCEPT MULTIFAMILY RESIDENTIAL COMPLEXES WITH MORE THAN TWELVE UNITS SHALL BE MASTER METERED; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY; 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.

- 6.7 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT \$0.144987 AS THE PORTION OF THE TAX RATE FOR THE INTEREST AND SINKING FUND; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN LAZENBY TO ADOPT \$0.106468 AS THE PORTION OF THE TAX RATE FOR THE MAINTENANCE AND OPERATIONS; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FAGAN TO READ ORDINANCE NO. 2006-11 BY CAPTION ONLY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT FIRST READING OF ORDINANCE NO. 2006-11, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, SETTING THE TAX LEVY OF \$0.251455 FOR THE YEAR 2006 ON ALL TAXABLE REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF TOMBALL, TEXAS; ALLOWING FOR HOMESTEAD EXEMPTIONS FOR PROPERTY OWNERS SIXTY-FIVE YEARS OF AGE AND OVER, AND FOR PROPERTY OWNERS WHO QUALIFY FOR DISABILITY BENEFITS UNDER THE FEDERAL OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVIDING FOR PENALTY, INTEREST, AND ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; 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 MOTION WAS MADE BY COUNCILMAN FAGAN TO READ ORDINANCE NO. 2006-12 BY CAPTION ONLY; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT FIRST READING OF ORDINANCE NO. 2006-12, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ORDINANCE NO. 2006-07, ADOPTED ON SEPTEMBER 5, 2006, BY DELETING SECTION 7 IN ITS ENTIRETY AND SUBSTITUTING THEREFORE A NEW SECTION 7; ESTABLISHING CHARGES FOR MONTHLY RATES AND CHARGES FOR NATURAL GAS PROVIDED BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN DRIVER. 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.

- 6.11 MOTION WAS MADE BY COUNCILMAN LAZENBY TO READ ORDINANCE NO. 2006-13 BY CAPTION ONLY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN QUINN TO ADOPT FIRST READING OF ORDINANCE NO. 2006-13, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING THE LAST SENTENCE OF PARAGRAPH (d) OF SECTION 14-478 THEREOF, PROVIDING PROVISIONS FOR FIRE HYDRANTS IN MULTIPLE FAMILY DWELLING COMPLEXES; 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 LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

- 6.12 EXECUTIVE SESSION: AT 7:34 P.M., THE CITY COUNCIL MET 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 8:27 P.M. AND  
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