

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING, HELD ON
MONDAY, OCTOBER 23, 2006 AT 5:00 P.M., CITY HALL, 401 MARKET
STREET, TOMBALL, TEXAS, 77375**

1.0 MEETING WAS CALLED TO ORDER BY MARY HARRINGTON. OTHER MEMBERS
PRESENT:

COUNCILMAN QUINN
COUNCILMAN FAGAN
COUNCILMAN LAZENBY
COUNCILMAN HARVEY
COUNCILMAN DRIVER

OTHERS PRESENT:

ASSISTANT CITY MANAGER – MARY COKER
CITY SECRETARY – DORIS SPEER
FINANCE DIRECTOR – SHERRIE MATTSON
FIRE CHIEF – RANDY PARR
CHIEF OF POLICE – MICHAEL BLAKE
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
CITY ENGINEER – IVALU ROSE
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK
EXEC. ASST. TO CITY MANAGER – SHAWN COX

2.0 NO PUBLIC COMMENTS WERE RECEIVED.

3.0 NEW BUSINESS:

3.1 THE PUBLIC HEARING TO CONSIDER THE FOLLOWING ANNEXATIONS WAS
OPENED BY MAYOR HARRINGTON AT 5:01 P.M.:

- A. 8.1479 ACRES LOCATED ON THE EAST SIDE OF
HUFSMITH-KOHRVILLE, NORTH OF SPELL ROAD
- B. 4.998 ACRES LOCATED ON THE EAST SIDE OF
HUFSMITH-KOHRVILLE, NORTH OF SPELL ROAD
- C. 146 ACRES LOCATED ON THE NORTH SIDE OF ZION
ROAD EAST OF ULRICH ROAD

THE FOLLOWING COMMENT WAS RECEIVED:

TOM CROFOOT
1430 NEAL ROAD - QUESTION REGARDING OWNERSHIP OF THE
146 ACRE TRACT; PROPERTY IS IN FLOOD
PLAIN AND BACKS UP TO GUN RANGE.
CITY SHOULD NOT DEVELOP WITHOUT
PROOF OF OWNERSHIP OR DEVELOPMENT
PLANS

AS NO FURTHER COMMENTS WERE RECEIVED; THE PUBLIC HEARING
WAS CLOSED BY MAYOR HARRINGTON AT 5:04 P.M.

- 3.2 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT THE SECOND
READING OF ORDINANCE NO. 2006-14, AN ORDINANCE AMENDING THE
CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING
PARAGRAPH (i) OF SECTION 70-35 THEREOF AND SUBSTITUTING
THEREFORE A NEW PARAGRAPH (i) OF SECTION 70-35, PROVIDING FOR THE
INSTALLATION OF SIDEWALKS; PROVIDING A PENALTY IN AN AMOUNT
NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION HEREOF; AND
PROVIDING FOR SEVERABILITY; 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.

- 3.3 MOTION WAS MADE BY COUNCILMAN HARVEY TO ADOPT THE SECOND
READING OF ORDINANCE NO. 2006-15, 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 (2.00
ACRES LOCATED AT 11355 FM 2920); 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.

- 3.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT THE SECOND READING OF ORDINANCE NO. 2006-17, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ADOPTING AMENDMENT NUMBER 1 TO THE ORIGINAL BUDGET OF THE CITY OF TOMBALL, TEXAS, FOR THE FISCAL YEAR 2005-2006, AS ADOPTED BY ORDINANCE NO. 2005-06; PROVIDING FOR APPROPRIATION OF FUNDS FROM THE UTILITY FUND IN THE AMOUNT OF \$549,500 FOR A TOTAL INCREASE IN EXPENSES OF \$549,500, DIRECTING PUBLICATION OF THE CAPTION OF THIS ORDINANCE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE; SECOND BY COUNCILMAN QUINN. 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.

- 3.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE DEVELOPER AGREEMENT BETWEEN THE CITY AND GARDENS AT TOMBALL, L.P., FOR CONSTRUCTION OF A PORTION OF M-121 DRAINAGE CHANNEL; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 4.0 COUNCIL ENTERED INTO WORKSHOP AT 5:09 P.M. TO DISCUSS THE FOLLOWING ITEMS:
- 4.1 PRESENTATION WAS MADE BY SCOTT BEAN, HAWES-HILL-CALDERON, L.L.P., REGARDING THE USE OF PUBLIC IMPROVEMENT DISTRICT (PID) TO FUND AREA IMPROVEMENTS. ESTIMATED BUILD-OUT IS FIVE YEARS AND ESTIMATED COST PER HOME IS \$40 PER MONTH. THE CITY COULD ESTABLISH A LOCAL GOVERNMENT CORPORATION TO MANAGE THE PID.

4.2 MULTI-FAMILY, LOW-COST, AND INSTITUTIONAL HOUSING REQUIREMENTS:

4.2.1 PRESENTATION WAS MADE BY KEN FAMBRO, GARDENS AT TOMBALL, REGARDING PARKING SPACE REQUIREMENTS. GARDENS AT TOMBALL REQUESTS COUNCIL'S CONSIDERATION TO REDUCE PARKING REQUIREMENTS TO 1.5 PARKING SPACES PER UNIT AND TO INCREASE GREENSPACE TO 40%. THE ADJOINING PROPERTY OWNERS SUPPORT THIS REQUEST. A 6-FOOT FENCE, WITH SHRUBBERY PLANTED AGAINST THE FENCE, WILL SEPARATE GARDENS AT TOMBALL FROM THE ADJOINING PROPERTY OWNERS. COUNCILMAN QUINN REQUESTED A NEWER STUDY REGARDING PARKING REQUIREMENTS IN OTHER COMPLEXES AND INPUT FROM A CITY PLANNER BEFORE COUNCIL MAKES A DECISION.

FOLLOWING ADDITIONAL DISCUSSION, THE CONSENSUS OF COUNCIL WAS UNANIMOUS TO LOWER THE PARKING REQUIRMENTS AND TO AUTHORIZE CITY ATTORNEY TO DRAFT AN ORDINANCE.

INFORMATION REGARDING THE RATIO OF SINGLE-FAMILY UNITS (2,292) TO MULTI-FAMILY UNITS (2,426) WAS PROVIDED BY MARY COKER. COUNCILMAN QUINN REQUESTED ADDITIONAL INFORMATION FROM A CITY PLANNER AND COMPARISON CITIES REGARDING RECOMMENDED RATIOS OF SINGLE-FAMILY TO MULTI-FAMILY UNITS.

4.3 DOWNTOWN AND DEPOT AREA:

4.3.1 DISCUSSION WAS HELD REGARDING THE TREES TO BE PLANTED ON THE 100 BLOCK OF MAIN STREET. THE RECOMMENDATION FROM CITY STAFF IS THE CHINESE ELM. COUNCILMAN QUINN SUGGESTED MIXING CHINESE ELMS WITH RED OAKS FOR VARIETY. THE CONSENSUS OF COUNCIL WAS UNANIMOUS TO PURCHASE THREE CHINESE ELMS AND THREE RED OAKS, TO BE PLANTED ALTERNATELY.

4.3.2 THE SIDEWALKS ON MAIN STREET WERE DISCUSSED. THE RECOMMENDATION FROM CITY STAFF IS TO CUT OUT THE CURB IN THE 200-400 BLOCKS OF MAIN STREET AND REPLACE THE CUT-OUT PORTION WITH THE RED BRICK, INSTALLING NEW IRRIGATION LINES AND ELECTRICAL CONDUIT DURING THE PROCESS IN AN EFFORT TO SAVE THE REMAINING TREES IN THOSE BLOCKS. THE CONSENSUS OF COUNCIL WAS 4-1 TO FOLLOW THE PLAN

RECOMMENDED BY CITY STAFF, COUNCILMAN QUINN DISSENTING.

- 4.3.3 ROD HAINEY ADVISED THAT CENTERPOINT AND TxDOT HAVE NOT RESOLVED THEIR DIFFERENCES REGARDING THE INSTALLATION OF STREET LIGHTS ON MAIN STREET. HOWEVER THE CITY CAN PURCHASE STREET LIGHTS DIRECTLY AND CITY CREWS AND INSTALL THE LIGHTS WITHOUT WAITING FOR CENTERPOINT AND TxDOT TO RESOLVE THEIR DIFFERENCES; THE CITY WOULD BE RESPONSIBLE FOR MAINTAINING THE LIGHTS. THE CONSENSUS OF COUNCIL WAS UNANIMOUS TO PURCHASE AND INSTALL THE LIGHTS, THEN NEGOTIATE WITH CENTERPOINT IN THE FUTURE FOR CENTERPOINT TO TAKE OVER THE MAINTENANCE OF THE LIGHTS.
- 4.4 COUNCIL COMPENSATION WAS DISCUSSED. COUNCIL WAS OPPOSED TO PLACING AN ITEM ON THE NEXT AGENDA TO INCREASE COUNCIL COMPENSATION. COUNCILMAN QUINN REQUESTED CONSIDERATION TO RAISE THE MAYOR'S COMPENSATION TO \$500 PER MONTH, WITH NO INCREASE FOR COUNCIL MEMBERS. COUNCILMEN QUINN, DRIVER, AND LAZENBY REQUESTED THAT CONSIDERATION OF COMPENSATION FOR THE MAYOR BE PLACED ON THE NOVEMBER 6, 2006 AGENDA.
- 4.5 AN UPDATE REGARDING HOOKS AIRPORT WAS GIVEN BY MARY COKER; BEN GRIFFIN IS CURRENTLY NEGOTIATING WITH PAUL GAINES REGARDING DEVELOPMENT OF THE PLAN TO PURCHASE HOOKS.
- 4.6 GREENSPACE REQUIREMENTS WERE DISCUSSED. RECOMMENDATION FROM CITY STAFF IS THAT GREENSPACE NEEDS TO BE INCORPORATED THROUGHOUT EACH DEVELOPMENT AND THAT DEVELOPERS SHOULD BE ALLOWED TO USE DRY DETENTION AS GREENSPACE. ROD HAINEY REQUESTED INPUT FROM COUNCIL REGARDING DEFINITIONS IN ORDINANCE TO ALLOW STAFF SOME LEEWAY IN PLAN REVIEWS. COUNCILMAN QUINN REQUESTED ADDITIONAL INPUT FROM A CITY PLANNER REGARDING RECOMMENDATIONS TO INTEGRATE GREENSPACE INTO DEVELOPMENT PROJECTS. IVALU ROSE ADVISED THAT THE CITY STAFF CAN PREPARE GUIDELINES FOR REVIEW BY A CITY PLANNER TO REDUCE TIME AND EXPENSE. CONCENSUS OF COUNCIL IS THAT GREENSPACE NEEDS TO BE INTEGRATED THROUGHOUT EACH PROJECT. BILL OLSON ADVISED THAT THE PLANNING COMMISSION CAN APPROVE OR REFUSE TO APPROVE GREENSPACE AS IT IS PRESENTED IN A PARTICULAR PLAT. ROD HAINEY ADVISED COUNCIL THAT CITY STAFF WOULD BRING RECOMMENDATIONS TO COUNCIL AS SOON AS POSSIBLE.

- 4.7 RANDY PARR PRESENTED RECOMMENDATIONS REGARDING RESIDENTIAL SPRINKLER SYSTEMS. RESIDENTIAL SPRINKLER SYSTEMS WOULD REQUIRE A 1-INCH METER INSTEAD OF THE CURRENT ¾-INCH METER; COUNCIL COULD WAIVE THE COST OF UPGRADING TO THE LARGER METER. RANDY PARR PRESENTED A RECOMMENDATION TO REDUCE THE SIZE OF COMMERCIAL ESTABLISHMENTS REQUIRED TO HAVE SPRINKLERS FROM 12,000 SQUARE FEET TO 3,000 SQUARE FEET. COUNCILMEN DRIVER AND LAZENBY REQUESTED INPUT FROM THE DEVELOPMENT COMMUNITY. COUNCIL REQUESTED ADDITIONAL INFORMATION REGARDING COST TO CITY FOR INSTALLING LARGER METERS, CITY'S ABILITY TO SUPPLY WATER TO LARGER METERS, LOSS TO CITY IF TAP OR IMPACT FEES ARE WAIVED, AND INCREASED DEVELOPER COSTS FOR UPGRADES.
- 5.0 MOTION WAS MADE BY COUNCILMAN DRIVER 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