

MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, NOVEMBER 6, 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 – DAVID OLSON
CITY SECRETARY – DORIS SPEER
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
CHIEF OF POLICE – MICHAEL BLAKE
FIRE CAPTAIN – KYLE STEADMAN
CITY ENGINEER – IVALU ROSE
EXEC. ASST. TO CITY MANAGER – SHAWN COX

2.0 PUBLIC COMMENTS WERE RECEIVED:

RUSSELL BROWN
BANDERA, 78003 - ITEM 6.4; JOSEPH FAMILY TRUST REQUEST
THAT CITY EXTEND UTILITIES TO
PROPERTY LOCATED ON TOMBALL
CEMETERY ROAD

SAMANTHA HEARD
212 SOUTH PINE, 77375 - OPPOSITION TO ITEM 6.5, PROPOSED
CONSTRUCTION OF SIDEWALK ON PINE
STREET FROM JAMES STREET TO MARKET
STREET

RODNEY HUTSON
9431 ROSIE LANE, 77354 - ITEM 6.7; PROPOSED INCREASE IN
COMPENSATION SHOULD INCLUDE
INCREASE FOR COUNCIL MEMBERS

3.0 REPORTS AND ANNOUNCEMENTS

3.1 PRESENTATION OF SERVICE FLAG WAS MADE BY MAYOR HARRINGTON TO THE FAMILY OF LANCE CORPORAL CALE FULTON.

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

- A. CONTRACTS SIGNED BY CITY MANAGER
- B. PERFORMANCE INDICATORS
- C. MULTI-FAMILY COMPARISONS
- D. QUARTERLY INVESTMENT REPORT

VARIOUS REPORTS AND ANNOUNCEMENTS WERE MADE BY THE MAYOR AND COUNCILMEMBERS.

COUNCILMAN QUINN REQUESTED THAT CITY STAFF INVESTIGATE THE AREAS OF TOMBALL THAT FLOODED ON OCTOBER 26 AND PROVIDE REASONS FOR FLOODING AND POSSIBLE SOLUTIONS. COUNCILMAN QUINN ALSO REQUESTED THAT CITY STAFF CONTACT TxDOT AND REQUEST REPAIRS TO SIDEWALKS IN THE 200-400 BLOCKS OF MAIN STREET.

COUNCILMAN FAGAN REQUESTED THAT CITY STAFF SOLICIT INFORMATION FROM OTHER CITIES REGARDING IMPACT FEES. COUNCILMAN FAGAN ALSO REQUESTED THE CITY STAFF AND COUNCIL REVIEW CURRENT REQUIREMENTS FOR MULTI-FAMILY DEVELOPMENTS.

4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF THE REGULAR AND SPECIAL COUNCIL MEETINGS OF OCTOBER 16, 2006 AND THE SPECIAL COUNCIL MEETING OF OCTOBER 23, 2006; SECOND BY COUNCILMAN DRIVER.

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. 2006-16, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ARTICLE II OF CHAPTER 74 THEREOF AND SUBSTITUTING THEREFOR A NEW ARTICLE II OF CHAPTER 74; PROVIDING FOR A SEVEN

PERCENT (7%) HOTEL OCCUPANCY TAX; PROVIDING RULES AND REGULATIONS FOR COLLECTION, PAYMENT, AND REPORTING REQUIREMENTS CONTAINED HEREIN; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED FIFTEEN PERCENT (15%) OF THE TOTAL AMOUNT OF TAX OWED; PROVIDING FOR THE IMPOSITION OF INTEREST ON UNPAID AMOUNTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith; 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.

6.0 NEW BUSINESS:

6.1 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE APPLICATIONS FOR EMERGENCY WRECKER LICENSE TO PARTICIPATE IN EMERGENCY WRECKER ROTATION; SECOND BY COUNCILMAN HARVEY:

- 6.1.1 CASE TOWING & RECOVERY (NEW)
- 6.1.2 COLLISION EXPRESS (FORMERLY TOMBALL COLLISION)
- 6.1.3 TOMBALL TOWING & STORAGE, INC. (FORMERLY CRC COLLISION)

MOTION CARRIED UNANIMOUSLY.

6.2 CONSIDERATION TO APPROVE AMENDMENT TO CONTRACT BETWEEN CITY OF TOMBALL OF PERDUE BRANDON REGARDING THE COLLECTION OF DELINQUENT PERSONAL PROPERTY TAXES WAS WITHDRAWN AT THE REQUEST OF MIKE DARLOW, WHO WAS UNABLE TO ATTEND. NO ACTION NECESSARY.

6.3 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE CITY POLICY FOR THE ESTABLISHMENT OF PUBLIC IMPROVEMENT DISTRICTS UNDER CERTAIN CONDITIONS, AS PRESENTED; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE REQUEST BY RUSSELL BROWN FOR THE CITY TO EXTEND UTILITIES FROM FM 2920 TO PINE COUNTRY OF TOMBALL SUBDIVISION ON TOMBALL CEMETERY ROAD; SECOND BY COUNCILMAN FAGAN. VOTE WAS AS FOLLOWS:

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

MOTION FAILED, 0-5.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE CONTRACT BETWEEN THE CITY OF TOMBALL AND BROOKS & SPARKS, INC., FOR ENGINEERING SERVICES IN CONNECTION WITH THE PINE STREET DRAINAGE AND SIDEWALK PROJECT, IN THE AMOUNT OF \$37,900; SECOND BY COUNCILMAN LAZENBY. VOTE WAS AS FOLLOWS:

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

MOTION FAILED, 0-5.

- 6.6 MOTION WAS MADE BY COUNCILMAN FAGAN TO AWARD CONTRACT FOR PROJECT 2007-02, WEEKLY UNIFORM SERVICE, TO LOW BIDDER, ARAMARK UNIFORM SERVICES; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN DRIVER TO AUTHORIZE CITY ATTORNEY TO DRAFT AMENDMENT TO SECTION 2-29 OF THE CODE OF ORDINANCES, SETTING THE MONTHLY STIPEND FOR THE MAYOR; SECOND BY COUNCILMAN QUINN. MAYOR HARRINGTON EXPRESSED HIS DESIRE THAT HIS COMPENSATION NOT BE INCREASED AND REQUESTED COUNCIL MEMBERS TO VOTE AGAINST AMENDING THE CODE OF

ORDINANCES. VOTE WAS AS FOLLOWS:

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

MOTION FAILED, 1-4.

- 6.8 MOTION WAS MADE BY COUNCILMAN FAGAN TO RE-AFFIRM ADMINISTRATIVE POLICY NO. 13, ENTITLED "INVESTMENT POLICY"; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE RESOLUTION NO. 2006-29, A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, AMENDING THE AUTHORIZED REPRESENTATIVES IN THE PARTICIPATION AGREEMENT AND THE ACCOUNT IN THE NAME OF CITY OF TOMBALL WITH "TEXPOOL"; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2006-18 BY CAPTION ONLY; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN QUINN TO ADOPT FIRST READING OF ORDINANCE NO. 2006-18, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF PARAGRAPH (c) OF SECTION 60-8 THEREOF AND SUBSTITUTING THEREFOR A NEW PARAGRAPH (c) OF SECTION 60-8, AND BY DELETING ALL OF SUBPARAGRAPH (3) OF PARAGRAPH (b) OF SECTION 60-9 THEREOF AND SUBSTITUTING A NEW SUBPARAGRAPH (3) OF PARAGRAPH (b) OF SECTION 60-9; PROVIDING MINIMUM DISTANCE SEPARATION PROVISIONS APPLICABLE TO ON-PREMISE GROUND SIGNS AND OFF-PREMISE GROUND SIGNS; PROVIDING OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2000 FOR VIOLATION OF ANY PROVISION 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.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETARY

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