

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, NOVEMBER 20, 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 HARVEY  
COUNCILMAN DRIVER

MEMBERS ABSENT:

COUNCILMAN FAGAN - EXCUSED

OTHERS PRESENT:

CITY MANAGER – BEN GRIFFIN  
ASSISTANT CITY MANAGER – MARY COKER  
CITY ATTORNEY – BILL OLSON  
CITY SECRETARY – DORIS SPEER  
CHIEF OF POLICE – MICHAEL BLAKE  
FIRE CAPTAIN – RANDY PARR

2.0 PUBLIC COMMENTS WERE RECEIVED:

BRANDY BREYER  
CHAMBER OF COMMERCE - TACC APPRECIATION OF CITY'S SUPPORT;  
VITAL FOR SUCCESS OF PARADE

FRANKIE STEWART  
CHAMBER OF COMMERCE - INTRODUCING 2007 MISS TOMBALL, LILLY  
KATHLEEN ROBISON

3.0 REPORTS AND ANNOUNCEMENTS

3.1 TOMBALL POLICE DEPARTMENT'S POLICE DOG, NATAN, WAS PRESENTED BY HIS HANDLER, OFFICER JOHNNY FREEMAN, WHO PROVIDED INFORMATION REGARDING NATAN'S RECENT TRACKING PERFORMANCES.

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

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

- A. ESD #15 PAYMENT
- B. PERFORMANCE INDICATORS
- C. APPOINTMENT TO TOMBALL ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS
- D. NHRWA WATER FEE INCREASE

4.0 MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE THE MINUTES OF SPECIAL AND REGULAR COUNCIL MEETINGS OF NOVEMBER 6, 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 QUINN TO ADOPT SECOND 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 HARVEY.

MOTION CARRIED UNANIMOUSLY.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT RESOLUTION NO. 2006-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE ANNUAL BASEBALL PARADE, TO BE HELD IN TOMBALL ON SATURDAY, MARCH 3, 2007; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN HARVEY TO DESIGNATE THE 249 BYPASS AS THE "TOMBALL EXPRESSWAY"; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2006-19 BY CAPTION ONLY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

TAX ATTORNEY, MIKE DARLOW, MADE SHORT PRESENTATION AND ANSWERED QUESTIONS.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT THE FIRST READING OF ORDINANCE NO. 2006-19, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, PROVIDING FOR A PENALTY TO DEFRAY COSTS OF COLLECTING DELINQUENT PERSONAL PROPERTY TAXES PURSUANT TO TEXAS TAX CODE SECTION 33.11; SECOND BY COUNCILMAN HARVEY. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN LAZENBY TO READ ORDINANCE NO. 2006-20 BY CAPTION ONLY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT THE FIRST READING OF ORDINANCE NO. 2006-20, 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 (4.998

ACRES LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE, NORTH OF SPELL ROAD – RUSSELL PETRUCCIANI); SECOND BY COUNCILMAN QUINN. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN HARVEY TO READ ORDINANCE NO. 2006-21 BY CAPTION ONLY; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN QUINN TO ADOPT THE FIRST READING OF ORDINANCE NO. 2006-21, 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 (8.1479 ACRES LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE, NORTH OF SPELL ROAD – BRANDT EXPLORATION); SECOND BY COUNCILMAN LAZENBY. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2006-22 BY CAPTION ONLY; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN HARVEY TO ADOPT THE FIRST

READING OF ORDINANCE NO. 2006-22, 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 (146 ACRES LOCATED ON THE NORTH SIDE OF ZION ROAD, EAST OF ULRICH ROAD – LS DEVELOPMENT; SECOND BY COUNCILMAN LAZENBY. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN QUINN TO READ ORDINANCE NO. 2006-23 BY CAPTION ONLY; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT THE FIRST READING OF ORDINANCE NO. 2006-23, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING SECTION 14-475 AND SUBSTITUTING THEREFOR A NEW SECTION 14-475, PROVIDING FOR OFF-STREET PARKING REQUIREMENTS FOR MULTIFAMILY DWELLING COMPLEXES AND A MULTIFAMILY DWELLING COMPLEXES FOR SENIOR CITIZENS; 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; SEOCND BY COUNCILMAN HARVEY. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

6.8 EXECUTIVE SESSION: THE CITY COUNCIL DID NOT MEET IN EXECUTIVE SESSION AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSE:

A. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

B. SECTION 551.074 PERSONNEL MATTERS

7.0 MOTION WAS MADE BY COUNCILMAN QUINN 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