

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, DECEMBER 4, 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 LAZENBY  
COUNCILMAN FAGAN  
COUNCILMAN HARVEY  
COUNCILMAN DRIVER

MEMBERS ABSENT:

COUNCILMAN QUINN - EXCUSED

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  
FIRE CHIEF – RANDY PARR  
FINANCE DIRECTOR – MONICA KOHLENBERG  
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 VARIOUS REPORTS AND ANNOUNCEMENTS WERE MADE BY THE MAYOR AND COUNCILMEMBERS.

- 3.1 CITY MANAGER'S REPORT WAS PRESENTED BY BEN GRIFFIN:

A. CALEA REPORT  
B. RESIGNATION OF ZONING COMMISSION MEMBER  
C. PERFORMANCE INDICATORS  
D. IMPACT (CAPITAL RECOVERY) FEES  
E. YAOZHUANG SISTER CITY LUNCHEON – DECEMBER 11, 2006  
F. CITY EMPLOYEE CHRISTMAS LUNCHEON – DECEMBER 7, 2006

- 4.0 MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF NOVEMBER 20, 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. 2006-19, 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 LAZENBY. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<u>ABSENT</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 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT THE SECOND 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 HARVEY. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

- 5.3 MOTION WAS MADE BY COUNCILMAN HARVEY TO ADOPT THE SECOND 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 FAGAN. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

- 5.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT THE SECOND 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 (142.77 ACRES LOCATED ON THE NORTH SIDE OF ZION ROAD, EAST OF ULRICH ROAD – LS DEVELOPMENT; SECOND BY COUNCILMAN HARVEY. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

- 5.5 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT THE SECOND 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; SECOND BY COUNCILMAN LAZENBY. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<u>ABSENT</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 ADOPT RESOLUTION NO. 2006-31, A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AND THE CITY COUNCIL OF THE CITY OF YAOZHANG, JIA SHAN COUNTY, ZHE JIANG PROVINCE, PEOPLE'S REPUBLIC OF CHINA, SUPPORTING A SISTER CITY RELATIONSHIP; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN HARVEY TO ADOPT RESOLUTION NO. 2006-32, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, APPROVING THE APPOINTMENT OF A CITY TREASURER; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO AWARD CONTRACT FOR RFP 2006-11R, MANAGEMENT AND INSPECTION SERVICES FOR CITY OF TOMBALL'S MUNICIPAL SOLID WASTE LANDFILL CLOSURE, TO

RABA-KISTNER CONSULTANTS, INC. IN THE AMOUNT OF \$35,300;  
SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO AWARD CONTRACT FOR PROJECT NO. 2007-03, LAND CLEARING FOR M124 DETENTION, TO LOW BIDDER, PHILLIP McKENZIE, IN THE AMOUNT OF \$57,000; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.5 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:26 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 551.074 PERSONNEL MATTERS

UPON RECONVENING IN REGULAR SESSION AT 9:00 P.M., 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