

MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, FEBRUARY 5, 2007 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
ASST. CITY MANAGER – MARY COKER
CITY ATTORNEY – BILL OLSON
CITY ATTORNEY – DAVID OLSON
CITY SECRETARY – DORIS SPEER
FIRE CHIEF – RANDY PARR
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
CITY ENGINEER – IVALU ROSE
FINANCE DIRECTOR – M. KOHLENBERG
CHIEF OF POLICE – MICHAEL BLAKE
EXEC. DIRECTOR-TEDC – BETTY REINBECK
EXEC. ASST. TO CITY MANAGER – SHAWN COX

2.0 THE FOLLOWING PUBLIC COMMENTS WERE RECEIVED:

BRAD HALLMARK 28231 CAMILLE DR., 77375	-	OPPOSITION TO ITEM 6.10
MARY GIRGENTI 30335 WINFRO, 77375	-	OPPOSITION TO ITEM 6.10
LARRY NICHOLS 930 ARBOR PINE	-	OPPOSITION TO ITEM 6.10

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE GIVEN BY THE MAYOR AND COUNCILMEMBERS

- 3.1 PRESENTATION OF A BLUE STAR SERVICE FLAG WAS MADE BY MAYOR HARRINGTON TO LAURA COOPER, MOTHER OF SPECIALIST CHRISTOPHER LEE COOPER, JR., CURRENTLY SERVING IN IRAQ
- 3.2 THE CITY MANAGER'S REPORT WAS PRESENTED BY BEN GRIFFIN:
 - A. REQUEST FROM POWDERMILL ESTATES TO BE INCLUDED IN THE CITY OF TOMBALL'S ETJ
 - B. PUBLIC HEARING FOR ANNEXATION – FEBRUARY 19, 2007
 - C. PUBLIC HEARING FOR PUBLIC IMPROVEMENT DISTRICT – FEBRUARY 19, 2007
 - D. THE QUARTERLY FINANCIAL REPORT AND UPDATE ON FINANCIAL RESULTS FROM FIRST QUARTER WAS PRESENTED BY MONICA KOHLENBERG.
 - E. THE TRAIL RIDE RECEPTION WILL BE HELD AT THE DEPOT PLAZA ON TUESDAY, FEBRUARY 20.
 - F. GENERAL CITY ELECTION CALENDAR
 - G. "THANK YOU" TO BOY SCOUT TROOP 113
 - H. DEVELOPMENT REVIEW COMMITTEE MEETING SCHEDULE
 - I. CONTRACTS SIGNED BY CITY MANAGER
 - J. CENTENNIAL COMMISSION FINANCIAL REPORTS – 4TH QUARTER 2006
- 4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF JANUARY 15, 2007 AND SPECIAL COUNCIL MEETING OF JANUARY 22, 2007; 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. 2007-01, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ADOPTING THE "2006 MAJOR THOROUGHFARE PLAN" FOR THE CITY OF TOMBALL, TEXAS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN HARVEY. VOTE WAS AS FOLLOWS:

COUNCILMAN DRIVER	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE RESOLUTION NO. 2007-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING A JOINT ELECTION WITH THE TOMBALL INDEPENDENT SCHOOL DISTRICT, TO BE HELD ON MAY 12, 2007; DESIGNATING THE JOINT POLLING PLACE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE FIRST READING OF RESOLUTION NO. 2007-09-EDC BY CAPTION ONLY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE FIRST READING OF RESOLUTION NO. 2007-09-EDC, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, APPROVING, AS A PROJECT OF THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION (TEDC), EXPENDITURES IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE TEDC, THE CITY OF TOMBALL, AND WEINGARTEN REALTY INVESTORS, FOUND BY THE TEDC BOARD TO PROMOTE NEW OR EXPANDED BUSINESS DEVELOPMENT; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE RESOLUTION NO. 2007-10, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ALLOWING AUTHORIZED REPRESENTATIVES TO ENTER INTO AN AGENCY AGREEMENT AND ESTABLISH AN ACCOUNT IN THE NAME OF THE CITY OF TOMBALL WITH COASTAL SECURITIES; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE CO-SPONSORSHIP OF CENTENNIAL EVENTS BY THE CITY OF TOMBALL; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN QUINN TO APPROVE MUSIC LICENSING AGREEMENT WITH ASCAP COVERING PUBLIC PERFORMANCES OF COPYRIGHTED MUSIC AT CITY-SPONSORED EVENTS, IN THE AMOUNT OF \$284 ANNUALLY; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE MUSIC LICENSING AGREEMENT WITH BMI COVERING PUBLIC PERFORMANCES OF COPYRIGHTED MUSIC AT CITY-SPONSORED EVENTS, IN THE AMOUNT OF \$280 ANNUALLY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN QUINN TO AUTHORIZE SALE OF CITY-OWNED PROPERTY, BEING LOT 2, BLOCK 27, AND LOT 1, BLOCK 27, LOCATED AT THE INTERSECTION OF ELM AND FLORENCE STREETS, THROUGH SEALED BIDDING PROCESS, WITH CONDITIONS FOR QUALITY DEVELOPMENT; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN FAGAN TO REJECT ALL BIDS FOR PROJECT 2007-04, CONSTRUCTION OF POLICE DEPARTMENT SHOOTING RANGE, AND AUTHORIZE RE-BIDDING OF PROJECT; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN LAZENBY TO AWARD CONTRACT FOR PROJECT 2007-05, PURCHASE OF PLASTIC GARBAGE BAGS, TO LOW BIDDER, HOUSTON POLY BAG I, LTD, IN THE AMOUNT OF \$28,160; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN QUINN THAT THE CITY MANAGER ISSUE A LETTER TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, ADVISING THE CITY'S OPPOSITION TO THE PROPOSED MULTI-FAMILY DEVELOPMENT AT 900 BAKER DRIVE; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.11 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE PLAT AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN HARVEY:

- A. TOMBALL CENTER III-B2 (COMMERCIAL; LOCATED ON FM 2920, WEST OF AND ADJACENT TO TARGET SHOPPING CENTER)

MOTION CARRIED UNANIMOUSLY.

- 6.12 MOTION AS MADE BY COUNCILMAN DRIVER TO APPROVE THE YEARLY COMPENSATION AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF TOMBALL AND HARRIS COUNTY EMERGENCY SERVICES ESD #15, APPROVING 2007 FUNDING FROM ESD#15 IN THE AMOUNT OF \$35,000 FOR FIRE PROTECTION SERVICES PROVIDED BY TOMBALL FIRE DEPARTMENT; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.13 MOTION WAS MADE BY COUNCILMAN QUINN TO APPROVE CONTRACT WITH LOCKWOOD, ANDREWS & NEWNAM, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE 2007-2020 INFRASTRUCTURE MASTER PLAN AND CAPITAL RECOVERY FEES AND TO APPROPRIATE FUNDS IN THE AMOUNT OF \$97,528; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.14 MOTION WAS BY COUNCILMAN FAGAN TO APPROVE CONTRACT WITH COBB FENDLEY & ASSOCIATES FOR PROFESSIONAL SURVEYING SERVICES FOR APPROXIMATELY 2,700 LINEAR FEET ALONG EAST HUFSMITH AND TO APPROPRIATE FUNDS IN THE AMOUNT OF \$30,625; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.15 MOTION WAS MADE BY COUNCILMAN LAZENBY TO READ ORDINANCE NO. 2007-02 BY CAPTION ONLY; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT THE FIRST READING OF ORDINANCE NO. 2007-02, 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 2006-2007, AS ADOPTED BY ORDINANCE NO. 2006-06; PROVIDING FOR APPROPRIATION OF FUNDS FROM THE UTILITY FUND IN THE AMOUNT OF \$178,737 FOR A TOTAL INCREASE IN EXPENSES OF \$178,737, 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.

- 6.16 MOTION WAS MADE BY COUNCILMAN HARVEY TO AUTHORIZE NEW STAFF POSITION OF COMMUNITY DEVELOPMENT COORDINATOR; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.17 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:48 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 DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
- B. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY

AFTER RECONVENING IN REGULAR SESSION AT 8:10 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