

MINUTES OF THE SPECIAL CITY COUNCIL MEETING, HELD ON MONDAY, FEBRUARY 19, 2007 AT 6:00 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
EXEC. ASST. TO CITY MANAGER – SHAWN COX

2.0 NO PUBLIC COMMENTS WERE RECEIVED.

3.0 COUNCIL ENTERED INTO THE WORKSHOP TO DISCUSS THE FOLLOWING ITEM:

3.1 REQUEST FROM EXXONMOBIL TO PROVIDE WATER TO SHAW ACRES.

BEN GRIFFIN INTRODUCED MARK LEWALLEN AND NEAL RYAN, EXXON REPRESENTATIVES, WHO PRESENTED EXXONMOBIL'S REQUEST THAT THE CITY OF TOMBALL PROVIDE WATER TO SHAW ACRES. COUNCILMAN DRIVER ADVISED THAT THE CITY'S HOME RULE CHARTER, SECION 9.07, PROHIBITS PROVIDING MUNICIPAL UTILITIES TO AREAS LOCATED OUTSIDE THE CORPORATE CITY LIMITS OR THE CITY'S EXTRATERRITORIAL JURISDICTION.

ROD HAINEY SUGGESTED THAT NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY MIGHT BE ABLE TO HELP; HOWEVER NHCRWA IS AT LEAST 20 YEARS AWAY FROM SERVING SHAW ACRES.

COUNCILMAN QUINN ADVISED THAT EXXONMOBIL MUST CONVINCHE HOUSTON TO RELEASE SHAW ACRES INTO TOMBALL'S ETJ BEFORE THE CITY CAN PROVIDE ANY SERVICES.

BILL OLSON ADVISED THAT THE AGREEMENT IS CONTINGENT UPON THE RELEASE OF LAND INTO TOMBALL'S ETJ; THE CHARTER PROHIBITS SERVICE OUTSIDE THE CITY LIMITS OR THE CITY'S ETJ. BECAUSE A 10-FT. STRIP ALONG BOUDREAUX BELONGS TO HOUSTON, TOMBALL CANNOT ANNEX OR ADD LAND TO THE ETJ BECAUSE THAT STRIP KEEPS LAND FROM BEING CONTIGUOUS; HOUSTON WOULD NEED TO REMOVE THE STRIP BETWEEN THE CITY AND SHAW ACRES.

COUNCILMAN DRIVER STATED CITY'S WILLINGNESS TO SERVE SHAW ACRES IF HOUSTON RELEASES THE LAND INTO TOMBALL'S ETJ AND EXXONMOBIL PAYS FOR EXTENSION. NEAL RYAN ADVISED THAT EXXONMOBIL WOULD ENGINEER THE PROJECT TO ADDRESS ALL REQUIREMENTS FOR THE PROJECT AND WOULD PAY FOR ALL WATER EXTENSIONS. LINES WOULD BE IN PUBLIC RIGHT-OF-WAY AND EASEMENTS.

BEN GRIFFIN ADVISED THAT THE CITY WOULD NEED AN UPDATED ANALYSIS OF ITS SYSTEM CAPACITY TO MAKE SURE THE CITY CAN SERVE SHAW ACRES. BILL OLSON ADVISED THAT EXXONMOBIL MAY NEED TO PARTICIPATE IN THE COSTS OF INCREASING TOMBALL'S SYSTEM CAPACITY.

CONSENSUS OF COUNCIL IS THAT CITY IS WILLING TO SERVE SHAW ACRES IF HOUSTON RELEASES LAND INTO TOMBALL'S ETJ AND IF EXXONMOBIL PAYS FOR THE COSTS OF EXTENSION AND PARTICIPATES IN COSTS OF INCREASING TOMBALL'S SYSTEM CAPACITY.

NEAL RYAN ADVISED THAT HE WILL CHECK WITH EXXONMOBIL ATTORNEYS REGARDING NEXT STEP AND REQUESTED SOMETHING IN WRITING FROM BILL OLSON OR THE CITY OF TOMBALL TO GIVE THE HOUSTON. BEN GRIFFIN WILL PROVIDE LETTER STATING THE CITY'S POSITION.

- 4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADJOURN; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETARY

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