

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON MONDAY, APRIL 2, 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:

INTERIM CITY MANAGER – MARY COKER
CITY SECRETARY – DORIS SPEER
CITY ATTORNEY – BILL OLSON
CITY ATTORNEY – DAVID OLSON
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
CITY ENGINEER – IVALU ROSE
FIRE CHIEF – RANDY PARR
FINANCE DIRECTOR – MONICA KOHLENBERG
POLICE CAPTAIN – RICK GRASSI
EXEC. DIRECTOR-TEDC – BETTY REINBECK
EXEC. ASST. TO CITY MANAGER – SHAWN COX

2.0 THE FOLLOWING PUBLIC COMMENTS WERE RECEIVED:

MIKE BARBARA

GERMAN FESTIVAL COMMITTEE - EXPRESSED APPRECIATION FOR CITY'S ASSISTANCE IN SUCCESSFUL GERMAN HERITAGE FESTIVAL

ELAINE CHRISMAN
TRAC

- EXPRESSED APPRECIATION FOR CITY'S ASSISTANCE IN SUCCESSFUL ART SHOW ON MARCH 10, 2007

CAROLYN IRONSIDE
222 SOUTHMORE

- EXPRESSED INTEREST IN SERVING ON THE ZONING COMMISSION

BILL WEBB
212 BELMONT

- COMMENDED COUNCIL FOR APPOINTING MARY COKER AS INTERIM CITY MANAGER; SUGGESTED

ALTERNATIVE TO HIRING SEARCH FIRM
TO FILL CITY MANAGER POSITION

PRESENTATIONS OF GIFTS AND MOMENTOS WERE MADE BY THE TELGTE DELEGATION TO THE MAYOR AND CITY COUNCIL, KIT PFIEFFER, AND MEMBERS OF THE TOMBALL SISTER CITY ORGANIZATION. PRESENTATIONS OF GIFTS WERE MADE BY MAYOR HARRINGTON AND CITY COUNCIL TO THE MEMBERS OF THE TELGTE DELEGATION.

3.0 THE FOLLOWING REPORTS AND ANNOUNCEMENTS WERE RECEIVED:

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

3.1 CITY MANAGER'S REPORT WAS PRESENTED BY MARY COKER:

- A. SPECIAL COUNCIL MEETING – APRIL 10, 2007
- B. SPRING CLEAN-UP WEEK – APRIL 23-28
- C. TOMBALL RATED EXCELLENT IN 2007 TML RISK POOL GAS UTILITY SURVEY
- D. BOARDS AND COMMISSIONS VOLUNTEER BANQUET
- E. PUBLIC HEARINGS – APRIL 16, 2007
- F. SPECIAL COUNCIL MEETING – APRIL 23, 2007
- G. SPECIAL COUNCIL MEETING – APRIL 30, 2007
- H. LANGUAGE FOR PROPOSED CONSTITUTIONAL AMENDMENT BALLOT
- I. EMERGENCY NOTIFICATION SYSTEM

4.0 MOTION WAS MADE BY COUNCILMAN QUINN TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF MARCH 19, 2007 AND SPECIAL COUNCIL MEETING OF MARCH 26, 2007; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

- 5.1 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT SECOND READING OF ORDINANCE NO. 2007-04, 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 (1.8000-ACRE TRACT LOCATED AT 14615 FM 2920, ON THE SOUTH SIDE OF FM 2920 – GOSPEL ASSEMBLY CHURCH); SECOND BY COUNCILMAN QUINN. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

6.0 NEW BUSINESS:

- 6.1 THE PUBLIC HEARING FOR THE ANNEXATION OF A 2.82-ACRE TRACT LOCATED AT 0 HIGH MEADOW ROAD, ON THE EAST RIGHT-OF-WAY OF SH 249 BYPASS, JUST NORTH OF ALICE ROAD (HARDIAL S. MANGAT) WAS CALLED TO ORDER BY MAYOR HARRINGTON AT 7:37 P.M.

NO PUBLIC COMMENTS WERE RECEIVED; THE PUBLIC HEARING WAS CLOSED AT 7:38 P.M. BY MAYOR HARRINGTON.

- 6.2 THE PUBLIC HEARING TO CONSIDER AND REVIEW THE CITY OF TOMBALL'S JUVENILE CURFEW ORDINANCE TO DETERMINE THE NEED TO RE-ADOPT, ABOLISH, CONTINUE OR MODIFY THE ORDINANCE WAS CALLED TO ORDER BY MAYOR HARRINGTON AT 7:38 P.M.

NO PUBLIC COMMENTS WERE RECEIVED; THE PUBLIC HEARING WAS CLOSED AT 7:39 P.M. BY MAYOR HARRINGTON.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2007-05 BY CAPTION ONLY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN LAZENBY TO ADOPT FIRST READING OF ORDINANCE NO. 2007-05, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING THEREFROM ALL OF DIVISION 1 OF ARTICLE II OF CHAPTER 50 AND SUBSTITUTING THEREFOR A NEW DIVISION 1; ESTABLISHING A CURFEW FOR PERSONS UNDER THE AGE OF 17 YEARS BETWEEN 12:00

MIDNIGHT AND 6:00 A.M. OF THE FOLLOWING DAY AND BETWEEN THE HOURS OF 9:00 A.M. AND 2:30 P.M. ON SCHOOL DAYS; PROVIDING IT UNLAWFUL FOR ANY PERSON SUBJECT TO A CURFEW HEREUNDER TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS; PROVIDING IT UNLAWFUL FOR ANY PARENT OR GUARDIAN OF A PERSON SUBJECT TO A CURFEW HEREUNDER TO KNOWINGLY PERMIT, OR BY INSUFFICIENT CONTROL ALLOW, SUCH PERSON TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS; PROVIDING IT UNLAWFUL FOR ANY PERSON OWNING, OPERATING, OR IN THE EMPLOYMENT OF ANY ESTABLISHMENT IN THE CITY TO KNOWINGLY ALLOW A PERSON SUBJECT TO A CURFEW HEREUNDER TO REMAIN ON THE PREMISES OF SUCH ESTABLISHMENT DURING CURFEW HOURS; PROVIDING DEFENSES TO PROSECUTION FOR VIOLATIONS HEREUNDER; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING CERTAIN FINDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN HARVEY. VOTE WAS AS FOLLOWS.

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

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE RESOLUTION NO. 2007-19, A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE FINANCE DIRECTOR OR CITY MANAGER TO NEGOTIATE WITH ENERGY PROVIDERS TO OBTAIN A SET PRICE, FOR A SPECIFIC PERIOD UP TO FORTY-EIGHT (48) MONTHS WITH ONE OR MORE AMENDMENTS, FOR THE CITY'S FUTURE PURCHASES OF ELECTRICITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; SECOND BY COUNCILMAN LAZENBY.

SUGGESTION WAS MADE BY COUNCILMAN QUINN TO CHANGE THE RESOLUTION TO READ "AUTHORIZING THE FINANCE DIRECTOR **AND/OR** CITY MANAGER"; SUGGESTED AMENDMENT WAS ACCEPTED BY COUNCILMAN FAGAN AND COUNCILMAN LAZENBY.

MOTION TO APPROVE RESOLUTION NO. 2007-19, AS AMENDED, CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE RESOLUTION NO. 2007-20, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE (TIRZ) TO FACILITATE THE DEVELOPMENT OF THE LAKES AT CROSSPOINT, AND AUTHORIZING THE MAYOR TO WRITE TO HARRIS COUNTY REQUESTING PARTICIPATION BY HARRIS COUNTY AND HARRIS COUNTY PRECINCT #4 IN THE TIRZ FOR THE LAKES AT CROSSPOINT; MAKING CERTAIN FINDINGS; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN QUINN TO APPROVE AMENDMENT TO ADMINISTRATIVE POLICY NUMBER 9, ENTITLED "PURCHASING AND BIDDING POLICY", SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.7 NOMINATIONS WERE MADE REGARDING THE APPOINTMENT OF AN ADDITIONAL MEMBER TO THE ZONING COMMISSION:

COUNCILMAN DRIVER	<u>MARIE HEFFERNAN</u>
COUNCILMAN QUINN	<u>JAMES KENDLER</u>
COUNCILMAN LAZENBY	<u>CAROLYN IRONSIDE</u>

NO OTHER NOMINATIONS BEING MADE, MAYOR HARRINGTON REQUESTED THAT NOMINATIONS CEASE; CONSENSUS OF COUNCIL WAS UNANIMOUS. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<u>JAMES KENDLER</u>
COUNCILMAN LAZENBY	<u>CAROLYN IRONSIDE</u>
COUNCILMAN FAGAN	<u>CAROLYN IRONSIDE</u>
COUNCILMAN HARVEY	<u>CAROLYN IRONSIDE</u>
COUNCILMAN DRIVER	<u>CAROLYN IRONSIDE</u>

CAROLYN IRONSIDE IS APPOINTED TO THE ZONING COMMISSION BY A VOTE OF 4 TO 1.

6.8 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE PLATS AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN QUINN:

A. HOLDERRIETH ROAD PROPERTIES (COMMERCIAL);
LOCATED ON THE NORTH SIDE OF HOLDERRIETH
ROAD, EAST OF SOUTH CHERRY AND WEST OF
RAILROAD TRACKS

MOTION CARRIED UNANIMOUSLY.

6.9 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE WATERS-OLDANI TO SERVE AS THE CONSULTING FIRM TO CONDUCT EXECUTIVE SEARCH TO FILL CITY MANAGER POSITION; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

6.10 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:50 P.M. TO MEET IN EXECUTIVE SESSION AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSE:

A. SECTION 551.071 CONSULTATION WITH ATTORNEY
REGARDING POTENTIAL LITIGATION

COUNCIL RECONVENED IN REGULAR SESSION AT 8:03 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