

**MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON  
MONDAY, APRIL 16, 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  
CHIEF OF POLICE – MICHAEL BLAKE  
DIRECTOR OF PUBLIC WORKS – ROD HAINEY  
CITY ENGINEER – IVALU ROSE  
FIRE CHIEF – RANDY PARR  
FINANCE DIRECTOR – MONICA KOHLENBERG  
EXEC. DIRECTOR-TEDC – BETTY REINBECK  
EXEC. ASST. TO CITY MANAGER – SHAWN COX

- 2.0 THE FOLLOWING PUBLIC COMMENTS WERE RECEIVED:

DEREK TOWNSEND  
30618 WM. JUERGENS, 77375 - CONCERNS REGARDING CURFEW  
ORDINANCE; CONDUCT OF CANDIDATES  
DURING ELECTION; RETURN TO CITY  
COUNCIL-CITY MANAGER FORM OF  
GOVERNMENT

- 3.0 REPORTS AND ANNOUNCEMENTS:

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

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

- A. 2005-06 TML EQUITY RETURN – LIABILITY AND PROPERTY FUNDS
- B. SPRING CLEAN-UP WEEK – APRIL 23-28
- C. SPECIAL MEETING ON APRIL 23, 2007 FOR ANNEXATION OF 2.82-ACRES – HARDIAL MANGAT PROPERTY #1
- D. SPECIAL MEETING ON APRIL 30, 2007 FOR PROPOSED ANNEXATION OF ±0.65-ACRES – HARDIAL MANGAT PROPERTY #2
- E. CITY NEWSLETTER – SPRING 2007
- F. PERFORMANCE INDICATORS

4.0 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE THE MINUTES OF REGULAR AND SPECIAL COUNCIL MEETINGS OF APRIL 2, 2007 AND SPECIAL COUNCIL MEETING OF APRIL 10, 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 THE SECOND 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 FAGAN. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

6.0 NEW BUSINESS:

- 6.1 THE PUBLIC HEARING FOR THE ANNEXATION OF A ±0.65-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 7:16 P.M.

NO PUBLIC COMMENTS WERE RECEIVED; THE PUBLIC HEARING WAS CLOSED AT 7:17 P.M. BY MAYOR HARRINGTON.

- 6.2 THE PUBLIC HEARING REGARDING THE ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO MAKE CERTAIN IMPROVEMENTS OVER CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF TOMBALL (PROPOSED CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER TWO – RALEIGH CREEK) WAS CALLED TO ORDER BY MAYOR HARRINGTON AT 7:17 P.M.:

SCOTT BEAN, PID CONSULTANT, AND JIM SPURLIN, DEVELOPER, SPOKE REGARDING RALEIGH CREEK, A 142-ACRE, 350-LOT SINGLE-FAMILY DEVELOPMENT. SUBDIVISION WILL CONTAIN APPROXIMATELY 20 ACRES OF GREENSPACE, 4 MILES OF WALKING TRAILS, 4 MILES OF SIDEWALKS, SOCCER AND BALL FIELDS, AND WATER FEATURES. ANTICIPATED BUILD-OUT IS THREE TO FOUR YEARS.

NO PUBLIC COMMENTS WERE RECEIVED; THE PUBLIC HEARING WAS CLOSED AT 7:18 P.M. BY MAYOR HARRINGTON.

- 6.3 MOTION WAS MADE BY COUNCILMAN QUINN TO ADOPT RESOLUTION NO. 2007-21, A RESOLUTION MAKING FINDINGS IN CONNECTION WITH THE PROPOSED PUBLIC IMPROVEMENT DISTRICT NUMBER TWO

RELATED TO THE ADVISABILITY OF THE IMPROVEMENTS, THE NATURE OF THE IMPROVEMENTS, THE ESTIMATED COST OF THE IMPROVEMENTS, THE BOUNDARIES OF THE PROPOSED DISTRICT, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF COST BETWEEN THE DISTRICT AND THE CITY AS A WHOLE; AND MAKING OTHER FINDINGS RELATED TO THE DISTRICT (PUBLIC IMPROVEMENT DISTRICT NUMBER TWO – RALEIGH CREEK); SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT RESOLUTION NO. 2007-22, A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE PUBLIC IMPROVEMENT DISTRICT NUMBER TWO IN THE CITY OF TOMBALL, TEXAS; AUTHORIZING PUBLICATION OF THIS RESOLUTION, PROVIDING FOR THE PREPARATION OF A SERVICE AND ASSESSMENT PLAN; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT (PUBLIC IMPROVEMENT DISTRICT NUMBER TWO – RALEIGH CREEK); SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE A 36-MONTH CONTRACT BETWEEN THE CITY OF TOMBALL, TEXAS AND TXU ENERGY AND TO AUTHORIZE THE MAYOR TO EXECUTE THE ENERGY PURCHASE CONTRACT; SECOND BY COUNCILMAN FAGAN. THE NEGOTIATED RATE IS \$0.0854344/KWH.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN DRIVER TO AWARD PROJECT NO. 2007-04R, CONSTRUCTION OF POLICE DEPARTMENT SHOOTING RANGE, TO LOW BIDDER, SPECTRUM CONSTRUCTION SERVICES, INC., IN THE AMOUNT OF \$336,158.49; SECOND BY COUNCILMAN QUINN.

FOLLOWING DISCUSSION, MOTION WAS MADE BY COUNCILMAN DRIVER TO WITHDRAW HIS MOTION TO AWARD PROJECT; SECOND BY COUNCILMAN QUINN.

MOTION WAS MADE BY COUNCILMAN QUINN TO REJECT ALL BIDS FOR PROJECT 2007-04R, CONSTRUCTION OF POLICE DEPARTMENT SHOOTING RANGE, AS RECOMMENDED BY CITY STAFF, AND TO AUTHORIZE CITY STAFF TO RE-BID THE PROJECT; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN FAGAN TO AWARD CONTRACT TO BROOKS & SPARKS, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTING WITH PAVING AND DRAINAGE IMPROVEMENTS ALONG PINE STREET, FROM JAMES STREET TO HARDIN STREET, IN THE AMOUNT OF \$28,500; SECOND BY COUNCILMAN QUINN.

MOTION WAS MADE BY COUNCILMAN QUINN TO AMEND THE MOTION TO "ACCEPT PROPOSAL FROM BROOKS & SPARKS, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTING WITH PAVING AND DRAINAGE IMPROVEMENTS ALONG PINE STREET, FROM JAMES STREET TO HARDIN STREET, IN THE AMOUNT OF \$28,500" AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT; SECOND BY COUNCILMAN DRIVER.

MOTION, AS AMENDED, CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN QUINN TO ACCEPT PROPOSAL FROM BROOKS & SPARKS, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH DETENTION OUTFALL IMPROVEMENT FOR THE M-118-00-00 CHANNEL, IN THE AMOUNT OF \$33,500 AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.9 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:40 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 551.072 DELIBERATIONS REGARDING REAL PROPERTY
- B. SECTION 551.071 CONSULTATION WITH ATTORNEY REGARDING POTENTIAL LITIGATION

UPON RECONVENING IN REGULAR SESSION AT 8:09 P.M., NO ACTION WAS TAKEN.

- 7.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADJOUR; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

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APRIL 16, 2007  
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MEETING ADJOURNED.

*(signed) Doris Speer*  
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DORIS SPEER, TRMC  
CITY SECRETARY

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