

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON  
JUNE 6, 2005 AT 7:00 P.M., IN CITY HALL, 401 MARKET STREET,  
TOMBALL, TEXAS, 77375**

1.0 MEETING WAS CALLED TO ORDER BY MAYOR HARRINGTON. OTHER MEMBERS PRESENT:

COUNCILMAN QUINN  
COUNCILMAN FORD  
COUNCILMAN FAGAN  
COUNCILMAN GATLIN  
COUNCILMAN DRIVER

OTHERS PRESENT:

CITY MANAGER – BEN GRIFFIN  
ASSISTANT CITY MANAGER – MARY COKER  
CITY ATTORNEY – BILL OLSON  
CITY SECRETARY – DORIS SPEER  
FINANCE DIRECTOR – SHERRIE MATTSON  
CHIEF OF POLICE – MICHAEL BLAKE  
FIRE CHIEF – RANDY PARR  
DIRECTOR OF PUBLIC WORKS – ROD HAINEY  
ASSISTANT TO CITY MANAGER – TERRI DESHAZIER  
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

2.0 PUBLIC COMMENTS

PUBLIC COMMENTS WERE RECEIVED:

ROB RICHARDSON  
31410 HELEN LANE, 77375 - SUPPORT FOR ADOPTION OF  
SMOKING BAN

DIANE HOLLAND  
901 BAKER DRIVE, 77375 - CENTENNIAL COMMISSION  
PROGRESS REPORT

JOHN ROARK  
26903 HOLLY LAUREL, 77355 - SUPPORT OF SMOKING BAN  
ORDINANCE

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- JANET BROWNFIELD  
33411 BUCK ROAD, 77355 - SUPPORT OF SMOKING BAN  
ORDINANCE
- DIANA SANSING  
2050 TIMBERGREEN CIRCLE  
MAGNOLIA, 77355 - SUPPORT OF SMOKING BAN  
ORDINANCE; CHALLENGE TO  
COUNCIL TO TAKE ISSUE TO VOTERS
- RODNEY HUTSON, M.D.  
9431 ROSIE LANE  
MAGNOLIA, 77355 - REQUEST FOR CONSISTENCY OF  
APPLICATION OF ORDINANCES
- JIMMY FOGARTY, OWNER  
GOODSON'S CAFÉ  
27931 SH 249 - NEUTRAL REGARDING SMOKING IN  
RESTAURANTS AND RESTAURANT  
BARS; OPPOSITION TO SMOKING BAN

- 2.1 PRESENTATION FOR THE SPECIAL OLYMPICS WAS  
MADE BY THE TOMBALL POLICE DEPARTMENT TO  
MAYOR HARRINGTON
- 3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM THE  
COUNCILMEMBERS.
- 3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:
- A. CONSIDERATION FOR APPOINTMENTS TO THE TOMBALL  
HOSPITAL AUTHORITY WILL BE ON THE JUNE 20, 2005 AGENDA
  - B. INVESTMENT PORTFOLIO SUMMARY
  - C. TML PROMOTIONAL PROGRAM
  - D. ADVISORY ON MINIATURE MOTORCYCLES
  - E. HUFSMITH-ULRICH BALLPARK; CONSENSUS OF COUNCIL IS  
TO BUILD PRACTICE FIELDS ONLY, WITH ADDITIONAL  
PARKING. THE PARK AREA IS INSUFFICIENT TO PROVIDE  
ROOM FOR PRACTICE FIELDS AND A REGULATION FIELD FOR  
TOMBALL COLLEGE.
  - F. THE FIRST MEETING OF THE ZONING COMMISSION  
SCHEDULED FOR MONDAY, JUNE 27, 2005 AT 6:00 P.M.

- G. FOURTH OF JULY ACTIVITIES
- H. UPDATE ON EVENT AT COMMUNITY CENTER

4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 16, 2005; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 CONSIDERATION WAS GIVEN TO THE APPOINTMENT OF A BOARD MEMBER TO THE UNEXPIRED TERM ON THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION. EACH COUNCILMAN WAS ASKED TO CAST HIS OR HER VOTE FOR AN INDIVIDUAL TO FILL THE UNEXPIRED TERM. VOTE WAS AS FOLLOWS:

COUNCILMAN FAGAN	<u>DAVID QUINN</u>
COUNCILMAN GATLIN	<u>AMY HAFFNER</u>
COUNCILMAN DRIVER	<u>DAVID QUINN</u>
COUNCILMAN QUINN	<u>DAVID QUINN</u>
COUNCILMAN FORD	<u>MARY HARVEY</u>

DAVID QUINN IS APPOINTED TO THE UNEXPIRED TERM ON THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION.

6.2 CONSIDERATION WAS GIVEN TO THE APPOINTMENT OF A BOARD MEMBER TO THE UNEXPIRED TERM ON THE CITY OF TOMBALL PLANNING COMMISSION. EACH COUNCILMAN WAS ASKED TO CAST HIS OR HER VOTE FOR AN INDIVIDUAL TO FILL THE UNEXPIRED TERM. VOTE WAS AS FOLLOWS:

COUNCILMAN GATLIN	<u>MARY HARVEY</u>
COUNCILMAN DRIVER	<u>DR. BEN THOMAS</u>
COUNCILMAN QUINN	<u>MARY HARVEY</u>
COUNCILMAN FORD	<u>MARY HARVEY</u>
COUNCILMAN FAGAN	<u>MARY HARVEY</u>

MARY HARVEY IS APPOINTED TO THE UNEXPIRED TERM ON THE CITY OF TOMBALL PLANNING COMMISSION.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE REQUEST BY TOMBALL CENTENNIAL COMMITTEE TO USE THE DEPOT AS AN OFFICE AND STORE FOR THE 2007 CENTENNIAL CELEBRATION; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE SALE OF LOT 24, BLOCK 12, TO PETER CIBOROWSKI FOR THE JUDGMENT AMOUNT OF \$4,911.30; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE 2005-2006 STRATEGIC WORK PLAN FOR THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 CONSIDERATION AND DISCUSSION WAS HELD REGARDING THE ADOPTION OF AN ORDINANCE PROHIBITING OR REGULATING SMOKING IN FOOD SERVICE ESTABLISHMENTS AND RESTAURANT BARS WITHIN THE CITY. VARIOUS PROVISIONS WERE DISCUSSED, INCLUDING GRANDFATHERING CURRENT RESTAURANTS AND REQUIRING PHYSICAL BARRIERS AND SEPARATE VENTILATION FOR NEW CONSTRUCTION. OPINION OF COUNCIL WAS AS FOLLOWS:

TO GRANDFATHER CURRENT RESTAURANTS INTO ANY DRAFTED ORDINANCE:

COUNCILMAN DRIVER	<u>NAY</u>
COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>

MAJORITY OF COUNCIL FAVORS GRANDFATHERING CURRENT RESTAURANTS. CITY ATTORNEY WILL DRAFT ORDINANCE FOR COUNCIL'S CONSIDERATION.

6.7 MOTION WAS MADE BY COUNCILMAN GATLIN TO APPROVE PLATS, AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN FAGAN:

- A. PARR CENTER REPLAT – FINAL
- B. TEXAS PROFESSIONAL BUILDING
- C. RODRIGUEZ TRACTS
- D. DECKER PRAIRIE COMMERCIAL PARK (ETJ)

MOTION CARRIED UNANIMOUSLY.

6.8 THE CITY COUNCIL MET AT 8:30 P.M. IN EXECUTIVE SESSION AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSE:

- 1. SECTION 551.072            DELIBERATIONS REGARDING REAL PROPERTY
- 2. SECTION 551.071            CONSULTATION WITH ATTORNEY REGARDING POTENTIAL LITIGATION

AFTER RECONVENING IN OPEN SESSION AT 8:50 P.M., NO ACTION WAS TAKEN.

7.0 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