

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, AUGUST 7, 2006 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  
CITY ATTORNEY – BILL OLSON  
CITY ATTORNEY – DAVID OLSON  
CITY SECRETARY – DORIS SPEER  
CHIEF OF POLICE – MICHAEL BLAKE  
DIRECTOR OF PUBLIC WORKS – ROD HAINEY  
FIRE CHIEF – RANDY PARR  
FINANCE DIRECTOR – SHERRIE MATTSON  
DIRECTOR OF HUMAN RESOURCES – LISA COE  
CITY ENGINEER – JOE SHERWIN  
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

2.0 PUBLIC COMMENTS WERE RECEIVED:

RODNEY HUTSON  
431 ROSIE LANE, 77354 - COUNCIL PAY

FRANKIE STEWART  
706 MASON, 77375 - APPRECIATION OF CITY'S ASSISTANCE IN SUCCESSFUL "TOMBALL NIGHT"

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM THE COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. RAILROAD "QUIET ZONE" THROUGH CITY
- B. PROPOSED FEES: HARRIS COUNTY MEDICAL EXAMINERS OFFICE
- C. RESIGNATION OF ASSOCIATE MUNICIPAL JUDGE
- D. REQUEST FROM ESD#8

4.0 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF JULY 17, 2006; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

5.1 NOMINATIONS WERE TAKEN FOR APPOINTMENTS TO THE TOMBALL HOSPITAL AUTHORITY BOARD OF DIRECTORS:

|                    |   |                 |
|--------------------|---|-----------------|
| COUNCILMAN DRIVER  | - | RUTHIE KLEIN    |
| COUNCILMAN QUINN   | - | KENNETH GRAHAM  |
| COUNCILMAN LAZENBY | - | RAY LINGO       |
| COUNCILMAN FAGAN   | - | ELLEN STUTTS    |
| COUNCILMAN HARVEY  | - | SHERRIE MEICHER |
| COUNCILMAN DRIVER  | - | JAMES GLAMEYER  |

MOTION WAS MADE BY COUNCILMAN DRIVER THAT NOMINATIONS CEASE; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

VOTE WAS AS FOLLOWS:

|                    |   |  |
|--------------------|---|--|
| COUNCILMAN QUINN   | - | RUTHIE KLEIN<br>JAMES GLAMEYER<br>KENNETH GRAHAM |
| COUNCILMAN LAZENBY | - | RUTHIE KLEIN<br>RAY LINGO<br>ELLEN STUTTS        |
| COUNCILMAN FAGAN   | - | RUTHIE KLEIN<br>ELLEN STUTTS<br>SHERRIE MEICHER  |

COUNCILMAN HARVEY - RUTHIE KLEIN  
ELLEN STUTTS  
SHERRIE MEICHER

COUNCILMAN DRIVER - RUTHIE KLEIN  
JAMES GLAMEYER  
SHERRIE MEICHER

VOTES:

|                 |          |
|-----------------|----------|
| RUTHIE KLEIN    | <u>5</u> |
| JAMES GLAMEYER  | <u>2</u> |
| KENNETH GRAHAM  | <u>1</u> |
| RAY LINGO       | <u>1</u> |
| ELLEN STUTTS    | <u>3</u> |
| SHERRIE MEICHER | <u>3</u> |

RUTHIE KLEIN, ELLEN STUTTS, AND SHERRIE MEICHER ARE APPOINTED TO THE TOMBALL HOSPITAL AUTHORITY BOARD OF DIRECTORS.

6.0 NEW BUSINESS:

6.1 PUBLIC HEARING REGARDING THE PROPOSED ANNEXATION OF 25.62 ACRES, J. M. HOOPER SURVEY, LOCATED SOUTH OF FM 2920 AND NORTH OF MEDICAL COMPLEX BOULEVARD WAS CALLED TO ORDER AT 7:17 P.M. BY MAYOR HARRINGTON

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

6.2 CONSENT AGENDA: ALL MATTERS LISTED UNDER ITEM 6.2, CONSENT AGENDA, ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL NOT BE SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY. INFORMATION CONCERNING CONSENT AGENDA ITEMS IS AVAILABLE FOR PUBLIC REVIEW.

6.2.1 CONSIDERATION TO APPROVE REQUEST FOR ANNEXATION OF A 2-ACRE TRACT BY LANDMARK INDUSTRIES, LTD., LOCATED AT 11355 FM 2920 (SOUTHEAST CORNER OF FM 2920 AND FM 2978)

6.2.2 CONSIDERATION TO APPROVE RESOLUTION NO. 2006-21, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE ALZHEIMER'S ASSOCIATION "TOMBALL

MEMORY WALK," TO BE HELD IN TOMBALL ON SATURDAY,  
OCTOBER 7, 2006

- 6.2.3 CONSIDERATION TO APPROVE APPOINTMENT OF POLICE RESERVE OFFICER BOBBY K. SELLERS
- 6.2.4 CONSIDERATION TO APPROVE APPLICATION FOR EMERGENCY WRECKER LICENSE TO PARTICIPATE IN EMERGENCY WRECKER ROTATION FROM A PLUS TOWING
- 6.2.5 CONSIDERATION TO APPROVE PLATS AS APPROVED BY PLANNING COMMISSION:
  - A. TOMBALL RENEWAL CENTER (COMMERCIAL, LOCATED ON SOUTH CHERRY).
  - B. MANN'S ACRES (COMMERCIAL, LOCATED ON SOUTH SIDE OF FM 2920)

MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE CONSENT AGENDA; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE THE REQUEST BY TOMBALL CENTENNIAL COMMISSION FOR THE USE OF FIELDS NORTH OF TOMBALL LITTLE LEAGUE PARK FOR THE TOMBALL HEARTBEAT FESTIVAL; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE REQUEST FOR A SISTER CITY RELATIONSHIP WITH YAOZHUANG TOWN, CHINA; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE AN EXTENSION OF THE TIME PERIOD IN WHICH TOMAGWA MUST BUILD ON 3.1 ACRES AT THE CORNER OF HUFSMITH AND PEACH STREETS, UNDER LAND-USE LICENSE AGREEMENT WITH THE CITY FOR A ONE-YEAR PERIOD; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN CITY OF TOMBALL AND TOMBALL INDEPENDENT SCHOOL DISTRICT REGARDING STUDENT RESOURCE OFFICER; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN CITY OF TOMBALL AND TOMBALL INDEPENDENT SCHOOL DISTRICT REGARDING OFF-DUTY CONTRACTED POLICE SERVICE IN SCHOOL-RELATED OR SCHOOL-SPONSORED ACTIVITIES; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE A MEMORANDUM OF UNDERSTANDING TO ALLOW TOMBALL INDEPENDENT SCHOOL DISTRICT TO OPEN ITS FACILITIES ON AN "AS NEEDED" BASIS DURING EMERGENCIES; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE AGREEMENT BETWEEN THE CITY OF TOMBALL AND LAMMCO PROPERTIES, LTD, FOR DEDICATION OF A .1426 UTILITY EASEMENT IN EXCHANGE FOR CREDIT AGAINST FUTURE IMPACT AND TAP FEES; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE THE CHAPTER 380 AGREEMENT BETWEEN FALCON COMMERCIAL PROPERTIES, L.L.C., JOHN GANNON, INC., AND THE CITY OF TOMBALL TO MOVE EXISTING BILLBOARD, PROVIDED THAT LANGUAGE STATING THAT "AFTER ITS RELOCATION, THE STRUCTURE SHALL HAVE THE SAME DIMENSIONS, INCLUDING ADVERTISING SURFACE, AND SHALL BE AT NO GREATER HEIGHT ABOVE GRADE THAN EXISTS AT ITS CURRENT LOCATION" BE RESTORED TO THE AGREEMENT; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.11 MOTION WAS MADE BY COUNCILMAN FAGAN TO AWARD THE CONTRACT FOR PROJECT NO. 2006-12, GROUP LIFE, HEALTH, AND

DENTAL COVERAGE TO BLUE CROSS BLUE SHIELD TEXAS; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

6.12 EXECUTIVE SESSION: THE CITY COUNCIL MET AT 7:34 P.M. IN EXECUTIVE SESSION AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSES:

1. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
2. SECTION 551.071 CONSULTATION WITH ATTORNEY
3. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY
4. SECTION 551.074 PERSONNEL MATTERS – CITY MANAGER’S EVALUATION

FOLLOWING RECONVENING OF THE COUNCIL MEETING AT 8:22 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