

MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, FEBRUARY 19, 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:

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
FINANCE DIRECTOR – MONICA KOHLENBERG
CHIEF OF POLICE – MICHAEL BLAKE
COMM. DEV. COORDINATOR – HECTOR LANDIN
EXEC. ASST. TO CITY MANAGER – SHAWN COX

2.0 PUBLIC COMMENTS WERE RECEIVED:

DIANE HOLLAND
901 BAKER - EXPRESSED APPRECIATION FROM
CENTENNIAL COMMISSION FOR CITY'S
ASSISTANCE IN CENTENNIAL VALENTINE'S
DAY FESTIVITIES ON FEBRUARY 14, 2007

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

3.1 A CERTIFICATE OF APPRECIATION FOR THE CITY'S ASSISTANCE IN HELPING BOY SCOUT TROOP 113 EARN ITS "GOOD TURN FOR AMERICA" SERVICE AWARD WAS PRESENTED TO THE MAYOR AND COUNCILMEMBERS BY SCOUTMASTER MCWILLIAMS AND MEMBERS OF TROOP 113.

3.2 THE CITY MANAGER'S REPORT WAS PRESENTED BY BEN GRIFFIN:

- A. THE 2006 POLICE DEPARTMENT UPDATE WAS PRESENTED BY MICHAEL BLAKE.
- B. COMMUNITY DEVELOPMENT COORDINATOR, HECTOR LANDIN WAS INTRODUCED BY BEN GRIFFIN.
- C. DEVELOPMENT REVIEW COMMITTEE UPDATE
- D. LETTER TO TxDOT REGARDING MAIN STREET DRAINAGE
- E. TRAIL RIDE RECEPTION – NEW LOCATION
- F. TOMBALL POLICE DEPARTMENT – ANNUAL DATA CAPTURE 2006

4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF THE REGULAR AND SPECIAL COUNCIL MEETINGS OF FEBRUARY 5, 2007; SECOND BY COUNCILMAN HARVEY.

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 RESOLUTION NO. 2007-09-EDC, APPROVING, AS A PROJECT OF THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION (TEDC), EXPENDITURES IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE TEDC, THE CITY OF TOMBALL, AND WEINGARTEN REALTY INVESTORS, FOUND BY THE TEDC BOARD TO PROMOTE NEW OR EXPANDED BUSINESS DEVELOPMENT; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 5.2 MOTION WAS MADE BY COUNCILMAN QUINN TO ADOPT THE SECOND READING OF ORDINANCE NO. 2007-02, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ADOPTING AMENDMENT NUMBER 1 TO THE ORIGINAL BUDGET OF THE CITY OF TOMBALL, TEXAS, FOR THE FISCAL YEAR 2006-2007, AS ADOPTED BY ORDINANCE NO. 2006-06; PROVIDING FOR APPROPRIATION OF FUNDS FROM THE UTILITY FUND IN THE AMOUNT OF \$178,737 FOR A TOTAL INCREASE IN EXPENSES OF \$178,737, DIRECTING PUBLICATION OF THE CAPTION OF THIS ORDINANCE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND

PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE; SECOND BY COUNCILMAN HARVEY. 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 PUBLIC HEARING FOR THE ANNEXATION OF 1.8000-ACRE TRACT LOCATED AT 14615 FM 2920, ON THE SOUTH SIDE OF FM 2920 (GOSPEL ASSEMBLY CHURCH) WAS CALLED TO ORDER BY MAYOR HARRINGTON AT 7:29 P.M.

NO COMMENTS WERE RECEIVED; THE PUBLIC HEARING WAS CLOSED AT 7:30 P.M. BY MAYOR HARRINGTON.

- 6.2 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 WAS CALLED TO ORDER BY MAYOR HARRINGTON AT 7:31 P.M.:

PROPOSED CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER ONE – PINE COUNTRY OF TOMBALL SECTION TWO

SCOTT BEAN, HAWES-HILL-CALDERON WAS ADVISED COUNCIL THAT THE RESOLUTIONS WILL BE ON THE MARCH 5, 2007 AGENDA FOR COUNCIL CONSIDERATION; PINE COUNTRY OF TOMBALL SECTION TWO CONTAINS 55 ACRES, AND 130 HOMES ARE PLANNED. BEN GRIFFIN ADVISED COUNCIL THAT CITY STAFF IS WORKING ON A MORE COMPREHENSIVE PID POLICY FOR CONSIDERATION BY COUNCIL AT THE MARCH 5, 2007 MEETING.

NO OTHER COMMENTS WERE RECEIVED; THE PUBLIC HEARING WAS CLOSED AT 7:33 P.M. BY MAYOR HARRINGTON.

- 6.3 CONSIDERATION WAS GIVEN TO THE APPOINTMENT OF A NEW MEMBER TO THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION

BOARD OF DIRECTORS, FOR THE CURRENT VACANCY. NOMINATIONS WERE AS FOLLOWS:

COUNCILMAN DRIVER	<u>JERALD TILL</u>
COUNCILMAN HARVEY	<u>JERALD TILL</u>
COUNCILMAN FAGAN	<u>JERALD TILL</u>
COUNCILMAN LAZENBY	<u>VINCENT O'DONNELL</u>
COUNCILMAN QUINN	<u>JAMES GEER</u>

VOTE WAS AS FOLLOWS:

COUNCILMAN FAGAN	<u>JERALD TILL</u>
COUNCILMAN HARVEY	<u>JERALD TILL</u>
COUNCILMAN DRIVER	<u>JERALD TILL</u>
COUNCILMAN QUINN	<u>JAMES GEER</u>
COUNCILMAN LAZENBY	<u>VINCENT O'DONNELL</u>

JERALD TILL IS HEREBY APPOINTED TO SERVE THE UNEXPIRED TERM OF THE CURRENT VACANCY WITH 3 VOTES.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE REQUEST BY GERMAN FESTIVAL COMMITTEE FOR CITY SPONSORSHIP THROUGH IN-KIND SERVICES, OPENING COMMUNITY CENTER ON SATURDAY AND SUNDAY, WAIVING ALL FEES, AND INSTALLING ADDITIONAL ELECTRICAL CONNECTIONS; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE THE RE-SALE OF LOT 30, BLOCK 90, BY TOMBALL INDEPENDENT SCHOOL DISTRICT TO JANET HOLMES, IN THE AMOUNT OF \$2,148.24 ; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE RE-SALE OF LOTS 35 AND 36, BLOCK 87, BY TOMBALL INDEPENDENT SCHOOL DISTRICT TO JANET HOLMES, IN THE AMOUNT OF \$11,249.33; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE REQUEST BY HAMILTON VALLEY MANAGEMENT, INC. FOR SUPPORT TO OBTAIN

STATE OF TEXAS HOUSING TAX CREDITS; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN QUINN TO APPROVE RESOLUTION NO. 2007-11, A RESOLUTION DECLARING THE INTENTION OF THE CITY OF TOMBALL, TEXAS, TO INSTITUTE PROCEEDINGS TO ANNEX CERTAIN TERRITORY; DESCRIBING SUCH TERRITORY; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED (2.821 ACRES LOCATED AT 0 HIGH MEADOW ROAD, ON EAST RIGHT-OF-WAY OF SH 249 BYPASS, JUST NORTH OF ALICE ROAD) AND TO SET MARCH 19, 2007 AND APRIL 2, 2007 AS THE DATES OF THE PUBLIC HEARINGS; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FAGAN TO AWARD CONTRACT TO JONES & CARTER FOR PROFESSIONAL ENGINEERING SERVICES TO PERFORM A PRELIMINARY ENGINEERING REPORT FOR IMPROVEMENTS ALONG QUINN ROAD, IN THE AMOUNT OF \$14,800; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN QUINN TO AWARD CONTRACT TO COBB FENDLEY & ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES FOR THE RECONSTRUCTION/EXTENSION OF MICHEL ROAD, IN THE AMOUNT OF \$127,830; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.11 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE CHANGING PART-TIME ADMINISTRATIVE CLERK POSITION TO FULL-TIME ASSISTANT CITY SECRETARY POSITION AND APPROVE ADDITIONAL BUILDING INSPECTOR POSITION; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.12 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE PLAT FOR TOF PROPERTIES, AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE PLAT FOR QUINN TRACT, AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN HARVEY. COUNCILMAN QUINN ABSTAINED FROM DISCUSSION AND VOTE ON THE PLAT FOR QUINN TRACT, DUE TO HIS OWNERSHIP OF THE TRACT IN QUESTION.

MOTION CARRIED UNANIMOUSLY.

- 6.13 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:54 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 551.087 DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
- B. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY
- C. SECTION 551.071 CONSULTATION WITH ATTORNEY REGARDING POTENTIAL LITIGATION
- D. SECTION 551.074 PERSONNEL MATTERS – EMPLOYMENT DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER

UPON RECONVENING IN REGULAR SESSION AT 10:25 P.M., THE FOLLOWING ACTION WAS TAKEN:

- 6.14 MOTION WAS MADE BY COUNCILMAN HARVEY TO ADOPT RESOLUTION NO. 2007-12-EDC, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY, THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION, AND CCG VENTURE PARTNERS, LLC, WITH THE STIPULATION THAT EXECUTION OF THIS CONTRACT IS CONTINGENT UPON CITY'S RECEIPT OF THE DEED TO THE RIGHT-OF-WAY FOR BROWN ROAD EXTENSION; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

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