

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, MARCH 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  
CITY ATTORNEY – BILL OLSON  
CITY ATTORNEY – DAVID OLSON  
CITY SECRETARY – DORIS SPEER  
CHIEF OF POLICE – MICHAEL BLAKE  
FIRE CHIEF – RANDY PARR  
DIRECTOR OF PUBLIC WORKS – ROD HAINEY  
CITY ENGINEER – IVALU ROSE  
FINANCE DIRECTOR – MONICA KOHLENBERG  
EXEC. ASST. TO CITY MANAGER – SHAWN COX

2.0 THE FOLLOWING PUBLIC COMMENTS WERE RECEIVED:

VICKIE BUTLER RINDOS  
BJ SERVICES -- “SHATTERED LIVES” PROGRAM, TO  
BE HELD AT CONCORDIA LUTHERAN  
HIGH SCHOOL ON APRIL 11-12, 2007

MILLIE CARRA  
42 HICLERE PARK DRIVE  
77379 -- BEST WISHES TO BEN GRIFFIN;  
GLENLOCH FARMS WILLING TO  
WORK WITH CITY REGARDING  
HOOKS AIRPORT

BILL WEBB  
212 BELMONT -- APOLOGY FOR COMMENTS DURING  
MARCH 12, 2007 MEETING;

SUGGESTED CITY COUNCIL HIRE  
WARREN DRIVER AS CITY MANAGER

3.0 REPORTS AND ANNOUNCEMENTS

- 3.1 PRESENTATION OF THE NATIONAL FIRE ACADEMY "EXECUTIVE FIRE OFFICER" CERTIFICATE WAS MADE BY BEN GRIFFIN TO FIRE CHIEF, RANDY PARR.

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

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

- A. SPECIAL MEETING – MARCH 26, 2007 – ANNEXATION OF GOSPEL ASSEMBLY CHURCH TRACT
- B. BUILDING OFFICIAL APPOINTED TO B.O.A.T. BOARD
- C. SPRING CLEAN-UP WEEK – APRIL 23-APRIL 28
- D. BOARDS AND COMMISSIONS VOLUNTEER BANQUET
- E. ELECTION NEWS

- 4.0 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE THE MINUTES OF REGULAR AND SPECIAL COUNCIL MEETINGS OF MARCH 5, 2007 AND SPECIAL COUNCIL MEETING OF MARCH 12, 2007; SECOND BY COUNCILMAN FAGAN. COUNCILMAN QUINN ABSTAINED FROM VOTE DUE TO HIS ABSENCE ON MARCH 12, 2007.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

- 5.1 MOTION WAS MADE BY COUNCILMAN LAZENBY TO ADOPT THE SECOND READING OF RESOLUTION NO. 2007-16-EDC, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION, THE CITY OF TOMBALL, AND CCG VENTURE PARTNERS, LLC, TO PROMOTE A NEW MULTI-TENANT COMMERCIAL/RETAIL DEVELOPMENT, TO BE KNOWN AS "SPRING CREEK COMMONS"; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 5.1 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT THE SECOND READING OF ORDINANCE NO. 2007-03, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ADOPTING AMENDMENT NUMBER 2 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 GOVERNMENTAL FUNDS AND PROPRIETARY FUNDS; CREATING THE MUNICIPAL COURT BUILDING SECURITY FUND, THE MUNICIPAL COURT TECHNOLOGY FUND, THE WATER CAPITAL RECOVERY FEE FUND AND THE SEWER CAPITAL RECOVERY FEE FUND; 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 QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<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 7:12 P.M.

NO PUBLIC COMMENTS WERE RECEIVED; THE PUBLIC HEARING WAS CLOSED AT 7:13 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 7:13 P.M.

NO PUBLIC COMMENTS WERE RECEIVED. MICHAEL BLAKE PRESENTED STATISTICAL INFORMATION AND RECOMMENDED CONTINUANCE AND READOPTION OF THE CURFEW ORDINANCE. THE PUBLIC HEARING WAS CLOSED AT 7:15 P.M. BY MAYOR HARRINGTON.

- 6.3 MARK JOHNSON, FITTS, ROBERTS, AND COMPANY, PRESENTED THE AUDIT FOR FISCAL YEAR 2005-2006. MOTION WAS MADE BY COUNCILMAN QUINN TO ACCEPT AUDIT FOR FISCAL YEAR 2005-2006, AS PRESENTED BY FITTS, ROBERTS, AND COMPANY; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO SET APRIL 16, 2007 AS THE DATE FOR A 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.

SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE THE RE-SALE OF LOT 32, BLOCK 81, BY TOMBALL INDEPENDENT SCHOOL DISTRICT TO CHRIS BECKSTEAD, IN THE AMOUNT OF \$1,555.00; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE RE-SALE OF LOTS 19 AND 20, BLOCK 90, BY TOMBALL INDEPENDENT SCHOOL DISTRICT TO JANET HOLMES, IN THE AMOUNT OF \$2,743.80; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE RESOLUTION NO. 2007-17, 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 ( $\pm 0.65$  ACRES LOCATED AT 0 HIGH MEADOW ROAD, ON EAST RIGHT-OF-WAY OF SH 249 BYPASS, JUST NORTH OF ALICE ROAD); SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE RESOLUTION NO. 2007-18, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE CONSTRUCTION OF SUTTON LANE TO CREATE AN EAST-WEST THOROUGHFARE FOR THE CITY, AND AUTHORIZING THE MAYOR TO WRITE TO HARRIS COUNTY PRECINCT #4 REQUESTING PARTICIPATION BY HARRIS COUNTY PRECINCT #4 IN THE CONSTRUCTION OF SUTTON LANE AND THE USE OF SUTTON LANE EASEMENT; MAKING CERTAIN FINDINGS; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.9 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:35 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 551.074 PERSONNEL MATTERS – ASSISTANT CITY MANAGER

UPON RECONVENING IN REGULAR SESSION AT 7:50 P.M., THE FOLLOWING ACTION WAS TAKEN:

- 6.10 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE THE APPOINTMENT OF ASSISTANT CITY MANAGER, MARY COKER, AS INTERIM CITY MANAGER, EFFECTIVE APRIL 1, 2007; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

7.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADJOURN; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer  
DORIS SPEER, TRMC  
CITY SECRETARY

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