

**MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, MAY 7, 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 – DAVID OLSON  
FIRE CHIEF – RANDY PARR  
DIRECTOR OF PUBLIC WORKS – ROD HAINEY  
CITY ENGINEER – IVALU ROSE  
POLICE CAPTAIN – RICK GRASSI  
FINANCE DIRECTOR – MONICA KOHLENBERG  
EXEC. ASST. TO CITY MANAGER – SHAWN COX

- 2.0 NO PUBLIC COMMENTS WERE RECEIVED.

- 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. DEDICATION DATE - SOUTHSIDE FIRE STATION – JUNE 15, 2007  
B. QUARTERLY FINANCIAL REPORT  
C. CONTRACTS SIGNED BY CITY MANAGER  
D. UPDATE ON HOOKS AIRPORT

- 4.0 MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF APRIL 16, 2007; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN QUINN TO SET MAY 21, 2007 AS THE DATE TO CONDUCT CANVASS OF GENERAL ELECTION, HELD ON MAY 12, 2007; SECOND BY COUNCILMAN LAZENBY.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN HARVEY TO APPROVE THE AGREEMENT BETWEEN HARRIS COUNTY (FIRE MARSHAL'S OFFICE) AND THE CITY OF TOMBALL (FIRE DEPARTMENT) FOR HAZARDOUS MATERIALS CACHE OF EQUIPMENT AND REGIONAL RESPONSE CAPABILITIES; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN HOUSTON-GALVESTON AREA COUNCIL (H-GAC) AND THE CITY OF TOMBALL FOR THE FM 2920 ACCESS MANAGEMENT STUDY AND TO APPROVE FUNDING OF CITY'S PORTION, IN THE AMOUNT OF \$10,000 AND IN-KIND SERVICES; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE CONTRACT BETWEEN THE CITY OF TOMBALL, THE YMCA OF THE GREATER HOUSTON AREA, AND THE MAGNOLIA/TOMBALL BRANCH YMCA TO OPERATE JERRY MATHESON PARK SWIMMING POOL FOR THE 2007 SEASON; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.5 DISCUSSION AS HELD REGARDING VARIOUS CHANGES AND CORRECTIONS RECOMMENDED BY THE CITY ATTORNEY REGARDING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TOMBALL AND LS DEVELOPMENT, LLC. MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE DEVELOPMENT AGREEMENT, WITH THE

CORRECTIONS RECOMMENDED BY THE CITY ATTORNEY; SECOND BY COUNCILMAN HARVEY.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MICHAEL WILKE, FROM TOMBALL'S PROMISE YOUTH ADVISORY COUNCIL, SPOKE REGARDING THE FOURTH ANNUAL "5K TROT FOR TOMAGWA." MOTION WAS MADE BY COUNCILMAN LAZENBY TO APPROVE RESOLUTION NO. 2007-23, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE FOURTH ANNUAL "5K TROT FOR TOMAGWA," TO BE HELD IN TOMBALL ON SATURDAY, JUNE 9, 2007; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2007-06 BY CAPTION ONLY; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN QUINN TO ADOPT THE FIRST READING OF ORDINANCE NO. 2007-06, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ADOPTING AMENDMENT NUMBER 3 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 CREATING THE HOTEL/MOTEL OCCUPANCY TAX 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 FAGAN. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN FAGAN TO AUTHORIZE CITY STAFF TO PROCEED WITH NECESSARY MEASURES TO EXTEND THE CITY LIMITS TO INCLUDE THE SH 249 EXPRESSWAY THROUGH THE ANNEXATIONS PROCESS; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.9 EXECUTIVE SESSION: THE CITY COUNCIL RECESSED AT 7:38 P.M. TO MEET IN EXECUTIVE SESSION AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSE:

- A. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY

UPON RECONVENING IN REGULAR SESSION AT 7:49 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

(signed) Doris Speer  
DORIS SPEER, TRMC  
CITY SECRETARY

(signed) Gretchen Fagan  
GRETCHEN FAGAN  
MAYOR