

MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON TUESDAY, SEPTEMBER 7, 2004 AT 7:00 P.M. AT CITY HALL, 401 MARKET STREET, TOMBALL, TEXAS 77375.

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

COUNCILMAN MARTIN
COUNCILMAN FAGAN
COUNCILMAN FORD
COUNCILMAN GATLIN
COUNCILMAN DRIVER

OTHERS PRESENT:

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

2.0 PUBLIC COMMENTS WERE RECEIVED:

ELAINE CHRISMAN, 108 SOUTH PINE,
AND
VICKIE BUTLER-RINDOS, BJ SERVICES

- APPRECIATION ON BEHALF OF
THE REGIONAL ARTS COUNCIL
(TRAC) FOR CITY SUPPORT OF
FINE ARTS FESTIVAL

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. LIABILITY INSURANCE – GOOD NEWS
- B. UPDATE ON PEDESTRIAN CROSSING ON GRAHAM – BEN GRIFFIN WILL ASCERTAIN IF GRAHAM DRIVE BELONGS TO

THE CITY

- C. CONTRACTS APPROVED BY CITY MANAGER
- D. UPDATE ON ZION ROAD REPAIR – ZION ROAD IS CITY’S RESPONSIBILITY; STAFF IS GATHERING ESTIMATES REGARDING COST TO REPAIR
- E. OCTOBER WORKSHOP
- F. REPLY TO HAMPTON PLACE TOWNHOMES
- G. TMRS RESPONSE TO COUNCILMAN GATLIN’S QUESTION – ADDITIONAL INFORMATION REGARDING UNFUNDED ACCRUAL/ACTUARIAL LIABILITY OF RETIREMENT FUND WILL BE PROVIDED AT 9/20/2004

4.0 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE MINUTES OF SPECIAL AND REGULAR COUNCIL MEETINGS OF AUGUST 16, 2004 AND SPECIAL MEETING OF AUGUST 23, 2004; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

5.1 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT THE SECOND READING OF ORDINANCE 2004-04, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (6.6191-ACRE TRACT LOCATED AT SH 249 AND ALICE ROAD); SECOND BY COUNCILMAN FAGAN. VOTE WAS AS FOLLOWS:

COUNCILMAN MARTIN	<u>AYE</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

5.2 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT SECOND READING OF ORDINANCE 2004-06, AN ORDINANCE ESTABLISHING RATES AND

CHARGES FOR POTABLE WATER, SANITARY SEWER, NATURAL GAS, AND GARBAGE COLLECTION AND DISPOSAL SERVICES; REPEALING ORDINANCE NO. 2003-12 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN DRIVER. VOTE WAS AS FOLLOWS:

COUNCILMAN MARTIN	<u>AYE</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE 2004-05 BY CAPTION ONLY; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT FIRST READING OF ORDINANCE 2004-05, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A LETTER AGREEMENT WITH THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, PROVIDING FOR THE CLOSURE OF HOUSTON STREET (DOT NO. 597103A), RAILROAD MILEPOST 84.86; SECOND BY COUNCILMAN MARTIN. VOTE WAS AS FOLLOWS:

COUNCILMAN MARTIN	<u>NAY</u>
COUNCILMAN FORD	<u>NAY</u>
COUNCILMAN FAGAN	<u>NAY</u>
COUNCILMAN GATLIN	<u>NAY</u>
COUNCILMAN DRIVER	<u>NAY</u>

MOTION **FAILED**.

- 6.2 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE TOMBALL ECONOMIC DEVELOPMENT CORPORATION 2004-05 STRATEGIC WORK PLAN; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE AN "AMENDED" BUILDING/RELOCATION AGREEMENT BETWEEN TOMBALL ECONOMIC DEVELOPMENT CORPORATION AND UNIVERSAL HOUSING SOLUTIONS; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE A REQUEST BY THE REGIONAL ARTS CENTER TO CLOSE MARKET STREET, FROM SOUTH PINE TO SOUTH CHERRY, ON NOVEMBER 13; TO CLOSE HERITAGE PARK ON NOVEMBER 12 AND 13; AND TO WAIVE THE FEE FOR USE OF THE COMMUNITY CENTER IN ORDER TO DISPLAY ARTISTS' WORK ON NOVEMBER 11, 12 AND 13, FOR THE SECOND ANNUAL FINE ARTS FESTIVAL; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPOINT COUNCILMAN FAGAN TO SERVE AS MEMBER OF NORTHWEST EMERGENCY SERVICES (NWEMS) BOARD OF DIRECTORS TO FILL VACANCY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN GATLIN TO ADOPT RESOLUTION NO. 2004-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, FOR THE DESIGNATION OF H. G. HARRINGTON, MAYOR, AS REPRESENTATIVE, AND HOMER FORD, COUNCILMAN, AS ALTERNATE REPRESENTATIVE TO HOUSTON-GALVESTON AREA COUNCIL'S 2005 GENERAL ASSEMBLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN FORD TO READ ORDINANCE 2004-07 BY CAPTION ONLY; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT FIRST READING OF ORDINANCE 2004-07, AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY

OF TOMBALL, TEXAS, FOR FISCAL YEAR 2004-2005; AND AUTHORIZING THE CITY MANAGER TO APPROVE INTRA-DEPARTMENTAL (WITHIN THE SAME DEPARTMENT ONLY) TRANSFERS OF BUDGETED FUNDS; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE; SECOND BY COUNCILMAN GATLIN. VOTE WAS AS FOLLOWS:

COUNCILMAN MARTIN	<u>AYE</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE INTERLOCAL AGREEMENT BETWEEN CITY OF TOMBALL AND TOMBALL INDEPENDENT SCHOOL DISTRICT, COVERING REIMBURSEMENT OF PERSONNEL COSTS TO THE CITY BY TISD FOR TWO STUDENT RESOURCE OFFICERS; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE INTERLOCAL AGREEMENT BETWEEN CITY OF TOMBALL AND TOMBALL INDEPENDENT SCHOOL DISTRICT, COVERING SPECIFIC CONTRACTED POLICE RESERVE OFFICER SERVICE IN SCHOOL-RELATED OR SCHOOL-SPONSORED ACTIVITIES; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE JENNIFER TORRES AS A RESERVE OFFICER; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.11 MOTION WAS MADE BY COUNCILMAN MARTIN TO CONFIRM AMENDMENTS TO THE CONTRACT WITH O'MALLEY ENGINEERS, L.L.P., FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE HIGH PRESSURE GAS LINE REPLACEMENT FOR FUTURE SH 249 BYPASS; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.12 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE PROPOSAL BY COBOURN, LINSEISEN & RATCLIFF, INC. TO CONVERT THE OUTDATED PLANS FOR THE EXTENSION OF BROWN ROAD FROM METRIC TO ENGLISH UNITS AND TO MODIFY THE DRAINAGE OUTFALL DESIGN TO MEET DRAINAGE NEEDS FOR M124/HICKS ROAD AND DETENTION POND PLANS, IN THE AMOUNT OF \$92,913.46; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.13 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE AMENDMENT TO CONTRACT WITH FIRST CLASS CONCRETE, INC., IN CONNECTION WITH BAKER STREET SIDEWALK REPAIRS; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.14 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE RECOMMENDATION BY PLANNING COMMISSION TO AMEND LOT SIZE REQUIREMENTS IN OLD TOWN TOMBALL TO ALLOW 50-FT. WIDE LOTS FOR SINGLE-FAMILY RESIDENTIAL AND DUPLEX DEVELOPMENT AND TO AUTHORIZE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE CODE OF ORDINANCES; SECOND BY COUNCILMAN FAGAN.

MOTION WAS AMENDED BY COUNCILMAN DRIVER TO REQUIRE DUPLEX DEVELOPMENTS TO HAVE A 75-FT. MINIMUM WIDTH OR A 7,000 SQUARE FOOT MINIMUM LOT SIZE, WITH A MINIMUM 100-FT. DEPTH; SINGLE-FAMILY DEVELOPMENTS TO HAVE A 50-FT. MINIMUM WIDTH OR A 5,000 SQUARE FOOT MINIMUM LOT SIZE, WITH A MINIMUM 100-FT. DEPTH; AND TO AUTHORIZE THE CITY ATTORNEY TO DRAFT THE ORDINANCE; SECOND TO MOTION AS AMENDED BY COUNCILMAN FAGAN.

MOTION AS AMENDED CARRIED UNANIMOUSLY.

- 6.15 EXECUTIVE SESSION: AT 8:07 P.M., THE CITY COUNCIL MET IN EXECUTIVE SESSION AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSES:

1. SECTION 551.072: DELIBERATIONS REGARDING REAL PROPERTY
2. SECTION 551.074: PERSONNEL MATTERS – CONSIDER EMPLOYMENT OF DIRECTOR OF PUBLIC WORKS OPERATIONS AND EVALUATION OF CITY MANAGER

AFTER RECONVENING IN REGULAR SESSION AT 8:54 P.M., NO ACTION WAS TAKEN.

7.0 MOTION WAS MADE BY COUNCILMAN GATLIN 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