

MINUTES OF THE **REGULAR** CITY COUNCIL MEETING, HELD ON **MONDAY, SEPTEMBER 20, 2004 AT 7:00 P.M.** AT CITY HALL, 401 MARKET STREET, TOMBALL, TEXAS 77375.

- 1.0 THE 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

- 2.0 PUBLIC COMMENTS WERE RECEIVED:

A. W. THEIS,  
8602 WESTMORELAND, MAGNOLIA - ANNEXATIONS AND EXTENSION OF  
UTILITY SERVICE ALONG SH 249,  
HOLDERRIETH ROAD AND ALICE  
ROAD

- 3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE MADE:

3.1 PRESENTATION OF A PROCLAMATION WAS MADE BY MAYOR HARRINGTON TO THE TOMBALL AREA CHAMBER OF COMMERCE AND TO TOMBALL INDEPENDENT SCHOOL DISTRICT, PROCLAIMING EACH FRIDAY IN SCHOOL YEAR AS “PAINT TOMBALL RED” DAY

3.2 PRESENTATION OF THE “MAYOR’S CUP” WAS MADE BY JIMMY THORNTON, MAYOR OF MAGNOLIA, TO H. G. HARRINGTON, MAYOR OF TOMBALL

VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

3.3 THE CITY MANAGER'S REPORT WAS PRESENTED:

BEN GRIFFIN PRESENTED A 5-YEAR PIN TO COUNCILMAN GATLIN AND COUNCILMAN MARTIN; A 10-YEAR PIN TO MAYOR HARRINGTON; AND A 15-YEAR PIN TO COUNCILMAN FORD.

- A. OCTOBER WORKSHOP AGENDA
- B. RESPONSE TO TMRS FUNDING QUESTION
- C. RESPONSE TO DUPLEX BUILDING SETBACK QUESTION

4.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF SEPTEMBER 7, 2004; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

5.1 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT SECOND 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 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 ADOPT RESOLUTION NO. 2004-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, APPROVING AMENDED BYLAWS OF THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR THE EFFECTIVE DATE, AND OTHER RELATED MATTERS; SECOND BY COUNCILMAN FORD.

MOTION WAS AMENDED BY COUNCILMAN DRIVER TO ADOPT RESOLUTION NO. 2004-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, APPROVING AMENDED BYLAWS OF THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR THE EFFECTIVE DATE, AND OTHER RELATED MATTERS, CONTINGENT UPON THE RECOMMENDED CHANGES REQUESTED BY COUNCIL BEING MADE; SECOND BY COUNCILMAN FORD.

MOTION, AS AMENDED, CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN GATLIN TO APPROVE THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION 2004-05 BUDGET FOR FISCAL YEAR 2004-05; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE RE-SALE OF LOT 19, BLOCK 63, BY TOMBALL INDEPENDENT SCHOOL DISTRICT TO JANET HOLMES, IN THE AMOUNT OF \$2,000; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO AUTHORIZE SALE OF LOT 5, BLOCK 1 TO DR. RODNEY HUTSON, THE ADJACENT PROPERTY OWNER, FOR THE APPRAISED AMOUNT OF \$6,500; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN MARTIN TO AWARD CONTRACT FOR PROJECT 2004-24, FIREFIGHTING EQUIPMENT, TO LOW BIDDER, WILSON FIRE APPARATUS & EQUIPMENT, IN THE AMOUNT OF \$91,940; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN GATLIN TO APPROVE CHANGE ORDERS FOR BETA, INC. REGARDING ASPHALT OVERLAY; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT \$0.108 AS THE PORTION OF THE TAX RATE FOR THE MAINTENANCE AND OPERATIONS FUND; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT \$0.172 AS THE PORTION OF THE TAX RATE FOR THE INTEREST AND SINKING FUND; SECOND BY COUNCILMAN FAGAN.
- 6.9 MOTION WAS MADE BY COUNCILMAN MARTIN TO READ ORDINANCE NO. 2004-08 BY CAPTION ONLY; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN GATLIN TO ADOPT FIRST READING OF ORDINANCE NO. 2004-08, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, SETTING THE TAX LEVY FOR THE YEAR 2004 ON ALL TAXABLE REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF TOMBALL, TEXAS; ALLOWING FOR HOMESTEAD EXEMPTIONS FOR PROPERTY OWNERS SIXTY-FIVE YEARS OF AGE AND OVER, AND FOR PROPERTY OWNERS WHO QUALIFY FOR DISABILITY BENEFITS UNDER THE FEDERAL OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVIDING FOR PENALTY, INTEREST, AND ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; 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.

- 6.10 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE PLATS AS RECOMMENDED BY PLANNING COMMISSION FOR APPROVAL, CONTINGENT UPON CHANGES REQUESTED BY CITY STAFF BEING COMPLETED SATISFACTORILY; SECOND BY COUNCILMAN DRIVER:

- A. DARLA SQUARE EAST
- B. SYCAMORE SQUARE
- C. LESKO FALLS

MOTION CARRIED UNANIMOUSLY.

6.11 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE APPOINTMENT OF RODERICK HAINEY AS DIRECTOR OF PUBLIC WORKS OPERATIONS; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

6.12 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE EMPLOYMENT CONTRACT FOR BEN GRIFFIN, CITY MANAGER; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

6.13 THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:36 P.M., 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

AFTER RECONVENING IN REGULAR SESSION AT 7:45 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

*(signed) Doris Speer*  
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DORIS SPEER, TRMC  
CITY SECRETARY

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