

MINUTES OF THE **REGULAR** CITY COUNCIL MEETING, HELD ON **MONDAY, OCTOBER 4, 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 – ALLISON HOLLAND  
CITY SECRETARY – DORIS SPEER  
POLICE CAPTAIN – RON STEWART  
DIRECTOR OF PUBLIC WORKS-ENGINEERING – MARK MCCLURE  
DIRECTOR OF PUBLIC WORKS-OPERATIONS – ROD HAINEY  
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; RESPONSE TO LETTER FROM  
CITY MANAGER

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE MADE:

VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM  
COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

A. PARKWAY FURNITURE REQUEST – COUNCIL INSTRUCTED CITY  
MANAGER TO CONTACT E. P. BRADY ABOUT DAMAGES.

- B. BUILDING DEPARTMENT UPDATE
- C. ESD 15 AND CONTINUATION OF FIRE PROTECTION SERVICE OUTSIDE THE CITY LIMITS
- D. OCTOBER 25<sup>TH</sup> WORKSHOP AGENDA
- E. SEPTEMBER CONTRACTS APPROVED BY CITY MANAGER
- F. POLICE DEPARTMENT ACTIVITY UPDATE
- G. ORIGINAL CITY HALL
- H. PARTNERSHIP ON BASEBALL FIELD
- I. UPDATE ON SHAW ACRES
- J. RESPONSE TO MR. THEIS' LETTER OF SEPTEMBER 20, 2004

4.0 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF SEPTEMBER 20, 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 DRIVER TO ADOPT THE SECOND 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 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.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN FORD TO AUTHORIZE PREPARATION OF AGREEMENT BETWEEN ST. ANNE'S CATHOLIC CHURCH AND THE CITY OF TOMBALL FOR ASSESSMENT AND 10-YEAR PAYOUT OF DRAINAGE IMPACT FEES; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE APPOINTMENT OF RESERVE POLICE OFFICER, STEVEN BURSMITH; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE PURCHASE OF 2.2310 ACRES FOR M121 WEST DRAINAGE CHANNEL IN EXCHANGE FOR 1.1618 ACRES OF MICHEL ROAD RIGHT-OF-WAY AND \$32,635.59 AND TO AUTHORIZE EXECUTION OF DEED WITHOUT WARRANTY; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN MARTIN TO AMEND ADMINISTRATIVE POLICY 32, ENTITLED "*PAY AND TRAINING POLICY FOR VOLUNTEER FIRE FIGHTERS*;" SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE PLATS AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN FORD:

- A. TOMBALL MEDICAL PARK REPLAT
- B. REPLAT LOTS 17, 18, 19, 20, BLOCK 28.

MOTION CARRIED UNANIMOUSLY.

- 6.6 THE CITY COUNCIL DID NOT MEET 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

7 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADJOURN; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

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

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