

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, JANUARY 19, 2004 AT 7:00 P.M. AT CITY HALL, 401 MARKET STREET, TOMBALL, TEXAS 77375.

1.0 MEETING WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR HARRINGTON. OTHER MEMBERS PRESENT:

COUNCILMAN MARTIN
COUNCILMAN GATLIN
COUNCILMAN STOVALL
COUNCILMAN FORD
COUNCILMAN HOLLAND

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
ACTING FIRE CHIEF – ERIC HOFFMAN

2.0 PUBLIC COMMENTS WERE RECEIVED:

VINCENT O'DONNELL - OBJECTIONS TO PROPOSED APARTMENT COMPLEXES
LAURIE LAWRENCE - OBJECTIONS TO PROPOSED APARTMENT COMPLEX
MARY GIRGENTI - OBJECTIONS TO PROPOSED APARTMENT COMPLEX
BILL WEBB - OBSERVANCE OF MARTIN LUTHER KING DAY AS CITY HOLIDAY; TOMBALL VOLUNTEER FIRE DEPARTMENT

2.1 PRESENTATION OF HISTORICAL TREE AWARDS TO TOMBALL REGIONAL HOSPITAL AND TO CHARLES G. HOOKS, III FOR "IRMA'S TREE" – TOMBALL REGIONAL HOSPITAL WAS MADE BY DR. NORMAN GRAHAM, ON BEHALF OF THE CITY COUNCIL AND PARKS BOARD.

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. PROCLAMATION TO BE PRESENTED BY HARRIS COUNTY SHERIFF'S JUNIOR MOUNTED POSSE
- B. TOMBALL SPORTS ASSOCIATION ANNUAL PARADE DATE CHANGED
- C. PLATS APPROVED BY PLANNING COMMISSION
- D. TOMBALL POLICE RESERVE OFFICERS PROGRAM
- E. WASSAILFEST "THANK YOU"
- F. LETTER TO THE EDITOR REGARDING THE CITIZENS POLICE ACADEMY

4.0 MOTION WAS MADE BY COUNCILMAN STOVALL TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF JANUARY 5, 2004; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 MOTION WAS MADE BY COUNCILMAN HOLLAND TO SET FEBRUARY 2, 2004, AT 6:30 P.M. AS THE DATE FOR THE PUBLIC HEARING ON FIRE PROTECTION SERVICES AND FIRE DISTRICT OPTIONS IN OUTLYING AREAS (OUTSIDE TOMBALL CITY LIMITS AND CITY'S EXTRA-TERRITORIAL JURISDICTION); SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

6.2 MOTION WAS MADE BY COUNCILMAN MARTIN TO DESIGNATE THE POTPOURRI AS THE OFFICIAL CITY NEWSPAPER; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

6.3 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE THE REQUEST BY SPRING CREEK ESTATES FOR REIMBURSEMENT OF COSTS FOR OVERSIZING OF WATER AND SEWER LINES, IN THE AMOUNT OF \$50,000; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE AGREEMENT WITH STATE BANK FOR INSTALLATION OF PNEUMATIC TUBES WITHIN PUBLIC RIGHT-OF-WAY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN STOVALL TO AWARD THE CONTRACT FOR PROJECT 2004-04, SOUTHSIDE UTILITIES, INCLUDING ALICE, SOUTH CHERRY, STATE HIGHWAY 249, AND HOLDERRIETH ROAD TO THE LOW BIDDER, E. P. BRADY, INC., IN THE AMOUNT OF \$6,090,323.20; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE CONTRACT BETWEEN KLOTZ ASSOCIATES, INC. AND CITY OF TOMBALL, FOR CONSTRUCTION ADMINISTRATIVE SERVICES ASSOCIATED WITH THE SOUTHSIDE UTILITIES PROJECT, IN THE AMOUNT OF \$71,400; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE THE CONTRACT BETWEEN RONE ENGINEERS, LTD. AND CITY OF TOMBALL, FOR CONSTRUCTION MATERIALS ENGINEERING AND TESTING SERVICES ASSOCIATED WITH THE SOUTHSIDE UTILITIES PROJECT, NOT TO EXCEED \$98,188.62; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE CONTRACT BETWEEN PREVENTIVE SERVICES, LP AND CITY OF TOMBALL, FOR INSPECTION SERVICES ASSOCIATED WITH THE SOUTHSIDE UTILITIES PROJECT, NOT TO EXCEED \$83,980; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FORD TO READ ORDINANCE 2004-01 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT THE FIRST READING OF ORDINANCE NO. 2004-01, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF DIVISION 2 (SECTIONS 2-86 THROUGH 2-94), ENTITLED "GRIEVANCES," OF ARTICLE III OF CHAPTER 2 THEREOF; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN MARTIN. VOTE WAS AS FOLLOWS:

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN HOLLAND	<u>AYE</u>
COUNCILMAN MARTIN	<u>AYE</u>
COUNCILMAN STOVALL	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT RESOLUTION NO. 2004-04, A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, ORDERING A REGULAR CITY OFFICER'S ELECTION TO BE HELD ON THE 15TH DAY OF MAY, 2004; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.11 MOTION WAS MADE BY COUNCILMAN STOVALL TO APPROVE THE AMENDMENT TO ADMINISTRATIVE POLICY NO. 32, "*PAY AND TRAINING POLICY FOR VOLUNTEER FIRE FIGHTERS*"; SECOND BY COUNCILMAN MARTIN.

BILL OLSON RECOMMENDED MODIFICATIONS TO ADMINISTRATIVE POLICY NO. 32, TO ENSURE COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT.

MOTION WAS MADE BY COUNCILMAN MARTIN TO INCORPORATE THE CHANGES RECOMMENDED BY THE CITY ATTORNEY IN THE AMENDMENT TO ADMINISTRATIVE POLICY NO. 32; SECOND BY COUNCILMAN GATLIN.

MOTION TO AMEND CARRIED UNANIMOUSLY.

MOTION TO APPROVE THE AMENDMENT TO ADMINISTRATIVE POLICY NO. 32, INCORPORATING THE RECOMMENDED CHANGES, CARRIED UNANIMOUSLY.

- 6.12 MOTION WAS MADE BY COUNCILMAN STOVALL TO REPEAL ADMINISTRATIVE POLICY NUMBERS 31 - *CONCERNING GIFTS AND PLAQUES FOR RETIRING EMPLOYEES*, 33 - *REGULATION OF SMOKING IN CITY BUILDINGS, CITY VEHICLES, AND CITY PROPERTY*, 34 - *TUITION REIMBURSEMENT*, 36 - *TRAVEL AND EXPENSE REIMBURSEMENT POLICY*, 37 - *TEMPORARY ASSIGNMENTS TO A HIGHER CLASSIFICATION*, 39 - *PREPARATION OF PAYROLL AND PAYCHECK ISSUANCE*, 40 - *MOVING EXPENSES POLICY*, 41 - *DRUG/ALCOHOL TESTING OF EMPLOYEES*, 42 - *CERTIFICATION AND EDUCATION PAY POLICY*, 43 - *HIRING PROCEDURE POLICY*, 44 - *PAY FOR VACATION AND SICK LEAVE UPON LEAVING EMPLOYMENT WITH CITY*, 45 - *SALARY ADMINISTRATION POLICY*, AND 46 - *EMPLOYEE GROUP HEALTH INSURANCE – DEPENDENT COVERAGE*, NOW CONTAINED IN THE PERSONNEL POLICY FOR THE CITY OF TOMBALL; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.13 THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:40 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 7:50 P.M., THE FOLLOWING ACTION WAS TAKEN:

- 6.14 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE PURCHASE OF PARCEL 6 OF THE M-121 DRAINAGE CHANNEL PROJECT, CONTAINING 1.964 ACRES OF LAND, IN THE AMOUNT OF \$72,000; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.15 MOTION WAS MADE BY COUNCILMAN MARTING TO APPROVE THE PURCHASE OF PARCEL 37 OF THE FM 2920 UTILITY EXTENSION PROJECT, CONTAINING 0.3688 ACRES OF LAND, IN THE AMOUNT OF \$21,000; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 7.0 MOTION WAS MADE BY COUNCILMAN HOLLAND 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