

**MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON
TUESDAY, SEPTEMBER 6, 2005 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 FORD
COUNCILMAN FAGAN
COUNCILMAN GATLIN
COUNCILMAN DRIVER

OTHERS PRESENT:

CITY MANAGER – BEN GRIFFIN
ASST. CITY MANAGER – MARY COKER
CITY ATTORNEY – JOHN OLSON
CITY SECRETARY – DORIS SPEER
POLICE CHIEF – MICHAEL BLAKE
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
FINANCE DIRECTOR – SHERRIE MATTSON
FIRE CHIEF – RANDY PARR
CITY ENGINEER – JOE SHERWIN
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

2.0 PUBLIC COMMENTS

2.1 PRESENTATION OF PROCLAMATION DECLARING SEPTEMBER 28, 2005 AS “**TOMBALL DAY OF PRAYER AND SHAREFEST 2005 – TRANSFORMING TOMBALL TOGETHER**” DAY WAS MADE BY MAYOR HARRINGTON.

PUBLIC COMMENTS WERE RECEIVED:

TERRY JOHNSON
FIRST BAPTIST CHURCH
401 OXFORD, 77375

- REQUESTING ASSISTANCE TO DEVELOP GUIDELINES TO LOCATE OIL WELLS AND PIPELINES AND TO PLAN SURFACE DEVELOPMENT

- GARY GOFF
TOMBALL CHURCH OF CHRIST - OIL PIPELINES HINDERING
DEVELOPMENT; PIPELINES ARE SAFETY
ISSUE; REQUESTING ASSISTANCE
- BRUCE HILLEGEIST
TOMBALL AREA CHAMBER
OF COMMERCE - SUPPORTS CITY ASSISTANCE TO MAKE
OIL COMPANIES LOCATE/RELOCATE
PIPELINES TO FACILITATE ECONOMIC
DEVELOPMENT
- JEFF STALLONES
PROPERTY OWNER, TOMBALL - REQUESTING CITY ASSISTANCE
REGARDING RELOCATION OF PIPELINES
- BEN ARCHER
9642 ELIZABETHS GLEN, 77375 - REQUESTING EXTENSION OF CITY
WATER AND SEWER TO 1519 MULBERRY
LANE FOR PROPOSED PROPERTY
PURCHASE

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM THE
COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. REPORT ON HURRICANE KATRINA RELIEF EFFORTS
BY THE CITY OF TOMBALL WAS PRESENTED BY BEN
GRIFFIN AND RANDY PARR.
- B. HOOKS AIRPORT; CONCENSUS OF COUNCIL IS TO
PROCEED WITH EFFORTS TO OBTAIN GRANT AND
BUDGETING OF GRANT FUNDS FOR AIRPORT
PURCHASE. JOINT COUNCIL/TECHNICAL AIRPORT
ADVISORY COMMITTEE WORKSHOP WILL BE
SCHEDULED AS SOON AS POSSIBLE; COUNCILMAN
DRIVER AND CITY MANAGER WILL PREPARE A
POSITION PAPER FOR THE WORKSHOP.
- C. APPLICANTS SOUGHT FOR APPRAISAL REVIEW
BOARD SERVICE
- D. CONTRACTS SIGNED BY CITY MANAGER
- E. TRAC PRESENTATION ON SEPTEMBER 19TH

- F. HOMETOWN *LINK*
- G. INVESTMENT PORTFOLIO SUMMARY
- H. UPDATE: POLICE DEPARTMENT POLICY MANUAL
- I. ZONING COMMISSION RESIGNATION; ITEM WILL BE PLACED ON SEPTEMBER 19 AGENDA TO APPOINT NEW ZONING COMMISSIONER

4.0 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF AUGUST 15, 2005; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION OF THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

5.1 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT SECOND READING OF ORDINANCE NO. 2005-06, AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF TOMBALL, TEXAS, FOR FISCAL YEAR 2005-2006; 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 QUINN. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<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 NO. 2005-07, AN ORDINANCE OF THE CITY OF TOMBALL, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS); SECOND BY COUNCILMAN DRIVER. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<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 FAGAN TO APPROVE GRANT FROM TOMBALL ECONOMIC DEVELOPMENT CORPORATION TO MSR TX TOM LP AS ASSISTANCE WITH THE CONSTRUCTION OF A LONG-TERM ACUTE CARE HOSPITAL, IN THE AMOUNT OF \$308,700; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN FORD TO AWARD PROJECT 2005-19, SOLID WASTE COLLECTION AND DISPOSAL SERVICES, TO WASTE MANAGEMENT FOR A 5-YEAR CONTRACT PERIOD; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE RESOLUTION NO. 2005-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE PROPOSED INTEGRATED HOUSING DEVELOPMENT KNOWN AS "THE GARDENS AT TOMBALL" ; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE A REQUEST BY VICTORY LIFE CHURCH INTERNATIONAL FOR A THREE-MONTH EXTENDED USE OF THE TOMBALL COMMUNITY CENTER; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE CONTRACT BETWEEN THE CITY OF TOMBALL AND BROWN & GAY ENGINEERS, INC. FOR CONSTRUCTION ADMINISTRATION AND PERIODIC FIELD OBSERVATION SERVICES IN CONNECTION WITH BOUDREAUX ESTATES

AND HOFFMAN ESTATES WATER LINE PROJECT, IN THE AMOUNT OF \$86,250; SECOND BY COUNCILMAN FORD.

MOTION WAS MADE BY COUNCILMAN QUINN TO AMEND THE CONTRACT AS FOLLOWS ON ATTACHMENTS A AND B:

ATTACHMENT A:

- A. CONSTRUCTION PHASE SERVICES, ITEM 2 - CHANGE LAST SENTENCE TO READ: "PERIODIC SITE VISITS TO AN AVERAGE OF THREE (3) TIMES PER WEEK AND WILL BE LIMITED TO AN AVERAGE OF THREE (3) HOURS PER DAY."
- B. COMPENSATION - CHANGE SECOND SENTENCE TO READ: "COMPENSATION WILL BE A TOTAL FEE OF \$86,250.00, APPROXIMATELY 4.5% OF CONSTRUCTION COST."

ATTACHMENT B:

ALL ABBREVIATIONS WILL BE SPELLED OUT.

MOTION TO AMEND CONTRACT CARRIED UNANIMOUSLY.

MOTION TO APPROVE CONTRACT, AS AMENDED, CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN FAGAN 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 GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN DRIVER 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 FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION BUDGET FOR FISCAL YEAR 2005-2006; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FORD TO ACCEPT THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION ANNUAL REPORT; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.10 PUBLIC HEARING REGARDING THE QUESTION OF AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY GRANTING ADDITIONAL RIGHTS AUTHORIZED BY SECTION 854.202(g) OF TITLE 8, TEXAS GOVERNMENT CODE, AS AMENDED WAS OPENED BY MAYOR HARRINGTON AT 8:10 P.M.

NO PUBLIC COMMENTS WERE RECEIVED. PUBLIC HEARING WAS CLOSED BY MAYOR HARRINGTON AT 8:11 P.M.

- 6.11 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT FIRST READING OF ORDINANCE NO. 2005-08, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM GRANTING THE ADDITIONAL RIGHTS AUTHORIZED BY SECTION 854.202(g) OF TITLE 8, TEXAS GOVERNMENT CODE, AS AMENDED, AND PRESCRIBING THE EFFECTIVE DATE FOR THE ORDINANCE; SECOND BY COUNCILMAN DRIVER. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<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.

- 6.11 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2005-09, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ELECTING TO REPEAL ORDINANCE 2001-05 IN ITS ENTIRETY, AND ELECTING TO PROVIDE FIVE-YEAR VESTING FOR EMPLOYEES OF THE CITY OF TOMBALL, TEXAS, WHO ARE MEMBERS OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM, BY CAPTION ONLY; SECOND BY COUNCILMAN QUINN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FAGAN TO ADOPT FIRST READING OF ORDINANCE NO. 2005-09, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ELECTING TO REPEAL ORDINANCE 2001-05 IN ITS ENTIRETY, AND ELECTING TO PROVIDE FIVE-YEAR VESTING FOR EMPLOYEES OF THE CITY OF TOMBALL, TEXAS, WHO ARE MEMBERS OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM; SECOND BY COUNCILMAN GATLIN. VOTE WAS AS FOLLOWS:

COUNCILMAN QUINN	<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.

- 6.12 MOTION WAS MADE BY COUNCILMAN QUINN TO ADOPT 2003 CITY OF TOMBALL, HARRIS COUNTY, MINIMUM CONSTRUCTION STANDARDS FOR COMMUNITY IMPROVEMENTS, ROADS AND BRIDGES, IN ACCORDANCE WITH CITY OF TOMBALL CODE OF ORDINANCES, SECTION 70-33(d), ENTITLED "GENERAL REQUIREMENTS"; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.13 MOTION WAS MADE BY COUNCILMAN GATLIN TO APPROVE PLATS, AS APPROVED BY PLANNING COMMISSION; SECOND BY COUNCILMAN QUINN:
- A. TOMBALL RECOVERY FOUNDATION
 - B. PARTIAL REPLAT OF BLOCK 9
 - C. LRC ACRES

MOTION CARRIED UNANIMOUSLY.

- 6.15 MOTION WAS MADE BY COUNCILMAN DRIVER TO NOMINATE BILL HARRY FOR THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT; SECOND BY COUNCILMAN FAGAN.

MOTION WAS MADE BY COUNCILMAN GATLIN TO TABLE THE NOMINATION FOR THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT UNTIL SEPTEMBER 19, 2005 IN ORDER TO SEEK ADDITIONAL NOMINEES; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY. ITEM WILL BE PLACED ON THE SEPTEMBER 19, 2005 COUNCIL AGENDA.

- 6.16 EXECUTIVE SESSION: THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 8:15 P.M., AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSE:

1. SECTION 551.074 PERSONNEL MATTERS – INCLUDING EVALUATION OF CITY MANAGER

AFTER RECONVENING IN OPEN SESSION AT 9:10 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETAR

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