

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, NOVEMBER 3, 2003
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 GATLIN
COUNCILMAN HOLLAND
COUNCILMAN MARTIN
COUNCILMAN STOVALL

MEMBERS ABSENT:

COUNCILMAN FORD - EXCUSED

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 – GENE WHITENACK

2.0 PUBLIC COMMENTS WERE RECEIVED:

JOE D. HARRISON, COUNCILMAN FROM PRAIRIEVIEW, EXPRESSED HIS INTEREST IN
THE MEETING PROCEDURES FOLLOWED BY THE TOMBALL CITY COUNCIL.

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE GIVEN BY COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

NOVEMBER WORKSHOP AGENDA HAS BEEN SCHEDULED FOR THURSDAY,
NOVEMBER 13, 2003, AT 6 P.M., IN COUNCIL CHAMBERS
CHIEF BLAKE PRESENTED THE "SILENT HERO CERTIFICATE OF
ACHIEVEMENT" AWARD TO BAMBI GOFF, DISPATCHER

4.0 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE MINUTES OF REGULAR COUNCIL MEETING OF OCTOBER 20, 2003; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

5.1 MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT SECOND READING OF ORDINANCE NO. 2003-15: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF SECTION 2-201 OF ARTICLE IV OF CHAPTER 2 THEREOF AND SUBSTITUTING THEREFOR A NEW SECTION 2-201; PROVIDING THAT CITY COUNCIL SHALL, BY RESOLUTION, DETERMINE THE FEE TO BE CHARGED FOR CHECKS RETURNED TO THE CITY FOR INSUFFICIENT FUNDS; AND PROVIDING SEVERABILITY; SECOND BY COUNCILMAN STOVALL. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

5.2 MOTION WAS MADE BY COUNCILMAN GATLIN TO ADOPT SECOND READING OF ORDINANCE NO. 2003-16, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF PARAGRAPH (a) OF SECTION 24-4 THEREOF AND SUBSTITUTING THEREFOR A NEW PARAGRAPH (a); PROVIDING THAT THE MUNICIPAL COURT TECHNOLOGY FUND MAY BE USED FOR MAINTENANCE OF CERTAIN TECHNOLOGICAL ENHANCEMENTS USED BY THE MUNICIPAL COURT; AMENDING ORDINANCE NO. 99-31, PASSED AND APPROVED THE 1ST DAY OF NOVEMBER 1999, BY DELETING ALL OF SECTION 7 THEREOF; REMOVING THE PROVISION FOR AN EXPIRATION DATE FOR COLLECTION OF THE MUNICIPAL COURT TECHNOLOGY FEE; AND PROVIDING SEVERABILITY; SECOND BY COUNCILMAN MARTIN. VOTE WAS AS FOLLOWS:

COUNCILMAN FORD	<u>ABSENT</u>
COUNCILMAN HOLLAND	<u>AYE</u>

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

MOTION CARRIED UNANIMOUSLY.

- 5.3 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT SECOND READING OF ORDINANCE NO. 2003-17, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING THE SECOND PARAGRAPH AND THE DEFINITION OF "HEALTH DEPARTMENT" IN SECTION 42-86 OF DIVISION 1 OF ARTICLE IV OF CHAPTER 42 THEREOF AND SUBSTITUTING THEREFOR A NEW SECOND PARAGRAPH AND A NEW DEFINITION OF "HEALTH DEPARTMENT" AND BY DELETING ALL OF SUBSECTION (a) OF SECTION 42-88 OF DIVISION 1 OF ARTICLE IV OF CHAPTER 42 THEREOF AND SUBSTITUTING THEREFOR A NEW SUBSECTION (a); ADOPTING NEW TEXAS DEPARTMENT OF HEALTH AND HARRIS COUNTY REGULATIONS FOR FOOD AND FOOD ESTABLISHMENTS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN STOVALL. VOTE WAS AS FOLLOWS:

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

MOTION CARRIED UNANIMOUSLY.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE FUNDING FOR CONTRACT WITH COBB, FENDLEY AND ASSOCIATES, INC. FOR LANDMAN SERVICES ASSOCIATED WITH ACQUISITION OF PROPERTY FOR M121 DRAINAGE CHANNELS, IN THE AMOUNT OF \$55,200; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

6.2 MOTION WAS MADE BY COUNCILMAN GATLIN TO APPROVE FUNDING FOR CONTRACT WITH COBB, FENDLEY AND ASSOCIATES, INC. FOR LANDMAN SERVICES ASSOCIATED WITH ACQUISITION OF UTILITY EASEMENTS FOR FM 2920 UTILITY EXTENSION TO TOMBALL CEMETERY ROAD, IN THE AMOUNT OF \$70,300; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

6.3 MOTION WAS MADE BY COUNCILMAN STOVALL TO APPROVE FUNDING FOR CONTRACT WITH COBB, FENDLEY AND ASSOCIATES, INC. FOR LANDMAN SERVICES ASSOCIATED WITH ACQUISITION OF UTILITY EASEMENTS FOR THE SOUTHSIDE UTILITY EXPANSION, IN THE AMOUNT OF \$91,000; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

6.4 MOTION WAS MADE BY COUNCILMAN MARTIN TO SET DECEMBER 1, 2003 AT 6:00 P.M., AS THE DATE FOR PUBLIC HEARING REGARDING ALIGNMENT OF MEDICAL COMPLEX BOULEVARD FROM PERSIMMON TO MAHAFFEY; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

6.5 MOTION WAS MADE BY COUNCILMAN GATLIN TO APPROVE AMENDMENT TO FIRE PERMIT FEES SCHEDULE; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

6.6 VOTE WAS TAKEN FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT. VOTE WAS AS FOLLOWS:

COUNCILMAN FORD	<u>ABSENT</u>
COUNCILMAN HOLLAND	<u>BILL HARRY</u>
COUNCILMAN GATLIN	<u>BILL HARRY</u>
COUNCILMAN MARTIN	<u>BILL HARRY</u>
COUNCILMAN STOVALL	<u>WALTER KRONZER</u>

BALLOT WAS CAST FOR BILL HARRY.

MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT RESOLUTION

2003-39, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

6.7 EXECUTIVE SESSION: THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:21 P.M., AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSE:

1. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY

AFTER RECONVENING IN REGULAR SESSION AT 7:40 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris J. Speer
DORIS J. SPEER, TRMC
CITY SECRETARY

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