

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, APRIL 7, 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 MARTIN  
COUNCILMAN GATLIN  
COUNCILMAN STOVALL  
COUNCILMAN FORD  
COUNCILMAN HOLLAND

OTHERS PRESENT:

CITY MANAGER - BEN GRIFFIN  
ASSISTANT CITY MANAGER - MARY COKER  
CITY SECRETARY - DORIS SPEER  
CITY ATTORNEY – LOREN SMITH  
DIRECTOR OF PUBLIC WORKS - MARK MCCLURE  
CHIEF OF POLICE – MICHAEL BLAKE  
FINANCE DIRECTOR – SHERRIE MATTSON  
FIRE CHIEF – GENE WHITENACK

2.0 PUBLIC COMMENTS WERE RECEIVED:

TERRY COUNCIL	--	REPAIR OF LIGHTS AT LITTLE LEAGUE BASEBALL FIELD
FRED SCHROEDER	--	WATER IN DRAINAGE DITCH, REPAIRS TO SIDEWALKS, AND LEAKING GAS WELL IN NORTH STAR ESTATES
BRUCE HILLEGEIST	--	INVITATION TO CANDIDATES' FORUM, HOSTED BY TOMBALL AREA CHAMBER OF COMMERCE, ON APRIL 22, 2003, FROM 7 TO 9 P.M., IN CITY HALL COUNCIL CHAMBERS
ART DePUE	--	SIGN ORDINANCE, CONCERNING SIGNAGE REQUIREMENTS ON PRIVATE STREETS VERSUS PUBLIC STREETS
DORA BOURELLE	--	LEAKING GAS WELL ON HER PROPERTY IN NORTH STAR ESTATES

- 3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE GIVEN BY COUNCILMEMBERS:
- A. PEDESTRIAN SAFETY ON CHERRY STREET – COUNCILMAN MARTIN
    - 1. CITY STAFF WILL INVESTIGATE AND REPORT FINDINGS ON COSTS OF SIDEWALKS VERSUS ADDITIONAL LIGHTING ALONG CHERRY STREET
  - B. ITEMS FOR BUDGET CONSIDERATION – COUNCILMAN GATLIN
    - 1. TRASH/LITTER PROBLEM NEEDS TO BE ADDRESSED
    - 2. BUILDINGS NORTH OF 2920 AND WEST OF 249 HAVE BECOME EYESORES AND POSSIBLY HAZARDOUS

3.1 CITY MANAGER’S REPORT WAS PRESENTED:

QUARTERLY INVESTMENT REPORT  
“CLEAN UP TOMBALL” WEEK – RESIDENTS MUST CALL IN TO SCHEDULE CHIPPING SERVICE  
UPDATE ON GAS WELL REPAIR IN NORTH STAR ESTATES WAS GIVEN BY MARK McCLURE; VISUAL PRESENTATION OF PIPELINE DRILLING AND PLUGGING WAS GIVEN BY COUNCILMAN GATLIN  
VACANCIES AND EXPIRING TERMS ON BOARDS

- 4.0 MOTION WAS MADE BY COUNCILMAN STOVALL TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF MARCH 17, 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 MARTIN TO ADOPT THE SECOND READING OF ORDINANCE NO. 2003-04, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY STRIKING ALL OF PARAGRAPH (a) OF SECTION 74-27 OF ARTICLE II OF CHAPTER 74 THEREOF AND SUBSTITUTING THEREFOR A NEW PARAGRAPH (a) OF SECTION 74-27; PROVIDING FOR THE LEVY OF A HOTEL OCCUPANCY TAX WITHIN THE CITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN FORD. 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.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN HOLLAND TO AUTHORIZE THE CITY MANAGER TO REIMBURSE TOMBALL SPORTS ASSOCIATION FOR THE COST TO REPAIR LIGHTS AT THE LITTLE LEAGUE FIELDS OUT OF CURRENT PARKS BUDGET, NOT TO EXCEED \$7,000; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT RESOLUTION 2003-07R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR THE CONSTRUCTION OF THE HUFSMITH-KOHRVILLE UTILITY INSTALLATION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.08244 ACRES); SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT RESOLUTION 2003-08R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF STATE HIGHWAY 249 AT HOLDERRIETH UTILITY INSTALLATION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.132 ACRES); SECTOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT RESOLUTION 2003-09R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF STATE HIGHWAY 249 AT HOLDERRIETH UTILITY INSTALLATION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.023 ACRES); SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT RESOLUTION NO. 2003-11, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF THE FM 2920 UTILITY PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.3776 ACRES); SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT RESOLUTION NO. 2003-12, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF THE FM 2920 UTILITY PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.3688 ACRES); SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT RESOLUTION NO. 2003-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR THE CONSTRUCTION OF THE HUFSMITH-KOHRVILLE UTILITY INSTALLATION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.1160 ACRES); SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.8 CONSIDERATION OF RESOLUTION NO. 2003-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR THE CONSTRUCTION OF THE HUFSMITH-KOHRVILLE UTILITY INSTALLATION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.04513 ACRES) WAS WITHDRAWN AT THE REQUEST OF THE CITY MANAGER, DUE TO ERROR IN METES AND BOUNDS.

ITEM WITHDRAWN.

- 6.9 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT RESOLUTION NO. 2003-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR THE CONSTRUCTION OF THE HUFSMITH-KOHRVILLE UTILITY INSTALLATION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.0781 ACRES); SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.10 CONSIDERATION OF RESOLUTION NO. 2003-16, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR THE CONSTRUCTION OF THE HUFSMITH-KOHRVILLE UTILITY INSTALLATION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.4054 ACRES) WAS WITHDRAWN AT THE REQUEST OF THE CITY MANAGER, DUE TO ERROR IN METES AND BOUNDS.

ITEM WITHDRAWN.

- 6.11 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT RESOLUTION NO. 2003-17, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING FINDINGS CONCERNING CERTAIN LAND DESCRIBED IN SUCH RESOLUTION; DETERMINING THAT SUCH LAND IS NEEDED FOR ROADWAY PURPOSES IN THE CITY OF TOMBALL, TEXAS (1.3581 ACRES); SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.12 MOTION WAS MADE BY COUNCILMAN MARTIN TO AWARD CONTRACT TO PUBLIC SECTOR PERSONNEL CONSULTANTS FOR A PAY CLASSIFICATION AND PAY PLAN AND PAY FOR PERFORMANCE PLAN, IN THE AMOUNT OF \$23,000; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.13 MOTION WAS MADE BY COUNCILMAN MARTIN TO AUTHORIZE THE CITY MANAGER, ASSISTANT CITY MANAGER OR DIRECTOR OF PUBLIC WORKS TO PURCHASE PROPERTY AT THE APPRAISED VALUE, AS ESTABLISHED BY FOX & BUBELA, INC., AS WELL AS ASSOCIATED INCIDENTAL TAKING COSTS, FOR THE MEDICAL COMPLEX DRIVE PROJECT; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.14 MOTION WAS MADE BY COUNCILMAN HOLLAND TO AUTHORIZE THE CITY MANAGER, ASSISTANT CITY MANAGER OR DIRECTOR OF PUBLIC WORKS TO PURCHASE PROPERTY AT THE APPRAISED VALUE, AS ESTABLISHED BY FOX & BUBELA, INC., AS WELL AS ASSOCIATED INCIDENTAL TAKING COSTS, FOR THE M-121 (EAST AND WEST) CHANNEL PROJECT; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.15 MOTION WAS MADE BY COUNCILMAN FORD TO AUTHORIZE THE CITY MANAGER, ASSISTANT CITY MANAGER OR DIRECTOR OF PUBLIC WORKS TO PURCHASE PROPERTY AT THE APPRAISED VALUE, AS ESTABLISHED BY FOX & BUBELA, INC., AS WELL AS ASSOCIATED INCIDENTAL TAKING COSTS, FOR THE LIZZIE LANE OUTFALL CHANNEL PROJECT; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.16 MOTION WAS MADE BY COUNCILMAN HOLLAND TO AUTHORIZE THE CITY MANAGER, ASSISTANT CITY MANAGER OR DIRECTOR OF PUBLIC WORKS TO PURCHASE PROPERTY AT THE APPRAISED VALUE, AS ESTABLISHED BY FOX & BUBELA, INC., AS WELL AS ASSOCIATED INCIDENTAL TAKING COSTS, FOR THE LIZZIE LANE EXTENSION PROJECT; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.17 MOTION WAS MADE BY COUNCILMAN MARTIN TO AUTHORIZE THE CITY MANAGER, ASSISTANT CITY MANAGER OR DIRECTOR OF PUBLIC WORKS TO PURCHASE PROPERTY AT THE APPRAISED VALUE, AS ESTABLISHED BY FOX & BUBELA, INC., AS WELL AS ASSOCIATED INCIDENTAL TAKING COSTS, FOR THE M-118 DETENTION BASIN PROJECT; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.18 MOTION WAS MADE BY COUNCILMAN GATLIN TO AUTHORIZE THE CITY MANAGER, ASSISTANT CITY MANAGER OR DIRECTOR OF PUBLIC WORKS TO PURCHASE RIGHT-OF-WAY OR EASEMENTS AT THE APPRAISED VALUE, AS ESTABLISHED BY FOX & BUBELA, INC., AS WELL AS ASSOCIATED INCIDENTAL TAKING COSTS, FOR THE HUFSMITH-KOHRVILLE UTILITY INSTALLATION PROJECT; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.19 MOTION WAS MADE BY COUNCILMAN HOLLAND TO AUTHORIZE THE CITY MANAGER, ASSISTANT CITY MANAGER OR DIRECTOR OF PUBLIC WORKS TO PURCHASE RIGHT OF WAY OR EASEMENTS AT THE APPRAISED VALUE, AS ESTABLISHED BY FOX & BUBELA, INC., AS WELL AS ASSOCIATED INCIDENTAL TAKING COSTS, FOR THE SOUTHSIDE UTILITIES (SH 249-HOLDERRIETH ROAD) PROJECT; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY

- 6.20 MOTION WAS MADE BY COUNCILMAN FORD TO AUTHORIZE THE CITY MANAGER, ASSISTANT CITY MANAGER, OR DIRECTOR OF PUBLIC WORKS TO PURCHASE RIGHT-OF-WAY OR EASEMENTS AT THE APPRAISED VALUE, AS ESTABLISHED BY FOX & BUBELA, INC., AS WELL AS ASSOCIATED INCIDENTAL TAKING COSTS, FOR THE FM 2920 UTILITY INSTALLATION PROJECT; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.21 MOTION WAS MADE BY COUNCILMAN MARTIN TO AUTHORIZE THE CITY MANAGER, ASSISTANT CITY MANAGER, OR DIRECTOR OF PUBLIC WORKS TO PURCHASE RIGHT-OF-WAY OR EASEMENTS AT THE APPRAISED VALUE, AS ESTABLISHED BY FOX & BUBELA, INC., AS WELL AS ASSOCIATED INCIDENTAL TAKING COSTS, FOR THE CALVERT-HOOPER LOOP UTILITY INSTALLATION PROJECT; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.22 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 PURPOSES:

1. SECTION 551.072: DELIBERATIONS REGARDING REAL PROPERTY  
SECTION 551.074: PERSONNEL

AFTER RECONVENING IN REGULAR SESSION AT 8:32 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

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

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