

MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON **TUESDAY**, SEPTEMBER 2, 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 ATTORNEY – BILL OLSON  
CITY SECRETARY – DORIS SPEER  
CHIEF OF POLICE – MICHAEL BLAKE  
DIRECTOR OF PUBLIC WORKS – MARK MCCLURE  
FINANCE DIRECTOR – SHERRIE MATTSON  
FIRE MARSHALL – GENE WHITENACK

- 2.0 NO PUBLIC COMMENTS WERE RECEIVED.
- 3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE GIVEN BY COUNCILMEMBERS.
- 3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

RECOMMENDATIONS FOR DOWNTOWN REVITALIZATION PROGRAM  
PAVING ALLEYWAYS WILL BE ON OCTOBER WORKSHOP AGENDA  
UPDATE ON DRAINAGE IMPACT FEE CALCULATIONS

- 4.0 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE MINUTES OF PUBLIC HEARING, SPECIAL MEETING AND REGULAR COUNCIL MEETING OF AUGUST 18, 2003; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

- 5.0 OLD BUSINESS:
- 6.0 NEW BUSINESS:

- 6.1 CONSIDERATION WAS GIVEN TO BALLOT FOR TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES ELECTION. NOMINATIONS WERE ACCEPTED.

NOMINATION WAS MADE BY COUNCILMAN HOLLAND TO NOMINATE MARY COKER FOR THE REGION 14 POSITION; SECOND BY COUNCILMAN MARTIN. MOTION WAS MADE BY COUNCILMAN FORD THAT NOMINATIONS CEASE.

MOTIONS CARRIED UNANIMOUSLY.

VOTE WAS UNANIMOUS TO ELECT MARY COKER, ASSISTANT CITY MANAGER, TO SERVE ON THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES, POSITION 14.

- 6.2 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE TEDC BUDGET FOR FISCAL YEAR 2003-04; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE HEALTH BENEFITS PROGRAM FOR CITY EMPLOYEES, PROVIDED BY TML, FOR FISCAL YEAR 2003-04; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN HOLLAND TO ACCEPT THE SOUTH WASTEWATER TREATMENT PLANT (SWWTP) AND APPROVAL OF FINAL PAYMENT APPLICATION FOR CONSTRUCTION OF THE SOUTHSIDE WASTEWATER TREATMENT PLANT TO KINSEL INDUSTRIES, INC., IN THE AMOUNT OF \$133,636.27; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE CONTRACT BETWEEN CITY OF TOMBALL AND DAVID BROUSSARD, P.E., FOR PROFESSIONAL SERVICES ASSOCIATED WITH SANITARY SEWER EXTENSION ALONG SH 249 FROM HICKS TO BAKER, IN THE AMOUNT OF \$22,000; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE THE PURCHASE OF A 2.2184-ACRE TRACT OF LAND ASSOCIATED WITH M-121 WEST CHANNEL CAPITAL IMPROVEMENT PROJECT, IN THE AMOUNT OF \$183,605, CONTINGENT UPON A MAINTENANCE AGREEMENT BEING WORKED OUT WITH DR. HARKINS FOR MAINTENANCE AND USE OF THE DETENTION POND; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN MARTIN TO READ ORDINANCE 2003-11 BY CAPTION ONLY; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT FIRST READING OF ORDINANCE 2003-11, AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF TOMBALL, TEXAS, FOR FISCAL YEAR 2003-2004; 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 GATLIN. 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.

- 6.8 MOTION WAS MADE BY COUNCILMAN STOVALL TO READ ORDINANCE 2003-12 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT FIRST READING OF ORDINANCE 2003-12, AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR POTABLE WATER, SANITARY SEWER, NATURAL GAS, AND GARBAGE COLLECTION AND DISPOSAL SERVICES; REPEALING ORDINANCE NO. 2002-19 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; 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.

- 6.9 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE PROPOSED TAX RATE FOR YEAR 2003, IN THE AMOUNT OF \$0.28 PER \$100 VALUATION; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN STOVALL TO SET SEPTEMBER 15, 2003 AS THE DATE FOR PUBLIC HEARING ON PROPOSED INCREASE IN TAX REVENUES FOR YEAR 2003; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.11 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT RESOLUTION NO. 2003-31, A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE CITY MANAGER OR ASSISTANT CITY MANAGER TO NEGOTIATE WITH TXU ENERGY TO RENEW THE EXISTING CONTRACT BY EXTENDING IT UP TO FORTY-EIGHT (48) MONTHS AND TO FIX A SET PRICE, FOR A SPECIFIC PERIOD OF TIME, WITH ONE OR MORE AMENDMENTS, FOR THE CITY'S FUTURE PURCHASES OF ELECTRICITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.12 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE REVISIONS TO ADMINISTRATIVE POLICY 15 – COMMUNITY CENTER POLICIES AND OPERATING PROCEDURES; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.13 MOTION WAS MADE BY COUNCILMAN GATLIN TO AUTHORIZE THE CITY ATTORNEY TO PREPARE DRAFT ORDINANCE AMENDING CHAPTER 14, TO INCORPORATE PERMITTING AND INSTALLATION REQUIREMENTS FOR

CONSTRUCTION OF DRIVEWAYS AND/OR CULVERTS; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.14 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE REJECTING ALL OF THE BIDS RECEIVED ON PROJECT 2003-20, WEEKLY UNIFORM SERVICE, AND TO RE-BID PROJECT; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.15 THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:32 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
2. SECTION 551.074: PERSONNEL MATTERS – EVALUATION OF CITY MANAGER
3. SECTION 551.071: CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION

AFTER RECONVENING IN REGULAR SESSION AT 8:07 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*  
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DORIS J. SPEER, TRMC  
CITY SECRETARY

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