

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, DECEMBER 1, 2003 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  
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  
CITY ENGINEER – DAVID KELLY  
PERSONNEL COORDINATOR – LISA COE

2.0 PUBLIC COMMENTS WERE RECEIVED:

BRUCE HILLEGEIST, PRESIDENT OF THE CHAMBER OF COMMERCE, THANKED THE CITY OF TOMBALL ON BEHALF OF CHAMBER OF COMMERCE FOR GREAT HOLIDAY PARADE AND INTRODUCED MICHELLE JONES, MISS TOMBALL 2004.

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE:

3.1 PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) PLAQUE FOR FISCAL YEAR ENDED SEPTEMBER 2003 WAS MADE BY BEN GRIFFIN, CITY MANAGER, TO SHERRIE MATTSON, FINANCE DIRECTOR.

VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

3.2 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. QUARTERLY INVESTMENT REPORT
- B. THE "NO CONCEALED HANDGUNS" SIGN TO BE PLACED IN CITY HALL FOYER HAS BEEN ORDERED.

- C. BEN GRIFFIN AND BILL OLSON WILL WORK ON PROPOSED CHANGES TO SIGN ORDINANCE FOR CONSIDERATION BY COUNCIL AT A FUTURE DATE
- D. INTERNET TAX FREEDOM ACT (S. 150/H.R. 49)

4.0 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE MINUTES OF SPECIAL COUNCIL MEETING OF NOVEMBER 13, 2003 AND REGULAR COUNCIL MEETING OF NOVEMBER 17, 2003; 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 MARTIN TO APPROVE SERVICE AGREEMENT WITH TML INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL FOR ADMINISTRATION OF SECTION 125 FLEXIBLE SPENDING ACCOUNT; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

6.2 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT RESOLUTION NO. 2003-42, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DESIGNATING DECEMBER 12-13, 2003, AS "TOMBALL HOLIDAY WEEKEND," IN CONJUNCTION WITH THE DOWNTOWN MERCHANT ASSOCIATION'S "WASSAILFEST," AND THE TOMBALL MUSEUM'S "CANDLELIGHT TOUR"; AND DESIGNATING DECEMBER 15, 2003, AS THE DATE TO RECOGNIZE WINNERS OF CITY'S "HOLIDAY DECORATIONS" PROGRAM; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

6.3 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE REQUEST BY DOWNTOWN MERCHANTS ASSOCIATION FOR FUNDING OF FREE CARRIAGE RIDES DURING THE WASSAILFEST, DECEMBER 12<sup>TH</sup> AND 13<sup>TH</sup>, IN THE AMOUNT OF \$1,200; SECOND BY COUNCILMAN MARTIN. FUNDS WILL BE CHARGED TO THE UNDESIGNATED PORTION OF THE HOTEL/MOTEL TAX REVENUE FUND.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT RESOLUTION NO. 2003-43, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, APPROVING, RECOMMENDING, AND SUPPORTING THE ADOPTION, ADMINISTRATION, AND ENFORCEMENT OF AIRPORT ZONING REGULATIONS, BY HARRIS COUNTY COMMISSIONERS COURT, APPLICABLE TO DAVID WAYNE HOOKS MEMORIAL AIRPORT; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FORD TO READ ORDINANCE NO. 2003-18 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT FIRST READING OF ORDINANCE NO. 2003-18, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF SUBPARAGRAPH (1) OF PARAGRAPH (a) OF SECTION 82-142 THEREOF AND SUBSTITUTING THEREFOR A NEW SUBPARAGRAPH (1); PROVIDING FOR THE CALCULATION AND ASSESSMENT OF CAPITAL RECOVERY FEES FOR DRAINAGE FACILITIES ON THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENCE ON LARGE ACREAGE TRACTS OF LAND OF FIVE ACRES OR MORE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN FORD.

MOTION WAS MADE BY COUNCILMAN MARTIN TO WITHDRAW PREVIOUS MOTION AND TABLE FIRST READING OF ORDINANCE NO. 2003-18, PENDING CHANGES SUGGESTED BY COUNCILMEMBERS; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE PURCHASE OF THREE (3) TRACTS, TOTALING 30.48 ACRES, FOR M-118 DRAINAGE CHANNEL IN THE AMOUNT OF \$488,051.36; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE CONTRACT WITH ALSAY INCORPORATED TO REWORK BAKER STREET WELL, IN THE AMOUNT OF \$45,431, AND TO DECLARE THAT THIS WORK IS NECESSARY TO

CORRECT UNFORESEEN DAMAGE TO THE BAKER STREET WELL AND IS NECESSARY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE CONTRACT WITH RONE ENGINEERS FOR PROFESSIONAL SERVICES ASSOCIATED WITH PHASE II OF THE ENVIRONMENTAL MANAGEMENT SERVICES (EMS) PROJECT, NOT TO EXCEED \$22,680; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.9 THE CITY COUNCIL MET AT 7:50 P.M. IN EXECUTIVE SESSION AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSE:

1. SECTION 551.074 PERSONNEL MATTERS

AFTER RECONVENING IN REGULAR SESSION AT 8:00 P.M., NO ACTION WAS TAKEN.

- 7.0 MOTION WAS MADE BY COUNCILMAN FORD TO ADJOURN; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

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

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