

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, OCTOBER 20, 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 FORD
COUNCILMAN GATLIN
COUNCILMAN HOLLAND
COUNCILMAN MARTIN
COUNCILMAN STOVALL

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 NO PUBLIC COMMENTS WERE RECEIVED.

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE GIVEN BY COUNCILMEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

CONGRESSIONAL INTERNET TAXATION MORATORIUM; COUNCIL CONSENSUS WAS TO SEND LETTERS SIGNED BY MAYOR AND EACH COUNCILMEMBER.

NOVEMBER WORKSHOP WAS RESCHEDULED FOR NOVEMBER 13, 2003

UPDATE ON MAJOR THOROUGHFARE PLAN WAS PRESENTED BY

MARK MCCLURE; CITY OF TOMBALL REQUESTED FOUR REVISIONS TO HOUSTON'S THOROUGHFARE PLAN; HOUSTON APPROVED THREE COMMUNITY-BASED POLICING INITIATIVE WAS PRESENTED BY MICHAEL BLAKE

SALES TAX UPDATE

PIPELINE SAFETY EVALUATION

THREE-YEAR CONTRACT WITH TXU FOR CITY'S ELECTRICAL USAGE

4.0 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE MINUTES OF REGULAR COUNCIL MEETING OF OCTOBER 6, 2003; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION WAS HELD REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 CONSENT AGENDA:

REQUEST WAS MADE BY COUNCILMAN GATLIN TO REMOVE ITEMS (J), (L), AND (N) FROM THE CONSENT AGENDA FOR DISCUSSION.

(J) MOTION WAS MADE BY COUNCILMAN GATLIN TO APPROVE CONTRACT WITH URS CORPORATION FOR PROFESSIONAL SERVICES FOR THE DESIGN AND INSTALLATION OF PASSIVE LANDFILL GAS MANAGEMENT SYSTEM AT TOMBALL LANDFILL SITE, NOT TO EXCEED \$50,000; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

(L) MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE CONTRACT WITH PBS&J FOR PROFESSIONAL ENGINEERING SERVICES FOR MEDICAL COMPLEX BOULEVARD-CHERRY STREET TO HUFSMITH-KOHRVILLE ROAD, IN THE AMOUNT OF \$463,040; SECOND BY COUNCILMAN MARTIN. MOTION TO APPROVE WAS WITHDRAWN BY COUNCILMAN HOLLAND; MOTION TO SECOND WAS WITHDRAWN BY COUNCILMAN MARTIN.

MOTION WAS MADE BY COUNCILMAN GATLIN TO TABLE THIS ITEM UNTIL NOVEMBER 3, 2003; SECOND BY COUNCILMAN FORD COUNCIL MEETING.

MOTION CARRIED UNANIMOUSLY. ITEM TABLED.

N) MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE CONTRACT WITH IT NEXUS (ITN) FOR PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF THE DEPARTMENT OF PUBLIC WORKS GIS SYSTEM, NOT TO EXCEED \$124,500; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE CONSENT AGENDA, MINUS ITEMS (J), (L), AND (N); SECOND BY COUNCILMAN GATLIN, AS FOLLOWS:

- (A) ADOPT RESOLUTION NO. 2003-35: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF THE HUFSMITH-KOHRVILLE UTILITY EASEMENT EXTENSION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.3763 ACRES – PARCEL 2)
- (B) ADOPT RESOLUTION NO. 2003-36: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR CONSTRUCTION OF THE HUFSMITH-KOHRVILLE UTILITY EASEMENT EXTENSION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.3685 ACRES – PARCELS 3 & 4)
- (C) ADOPT RESOLUTION NO. 2003-37: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR CONSTRUCTION OF THE HUFSMITH-KOHRVILLE UTILITY EASEMENT EXTENSION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.4747 ACRES – PARCEL 44)
- (D) ADOPT RESOLUTION NO. 2003-38: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DETERMINING THAT LAND IS NEEDED FOR CONSTRUCTION OF THE HUFSMITH-KOHRVILLE UTILITY EASEMENT EXTENSION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.1484 ACRES – PARCEL 45)
- (E) APPROVE CONTRACT WITH O'MALLEY ENGINEERS, L.L.P., FOR SURVEYING SERVICES, IN THE AMOUNT OF \$19,500, FOR PROFESSIONAL DESIGN SERVICES, IN THE AMOUNT OF \$33,500, AND FOR CONSTRUCTION ADMINISTRATION SERVICES, IN THE AMOUNT OF \$18,000, ASSOCIATED WITH WATERLINE AND GASLINE EXTENSION ALONG HUFSMITH
- (F) APPROVE CONTRACT WITH DUNHAM ENGINEERING FOR PROFESSIONAL DESIGN SERVICES, IN THE AMOUNT OF \$31,000 AND FOR CONSTRUCTION ADMINISTRATION SERVICES, NOT TO EXCEED \$14,000, ASSOCIATED WITH THE REHABILITATION AND REPAINTING OF TWO

ELEVATED WATER TANKS, LOCATED AT ULRICH ROAD AND BAKER ROAD

- (G) APPROVE CONTRACT WITH PBS&J FOR ON-CALL ENGINEERING SERVICES REQUIRED FOR VARIOUS CHANNEL AND DETENTION POND IMPROVEMENTS, NOT TO EXCEED \$50,000
- (H) APPROVE CONTRACT WITH O'MALLEY ENGINEERS, L.L.P., FOR PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF MINIMUM CONSTRUCTION STANDARDS FOR COMMUNITY IMPROVEMENTS, NOT TO EXCEED \$30,000
- (I) APPROVE CONTRACT WITH BROUSSARD ENGINEERING, L.L.C. FOR PROFESSIONAL ENGINEERING SERVICES FOR A PERSIMMON ROAD CORRIDOR MASTER PLAN, IN THE AMOUNT OF \$25,000
- (J) REMOVED FROM CONSENT AGENDA FOR DISCUSSION.
- (K) APPROVE CONTRACT WITH HUITT-ZOLLARS FOR PROFESSIONAL SURVEYING AND ENGINEERING SERVICES FOR LIZZIE LANE AND OUTFALL CHANNEL, IN THE AMOUNT OF \$10,500
- (L) REMOVED FROM CONSENT AGENDA FOR DISCUSSION.
- (M) APPROVE CONTRACT WITH COBB, FENDLEY & ASSOCIATES FOR PROFESSIONAL SURVEYING SERVICES FOR MICHEL ROAD AND HOLDERRIETH BOULEVARD, IN THE AMOUNT OF \$45,850
- (N) REMOVED FROM CONSENT AGENDA FOR DISCUSSION.
- (O) AWARD PROJECT 2003-20R, WEEKLY UNIFORM SERVICE FOR PUBLIC WORKS DEPARTMENT, TO LOW BIDDER, ARAMARK UNIFORM SERVICES

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT RESOLUTION NO. 2003-33, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, APPROVING PURCHASE OF OFFICE BUILDING BY HARRIS COUNTY APPRAISAL DISTRICT; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT RESOLUTION NO. 2003-34: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE 38th ANNUAL TOMBALL HOLIDAY PARADE, TO BE HELD IN TOMBALL ON SATURDAY, NOVEMBER 22, 2003; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN STOVALL TO APPROVE PURCHASE OF 1.358 ACRES FROM W. S. WOLFE COMPANY FOR THE JOHNSON ROAD EXTENSION AND DETENTION, IN THE AMOUNT OF \$73,943; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE PURCHASE OF LOTS 21 AND 22, BLOCK 21, LOCATED ON FANNIN STREET, FROM TIMOTHY MAGNESS, IN THE AMOUNT OF \$12,500; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE INTERLOCAL AGREEMENT BETWEEN HARRIS COUNTY AND THE CITY OF TOMBALL FOR CITY OF TOMBALL TO PROVIDE FIRE PROTECTION FOR CERTAIN AREAS OF UNINCORPORATED HARRIS COUNTY, AS DESCRIBED; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE AMENDMENT TO VITAL STATISTICS RECORDS FEES SCHEDULE; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN HOLLAND TO READ ORDINANCE NO. 2003-15 BY CAPTION ONLY; SECOND BY COUNCILMAN GATLIN.
MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT FIRST 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 HOLLAND. 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 HOLLAND TO READ ORDINANCE NO. 2003-16 BY CAPTION ONLY; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT FIRST 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>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.

- 6.10 MOTION WAS MADE BY COUNCILMAN MARTIN TO READ ORDINANCE NO. 2003-17 BY CAPTION ONLY; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT FIRST 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 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.

6.11 THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 8:05 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 551.071 CONSULTATION WITH CITY ATTORNEY REGARDING CONTEMPLATED LITIGATION

AFTER RECONVENING IN REGULAR SESSION AT 8:40 P.M., THE FOLLOWING ACTION WAS TAKEN:

6.12 MOTION WAS MADE BY COUNCILMAN FORD TO AUTHORIZE THE CITY MANAGER TO MAKE AN OFFER TO BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY FOR THE PURCHASE OF 1.581 ACRES ADJACENT TO ELM STREET; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris J. Speer

DORIS J. SPEER, TRMC
CITY SECRETARY

(signed) H. G. Harrington

H. G. HARRINGTON
MAYOR