

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON APRIL 5, 2004 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  
POLICE CHIEF – MICHAEL BLAKE  
DIRECTOR OF PUBLIC WORKS – MARK MCCLURE  
FIRE CHIEF – RANDY PARR  
FINANCE DIRECTOR – SHERRIE MATTSON

2.0 PUBLIC COMMENTS WERE RECEIVED:

SUSAN RILEY, 404 FOSTER - REQUESTING REPEAL/AMENDMENT TO “OLD TOWN TOMBALL” ORDINANCE

HOWIE DOYLE, 607 MASON - EXPRESSING APPRECIATION TO CITY OF TOMBALL FOR ASSISTANCE IN MAKING “GERMANFEST” SUCCESSFUL

BILL WEBB, 212 BELMONT - SUPPORTING ETHICAL BEHAVIOR DURING GENERAL CITY ELECTION

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

3.1 THE CITY MANAGER’S REPORT WAS PRESENTED:

- A. VACANCIES AND EXPIRING TERMS ON BOARDS; THIS WILL BE ON THE 4/19/2004 AGENDA FOR COUNCIL CONSIDERATION
- B. UPDATE ON DOWNTOWN REVITALIZATION PROGRAM; COUNCIL DIRECTION WAS FOR 18-FT. PARKING SPACES, WITH 8-FT. SIDEWALKS
- C. INFORMATION ON SCHOOL TAX REFORM

- D. UPDATE ON BROWN ROAD EXTENSION
- E. UPDATE ON GERMANFEST
- F. UPDATE ON LOT SIZES IN SUBDIVISIONS; THIS WILL BE PLACED ON THE NEXT WORKSHOP AGENDA

4.0 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF MARCH 15, 2004; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 MOTION WAS MADE BY COUNCILMAN HOLLAND TO AWARD CONTRACT ON PROJECT 2004-12 – SALE OF CITY LOTS 39 AND 40, BLOCK 64 TO HIGH BIDDER, DARLA DAVID, IN THE AMOUNT OF \$14,651.00; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

6.2 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE PINE MEADOWS DEVELOPMENT AGREEMENT AS PRESENTED; SECOND BY COUNCILMAN HOLLAND. MOTION TO APPROVE WAS AMENDED BY COUNCILMAN MARTIN TO APPROVE PINE MEADOWS DEVELOPMENT AGREEMENT, AS PRESENTED WITH CORRECTIONS FROM CITY STAFF, AND TO AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT; SECOND BY COUNCILMAN HOLLAND.

MOTION AS AMENDED CARRIED UNANIMOUSLY.

6.3 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE REQUEST FROM TWELVE OAKS SUBDIVISION FOR THE CITY OF TOMBALL TO ACCEPT WASTEWATER FLOW FROM TWELVE OAKS AND CONSIDERATION OF POSSIBLE FUTURE ANNEXATION; SECOND BY COUNCILMAN STOVALL. VOTE WAS AS FOLLOWS:

AYE 0  
NAY 5

MOTION WAS DENIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN STOVALL TO APPROVE LETTER OF REQUEST FROM MARK HOLMES FOR THE CITY OF TOMBALL TO FURNISH GAS SERVICE FOR PROPOSED JACK-IN-THE-BOX AND CONSIDERATION OF POSSIBLE FUTURE ANNEXATION; SECOND BY COUNCILMAN GATLIN. MOTION TO APPROVE WAS AMENDED BY COUNCILMAN STOVALL TO AUTHORIZE CITY STAFF TO NEGOTIATE AN AGREEMENT TO PROVIDE GAS SERVICE WITH THE DEVELOPER, TO INCLUDE FUTURE ANNEXATION IN THE AGREEMENT, AND TO NEGOTIATE THE ETJ RELEASE OF THE JACK-IN-THE-BOX PROPERTY WITH HOUSTON, WHICH MAY INCLUDE POSSIBLY TRADING THE JACK-IN-THE-BOX PROPERTY FOR THAT PORTION OF A PLANNED SUBDIVISION LOCATED ON SPELL ROAD AND HUFSMITH-KOHRVILLE (A PORTION OF WHICH IS LOCATED WITHIN TOMBALL'S ETJ); SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE CONTRACT BETWEEN CITY OF TOMBALL AND YMCA TO OPERATE JERRY MATHESON PARK SWIMMING POOL; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE CONTRACT BETWEEN THE CITY OF TOMBALL AND HARRIS COUNTY FOR THE PROVISION OF ELECTION EQUIPMENT, PERSONNEL TRAINING, AND TECHNICAL SUPPORT FOR THE MAY 15, 2004 GENERAL ELECTION, IN THE AMOUNT OF \$2, 662.90, AND AUTHORIZING THE PAYMENT OF A DEPOSIT, IN THE AMOUNT OF \$1,464.59, TO HARRIS COUNTY ELECTIONS DIVISION; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE ADDITIONAL SERVICES ASSOCIATED WITH THE SOUTHSIDE UTILITIES EXTENSION PROJECT TO KLOTZ & ASSOCIATES, NOT TO EXCEED \$6,871; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE CHANGE ORDER NUMBER 1, ASSOCIATED WITH THE CONSTRUCTION OF UTILITY CASING FOR HOOPER ROAD, 12-INCH WATERLINE, AND HIRSCHFIELD ROAD AT PROPOSED STATE HIGHWAY 249, CITY OF TOMBALL PROJECT NUMBER 2004-01, IN THE AMOUNT OF \$30,424; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE PROPOSED 2004-2005 BUDGET PLANNING CALENDAR; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.10 CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:46 P.M., AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSES:

1. SECTION 551.071 CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION
2. SECTION 551.074 PERSONNEL MATTERS

AFTER RECONVENING IN REGULAR SESSION AT 7:55 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

*(signed) Doris Speer*  
DORIS SPEER, TRMC  
CITY SECRETARY

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