

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, AUGUST 16, 2004, AT 7:00 P.M. AT TOMBALL CITY HALL, 401 MARKET STREET, TOMBALL, TEXAS 77375

1.0 MEETING WAS CALLED TO ORDER BY MAYOR HARRINGTON. OTHER MEMBERS PRESENT:

COUNCILMAN MARTIN  
COUNCILMAN FAGAN  
COUNCILMAN FORD  
COUNCILMAN GATLIN

OTHERS PRESENT:

CITY MANAGER – BEN GRIFFIN  
CITY ATTORNEY – BILL OLSON  
CITY ATTORNEY – ALLISON HOLLAND  
CITY SECRETARY – DORIS SPEER  
POLICE CAPTAIN – RON STEWART  
DIRECTOR OF PUBLIC WORKS – MARK MCCLURE  
FINANCE DIRECTOR – SHERRIE MATTSON  
FIRE CHIEF – RANDY PARR  
COUNCILMAN ELECT – WARREN DRIVER  
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

2.0 PUBLIC COMMENTS WERE RECEIVED:

MARY HARVEY  
405 SOUTH WALNUT - APPRECIATION OF CITY OF TOMBALL PUBLIC WORKS, FIRE DEPARTMENT, POLICE DEPARTMENT, AND NWEMSA FOR EXTREMELY ENJOYABLE “TOMBALL NIGHT”

LEE TIPTON  
610 NORTH MAGNOLIA - OPPOSITION TO CLOSURE OF HOUSTON STREET; APPRECIATION OF CITY EMPLOYEES

A. W. THEIS  
8602 WESTMORELAND  
MAGNOLIA, TX - OPPOSITION TO CLOSURE OF HOUSTON STREET; OPPOSITION TO TOLLING OF SH 249 BYPASS

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

COUNCILMAN GATLIN REQUESTED CLARIFICATION REGARDING UNFUNDED ACCRUAL/ACTUARIAL LIABILITY OF RETIREMENT FUND AND INFORMATION REGARDING CONSEQUENCES OF LARGE NUMBER OF EMPLOYEES RETIRING DURING SAME TIME PERIOD.

3.1 CITY MANAGER'S REPORT:

- A. NO INCREASE IN PROPERTY TAX RATE FOR 2004
- B. POSSIBLE WORKSHOP ON AUGUST 23, 2004 – ITEMS WILL BE ADDED TO WORKSHOP, SCHEDULED TO BEGIN AT 6 P.M.
- C. EARLY VOTING FOR GENERAL ELECTION TO BE HELD AT NEW PUBLIC WORKS BUILDING

4.0 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF AUGUST 2, 2004; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 MARY COATS, PRESIDING JUDGE FOR THE AUGUST 7, 2004 GENERAL CITY ELECTION, PRESENTED THE RESULTS OF THE ELECTION AND STATED THE FINDINGS WERE TRUE AND CORRECT. MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT RESOLUTION NO. 2004-14, A RESOLUTION AND ORDER CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON AUGUST 7, 2004; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

6.2 OATH OF OFFICE WAS ADMINISTERED TO WARREN DRIVER, ELECTED COUNCILMEMBER, POSITION 5, BY DORIS SPEER, CITY SECRETARY.

6.3 CONSIDERATION WAS GIVEN TO A RESPONSE FROM THE CITY OF TOMBALL TO TxDOT REGARDING TOLLING OF STATE HIGHWAY 249. COMMENTS WERE RECEIVED FROM MAYOR AND COUNCILMEMBERS. CONSENSUS OF COUNCIL WAS TO REQUEST BEN GRIFFIN TO DRAFT A LETTER ON BEHALF OF THE CITY FOR COUNCIL CONSIDERATION. THE LETTER SHOULD STATE THE CITY'S

DESIRE THAT TxDOT CONSTRUCT THE SERVICE LANES AS QUICKLY AS POSSIBLE, REGARDLESS OF ANY ACTION REGARDING THE ACTUAL BYPASS.

LETTER WILL BE PRESENTED FOR COUNCIL CONSIDERATION AT THE WORKSHOP ON AUGUST 23, 2004. NO ACTION NECESSARY.

- 6.4 MOTION WAS MADE BY COUNCILMAN MARTIN TO READ ORDINANCE 2004-06 BY CAPTION ONLY; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN GATLIN TO ADOPT FIRST READING OF ORDINANCE 2004-06, AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR POTABLE WATER, SANITARY SEWER, NATURAL GAS, AND GARBAGE COLLECTION AND DISPOSAL SERVICES; REPEALING ORDINANCE NO. 2003-12 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 DRIVER. VOTE WAS AS FOLLOWS:

COUNCILMAN MARTIN	<u>AYE</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE CHANGE ORDER NUMBER 4, FOR THE CONSTRUCTION OF A SIDEWALK ON THE EAST SIDE OF JOHNSON ROAD, IN THE AMOUNT OF \$38,040; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE COSTS ASSOCIATED WITH THE RELOCATION OF A 4-INCH OIL EMULSION LINE ALONG HOLDERRIETH ROAD, IN THE AMOUNT OF \$22,540 PLUS REIMBURSEMENT FOR LOST PRODUCTION DURING DOWN TIME, ESTIMATED TO BE APPROXIMATELY \$3,000; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

6.7 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE PLATS AS RECOMMENDED BY PLANNING COMMISSION FOR APPROVAL, CONTINGENT UPON CHANGES REQUESTED BY CITY STAFF BEING COMPLETED SATISFACTORILY; SECOND BY COUNCILMAN FORD:

- A. REPLAT – BAKER HICKS PLAZA
- B. FINAL PLAT OF HICKS RETAIL CENTER
- C. FINAL PLAT OF GOIN-DAVIS PLAT

MOTION CARRIED UNANIMOUSLY.

6.8 CONSENSUS OF COUNCIL WAS TO TABLE CONSIDERATION OF RECOMMENDATION BY PLANNING COMMISSION TO AMEND LOT SIZE REQUIREMENTS IN OLD TOWN TOMBALL TO ALLOW 50-FT. WIDE LOTS FOR SINGLE-FAMILY RESIDENTIAL AND DUPLEX DEVELOPMENT AND AUTHORIZE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE CODE OF ORDINANCES, PENDING RECEIPT OF ADDITIONAL INFORMATION FROM CITY STAFF.

6.9 EXECUTIVE SESSION: AT 7:50 P.M., THE CITY COUNCIL MET IN EXECUTIVE SESSION 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

AFTER RECONVENING IN REGULAR SESSION AT 8:07 P.M., NO ACTION WAS TAKEN.

7.0 MOTION WAS MADE BY COUNCILMAN FAGAN TO ADJOURN; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer  
DORIS SPEER, TRMC  
CITY SECRETARY

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

AGENDA  
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