

MINUTES OF **REGULAR** CITY COUNCIL MEETING, HELD ON MONDAY, **NOVEMBER 1, 2004 AT 7:00 P.M.** AT CITY HALL, 401 MARKET STREET, TOMBALL, TEXAS 77375.

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

COUNCILMAN MARTIN
COUNCILMAN FAGAN
COUNCILMAN FORD
COUNCILMAN GATLIN
COUNCILMAN DRIVER

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-ENGINEERING – MARK MCCLURE
DIRECTOR OF PUBLIC WORKS-OPERATIONS – ROD HAINEY
FINANCE DIRECTOR – SHERRIE MATTSON
FIRE CHIEF – RANDY PARR
ASSISTANT TO CITY MANAGER – TERRI DESHAZIER
EXECUTIVE DIRECTOR-TEDC – BETTY REINBECK

2.0 PUBLIC COMMENTS WERE RECEIVED:

A. W. THEIS,
8602 WESTMORELAND, MAGNOLIA - COMPENSATION DUE TO
CONSTRUCTION EQUIPMENT
BLOCKING ENTRANCE TO PROPERTY

STACY RHOADS,
MANAGER, BIG DAWG'S - COMPENSATION DUE TO
CONSTRUCTION EQUIPMENT
BLOCKING ENTRANCE TO BUSINESS

BRUCE HILLEGEIST
PRESIDENT, TACC - APPRECIATION TO CITY OFFICIALS
FOR CITY'S PAST SUPPORT OF
ANNUAL HOLIDAY PARADE

3.0 REPORTS AND ANNOUNCEMENTS

3.1 PROCLAMATION WAS PRESENTED BY MAYOR HARRINGTON TO BETH SCOTT AND GLORIA ESPINOZA, REPRESENTING THE LIGHTHOUSE HOSPICE-TOMBALL, PROCLAIMING THE MONTH OF NOVEMBER AS NATIONAL HOSPICE MONTH

VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

3.2 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. REQUEST TO TEDC FOR ASSISTANCE TO BUILD ROAD BETWEEN FM 2920 AND BROWN ROAD
- B. RATE ADJUSTMENT – TIME WARNER
- C. AUTOMATED CITATION SYSTEM
- D. CONTRACTS APPROVED BY CITY MANAGER
- E. PAVEMENT REPAIR ON ZION ROAD AND SH 249; REPAIRS WILL BE PERFORMED DURING THANKSGIVING HOLIDAY WEEK, TO PREVENT TRAFFIC PROBLEMS WITH THE SCHOOL BUSES.

4.0 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE MINUTES OF THE SPECIAL AND REGULAR COUNCIL MEETINGS OF OCTOBER 18, 2004 AND THE SPECIAL COUNCIL MEETING OF OCTOBER 25, 2004; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

5.1 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE SECOND READING OF ORDINANCE 2004-09, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING THERETO NEW SUBSECTIONS (g), (h), (i), AND (j) TO SECTION 14-490 OF DIVISION 8 OF ARTICLE VII; PROVIDING LOT REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS AND DUPLEXES IN OLD TOWN TOMBALL; PROVIDING PROVISIONS RELATING TO BUILDING LINES; PROVIDING PROVISIONS RELATING TO NONCONFORMING LOTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT

HEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN GATLIN. 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.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT RESOLUTION NO. 2004-16: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE 39th ANNUAL TOMBALL HOLIDAY PARADE, "*TOMBALL: PAST, PRESENT, AND BEYOND*" TO BE HELD IN TOMBALL ON SATURDAY, NOVEMBER 20, 2004; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE PROPOSED CHANGES TO THE CITY OF TOMBALL CODE OF ORDINANCES, AS RECOMMENDED BY THE ELECTRICAL BOARD, AND TO AUTHORIZE CITY ATTORNEY TO PREPARE ORDINANCE AMENDING CHAPTER 14, SECTIONS 14-147, 14-185, 14-210, AND 14-230; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE CHANGE ORDER NUMBERS 2, 3, 4, AND 5 TO CONTRACT WITH E. P. BRADY, IN THE AMOUNT OF \$28,221.45, FOR THE SOUTHSIDE UTILITIES IMPROVEMENTS PROJECT; SECOND BY COUNCILMAN DRIVER.

- 6.4 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE NO. 2004-10 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE FIRST READING OF ORDINANCE NO. 2004-10, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING THE DEFINITION OF *BUILDING LINE* IN SECTION 14-430 OF ARTICLE VII OF CHAPTER 14 THEREOF, AND SUBSTITUTING THEREFOR A NEW DEFINITION OF *BUILDING LINE*; REDEFINING BUILDING LINES TO ALLOW THE CONSTRUCTION OF A SWIMMING POOL BEYOND THE REAR BUILDING LINE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 PER DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN FORD. 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 AUTHORIZE SOLICITING BIDS FOR THE CONSTRUCTION OF A PORTION OF M121 WEST DRAINAGE CHANNEL NORTH OF THIS LANE; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE PLATS AS APPROVED AND RECOMMENDED BY PLANNING COMMISSION; SECOND BY COUNCILMAN DRIVER:

- A. HIGHTOWER RESIDENCE
- B. REVISED MAP OF TOMBALL REPLAT LOTS 17, 18, & 19, BLOCK 86
- C. ADAMS-FOSTER
- D. TOMBALL CENTER III-A
- E. NEW LOT 1, BLOCK 14; NEW LOT 20, BLOCK 14
- F. REPLAT OF FINAL PLAT TOMBALL REGIONAL HOSPITAL
- G. INLINE SERVICES ACRES REPLAT

MOTION CARRIED UNANIMOUSLY.

6.7 THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:20 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

AFTER RECONVENING IN REGULAR SESSION AT 7:28 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETARY

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