

MINUTES OF **REGULAR** CITY COUNCIL MEETING, HELD ON MONDAY, **NOVEMBER 15, 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 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
POLICE CAPTAIN – RON STEWART
FINANCE DIRECTOR – SHERRIE MATTSON
DIRECTOR OF PUBLIC WORKS-OPERATIONS – ROD HAINEY
FIRE CHIEF – RANDY PARR
CITY ENGINEER – DAVID KELLY
BUILDING OFFICIAL – DAVE ALLEN
ASSISTANT TO CITY MANAGER – TERRI DESHAZIER

- 2.0 PUBLIC COMMENTS WERE RECEIVED:

MARY HARVEY
405 SOUTH WALNUT - APPRECIATION OF CITY COUNCIL AND CITY STAFF'S EFFORTS TO IMPROVE CITY

- 3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCILMEMBERS.

3.1 BEN GRIFFIN PRESENTED THE TML "BEST PRACTICES" AWARD TO DAVE ALLEN, CITY BUILDING OFFICIAL

- 3.2 THE CITY MANAGER'S REPORT WAS PRESENTED:

A. AIRPORT ADVISORY COMMITTEE – MAYOR HARRINGTON REQUESTED THAT COUNCILMEMBERS SUBMIT NAMES FOR CONSIDERATION AT FUTUTE MEETING TO BEN GRIFFIN
B. LETTER FROM SISTER CITY
C. PRELIMINARY PLAT FOR SARATOGA RANCH – COUNCILMEMBERS EXPRESSED DESIRE TO CREATE A

CLEARER DEFINITION OF "PATIO HOME" FOR INCLUSION IN CODE OF ORDINANCES; CITY ATTORNEY AND CITY MANAGER WILL WORK ON DEFINITION

- D. APPOINTMENTS TO THE ZONING COMMISSION – BEN GRIFFIN ADVISED THAT DAVID QUINN AND VINCENT O'DONNELL, PLANNING COMMISSION MEMBERS, ARE WILLING TO SERVE; HOWEVER, ADDITIONAL APPOINTEES ARE NEEDED. CITY WILL ACCEPT NAMES FOR CONSIDERATION.
- E. SERVICE FLAGS FOR FAMILIES – CONSENSUS OF COUNCIL WAS UNANIMOUS TO PURCHASE SERVICE FLAG PACKET FOR SERVICE FAMILIES
- F. TRAFFIC STUDY: NORTH STAR ESTATES

4.0 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE MINUTES OF THE REGULAR COUNCIL MEETING OF NOVEMBER 1, 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 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 MARTIN. 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 AWARD CONTRACT FOR PROJECT 2005-02, LIZZIE LANE EXTENSION, TO THE LOW BIDDER, KINGSLEY CONTRACTOR'S INC., IN THE AMOUNT OF \$574,587.50, AND TO CHANGE THE NAME OF THE CITY FROM LEAGUE CITY TO TOMBALL; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN DRIVER TO AWARD CONTRACT FOR PROJECT 2005-03, FOSTER STREET IMPROVEMENTS, FROM WILLOW STREET EAST, TO THE SOLE BIDDER, KINGSLEY CONTRACTOR'S INC., IN THE AMOUNT OF \$251,250; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN FAGAN TO APPROVE THE RE-SALE OF LOT 22, BLOCK 61, BY TOMBALL INDEPENDENT SCHOOL DISTRICT TO JOE DANIELS, SR., IN THE TOTAL AMOUNT OF \$2,350; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE FEES FOR MANUFACTURED HOME AND RECREATIONAL VEHICLE PARK OPERATIONS LICENSE, AS RECOMMENDED; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FORD TO READ ORDINANCE NO. 2004-11 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT THE FIRST READING OF ORDINANCE NO. 2004-11, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF SECTIONS 14-142 THROUGH 14-146, SECTIONS 14-148 THROUGH 14-150, SECTION 14--173, SECTIONS 14-186 THROUGH 14-190, SECTION 14-192, SECTION 14-211, SECTION 14-213, SECTION 14-216, AND SECTIONS 14-231 THROUGH SECTION 14-232 OF CHAPTER 14, IN THEIR ENTIRETY, AND BY DELETING ALL OF SECTIONS 14-147, 14-185, 14-210, AND 14-230 OF CHAPTER 14, AND SUBSTITUTING THEREFOR NEW SECTIONS 14-147, 14-185, 14-210, AND 14-230; PROVIDING THAT ALL ELECTRICAL WORK PERFORMED

WITHIN THE CITY BE UNDER THE CONTROL, SUPERVISION, DIRECTION, AND RESPONSIBILITY OF A MASTER ELECTRICIAN LICENSED BY THE STATE OF TEXAS, AND THAT ALL JOURNEYMAN AND APPRENTICE ELECTRICIANS MUST FIRST OBTAIN THE APPROPRIATE CURRENT STATE OF TEXAS ELECTRICIAN LICENSE BEFORE UNDERTAKING ANY WORK WITHIN THE CITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN FAGAN. 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.

- 6.6 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE PLATS AS RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION; SECOND BY COUNCILMAN GATLIN:

- A. FINAL PLAT OF YEZAK SUBDIVISION (COMMERCIAL)
- B. TOMBALL TOWN CENTER (KROGER)

MOTION CARRIED UNANIMOUSLY.

- 6.7 EXECUTIVE SESSION: THE CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:28 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 7:43 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 15, 2004
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(signed) Doris Speer

DORIS SPEER, TRMC
CITY SECRETARY

(signed) H. G. Harrington

H. G. HARRINGTON
MAYOR