

MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, FEBRUARY 21, 2005 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 FORD
COUNCILMAN FAGAN
COUNCILMAN GATLIN
COUNCILMAN DRIVER

OTHERS PRESENT:

CITY MANAGER – BEN GRIFFIN
ASSISTANT CITY MANAGER – MARY COKER
CITY ATTORNEY – BILL OLSON
CITY SECRETARY – DORIS SPEER
FINANCE DIRECTOR – SHERRIE MATTSON
DIRECTOR OF PUBLIC WORKS – ROD HAINEY
CHIEF OF POLICE – MICHAEL BLAKE
FIRE CHIEF – RANDY PARR

2.0 PUBLIC COMMENTS WERE RECEIVED:

JIMI ODOM,
PRESIDENT OF TOMBALL SPORTS ASSN
16322 WILLOW PARK DRIVE, 77375

- TSA REQUEST FOR FINANCIAL ASSISTANCE FOR ELECTRICITY

GRADY MARTIN
8118 BOUDREAUX ROAD, 77379

- TOMBALL SISTER CITY REQUEST FOR FINANCIAL ASSISTANCE FOR GERMAN HERITAGE FESTIVAL

VINCENT O'DONNELL
1322 DOVE TRAILS, 77375

- CONCERNS REGARDING PLANNED SENIOR LIVING COMPLEX, GARDENS OF TOMBALL; OPPOSITION FROM SPRINGWOOD, HUNTERWOOD, AND COUNTRY MEADOWS HOMEOWNERS

ROD MUNOZ
13514 COUNTRY CIRCLE, 77375

- CONCERNS REGARDING PLANNED SENIOR LIVING COMPLEX, GARDENS OF TOMBALL; COUNCIL NEEDS MORE INFORMATION BEFORE MAKING A DECISION

BRAD HALLMARK
28231 CAMILLE DRIVE, 77375

- APPRECIATION FOR REPAIRS TO ZION ROAD; CONCERNS REGARDING PLANNED SENIOR LIVING COMPLEX, GARDENS OF TOMBALL.

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE RECEIVED FROM COUNCIL MEMBERS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

- A. ZONING COMMISSION APPLICANT INTERVIEWS
- B. UPDATE ON POLICE DEPARTMENT ACTIVITY
- C. RACIAL PROFILING REPORT
- D. FIRST MEETING OF TECHNICAL AIRPORT ADVISORY COMMITTEE – TENTATIVE DATES ARE APRIL 19, 25 OR 26; WILL ADVISE LATER.
- E. UPDATE ON SMALL WATERLINE REPLACEMENT PROGRAM
- F. UPDATE ON STATUS OF SH 249 BYPASS
- G. HARRIS COUNTY JUNIOR DEPUTY SHERIFF'S MOUNTED POSSEE
- H. AGENDA FOR MARCH 29, 2005 WORKSHOP
- I. ANNUAL SPRING CLEANUP WEEK
- J. SAM HOUSTON TRAIL RIDERS
- K. APPOINTMENTS TO PARKS BOARD
- L. UPDATE ON HAMPTON PLACE TOWNHOMES

4.0 MOTION WAS MADE BY COUNCILMAN DRIVER TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF FEBRUARY 7, 2005; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN DRIVER TO ACCEPT THE AUDIT FOR FISCAL YEAR 2003-2004, AS PRESENTED BY FITTS, ROBERTS, AND COMPANY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.2 CONSIDERATION TO AUTHORIZE THE MAYOR TO EXECUTE A LETTER OF SUPPORT TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE GARDENS AT TOMBALL PROJECT WAS WITHDRAWN AT THE REQUEST OF THE MAYOR; ITEM WILL BE PLACED ON THE MARCH 7, 2005 AGENDA FOR DISCUSSION. COUNCIL REQUESTED A COPY OF THE DEED RESTRICTIONS FROM BEAR CREEK DEVELOPMENT, A DUN & BRADSTREET REPORT, AND A LETTER FROM THE MAYOR OF RICHLAND HILLS FOR THE MARCH 7, 2005 MEETING. NO ACTION NECESSARY.

MAYOR HARRINGTON CALLED A 5-MINUTE RECESS AT 8:25 P.M.; MEETING RECONVENED AT 8:30 P.M.

- 6.3 MOTION WAS MADE BY COUNCILMAN FAGAN TO AWARD PROJECT 2005-05R, SALE OF SURPLUS FIRE DEPARTMENT EQUIPMENT, TO SOLE BIDDER, TOMBALL INDEPENDENT SCHOOL DISTRICT, IN THE AMOUNT OF \$7,000.00; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN MARTIN TO AWARD PROJECT 2005-08, NORTH WASTEWATER TREATMENT PLANT – EQUIPMENT SUPPLY FOR MECHANICAL FINE SCREEN SYSTEM, TO LOW BIDDER, JWC ENVIRONMENTAL, IN THE AMOUNT OF \$65,500.00; SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT RESOLUTION NO. 2005-17, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE TOMBALL GERMAN HERITAGE FESTIVAL, TO BE HELD IN TOMBALL ON SATURDAY AND SUNDAY, MARCH 19 AND 20, 2005 AND AUTHORIZING CLOSURE OF MARKET STREET BETWEEN CHERRY AND ELM, WALNUT STREET BETWEEN MAIN AND FANNIN, AND ELM STREET BETWEEN MAIN STREET AND THE DEPOT; SECOND BY COUNCILMAN DRIVER.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT RESOLUTION NO. 2005-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DECLARING A PUBLIC PURPOSE AND DETERMINING THAT LAND IS NEEDED FOR CONSTRUCTION OF THE TOMBALL WATER PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.050 ACRES – PARCEL 20); SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN DRIVER TO ADOPT RESOLUTION NO. 2005-16, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, DECLARING A PUBLIC PURPOSE AND DETERMINING THAT LAND IS NEEDED FOR CONSTRUCTION OF THE TOMBALL WATER PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.099 ACRES – PARCEL 29); SECOND BY COUNCILMAN FAGAN.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN FORD TO READ ORDINANCE NO. 2005-01 BY CAPTION ONLY; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT FIRST READING OF ORDINANCE NO. 2005-01, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, PROVIDING FOR THE APPROVAL OF THE AGREEMENT BETWEEN THE STATE OF TEXAS AND THE CITY OF TOMBALL, FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE, USE, OPERATION, AND MAINTENANCE OF HIGHWAY TRAFFIC SIGNALS/LIGHTING AT THE LOCATION(S) SHOWN ON EXHIBIT 1, ATTACHED HERETO AND MADE A PART HEREOF, IN THE CITY OF TOMBALL; PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY (SH 249 AT FM 2920); 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.

- 6.9 MOTION WAS MADE BY COUNCILMAN DRIVER TO READ ORDINANCE 2005-02 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT FIRST READING OF ORDINANCE 2005-02, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF SECTION 14-464 THEREOF AND SUBSTITUTING THEREFOR A NEW SECTION 14-464 TO CLARIFY THE DEFINITION OF "GREEN SPACE"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION 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.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

(signed) Doris Speer
DORIS SPEER, TRMC
CITY SECRETARY

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