

MINUTES OF THE REGULAR CITY COUNCIL MEETING, HELD ON MONDAY, MAY 19, 2003 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 SECRETARY - DORIS SPEER  
CITY ATTORNEY – BILL OLSON  
CHIEF OF POLICE – MICHAEL BLAKE  
FINANCE DIRECTOR – SHERRIE MATTSON  
FIRE CHIEF – GENE WHITENACK

2.0 NO PUBLIC COMMENTS WERE RECEIVED.

3.0 REPORTS AND ANNOUNCEMENTS

VARIOUS REPORTS AND ANNOUNCEMENTS WERE GIVEN BY COUNCILMEMBERS.

CHIEF BLAKE PRESENTED PLAQUE TO BRAD BOULEY AND THE TEXAS MASTER CHORALE IN APPRECIATION OF THEIR \$1,200 DONATION FOR THE PURCHASE OF BALLISTICS ARMOR (VESTS).

MAYOR HARRINGTON PRESENTED PROCLAMATION FOR EMS WEEK TO BRIAN PETRILLA AND MEMBERS OF EMS.

3.1 THE CITY MANAGER'S REPORT WAS PRESENTED:

TREE IN HERITAGE PLAZA  
UPDATE ON SH 249 BYPASS  
BUDGET WORKSHOP  
CHIEF BLAKE ADVISED THAT TxDOT HAS AGREED TO CONSIDER CITY'S REQUEST TO LOWER SPEED LIMITS ON SH 249 INSIDE THE CITY  
VACANCIES AND EXPIRING TERMS ON BOARDS

CONSIDERATION REGARDING CREATION OF A BUILDING CODE BOARD OF ADJUSTMENTS AND APPEALS OR EXPLORING OTHER AVENUES TO ADDRESS VARIANCES TO CODE OF ORDINANCES WILL BE CONSIDERED IN A FUTURE WORKSHOP  
CITY STAFF WILL PURSUE DESIGNATION OF TOMBALL AS AN "ALL-AMERICAN CITY" FOR 2004  
WORK WITH JOHNSON CONTROLS ON PROGRAM TO MEET TEXAS SENATE BILL 5 REQUIREMENTS HAS BEEN POSTPONED  
PLAT APPROVED BY PLANNING COMMISSION

4.0 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF MAY 5, 2003; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

6.0 NEW BUSINESS:

6.1 CONSIDERATION WAS GIVEN FOR APPOINTMENT TO THE UNEXPIRED TERM ON THE CITY OF TOMBALL ECONOMIC DEVELOPMENT CORPORATION, CREATED BY THE RESIGNATION OF CARLYN BLUIS. NOMINATIONS WERE ACCEPTED FOR APPOINTMENT.

NOMINATION WAS MADE BY COUNCILMAN MARTIN TO APPOINT MARY HARVEY; NOMINATION WAS MADE BY COUNCILMAN STOVALL TO APPOINT STEVEN VAUGHAN. COUNCILMAN HOLLAND ABSTAINED FROM CONSIDERATION OF APPOINTMENT TO TOMBALL ECONOMIC DEVELOPMENT CORPORATION DUE TO CONFLICT OF INTEREST. MOTION WAS MADE BY COUNCILMAN MARTIN FOR NOMINATIONS TO CEASE; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

VOTE FOR APPOINTMENT WAS AS FOLLOWS:

MARY HARVEY	<u>2</u>
STEVEN VAUGHAN	<u>2</u>

VOTE WAS TIED; MAYOR HARRINGTON CAST VOTE FOR STEVEN VAUGHAN.

STEVEN VAUGHAN WAS APPOINTED TO UNEXPIRED TERM ON THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION; TERM WILL EXPIRE MAY 2, 2004.

CONSIDERATION WAS GIVEN FOR APPOINTMENT TO THREE POSITIONS ON THE CITY OF TOMBALL ECONOMIC DEVELOPMENT CORPORATION. NOMINATIONS WERE ACCEPTED FOR APPOINTMENT.

NOMINATION WAS MADE BY COUNCILMAN MARTIN TO APPOINT H. G. HARRINGTON AND RANDALL MONGOLD; NOMINATION WAS MADE BY COUNCILMAN GATLIN TO APPOINT MARY HARVEY; NOMINATION WAS MADE BY COUNCILMAN FORD TO APPOINT WAYNE STOVALL. COUNCILMAN HOLLAND ABSTAINED FROM CONSIDERATION OF APPOINTMENTS DUE TO CONFLICT OF INTEREST. MOTION WAS MADE BY COUNCILMAN FORD FOR NOMINATIONS TO CEASE; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

VOTE FOR APPOINTMENTS WAS AS FOLLOWS:

H. G. HARRINGTON	<u>4</u>
MARY HARVEY	<u>1</u>
RANDALL MONGOLD	<u>4</u>
WAYNE STOVALL	<u>3</u>

H. G. HARRINGTON, RANDALL MONGOLD, AND WAYNE STOVALL WERE APPOINTED TO THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION; TERMS WILL EXPIRE MAY 2, 2005.

- 6.2 CONSIDERATION WAS GIVEN TO APPOINTMENTS TO CITY OF TOMBALL PLANNING COMMISSION, BUILDING STANDARDS COMMISSION, AND IMPACT FEE ADVISORY COMMITTEE. NOMINATIONS WERE RECEIVED.

NOMINATION WAS MADE BY COUNCILMAN GATLIN TO APPOINT TOM CROFOOT, ROY LACKEY, AND VINCENT O'DONNELL; NOMINATION WAS MADE BY COUNCILMAN MARTIN TO APPOINT DAVID QUINN. MOTION WAS MADE BY COUNCILMAN STOVALL FOR NOMINATIONS TO CEASE; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

VOTE FOR APPOINTMENTS WAS AS FOLLOWS:

TOM CROFOOT	<u>4</u>
ROY LACKEY	<u>2</u>
VINCENT O'DONNELL	<u>5</u>
DAVID QUINN	<u>4</u>

TOM CROFOOT, VINCENT O'DONNELL, AND DAVID QUINN WERE APPOINTED TO THE CITY OF TOMBALL PLANNING COMMISSION, BUILDING STANDARDS

COMMISSION, AND IMPACT FEE ADVISORY COMMITTEE; TERMS WILL EXPIRE JUNE 1, 2006.

- 6.3 MOTION WAS MADE BY COUNCILMAN FORD TO ACCEPT DONATION BY TEDDY KLEIN OF PLAQUES TO THE CITY FOR INSTALLATION IN HERITAGE PLAZA; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN STOVALL TO AWARD PROJECT 2003-15, PURCHASE OF GAS PIPES, PARTS AND MATERIALS, TO LOW BIDDER, GAJESKE INCORPORATED; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.5 MOTION WAS MADE BY COUNCILMAN HOLLAND TO AWARD PROJECT 2003-16, PURCHASE OF CHLORINE AND SULFUR DIOXIDE, TO LOW BIDDER, DXI INDUSTRIES; SECOND BY COUNCILMAN MARTIN.  
MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN HOLLAND TO AWARD PROJECT 2003-17, PURCHASE OF HTH, TO LOW BIDDER, NAPCO CHEMICAL COMPANY; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN MARTIN TO READ ORDINANCE NO. 2003-05 BY CAPTION ONLY; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT FIRST READING OF ORDINANCE NO. 2003-05: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF SECTION 86-39 OF DIVISION 1 OF ARTICLE II OF CHAPTER 86, AND BY DELETING ALL OF SECTIONS 86-60 AND 86-82 OF ARTICLE II OF CHAPTER 86 THEREOF AND SUBSTITUTING THEREFOR NEW SECTIONS 86-60 AND 86-82; ELIMINATING THE PROVISION THAT A TAXICAB COMPANY MUST MAINTAIN AN OFFICE WITHIN THE CITY; PROVIDING THAT PERSONS DRIVING TAXICABS WITHIN THE CITY SHALL NOT BE REQUIRED TO HOLD A CITY LICENSE THEREFOR IF SUCH PERSON HOLDS A CITY OF HOUSTON TAXICAB DRIVER'S LICENSE; ESTABLISHING FEES FOR TAXICAB PERMITS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN FORD. VOTE WAS AS FOLLOWS:

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN HOLLAND	<u>AYE</u>
COUNCILMAN MARTIN	<u>AYE</u>
COUNCILMAN STOVALL	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN MARTIN TO READ ORDINANCE NO. 2003-07 BY CAPTION ONLY; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN STOVALL TO FIRST READING OF ORDINANCE NO. 2003-07: AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF §545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF TOMBALL, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE IN AN AMOUNT NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR THE VIOLATION OF THIS ORDINANCE; SECOND BY COUNCILMAN MARTIN. VOTE WAS AS FOLLOWS:

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN HOLLAND	<u>AYE</u>
COUNCILMAN MARTIN	<u>AYE</u>
COUNCILMAN STOVALL	<u>AYE</u>

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FORD TO AUTHORIZE THE CITY ATTORNEY TO PREPARE AN ORDINANCE REGULATING THE CONSTRUCTION AND/OR OPERATION OF BOARDING HOUSES; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.7 CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:55 P.M. AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSE:

1. SECTION 551.071: CONSULTATION WITH ATTORNEY.

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

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

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

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