

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON **TUESDAY**, SEPTEMBER 3, 2002 AT 7:00 P.M. AT CITY HALL, 401 MARKET, 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 ATTORNEY - BILL OLSON  
DIRECTOR OF PUBLIC WORKS - MARK MCCLURE  
CHIEF OF POLICE - MICHAEL BLAKE  
FINANCE DIRECTOR - SHERRIE MATTSON  
FIRE CHIEF - GENE WHITENACK  
ASSISTANT CITY SECRETARY - DORIS SPEER  
CITY ENGINEER - DAVID KELLEY

2.0 THE FOLLOWING PUBLIC COMMENTS WERE RECEIVED:

NONNIE DONAGHY - REQUESTED PERMISSION TO PLACE RED, WHITE AND BLUE RIBBONS ON THE LIGHTS ALONG 'OLD TOWN TOMBALL' MAIN STREET IN HONOR OF 9/11; HAS RECEIVED PERMISSION FROM TxDOT. CONSENSUS OF COUNCIL WAS TO APPROVE REQUEST.

MAYOR HARRINGTON READ THE PROCLAMATION FOR **AA DAY TO REMEMBER@** - SEPTEMBER 11, 2001, WHICH WILL BE READ AT THE HERITAGE PLAZA CEREMONY ON WEDNESDAY, SEPTEMBER 11, 2002.

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE MADE BY COUNCILMEMBERS.

3.1 CITY MANAGER-S REPORT:

DEDICATION OF HERITAGE PLAZA  
9-11 CEREMONY  
RELEASE OF PROPERTY IN THE CITY OF HOUSTON-S ETJ  
FOLLOW-UP REPORT: AT-LARGE ANIMAL COMPLAINT  
NEWSLETTER; NO CHANGES/CORRECTIONS MADE.

4.0 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE MINUTES OF SPECIAL AND REGULAR COUNCIL MEETINGS OF AUGUST 19, 2002; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES OF

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

5.1 MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT SECOND READING OF ORDINANCE 2002-19, AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR POTABLE WATER, SANITARY SEWER, NATURAL GAS, AND GARBAGE COLLECTION AND DISPOSAL SERVICES; REPEALING ORDINANCE NO. 2001-12 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 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.

5.2 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT SECOND READING OF ORDINANCE NO. 2002-20, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ARTICLE VII OF CHAPTER 82 THEREOF AND SUBSTITUTING THEREFOR A NEW ARTICLE VII; ESTABLISHING WATER CONSERVATION; DEFINING CERTAIN TERMS; PROVIDING RULES AND REGULATIONS GOVERNING DROUGHT RESPONSE STAGES; PROVIDING PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT OF A WATER CONSERVATION AND EMERGENCY MANAGEMENT PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT; SECOND BY COUNCILMAN STOVALL.

BEN GRIFFIN REQUESTED CHANGES TO PAGE 7 TO REFLECT THAT HOMEOWNERS WITH EVEN-NUMBERED ADDRESSED WOULD WATER ON TUESDAYS, THURSDAYS AND SATURDAYS, WHILE HOMEOWNERS WITH ODD-NUMBERED ADDRESSES WOULD WATER ON WEDNESDAYS, FRIDAYS AND SUNDAYS; MONDAY WOULD HAVE NO WATERING AND HOMEOWNERS WOULD WATER EVERY OTHER DAY INSTEAD OF TWICE A WEEK.

COUNCILMAN FORD MADE MOTION TO AMEND PREVIOUS MOTION TO INCLUDE CHANGES RECOMMENDED BY CITY MANAGER; SECOND BY COUNCILMAN STOVALL.

MOTION TO AMEND CARRIED UNANIMOUSLY.

VOTE ON MOTION 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.

6.0 NEW BUSINESS:

6.1 MAYOR HARRINGTON OPENED THE PUBLIC HEARING ON LAND USE ASSUMPTIONS. NO COMMENTS WERE RECEIVED AND PUBLIC HEARING WAS CLOSED.

6.2 MAYOR HARRINGTON OPENED THE PUBLIC HEARING ON PROPOSED ANNEXATIONS. NO COMMENTS WERE RECEIVED AND PUBLIC HEARING WAS CLOSED.

6.3 COUNCILMAN MARTIN MADE MOTION FOR APPROVAL OF TEDC BUDGET FOR FISCAL YEAR 2002-03; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

6.4 COUNCILMAN STOVALL MADE MOTION FOR APPROVAL OF THE TEDC STRATEGIC PLAN AND ANNUAL WORK PLAN FOR 2002-03; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

6.5 COUNCILMAN HOLLAND MADE MOTION FOR THE APPROVAL OF INTERDEPARTMENTAL TRANSFER OF PUBLIC WORKS VEHICLE TO FIRE DEPARTMENT, INCREASING CITY VEHICLE FLEET; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

6.6 COUNCILMAN MARTIN MADE MOTION TO AUTHORIZE MAYOR TO EXECUTE INTERLOCAL AGREEMENT WITH HARRIS COUNTY FOR USE OF 800 MEGAHERTZ RADIO SYSTEM; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

6.7 COUNCILMAN FORD MADE MOTION TO AUTHORIZE PURCHASE OF 2.133 ACRES FOR \$60,554 FOR M121W DRAINAGE CHANNEL; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

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- 6.8 COUNCILMAN MARTIN MADE MOTION FOR APPROVAL TO PROCEED WITH PROCESS TO ANNEX 500 FT. ON EACH SIDE OF THE CENTER LINE OF FM 2920 FROM CALVERT ROAD TO TOMBALL CEMETERY ROAD; SECOND BY COUNCILMAN STOVALL

MOTION CARRIED UNANIMOUSLY.

- 6.9 COUNCILMAN HOLLAND MADE MOTION FOR APPROVAL OF HEALTH BENEFITS PROGRAM FOR CITY EMPLOYEES PROVIDED BY TML FOR FISCAL YEAR 2002-03; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.10 COUNCILMAN STOVALL MADE MOTION TO AUTHORIZE EXECUTION OF AGREEMENT WITH GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK FOR PARTICIPATION IN THE EARLY WARNING SYSTEM; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.11 COUNCILMAN FORD MADE MOTION FOR APPROVAL OF CONTRACT WITH PBS&J FOR SURVEYING AND ENGINEERING SERVICES IN CONNECTION WITH THE ALIGNMENT OF AGG/MEDICAL COMPLEX; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.12 COUNCILMAN STOVALL MADE MOTION FOR APPROVAL OF CONTRACT WITH PBS&J FOR SURVEYING AND ENGINEERING SERVICES IN CONNECTION WITH WATERLINE ALONG JAMES STREET FROM SCHOOL TO PINE, FIBER OPTIC CABLE CONDUIT SYSTEM FROM PUBLIC WORKS TO THE POLICE STATION, AND REBUILDING AND WIDENING OF FANNIN STREET; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

6.13 CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:59 P.M. AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSES:

1. SECTION 551.074: PERSONNEL  
AFTER RECONVENING IN REGULAR SESSION AT 8:16 P.M. NO ACTION WAS TAKEN.

7.0 MOTION WAS MADE BY COUNCILMAN MARTIN FOR ADJOURNMENT; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

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DORIS J. SPEER, TRMC  
ASSISTANT CITY SECRETARY

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H. G. HARRINGTON  
MAYOR