

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON MARCH 3, 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
DIRECTOR OF PUBLIC WORKS - MARK MCCLURE
CHIEF OF POLICE – MICHAEL BLAKE
FINANCE DIRECTOR – SHERRIE MATTSON
FIRE CHIEF – GENE WHITENACK

2.0 PUBLIC COMMENTS WERE RECEIVED:

RODNEY HUTSON, M.D. -- LANDSCAPING ORDINANCE. OPPOSED APPROVED TREE AND SHRUB LIST

3.0 NO REPORTS AND ANNOUNCEMENTS WERE MADE BY COUNCILMEMBERS.

3.1 CITY MANAGER'S REPORT WAS PRESENTED:

ACH DEBIT CAPABILITY FOR UTILITY BILLS
REQUEST TO REDUCE SPEED LIMIT ON SH 249 THROUGH THE CITY

4.0 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE MINUTES OF REGULAR COUNCIL MEETING OF FEBRUARY 17, 2003 AND SPECIAL COUNCIL MEETING OF FEBRUARY 24, 2003; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

- 5.1 MOTION WAS MADE BY COUNCILMAN STOVALL TO APPROVE THE SECOND READING OF ORDINANCE 2003-01, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING THERETO A NEW CHAPTER 44, ENTITLED "LANDSCAPE, PARKS, AND OPEN SPACE STANDARDS"; ESTABLISHING RULES AND REGULATIONS GOVERNING LANDSCAPING STANDARDS; DEFINING CERTAIN TERMS; REQUIRING A LANDSCAPE PLAN; PROVIDING FOR SCREENING AND BUFFERING; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$500 FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN HOLLAND.

MOTION WAS MADE BY COUNCILMAN HOLLAND TO CHANGE "CITY OF TOMBALL *APPROVED* TREE, SHRUB, GROUNDCOVER PLANT AND VINE LIST" TO "*RECOMMENDED* TREE, SHRUB, GROUNDCOVER PLANT AND VINE LIST"; SECOND BY COUNCILMAN GATLIN. MOTION WAS MADE BY COUNCILMAN HOLLAND TO WITHDRAW HER MOTION TO AMEND THE LIST; SECOND BY COUNCILMAN GATLIN.

MOTION WAS MADE BY COUNCILMAN HOLLAND TO ELIMINATE THE "CITY OF TOMBALL *APPROVED* TREE, SHRUB, GROUNDCOVER PLANT AND VINE LIST"; SECOND BY COUNCILMAN FORD. CITY ATTORNEY ADVISED THAT COUNCIL'S APPROVAL OF MOTION WOULD REQUIRE ORDINANCE TO BE BROUGHT BACK FOR COUNCIL CONSIDERATION AT LATER DATE.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FORD TO TABLE ITEM; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN MARTIN TO SET JUNE 2, 2003 AND JUNE 16, 2003 AS DATES FOR PUBLIC HEARINGS ON PROPOSED ANNEXATION OF 29-ACRE TRACT ON FM 2920 AND 10-ACRE TRACT ON HOLDERRIETH ROAD AND TO AUTHORIZE PREPARATION OF MUNICIPAL SERVICE PLAN; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN HOLLAND TO READ ORDINANCE NO.

2003-02 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT FIRST READING OF ORDINANCE NO. 2003-02, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF ARTICLE IV OF CHAPTER 82 THEREOF AND SUBSTITUTING A NEW ARTICLE IV; AMENDING THE CITY'S LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, AND CAPITAL RECOVERY FEES (IMPACT FEES) FOR WATER AND WASTEWATER FACILITIES; ADOPTING LAND USE ASSUMPTIONS, A CAPITAL IMPROVEMENTS PLAN, AND CAPITAL RECOVERY FEES (IMPACT FEES) FOR DRAINAGE FACILITIES WITHIN FOUR DRAINAGE SERVICE AREAS; DEFINING CERTAIN TERMS; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF SUCH CAPITAL RECOVERY FEES; 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.

- 6.3 MOTION WAS MADE BY COUNCILMAN HOLLAND TO READ ORDINANCE NO. 2003-03 BY CAPTION ONLY; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT FIRST READING OF ORDINANCE NO. 2003-03, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, PROVIDING FOR A PENALTY TO DEFRAID COSTS OF COLLECTING DELINQUENT PROPERTY TAXES PURSUANT TO TEXAS TAX CODE SECTIONS 33.07 AND 33.08; 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.

6.4 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE AMENDMENT TO CONTRACT BETWEEN THE CITY OF TOMBALL AND PERDUE, BRANDON, FIELDER, COLLINS AND MOTT, L.L.P., FOR THE COLLECTION OF DELINQUENT TAXES, ESTABLISHING COMPENSATION AMOUNTS AS 15 PERCENT OF TAX YEAR 2001 AND PRIOR COLLECTIONS AND 20 PERCENT OF TAX YEAR 2002 AND SUBSEQUENT YEAR COLLECTIONS; SECOND BY COUNCILMAN STOVALL. MOTION WAS WITHDRAWN BY COUNCILMAN FORD AT REQUEST OF CITY MANAGER TO TABLE THIS ITEM UNTIL MARCH 17, 2003; SECOND WAS WITHDRAWN BY COUNCILMAN STOVALL. ITEM TABLED.

6.5 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT RESOLUTION 2003-05, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING CERTAIN FINDINGS CONCERNING CERTAIN LAND DESCRIBED IN SUCH RESOLUTION; DETERMINING THAT SUCH LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF THE FM 2920 UTILITY EASEMENT EXTENSION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.1219 ACRES); SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

6.6 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT RESOLUTION 2003-06, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING CERTAIN FINDINGS CONCERNING CERTAIN LAND DESCRIBED IN SUCH RESOLUTION; DETERMINING THAT SUCH LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF THE FM 2920 UTILITY EASEMENT EXTENSION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.1074 ACRES); SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

6.7 MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT RESOLUTION 2003-07, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING CERTAIN FINDINGS CONCERNING CERTAIN LAND DESCRIBED IN SUCH RESOLUTION; DETERMINING THAT SUCH LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF THE FM 2920 UTILITY EASEMENT EXTENSION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.08244 ACRES); SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

6.8 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT RESOLUTION 2003-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING CERTAIN FINDINGS CONCERNING CERTAIN LAND DESCRIBED IN

SUCH RESOLUTION; DETERMINING THAT SUCH LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF THE FM 2920 UTILITY EASEMENT EXTENSION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.132 ACRES); SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT RESOLUTION 2003-09, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING CERTAIN FINDINGS CONCERNING CERTAIN LAND DESCRIBED IN SUCH RESOLUTION; DETERMINING THAT SUCH LAND IS NEEDED FOR PUBLIC USE FOR CONSTRUCTION OF THE FM 2920 UTILITY EASEMENT EXTENSION PROJECT FOR THE CITY OF TOMBALL, TEXAS (0.023 ACRES); SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT RESOLUTION 2003-10, A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, AMENDING THE AUTHORIZED REPRESENTATIVES IN THE PARTICIPATION AGREEMENT AND THE ACCOUNT IN THE NAME OF CITY OF TOMBALL WITH "TEXPOOL;" SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.11 MOTION WAS MADE BY COUNCILMAN STOVALL TO APPROVE CONTRACT BETWEEN CITY OF TOMBALL AND O'MALLEY ENGINEERS, L.L.P., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE AUXILIARY COMBINATION DRIVE ON WATER WELL AT PINE STREET WATER PLANT AND PRESSURE RELIEF VALVES AT PINE STREET AND BAKER STREET WATER PLANTS, IN THE AMOUNT OF \$15,750; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.12 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE OF CONTRACT BETWEEN CITY OF TOMBALL AND J. P. HOPKO, LLC (JPH), FOR PROFESSIONAL ENGINEERING SERVICES FOR THE CONSTRUCTION OF FOSTER STREET FROM WILLOW STREET TO THE INTERSECTION OF WELTY STREET AND CONTINUING UTILITIES TO THE INTERSECTION WITH CARRELL STREET, IN THE AMOUNT OF \$39,700; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.13 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE CONTRACT BETWEEN CITY OF TOMBALL AND J. P. HOPKO, LLC (JPH) FOR PROFESSIONAL ENGINEERING SERVICES FOR THE CONSTRUCTION OF GREEN STREET FROM HOWARD TO LIVE OAK, IN THE AMOUNT OF \$43,120; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.14 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE CONTRACT BETWEEN CITY OF TOMBALL AND HBC TERRACON FOR CONSTRUCTION MATERIALS TESTING SERVICES FOR THE NEW PUBLIC WORKS BUILDING, IN THE AMOUNT OF \$15,000; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.15 MOTION WAS MADE BY COUNCILMAN STOVALL TO APPROVE CONTRACT BETWEEN CITY OF TOMBALL AND URS CORPORATION FOR PROFESSIONAL SERVICES ASSOCIATED WITH CITY'S SOLID WASTE LANDFILL MSW PERMIT NO. 1140, MODIFICATION/PREPARATION OF AFFECTED PROPERTY ASSESSMENT REPORT, IN THE AMOUNT OF \$50,000; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.16 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE CONTRACT BETWEEN CITY OF TOMBALL AND PBS&J FOR PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE WATER SYSTEM TO SERVE BOUDREAUX ESTATES AND HOFFMAN ESTATES SUBDIVISIONS, IN THE AMOUNT OF \$412,865; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.17 COUNCIL CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:43 P.M. AS AUTHORIZED BY TITLE 5, CHAPTER 551, GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, FOR THE FOLLOWING PURPOSES:

1. SECTION 551.071: CONSULTATION WITH ATTORNEY
2. SECTION 551.072 DELIBERATIONS REGARDING REAL PROPERTY
SECTION 551.074: PERSONNEL

AFTER RECONVENING IN REGULAR SESSION AT 8:15 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED.

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

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