

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON MARCH 17, 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
CITY ENGINEER – DAVID KELLY

2.0 PUBLIC COMMENTS WERE RECEIVED:

BRUCE HILLEGEIST -- REQUESTING MAYOR AND COUNCIL TO ATTEND TRANSPORTATION COMMITTEE MEETING IN AUSTIN ON MARCH 27, 2003, IN SUPPORT OF BYPASS

3.0 NO REPORTS AND ANNOUNCEMENTS WERE MADE BY COUNCILMEMBERS.

3.1 CITY MANAGER'S REPORT WAS PRESENTED:

“CLEAN UP TOMBALL” WEEK WILL BE MAY 5 THROUGH MAY 10 AT OLD LANDFILL SITE ON RUDOLPH ROAD
YOUTH PROGRAMS TO BE OFFERED AT CITY PARKS WITH HELP OF YMCA
PRESENTATION WAS GIVEN BY STEVEN VAUGHAN REQUESTING CITY'S CONSIDERATION OF ASSISTANCE WITH FUNDS FOR SH 249 BYPASS PLATS APPROVED BY PLANNING COMMISSION
ALLEN TAYLOR, DUKE ENERGY, GAVE AN UPDATE ON GAS PRICES AND CURRENT MARKET
GENE WHITENACK PRESENTED ISO UPDATE; TOMBALL NOW HAS ISO RATING OF CLASS “1” WITHIN CITY LIMITS AND ISO RATING OF CLASS “2” IN

THE ETJ; TOMBALL IS NOW THE NUMBER 1 FIRE DEPARTMENT IN THE UNITED STATES AND THE ONLY VOLUNTEER FIRE DEPARTMENT IN TEXAS WITH A CLASS 1 RATING. ISO COUNCIL WILL MAKE A PRESENTATION TO CITY COUNCIL IN APRIL; RATES WILL GO INTO EFFECT ON JULY 1, 2003.

- 4.0 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE THE MINUTES OF REGULAR COUNCIL MEETING OF MARCH 3, 2003; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

- 5.0 OLD BUSINESS:

- 5.1 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT 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 STOVAL. 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 THE SECOND 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 HOLLAND. 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.

- 5.3 MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT THE SECOND 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 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.

6.0 NEW BUSINESS:

- 6.1 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE 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 CARRIED UNANIMOUSLY.

- 6.2 MOTION WAS MADE BY COUNCILMAN GATLIN TO DESIGNATE THE POTPOURRI AS THE CITY OF TOMBALL'S OFFICIAL NEWSPAPER, BASED ON COSTS; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.3 NOMINATIONS WERE TAKEN FOR APPOINTMENTS TO THE PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD. NOMINEES WERE:

DANE DUNAGIN
LEONARD CHAMBERS
LATRELL SHANNON – REAPPOINTMENT
PATRICIA BAILEY

MOTION WAS MADE BY COUNCILMAN MARTIN THAT NOMINATIONS CEASE;
SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

VOTE WAS TAKEN; VOTE WAS AS FOLLOWS:

COUNCILMAN GATLIN – LEONARD CHAMBERS
DANE DUNAGIN
LATRELL SHANNON

COUNCILMAN STOVALL – LEONARD CHAMBERS
LATRELL SHANNON
PATRICIA BAILEY

COUNCILMAN MARTIN – LATRELL SHANNON
LEONARD CHAMBERS
PATRICIA BAILEY

COUNCILMAN FORD – LATRELL SHANNON
LEONARD CHAMBERS
PATRICIA BAILEY

COUNCILMAN HOLLAND – LATRELL SHANNON
PATRICIA BAILEY
LEONARD CHAMBERS

APPOINTMENTS ARE:

LATRELL SHANNON – REAPPOINTMENT
LEONARD CHAMBERS – POSITION 4
PATRICIA BAILEY – POSITION 5

- 6.4 MOTION WAS MADE BY COUNCILMAN FORD TO READ ORDINANCE NO. 2003-04 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT THE FIRST READING OF ORDINANCE NO. 2003-04, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY STRIKING ALL OF PARAGRAPH (a) OF SECTION 74-27 OF ARTICLE II OF CHAPTER 74 THEREOF AND SUBSTITUTING THEREFOR A NEW PARAGRAPH (a) OF SECTION 74-27; PROVIDING FOR THE LEVY OF A HOTEL OCCUPANCY TAX WITHIN THE CITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; SECOND BY COUNCILMAN GATLIN. VOTE WAS 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.

- 6.5 MOTIN WAS MADE BY COUNCILMAN HOLLAND TO APPROVE CONTRACT BETWEEN THE CITY OF TOMBALL AND HARRIS COUNTY FOR THE PROVISION OF ELECTION EQUIPMENT, PERSONNEL TRAINING, AND TECHNICAL SUPPORT FOR THE MAY 3, 2003 GENERAL ELECTION, IN THE AMOUNT OF \$2,311.64 AND AUTHORIZING THE PAYMENT OF A DEPOSIT IN THE AMOUNT OF \$1,386.98 TO HARRIS COUNTY ELECTIONS DIVISION; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.6 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE REQUEST BY TOMBALL REGIONAL ARTS COUNCIL (TRAC) TO CLOSE HERITAGE PARK AND MARKET STREET BETWEEN PINE AND CHERRY, IN ORDER TO HOLD ARTS FESTIVAL, OCTOBER 2003; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.7 MOTION WAS MADE BY COUNCILMAN STOVALL TO AWARD CONTRACT ON PROJECT 2003-07, PINE STREET WATER PLANT 400,000 GAL. STEEL STORAGE TANK REHABILITATION, TO LOW BIDDER, NG PAINTING, LP, IN THE AMOUNT OF \$117,000; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.8 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE CONTRACT BETWEEN CITY OF TOMBALL AND YMCA TO OPERATE JERRY MATHESON SWIMMING POOL; SECOND BY COUNCILMAN FORD.

MOTON CARRIED UNANIMOUSLY.

- 6.9 MOTION WAS MADE BY COUNCILMAN FORD TO APPROVE THE PURCHASE OF LAND FOR MEDICAL COMPLEX BOULEVARD, M121 EAST AND M121 WEST DRAINAGE CHANNELS AS PRESENTED; SECOND BY COUNCILMAN GATLIN.

TRACT 4	- MEDICAL COMPLEX BLVD, 1.214 ACRES	- \$184,297.75
TRACTS 1A & 1B	- M121 WEST CHANNEL, 10.0776 ACRES	- \$157,700.75
TRACT 2	- M121 WEST CHANNEL, 2.,3281 ACRES	- \$ 76,351.47
TRACT 11	- M121 EAST CHANNEL, 6.3664 ACRES	- \$ 88,706.75
TRACT 5	- MEDICAL COMPLEX BLVD, 0.078 ACRES	- \$ 7,665.75

MOTION CARRIED UNANIMOUSLY.

- 6.10 MOTION WAS MADE BY COUNCILMAN HOLLAND TO APPROVE THE 2003-2004 BUDGET CALENDAR; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 7.0 MOTION WAS MADE BY COUNCILMAN GATLIN 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