

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON OCTOBER 7, 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:

A. W. THEIS	--	SUPPORTING TEN COMMANDMENTS BEING KEPT AT HERITAGE PLAZA; REQUESTING ASSISTANCE FOR MR. HUMPHRIES, B&B MEAT MARKET, TO GRANDFATHER SMOKEHOUSE
CRAIG WHITSON	--	SUPPORTING TEN COMMANDMENTS BEING KEPT AT HERITAGE PLAZA
WARREN DRIVER	--	SUPPORTING TEN COMMANDMENTS BEING KEPT AT HERITAGE PLAZA

3.0 VARIOUS REPORTS AND ANNOUNCEMENTS WERE MADE BY COUNCILMEMBERS.

3.1 CITY MANAGER'S REPORT WAS PRESENTED:

UPDATE ON DRAINAGE AT GRAHAM AND SH 249
OCTOBER 24, 2002 WORKSHOP

SOIL TESTING AT SERVICE CENTER
LEADERSHIP TRAINING

- 4.0 MOTION WAS MADE BY COUNCILMAN HOLLAND FOR APPROVAL OF MINUTES OF REGULAR COUNCIL MEETING OF SEPTEMBER 16, 2002; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

- 5.0 OLD BUSINESS:

- 6.0 NEW BUSINESS:

- 6.1 MAYOR HARRINGTON OPENED THE PUBLIC HEARING ON PROPOSED INCREASE IN TOTAL TAX REVENUES AT 7:20 P.M.

NO COMMENTS WERE RECEIVED; PUBLIC HEARING WAS CLOSED AT 7:21 P.M.

- 6.2 MOTION WAS MADE BY COUNCILMAN MARTIN TO SET OCTOBER 21, 2002 AS THE DATE FOR THE VOTE ON THE PROPOSED TAX RATE; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.3 MOTION WAS MADE BY COUNCILMAN HOLLAND TO READ ORDINANCE NO. 2002-21 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT THE FIRST READING OF ORDINANCE NO. 2002-21, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (FM 2920 ROAD RIGHT OF WAY BETWEEN SH 249 AND CALVERT ROAD); 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 READ ORDINANCE NO. 2002-22 BY CAPTION ONLY; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT THE FIRST READING OF ORDINANCE NO. 2002-22, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (8.293 ACRES SOUTH OF HOLDERRIETH ROAD); SECOND BY COUNCILMAN STOVALL. 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.

- 6.5 MOTION WAS MADE BY COUNCILMAN FORD TO READ ORDINANCE NO. 2002-23 BY CAPTION ONLY; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT THE FIRST READING OF ORDINANCE NO. 2002-23, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE

TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (2.0 ACRE TRACT AT 11835 HOLDERRIETH ROAD); 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.

- 6.6 MOTION WAS MADE BY COUNCILMAN MARTIN TO READ ORDINANCE NO. 2002-24 BY CAPTION ONLY; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT THE FIRST READING OF ORDINANCE NO. 2002-24, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (29.83 ACRE TRACT ON THE NORTH SIDE OF FM 2920); SECOND BY COUNCILMAN STOVALL. 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.

- 6.7 MOTION WAS MADE BY COUNCILMAN HOLLAND TO READ ORDINANCE NO. 2002-25 BY CAPTION ONLY; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT THE FIRST READING OF ORDINANCE NO. 2002-25, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (1.69 ACRE TRACT AT THE CORNER OF CALVERT ROAD AND FM 2920); 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.

- 6.8 MOTION WAS MADE BY COUNCILMAN HOLLAND TO READ ORDINANCE NO. 2002-26 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT THE FIRST READING OF ORDINANCE NO. 2002-26, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (5.7387 ACRE TRACT ON THE SOUTH SIDE OF FM 2920 WEST OF SH 249); SECOND BY COUNCILMAN STOVALL. 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 HOLLAND TO READ ORDINANCE NO. 2002-27 BY CAPTION ONLY; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN GATLIN TO ADOPT THE FIRST READING OF ORDINANCE NO. 2002-27, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (9.66 ACRE TRACT ON E. HUFSMITH); 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.

- 6.10 MOTION WAS MADE BY COUNCILMAN HOLLAND TO READ ORDINANCE NO. 2002-28 BY CAPTION ONLY; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT THE FIRST READING OF ORDINANCE NO. 2002-28, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ADOPTING AMENDMENT NUMBER 1 TO THE ORIGINAL BUDGET OF THE CITY OF TOMBALL, TEXAS, FOR THE FISCAL YEAR 2002-2003, AS ADOPTED

BY ORDINANCE NO. 2002-18; PROVIDING FOR INTERDEPARTMENTAL TRANSFER OF FUNDS FROM THE POLICE DEPARTMENT EXPENDITURES TO THE PERMITS AND INSPECTIONS DEPARTMENT EXPENDITURES IN THE AMOUNT OF \$60,000.00; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE. (CODE ENFORCEMENT FROM POLICE DEPARTMENT TO PUBLIC WORKS DEPARTMENT); SECOND BY COUNCILMAN GATLIN. 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.

- 6.11 MOTION WAS MADE BY COUNCILMAN STOVALL FOR APPROVAL OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF TOMBALL AND HARRIS COUNTY RABIES/ANIMAL CONTROL FOR ANIMAL CONTROL SERVICES; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.12 MOTION WAS MADE BY COUNCILMAN MARTIN TO AWARD THE CONTRACT ON PROJECT 2002-14 – UTILITY IMPROVEMENTS ALONG FM 2920 AND HUFSMITH-KOHRVILLE TO LOW BIDDER, KINGSLEY CONSTRUCTORS, INC., FOR \$227,873.00; SECOND BY COUNCILMAN HOLLAND. BILL OLSON ADVISED THAT SEVERAL ITEMS HAD BEEN EXCLUDED FROM THE CONTRACT, REDUCING THE TOTAL BID TO \$226,873.00.

MOTION CARRIED UNANIMOUSLY.

- 6.13 MOTION WAS MADE BY COUNCILMAN STOVALL TO AWARD THE CONTRACT ON PROJECT 2002-15 – 2002 MODEL WHEEL LOADER TO LOW BIDDER, RUSH EQUIPMENT CENTER, HOUSTON, FOR \$96,175.87; SECOND BY COUNCILMAN FORD.

MOTION CARRIED UNANIMOUSLY.

- 6.14 MOTION WAS MADE BY COUNCILMAN HOLLAND FOR APPROVAL OF THE CONTRACT FOR STORMWATER POLLUTION PREVENTION PLAN FOR CITY OF TOMBALL; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

- 6.15 MOTION WAS MADE BY COUNCILMAN STOVALL FOR APPROVAL OF THE PURCHASE OF 13.1289 ACRES FOR M-121 DRAINAGE CHANNEL PROJECT, FOR \$229,089.00; SECOND BY COUNCILMAN GATLIN.

MOTION CARRIED UNANIMOUSLY.

- 6.16 CITY COUNCIL MET IN EXECUTIVE SESSION AT 7:35 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
2. SECTION 551.071 CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION
3. SECTION 551.072 REAL PROPERTY

AFTER RECONVENING IN REGULAR SESSION AT 8:22 P.M., THE FOLLOWING ACTION WAS TAKEN:

- 6.17 MOTION WAS MADE BY COUNCILMAN FORD FOR APPROVAL OF THE EMPLOYMENT CONTRACT FOR BEN GRIFFIN, CITY MANAGER, TO EXPIRE SEPTEMBER 30, 2004; SECOND BY COUNCILMAN HOLLAND.

MOTION CARRIED UNANIMOUSLY.

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

MOTION CARRIED UNANIMOUSLY.