

MINUTES OF REGULAR CITY COUNCIL MEETING, HELD ON OCTOBER 21, 2002 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 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 NO PUBLIC COMMENTS WERE RECEIVED.
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
QUARTERLY INVESTMENT REPORT

- 4.0 MOTION WAS MADE BY COUNCILMAN HOLLAND FOR APPROVAL OF MINUTES OF REGULAR COUNCIL MEETING OF OCTOBER 7, 2002; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION/ACTION REGARDING THE FOLLOWING ITEMS:

5.0 OLD BUSINESS:

5.1 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT THE SECOND 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.

5.2 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT THE SECOND 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 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.

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

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

- 5.5 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT THE SECOND 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 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.

- 5.6 MOTION WAS MADE BY COUNCILMAN FORD TO ADOPT THE SECOND 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 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.

- 5.7 MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT THE SECOND 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.

- 5.8 MOTION WAS MADE BY COUNCILMAN HOLLAND TO ADOPT THE SECOND 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 \$50,000.00; 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 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 MAYOR HARRINGTON OPENED THE PUBLIC HEARING AT 7:30 P.M. ON THE FOLLOWING PROPOSED ANNEXATIONS:

500' STRIP EITHER SIDE OF THE CENTER LINE OF FM 2920 FROM CALVERT ROAD TO TOMBALL CEMETERY ROAD

21-ACRE TRACT AT THE NORTHWEST CORNER OF TOMBALL CEMETERY ROAD AND FM 2920

31.15-ACRE TRACT ON TOMBALL CEMETERY ROAD NORTH OF FM 2920

60-ACRE TRACT ON TOMBALL CEMETERY ROAD NORTH OF FM 2920

THE FOLLOWING COMMENTS WERE RECEIVED:

BOBBY BEELEY, DIXIE USA	--	OPPOSED ANNEXATION UNTIL UTILITIES ARE DELIVERED
BEVERLY WELCH	--	QUESTIONS REGARDING IMPACT ON BUSINESS AND PROPERTY OWNERS DURING UTILITY CONSTRUCTION
SCOTT SHAFFER	--	OPPOSED ANNEXATION
WESLEY MILMO	--	OPPOSED ANNEXATION
FRITZ STRAYER	--	IN FAVOR OF ANNEXATION

NO FURTHER COMMENTS WERE RECEIVED; PUBLIC HEARING WAS CLOSED AT 7:55 P.M.

6.2 MOTION WAS MADE BY COUNCILMAN HOLLAND TO READ ORDINANCE NO. 2002-29 BY CAPTION ONLY; SECOND BY COUNCILMAN MARTIN.

MOTION CARRIED UNANIMOUSLY.

MOTION WAS MADE BY COUNCILMAN STOVALL TO ADOPT THE FIRST READING OF ORDINANCE NO. 2002-29, AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, SETTING THE TAX LEVY FOR THE YEAR 2002 ON ALL TAXABLE REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF TOMBALL, TEXAS; ALLOWING

FOR HOMESTEAD EXEMPTIONS FOR PROPERTY OWNERS SIXTY-FIVE YEARS OF AGE AND OVER, AND FOR PROPERTY OWNERS WHO QUALIFY FOR DISABILITY BENEFITS UNDER THE FEDERAL OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVIDING FOR PENALTY, INTEREST, AND ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; 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.

- 6.3 MOTION WAS MADE BY COUNCILMAN MARTIN TO ADOPT RESOLUTION NO. 2002-10, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE 37th ANNUAL TOMBALL HOLIDAY PARADE, TO BE HELD IN TOMBALL ON NOVEMBER 23, 2002; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.4 MOTION WAS MADE BY COUNCILMAN MARTIN TO APPROVE THE PROCESS FOR ACQUIRING PROPERTY BY CONDEMNATION; SECOND BY COUNCILMAN STOVALL.

MOTION CARRIED UNANIMOUSLY.

- 6.5 CITY COUNCIL MET IN EXECUTIVE SESSION AT 8:00 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 REGARDING CONTEMPLATED LITIGATION

AFTER RECONVENING IN REGULAR SESSION AT 8:26 P.M., NO ACTION WAS TAKEN.

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

MOTION CARRIED UNANIMOUSLY.

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

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