

**NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, APRIL 5, 2010

7:00 P.M.

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, April 5, 2010 at 7:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor James Clark, First Baptist Church

3.0 Pledges to U. S. and Texas Flags

- Led by members of the THS Student Council

4.0 Public Comments and Receipt of Petitions *(At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)*

5.0 Presentations:

- Letter of Recognition to Grant Mottershaw, Eagle Scout, Troop 471, Orion District
- Proclamation for Klein's Supermarket Heritage Day – April 5, 2010
- Proclamation for Northwest Rural EMS – 30th Anniversary
- Proclamation for National Public Safety Telecommunicators Week - April 11-17, 2010
- Proclamation for Motorcycle Safety Awareness Month - May 2010

6.0 Reports and Announcements:

- April 10, 2010 – **Farmers Market**
- April 10, 2010 – **2nd Annual City of Tomball Bunny Run 5K and Kids 1 Mile**
- April 10, 2010 – **2nd Saturday at the Depot**
- April 27, 2010 – Volunteer Firefighters and Reserve Police Officers Banquet
- **May 8, 2010 – Election Day – General City Election at City Hall, 7:00 a.m.-7:00 p.m.**
- May 8, 2010 - **2nd Saturday at the Depot**
- **Walk Tomball!** (Every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of council about items of community interest on which no action will be taken

7.0 Approve the Minutes of the Regular City Council Meeting of March 15, 2010

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2010-04, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto
- 8.2 Adopt, on Second Reading, Ordinance No. 2010-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of an Unimproved Road Right-of-Way Commonly Known as Stasney Road, Said Land Being a Roadway Right-of-Way out of the Ralph Hubbard Survey, Harris County, Texas and Being a Portion of a 30-Foot Wide Right-of-Way in the Tomball Townsite Subdivision Recorded in Volume 2, Page 65 of the Harris County Plat Records; Vacating, Abandoning, and Closing Said Roadway Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest Respectively, Deed Without Warranty of Title; Providing for Severability; and Containing Other Provisions Relating to the Subject

9.0 New Business:

- 9.1 Approve Resolution No. 2010-05, a Resolution of the City of Tomball, Texas, Authorizing the City Manager or the City Manager's Designee to Negotiate with Energy Providers to obtain a Set Price, for a Specific Period up to Forty-eight (48) Months, with One or More Amendments, for the City's Future Purchases of Electricity; and Providing other Matters related to the Subject
- 9.2 Approve Resolution 2010-06, a Resolution Approving the Articles of Incorporation and Bylaws of Cities Aggregation Power Project, Inc., a Political Subdivision Corporation; Accepting Membership in Said corporation; Appointing a Representative to Serve on behalf of the City of Tomball; Approving Payment of an Initial Membership Fee

- 9.3 Approve Increase in Funding from the Hotel/Motel Tax Funds for the July 4th Fireworks Display from \$20,000 to \$23,500
- 9.4 Approve Application for Emergency Wrecker License by Tomball Towing and Storage, Inc. to Participate in the Emergency Wrecker Rotation
- 9.5 Award Contract for Project #2010-03, Diesel Fuel and Gasoline Contract, to Pumpelly Oil Company, LLC.
- 9.6 Approve an Interlocal Agreement through the City of Garland for the Purchase of Goods and Services
- 9.7 Consideration and Possible Action Regarding **SHEPHERD'S PROPERTY – FINAL PLAT**: Being a 1.2613 Acre Tract Situated in the City of Tomball, Texas in the Joseph House Survey, Abstract 314, Harris County, Texas, Being Comprised of a 0.9485 Acre Tract (H.C.C.F. NO. Z-433094) and a 0.3127 Acre Tract (H.C.C.F. NO. S-775139)
- 9.8 Approve Proposal from Cobb, Fendley and Associates for Landman and Appraisal Services Associated with the Tomball Hufsmith Water and Gas Improvements Project, in an Amount Not to Exceed \$103,250.00
- 9.9 Approve Request by the Owners of Pine Country Subdivision, Section One, for the Extension of City of Tomball's Water Main to Service Their Eight-Lot Subdivision.
- 9.10 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
 - Section 551.071 – Consultation with Attorney regarding Pending Litigation: Cause No. 2009-18524: *David Kallus and Lady Edwards v. City of Tomball and Redflex Traffic Systems, Inc.*; in the 55th District Court of Harris County Texas
 - Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a City Manager
- 9.11 Consideration and Possible Action regarding Funding of City's Participation in Cause No. 2009-18524: *David Kallus and Lady Edwards v. City of Tomball and Redflex Traffic Systems, Inc.*; in the 55th District Court of Harris County Texas

10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 1st day of April 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.