

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



MONDAY, APRIL 5, 2010

7:00 P.M.

1.0 Call to Order

The meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Stoll
Councilman Webb
Councilman Townsend
Councilman Driver

Members absent:

Councilman Quinn

Others present:

Interim City Manager – Christal Kliever
City Secretary – Doris Speer
City Attorney – Scott Bounds
Finance Director – Glenn Windsor
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Director of Engineering & Planning – Mark McClure
Assistant to City Manager – Shawn Cox
Community Events Coordinator – Rosalie Dillon
Chief, NWEMS – Brian Petrilla

2.0 The invocation was led by Pastor James Clark, First Baptist Church

3.0 The pledges to U. S. and Texas Flags were led by Surayah Longe of the THS Student Council

4.0 No public comments were received.

5.0 Presentations:

- Mayor Fagan presented a Letter of Recognition to Grant Mottershaw, Eagle Scout, Troop 471, Orion District
- Mayor Fagan presented a Proclamation for Klein's Supermarket Heritage Day – April 5, 2010 to Robert and Ruthie Klein, Joe Klein, and Jeffrey and Traci Klein
- Mayor Fagan presented a Proclamation for Northwest Rural EMS – 30th Anniversary to Chief Brian Petrilla and members of NWEMS
- Mayor Fagan presented a Proclamation for National Public Safety Telecommunicators Week - April 11-17, 2010 to Chief Randy Parr and Chief Brian Petrilla
- The Proclamation for Motorcycle Safety Awareness Month - May 2010 will be presented at the April 19, 2010 Council meeting.

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 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the Regular City Council Meeting of March 15, 2010.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Driver, to 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. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Absent</u>

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Driver, to 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, to a Deed Without Warranty of Title; Providing for Severability; and Containing Other Provisions Relating to the Subject. Vote was as follows:

Councilman Webb	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>
Councilman Quinn	<u>Absent</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Shawn Cox presented an overview of the proposed Resolution. Motion was made by Councilman Driver, second by Councilman Townsend, to 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.

Motion carried unanimously.

- 9.2 Shawn Cox presented an overview of the proposed Resolution. Motion was made by Councilman Townsend, second by Councilman Stoll, to 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. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Nay</u>
Councilman Townsend	<u>Aye</u>
Councilman Driver	<u>Aye</u>

Motion carried, 3 Aye votes to 1 Nay vote.

- 9.3 Randy Parr presented an overview of the requested funding increase. Motion was made by Councilman Driver, second by Councilman Stoll, to approve Increase in Funding from the Hotel/Motel Tax Funds for the July 4th Fireworks Display from \$20,000 to \$23,500. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Aye</u>

The vote being tied, Mayor Fagan cast the deciding vote: Aye

Motion carried, 3 Aye votes to 2 Nay votes.

- 9.4 Doris Speer presented an overview of the proposed application. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Application for Emergency Wrecker License by Tomball Towing and Storage, Inc. to participate in the Emergency Wrecker Rotation.

Motion carried unanimously.

- 9.5 David Kauffman presented an overview of the proposed Contract. Motion was made by Councilman Webb, second by Councilman Stoll, to award Contract for Project #2010-03, Diesel Fuel and Gasoline Contract, to Pumpelly Oil Company, LLC.

Motion carried unanimously.

- 9.6 Glenn Windsor presented an overview of the proposed Agreement. Motion was made by Councilman Driver, second by Councilman Stoll, to approve an Interlocal Agreement through the City of Garland for the Purchase of Goods and Services. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Webb	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Aye</u>

The vote being tied, Mayor Fagan cast the deciding vote: Aye

Motion carried, 3 Aye votes to 2 Nay votes.

- 9.7 Mark McClure presented an overview of the Plat. Motion was made by Councilman Stoll, second by Councilman Webb, to accept **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).

Motion carried unanimously.

- 9.8 Mark McClure presented an overview of the Proposal. Motion was made by Councilman Driver, second by Councilman Townsend, to 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.

Motion carried unanimously.

- 9.9 Mark McClure presented an overview of the proposed Request. Motion was made by Councilman Driver, second by Councilman Townsend to 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.

Motion was made by Councilman Stoll, second by Councilman Townsend, to table consideration of the proposed request until Mark McClure recalculates the estimated costs for 5 or 6 customers with a 2-inch water line instead of a 12-inch water line and provides the information to Council.

Motion to table carried unanimously.

- 9.10 The City Council recessed at 8:14 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purposes:

- 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

Upon reconvening into Regular session at 9:08, no action was taken.

- 9.11 No Action was taken 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 Motion was made by Councilman Townsend, second by Councilman Driver, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19th day of April 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor