

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



MONDAY, MARCH 15, 2010

7:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, March 15, 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 Executive Pastor Kevin Bowles, Redeemer Bible Church

3.0 Pledges to U.S. and Texas Flags

- Led by Nancy Mayen and Karli Hill, 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:

- Presentation of proclamation and plaque to Frank Stachmus, Sergeant, Tomball Police Department, declaring Wednesday, March 31, 2010 as “Frank B. Stachmus Day”
- Presentation of David White, newly appointed Sergeant, Tomball Police Department

6.0 Reports and Announcements

- Presentation of the 2009 Fire Marshal’s Report
- March 27, 2010 – **Farmers Market**
- March 26, 27 and 28, 2010 -- **10th Annual German Heritage Festival**
- April 1, 2010 – **Census Day**
- April 10, 2010 – **2nd Annual City of Tomball Bunny Run 5K and Kids 1 Mile**
- April 10, 2010 – **2nd Saturday at the Depot** – 5:00 p.m.
- April 10, 2010 – **Farmers Market**
- **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 1, 2010

8.0 New Business:

- 8.1 Conduct a Public Hearing and Review of the City of Tomball’s Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance
- 8.2 Adopt, on First 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
- 8.3 Public Hearing regarding the Proposed Abandonment of Stasney Road Right-of-Way
- 8.4 Adopt, on First 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.

- 8.5 Consideration and Possible Action to Approve Sanitary Control Easements for Wells No. 5 and No. 6 and to Authorize Execution of the Easement Agreements
- 8.6 Discussion Regarding the Use of Vacant Private Property for Special Events and Direction for Possible Special Events Ordinance
- 8.7 Award Contracts for the Purchase of Ten (10) Replacement Police Department Vehicles to Reliable Chevrolet, Sam Pack's 5-Star, Holiday Chevrolet/Ford, and Classic Chevrolet, at a Total Cost of \$207,095.49.
- 8.8 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

9.0 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 12th day of March, 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 feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council Agenda Item Data Sheet

Meeting Date: March 15, 2010

Topic:

- Presentation of proclamation and plaque to Frank Stachmus, Sergeant, Tomball Police Department, declaring Wednesday, March 31, 2010 as “Frank B. Stachmus Day”
- Presentation of David White, newly appointed Sergeant, Tomball Police Department

Background:**Origination:**

Robert Hauck, Chief of Police

Recommendation:

N/A

Funding:**Party(ies) responsible for placing this item on agenda:**

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Proclamation - Frank B. Stachmus Day

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** Frank B. Stachmus, formerly employed in the Houston Police Department for almost 21 years, was hired by the City of Tomball on March 16, 1993 as a Police Officer; and
- WHEREAS,** Frank Stachmus, through his work as a conscientious and dedicated employee, has risen to the rank of Sergeant in the Tomball Police Department; and
- WHEREAS,** in 2005, Frank Stachmus was selected as **Supervisor of the Year** by his peers and subordinates; and
- WHEREAS,** Frank Stachmus has served the City of Tomball well throughout his career, receiving multiple compliments from the citizens of Tomball, including special appreciation for his work efforts during the aftermath of Hurricane Ike in 2008; and
- WHEREAS,** after giving the City of Tomball 17 years of dedicated service, for a total of almost 38 years of police service in the state of Texas, Frank has decided to retire to spend time with his wife, Victoria, and their family; and
- WHEREAS,** the City of Tomball wishes to honor Frank Stachmus for his distinguished service to the citizens of this great City with a retirement reception on March 29, 2010 in the Council Chambers to commemorate Frank's many years of service to the City of Tomball and its citizens;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, Texas do hereby proclaim Wednesday, March 31, 2010 as:

"FRANK B. STACHMUS DAY."



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

ATTEST:

DATE:

Gretchen Fagan
Mayor
March 11, 2010

Regular City Council

Agenda Item

Meeting Date: March 15, 2010

Data Sheet

Topic:

- Presentation of the 2009 Fire Marshal's Report
- March 27, 2010 – **Farmers Market**
- March 26, 27 and 28, 2010 -- 10th Annual **German Heritage Festival**
- April 1, 2010 – **Census Day**
- April 10, 2010 – **2nd Annual City of Tomball Bunny Run 5K and Kids 1 Mile**
- April 10, 2010 – **2nd Saturday at the Depot** – 5:00 p.m.
- April 10, 2010 – **Farmers Market**
- **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

Background:

Origination:

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

2009 Fire Marshal's Report

Farmers Market

German Heritage Festival

2010 Census

2nd Annual Bunny Run

2nd Saturday at the Depot

Walk Tomball!

TOMBALL FIRE MARSHAL'S OFFICE

Annual Report

2009



firecode@ci.tomball.tx.us

Mission Statement

Our mission is to ensure that the commercial buildings within the City Limits of Tomball are protected from fire or other hazards.

Personnel



Doug Sanguedolce

Fire Marshal

Hired 10/06

Advanced Certifications:

- Structural Firefighter
- Fire/Arson Investigator
- Fire Inspector

TCLEOSE – Peace Officer



Tommy Nicholson

Fire Inspector

Hired 3/09

Master Certifications:

- Structural Firefighter
- Fire Investigator
- Fire Inspector

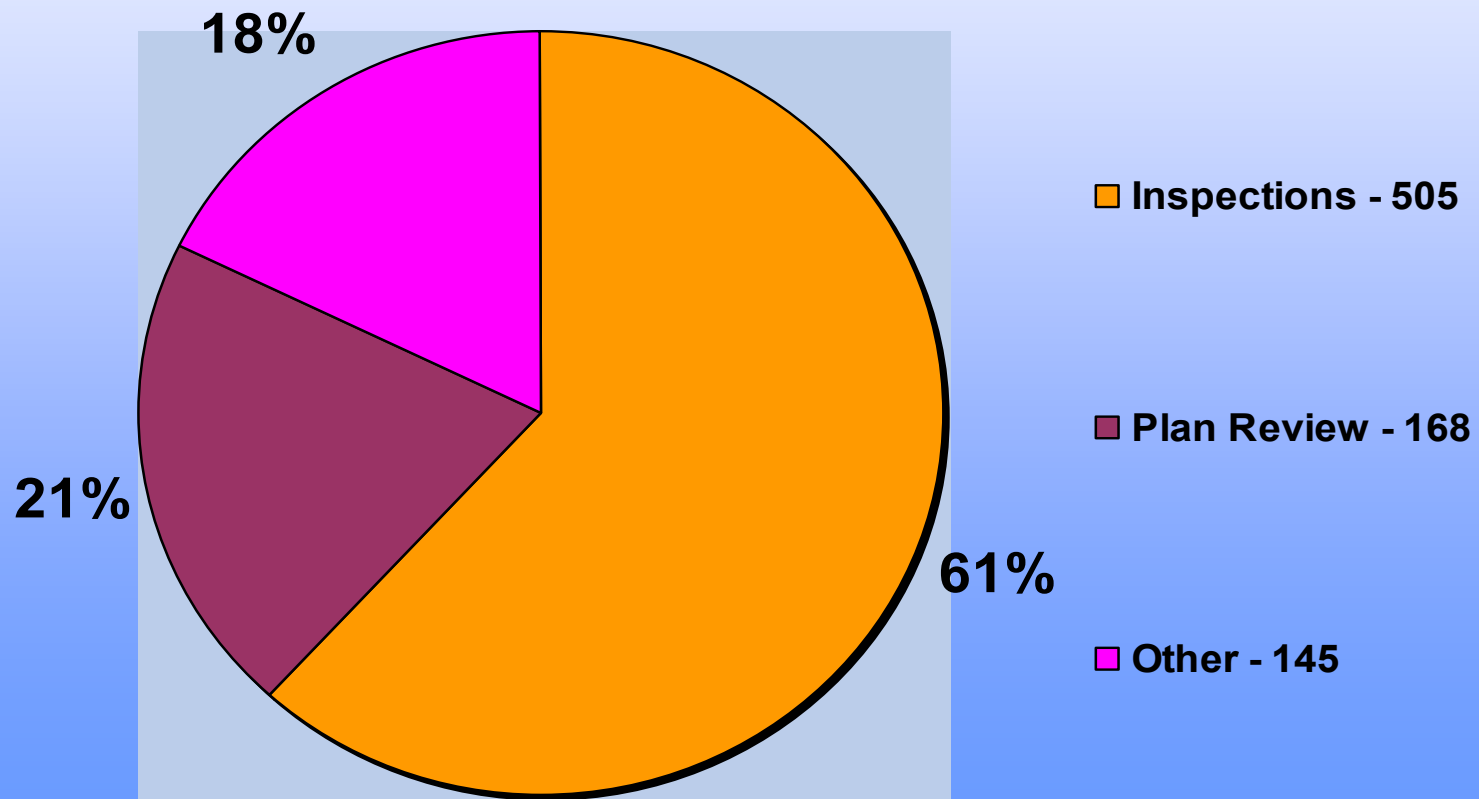


Operations

This report summarizes the activities performed by the Tomball Fire Marshal's Office from January 1, 2009 through December 31, 2009. The intent of this report is to measure the tasks performed and the frequency in which they are performed annually. While it is not always practical to account for each minute of the day, we strive to maintain an accurate journal of daily activities.

This chart gives a break down of the day-to-day operations of the Fire Marshal's Office. Each area is then broken into specific categories which provide a more detailed look into each of the three main functions:

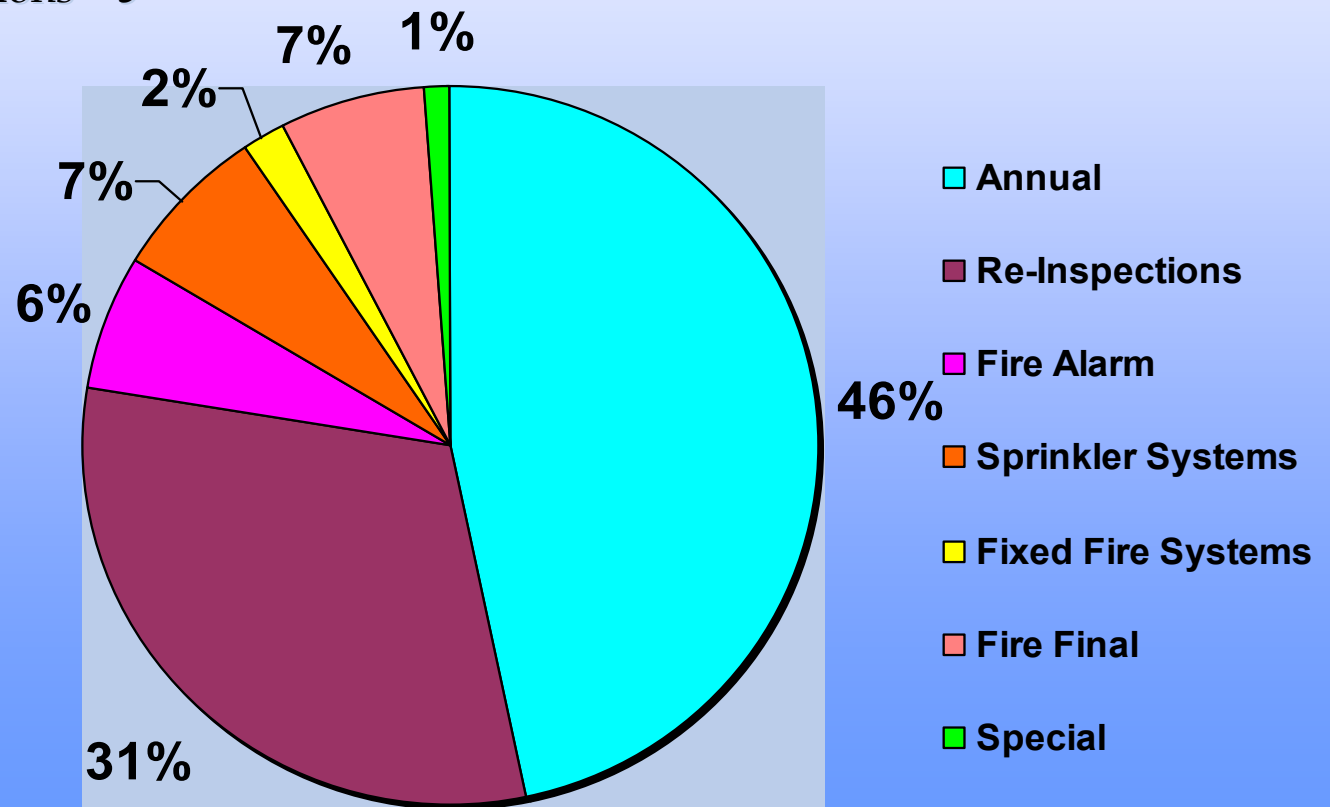
Inspections, Plan Review, and Other



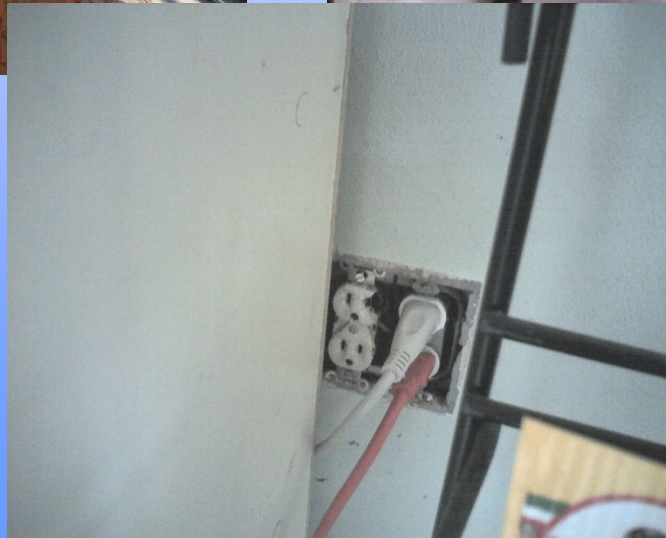
Inspections –The inspection category is comprised of the areas listed below.

Inspections are performed on various aspects of a building and its systems during new construction, as well as fire and life safety inspections throughout the year.

- Annual Inspection – 235
- Re-Inspection – 157
- Fire Alarm Test – 30
- Sprinkler System Test – 35
- Fixed Fire System Test – 10
- Fire Final – 33
- Other Inspections – 5



Inspections



Inspections

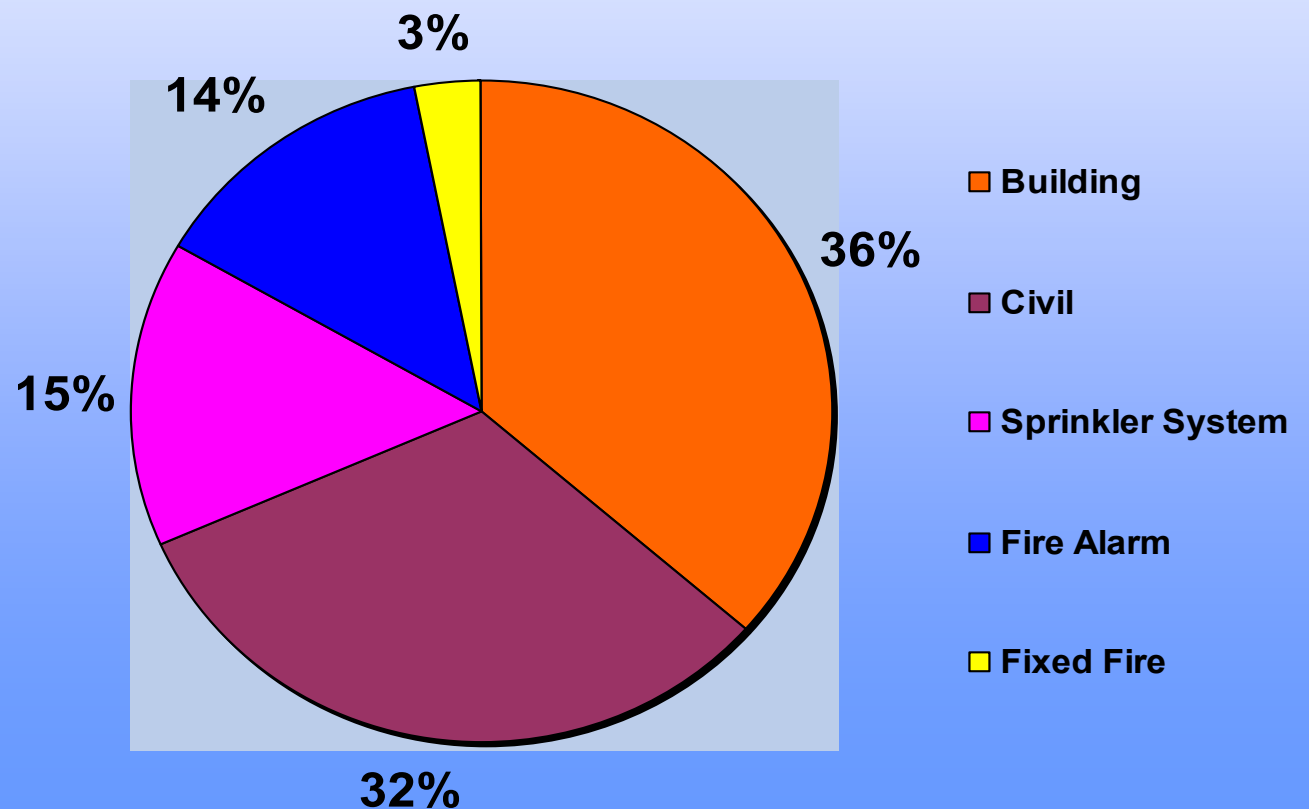
- Annual Inspections – Inspection performed for compliance of local codes and ordinances. Inspections are performed based on an annual calendar in the electronic database.
- Re-Inspections – Inspection that do not pass the initial inspection are scheduled for additional inspection until all life safety violations are corrected. Re-inspections are schedule one month from the initial inspection date.
- Fire Alarm Test – An acceptance test is performed on all new installations. Tests that fail inspection require correction before they can be signed off from this office and are subject to a \$25.00 re-inspection fee.
- Sprinkler System Test – All portions of the installation require testing. This includes hydrant water flow, underground and aboveground hydrostatic pressure testing, final installation tests.

Inspections

- Fixed Fire Suppression System Test – Includes all alternative extinguishing systems, such as commercial and residential cooking hoods, clean agent systems for data rooms, and paint booths.
- Fire Final – Inspections performed to verify that the building was constructed to approved plans with all required systems in place. Certificates are issued for new construction and existing buildings. Certification of Occupancy is issued to new construction while a Certificate of Completion is issued to existing buildings that have been renovated or remodeled. The Building Department issues certificate after we have completed the inspection process.
- Other Events – This category was added in September to separate special event inspections. These inspections include street fairs, carnivals and fireworks. These inspections are usually conducted after normal work hours

Plan Review – The Tomball Fire Marshal’s Office conducts plan review for various types of plans. These consist of civil, building, fire protection systems and special event planning. Below is a breakdown of plan reviews conducted during the year.

- Building Construction – 61
- Civil Site Plan – 54
- Sprinkler Systems – 25
- Fire Alarm Systems – 23
- Fixed Fire Protection Systems – 5



Plan Review

- Civil Site Plan – Check for fire apparatus access, fire hydrant placement, and other hazards that effect access or fire suppression activities.
- Building Construction – Verify that building will be constructed to the requirements of the fire code and locally adopted ordinances.
- Sprinkler Systems – Checked for compliance to NFPA and local codes and procedures.
- Fire Alarm Systems – Checked for compliance to NFPA, ADA and local codes and procedures.
- Fixed Fire Protection Systems – Checked for compliance to NFPA and local codes and procedures.

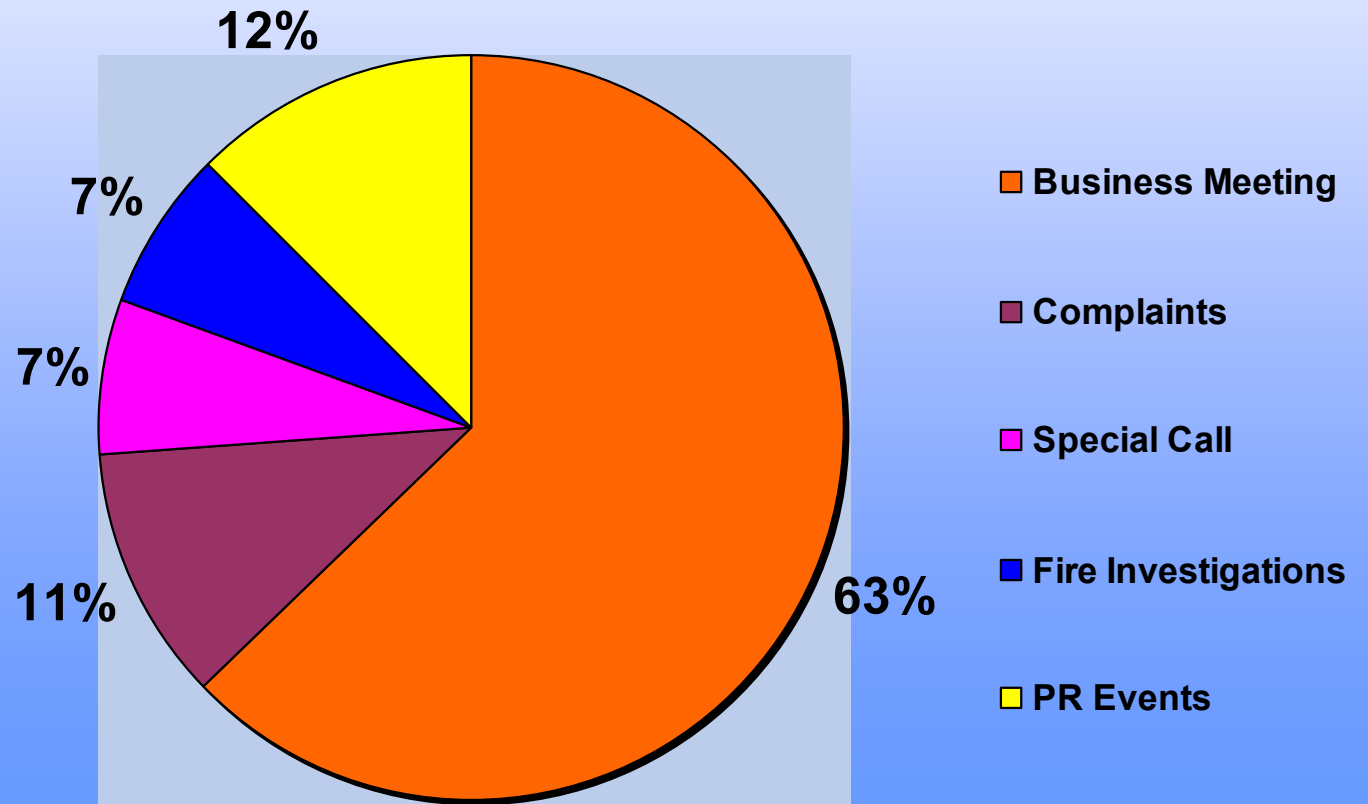
Plan Review

New Construction Projects



Other Activities – Throughout the year we attend business meetings, attend public relation events and perform fire investigations.

- Business Meetings – 91
- Complaints – 16
- Special Calls – 10
- Public Relations – 18
- Fire Investigations – 10



Other Activities

- **Business Meetings** – We attend meetings with potential developers, special meetings with contractors, business owners and trade groups. We also attended a number of local group meetings discussing field specific topics with peers.

Other Activities

- Complaints – We responded to complaints ranging from locked or blocked exits to illegal burning. All complaints are handled immediately and can result in citations.



Other Activities

- Special Calls – This includes placing keys in Knox boxes, delivering fire prevention permits and providing on-site fire code interpretations.



Other Activities

- Public Relations – Most of the PR events include public schools during Fire Prevention Week. We also attend Career day, Red Ribbon Week and other events upon request.

Public Education



This year we took a different approach to public fire education. A character-based program was established to provide safety facts and some laughs.

We presented our show to more than 1500 students.

Public Education



Also new for 2009, was our First Annual Fire Prevention Week coloring contest.

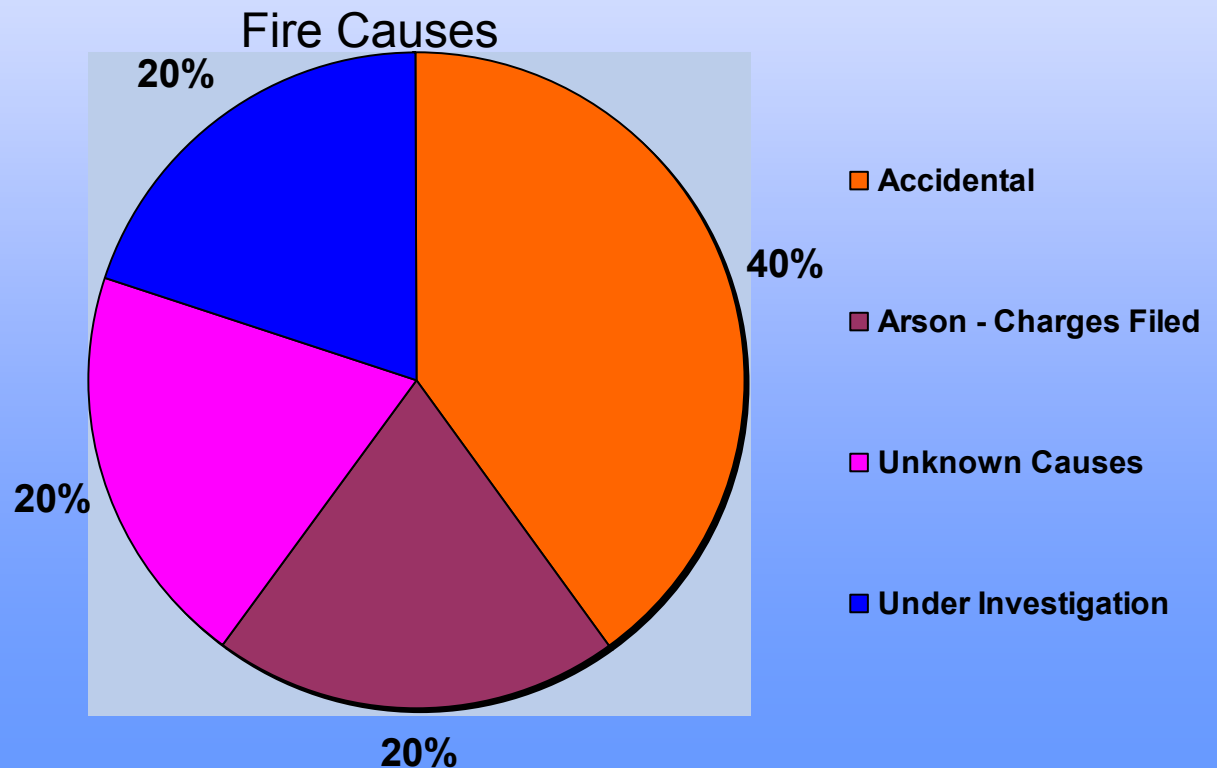
Tomball Elementary students participated in the contest and a few members of City staff chose two finalists from each grade level from more than 300 entries.

Each finalist was presented with a Certificate of Recognition.

Investigations

Fire Investigations – This year we documented ten fire investigations.

- Motor vehicle fires - 2
- Dumpster fire - 1
- Dwelling fire - 1
- Commercial fires - 5
- Grass fire w/ structure - 1



Investigations



Citations – Citations are issued for violation of city ordinances, such as parking in a fire lane, illegal fireworks and working without proper permits. 22 citations were issued along with numerous verbal and written warnings.



Fire Permits – Fire permits are issued under the guidelines of the fire code. Fire Prevention permits are issued annually for various activities, while construction permits are issued to allow the installation of suppression and detection systems. Below is the total number of permits issued in 2009.

Number of Permits – 161

Fire Prevention – 97

System Installation – 49

Other - 15

Total Collected \$18,378.75

TOMBALL FIRE MARSHAL'S OFFICE

---Prevention Through Education---



**Located at the
corner of Cherry &
FM 2920**



Market opens at 9 AM!

Page 24 of 89





German Heritage Festival

10th Anniversary

March 26, 27, 28, 2010

Old Town Tomball, Texas

Four Stages of Live German Music

*** Alpenfest * Chris Rybak * Folk Dancers**

*** Arts & Crafts * Food * Bier * Wein**

*** Carnival * Fireworks * Bluegrass**

*** Bicycle Rally * Kid's Area * 150 Street**

Vendors * German Church * Heritage Center



TEXAS
LOTTERY

CAR·TOYS
A better way to go.



Fun for the whole family.
You don't have to be
German to enjoy
this festival.

201 S. Elm Street – Historical Depot Plaza

No admission or parking fees.

Fri 6pm-10pm, Sat 10am-10pm, Sun 10am-6pm

More info: www.tomballsistercity.org
or 281-379-6844 or gradsand@yahoo.com



10 QUESTIONS MINUTES

TO DEFINE WHO WE ARE AS A NATION

The Census: A Snapshot

- **What:** The census is a count of everyone residing in the United States.
- **Who:** All U.S. residents must be counted—both citizens and non citizens.
- **When:** You will receive your questionnaire in March 2010 either by U.S. mail or hand delivery. Some people in remote areas will be counted in person.
- **Why:** The U.S. Constitution requires a national census once every 10 years to count the population and determine the number of seats each state will have in the U.S. House of Representatives.
- **How:** Households should complete and mail back their questionnaires upon receipt. Households that do not respond may receive a replacement questionnaire in early April. Census takers will visit households that do not return questionnaires to take a count in person.

A Complete Count: The Importance of Census Data

- Every year, the federal government allocates more than \$400 billion to states and communities based, in part, on census data.
- Census data are used to determine locations for retail stores, schools, hospitals, new housing developments and other community facilities.
- Census data determine boundaries for state and local legislative and congressional districts.

2010 Census Questionnaire: Easy, Important and Safe

- With only 10 questions, the 2010 Census questionnaire takes approximately 10 minutes to complete. Households are asked to provide key demographic information, including: whether a housing unit is rented or owned; the address of the residence; and the names, genders, ages and races of others living in the household.
- By law, the Census Bureau cannot share an individual's responses with anyone, including other federal agencies and law enforcement entities.

United States[®]
**Census
2010**

CENSUS HISTORY

The first census took place in 1790 to determine the number of seats each state would have in the U.S. House of Representatives. The census also was created to gain a better understanding of where people lived and to establish patterns of settlement as the nation grew.

ABOUT THE CENSUS BUREAU

The Census Bureau was established in 1902. Today, in addition to administering the census of population and housing, the Census Bureau conducts more than 200 annual surveys, including the American Community Survey, the Current Population Survey and economic censuses every five years.



**We move
forward
when you
send it back.**

2010 Census Key Dates

February – March 2010

Census questionnaires are mailed or delivered to households.

March – April 2010

Be Counted program is implemented. Census questionnaires are available at select public sites for individuals who did not receive one by mail.

April 1, 2010 CENSUS DAY

May – July 2010

Census takers visit households that did not return a questionnaire by mail.

Dec. 31, 2010

By law, the Census Bureau delivers population counts to the President.

March 2011

By law, the Census Bureau completes delivery of redistricting data to states.

Frequently Asked Questions

1. Q. Who should fill out the census questionnaire?

A. The individual in whose name the housing unit is owned or rented should complete the questionnaire on behalf of every person living in the residence, including relatives and non-relatives.

2. Q. How will the 2010 Census differ from previous censuses?

A. In 2010, every residence will receive a short questionnaire of just 10 questions. More detailed socioeconomic information previously collected through the decennial census will be asked of a small percentage of the population through the annual American Community Survey. To learn more about the American Community Survey, visit www.census.gov.

3. Q. How are census data used?

A. Census data determine the number of seats each state will have in the U.S. House of Representatives. Census data also can help determine the allocation of federal funds for community services, such as school lunch programs and senior citizen centers, and new construction, such as highways and hospitals.

4. Q. What kind of assistance is available to help people complete the questionnaire?

A. 2010 Census questionnaire language assistance guides are available in a variety of languages. Questionnaire Assistance Centers (QAC) will also assist those unable to read or understand the questionnaire. Large-print questionnaires are available to the visually impaired upon request, and a Teletext Device for the Deaf (TDD) program will help the hearing impaired. Contact your Regional Census Center for more details about the types of assistance available and for QAC locations.

5. Q. How does the Census Bureau count people without a permanent residence?

A. Census Bureau workers undertake extensive operations to take in-person counts of people living in group quarters, such as college dormitories, military barracks, nursing homes and shelters, as well as those who have been displaced by natural disasters.

For more information about the
2010 Census, go to 2010census.gov.



2010 CENSUS
IT'S IN OUR HANDS



GET HOPPING!
 Register for the
 2nd Annual
 City of Tomball
 Bunny Run 5K Run/Walk & the Kid's 1Mile
 Presented by:
24 HR Emergency Room

Saturday, April 10, 2010
 8:00 A.M. – 5K Run/Walk
 8:45 A.M. – 1Mile Run/Walk
 Tomball Train Depot



Location

The Historic Tomball Train Depot Plaza located at 201 S. Elm St.

About This Event

The Bunny Run 5K and Kid's 1 Mile are the second in a series of Fun Runs to bring families, friends and visitors together to see that here in Tomball, *It's a wonderful life!*

The Course

5K (3.1 miles) and 1 Mile: Flat, major tree-lined streets, USATF-certified 5K course. No wheels (except wheelchairs) & no pets, please! Baby joggers and carriages OK for 1 MILE WALK ONLY.

Awards

Prizes will be awarded to the top three finishers in the following categories for the 5K Run: 11-14, 15-19, 20-29, 30-39, 40-49, 50-59, 60+. All kids participating in the 1 mile run will receive a medal.

Packet Pick-up

April 7th, 8th, 9th: 5:30 PM – 7:30 PM at the Tomball Train Depot
 Race Day Pick-up & Registration: 7:00 AM – 7:45 AM (No t-shirt guarantee)

Information

Registration forms can be downloaded at www.ci.tomball.tx.us, or picked up at Tomball City Hall (401 Market St) or Tomball Public Works (501 James St). Forms & payments may be made at Tomball City Hall or Tomball Public Works, or you may mail in your registration to: City of Tomball, Attn: Shawn Cox, 401 Market St., Tomball, TX 77375. You may also submit your registration via fax 281-351-6256 or via e-mail at scox@ci.tomball.tx.us. For more information, call 281-351-5484.

Your privacy will be respected and no information will be shared with third parties.

Event Fees		
Category	On or Before 3/26/2010	After 3/26/2010
5K Run	\$15	\$20
1 Mile Run/Walk 11 yrs +	\$15	\$20
1 Mile Run/Walk 10 & under	\$10	\$12



GET HOPPING!
Register for the
2nd Annual
City of Tomball
Bunny Run 5K Run/Walk & the Kid's 1 Mile
Presented by:
24 HR Emergency Room

Saturday, April 10, 2010
8:00 A.M. – 5K Run/Walk
8:45 A.M. – 1 Mile Run/Walk
Tomball Train Depot



24+HR
Emergency Room
The Emergency Specialists
281.866.8475 Tomball, Texas



Registration Form

****One registration form per participant****

Category: ☐ 5K Run/Walk ☐ 1 Mile Run/Walk ADULT ☐ 1 Mile Run/Walk YOUTH

First Name: _____ Last Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: (____) _____

Birth Date: ____/____/____ Gender: ☐ F ☐ M

Shirt Size: ☐ YS ☐ YM ☐ YL | ☐ S ☐ M ☐ L ☐ XL ☐ XXL

For Credit Card Payments

Name on Card: _____ Type: ☐ Visa ☐ MasterCard

Card Number: _____ Exp. Date: _____ 3 Digit Sec. Code: _____

Emergency Contact: _____ Phone: (____) _____

Emergency Contact: _____ Phone: (____) _____

Waiver and Release: In consideration of the acceptance of this registration entry, I, the undersigned, assume full & complete responsibility for any injury or accident which may occur during my participation in this race, or while I am on the premises of this event and I hereby release and hold harmless the sponsors, officials and all other persons and entities associated with this event from any and all injury, damages or illness which may directly or indirectly result from participation in this race. I further state that I am in proper physical condition to participate.

Signature of Participant

Date

Signature of Parent/Guardian if Participant is Minor

Date

OFFICE USE ONLY:

Clerk: _____ Date/Time: _____ Total: \$ _____

Method of Payment: ☐ Cash ☐ Check ☐ Visa ☐ MC Auth. # _____

2nd Saturday at the Depot

MARCH 13—TOMBALL, TX

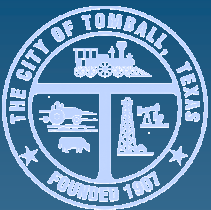


Crawfish & Wings
Provided by:
Clucker's Wing & Grill

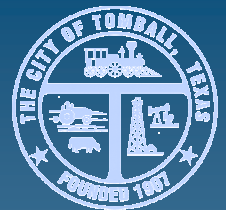
Music BY:
John Amour

Children's Activities:
"Fun Fish Catch"

HISTORIC TOMBALL DEPOT PLAZA
201 South Elm ~ One block south of Main Street
Opens at 5:00 PM ~ Movie begins at dark



Family entertainment for all ages
Bring your lawn chairs
Concessions available
No Glass Containers!



For more information, please call
Rosalie Dillon at 281-610-2595

In case of rain, event will be held at the Tomball Community Center—221 Market Street

Walk Tomball!

Every Saturday—9 AM
Tomball Depot Plaza
201 S. Elm
1 Block South of Main

WALK
TOMBALL!



...it's a wonderful life

Door prizes every
Saturday!!!



~ Fitness ~ Fun ~ Friendship ~ Food ~

10 AM Coffee Stops:

- ♣ March 6,, Bootsies—110 Commerce
surprise menu \$5
- ♣ March 13,, South Texas Coffee Co.—Pine and Main
Kolache and drink \$5
- ♣ March 20 El Emperador—601 W. Main
Tacos \$1.50
- ♣ March 27,, at the Depot for German Fest

For more information, please call 281-351-5484 or visit the
City of Tomball web site at www.ci.tomball.tx.us



Regular City Council
Agenda Item
Data Sheet

Meeting Date: March 15, 2010

Topic:

Approve the Minutes of the Regular City Council Meeting of March 1, 2010

Background:

Origination:

Recommendation:

Funding:

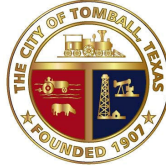
Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - 3/1/2010 Regular City Council Meeting

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



MONDAY, MARCH 1, 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 Quinn
Councilman Stoll
Councilman Townsend
Councilman Webb
Councilman Driver

Others present:

Interim City Manager – Christal Kliever
City Secretary – Doris Speer
Finance Director – Glenn Windsor
Fire Chief – Randy Parr
Chief of Police – Robert Hauck
Director of Public Works – David Kauffman
Director of Engineering & Planning – Mark McClure
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette
Community Events Coordinator – Rosalie Dillon

draft

2.0 The invocation was led by Pastor Ken Shuman, Well Spring Church

3.0 The pledges to U. S. and Texas Flags were led by Rene Morris and Cynthia Tirso, members of the THS Student Council

4.0 The following public comments were received:

Franklin Stephens,
VFW 2427, 77375

- Announced the *Wings of Freedom* Tour at Hooks Memorial Airport, March 12-15, 2010.

- Mary Harvey
405 S. Walnut, 77375
- Expressed her support for the depot memorial tree project and her interest in the update regarding progress on the project.

5.0 Reports and Announcements:

Mayor Fagan presented a proclamation to Franklin Stephens, VFW 2427, proclaiming March 12-15, 2010 as "*Wings of Freedom Tour Days*".

- Financial Report for the first quarter of the 2010 fiscal year (October - December); summarizing the operating results, by fund, for the three months ended December 31, 2009 as well as a report of the City's investments
- Fire Department Report - Response Activities for 2009 in Comparison with 2006-2008
- Update on Depot Tree Project - Christal Kliever provided a progress report on the Depot Tree Project; Kimley-Horn has begun work and City crews should be able to plant trees in April, in time for Arbor Day events.
- March 8, 2010 – Last Day to Apply for Place on Ballot for **May 8, 2010** General City Election
- March 8-13, 2010 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- March 13, 2010 – **2nd Saturday at the Depot** – 5:00 p.m.
- March 13, 2010 – **Farmers Market** reopens
- March 15, 2010 – Second **Public Hearing** regarding Tomball's Juvenile Curfew Ordinance
- March 15, 2010 – Candidate Orientation (tentative date)
- **April 1, 2010 – Census Day**
- April 10, 2010 – **2nd Annual City of Tomball Bunny Run/Walk 5K and Kids 1 Mile**
- **Walk Tomball!** (every Saturday at 9:00 a.m. at the Depot)
- Comprehensive Plan website is now available online – <http://plantomball.com/index.html>
- Reports by City staff and members of council about items of community interest on which no action will be taken

Christal Kliever provided information regarding capital improvement projects budgeted to be funded by bonds and certificates of obligation. She advised that the City's ad valorem rate is so low that general obligation and certificates of obligation would be difficult to obtain; the City's enterprise funds are sufficient to obtain revenue bonds.

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

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Webb, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2010-03, an Ordinance amending the Code of Ordinances of the City Council of the City of Tomball, Texas, by amending Chapter 60, "Signs", Section 60-7, "Miscellaneous Signs", (b) "Political Signs", by Eliminating Restrictions regarding Private Property. Vote was as follows:

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

Motion carried, 4 Aye votes to 1 Nay vote.

8.0 New Business

- 8.1 The Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance was opened by Mayor Fagan at 7:24 p.m. The following comments were received:

Mary Lu Wiley 14120 Carneswood, 77375	- Expressed her support for renewal of the curfew ordinance.
--	--

Robert Hauck provided information regarding the effectiveness of the juvenile curfew. No further public comments being received, the Public Hearing was closed by Mayor Fagan at 7:29 p.m.

Councilman Townsend requested an item for a future agenda regarding a proposed ordinance that would allow the Tomball Police Department to impound cars being operated by uninsured motorists.

- 10.0 Motion was made by Councilman Townsend, second by Councilman Driver, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: March 15, 2010

Data Sheet

Topic:

Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

Background:

Municipalities are required to readopt an existing curfew ordinance every three (3) years, following the required public hearings [L.G.C., Section 370.002(2)]:

“§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
 - (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

The first Public Hearing was held on March 1, 2010; no negative comments were received. This is the second Public Hearing, which will be followed by Council's consideration to adopt, on first reading, Ordinance No. 2010-04. The second reading of the Ordinance will be held on April 5, 2010 in order to satisfy the state-required timeframe for readoption.

Origination:

Robert Hauck, Chief of Police

Recommendation:

N/A

Funding:

Party(ies) responsible for placing this item on agenda:

Doris Speer, City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing - Readoption of Juvenile Curfew

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**

**MONDAY, MARCH 1, 2010
AND
MONDAY, MARCH 15, 2010**



7:00 P.M.

Notice is hereby given that the Governing body of the City of Tomball, Texas, will hold Public Hearings during the Regular City Council Meetings to be held on Monday, MARCH 1, 2010, and Monday, MARCH 15, 2010, at City Hall, 401 Market Street, Tomball, Texas 77375 at 7:00 p.m. to consider the following:

**CONDUCT A PUBLIC HEARING AND REVIEW OF THE
CITY OF TOMBALL'S JUVENILE CURFEW ORDINANCE
TO DETERMINE THE NEED TO RE-ADOPT, ABOLISH,
CONTINUE OR MODIFY THE ORDINANCE.**

Any member of the public has the right to appear at these Public Hearings and will be given an opportunity to be heard.

Written comments should be received no later than February 26, 2010 for the March 1, 2010 Public Hearing and no later than March 12, 2010 for the March 15, 2010 Public Hearing. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.

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 5th day of February 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

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 feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council

Agenda Item

Meeting Date: March 15, 2010

Data Sheet

Topic:

Adopt, on First 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

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

“§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
 - (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

Public hearings were held on March 1 and March 15, 2010 regarding the effectiveness and the need to continue the ordinance. This will be the first reading of the ordinance.

Ordinance No. 2007-05 was adopted on April 16, 2007; to readopt the juvenile curfew within the three-year timeframe, the new ordinance must be adopted no later than April 15, 2010. The adoptive date (second reading) of Ordinance No. 2010-04 will be considered on April 5, 2010, meeting the three-year requirement.

Origination:

Robert Hauck, Chief of Police

Recommendation:

Adopt Ordinance 2010-04 on First Reading

Funding:

Party(ies) responsible for placing this item on agenda:

Doris Speer, City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2010-04

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
THERE TO.**

* * * * *

WHEREAS, the City of Tomball adopted a curfew ordinance that is codified as Article II of Chapter 50 of the Tomball Code of Ordinances; and

WHEREAS, the City reviewed and continued the juvenile curfew ordinance by 2007-05 adopted in April 2007; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that the City Council of a City that adopts a juvenile curfew ordinance at least every three years review the ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council conducted public hearings on March 1 and March 15 on the ordinance's effects on the community and on the problems the ordinance was intended to remedy; and

WHEREAS, the City Council finds that as a direct result of implementing a juvenile curfew the incidents of juvenile crime and victimization has been reduced; and

WHEREAS, the City Council finds the continuance of the juvenile curfew ordinance is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

WHEREAS, a curfew applicable to persons under the age of 17 years will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Tomball; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL:

Section 1. That in accordance with Section 370.002 of the Texas Local Government Code the City Council has reviewed the City's juvenile curfew ordinance, and its effects on the community and on the problems the ordinance was intended to remedy, and that the findings in the preamble of this ordinance are adopted and incorporated herein.

Section 2. The City's curfew ordinance, codified as Article II of Chapter 50 of the Tomball Code of Ordinances, is hereby continued and shall continue in full force and effect.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 15TH DAY OF MARCH, 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN WEBB	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DRIVER	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 5TH DAY OF APRIL, 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN WEBB	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DRIVER	_____

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Meeting Date: March 15, 2010

Data Sheet

Topic:

Public Hearing regarding the Proposed Abandonment of Stasney Road Right-of-Way

Background:

The landowners adjacent to the Stasney Street right-of-way have requested that the City of Tomball abandon this existing right-of-way, returning it to the adjacent landowners. The 30-ft. right-of-way was originally dedicated to the City of Tomball by plat recorded under the Tom Ball Townsite plat records Volume 2, Page 65, dated November 15, 1909 (reference attached plat). This property has not been utilized as right-of-way and there are no known utilities within the right-of-way.

A public hearing is required before an Ordinance to abandon the property may be considered.

Origination:

Mark McClure, Director of Engineering and Planning

Recommendation:

N/A

Funding:

Party(ies) responsible for placing this item on agenda:

Doris Speer, City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing - March 15, 2010

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**

MONDAY, MARCH 15, 2010



7:00 P.M.

Notice is hereby given that the Governing body of the City of Tomball, Texas, will hold a Public Hearing during the Regular City Council Meeting to be held on Monday, MARCH 15, 2010, at City Hall, 401 Market Street, Tomball, Texas 77375 at 7:00 p.m. to consider the following:

ADOPT, ON FIRST 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

Any member of the public has the right to appear at this Public Hearing and will be given an opportunity to be heard.

Written comments should be received no later than 5:00 p.m., March 15, 2010. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.

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 10th day of March 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

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 feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council

Agenda Item

Meeting Date: March 15, 2010

Data Sheet

Topic:

Adopt, on First 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.

Background:

The landowners adjacent to Stasney Street right-of-way (ROW) have requested that the City abandon the existing ROW, reference attached request dated August 6, 2009. The 30-ft. ROW was originally dedicated to the City of Tomball by plat recorded under the Tom Ball Townsite plat records Volume 2, Page 65, dated November 15, 1909 (reference attached plat). The property has not been utilized as ROW, nor are there any known utilities within the ROW.

Origination:

Engineering and Planning Department

Recommendation:

The Engineering and Planning Department recommends approval of the abandonment of the Stasney right-of-way.

Funding:

Party(ies) responsible for placing this item on agenda:

Mark McClure, Director of Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance 2010-05 - Stasney Right-of-Way Abandonment

Request

Aerial Mapping

HCAD Mapping

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 RALPH HUBBARD SURVEY, HARRIS COUNTY, TEXAS AND BEING A PORTION A 30-FOOT WIDE RIGHT-OF-WAY IN THE TOM BALL 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.

* * * * *

WHEREAS, (reference list of property owners), the property owners of the subject property, have petitioned the City of Tomball, Texas, to vacate, abandon, and close the hereinafter described roadway right-of-way; and

WHEREAS, the City Council has conducted a public hearing regarding whether to vacate, abandon, and close the roadway right-of-way; and

WHEREAS, the franchisees of the City of Tomball have indicated that they have no objection to the right-of-way being vacated, abandoned and closed; and

WHEREAS, the City Council has determined that such roadway right-of-way should be vacated, abandoned, and closed for the reason that the same is no longer needed by the City; and

WHEREAS, the City desires to convey the property being abandoned to the abutting property owners in proportion to their abutting ownership and in a division that is equitable; now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City Council of the City of Tomball, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of that portion of the roadway right-of-way described in Section 3 hereof.

Section 3. Stasney Road is the thirty-foot roadway right-of-way, commonly referred to the Stasney road right-of-way that is more particularly described on the plat titled Tom Ball Townsite Subdivision recorded in Volume 2, Page 65 of the Harris County Records, Harris County, Texas, and, in particular, is that unimproved right-of-way that is adjacent to and westerly of Lots 5, 11, 17, 23, 29, 35, 41, and 46 and easterly of Lots 6, 12, 18, 24, 30, and 36, of the said plat. The said Stasney Road thirty-foot right-of-way that occupies an area of land commencing at Hufsmith Road on the south and terminating at Zion Road on the north, located within the City of Tomball, Harris County, Texas, is hereby vacated, abandoned, and closed.

Section 4. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a Deed without Warranty of Title conveying said right-of-way in consideration for the payment to the City of One **AND NO/100 DOLLARS (\$1.00) by each adjacent land owner.**

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of

the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON [DATE].

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN WEBB	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DRIVER	_____

SECOND READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON [DATE].

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN WEBB	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DRIVER	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

HCAD: Legal Description - Posinski-Edeker LT 1

Rodney S. Posinski and Deborah K Edeker

12215 Zion Road

Tomball, Texas 77375

HCAD: Legal Description - Tomball Outlots, TRS 5, 11, 17, 23, 29, and 35B

William E. Sumner, Jr.

12321 Zion Road

Tomball, Texas 77375

HCAD: Legal Description – McCraw Tract II Amend, TRS 1 and 2B

James D & Marilyn Dunagin

535 E. Hufsmith Road

Tomball, Texas 77375

HCAD: Legal Description – Tomball Outlots, TRS 6, 12, 18, 24, 30, and 36

Daniel G. Rodano

12125 Zion Road

Tomball, Texas 77375

DEED WITHOUT WARRANTY

STATE OF TEXAS §
COUNTY OF HARRIS §

Whereas by Ordinance No. _____, the City authorized the closing and conveyance the herein described property;

THE CITY OF TOMBALL ("Grantor"), a home-rule Texas Municipality, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by _____ ("Grantee"), the receipt of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto Grantee all of that certain lot, tract or parcel of land located in the CITY OF TOMBALL, County of Harris, State of Texas and being more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

TOGETHER WITH all improvements thereon, all personal property located at, on, upon, under or associated therewith, riparian and other water rights, privileges and easements appurtenant to that certain lot, tract or parcel of land described in Exhibit "A" (collectively, the "Property").

This conveyance is made subject to any and all liens, encumbrances, easements, restrictions, reservations, exceptions and other matters of record to the extent valid and existing as of the date hereof, but only to the extent they affect or relate to the Property.

TO HAVE AND TO HOLD the Property, unto Grantee and Grantee's successors and assigns forever, without express or implied warranty. All warranties that may arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

EXECUTED this _____ day of _____, 2010.

CITY OF TOMBALL/ ("GRANTOR")

By _____
Mayor

NOTARY BLOCK

STATE OF TEXAS §
COUNTY OF HARRIS §

 This instrument was acknowledged before me on this ____ day of _____, 2010, by
_____, as Mayor of the CITY OF TOMBALL, a Texas municipality.

SEAL

Notary Public
State of Texas

ATTEST:

City Secretary.

DEED WITHOUT WARRANTY

STATE OF TEXAS §
COUNTY OF HARRIS §

Whereas by Ordinance No. _____, the City authorized the closing and conveyance the herein described property;

THE CITY OF TOMBALL ("Grantor"), a home-rule Texas Municipality, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by _____ ("Grantee"), the receipt of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto Grantee all of that certain lot, tract or parcel of land located in the CITY OF TOMBALL, County of Harris, State of Texas and being more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

TOGETHER WITH all improvements thereon, all personal property located at, on, upon, under or associated therewith, riparian and other water rights, privileges and easements appurtenant to that certain lot, tract or parcel of land described in Exhibit "A" (collectively, the "Property").

This conveyance is made subject to any and all liens, encumbrances, easements, restrictions, reservations, exceptions and other matters of record to the extent valid and existing as of the date hereof, but only to the extent they affect or relate to the Property.

TO HAVE AND TO HOLD the Property, unto Grantee and Grantee's successors and assigns forever, without express or implied warranty. All warranties that may arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

EXECUTED this _____ day of _____, 2010.

CITY OF TOMBALL/ ("GRANTOR")

By _____
Mayor

NOTARY BLOCK

STATE OF TEXAS §
COUNTY OF HARRIS §

 This instrument was acknowledged before me on this ____ day of _____, 2010, by
_____, as Mayor of the CITY OF TOMBALL, a Texas municipality.

SEAL

Notary Public
State of Texas

ATTEST:

City Secretary.

DEED WITHOUT WARRANTY

STATE OF TEXAS §
COUNTY OF HARRIS §

Whereas by Ordinance No. _____, the City authorized the closing and conveyance the herein described property;

THE CITY OF TOMBALL ("Grantor"), a home-rule Texas Municipality, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by _____ ("Grantee"), the receipt of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto Grantee all of that certain lot, tract or parcel of land located in the CITY OF TOMBALL, County of Harris, State of Texas and being more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

TOGETHER WITH all improvements thereon, all personal property located at, on, upon, under or associated therewith, riparian and other water rights, privileges and easements appurtenant to that certain lot, tract or parcel of land described in Exhibit "A" (collectively, the "Property").

This conveyance is made subject to any and all liens, encumbrances, easements, restrictions, reservations, exceptions and other matters of record to the extent valid and existing as of the date hereof, but only to the extent they affect or relate to the Property.

TO HAVE AND TO HOLD the Property, unto Grantee and Grantee's successors and assigns forever, without express or implied warranty. All warranties that may arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

EXECUTED this _____ day of _____, 2010.

CITY OF TOMBALL/ ("GRANTOR")

By _____
Mayor

NOTARY BLOCK

STATE OF TEXAS §
COUNTY OF HARRIS §

 This instrument was acknowledged before me on this ____ day of _____, 2010, by
_____, as Mayor of the CITY OF TOMBALL, a Texas municipality.

SEAL

Notary Public
State of Texas

ATTEST:

City Secretary.

DEED WITHOUT WARRANTY

STATE OF TEXAS §
COUNTY OF HARRIS §

Whereas by Ordinance No. _____, the City authorized the closing and conveyance the herein described property;

THE CITY OF TOMBALL ("Grantor"), a home-rule Texas Municipality, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by _____ ("Grantee"), the receipt of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto Grantee all of that certain lot, tract or parcel of land located in the CITY OF TOMBALL, County of Harris, State of Texas and being more fully described on Exhibit "A" attached hereto and incorporated herein by reference.

TOGETHER WITH all improvements thereon, all personal property located at, on, upon, under or associated therewith, riparian and other water rights, privileges and easements appurtenant to that certain lot, tract or parcel of land described in Exhibit "A" (collectively, the "Property").

This conveyance is made subject to any and all liens, encumbrances, easements, restrictions, reservations, exceptions and other matters of record to the extent valid and existing as of the date hereof, but only to the extent they affect or relate to the Property.

TO HAVE AND TO HOLD the Property, unto Grantee and Grantee's successors and assigns forever, without express or implied warranty. All warranties that may arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

EXECUTED this _____ day of _____, 2010.

CITY OF TOMBALL/ ("GRANTOR")

By _____
Mayor

NOTARY BLOCK

STATE OF TEXAS §
COUNTY OF HARRIS §

 This instrument was acknowledged before me on this ____ day of _____, 2010, by
_____, as Mayor of the CITY OF TOMBALL, a Texas municipality.

SEAL

Notary Public
State of Texas

ATTEST:

City Secretary.

EXHIBIT A

**TOM BALL TOWNSITE SUBDIVISION RECORDED IN VOLUME 2, PAGE 65 OF THE
HARRIS COUNTY PLAT RECORDS, HARRIS COUNTY, TEXAS**

August 6, 2009

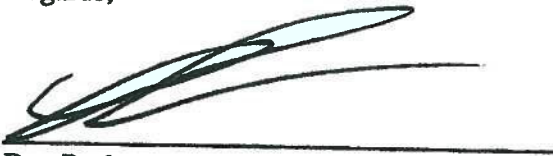
Tomball, Texas
City Manager
City Engineer

Re: Stasney Street Right of Way

Dear Ms. Jan Belcher and Mr. Mark McClure,

We respectfully request that the city of Tomball abandon the right of way known as Stasney Street to the owners of the land upon which said right of way is located. The Stasney Street right of way is a 30 ft wide piece of property that runs between Zion on the north and Hufsmith on the south. The property that makes up the right of way has never been used. It is our understanding that no plans are in place for its future use, and only four property owners are affected by the right of way. The property owners are as follows: Bill Sumner to the Northwest, Rodney Posinski to the Northeast, Dan Rodano to the Southeast and James Dunagin to the Southwest. It is our request that the land be divided among these four residents of Tomball along their present North-South boundaries. Thank you for this consideration.

Regards,



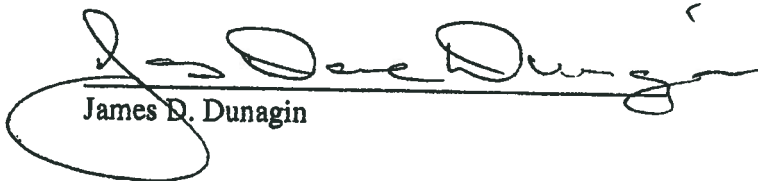
Dan Rodano



Bill Sumner

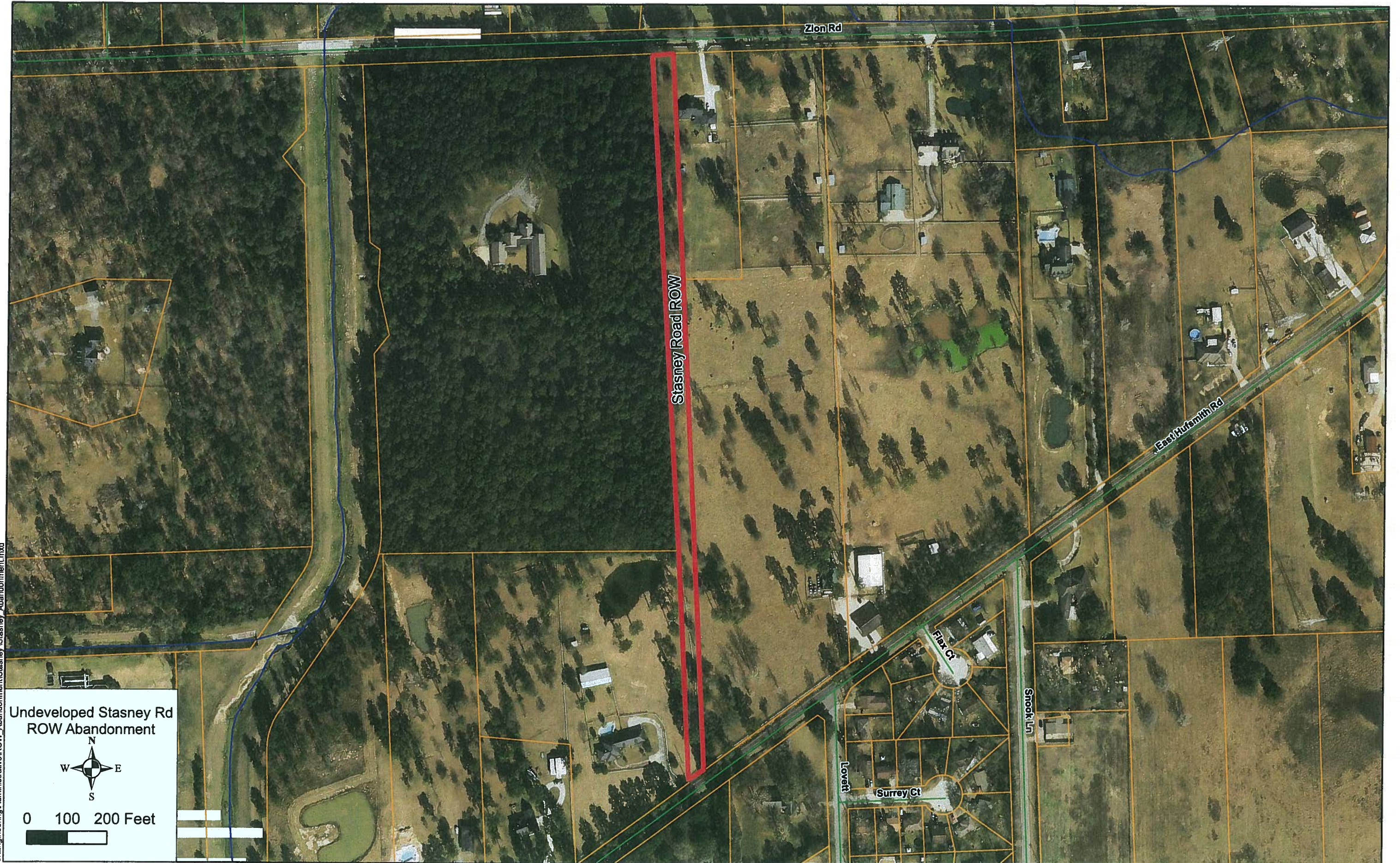


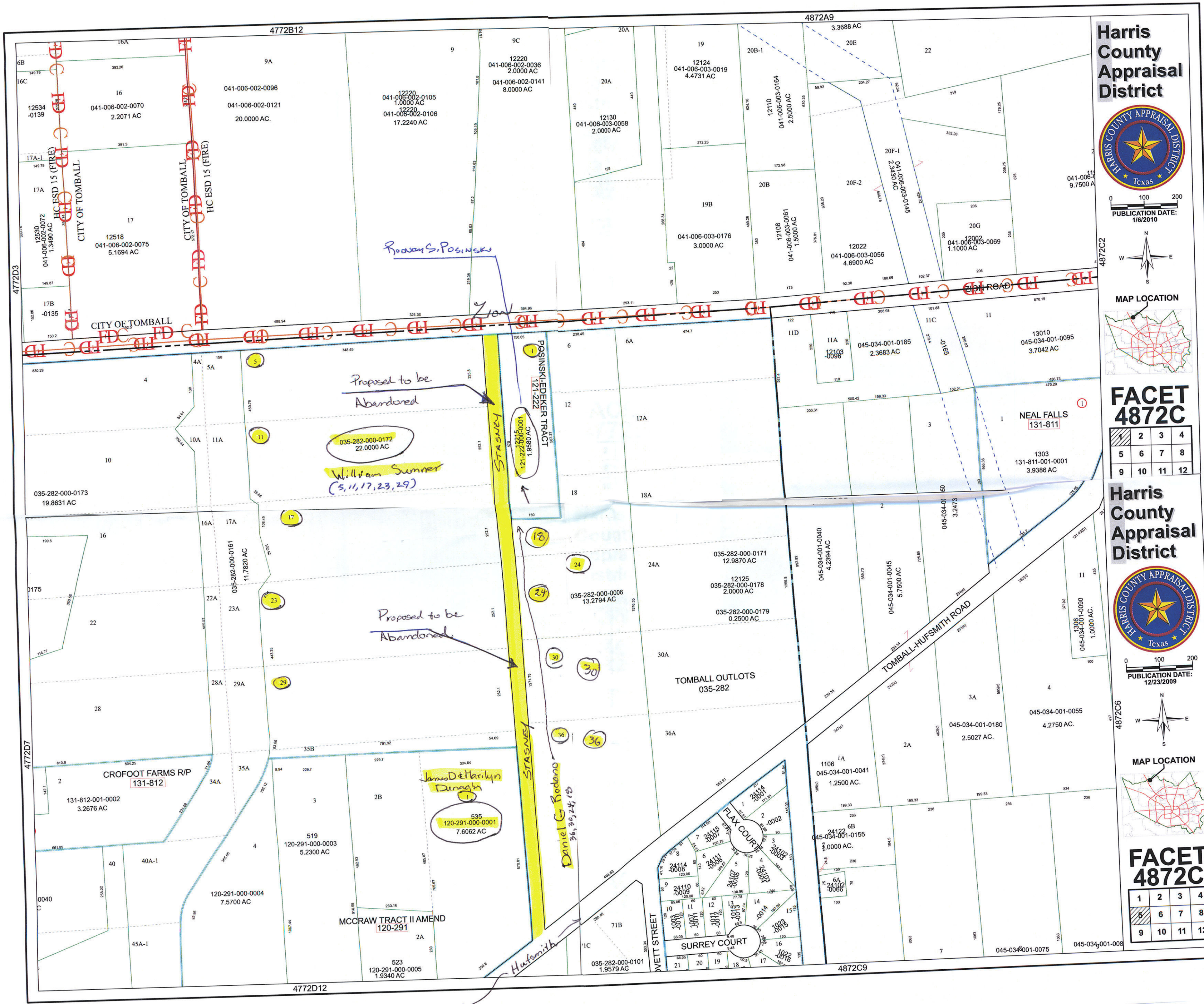
Rodney Posinski



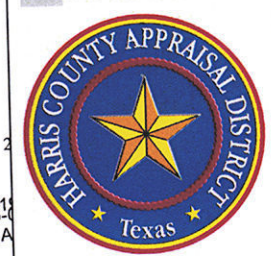
James D. Dunagin



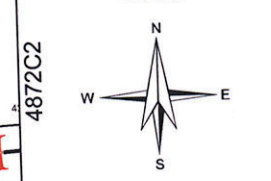




Harris County Appraisal District



PUBLICATION DATE: 1/6/2010



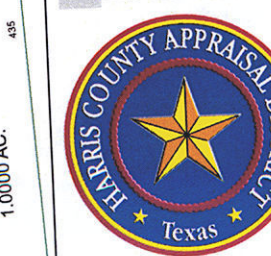
MAP LOCATION



FACET 4872C

1	2	3	4
5	6	7	8
9	10	11	12

Harris County Appraisal District



PUBLICATION DATE: 12/23/2009



MAP LOCATION



FACET 4872C

1	2	3	4
5	6	7	8
9	10	11	12

Regular City Council

Agenda Item

Meeting Date: March 15, 2010

Data Sheet

Topic:

Consideration and Possible Action to Approve Sanitary Control Easements for Wells No. 5 and No. 6 and to Authorize Execution of the Easement Agreements

Background:

The purpose of the easements are to protect the water supply associated with Water Wells No. 5 and 6 currently under construction. Texas Administrative Code (TAC), Chapter 290.41(c)(1)(A) requires that no well site which is within 50 feet of a tile or concrete sanitary sewer, sewerage appurtenance, septic tank, storm sewer, or cemetery; or which is within 150 feet of a septic tank perforated drainfield, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorption bed, evapotranspiration bed, improperly constructed water well, or underground petroleum and chemical storage tank or liquid transmission pipeline will be acceptable for use as a public drinking water supply. The attached sanitary sewer control easements meet the said TAC requirements for the protection of the wells.

Origination:

Mark McClure, Director of Engineering and Planning

Recommendation:

Engineering and Planning Department recommend approval.

Funding:

Party(ies) responsible for placing this item on agenda:

Mark McClure, Director of Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Water Well No. 5 Sanitary Control Easement

Water Well No. 6 Sanitary Control Easement

**SANITARY CONTROL EASEMENT
WATER WELL #5**

DATE: March 10, 2010

GRANTOR(S): City of Tomball

GRANTOR'S ADDRESS: 501 James Street
Tomball, Texas 77375

GRANTEE: City of Tomball

GRANTEE'S ADDRESS: 501 James Street
Tomball, Texas 77375

SANITARY CONTROL EASEMENT:

Purpose, Restrictions, and Uses of Easement:

1. The purpose of this easement is to protect the water supply of the well described and located below by means of sanitary control.
2. The construction and operation of underground petroleum and chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank or sewage treatment drainfields, improperly constructed water wells of any depth, and all other construction or operation that could create an unsanitary condition within, upon, or across the property subject to this easement are prohibited within this easement. For the purpose of the easement, improperly constructed water wells are those wells which do not meet the surface and subsurface construction standards for a public water supply well.
3. The construction of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within a 50-foot radius of the water well described and located below.
4. This easement permits the construction of homes or buildings upon the grantor's property as long as all items in Restrictions Nos. 2 and 3 are recognized and followed.
5. This easement permits normal farming and ranching operations, except that livestock shall not be allowed within 50 feet of the water well. The Grantor's property subject to this Easement is described in the documents recorded as:

Being a tract of land containing 1.6227 acres (70,686 square feet) situated in the Chauncey Goodrich Survey, A-311 in Harris County, Texas, and being out of a 21.00-acre tract as conveyed unto Fritz Strayer and Jack Dicke by deed recorded under County Clerk's File No. U682638, Film Code No. 535-25-1273 of the Official Public Records of Real Property of Harris County, Texas.

Property Subject to Easement:

All of that area within a 150-foot radius of the water well located, as shown on the attached metes and bounds description, in the Chauncey Goodrich Survey, A-311 in Harris County, Texas, and being out of a 21.00-acre tract as conveyed unto Fritz Strayer and Jack Dicke by deed recorded under County Clerk's File No. U682638, Film Code No. 535-25-1273 of the Official Public Records of Real Property of Harris County, Texas.

TERM:

This easement shall run with the land and shall be binding on all parties and persons claiming under the Grantor(s) for a period of two years from the date that his easement is recorded; after which time, this easement shall be automatically extended until the use of the subject water well as a source of water for public water systems ceases.

ENFORCEMENT:

Enforcement of this easement shall be proceedings at law or in equity against any person or persons violating or attempting to violate the restrictions in this easement, either to restrain the violation or to recover damages.

INVALIDATION:

Invalidation of any one of these restrictions or uses (covenants) by a judgment or court order shall not affect any of the other provisions of this easement, which shall remain in full force and effect.

FOR AND IN CONSIDERATION, of the sum of One Dollar (\$1.00) and for other good and valuable consideration paid by the Grantee to the Grantor(s), the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to Grantee and to its successors and assigns the sanitary control easement described in this easement.

GRANTOR(S)

By:

ACKNOWLEDGEMENT

STATE OF TEXAS

§
§
§

COUNTY OF _____

BEFORE ME, the undersigned authority, on the day of _____, 200_, personally appeared _____ known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument and acknowledged to me that executed the same for the purposes and consideration therein expressed.

Notary Public in and for THE STATE OF TEXAS

(SEAL)

Recorded in _____ Courthouse, _____ Texas on _____, 20____

SANITARY CONTROL EASEMENT

Water Well #5

DESCRIPTION OF A TRACT OF LAND CONTAINING
1.6227 ACRES (70,686 SQUARE FEET) SITUATED IN
THE CHAUNCEY GOODRICH SURVEY, A-311
HARRIS COUNTY, TEXAS

Being a tract of land containing 1.6227 acres (70,686 square feet) situated in the Chauncey Goodrich Survey, A-311 in Harris County, Texas, and being out of a 21.00-acre tract as conveyed unto Fritz Strayer and Jack Dicke by deed recorded under County Clerk's File No. U682638, Film Code No. 535-25-1273 of the Official Public Records of Real Property of Harris County, Texas. Said 0.6227-acre tract being all of that area included within the circumference of a circle having a radius of 150.00 feet, the radius point of said circle being more particularly described by metes and bounds as follows, (bearings are oriented to the bearing base reflected in said deed recorded under County Clerk's File Number U682638, O.P.R.R.P.H.C.):

COMMENCING at a found 5/8-inch iron rod with cap stamped "Tony P. Swonke, RPLS 4767" located in the northwest right-of-way line of Waller Tomball Road (F.M. 2920) (120 feet wide) marking the most southerly corner of said 21.00-acre tract, marking the northeast corner of a .636-acre tract as conveyed unto Anna M. Rumfolo by deed recorded under County Clerk's File No. U761658, Film Code No. 536-07-3123 of the Official Public Records of Real Property of Harris County, Texas, and marking the northeast corner of a 1.187-acre tract as conveyed unto Anna M. Rumfolo by deed recorded under County Clerk's File No. U620508, Film Code No. 534-63-1463 of the Official Public Records of Real Property of Harris County, Texas, from which a found 5/8-inch iron rod with cap stamped "EIC Engineering" bears North 83° 03' 18" West, a distance of 0.17 feet;

THENCE North 83° 47' 43" West with the south line of said 21.00-acre tract, the north line of said .636-acre tract and the north line of said 1.187-acre tract, a distance of 613.27 feet to a point from which a found 5/8-inch iron rod with cap stamped "Tony P. Swonke" bears North 83° 47' 43" West, a distance of 135.62 feet, said iron rod being the southwest corner of said 21.000-acre tract, the northwest corner of said .636-acre tract and the northwest corner of said 1.187-acre tract;

THENCE North 06° 12' 17" East, a distance of 152.16 feet to a point for the radius point of said 150.00 foot radius circle. Said circle containing 1.6227 acres (70,868 square feet);

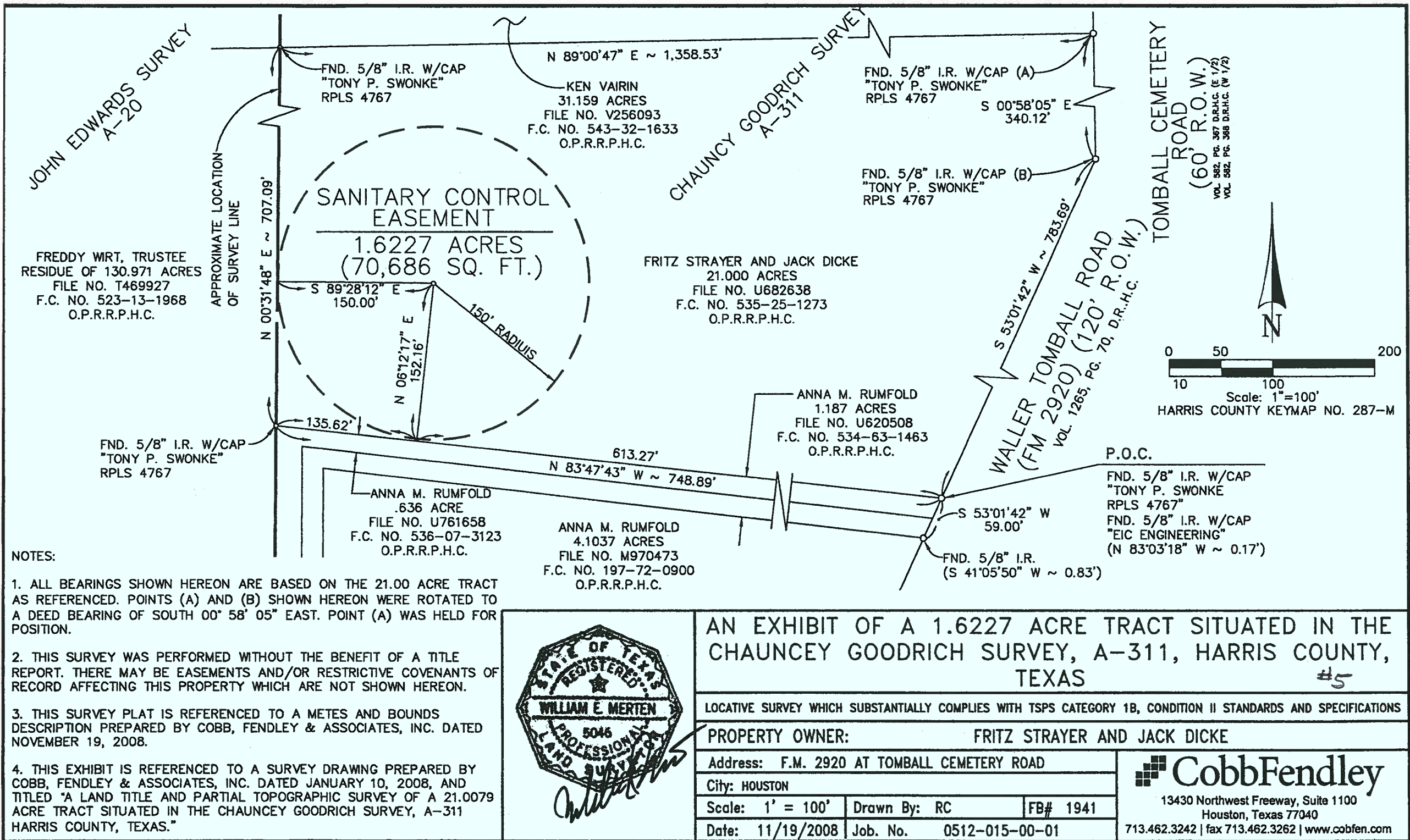
Note: This metes and bounds is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated November 19, 2008, and titled "AN EXHIBIT OF A 1.6227 ACRE TRACT SITUATED IN THE CHAUNCEY GOODRICH SURVEY, A-311, HARRIS COUNTY, TEXAS."

COBB, FENDLEY & ASSOCIATES, INC.

13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 0512-015-00-14
November 19, 2008





**SANITARY CONTROL EASEMENT
WATER WELL #6**

DATE: March 10, 2010

GRANTOR(S): City of Tomball

GRANTOR'S ADDRESS: 501 James Street
Tomball, Texas 77375

GRANTEE: City of Tomball

GRANTEE'S ADDRESS: 501 James Street
Tomball, Texas 77375

SANITARY CONTROL EASEMENT:

Purpose, Restrictions, and Uses of Easement:

1. The purpose of this easement is to protect the water supply of the well described and located below by means of sanitary control.
2. The construction and operation of underground petroleum and chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank or sewage treatment drainfields, improperly constructed water wells of any depth, and all other construction or operation that could create an unsanitary condition within, upon, or across the property subject to this easement are prohibited within this easement. For the purpose of the easement, improperly constructed water wells are those wells which do not meet the surface and subsurface construction standards for a public water supply well.
3. The construction of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within a 50-foot radius of the water well described and located below.
4. This easement permits the construction of homes or buildings upon the grantor's property as long as all items in Restrictions Nos. 2 and 3 are recognized and followed.
5. This easement permits normal farming and ranching operations, except that livestock shall not be allowed within 50 feet of the water well. The Grantor's property subject to this Easement is described in the documents recorded as:

Being a tract of land containing 1.6227 acres (70,686 square feet) situated in the Chauncey Goodrich Survey, A-311 in Harris County, Texas, and being out of a 21.00-acre tract as conveyed unto Fritz Strayer and Jack Dicke by deed recorded under County Clerk's File No. U682638, Film Code No. 535-25-1273 of the Official Public Records of Real Property of Harris County, Texas.

All of that area within a 150-foot radius of the water well located, as shown on the attached metes and bounds description, in the Chauncey Goodrich Survey, A-311 in Harris County, Texas, and being out of a 21.00-acre tract as conveyed unto Fritz Strayer and Jack Dicke by deed recorded under County Clerk's File No. U682638, Film Code No. 535-25-1273 of the Official Public Records of Real Property of Harris County, Texas.

This easement shall run with the land and shall be binding on all parties and persons claiming under the Grantor(s) for a period of two years from the date that his easement is recorded; after which time, this easement shall be automatically extended until the use of the subject water well as a source of water for public water systems ceases.

Enforcement of this easement shall be proceedings at law or in equity against any person or persons violating or attempting to violate the restrictions in this easement, either to restrain the violation or to recover damages.

Invalidation of any one of these restrictions or uses (covenants) by a judgment or court order shall not affect any of the other provisions of this easement, which shall remain in full force and effect.

FOR AND IN CONSIDERATION, of the sum of One Dollar (\$1.00) and for other good and valuable consideration paid by the Grantee to the Grantor(s), the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to Grantee and to its successors and assigns the sanitary control easement described in this easement.

GRANTOR(S)
By:

ACKNOWLEDGEMENT

STATE OF TEXAS

www

COUNTY OF _____

BEFORE ME, the undersigned authority, on the day of _____, 200_, personally appeared _____ known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument and acknowledged to me that executed the same for the purposes and consideration therein expressed.

Notary Public in and for THE STATE OF TEXAS

(SEAL)

Recorded in _____ Courthouse, _____ Texas on _____, 20____

SANITARY CONTROL EASEMENT

Water Well #6

DESCRIPTION OF A TRACT OF LAND CONTAINING
1.6227 ACRES (70,686 SQUARE FEET) SITUATED IN
THE CHAUNCEY GOODRICH SURVEY, A-311
HARRIS COUNTY, TEXAS

Being a tract of land containing 1.6227 acres (70,686 square feet) situated in the Chauncey Goodrich Survey, A-311 in Harris County, Texas, and being out of a 21.00-acre tract as conveyed unto Fritz Strayer and Jack Dicke by deed recorded under County Clerk's File No. U682638, Film Code No. 535-25-1273 of the Official Public Records of Real Property of Harris County, Texas. Said 0.6227-acre tract being all of that area included within the circumference of a circle having a radius of 150.00 feet, the radius point of said circle being more particularly described by metes and bounds as follows, (bearings are oriented to the bearing base reflected in said deed recorded under County Clerk's File Number U682638, O.P.R.R.P.H.C.):

COMMENCING at a found 5/8-inch iron rod with cap stamped "Tony P. Swonke, RPLS 4767" located in the northwest right-of-way line of Waller Tomball Road (F.M. 2920) (120 feet wide) marking the most southerly corner of said 21.00-acre tract, marking the northeast corner of a .636-acre tract as conveyed unto Anna M. Rumfolo by deed recorded under County Clerk's File No. U761658, Film Code No. 536-07-3123 of the Official Public Records of Real Property of Harris County, Texas, and marking the northeast corner of a 1.187-acre tract as conveyed unto Anna M. Rumfolo by deed recorded under County Clerk's File No. U620508, Film Code No. 534-63-1463 of the Official Public Records of Real Property of Harris County, Texas, from which a found 5/8-inch iron rod with cap stamped "EIC Engineering" bears North 83° 03' 18" West, a distance of 0.17 feet;

THENCE North 83° 47' 43" West with the south line of said 21.00-acre tract, the north line of said .636-acre tract and the north line of said 1.187-acre tract, a distance of 619.40 feet to a point from which a found 5/8-inch iron rod with cap stamped "Tony P. Swonke" bears North 83° 47' 43" West, a distance of 129.49' feet, said iron rod being the southwest corner of said 21.000-acre tract, the northwest corner of said .636-acre tract and the northwest corner of said 1.187-acre tract;

THENCE North 06° 12' 17" East, a distance of 213.85' feet to a point for the radius point of said 150.00 foot circle. Said circle containing 1.6227 acres (70,868 square feet);

Note: This metes and bounds is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated September 24, 2009, and titled "AN EXHIBIT OF A 1.6227 ACRE TRACT SITUATED IN THE CHAUNCEY GOODRICH SURVEY, A-311, HARRIS COUNTY, TEXAS."

COBB, FENDLEY & ASSOCIATES, INC.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 0512-015-00-14
September 24, 2009



JOHN EDWARDS SURVEY
A-20

FND. 5/8" I.R. W/CAP
"TONY P. SWONKE"
RPLS 4767

SANITARY CONTROL EASEMENT

1.6227 ACRES
(70,686 SQ. FT.)

FREDDY WIRT, TRUSTEE
RESIDUE OF 130.971 ACRES
FILE NO. T469927
F.C. NO. 523-13-1968
O.P.R.R.P.H.C.

APPROXIMATE LOCATION
OF SURVEY LINE

N 00°31'48" E ~ 707.09'

S 89°28'12" E
150.00'
150' RADIUS
N 06°12'17" E
213.85'

FND. 5/8" I.R. W/CAP
"TONY P. SWONKE"
RPLS 4767

ANNA M. RUMFOLD
.636 ACRE
FILE NO. U761658
F.C. NO. 536-07-3123
O.P.R.R.P.H.C.

ANNA M. RUMFOLD
4.1037 ACRES
FILE NO. M970473
F.C. NO. 197-72-0900
O.P.R.R.P.H.C.

N 89°00'47" E ~ 1,358.53'

KEN VAIRIN
31.159 ACRES
FILE NO. V256093
F.C. NO. 543-32-1633
O.P.R.R.P.H.C.

CHAUNCEY GOODRICH SURVEY
A-311

FRITZ STRAYER AND JACK DICKE
21.000 ACRES
FILE NO. U682638
F.C. NO. 535-25-1273
O.P.R.R.P.H.C.

FND. 5/8" I.R. W/CAP (A)
"TONY P. SWONKE"
RPLS 4767

S 00°58'05" E
340.12'

FND. 5/8" I.R. W/CAP (B)
"TONY P. SWONKE"
RPLS 4767

WALLER TOMBALL ROAD
(FM 2920) (120' R.O.W.)
VOL. 1265, PG. 70, D.R.H.C.

ANNA M. RUMFOLD
1.187 ACRES
FILE NO. U620508
F.C. NO. 534-63-1463
O.P.R.R.P.H.C.

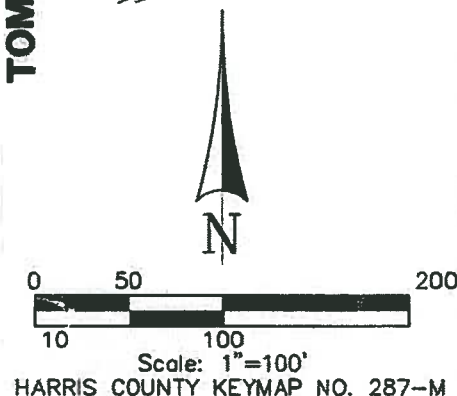
P.O.C.

FND. 5/8" I.R. W/CAP
"TONY P. SWONKE"
RPLS 4767"
FND. 5/8" I.R. W/CAP
"EIC ENGINEERING"
(N 83°03'18" W ~ 0.17')

S 53°01'42" W
59.00'

FND. 5/8" I.R.
(S 41°05'50" W ~ 0.83')

TOMBALL CEMETERY
ROAD
(60' R.O.W.)
VOL. 562, PG. 357 D.R.H.C. (E 1/2)
VOL. 562, PG. 366 D.R.H.C. (W 1/2)



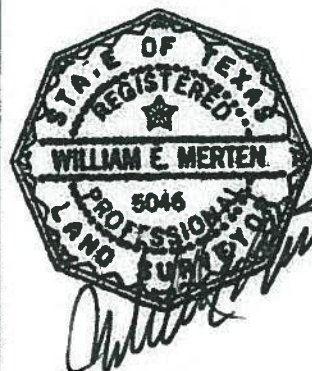
NOTES:

1. ALL BEARINGS SHOWN HEREON ARE BASED ON THE 21.00 ACRE TRACT AS REFERENCED. POINTS (A) AND (B) SHOWN HEREON WERE ROTATED TO A DEED BEARING OF SOUTH 00° 58' 05" EAST. POINT (A) WAS HELD FOR POSITION.

2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THERE MAY BE EASEMENTS AND/OR RESTRICTIVE COVENANTS OF RECORD AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN HEREON.

3. THIS SURVEY PLAT IS REFERENCED TO A METES AND BOUNDS DESCRIPTION PREPARED BY COBB, FENDLEY & ASSOCIATES, INC. DATED SEPTEMBER 24, 2009.

4. THIS EXHIBIT IS REFERENCED TO A SURVEY DRAWING PREPARED BY COBB, FENDLEY & ASSOCIATES, INC. DATED JANUARY 10, 2008, AND TITLED "A LAND TITLE AND PARTIAL TOPOGRAPHIC SURVEY OF A 21.0079 ACRE TRACT SITUATED IN THE CHAUNCEY GOODRICH SURVEY, A-311 HARRIS COUNTY, TEXAS."



AN EXHIBIT OF A 1.6227 ACRE TRACT SITUATED IN THE
CHAUNCEY GOODRICH SURVEY, A-311, HARRIS COUNTY,
TEXAS #6

LOCATIVE SURVEY WHICH SUBSTANTIALLY COMPLIES WITH TSPS CATEGORY 1B, CONDITION II STANDARDS AND SPECIFICATIONS

PROPERTY OWNER: FRITZ STRAYER AND JACK DICKE

Address: F.M. 2920 AT TOMBALL CEMETERY ROAD

City: HOUSTON

Scale: 1' = 100'

Date: 9/24/2009

Drawn By: RC

Job. No.

FB# 1941

0512-015-00-01

CobbFendley

13430 Northwest Freeway, Suite 1100
Houston, Texas 77040

713.462.3242 | fax 713.462.3262 | www.cobfen.com

Regular City Council

Agenda Item

Meeting Date: March 15, 2010

Data Sheet

Topic:

Discussion Regarding the Use of Vacant Private Property for Special Events and Direction for Possible Special Events Ordinance

Background:

The purpose of this discussion item is to seek direction from Council regarding a potential special events ordinance that would address parking on unimproved surfaces during approved special events.

The City's current parking requirements for nonresidential districts are located in Section 39: "Off-Street Parking and Loading Requirements" of the Zoning Ordinance. Section 39.3 D states the following:

"All off-street parking, driveways, maneuvering, and loading areas shall be designed in accordance with Table 39-1 and Illustration 39-1 and shall be paved with a concrete or asphalt surface and shall be curbed, in accordance with the City's parking lot paving requirements. All such areas shall be drained to prevent damage to abutting properties and/or public streets and alleys."

Additionally, the Livable Centers Downtown Plan reiterates the same requirements with regard to parking areas in Chapter 4 "Parking Requirements":

..."All parking areas and driveways are to be paved with concrete, bituminous concrete or concrete pavers and are to be curbed and guttered (integral curb and gutter) with concrete. ...Vehicular paving must also be structurally designed to sustain anticipated traffic loads."

Historically, overflow parking for special events has been on nearby unimproved lots, subject to the permission of the property owner. The City has not enforced its parking requirements with regard to paving surfaces for special events that are temporary in nature. However, in an effort to bring the City's practices into accordance with City ordinances staff proposes that the Council consider adopting a Special Events Ordinance to address the use of private property for parking in areas that are not designed or intended to be utilized as permanent parking lots. Similar ordinances have been successfully implemented and utilized in other communities.

Following Council discussion on this item, staff requests that Council provide direction and guidance regarding the drafting of a special events ordinance regarding the following:

1. Type of qualified event (i.e. firework displays, carnivals, runs, festivals, farmers markets, haunted houses, circuses, and concerts)
2. Duration of Events
3. Permit Fee
4. Hours of Operation
5. Overnight parking of trailers, vehicles and equipment

Origination:

Mayor Gretchen Fagan

Recommendation:

Funding:

Party(ies) responsible for placing this item on agenda:

Kelly Violette, City Planner

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council

Agenda Item

Meeting Date: March 15, 2010

Data Sheet

Topic:

Award Contracts for the Purchase of Ten (10) Replacement Police Department Vehicles to Reliable Chevrolet, Sam Pack's 5-Star, Holiday Chevrolet/Ford, and Classic Chevrolet, at a Total Cost of \$207,095.49.

Background:

The proposed replacement of vehicles was approved as part of the Police Department's fleet replacement program in the FY 2009-2010 budget, in which \$410,360.00 was approved for the purchase and up-fitting of 14 police department vehicles.

After thoughtful consideration, it has been determined that only ten (10) vehicles are in need of replacement during this budget cycle, which will result in significant cost savings. Additionally, it is important to note that all requested vehicles are "low-bid" selections from the 11 dealerships participating in this bid process, and all are under State Contract pricing.

The vehicles to be replaced are as follows:

- (3) Criminal Investigations Division (2-small SUVs, and 1-pick up)
- (3) Special Services Division (1-pick up, 1-mid size sedan, and 1-full size SUV)
- (4) Patrol Operations Division (3-full size sedans, and 1-full size SUV).

Origination:

Robert S. Hauck, Chief of Police

Recommendation:

It is recommended that Council award contracts for purchase of ten replacement police department vehicles through Reliable Chevrolet (\$17,038.00), Sam Pack's 5-Star (\$58,790.14), Holiday Chevrolet/Ford (\$105,503.00), and Classic Chevrolet (\$25,764.35), at a total cost of \$207,095.49.

Funding: Yes

Account Number: 650-651-6405

Party(ies) responsible for placing this item on agenda:

Robert S. Hauck, Chief of Police

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

PD Vehicle Replacement Tabulation

Item # & Type Vehicle	Quote from State Contract	Quote from Buyboard Contract	Bid	Bid	Bid	Bid	Bid	Bid	Bid	Bid	Bid
	Caldwell Country	Planet Ford	Henna Chev.	Classic Chevrolet	Grand Prairie Ford	Caldwell Country	Whiteside Chev.	Allen Samuels Chev	Sam Pack's 68Star Ford	Holiday Chev/Ford	Reliable Chev.
Item #1: Mid Size Sedan Quantity 1	Chev. Impala \$18,285.00 each	Ford Fusion \$17,186.13 each	Chev. Impala \$18,891.00 each	Chev. Impala \$17,557.20 each	Ford Taurus \$19,872.00 each	Chev. Impala \$18,285.00 each	Chev. Impala \$19,800.00 each	Chev. Impala \$18,789.20 each	Ford Taurus \$18,823.65 each	Chev. Impala \$18,103.00 each	Chev. Impala \$17,038.00 each* w/piggyback on City of Garland (\$1,247 less than state contract.)
Item #2: SUV (Explorer, etc.) Quantity 2	Ford Explorer XLT \$18,818.00 each	Ford Explorer \$19,205.00 each	Chev. Equinox \$23,163.00 each	No Bid	Ford Explorer \$19,232.00 each	Ford Explorer \$18,818.00 each	Chev. Traverse \$25,100.00 each	No Bid	Ford Explorer \$17,998.65 each (\$809.35 less than state contract.)	Ford Explorer \$19,301.00 each	No Bid
Item 3: Pickup (Silverado, etc.) Quantity 2	Chev. Silverado \$21,813.00 each	Ford F150 \$21,053.00 each	Chev. Silverado \$22,273.00 each	Chev. Silverado \$23,190.25 each	Ford F150 \$21,162.00 each	Chev. Silverado \$21,813.00 each	Chev. Silverado \$22,700.00 each	Chev. Silverado \$22,352.50 each	Ford F150 \$20,927.00 each	Chev. Silverado \$19,891.00 each (\$1,922.00 less than state contract.)	No Bid
Item 4: SUV Black (Tahoe, etc.) Quantity 1	Chevrolet Tahoe \$27,441.00 each	Ford Expedition \$24,861.88 each	Chevrolet Tahoe \$27,807.00 each	Chevrolet Tahoe \$28,475.25 each	Ford Expedition \$24,198.00 each	Chevrolet Tahoe \$27,441.00 each	Chevrolet Tahoe \$29,950.00 each	Chevrolet Tahoe \$27,703.00 each	Ford Expedition \$22,792.84 each (\$1,174.16 less than state contract.)	Chevrolet Tahoe \$28,307.00 each	No Bid
Item 5: SUV Black/White (Tahoe, etc.) Quantity 1	Chevrolet Tahoe \$26,170.00 each	No Bid	Chevrolet Tahoe \$26,858.00 each	Chevrolet Tahoe \$25,764.35 each (\$405.65 less than state contract.)	No Bid	Chevrolet Tahoe \$26,170.00 each	Chevrolet Tahoe \$27,700.00 each	Chevrolet Tahoe \$26,451.13 black roof \$26,906.05 white roof	No Bid	Chevrolet Tahoe \$25,993.00 each	Chevrolet Tahoe \$25,995.00 each* w/piggyback on City of Garland
Item 6: Sedan (Crown Vic Interceptor, etc.) Quantity 3	Ford Crown Vic \$22,236.00 each	Ford Crown Vic \$23,093.63 each	No Bid	No Bid	Ford Crown Vic \$22,983.00 each	Ford Crown Vic \$22,236.00 each	Chev. Impala Police \$23,016.00	Chev. Impala Police \$26,387.72 black roof \$26,620.06 white roof	Ford Crown Vic \$22,396.92 each	Ford Crown Vic \$21,907.00 each (\$329.00 less than state contract.)	No Bid
NOTE: Yellow highlighted area is low quote for line item - NOT vehicle specific.											

Regular City Council Agenda Item Data Sheet

Meeting Date: March 15, 2010

Topic:

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

Background:**Origination:**

City Manager/City Attorney

Recommendation:

N/A

Funding:**Party(ies) responsible for placing this item on agenda:**

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	