

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



**MONDAY, MAY 18, 2009**

**7:00 P.M.**

1.0 Call to Order

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

Councilman Quinn  
Councilman Harvey  
Councilman Lazenby  
Councilman Webb  
Councilman Driver  
Councilman-Elect Townsend

Others present:

City Manager – Jan Belcher  
Assistant City Manager – Mary Coker  
City Secretary – Doris Speer  
City Attorney – Scott Bounds, Olson & Olson  
Chief of Police – Robert Hauck  
Director of Public Works – David Kauffman  
Director of Engineering and Planning – Mark McClure  
Fire Chief – Randy Parr  
Assistant to City Manager – Shawn Cox  
City Planner/Comm. Dev. Coordinator – Kelly Violette  
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Dr. Sara Owen-Gemoets, Interim Pastor, Tomball United Methodist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Shelby Allison and Steven Markiewicz

4.0 The Canvass of the May 9, 2009 Election was presented by Mary Coats, Election Judge. *El*

*escrutinio del la elección del 9 de mayo de 2009 fue presentado por Mary Coats, Juez Electoral.*  
Kiểm phiếu Cuộc Bầu Cử ngày 9 tháng Năm, 2009 do bà Mary Coats, Trưởng Ban Điều Hành Cuộc Bầu Cử trình bày.

- 4.1 Motion was made by Councilman Webb, second by Councilman Lazenby, to Adopt Resolution No. 2009-14, a Resolution and Order Canvassing the Returns and Declaring the Results of the General Election Held on May 9, 2009. *Fue presentada una moción por el Concejal Webb, secundada por el Concejal Lazenby, para adoptar la Resolución Nro. 2009-14, una Resolución y Orden de Escrutinio y Declaración de Resultados de la Elección General Celebrada el 9 de Mayo de 2009.* Kiến Nghị do Nghị Viên Webb đề ra, Nghị viên Lazenby ủng hộ, thông qua Nghị Quyết Số 2009-14, một Nghị Quyết và Lệnh Yêu Cầu Kiểm Phiếu Bầu và Công Bố Kết Quả của Cuộc Bầu Cử Tổng Quát tổ chức ngày 9 tháng Năm, 2009.

Motion carried unanimously. *Moción aceptada por unanimidad.* Kiến nghị được nhất trí thông qua.

- 4.2 The Oath of Office was administered by Mayor Fagan to Derek Townsend as the newly elected Councilman, Position 4. *El juramento al cargo fue administrado por el Alcalde Fagan a Derek Townsend como nuevo Concejal elegido a la Posición 4.* Tuyên Thệ Nhậm Chức được Thị Trưởng Fagan tiến hành cho Derek Townsend trong chức vụ Nghị Viên, Vị Trí 4 mới được ứng cử.

- 4.3 Councilman Lazenby nominated Councilman Webb as Mayor Pro-Tem; no other nominations were received. Motion was made by Councilman Driver, second by Councilman Townsend, to elect Councilman Webb to serve as Mayor Pro-Tem, in accordance with Section 6.08 of the City of Tomball Home Rule Charter. *El concejal Lazenby nominó al Concejal Webb como Alcalde interino; no fueron hechas otras nominaciones. Fue presentada una moción por el Concejal Driver, secundada por el Concejal Townsend, para elegir al Concejal Webb para que cumpla la función de Alcalde interino, de acuerdo con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball.* Nghị Viên Lazenby đề cử Nghị Viên Webb làm Thị Trưởng Tạm Thời; ngoài ra không có đề cử nào khác. Nghị quyết do Nghị Viên Driver lập, Nghị Viên Townsend ủng hộ, Đề bầu chọn Nghị Viên Webb nhậm chức Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Luật Gia Cư Thành Phố Tomball.

Motion carried unanimously. *Moción aceptada por unanimidad.* Kiến nghị được nhất trí thông qua.

- 5.0 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.*)

- Mary Harvey  
405 S. Walnut, 77375
- Requesting volunteer assistance to help with the removal of debris at the Powerhouse Church of God in Christ, 1030 Timkin, on Saturday, May 23, 2009.
- Judith Wilson  
506 N. Pecan Drive, 77375
- Expressed opposition to proposed increases in impact fees.

#### 6.0 Presentations:

Mayor Fagan presented a plaque to Mary Harvey, Mayor Pro Tem, Council Position 4, honoring her years of service (2006-2009).

Mayor Fagan presented a plaque to Mary Coker, Assistant City Manager, honoring her years of service.

Mayor Fagan presented a proclamation for Motorcycle Safety and Awareness Month to representatives from numerous clubs.

#### 7.0 Reports and Announcements:

- June 1-June 9, 2009 – Early Voting for Runoff Election, City Hall (see City's web site for times)
- June 13, 2009 – Runoff Election, City Hall, 7:00 a.m.-7:00 p.m.
- June 13, 2009 - 2<sup>nd</sup> Saturday at the Depot, 6:00 p.m.
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Comprehensive Plan website is now available online – <http://plantomball.com/index.html>

8.0 Motion was made by Councilman Webb, second by Councilman Driver, to approve the Minutes of the Regular City Council Meeting of May 4, 2009 and Special City Council Meeting of May 11, 2009.

Motion carried unanimously.

#### 9.0 **New Business**

9.1 Motion was made by Councilman Webb, second by Councilman Townsend, to adopt Resolution No. 2009-15, a Resolution and Order of the City Council of the City of Tomball, Texas, Calling for a Special Runoff Election, to be Held in the City of Tomball on Saturday, June 13, 2009. *Fue presentada una moción por el Concejal Webb, secundada por el Concejal Townsend, para adoptar la Resolución Nro. 2009-15, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball, Texas, convocando una Elección Especial de Desempate, a ser celebrada en la Ciudad de Tomball el sábado 13 de junio de 2009.* Kiến Nghị do Nghị Viên Webb lập, Nghị viên Townsend ủng hộ, thông qua Nghị Quyết Số 2009-15, một Nghị Quyết và Lệnh Yêu Cầu của Hội Đồng

Thành Phố Tomball, Texas, Kêu Gọi cho một cuộc Bầu Cử Chung Cuộc Đặc Biệt, được tổ chức trong Thành Phố Tomball vào ngày thứ Bảy, 13 tháng Sáu, 2009.

Motion carried unanimously. *Moción aceptada por unanimidad.* Kiến nghị được nhất trí thông qua.

- 9.2 Mark McClure provided information regarding proposed impact fees; Jan Belcher explained the effect of impact fees on new development versus current residents. Motion was made by Councilman Driver, second by Councilman Lazenby to read Ordinance No. 2009-12 by caption only on first reading.

Motion carried unanimously.

Consensus of the Council was to adopt the full allowable drainage impact fees as recommended by Lockwood, Andrews, and Newnam, and to adopt the 20% increase on the water and sewer impact fees as recommended by the Capital Improvement Plan Advisory Commission, but that the water and sewer impact fees would increase at an annual increase of 5% per year, until the 20% total increase is met.

Motion was made by Councilman Driver, second by Councilman Quinn to Adopt, on First Reading, Ordinance No. 2009-12, an Ordinance amending the Code of Ordinances of the City of Tomball, Texas, by adopting the Infrastructure Master Plan and Impact Fee Determination 2007-2017 as the City's Capital Improvements Plan; amending Sec. 156. Schedule of Maximum Capital Recovery Fees of Chapter 82. Utilities thereof, establishing Impact Fees for Water, Wastewater and Drainage Utilities; and containing other Provisions Relating to the Subject. Vote was as follows:

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

Motion carried, 4 to 1.

- 9.3 Mayor Fagan explained why zoning requests are necessary under the zoning ordinance. Kelly Violette presented the staff report for **ZONING CASE P09-110**. The public hearing for **ZONING CASE P09-110** request by B. Haanedar, on behalf of Mehboob A. Nazarani and John M. Reist to amend the Comprehensive Zoning Ordinance to rezone approximately 3.09 acres of land, legally described as Tract 197A-1 of Tomball Townsite, situated in the Jesse Pruitt Survey, Abstract 629, within the City of Tomball, Harris County, Texas, generally located on the easterly side of Cherry Street, northerly of Theis Lane, from the SF-20-E-Single-Family Estate Residential-20 District to the C-Commercial District was opened by Mayor Fagan at 7:47 p.m.

No public comments being received, the Public Hearing was closed by Mayor Fagan at 7:48 p.m.

Motion was made by Councilman Driver, second by Councilman Lazenby, to read Ordinance No. 2009-13 by caption only on first reading. Vote was as follows:

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

Motion carried, 4 to 1.

Motion was made by Councilman Lazenby, second by Councilman Driver, to Adopt, on First Reading, Ordinance No. 2009-13, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 3.09 Acres of land in the Jesse Pruitt Survey, Abstract 629, Harris County, Texas, from the SF-20-E-Single-Family Estate Residential-20 District to the C-Commercial District; said property also being known as Tracts 197A & 197A-1 of the Tomball Outlots, located on the easterly side of South Cherry Street, northerly of Theis Lane; Providing for the amendment of the Official Zoning Map of the City; providing for Severability; Providing for a Penalty of an amount not to exceed \$2,000 for each day of violation of any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried, 3 to 2.

- 9.4 Kelly Violette presented the staff report for **ZONING CASE P09-115**. The Public Hearing for **ZONING CASE P09-115** Request by Jim Boyd, on behalf of Daniel Noack of Eagles Nest Christian Fellowship to amend the Comprehensive Zoning Ordinance to rezone two lots totaling approximately 7.8041 acres of land, legally described as Lots 1 and 2 of Block 1 of the Tomball Renewal Center plat, situated in the C.N. Pillot Survey, Abstract 632, within the City of Tomball, Harris County, Texas, generally located on the easterly side of Cherry Street, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District was opened by Mayor Fagan at 7:55 p.m.

No public comments being received, the Public Hearing was closed by Mayor Fagan at 7:55 p.m.

Motion was made by Councilman Driver, second by Councilman Townsend, to read Ordinance No. 2009-14 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Lazenby, to Adopt, on First Reading, Ordinance No. 2009-14, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 7.8041 acres of land in the C.N. Pillot Survey, Abstract 632, Harris County, Texas, from the AG-Agricultural District to the C-Commercial District; said property also being known as Lots 1 and 2 of Block 1 of the Tomball Renewal Center Plat, located on the easterly side of Cherry Street, northerly of Holderrieth Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount not to Exceed \$2,000 for each day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried, 4 to 1.

- 9.5 Kelly Violette presented the staff report for **ZONING CASE P09-118**. The Public Hearing for **ZONING CASE P09-118** Request by Joe Serna to amend the Comprehensive Zoning Ordinance to rezone approximately 6.21 acres of land, legally described as Parts of Tracts 283, 284, 284A, 286, and 286B of Tomball Outlots recorded in Volume 4, Page 75 and Volume 2, Page 65 of the Harris County Map Records, generally located on the northerly side of Agg Road, westerly of South Persimmon Street, from the SF-20-E-Single-Family 20 Estate District to the C-Commercial District was opened by Mayor Fagan at 8:00 p.m. The following public comment was received:

John Ford 930 Agg Road, 77375	- Expressed opposition to proposed commercial use of the property.
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No additional public comments being received, the Public Hearing was closed by Mayor Fagan at 8:05 p.m.

Motion was made by Councilman Quinn, second by Councilman Lazenby, to read Ordinance No. 2009-15 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Driver, second by Councilman Lazenby, to Adopt, on First Reading, Ordinance No. 2009-15, An Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 6.21 acres of land from the SF-20-E-Single-Family Estate Residential-20 District to the C-Commercial District; said property also being known as parts of Tracts 283, 284, 284A, 286, and 286B of Tomball Outlots Recorded in Volume 4, Page 75 and Volume 2, Page 65 of the Harris County Map Records, located on the westerly side of South Persimmon Street, northerly of Agg Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an amount not to exceed \$2,000 for each day of Violation of any Provision hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Townsend	<u>Nay</u>
Councilman Driver	<u>Nay</u>
Councilman Quinn	<u>Nay</u>
Councilman Lazenby	<u>Nay</u>
Councilman Webb	<u>Nay</u>

Motion FAILED unanimously.

- 9.6 Kelly Violette presented the staff report for **ZONING CASE P09-119**. The Public Hearing for **ZONING CASE P09-119** Request by Greystar GP, LLP, on behalf of Tomball Spring Creek Commons, LP, to amend the Comprehensive Zoning Ordinance to rezone approximately 13.392 acres of land, situated in the Joseph House Survey, Abstract 34, being all of Lot 3 together with part of Lots 1 and 2 of The Shoppes at Spring Creek Commons, Section One, a subdivision according to the map or plat thereof recorded in Film Code Number 622107 of the Map Records of Harris County, TX, generally located on the north side of Brown-Hufsmith Road, easterly of S.H. 249, from the GR-General Retail District to the MF-Multi-Family Residential District was opened by Mayor Fagan at 8:36 p.m. The following comments were received:

- |                                       |  |
|---------------------------------------|--|
| Gary Smith<br>31422 Rigel, 77375      | - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District. |
| Bill Sumner<br>12321 Zion Road, 77375 | - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District. |
| Sharon Sumner                         | - Did not speak; asked to have opposition to   |

- 12321 Zion Road, 77375                      proposed rezoning to MF-Multi-Family Residential District recorded
- David Martin  
31434 Bearing Star, 77375                      - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- JoAnn Anderson  
14227 Turnervine Drive, 77375                      - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District.
- Ruth Ann Houston  
31322 Capella Circle, 77375                      - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District.
- Mrs. Willie Duke  
14106 Carneswood, 77375                      - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Rick Tomlinson  
1720 Baker Drive, 77375                      - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District.
- Tom Harrison  
23010 Red Oak, 77377                      - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District.
- Marilyn O'Neal  
14235 Turnervine, 77375                      - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District.
- Bill O'Neal  
14235 Turnervine, 77375                      - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District.
- Jack Ridley  
14134 Castor, 77375                      - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District.
- Donald R. Mayo  
14211 Buckingham, 77375                      - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Donald R. Cotterman  
14251 Turnervine, 77375                      - Expressed opposition to proposed rezoning to MF-Multi-Family Residential District.
- Judy Smith  
31422 Rigel, 77375                      - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Carol Sellert                      - Did not speak; asked to have opposition to



- 14227 Orion, 77375  
proposed rezoning to MF-Multi-Family Residential District recorded
- Pamela Kaiser  
31303 Bearing Star Lane, 77375 - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Ken Uhle  
23211 Holly Hollow, 77375 - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Paula Metzler  
14223 Orion Drive, 77375 - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Justin Mayworn  
31418 Rigel Court, 77375 - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Valerie Mayworn  
31418 Rigel Court, 77375 - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Vicki Thomas  
14156 Turnervine, 77375 - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Vicki Saalfeld  
14159 Limerick Lane, 77375 - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Henry and Mary Rendon  
14102 Buckingham, 77375 - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Chris and Angela Telschow - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded
- Lana Ruiz  
Manager, 1515 Rudel, 77375 - Did not speak; asked to have opposition to proposed rezoning to MF-Multi-Family Residential District recorded

No additional public comments being received, the Public Hearing was closed by Mayor Fagan at 9:03 p.m.

Motion was made by Councilman Townsend, second by Councilman Driver, to read Ordinance No. 2009-16 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Quinn, second by Councilman Driver, to Adopt, on First Reading, Ordinance No. 2009-16 an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of approximately 13.392 acres of land in the Joseph House Survey, Abstract 34, Harris County, Texas, from the GR-General Retail District to the MF-Multi-Family Residential District; said property also being known as all of Lot 3 together with part of Lots 1 and 2 of The Shoppes At Spring Creek Commons, Section One, a Subdivision According to the Map or Plat Thereof Recorded in Film Code Number 622107 of the Map Records of Harris County, Texas, located on the north side of Brown-Hufsmith Road, easterly of S.H. 249; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an amount not to exceed \$2,000 for each day of violation of any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Driver	<u>Nay</u>
Councilman Quinn	<u>Nay</u>
Councilman Lazenby	<u>Nay</u>
Councilman Webb	<u>Nay</u>
Councilman Townsend	<u>Nay</u>

Motion FAILED unanimously.

Mayor Fagan called a 10-minute recess at 9:09 p.m.; Council reconvened at 9:19 p.m.

- 9.7 Mayor Fagan presented recommendations for appointments. Motion was made by Councilman Quinn, second by Councilman Driver, to reappoint Vincent O'Donnell and Brad Hallmark to their current positions on the Planning and Zoning Commission. Vote was as follows:

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

Motion carried, 4 to 1.

- 9.8 Mayor Fagan presented list of livable Centers Advisory Committee members. Motion was made by Councilman Townsend, second by Councilman Lazenby to ratify appointments to the Livable Centers Advisory Committee. Following discussion, motion was withdrawn by Councilman Townsend. Motion was made by Councilman Townsend, second by Councilman Quinn to table consideration of this item, pending receipt of sets of minutes indicating attendance of members.

Motion carried unanimously.

- 9.9 Mayor Fagan presented information regarding requested appointment of Council Representative to NWEMS. Motion was made by Councilman Townsend, second by Councilman Driver to appoint Councilman Webb as Council Representative to Northwest EMS Board. Council requested Scott Bounds to provide information as to whether or not the director position occupied by the City should be ex officio or a voting position.

Motion carried unanimously.

- 9.10 Mark McClure provided information regarding need for continued funding. Motion was made by Councilman Webb, second by Councilman Quinn, to approve continued funding for Professional Services on the Existing Agreement with Lockwood, Andrews, and Newnam, Inc., in the Amount of \$95,260.55.

Motion carried unanimously.

- 9.11 David Kauffman presented information regarding needed repairs. Motion was made by Councilman Lazenby, second by Councilman Quinn, to Award Contract for Renovations and Repairs to the Wayne Stovall Memorial Sports Complex to Kellogg, Brown & Root, (KBR) in the Amount of \$247,617.00 under the TCPN AJOC Contract.

Motion carried unanimously.

- 9.12 Randy Parr and Mary Coker provided information regarding status of the proposed project. Motion was made by Councilman Townsend, second by Councilman Driver to accept the Proposal from Parallax Builders, Inc. in the Amount of \$367,985 to Expand Fire Station 1 and to authorize the City Manager to Execute the Contract between Parallax and the City of Tomball. Following discussion, motion was made by Councilman Quinn, second by Councilman Webb to table item pending attempts by City staff to obtain additional property from First Baptist Church to correct encroachment into building line.

Motion carried unanimously.

- 9.13 David Kauffman presented information regarding condition of current Gradall. Motion was made by Councilman Townsend, second by Councilman Lazenby, to award Contract for Purchase of Gradall Telescopic Boom Excavator to Hi-Way Equipment Company in the Amount of \$248,830.00 through the H-GAC Cooperative Purchasing Contract.

Motion carried unanimously.

- 9.14 Motion was made by Councilman Driver, second by Councilman Quinn to Approve the Amendment to Administrative Policy No. 13, entitled "Investment Policy".

Motion carried unanimously.

- 9.15 Motion was made by Councilman Lazenby, second by Councilman Townsend, to approve the Amendment to Administrative Policy No. 20, entitled "Travel and Training Reimbursement".

Motion carried unanimously.

- 9.16 Executive Session: The City Council recessed at 10:43 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

- Section 551.071 – Consultation with Attorney in Closed Meeting Regarding Settlement Proposal from Plaintiff in Santibanes v. City of Tomball

Upon reconvening into Regular session at 10:56 p.m., the following action was taken:

- 9.17 Motion was made by Councilman Lazenby, second by Councilman Quinn, to authorize TML-IRP to settle the lawsuit, Santibanes v. City of Tomball, on behalf of the City of Tomball and its employees.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 1st day of June 2009.

Doris Speer  
Doris Speer, TRMC  
City Secretary

Gretchen Fagan  
Gretchen Fagan  
Mayor