



REGULAR CITY COUNCIL MEETING

January 21, 2010, @ 6:00 P. M. at the Oran White Civic Center

Minutes

The City of Tool Regular City Council Meeting was called to order at 6:02pm. Present were Council Members Phillips, Sonka, Wright and Reeder. Council Member Bush was absent. Quorum was established with Mayor Black Presiding.

Invocation and Pledge of Allegiance was led by Mayor Black.

Citizen Comments: No person signed up to speak

Approve Minutes as presented: Regular City Council Meeting December 17, 2009. Motion to approve minutes as presented was made by Council Member Phillips, second by Council Member Wright. Motion passed 4-0.

Consent Agenda: Consideration and/or action to approve Monthly Activity Reports for December 2009: (A) Municipal Court Report, (B) Police/Animal Control/Code Enforcement Report, (C) Financial and Expenditure Report, (D) Maintenance/Street Department Report, (E) Building / Street Department Report, (F) City of Tool Volunteer Fire Department Report. Motion to approve was made by Council Member Reeder second by Council Member Phillips. Motion passed 4-0.

ITEM 1: Consideration and/or action to approve the engineer for Road Program. Mayor Black stated that he had met with two different individuals the first of which he was not pleased with and the second who was involved with the City's road project from 1999. The City has not received all bids for this project yet but is expecting them in sometime next week. Council Member Wright made motion to Table this item second by Council Member Sonka. Motion to Table passed 4-0

ITEM 2: Order the May 08, 2010 Election: a General Election to elect three council members and a Special Election to elect a council member for the remainder of an unexpired term. Council Member Sonka clarified that any one running for the candidate seat with an unexpired term must state that on his or her candidate application. Motion to Order the May 08, 2010 General Election was made by Council Member Sonka second by Council Member Phillips. Motion Passed 4-0

ITEM 3: Consideration and/or action to adopt Resolution 2010-1R, establishing procedures for the May 08, 2010 General and Special Election. Motion to adopt Resolution 2010-1R, establishing procedures for the May 08, 2010 General and Special Election was made by Council Member Phillips second by Council Member Reeder. Motion passed 4-0.

ITEM 4: Request for Consideration and/or action by Barney Bray of Sanitation Solutions on contract for solid waste removal. Subject did not show up. Item died from lack of motion.

ITEM 5: Consideration and/or action to approve the re-plat of Westwind Lots 74 & 75 combined into Lot 75R as requested by property owner James Pollock, 621 Westwind Road. Council Member Reeder asked if the neighbors were aware. Building Inspector Mike Howell stated that this project has been in the works for a year and that no one had approached him with a complaint. Motion to approve the re-plat



of Westwind Lots 74 & 75 combined into Lot 75R was made by Council Member Phillips second by Council Member Reeder. Motion passed 4-0

ITEM 6: Consideration and/or action to approve the re-plat of Sport-N-Rest Lots 24 & 25 Block 3 combined into Lot 25R Block 3 as requested by property owner Robert George, Jr., 1601 Maple Drive. Council Members Sonka stated that she and Council Member Phillips drove by the property sight and saw no problem with the re-plat. Motion to approve re-plat of Sport-N-Rest Lots 24 & 25 was made by Council Member Phillips second by Council Member Sonka. Motion passed 4-0

ITEM 7: City Council will convene in Executive/Closed Session to consult with legal counsel regarding the lawsuit entitled *Henderson County Emergency Services District #4 v. City of Tool*, filed in the 392nd District Court, Henderson County, Docket No. 2010B-0007. Council Convened into Executive/Closed session at 6:22pm.

ITEM 8: Reconvene into Regular Session at 7:08.

ITEM 9: Take any action necessary resulting from Executive/Closed Session. No action was taken by Council however; Mayor Black did allow City Attorney Ron Stutes to brief the Citizens of the lawsuit details. Mr. Stutes advised that the ESD filed for lawsuit against the City under a very unusual and particular Government Code. He also informed them that as Citizens that they too are being sued by the Emergency Services District #4 and are entitled to participate in this lawsuit by appearing on Feb 1st 2010 at 9:00am at the 392nd Court in Athens, TX.

ADJOURN: Motion to adjourn was made by Council Member Reeder, second by Council Member Sonka. Motion passed 4-0 at 7:17.

Passed and approved this 18th day of February 2010.

ATTEST:

J. Michael Black, Mayor

seal

Neva Tankursley, City Secretary