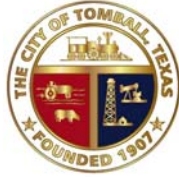


**MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, AUGUST 3, 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 Stoll
Councilman Webb
Councilman Townsend
Councilman Driver

Others present:

City Manager – Jan Belcher
City Secretary – Doris Speer
City Attorney – Scott Bounds
Director of Public Works – David Kauffman
Director of Engineering and Planning – Mark McClure
Lisa Coe – HR Director
Chief of Police – Robert Hauck
Fire Chief – Randy Parr
Finance Director – Monica Kohlenberg
Assistant to City Manager – Shawn Cox
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Dr. Dorothy Terry, Pastor, Salem United Methodist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Bre'Anna Stephens and Surayah Longe

4.0 The following public comments were received:

Richard Bruce - Addressed City Council regarding sheet water
14231 Spring Pines Drive, 77375 drainage problems in Spring Pines Estates.

5.0 Presentation:

- Presentation was made by Franklin Stephens, Chaplin and Sr. Commander, and Bill Schaeffer, Post Commander, on behalf of Tomball VFW Post 2427 to Mayor Fagan for her support to the Veterans of Foreign Wars of the United States.

6.0 Reports and Announcements:

- August 6, 2009 – **Mayor’s Coffee**, 5:00 p.m.-6:30 p.m., Main Street Crossing
- August 7, 2009 - **Tomball Night** – “*Holidays Around the World*”
- August 8, 2009 – **Farmers Market**, 8:00 a.m.
- August 8, 2009 - **2nd Saturday at the Depot**, 6:00 p.m.
- August 12, 2009 – Comprehensive Plan Alternatives Workshop – 6:00 p.m. at the Community Center
- August 17, 2009 – Public Hearing for the City of Tomball's Proposed Budget for FY 2010 – 7:00 p.m. at the Regular Council Meeting
- August 24, 2009 – Planning and Zoning Commission Special Meeting Livable Centers, Downtown Plan Presentation by HNTB – 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>

7.0 Motion was made by Councilman Townsend, second by Councilman Driver to Approve the Minutes of the Regular City Council Meeting of July 20, 2009.

Motion carried unanimously.

8.0 Old Business

8.1 Doris Speer presented an overview of the request by TxDOT for the City to adopt new speed zones. Motion was made by Councilman Townsend, second by Councilman Driver, to read Ordinance No. 2009-18, by caption only, on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to Adopt, on First Reading, Ordinance No. 2009-18, An Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of the City of Tomball, as set out

in this Ordinance; and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of this Ordinance (SH 249/Tomball Expressway). Councilman Townsend requested that TxDOT adhere to the federal regulations for the size of speed limit signs. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to move Item 9.1, to Adopt, on First Reading, Ordinance No. 2009-19, an Ordinance of the City Council of the City of Tomball, Texas, Amending Ordinance No. 99-02, Adopted March 1, 1999, Authorizing the Issuance of \$7,550,000 city of Tomball, Texas Waterworks and Sewer System Revenue Bonds, Series 1999, after Item 9.6.

Motion carried unanimously.

- 9.2 Doris Speer provided an overview of the Tomball High School Student Council's request for the use of the Depot. Motion was made by Councilman Webb, second by Councilman Driver, to Approve Resolution No. 2009-18, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 2nd Annual Homecoming Parade and Pep Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the TISD Student Council, on Wednesday, October 21, 2009.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Webb, second by Councilman Townsend to Approve Resolution No. 2009-19, a Resolution of the City of Tomball, Texas, Replacing the City of Tomball's Personnel Policy in its Entirety with the "Human Resources Policies and Employee Handbook". Motion was made by Councilman Townsend, second by Councilman Driver, to table consideration and approval of Resolution No. 2009-19, until Council has a clean copy of the current policy to compare with the redlined proposed changes to the policy. Councilman Townsend requested Adobe Acrobat Professional be installed on the laptops to allow Councilmembers to make comments on electronic documents...

Motion to **table** Resolution No. 2009-19 carried unanimously.

- 9.4 David Kauffman presented an overview of the Engineered Pavement Management Plan and introduced Edwin Ridel of Claunch & Miller, who presented the Engineered Pavement Management Plan to Council. Claunch & Miller's recommendation is that City complete the worst streets over the next two years, then begin a scheduled replacement program the third year. Motion was made by Councilman Townsend, second by Councilman Webb, to accept the Presentation of the Engineered Pavement Management Plan by HDR/Claunch & Miller Engineering Consultants.

Motion carried unanimously.

- 9.5 Lisa Coe presented an overview of employee health and welfare benefits. Randy Martell, IPS, provided information concerning the RFP bids for Project No. 2009-08. Motion was made by Councilman Townsend, second by Councilman Webb, to Award Project No. 2009-08, Employee Health and Welfare Benefits to Aetna, United Concordia Dental, and Signa Life Insurance and Long-Term Disability.

Motion carried unanimously.

- 9.6 Mark McClure and Monica Kohlenberg presented information regarding the requested extension of water, sewer and gas utilities to the planned Raleigh Creek Subdivision. Motion was made by Councilman Driver, second by Councilman Stoll, to Approve Request by James E. Spurlin, President, L.S. Development, for the City to Extend Water, Sewer, and Gas Utilities to the Raleigh Creek Subdivision.

Motion **DENIED** unanimously.

Mayor Fagan announced a 10-minute recess at 8:48 p.m.; upon reconvening at 8:58 p.m., the following action was taken:

- 9.1 Monica Kohlenberg presented an overview regarding Amending Ordinance No. 99-02, to include gas systems revenues in the debt service for the 1999 Bond Series. Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2009-19, by caption only, on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to Adopt, on First Reading, Ordinance No. 2009-19, an Ordinance of the City Council of the City of Tomball, Texas, Amending Ordinance No. 99-02, Adopted March 1, 1999, Authorizing the Issuance of \$7,550,000 City of Tomball, Texas Waterworks and Sewer System Revenue Bonds, Series 1999. Vote was as follows:

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

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

Motion carried, 3 Aye to 2 Nay votes.

- 9.7 Robert Hauck presented information regarding the Interlocal agreement between the City and TISD. Motion was made by Councilman Townsend, second by Councilman Webb, to Approve the 2009-2010 Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), Affording the Tomball Police Department the Ability to Assign a Student Resource Officer to a TISD Campus.

Motion carried unanimously.

- 9.8 David Kauffman presented information regarding the current waste disposal contract with Waste Management, Waste Management's refusal to extend the contract for the final extension period, and City staff's recommendations regarding the proposal received from Waste Management regarding the current agreement and actions to be taken. Motion was made by Councilman Driver, second by Councilman Webb, to authorize City staff to pursue requests for proposals for Solid Waste Removal and Disposal immediately.

Motion carried unanimously.

- 9.9 Shawn Cox presented information regarding requests for waivers of Community Center rental fees. Motion was made by Councilman Townsend, second by Councilman Webb, to Approve Waiving Community Center Fees. Vote was as follows:

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

Motion to waive Community Center fees **FAILED** unanimously.

- 9.10 David Kauffman presented proposed amendments to Administrative Policy No. 1. Motion was made by Councilman Stoll, second by Councilman Quinn to Approve Amendment to Administrative Policy No. 1, entitled "Banner Policy."

Motion carried unanimously.

- 9.11 David Kauffman presented a proposed new Administrative Policy No. 23. Motion was made by Councilman Townsend, second by Councilman Webb, to Approve New

Administrative Policy No. 23, entitled “City Parks Facilities Reservations Policy”. Vote was as follows:

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

Motion **FAILED**, 2 Aye to 3 Nay votes.

Motion was made by Councilman Townsend, second by Councilman Webb to reduce rental fees for depot and gazebo to:

For residents: 1/2 day - \$50.00; all day - \$100.00; deposit - \$200.00
For non-residents: 1/2 day - \$100.00; all day - \$125.00; deposit - \$200.00.

Motion to approve Administrative Policy No. 23, with the amended fees as proposed, carried unanimously.

- 9.12 David Kauffman presented a proposed new Administrative Policy No. 24. Motion was made by Councilman Townsend, second by Councilman Quinn to Approve New Administrative Policy No. 24, entitled “Tennis Courts Reservation Policy”.

Motion carried unanimously.

- 9.13 Executive Session: The City Council recessed at 9:55 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 551.074 Personnel Matters – To Deliberate the Appointment, Employment, and Duties of an Assistant City Manager

Upon reconvening into Regular session at 11:11 p.m., the following action was taken.

- 9.14 Motion was made by Councilman Townsend, second by Councilman Quinn, to Approve Appointment of Christal Kliewer as the new Assistant City Manager. Vote was as follows:

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

Motion carried, 4 Aye to 1 Nay votes.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 17th day of August 2009.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor