

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



MONDAY AUGUST 16, 2010

7:00 P.M.

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

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Klierer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Director of Public Works – David Kauffman
Assistant to City Manager – Shawn Cox
Director of Human Resources – Lisa Coe
City Planner – Kelly Violette
Council-Elect – Preston L. Dodson

2.0 Invocation

- Led by Councilman Brown

3.0 Pledges to U. S. and Texas Flags

- Led by Shawn Cox

4.0 The following public comments were received:

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| Larry Youngblood
12519 Logan Mill Dr., 77070 | - Expressed his opposition to the day labor site. |
| Jim Cabaniss
8 Box Turtle Lane, 77380 | - Expressed his opposition to the day labor site. |
| Scott Bartholomew
15426 Hillside Parkway, 77435 | - Expressed his opposition to the day labor site. |
| Gregory White
25411 Fairbrook Lane, 77373 | - Expressed his opposition to the day labor site. |
| Frank Williams
11811 North Freeway #500, 77060 | - Expressed his opposition to the day labor site. |
| Phil Johnson, Sr.
810 Sentinel Oaks Drive, 77362 | - Expressed his opposition to the day labor site. |
| Karen Williamson
Rt. 249, P. O. Box 652, 77377 | - Expressed her opposition to the day labor site. |
| Richard Smith
18611 Becker Road, 77447 | - Expressed his opposition to the day labor site. |
| Janet Thomas
19335 Cypress Canyon, 77449 | - Expressed her opposition to the day labor site. |
| Lynn LeBouef
8107 Hideaway Lake, 77389 | - Spoke regarding the reappointment of current members to the Tomball Hospital Authority |
| Mary Harvey
405 S. Walnut, 77375 | - Expressed her appreciation for City support for Tomball Night. |

5.0 Reports and Announcements:

- **Tuesday, August 17, 2010 – 4 p.m. – Canvass of Special Election** held on August 14, 2010
- September 11, 2010 – **Farmers Market** – 8:00 a.m.
- September 11, 2010 – **3rd Annual Mayor’s Challenge Blood Drive** – 1:00 p.m. to 7:00 p.m. at the Community Center
- September 11, 2010 – **9-11 Memorial Service**, Location and Time to be Announced
- September 11, 2010 – **2nd Saturday at the Depot**, 6:00 p.m
- **Walk Tomball!** (Every Saturday at 8:00 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
 - The Quarterly Investment Report was presented by Glenn Windsor.
 - An update on Rudolph Road Property Acquisition was presented by Kelly Violette.
 - The Press Release regarding the passing of Tomball Police Department Caninee, Natan was read by Robert Hauck.

6.0 Motion was made by Councilman Stoll, second by Councilman Quinn, to approve the Minutes of the following City Council meetings:

- Special City Council Meeting of August 2, 2010
- Regular City Council Meeting of August 2, 2010

Motion carried unanimously.

7.0 Old Business:

7.1 Glenn Windsor presented an overview of the proposed Ordinance. Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2010-17, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2010-2011; and Authorizing the City Manager to Approve Intra-departmental (within the same Department only) Transfers of Budgeted Funds; and Providing other Details Relating to the Passage of This Ordinance. Vote was as follows:

Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried , 3 Aye votes to 1 Nay vote.

8.0 New Business:

8.1 Mayor Fagan presented the proposed Board Member Candidates. Nomination was made by Mayor Fagan to appoint Diane Holland to the unexpired vacancy on the Hospital Board; nomination was made by Councilman Quinn to appoint Jerald Till to the unexpired vacancy on the Hospital Board; and nomination was made by Councilman Townsend to appoint Rick Pritchett to the unexpired vacancy on the Hospital Board. Nominations ceased. Motion was made by Councilman Townsend, second by Councilman Quinn, to reappoint Ben Thomas, Ray Lingo, and Ellen Stutts to the Tomball Hospital Authority Board of Directors. Vote was taken regarding nominated individuals for the unexpired vacancy on the Hospital Board; vote was as follows:

Councilman Quinn	<u>Jerald Till</u>
Councilman Stoll	<u>Jerald Till</u>
Councilman Brown	<u>Diane Holland</u>
Councilman Townsend	<u>Jerald Till</u>

Jerald Till is appointed to the unexpired vacancy on the Hospital Board by a vote of 3 to 1.

- 8.2 Glenn Windsor presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Quinn, to read Ordinance No. 2010-18 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on First Reading, Ordinance No. 2010-18, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2009-27 and all Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing other Matters Relating to the Subject; and Providing for Severability. Vote was as follows:

Councilman Townsend	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

- 8.3 Lisa Coe and Anthony Mills, Regional Manager-TMRS, presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2010-19 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2010-19, an Ordinance of the City Council of the City of Tomball, Texas, Electing for the City to Make Current Service and Prior Service Contributions to the City's Account in the Municipal Accumulation Fund of the Texas Municipal Retirement System (TMRS) at the Actuarially Determined Rate of Total Employee Compensation; Amending all other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; and Providing other Matters Relating to the Subject. Vote was as follows:

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

Councilman Brown Aye
Councilman Townsend Aye

Motion carried unanimously.

- 8.4 Doris Speer presented an overview of the proposed Resolution. Motion was made by Councilman Quinn, second by Councilman Townsend, to approve Resolution No. 2010-16, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 3rd 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 6, 2010, at 6:30 p.m.

Motion carried unanimously.

- 8.5 Shawn Cox presented an overview of the proposed Resolution. Motion was made by Councilman Quinn, second by Councilman Stoll, to approve Resolution No. 2010-17, a Resolution of the City Council of the City of Tomball, Texas, supporting the Woodforest National Bank 10K and 5K Fun Runs to be held in Tomball on Saturday, November 13, 2010.

Motion carried unanimously.

- 8.6 Rob Hauck presented an overview of the proposed Appointment. Motion was made by Councilman Townsend, second by Councilman Brown, to Approve the Appointment of Dewayne Eickenhorst as a Tomball Police Department Reserve Officer.

Motion carried unanimously.

- 8.7 Rob Hauck presented an overview of the proposed change to the Police Department Table of Organization. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Request to Change the Tomball Police Department's Table of Organization by Eliminating the Position of Police Lieutenant (non-exempt), and Replacing it with a Police Captain (exempt) Position.

Motion carried unanimously.

- 8.8 George Shackelford presented an overview of the proposed Strategic Plan. Motion was made by Councilman Brown, second by Councilman Townsend, to adopt the 2010-2015 Strategic Plan.

Motion carried unanimously.

- 8.9 Lisa Coe presented an overview of the proposed Aetna Benefits. Motion was made by Councilman Quinn, second by Councilman Stoll, to approve Renewal of Employee Health and Welfare Benefits Agreement with Aetna.

Motion carried unanimously.

8.10 **EXECUTIVE SESSION:** The City Council recessed at 8:38 p.m. to meet in Executive Session, as Authorized by Title 5, Chapter 551.071 (Consultation with Attorney) and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.074 (Personnel Matters) of the Government Code (the Texas Open Meetings Act), for the Following Purposes:

- Section 551.071 – Consultation with Attorney – On a Matter in Which the Duty of the Attorney to the City Council under the Texas Disciplinary Rules of Conduct of the State Bar of Texas Clearly Conflicts with this Chapter; and
- Section 551.087 – Deliberation Regarding Economic Development Negotiations – Deliberate the Offer of Financial Incentives to Business Prospects Seeking to Locate within the City.
- Section 551.074 – Personnel Matters – To Deliberate the Hiring/Employment, Duties and Responsibilities of a Municipal Court Judge.

Upon reconvening into open session at 9:11 p.m., the following action was taken.

8.11 Motion was made by Councilman Townsend, second by Councilman Brown to Appoint Andrea Walker as Presiding Municipal Court Judge, to appoint Laryssa Korduba, Robert Rosenberg, and Stephen Vigorito as Alternate Municipal Court Judges.

Motion carried unanimously.

9.0 Motion was made by Councilman Townsend, second by Councilman Stoll, for adjournment.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of September 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor