

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



MONDAY, JANUARY 18, 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

Councilmembers absent:

Councilman Driver

Others present:

Acting City Manager – Christal Kliewer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Chief of Police – Robert Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette
Community Events Coordinator – Rosalie Dillon

2.0 The invocation was led by Mike Ayers, Pastor, The Brook Church

3.0 Pledges to U. S. and Texas Flags were led by Surayah Longe, Tomball High School Student Council.

4.0 The following public comments were received:

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|---------------------------------------|---|
| Mary Harvey | - Expressed her opposition to approving the contract for the site plan and going through the platting process. |
| Rodney Hutson, M.D. | - Expressed his opposition to approving the contract for the site plan and going through the platting process. |
| Judy Wilson | - Requested Council intervention to prevent the potential destruction of the Tomball Independent School District's Cherry Street school building. |
| Nancy Nygaard | - Expressed her support for Council's designation of the Tomball-Magnolia Tribune as the City's official newspaper for 2010. |
| Lacy Kastendieck | - Expressed her support for Council's designation of the Tomball Potpourri as the City's official newspaper for 2010. |
| John Dillon
1416 Turnervine, 77375 | - Expressed his opinion that, if the site plan is needed, the City should proceed with the contract; if the site plan is not needed, the City should plant trees. |

5.0 Presentation:

- An overview of **CrimeReports.com** was presented by Chief Robert Hauck, Tomball Police Department.

6.0 Reports and Announcements:

- **Farmers Market** – Will reopen in March 2010
- January 23 and 30, 2010 – **Walk Tomball!** – Depot Plaza – 9:00 a.m.
- January 26, 2010 – **Boards and Commissions Reception** – Community Center – 5:30 p.m.
- January 27, 2010 – Presentation by Census 2010 Staff to Community Leaders – City Hall – 10:00 a.m.
- February 8 through March 8, 2010 – Dates to File Application for Place on May 8, 2009 Ballot
- February 13, 2010 – **2nd Saturday at the Depot** – 5:00 p.m.

- February 23, 2010 – Trail Rider Reception at the Depot – 2:00 p.m.
- March 8-13, 2010 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- 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
- Appointments to Board of Adjustments (expiring 3/2/2010) – February 15, 2010 agenda
- March 15, 2010 – Candidate Orientation (tentative date)

7.0 Motion was made by Councilman Townsend, second by Councilman Quinn, to approve the Minutes of the Regular City Council Meeting of January 4, 2010, as corrected.

Motion carried unanimously.

8.0 Old Business:

8.1 Randy Parr and Glenn Windsor presented an overview of the proposed Ordinance. Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2010-01 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Quinn, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2010-01, an Ordinance of the City of Tomball, Texas, Adopting **Amendment Number 1** to the Original Budget of the City of Tomball, Texas, for the Fiscal Year 2009-2010, as Adopted by Ordinance No. 2009-20; Providing for Appropriation of Funds from the Governmental Funds and the Proprietary Funds; Directing Publication of the Caption of this Ordinance; Finding that the Meetings at which this Ordinance is Considered are Open to the Public; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing Other Details Relating to the Passage of This Ordinance. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

9.1 Glenn Windsor presented an overview of the proposed Resolution. Motion was made by Councilman Townsend, second by Councilman Webb, to approve Resolution 2010-02, a

Resolution Authorizing the Mayor to Execute the TexPool Prime Participation Agreement on Behalf of the City of Tomball.

Motion carried unanimously.

- 9.2 Glenn Windsor presented an overview of the proposed Resolution. Motion was made by Councilman Webb, second by Councilman Townsend, to approve Resolution 2010-03, Designating Authorized Representatives to Conduct Authorized Participation in TexPool *Prime* on Behalf of the City of Tomball.

Motion carried unanimously.

- 9.3 Doris Speer presented an overview of the proposed Resolution. Motion was made by Councilman Webb, second by Councilman Stoll to approve Resolution No. 2010-04, a Resolution of the City Council of the City of Tomball, Texas, Designating the Tomball-Magnolia Tribune as the Official Newspaper for 2010 for Publication of Matters Pertaining to the City of Tomball. Vote was as follows:

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

The vote being tied, Mayor Fagan voted: Aye

Motion carried 3 Aye votes to 2 Nay votes.

- 9.4 Glenn Windsor presented an overview of the proposed CAFR. Motion was made by Councilman Quinn, second by Councilman Webb, to accept the Audited Comprehensive Annual Financial Statements (CAFR) for the Fiscal Year Ended September 30, 2009 as presented by Belt Harris & Associates, LLP.

Motion carried unanimously.

- 9.5 David Kauffman presented an overview of the proposed Proposal. Motion was made by Councilman Quinn, second by Councilman Townsend, to approve Proposal from Kimley-Horn and Associates, Inc. for Professional Services for the Development of a Site Plan for the Historic Depot Plaza for a Not to Exceed Cost of \$26,200.00.

Motion was made by Councilman Townsend, second by Councilman Webb, to table consideration of the contract and request staff to return with a revised proposal, more details regarding deliverables, and reduced costs.

Motion to table was withdrawn by Councilman Townsend and Councilman Webb.

Motion was made by Councilman Quinn, second by Councilman Townsend, to amend the motion to include authorizing the Interim City Manager to negotiate a contract, adjusting the scope and costs included in the proposal.

Motion, as amended, carried unanimously.

- 9.6 The City Council recessed at 8:41 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 – Assistant City Manager

Upon reconvening into Regular session at 9:01 p.m., the following action was taken:

- 9.7 Motion was made by Councilman Webb, second by Councilman Townsend to appoint Christal Kliever as Interim City Manager, effective November 27, 2009, at a salary of \$105,000 per year, until a new City Manager is hired.

Motion carried unanimously.

Request was made by Councilman Townsend, second by Councilman Webb, that the following items be included on the February 1, 2010 agenda:

- (1) Skating rink accounting – number of paying skaters and revenues from them, number of donations, solicited donors, and amount donated by each, city employees and the hours they worked and how they were paid (days off, in-kind, etc.), total number of people hired to work the skating rink, a breakdown of the total costs to the city to operate the rink, and the total number of skaters;
- (2) Discussion and action/direction regarding solicitations made by City elected officials or staff to area businesses and organizations;
- (3) A report regarding condemnation proceedings on FM 2920 at Snook (burned out gas station).

City staff will provide information regarding the skating rink to Council when the accounting has been completed, and will provide information regarding condemnation proceedings in the weekly update. Discussion regarding solicitations will be on the February 1 agenda.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 1st day of February 2010.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor