

THE WOODLANDS TOWNSHIP

Board of Directors

WORKSHOP MEETING

September 20, 2012

MINUTES

THE STATE OF TEXAS §

COUNTIES OF HARRIS & MONTGOMERY §

The Board of Directors of The Woodlands Township met in regular session, open to the public, on September 20, 2012, posted to begin at 7:30 AM. The meeting was held in a meeting room at the office of The Woodlands Township, Board Chambers, 2801 Technology Forest Boulevard, The Woodlands, Texas, within the boundaries of The Woodlands Township.

Chairman:
Bruce Tough

Vice Chairman:
Peggy Hausman

Secretary:
Ed Robb

Treasurer:
Gordy Bunch

Directors:
Mike Bass
Nelda Luce Blair
Jeff Long

President:
Don Norrell

Staff/Advisors:
Alan Benson
Kim Cogburn
Mary Connell
Karen Dempsey
Taunya Jacques
Miles McKinney
Mike Page
John Powers
Monique Sharp
Bret Strong
Susan Welbes
Renee Williford
Nick Wolda

STANDARD ITEMS:

1. Pledge of Allegiance:

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Chairman Tough led the Pledge of Allegiance to the United States flag and Texas State flag.

2. Call meeting to order;

Chairman Tough called the meeting to order at 7:37 a.m. and declared that notice of this meeting was posted 72 hours in advance at the Courthouse of Montgomery and Harris Counties and inside the boundaries of The Woodlands Township at the office building located at 2801 Technology Forest Boulevard, The Woodlands, Texas.

The roll was then called of the duly elected members of the Board with all members present. As there was a quorum of members present, the Board proceeded to conduct business regarding the following matters.

3. Receive, consider and act upon adoption of the meeting agenda;

Motion by: Nelda Luce Blair moved to adopt the agenda as presented.

Second by: Gordy Bunch

Motion passed unanimously (7-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	x		

4. Recognize public officials;

Chairman Tough recognized the following individuals:

James Noack-Republican nominee elect for Montgomery County Commissioner, Precinct 3

Claude Hunter-former Director, The Woodlands Township

Greg Smith-City Manager, City of Shenandoah

5. Public comment;

The following individuals addressed the Board:

Steve Leakey-38 Courtland Green St., presented a report for Alden Bridge Village Association

Joanne Cousins-14 Dappled Sun Place, commented about the proposed ground lease at Northshore Park

John Kelly-18 Dappled Sun Place, commented about the proposed ground lease at Northshore Park

Jan Rosman-10 East Bay Boulevard, yielded time to Tom Dalton regarding Parati Rowing Club proposed ground lease

Mike Rosman-10 East Bay Boulevard, commented about the Parati Rowing Club proposed ground lease

Kathleen Dalton-111 Wind Ridge Circle, yielded time to Tom Dalton regarding Parati Rowing Club proposed ground lease

Tom Dalton-111 Wind Ridge Circle, commented about Parati Rowing Club proposed ground lease

Simon Eastwick-114 Wintergreen Trail, commented about Parati Rowing Club proposed ground lease

Naomi Watkins-10 East Bay, commented about Parati Rowing Club proposed ground lease

Claude Hunter-2 Townsend Place, would like to provide public comment during presentation of item #15 regarding a flyover

Bill Beasley-10 Dappled Sun Place, commented about Parati Rowing Club proposed ground lease

Greg Smith-City Manager, Shenandoah, commented about flyover

At this time, Chairman Tough proposed having John Powers, Assistant General Manager of Community Services for The Woodlands Township, make a brief presentation on item #19 regarding a proposed ground lease with Parati Competitive Rowing (Parati). Mr. Powers informed the Board that a proposal was received from Parati to locate a boathouse at Northshore Park or other locations in order to provide a competitive youth rowing program. Mr. Powers explained that Parati was formed following a split from the Rowing Club of The Woodlands (RCTW).

Mr. Powers commented that Township staff has had discussions with members of RCTW, RCTW Board of Directors and members of Parati to work out a plan where both groups could co-exist and operate from the current RCTW facility. At this point in time, there is opposition from area residents who live near the Parati proposed boathouse location.

Mr. Powers recommended that the Township Board take no action at this time until all other options have been considered as there may be other location options available to Parati.

Next, Chairman Tough proposed that item #15, regarding highway improvement projects sponsored by The Woodlands Road Utility District No. 1, be presented prior to the Board receiving the Consent Agenda.

15. Receive, consider and act upon adoption of a resolution in support of highway improvement projects sponsored by The Woodlands Road Utility District No. 1 as follows:

- a. Northbound to westbound direct connector at IH-45 and Research Forest Drive;
- b. Grade separated overpass at Research Forest Drive and Grogan's Mill Road; and
- c. Northbound braided ramp at IH-45 and State Highway 242

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Chairman Tough called on Robert Heineman, Vice President of Planning for The Woodlands Development Company, to provide background information on three proposed road projects. Mr. Heineman gave a PowerPoint presentation and reviewed the road projects listed above that The Woodlands Road Utility District No. 1 (WRUD No. 1) has committed funding for engineering design, environmental assessment and a 20 percent local share cost match that is required to obtain federal and state highway funding.

Mr. Heineman informed the Board that the proposed road projects must first be presented to the Houston-Galveston Area Council (H-GAC) for consideration and funding support. If these projects are approved, they will then be added to the 2013-2016 Transportation Improvement Plan for further review and approval.

Board discussion followed Mr. Heineman's presentation. Some of the Board's comments centered on a desire to include the cities of Shenandoah and Oak Ridge North as partners in discussions regarding transportation projects. A question was asked regarding whether any study had been done that would show the impact of the proposed road projects on residents and businesses in Shenandoah and Oak Ridge North. The Board received information that the City of Shenandoah and the City of Oak Ridge North had passed Resolutions Opposing Certain Transportation Projects in South Montgomery County.

Following Board discussion, Mr. Heineman informed the Board that the Township could submit resolutions in support of each of the proposed WRUD No. 1 projects to the H-GAC Transportation Policy Council. Mr. Heineman suggested that the Township draft a broader resolution that would recognize the problems at intersections and include ways to partner with the cities of Shenandoah and Oak Ridge North in an effort to resolve issues and perhaps allow the South Montgomery area to receive funding for one or more of the proposed projects. Mr. Heineman offered that based on a revised resolution, then maybe the cities of Shenandoah and Oak Ridge North could pass another resolution in support of the WRUD No. 1 projects that would then supersede the previous resolutions opposing the transportation projects. Additionally, it was suggested that perhaps the County should also revise its resolution.

Chairman Tough then called on Claude Hunter to provide public comment. Mr. Hunter expressed that he values the relationship that the Township has with the cities of Shenandoah and Oak Ridge North. Mr. Hunter commented that he is pleased with the positive plans for road projects that Mr. Heineman and The Woodlands Development Company have presented. Lastly, Mr. Hunter suggested that a speakers' bureau be set up in order to present the plans for the road projects and discuss funding sources.

There was additional Board discussion regarding a draft of Resolution No. 015-12. It was suggested that this resolution be revised to represent the thoughts and suggestions expressed during discussion of this

item, including other solutions and more involvement with the cities of Shenandoah and Oak Ridge North. There was also discussion and some disagreement about the value of ranking the road projects.

This item will be brought forward to the September 26, 2012 regular Board meeting for consideration and action under the Regular Agenda.

The Board then took a brief recess at 9:25 a.m. and reconvened the meeting at 9:35 a.m.

CONSENT AGENDA:

6. Receive, consider and act upon the Consent Agenda;

(This agenda consists of non-controversial or "housekeeping" items required by law. One motion with modifications, if applicable, approves for action, all items contained within the Consent Agenda. Items may be moved from the Consent Agenda to the Regular Agenda by any Board Member making such request prior to a motion and vote.)

6.a. Receive, consider and act upon approval of the minutes of the August 2, 2012 Special Board Meeting, August 16, 2012 Board Workshop, and August 22, 2012 Regular Board Meeting for the Board of Directors of The Woodlands Township;

Chairman Tough asked the Board to review the minutes. Corrections to the August 16, 2012 Board workshop minutes were noted. These corrections will be made prior to the Board taking action on the minutes next week.

This item will be brought forward to the September 26, 2012 regular Board meeting for consideration and action under the Consent Agenda.

6.b. Receive, consider and act upon a proclamation in support of National Night Out;

A proclamation in support of "National Night Out" will be read at the September 26, 2012 regular Board meeting prior to a motion and vote to approve the Consent Agenda.

6.c. Receive, consider and act upon a proclamation in support of International Walk to School Month;

A proclamation in support of "International Walk to School Month" will be read at the September 26, 2012 regular Board meeting prior to a motion and vote to approve the Consent Agenda.

6.d. Receive, consider and act upon a proclamation in support of World Alzheimer's Month and Alzheimer's Action Day;

A proclamation in support of "World Alzheimer's Month and Alzheimer's Action Day" will be read at the September 26, 2012 regular Board meeting prior to a motion and vote to approve the Consent Agenda.

6.e. Receive, consider and act upon authorization of the preparation and filing of a submission to the United States Department of Justice under the Voting Rights Act of 1965 for pre-clearance of voting procedure changes in connection with change in directors election date;

Mike Page, legal counsel for The Woodlands Township, presented this item regarding the Voting Rights Act and the requirement to make the appropriate pre-clearance filing relative to the change in Directors' general election date from May to November.

It was recommended that the Board authorize Schwartz, Page & Harding LLP to prepare and file the appropriate submission with the United States Justice Department on the Township's behalf. Board discussion followed.

This item will be brought forward to the September 26, 2012 regular Board meeting for consideration and action under the Consent Agenda.

6.f. Receive, consider and act upon conveyance of the Village of Creekside Park West Section 3 Restricted Open Space Reserves G, also known as Camellia Pond Park;

John Powers presented background information on this item with a recommendation that the Board accept the conveyance by special warranty deed from The Woodlands Land Development Company, L.P. for the Village of Creekside Park West, Section 3, Restricted Open Space Reserve G, also known as Camellia Pond Park. Board discussion followed.

This item will be brought forward to the September 26, 2012 regular Board meeting for consideration and action under the Consent Agenda.

6.g. Receive, consider and act upon an interlocal agreement with Montgomery County regarding maintenance of lighted street signs;

John Powers presented background information on this item with a recommendation that the Board approve the interlocal agreement with Montgomery County for the maintenance of lighted street signs as presented and authorize the President/General Manager to execute said agreement. Board discussion followed.

This item will be brought forward to the September 26, 2012 regular Board meeting for consideration and action under the Consent Agenda.

7. BRIEFINGS:

8. Receive and consider a presentation regarding 7(k) exemption to the Fair Labor Standards Act for fire protection employees;

Susan Welbes, Human Resources Director for The Woodlands Township, presented information regarding the Fair Labor Standard Act 7(k) Exemption. Ms. Welbes explained that Section 7(k) was enacted in order to provide more flexibility to public employers related to the unusual schedules that fire protection employees have. Section 7(k) allows public employers to keep fire protection employees on rotating schedules without having to automatically pay them a larger percentage of overtime pay.

Board discussion followed Ms. Welbes' presentation. There was a request for additional clarification on this item when it is brought back to the Board in October for consideration and action.

9. REGULAR AGENDA:

10. Receive, consider and act upon approval of property and liability insurance from October 1, 2012 to September 30, 2013;

Monique Sharp, Assistant General Manager of Finance and Administration for The Woodlands Township, provided a brief update to the Board on this item. Ms. Sharp informed the Board that the Township is looking at changing insurance carriers. Multiple quotes were received in response to the Request for Proposal. Ms. Sharp commented that additional information will be provided to the Board at next week's meeting. Board discussion followed.

This item will be brought forward to the September 26, 2012 regular Board meeting for consideration and action under the Regular Agenda.

11. Receive, consider and act upon the Second Amendment to the Facilities Use Agreement between Lone Star College System and The Woodlands Township;

Fire Chief Alan Benson presented background information on this item with a recommendation that the Board approve the Second Amendment to the Facilities Use Agreement between Lone Star College System and The Woodlands Township retroactively to September 1, 2012 and authorize the President/General Manager to execute the agreement.

Board discussion followed. It was the decision of the Board to place this item on the Consent Agenda for the September 26, 2012 regular Board meeting.

12. Receive, consider and act upon award of actuarial services for proposed Texas Local Firefighters Retirement Act (TLFFRA) pension plan;

Susan Welbes presented background information on this item with a recommendation that the Board approve staff's recommendation to select Retirement Horizons, Inc. to perform actuarial services for the proposed TLFFRA pension plan and authorize the President/General Manager to execute the Payroll Service Agreement in connection therewith.

This item will be brought forward to the September 26, 2012 regular Board meeting for consideration and action under the Regular Agenda.

13. Receive, consider and act upon additional sportsfield's amenities;

At the request of Director Bunch, staff developed estimates for the following sportsfield amenities:

- One water fountain
- One set of bleachers
- A set of players' benches
- Decomposed granite for jogging paths
- Concrete paths

John Powers gave a PowerPoint presentation on this item and informed the Board that no specific budget had been allocated for the additional sportsfield amenities, but that funds could be utilized from the balance of the Recreational Facilities Development Capital Project Fund of over \$5 million. Board discussion followed.

This item will be brought forward to the September 26, 2012 regular Board meeting for consideration and action under the Regular Agenda.

14. Receive, consider and act upon a tax abatement agreement between The Woodlands Township and Clariant Corporation;

John Powers presented background information on this item with a recommendation that the Board approve the tax abatement agreement between The Woodlands Township and Clariant Corporation. Mr. Powers informed the Board that Montgomery County approved a tax abatement agreement with Dirk D. Laukien, Owner, and Clariant Corporation, Lessee, for construction of two building for offices and research and development laboratory facilities on July 23, 2012. Board discussion followed.

It was the decision of the Board to place this item on the Consent Agenda for the September 26, 2012 regular Board meeting.

16. Receive, consider and act upon award of bid for reforestation;

John Powers presented background information on this item with a recommendation that the Board award the bid for reforestation to Texas Tree Depot for the purchase of 30 gallon reforestation trees in the amount of \$121,500; award the bid to Boone's Landscaping in the amount of \$72,183 to install 30 gallon reforestation trees; authorize the President/General Manager to execute the related service agreements for the supply and installation of the trees for reforestation; participate in the Annual Arbor Day event in the amount of \$5,000 to promote the planting of seedlings in the Township open space

reserves; and re-allocate the remaining \$181,317 from reforestation to tree removal. Board discussion followed.

This item will be brought forward to the September 26, 2012 regular Board meeting for consideration and action under the Regular Agenda.

CLOSED MEETING (if applicable):

- 17. Recess to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; and to consult with The Woodlands Township's attorney pursuant to §551.071, Texas Government Code;**

The Board recessed to Executive Session at 10:32 a.m.

18. Reconvene in Public Session;

The Board reconvened in Public Session at 11:32 a.m.

Note: Director Long left the meeting following the Executive Session.

19. Receive, consider and act upon a Ground Lease with Parati Competitive Rowing;

Chairman Tough invited anyone in the audience wanting to offer public comment on this item the opportunity to do so at this time or wait until the end of the business meeting to give public comment. The following individuals chose to address the Board at this time:

Susan Smith-87 North Hunters Crossing, requested that the Board defer a decision on a new boathouse
Charles Dixon-19218 Cypress Estates Ct., President of the Rowing Club of The Woodlands commented about safety concerns that rowers have encountered on the water

Dee Hotop-56 Stone Circle Place, asked that the Board consider additional options before making a decision on a proposed ground lease with Parati

Following Public Comment, Director Bass commented that the Board is faced with a complex issue and has been put in a situation where it must be impartial in its decision making. Director Bass remarked that the Board is tasked with figuring out a solution that all parties will agree to and be able to co-exist peacefully. The following motion was then made:

Motion by: Mike Bass moved to table this item for 60 days so that other options can be looked at; this item will then be brought back to the Board for further review, consideration and action. Mr. Bass suggested that the RCTW and Parati get together during this time period to hash out issues between the two clubs.

Second by: Gordy Bunch

Motion passed unanimously (6-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	absent		

20. ADMINISTRATIVE REPORTS:

21. Community Policing:

Marian Leck, Director of Law Enforcement for The Woodlands Township, presented the following Community Policing report:

- **Montgomery County Sheriff's Office**-all positions have been filled
- **Harris County Constable's Office**-no major incidents reported
- **WoodlandsAlert Message**-community-wide alert sent in August regarding daytime burglary of habitation incidents
- **National Night Out**-community-wide kick off on September 22, 2012 at Norhtshore Park from 1-5 p.m.
- **"Safe at Home"**-National Night Out Softball Game held on August 25, 2012 between The Woodlands Fire Department and Montgomery County Sheriff's Office

22. Community Services:

John Powers presented the following Community Services report:

- The Woodlands Watch Program has been advised that the Township will win the "Community Based Crime Prevention Program of the Year" award.
- The All Weather Turf Project is supposed to begin around October 15, 2012 at Bear Branch Sports Fields.
- 21,108 dead trees have been removed or have been tagged for removal.

23. The Woodlands Convention & Visitors Bureau (CVB):

Nick Wolda, President of the CVB presented the following report:

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- Labor Day event had great attendance
- Live @ Night at Waterway Square is off to a great start
- Discovery Guide and Coupon Book are available

24. The Woodlands Fire Department:

Fire Chief Alan Benson presented the following report:

- Two new fire apparatus have been ordered and are expected to be delivered on Monday, September 24, 2012.
- October is Fire Prevention Month-fire department will be providing safety education meetings to the general public and school children

DISCUSS FUTURE AGENDA / ANNOUNCEMENTS:

25. Consideration of items to be placed on the agenda for next month's meeting:

No items were received.

26. Board announcements:

- Director Robb informed the Chair that he might not be able to attend the September 26, 2012 regular Board meeting.
- Director Bunch requested additional clarification (breakdown) of the FLSA salary readjustment for firefighters.

27. Public comment, and:

There was no Public Comment.

28. Adjournment

Motion by: Ed Robb moved to adjourn the meeting at 11:57 a.m.

Second by: Nelda Luce Blair

Motion passed unanimously (6-0).

Directors	YES	NO	ABSTAIN
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Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	absent		



Ed Robb

Ed Robb
Secretary, Board of Directors