

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



MONDAY, DECEMBER 7, 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 Webb
Councilman Stoll
Councilman Townsend
Councilman Driver

Others present:

Acting City Manager – Christal Klierer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Chief of Police – Robert Hauck
Director of Public Works – David Kauffman
Director of Engineering & Planning – Mark McClure
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette
Community Events Coordinator – Rosalie Dillon

2.0 Invocation

- Led by Pastor Rick Brown, ChristBridge Fellowship Church

3.0 Pledges to U. S. and Texas Flags

- Led by Cooper Cason and E. J. Jones, Tomball High School Student Council, and Members of Cub Scout Pack 565, Den 5

4.0 The following public comments were received:

Bruce Hillegeist, GTACC - Expressed his appreciation for the City's assistance
29201 Quinn Road, 77375 in making the Holiday Parade a huge success.

5.0 Presentations:

- Judith Wilson, San Jacinto Chapter of the National Society of the Daughters of the American Revolution, presented a Certificate of Award to the Tomball City Council in honor of the City's Support of Veterans on November 11, 2009
- Fred Windisch, Fire Chief of the Ponderosa Fire Department, presented the John M. Buckman III Leadership Award on behalf of the International Association of Fire Chiefs Volunteer Combination Officers Section to Randy Parr, Fire Chief, Tomball Fire Department.

6.0 Reports and Announcements:

- **Tomball Holiday Ice Rink at the Depot** through January 10, 2010
- December 12, 2009 - **Farmers Market** - 9:00 a.m.-1:00 p.m. (Please note new winter hours; only one Farmers Market in December, due to the Christmas holiday weekend)
- December 12, 2009 – **German Christmas Market** – Depot Plaza, from 10:00 a.m. to 10:00 p.m.
- December 12, 2009 – **Unveiling of the Train Conductor Statue and Lighting of the Christmas Tree** – Depot Plaza, 5:00 p.m.
- December 12, 19, and 26, 2009 – **Walk Tomball! – 9:00 a.m.**
- 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

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the Special City Council Meeting of November 16, 2009 and the Regular City Council Meeting of November 16, 2009, as corrected.

Motion carried unanimously.

8.0 Old Business:

8.1 Kelly Violette presented an overview of the proposed Ordinance adopting the Comprehensive Plan. Motion was made by Councilman Stoll, second by Councilman Townsend, to Adopt on Second Reading, Ordinance No. 2009-33, an Ordinance of the City of Tomball, Texas Adopting the Tomball Comprehensive Plan – Vision 2030, as the City's First Comprehensive Plan; Analyzing Socioeconomic Characteristics, Describing Municipal Services and Facilities; Describing Economic Issues Affecting Development; Describing Implementation Tools; Dividing the City Into 11 Planning Sectors; Providing

Maps Describing Proposed Future Land Uses and Recommended Land Use Policies For Each Sector; Establishing Goals and Recommended Policies; and Providing For Severability. The vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Kelly Violette presented an overview of the proposed Resolution accepting and approving the FM 2920 Access Management Study. Motion was made by Councilman Townsend, second by Councilman Webb, to Approve Resolution No. 2009-33, a Resolution of the City Council of the City of Tomball, Texas, Accepting and Approving the FM 2920 Access Management Study.

Motion carried unanimously.

- 9.2 Doris Speer presented an overview of the proposed Resolution affirming the City's support of the 2010 Census. Motion was made by Councilman Driver, second by Councilman Webb, to Adopt Resolution No. 2009-34, a Resolution of the City of Tomball, Texas, Affirming the City of Tomball's Support of and Partnership with the 2010 Census Bureau.

Motion carried unanimously.

- 9.3 Betty Reinbeck presented an overview of the proposed Resolution and requested a correction in language. Motion was made by Councilman Townsend, second by Councilman Webb, to Approve, as a Project of the Corporation, an Agreement with Albers Properties, LP, to Make Direct Incentives to, or Expenditures for, Assistance with Infrastructure Costs related to the Construction and Development of a Multi-building Commercial/Industrial Development to be located on Chestnut Street and Timkin Road in Tomball, Texas, and Approve Resolution No. 2009-36-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation's Project to Expend Funds in Accordance with an Economic Development Agreement by and Between the Corporation and Albers Properties, L.P. to Promote and Develop a New or Expanded Business Enterprise; Containing Other Provisions Relating to the Subject; and Providing for Severability, as corrected.

Motion carried unanimously.

- 9.4 Betty Reinbeck presented an overview of the proposed Business Improvement Grant Program. Motion was made by Councilman Townsend, second by Councilman Webb, to Approve the Tomball Economic Development Corporation's Business Improvement Grant Program, Designed to Promote the Development and Expansion of New and Existing Enterprises within the City of Tomball, and to Enhance the Economic Welfare of the Citizens of the City of Tomball by Securing and Retaining Business Enterprises and Maintaining a Higher Level of Employment, Economic Activity, and Stability.

Motion carried unanimously.

- 9.5 Betty Reinbeck presented an overview of the proposed project. Councilman Quinn advised that he would abstain from consideration or discussion of the agenda item and that he had filed an Affidavit of Conflict of Interest with the City Secretary. Motion was made by Councilman Townsend, second by Councilman Driver to Approve, as a Project of the Tomball Economic Development Corporation, an Agreement with Klein Financial Services, L.P. and L. Klein & Company, P.C., to make Direct Incentives to, or Expenditures for, the Creation or Retention of Primary Jobs and that are found by the Board of Directors to be Required or Suitable for the Promotion of New or Expanded Business Development, to wit: Klein Financial Services, Inc. Corporate Headquarters Relocation to 1427 Keefer Street within the City of Tomball. The Estimated Amount of Expenditure for such Project is \$30,000.00. The vote was as follows:

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

Motion carried unanimously.

- 9.6 Doris Speer presented an overview of the proposed Resale Deed. Motion was made by Councilman Driver, second by Councilman Stoll, to Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 2001-60988, styled City of Tomball, et al vs. Ayers, Lucious, said Property being described as: Lot 47, Block 89, Tomball, Located in Harris County, Texas and being More Particularly Described in Volume 466, Page 354 of the Real Property Records of Harris County, Texas (Account No. 035-278-089-0047).

Motion carried unanimously.

- 9.7 Motion was made by Councilman Driver, second by Councilman Townsend, to receive the Acting City Manager's Vested Rights Determination Letter dated December 3, 2009,

regarding The Shoppes at Spring Creek, Sections One and Two. Christal Kliewer presented the proposed Vested Rights Determination Letter.

Motion carried unanimously.

- 9.8 The City Council recessed at 7:44 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 the Finance Director

Upon reconvening into Regular session at 8:25 p.m., the following action was taken.

- 9.9 Motion was made by Councilman Townsend, second by Councilman Driver to approve the Appointment of Glenn Windsor as the new Finance Director/City Treasurer.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 21st day of December 2009.

Doris Speer
Doris Speer, TRMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor