

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



**Monday, October 07, 2024
6:00 PM**

- A. Mayor L. Klein-Quinn called the meeting of the City of Tomball Council to order at 6:01 PM.

PRESENT

Council 1 John Ford
Council 2 Paul Garcia
Council 3 Dane Dunagin
Council 4 Lisa A. Covington
Council 5 Randy Parr

OTHERS PRESENT:

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Tracylynn Garcia
Assistant City Secretary – Sasha Luna
Court Administrator – Maria Morris
City Attorney – Loren Smith
Human Resources Director - Kristi Lewis
Director of Marketing & Tourism – Chrislord Templonuevo
IT Director – Tom Wilson
Project Manager – Maegan Mageo
Director of Community Development – Craig Meyers
Public Works Director – Drew Huffman
Police Chief – Jeff Bert
Fire Chief – Joe Sykora
Finance Director – Bragg Farmer
Director of Special Projects – Luisa Taylor

- B. Invocation - Led by Councilman Dunagin
- C. Pledges to U.S. and Texas Flags by Joe Sykora
- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a*

matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]

- | | | |
|------------------------------------------------------------|---|-----------------------------------|
| Tim Gamar
12502 Montclair Landing Ct.
Tomball, Texas | - | property tax rate |
| Dale Nadeau
10539 Laneview Dr.
Houston, Texas | - | opposition of sycamore project |
| Melody Wilkerson
30104 Riley Rd.
Waller, Texas | - | in favor of old business item 3 |
| Michael Evenson
9918 Double Bayou
Cypress, Texas | - | in favor of old business item 3 |
| Jerry Thomas
209 Sycamore
Tomball, Texas | - | representing the sycamore project |

E. Presentations

1. Proclamation – 2024 Fire Prevention Week

F. Reports and Announcements

1. Announcements

I. Upcoming Events:

October 10, 2024 – Mayor’s Kaffeeklatsch 8:30 a.m. – 10 a.m. @ Community Center

October 12, 2024 – Spooktacular 4 p.m. – 9 p.m. @ Depot

October 19, 2024 – Freedom 5k Ruck Run 8 a.m. – Noon @ Depot

2. Reports by City staff and members of council about items of community interest on which no action will be taken:

Councilman Dunagin

G. Old Business

1. Approve, on Second Reading, Resolution No. 2024-29-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 Performance Agreement by and between the Corporation and RSC Riverside Construction, LLC to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a multibuilding office/warehouse park to be located at 0 Holderrieth Road, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$101,870.00.

Motion made by Council 1 Ford, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

2. Approve, on Second Reading, Resolution No. 2024-30-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 Performance Agreement by and between the Corporation and Red Grip, LLC to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a commercial office/retail development to be located at 1211 Rudel Road, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$15,195.00.

Motion made by Council 3 Dunagin, Seconded by Council 4 Covington.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

3. Adopt, on Second Reading, Ordinance No. 2024-26, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 10.89 acres of land legally described as being a tract of land situated in the Jesse Pruitt Survey, Abstract 629, from the Single-Family-20 District to the Light Industrial District, within the city of Tomball, Harris County, Texas; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Motion made by Council 5 Parr, Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

H. New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

1. Approve Minutes of the September 16, 2024, Regular City Council meeting.
2. Approve a Services Agreement renewal with Accurate Utility Supply, LLC for water, wastewater, and drainage supplies and services through a BuyBoard Contract (Contract No. 626-20) for a not-to-exceed amount of \$245,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2024-2025 Budget.
3. Consideration to approve Resolution 2024-34, a Resolution of the City Council of the City of Tomball, Texas, authorizing the City Manager to act for the City in connection with the City's expenditure of grants from the American Rescue Plan and the Coronavirus Local Fiscal Recovery Fund and making other provisions related to the subject.
4. Approve a purchase with Fun Abounds Inc. for the purchase and installation of a shade structure for the playground at Jerry Matheson Park, through a BuyBoard

Contract (Contract No. 679-22) for a not-to-exceed amount of \$92,957, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the Fiscal Year 2024-2025 Budget and Capital Improvement Plan.

5. Approve a contract with Hayden Paving, Inc. to complete a walking trail and parking lot resurface at Jerry Matheson Park, through a BuyBoard Contract (Contract No. 700-23) for a not-to-exceed amount of \$301,152, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the Fiscal Year 2024-2025 Budget and Capital Improvement Plan.
6. Approve a Service Agreement renewal with Shane Griffin Power & Electrical Services, LLC electrical contractor services for fiscal year 2025, for a not-to-exceed amount of \$175,000 (RFP 2023-12), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures were included in the Fiscal Year 2024-2025 Budget.
7. Approve a purchase with Water & Play Expressions, Inc. for the purchase and installation of a shade structure for the splashpad at Jerry Matheson Park, through a BuyBoard Contract (Contract No. 679-22) for a not-to-exceed amount of \$114,637, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the Fiscal Year 2024-2025 Budget and Capital Improvement Plan.
8. Approve an agreement with Lake Country Chevrolet, LLC, for two Chevrolet Silverado 2500 Duty trucks and one Chevrolet Silverado 1500 Command Vehicle through the TIPS Purchasing (Contract TIPS USA #210907 AUTOMOBILES) for a not-to-exceed amount of \$172,019.04 authorize the expenditure of funds therefor and authorize the City Manager to execute any and all documents related to the expenditure. This amount is partially included in the FY 2024-2025 budget.
9. Approve an agreement with Silsbee Ford, for 4 Ford Police Interceptor Units through the TIPS Purchasing (Contract TIPS USA #210907 AUTOMOBILES) for a not-to-exceed amount of \$205,479.00 authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the expenditure. This amount is included in the FY 2024-2025 budget.
10. Approve an agreement with Waukesha-Pearce Industries Inc., for two PC35MR-5 Hydraulic Excavators through the BuyBoard Cooperative Purchasing (Contract #424-13) for a not-to-exceed amount of \$122,300 authorize the expenditure of

funds therefor and authorize the City Manager any and all documents related to the expenditure. This amount is included in the FY 2024-2025 budget.

11. Approve an agreement with Deere & Company and King Ranch Ag & Turf for two zero turn mowers, and one UTV/Gator through a BuyBoard Contract (Contract No.706-23) for a not-to-exceed amount of \$57,708.88 authorize the expenditure of funds therefor, and authorize the City Manager any and all documents related to the expenditure. This amount is included in the FY 2024-2025 budget.

Motion made by Council 1 Ford, Seconded by Council 2 Garcia.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

I. New Business

1. Presentation, discussion, and direction for the proposed North Sycamore Parking Lot project.

No action taken.

2. Approve Resolution No. 2024-35, A Resolution Of The City Council Of The City Of Tomball, Texas, Declaring The Intention To Institute Proceedings To Annex Certain Territory; Describing Such Territory; Setting November 4, 2024 At 6 O'clock Pm As The Date And Time For Public Hearing At Which All Interested Parties Shall Have An Opportunity To Be Heard; Providing For Publication Of Notice Of Said Public Hearing; Directing Preparation Of A Municipal Service Plan For The Territory Proposed To Be Annexed (Being 11.40 Acres; 16000 FM 2920; HCAD 0402200010065 (496,734 Square Feet) Tract Of Land. Providing For Notice Of Said Public Hearings; And Providing For Severability.

Motion made by Council 5 Parr, Seconded by Council 2 Garcia.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

3. Approve Resolution No. 2024-36, A Resolution Of The City Council Of The City Of Tomball, Texas, Declaring The Intention To Institute Proceedings To Annex Certain Territory; Describing Such Territory; Setting November 4, 2024 At 6 O'clock Pm As The Date And Time For Public Hearing At Which All Interested Parties Shall Have An Opportunity To Be Heard; Providing For Publication Of Such Notice Of Said Public Hearing; Directing Preparation Of A Municipal Service Plan For The Territory Proposed To Be Annexed (Being 4.339 Acres; 16000 FM 2920; HCAD 0402200010065 (189,008 Square Feet) Tract Of Land And Providing For Severability.

Motion made by Council 1 Ford, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

4. Approve, on First Reading, Resolution No. 2024-33-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 Performance Agreement by and between the Corporation and Kara Miles Hair (KMH Studio), LLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 22525 Hufsmith-Kohrville Road, Bldg. 1-Suite 1-C, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.

Motion made by Council 3 Dunagin, Seconded by Council 2 Garcia.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

5. Conduct a public hearing and consideration to approve **Zoning Case Z24-013**: Request by Tim Littlefield, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.006 acres of land legally described as being Outlot 281 of the corrected map of Tomball Outlots from Light Industrial (LI) to the Commercial (C) zoning district. The property is located in the 1000 block (west side) of South Persimmon Street, within the City of Tomball, Harris County, Texas.

Adopt, on First Reading, Ordinance No. 2024-27, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5.001 acres of land legally described as being Outlot 281 of the Corrected Map of Tomball Outlots, from the Light Industrial District to the Commercial District, within the city of Tomball, Harris County, Texas; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

- Mayor opened the Public Hearing at 7:33 PM

Applicant Tim Littlefield spoke on his development regarding this property.

- Mayor closed the Public Hearing at 7:43 PM

Motion made by Council 3 Dunagin, Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

6. Authorize annual purchases exceeding \$50,000 in accordance with the Purchasing and Bidding Policy for Fiscal Year 2023-2024.

Motion made by Council 4 Covington, Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

7. Ratify the FY 2024-2025 Budget and Find that the Proposed Tax Rate of \$0.336365/\$100 EXCEEDS the No-New-Revenue Tax Rate and WILL Generate More Property Tax Revenue than the FY 2023-2024 Budget.

Public comment received from:

Samatha Book - opposition against tax rate
212 S. Pine St.
Tomball, Texas

Motion made by Council 1 Ford, Seconded by Council 5 Parr.

Voting Yea: Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Voting Nay: Council 1 Ford

Motion carried 4 votes yea, 1 vote nay.

8. Adopt \$0.145703 as the Portion of the 2024 Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2024-2025

Motion made by Council 2 Garcia, Seconded by Council 5 Parr.

Voting Yea: Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Voting Nay: Council 1 Ford

Motion carried 4 votes yea, 1 vote nay.

9. Adopt \$0.190662 as the Portion of the 2024 Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2024-2025

Motion made by Council 4 Covington, Seconded by Council 2 Garcia.

Voting Yea: Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Voting Nay: Council 1 Ford

Motion carried 4 votes yea, 1 vote nay.

10. Conduct Public Hearing regarding the Proposed 2024 Tax Rate of \$0.336365/\$100 Assessed Value for the City of Tomball, Texas

- Mayor opened the Public Hearing at 7:53 p.m.
- Hearing no comments, the Mayor closed the Public Hearing at 7:54 p.m.

11. Adopt, on First Reading, Ordinance No. 2024-32, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.336365/\$100 Value Assessed for the Year 2024 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

Motion made by Council 5 Parr, Seconded by Council 4 Covington.

Voting Yea: Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Voting Nay: Council 1 Ford

Motion carried 4 votes yea, 1 vote nay.

12. Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session

Executive Session started: 7:57 p.m.

Executive Session ended: 8:31 p.m.

J. Adjournment

Mayor Klein Quinn adjourned the meeting at 8:32 PM.

PASSED AND APPROVED this 17th day of October 2024.

Tracylynn Garcia

Tracylynn Garcia
City Secretary, TRMC, MMC, CPM

Lori Klein Quinn

Lori Klein Quinn
Mayor