

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



**Monday, October 16, 2023  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for October 16, 2023, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

- A. Before the meeting was called to order. Motion was made Council 3 Dunagin, seconded by Council 2 Stoll to appoint Council 1 Ford as Chair.

Motion carried unanimously.

Council 1 Ford called the meeting to order the Regular City Council Meeting at 6:00 p.m.

## **PRESENT**

Council 2 Mark Stoll  
Council 3 Dane Dunagin  
Council 4 Derek Townsend, Sr. (via video)  
Council 5 Randy Parr

## **ABSENT**

Mayor Lori Klein Quinn (Excused)

## **OTHERS PRESENT:**

City Manager – David Esquivel  
Assistant City Manager – Jessica Rogers  
City Attorney – Loren Smith  
City Secretary – Tracylynn Garcia  
Assistant City Secretary- Sasha Luna  
Director of Marketing & Tourism – Chrislord Templonuevo  
Police Captain - Brandon Patin  
Public Works Director – Drew Huffman  
Director of Community Development – Craig Meyers  
Finance Director – Katherine Tapscott  
Fire Chief – Joe Sykora  
Project Coordinator – Meagan Mageo  
IT Sr. Specialist – Ben Lato

Community Center Manager – Rosalie Dillon

- B. Invocation - Led by Pastor Kevin Bowles - Redeemer Church
- C. Pledges to U.S. and Texas Flags were led by Chief 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.]*

Bruce Hillegeist — thanking the city for the support  
20339 Telge Rd.  
Tomball, 77375

Paul Michna. — thanking the city for rezoning  
1325 Virgie Community Rd. property (611 Cherry)  
Magnolia 77354

- ## E. Reports and Announcements

- ## 1. Announcements

## I. Upcoming Events:

November 4 - Tidy Up Tomball 7:00 a.m. – 11:00 a.m. @ First Baptist Church

November 4 - Depot Day Fall Fest 11:00 a.m. – 6:00 p.m. @ Depot

November 11 - Second Saturday 3:00 – 8:00 p.m. @ Depot

November 18 - Tomball Holiday Parade 10:00 a.m. – 12:00 p.m. @ Main St.

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

- I. Katherine Tapscott presented the Quarterly Investment Report for Period Ending September 30, 2023. The Public Funds Investment Act requires that a report of the City's cash and investments be presented to City Council on a quarterly basis.

- F. Old 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.]*

Items were removed from Old Business Consent and voted on individually.

1. Adopt on Second Reading, Ordinance No. 2023-38, an Ordinance of the City of Tomball, Texas finding and determining that the public convenience and necessity no longer require the continued existence of a certain portion of a City of Tomball Utility Easement across a certain 0.2087 acres of land being out of Unrestricted Reserves “A3” and “A4”, Block 1, Replat of Unrestricted Reserve “A” Block One Tomball Village Square according to the map or plat thereof as recorded in Film Code No. 518014 of the Map Records of Harris County, Texas; vacating, abandoning, and closing said portion of such City of Tomball Utility Easement; authorizing the City Manager to execute and the City Secretary to attest a quitclaim deed quitclaiming the City’s interest in said abandoned easement, and containing other provisions relating to the subject.

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

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Adopt, on Second Reading, Ordinance No. 2023-39, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.293320/\$100 Value Assessed for the Year 2023 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 3 Dunagin.

Voting Yea: Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr  
Voting Nay: Council 1 Ford, Council 2 Stoll

Motion carried 3 votes yea, 2 votes nay.

- G. 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 the Minutes of the September 26, 2023, Special City Council, October 2, 2023, Regular City Council and the October 9, 2023 Special Joint City Council and Planning and Zoning Commission Meetings.
  4. Approve an agreement with Northwest Communications, Inc. for handheld radios through the Harris County/TXWARN P25 700/800 MHz contract on the BuyBoard purchasing cooperative (Contract No. 604-20) for a not-to-exceed amount of \$58,820.51, 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 2023-2024 budget.
  5. Approve an agreement with Patterson Equipment Company for a Hurco Vac 600D hydro excavator and water valve exerciser through the TIPS Cooperative (Contract #221001) for a not-to-exceed amount of \$90,292.30, 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 2023-2024 budget.
  6. Approve an agreement with Monk Machinery, LLC for a JCB 110W T4F TAB wheeled excavator, through the Sourcewell Purchasing Cooperative (Contract No. #040319-JCB) for a not-to-exceed amount of \$229,961.61, 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 2023-2024 budget.
  7. Approve an agreement with Silsbee Ford, for two Ford Police Interceptor Utility vehicles through the TIPS Cooperative Purchasing (Contract TIPS USA #210907 AUTOMOBILES) for a not-to-exceed amount of \$94,080 authorize the expenditure of funds therefore and authorize the City Manager any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.
  8. Approve an agreement with Donalson CDJR LLC, for seven Police Dodge Durangos through the TIPS Cooperative Purchasing (Contract TIPS US #210907 AUTOMOBILES) for a not-to-exceed amount of \$317,383.50 authorize the expenditure of funds therefore and authorize the City Manager any and all

documents related to the expenditure. This amount is included in the FY 2023-2024 budget.

Motion made by Council 5 Parr, Seconded by Council 2 Stoll to approve New Business Consent Agenda items 1, 4, 5, 6, 7, and 8.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Approve Applications for Grants from FY 2023-2024 Hotel Occupancy Tax (HOT) Funds: Greater Tomball Area Chamber of Commerce, \$45,000; Spring Creek County Historical Association, \$45,000; Tomball Sister City Organization, \$160,000; and Houston Repertoire Ballet, \$21,000

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

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

3. Approve a Services Agreement Renewal with Shane Griffin Power & Electrical Services, LLC for electrical contractor services for fiscal year 2024, for a not-to-exceed amount of \$250,000, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2023-2024 budget.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr..

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

9. Approve an agreement with Deere & Company and King Ranch Ag & Turf for two zero turn mowers, three UTV/Gators and one compact utility tractor through the Sourcewell Cooperative Purchasing (Contract Ground Maintenance #031121-DAC) for a not-to-exceed amount of \$116,383.59 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 2023-2024 budget.

Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr..

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

#### H. New Business

1. Adopt, on First Reading, Ordinance No. 2023-48, 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 2023-2024.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin to read by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr. to adopt on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Consider appointments to the Tax Increment Reinvestment Zone Number 3 Board of Directors, including appointment of a Board Chair.

Motion Made by Council 2 Stoll, Seconded by Council 3 Dunagin to appoint all 5 Council Members to the board, and appoint Council 5 Parr as Chair.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

3. Adopt, on First Reading, Ordinance 2023-44, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, Division 2, prohibited. Restricted on certain streets,

of Article V, stopping, standing and parking, of Chapter 44, Traffic and Vehicles, establishing a “No Parking, Stopping or Standing” zone along the west side of Pine Street beginning at the intersection of FM 2920 and Pine Street, extending south approximately 275 feet to the intersection of Pine Street and Market Street; providing a penalty in the amount not to exceed \$200 for each violation hereof; making finding of fact; and providing for other related matters.

Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr. to read by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 5 Parr, Seconded by Council 2 Stoll to adopt on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

4. Adopt, on First Reading, Ordinance 2023-45, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, Division 2, prohibited. Restricted on certain streets, of Article V, stopping, standing and parking, of Chapter 44, Traffic and Vehicles, establishing a “No Parking, Stopping or Standing” zone along the west side of South Cherry Street beginning at the intersection of FM 2920 and South Cherry Street, extending south approximately 245 feet to the intersection of South Cherry Street and Market Street; providing a penalty in the amount not to exceed \$200 for each violation hereof; making finding of fact; and providing for other related matters.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr to read by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll to adopt on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

5. Presentation, discussion and possible action regarding the Adoption of Updated Impact Fees for Water and Wastewater, in accordance with Chapter 395, Texas Local Government Code.

No action taken.

6. Conduct Public Hearing of the City Council of the City of Tomball to consider adoption of Updated Impact Fees for Water and Wastewater, in accordance with Chapter 395, Texas Local Government Code; Making Other Findings and Providing Details Related Thereto.

- Council 1 Ford called the P.H. to order at 7:01 PM.
- Hearing no public comments Council 1 Ford closed the P.H at 7:02 PM.

7. Consideration to Approve **Ordinance Amendment OAM23-02:** Request by Chris & Tiona Campbell to amend Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.

Conduct Public Hearing on **Ordinance Amendment OAM23-02**

- Council 1 Ford opened the P.H. at 7:07 PM.

Chris Campbell, the applicant, spoke on his request.

- Hearing no further public comments Council 1 Ford closed the P.H at 7:08 PM.



Adopt, on First Reading, Ordinance No. 2023-40, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by revising its code of ordinance amending Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district; providing for severability; 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 4 Townsend, Sr., Seconded by Council 2 Stoll to read by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to adopt on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr.

Voting Nay: Council 5 Parr

Motion carried 4 votes yea, 1 vote nay.

8. Consideration to Approve **Conditional Use Permit Case CUP23-07**: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 1100-1200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Conditional Use Permit Case CUP23-07**

- Council 1 Ford opened the P.H. at 7:22 PM.

Chris Campbell, the applicant, spoke on his request.

- Hearing no further public comments Council 1 Ford closed the P.H at 7:25 PM.

Adopt, on First Reading, Ordinance No. 2023-41, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 1100-1200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; 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 4 Townsend, Sr., Seconded by Council 2 Stoll to read by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr. to amend motion to include structure behind residence, no chemical storage on sight, no outdoor storage, no chemical property on site, residence to be built first or simultaneously with the business, no trucks on site longer than 48 hours and no bulk deliveries.

Motion to amend carried unanimously.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr to adopt on First Reading as amended.

Motion carried unanimously.

9. Consideration to Approve **Re-Zoning Case Z23-14:** Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning

approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Re-Zoning Case Z23-14**

- Council 1 Ford opened the P.H at 7:43 PM

George Campos the applicant, spoke on his request.

- Hearing no further public comments Council 1 Ford closed the P.H at 7:45 PM

Adopt, on First Reading, Ordinance No. 2023-42, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; 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 2 Stoll, Seconded by Council 4 Townsend, Sr. to read by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to adopt on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

10. Consideration to Approve **Re-Zoning Case Z23-15**: Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

(Council took a 5 min recess)

Conduct Public Hearing on **Re-Zoning Case Z23-15**

- Council 1 Ford opened the P.H at 8:07 PM

Tim Crawford and Keenan Reiner, the applicants, spoke on their request.

Ron Hafner  
13827 Brown Rd - in favor of the rezoning.  
Tomball, 77375

Barbara - against the rezoning.  
14243 Turner Vine  
Tomball, 77375

- Hearing no further public comments Council 1 Ford closed the P.H at 8:28 PM

Adopt, on First Reading, Ordinance No. 2023-43, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single

Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; 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 2 Stoll, Seconded by Council 4 Townsend, Sr. to read by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 5 Parr to adopt on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

11. Approve, on First Reading, Resolution No. 2023-46-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 The Garza Agency to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 28427 SH 249, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.

No action was taken.

12. Approve a purchase order with Siddons-Martin Emergency Group, LLC (sole source) for preventative maintenance and repairs to Pierce Fire Apparatus, within the fleet of the Fire Department, for a not to exceed amount of \$80,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents relating to the purchase. Funds for vehicle repairs are included in the FY 2023-2024 budget.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

I. Adjournment

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr..

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

PASSED AND APPROVED this 6th day of November 2023.

*Tracylynn Garcia*

Tracylynn Garcia  
City Secretary, TRMC, CMC, CPM

*Derek Townsend, Sr., Mayor Pro-Tem*

Lori Klein Quinn  
Mayor