

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



**Tuesday, September 03, 2024
6:00 PM**

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

PRESENT

Mayor Lori Klein Quinn
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 Attorney - Loren Smith
City Secretary - Tracy Garcia
Fire Chief - Joe Sykora
Human Resources Director - Kristie Lewis
Public Works Director - Drew Huffman
Director of Community Development - Craig Meyers
Director of Marketing & Tourism - Chrislord Templonuevo
IT Director - Tom Wilson
Finance Director - Bragg Farmer
Assistant Fire Chief/Fire Marshal - Jeff Cook
Police Captain - Shon Davis
Project Manager - Meagan Mageo
Court Administrator - Maria Morris
Budget Analyst - Hannah Brown
TEDC Director - Kelly Violette
Economic Development Coordinator - Tori Gleason

- B. Invocation - Led by Pastor Abraham Jasso with La Hermosa Church
- C. Pledges to U.S. and Texas Flags led by Jeffrey Klein, Chief Executive Officer, Tomball Regional Health Foundation
- 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.]*

No public comments received.

E. Reports and Announcements

1. Announcements

I. Upcoming Events:

- September 11, 2024 – 9/11 Remembrance 8:30 a.m. – 9:30 a.m. @ Depot
- September 12, 2024 – Mayor’s Kaffeeklatsch 8:30 a.m. – 10 a.m. @ Community Center
- September 14, 2024 – 2nd Saturday 5 p.m. – 9 p.m. @ Depot

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

- I. Jessica Rogers presented the Quarterly Investment Report for Period Ending June 30, 2024. 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. 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.]*

2. Approve Resolution No. 2024-31, a Resolution of the City of Tomball, Texas, Adopting and Ratifying the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy"
3. Approve an agreement with Elite Utility Services, Inc. for Project Number 2019-10034, Cherry Street Gas Main, for a not-to-exceed amount of \$448,840.55 (Bid No. 2024-10), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. These expenditures are included in the fiscal year 2023-2024 capital improvement budget
4. Approve a contract with Hayden Paving, Inc. to complete pavement repairs and striping for Hicks Road, Baker Drive, Theis Lane/Business 249, and Pecan Street, through a BuyBoard Contract (Contract No. 700-23) for a not-to-exceed amount of \$137,927.00, 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 FY 2023-2024 Budget.
5. Approve annual purchases exceeding \$50,000 in accordance with the Purchasing and Bidding Policy from Uline, Inc., through a U.S. General Services Administration (GSA) Contract (Contract MAS No. 332510C) for a not-to-exceed amount of \$70,000. These expenditures are included in the Fiscal Year 2023-2024 Budget.

Motion made by Council 1 Ford, Seconded by Council 5 Parr for New Business Consent Agenda items 2-5.

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

Motion carried unanimously.

1. Approve Minutes of August 19, 2024, Special and Regular City Council meetings.

Motion made by Council 1 Ford, Seconded by Council 2 Garcia to include the changes stated by City Secretary Tracy Garcia.

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

Motion carried unanimously.

G. New Business

1. Consider an application for an Indoor & Outdoor Special Events Fireworks Display by Roar Over Texas to occur on October 5, 2024 at Boxwood Manor located at 945 E Hufsmith Road.

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

Oscar Lopez (Applicant) - Spoke regarding request
Roar over Texas
9734 Tucker Cypress Dr.
Houston, Texas 77095

Motion to amend original motion to approve application made by Council 1 Ford for outdoor fireworks only, no display if winds are 15 mph or greater or drought conditions made by Council 1 Ford.

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

Voting Nay: Council 2 Garcia

Motion carries 4 votes yea, 1 vote nay to accept the amended motion.

Motion made by Council 1 Ford, Seconded by Council 5 Parr on the amended motion.

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

Voting Nay: Council 2 Garcia

Motion carries 4 votes yea, 1 vote nay.

2. Conduct Public Hearing and Adopt, on First Reading, Ordinance No. 2024-28, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2024-2025; and

Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2023-2024 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance

- Mayor opened the Public Hearing at 6:33 p.m.

Tammy Rhemann - Support Group for women
525 School St. Apt. 202
Tomball, Texas

Greg Smith - Road repair
525 School St. Apt. 302
Tomball, Texas

Tammy Rhemann - More law enforcement during school hours
525 School St. Apt. 202
Tomball, Texas

- Mayor closed the Public Hearing at 6:37 p.m.

Motion made by Council 1 Ford, 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. Appoint member to Position 1, whose term expired on 9/1/2024, to the Tomball Regional Health Foundation.

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

Motion to amend original motion to appoint Lori Wilson to Position 1.

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

Motion carried unanimously to accept the amended motion.

Motion made by Council 1 Ford, Seconded by Council 3 Dunagin on the amended motion.

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

Voting Nay: Council 2 Garcia

Motion carries 4 votes yea, 1 vote nay.

4. Appoint member to Position 5, whose term expired on 9/1/2024, to the Tomball Regional Health Foundation.

Motion made by Council 4 Covington, Seconded by Council 5 Parr to appoint Jana Hogland.

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

Voting Nay: Council 1 Ford

Motion carries 4 votes yea, 1 vote nay.

5. Appoint member to Position 3, whose term expired on 9/1/2024, to the Tomball Regional Health Foundation.

Motion made by Council 5 Parr, Seconded by Council 1 Ford to appoint Margarete Yacoubian.

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

Motion carries unanimously.

6. Discussion and possible action regarding the appointment and/or removal of current Planning and Zoning Commission Members

No action taken

7. Discussion and possible action regarding the appointment and/or replacement of current Tomball Economic Development Corporation Board Members

Motion made by Council 2 Garcia, Seconded by Council 4 Covington to remove Chad Degges and replace with Lisa Covington to the TEDC Board

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

Voting Nay: Council 1 Ford, Council 3 Dunagin

Motion carries 3 votes yea, 2 votes nay.

8. Discussion and possible action regarding the appointment and/or replacement of current city appointed Tomball Regional Health Foundation Board Members

Motion made by Council 4 Covington, Seconded by Council 2 Garcia to remove Jim Ross and replace with Christina Nash.

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

Motion carried unanimously.

9. Approve, on First 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 4 Covington, 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.

10. Approve, on First 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 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.

11. Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Walsh Alliance, LLC dba Walsh & Albert Company, Ltd., to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the development of its corporate headquarters to be located at 2401 S Persimmon Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is and amount not to exceed \$165,000.00.

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.

12. Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Metal Zinc Manufacturing, LLC, to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the development of its corporate headquarters to be located at 2401 S Persimmon Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is and amount not to exceed \$80,000.00.

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.

13. Consideration and possible action regarding changes to the Business Improvement Grant Program and Old Town Façade Improvement Grant Program Guidelines and Criteria.

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

Motion made by Council 3 Dunagin to amend original motion to include changes to Section 4 E&G and Section 5 paragraph F

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

Motion carried unanimously to accept the amended motion.

Motion made by Council 3 Dunagin, Seconded by Council 1 Ford on the amended motion.

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

Motion carried unanimously.

14. 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 that the Attorney's Duty Requires to be Discussed in Closed Session
 - Sec. 551.074 – Personnel Matters; Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee-Director of Special Projects
 - Executive Session Started: 8:01 PM
 - Executive Session Ended: 8:28 PM
15. Confirm appointment by the City Manager, of the Director of Special Projects, September 16, 2024, Luisa Taylor.

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.

H. Adjournment

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.

PASSED AND APPROVED this 16th day of September 2024.

Tracylynn Garcia

Tracylynn Garcia
City Secretary, TRMC, MMC, CPM

John Ford, Chair

Lori Klein Quinn
Mayor