

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



**Monday, November 15, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for November 15, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting of the Tomball City Council to order at 6:05 p.m.

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll
Council 3 Chad Degges
Council 4 Derek Townsend, Sr.
Council 5 Lori Klein Quinn

OTHERS PRESENT:

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Beth Jones
Marketing Director – Mike Baxter
Director of Community Development – Nathan Dietrich
Assistant City Secretary – Tracylynn Garcia
Police Lieutenant-Support Services – Brandon Patin
Community Center Manager – Rosalie Dillon
CSO Administrative Assistant – Sasha Luna
Executive Director-TEDC – Kelly Violette
Economic Development Coordinator-TEDC – Tori Gleason

B. Invocation - Led by Pastor Sterling Ainsworth, Declaration Church, Spring, Texas

C. Pledges to U.S. and Texas Flags – Led by Joe Sykora.

Mayor Fagan recessed the Regular meeting at 6:05 p.m., to convene the Special meeting. Upon reconvening into Regular session at 6:43 p.m., the following actions were taken:

D. No public comments were received.

E. Presentations

1. Bruce Hillegeist, on behalf of ***Resale With A Purpose***, presented a \$10,000.00 donation to the Tomball Police Department Explorer Post #5451 and a \$10,000.00 donation to the Tomball Fire Department for ***Holiday With a Hero***, to be held on December 4, 2021.

F. Reports and Announcements

1. Announcements

- I. December 4, 2021 – ***Deck the Depot*** – Depot Plaza
- II. December 10-12, 2021 – ***German Christmas Market*** – Depot Plaza and Market Street
- III. November 20, 2021 – ***56th Annual Holiday Parade*** – Downtown – Greater Tomball Area Chamber of Commerce – 10:00 a.m. to 12:30 p.m.
- IV. November 19, 2021 – ***Light it Up! Tree Lighting*** – 6:30 p.m. – 8:30 p.m. at the Depot
- V. November 29, 2021 – Public Hearing to Consider Supporting the Creation of a Tax Increment Reinvestment Zone (TIRZ) to Facilitate the Development of Lovett Industrial, to be Located within the Corporate Limits of the City of Tomball, Texas (Special Council Meeting)

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

- I. Mike Baxter – Report on Success of ***“Depot Day”***

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve the Minutes of the November 1, 2021 Regular Tomball City Council Meeting

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

H. Old Business

Consideration of Item H.1. was postponed to a future Council meeting, at the request of the property owner.

1. Adopt, on Second Reading, Ordinance No. 2021-36R, 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 1.9 acres of and legally described as Reserve A Block 3 of Pine Meadows, from the Single-Family 6 District to the Office District, said property being generally located at the southwest corner of Theis Lane and South Cherry Street, 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.

No action taken.

I. New Business

1. Mayor Fagan opened the Public Hearing for the Purpose of Considering the Following Annexation: *(Being a Tract or Parcel Containing 240.075 Acres or 10,457,658 Square Feet of Land Situated in the Auguste Senerchal Survey, Abstract No. 722, Harris County, Texas, Being a Residue of a Called 314.8179 Acres Described in Deed to Exxon Mobile Corporation, as Recorded under Harris County Clerk's File (H.C.C.F.) No. W883345, with Said 240.075 Acre Tract Being More Particularly Described by Metes and Bounds Provided Herein, Harris County, Texas)* [0 Boudreaux Road, Lovett Industrial; HCAD No. 0450260000004] at 6:56 p.m.; receiving no public comments, Mayor Fagan closed the Public Hearing at 6:56 p.m.
2. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to reading Ordinance No. 2021-37 by caption only, on first reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to adopt, on First Reading, Ordinance No. 2021-37, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory Within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory Within Such Limits and Boundaries; Approving a Service Plan for All of the Area Within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (Being a Tract or Parcel Containing 240.075 Acres or 10,457,658 Square Feet of Land Situated in the Auguste Senerchal Survey, Abstract No. 722, Harris County, Texas, Being a Residue of a Called 314.8179 Acres Described in Deed to Exxon Mobile Corporation, as Recorded under Harris County Clerk's File (H.C.C.F.) No. W883345, with Said 240.075-Acre Tract Being More Particularly Described by Metes and Bounds Provided Herein, Harris County, Texas) [0 Boudreaux Road, Lovett Industrial; HCAD No. 0450260000004]

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

3. Consideration to Approve **Zoning Case P21-425**: Request by Lovett Industrial, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances to zone approximately 231. 6 acres as Light Industrial and 8.4 acres as General Retail contained within approximately 240 acres of land legally described tract 1E, situated in the Auguste Senerchal Survey, Abstract 722.

- Mayor Fagan opened the Public Hearing on **Zoning Case P21-425** at 7:00 p.m.; receiving no public comments, Mayor Fagan closed the Public Hearing at 7:00 p.m.

Consideration of Ordinance No. 2021-38 was postponed to the November 29, 2021 Council Meeting.

- Adopt, on First Reading, Ordinance No. 2021-38, 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 240 acres of land legally described as Tract 1E, situated in the Auguste Senerchal Survey, Abstract 722, from Undeveloped Land within the ETJ to 231.6 Acres of Land to the Light Industrial District and 8.4 Acres of Land to the General Retail District, said property being generally located at the southwest corner of Grand Parkway 99 and Rocky

Road, 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.

No action taken.

4. Consideration to approve **Zoning Case P21-352**: Request by Creek Road and CTC Residential to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 18 acres of land legally described as Tracts 1B & 2C Abstract 311 C GOODRICH, from the Commercial District to the Planned Development (PD-18) District. The property is generally located at the northwest corner of the intersection of FM 2920 and Tomball Cemetery Road, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on **Zoning Case P21-352** at 7:27 p.m.; receiving no public comments, Mayor Fagan closed the Public Hearing at 7:27 p.m.
- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-35 by caption only on first reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2021-35, an ordinance of the City of Tomball, Texas, requesting to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances Official Zoning Map for property that is approximately 18 acres of land, legally described as Tracts 1B & 2C, Abstract 311 C Goodrich within the City of Tomball, Harris County, Texas; from Commercial District to the Planned Development District (PD-18); being generally located at the northwest corner of the intersection of FM 2920 and Tomball Cemetery Road; 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.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

5. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve the Donation of the City of Tomball Emergency Warning Siren to the Spring Creek County Historical Association and In-Kind Services for the Removal and Transportation of the Siren at the Tomball Museum Center, 510 N. Pine Street.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

6. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to approve Tomball Sister City Organization's request for the Amount of \$160,000 for the Tomball German Christmas Market on December 10-12, 2021 and the Tomball German Heritage Festival on March 25-26, 2022.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Resolution No. 2021-40 – a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District, and Casting the City's Vote for Mike Sullivan.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

8. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve the purchase of a natural gas generator to replace the current generator at the Police Station, from Evolve Power Generation through the State of Texas DIR Contract, contract number DIR-TSO-4072, in the Amount of \$53,073.71

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

9. Executive Session: The City Council did not 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
 - Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Finance Director
10. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to Confirm the City Manager’s Appointment of Katherine Dubose as Finance Director.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

- J. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to adjourn.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Meeting adjourned at 7:43 p.m.

PASSED AND APPROVED this the 6th day of December 2021.

Doris Speer
Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Gretchen Fagan
Mayor