

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



**Monday, November 20, 2023  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for November 20, 2023, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

- A. Mayor Pro Tem D. Townsend, Sr. called the meeting of the City of Tomball Council to order at 6:20 p.m.

**PRESENT**

Council 1 John Ford  
Council 2 Mark Stoll  
Council 3 Dane Dunagin  
Council 4 Derek Townsend, Sr.  
Council 5 Randy Parr

**ABSENT**

Mayor Lori Klein Quinn (Excused)

**OTHERS PRESENT**

City Manager - David Esquivel  
City Attorney - Loren Smith (via Zoom)  
Assistant City Manager - Jessica Rogers  
Assistant City Secretary - Sasha Luna  
Records Specialist - Fae Morris  
Public Works Director - Drew Huffman  
Project Manager - Meagan Mageo  
Police Captain - Brandon Patin  
Police Lieutenant - Chris Burns  
Director of Community Development - Craig Meyers  
Director of Marketing & Tourism - Chrislord Templonuevo  
IT Support Tech - Sam Walton  
Community Center Manager - Rosalie Dillon

- B. Invocation - Led by Pastor Craig Gilbert - Rose Hill Methodist Church
- C. Pledges to U.S. and Texas Flags led by Councilman John Ford

- 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  
20339 Telge Road - In-Kind services and Introduction of Miss Tomball  
Tomball, 77377

Barbara Anderson  
14243 Turnervine Drive - In opposition of item F.1. Ordinance No. 2023-43  
Tomball, 77375

Marilyn O'Neal  
14235 Turnervine Drive - In opposition of item F.1. Ordinance No. 2023-43  
Tomball, 77375

E. Reports and Announcements

1. Announcements

**I. Upcoming Events:**

December 2 - Deck the Depot Christmas Tree Lighting 2:00 p.m. – 8:00 p.m. @ Depot

December 8-9 – Tomball Museum Candlelight Tour 6:00 p.m. – 9:00 p.m. @ Tomball Museum

December 8-10 – Tomball German Christmas Market @ Depot and Market St.

December 16 – TFM Christmas Market 9:00 p.m. – 1:00 a.m. @ Information Center Parking Lot

December 20 – Polar Express Sunset Market 4:00 p.m. – 7:00 p.m. @ Information Center Parking Lot

F. Old Business

1. Adopt, on Second 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 1 Ford to amend motion to include entry and exit compliances.

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 1 Ford, Seconded by Council 3 Dunagin to adopt, on amended motion Second Reading, Ordinance No. 2023-43.

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 Number 2023-46, an Ordinance of the City of Tomball, Texas Adopting Impact Fees for Water and Wastewater Facilities; Defining Certain Terms; Providing for the Assessment and Collection of Such Impact Fees; Containing Other Provisions Relating to the Subject; and Providing for Severability.

Motion made by Council 2 Stoll, Seconded by Council 5 Parr to adopt, on Second Reading, Ordinance No. 2023-46.

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

Motion carried unanimously.

3. Adopt, on Second Reading, Ordinance 2023-47, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances, Section 46-55, Separate Metering of Irrigation Systems; 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 3 Dunagin to adopt, on Second Reading, Ordinance No. 2023-47.

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

Motion carried unanimously.

- G. 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.]*

1. Approve the Minutes of the November 6, 2023, Regular City Council meeting.
2. Approve the bylaws for the Tomball Tax Increment Reinvestment Zone No. 3.
3. Approve the Final Project and Finance Plan for the Tomball Tax Increment Reinvestment Zone No. 3.
4. Approve Resolution 2023-51, a Resolution of the City Council of the City of Tomball, Texas, Amending Development Permits, Inspections & Fees in the Master Fee Schedule for Fiscal Year 2023-2024, and Providing an Effective Date.
5. Approve a Software Services Agreement with Tyler Technologies, Inc. for development and implementation of a Computer Aided Dispatch (CAD) system for a not-to-exceed amount of \$460,627 in the FY 2023-2024 through a Sourcewell contract (contract number 090320-TTI), authorize the expenditure of funds therefore, and authorize the City Manager to execute the agreement. This initial amount is included in the FY 2023-2024 budget.
6. Approve a purchase with Lone Star Recreation of Texas, LLC for an inclusive playground to be constructed at Juergens Park (Louie's Together Playground) through the BuyBoard Cooperative Purchasing (Contract #679-22) for a not-to-exceed amount of \$815,731.78, approve 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 2023-2024 budget.

7. Approve a services agreement renewal with Sun Coast Resources, Inc. for the purchase of diesel fuel and gasoline for City vehicles and equipment for a not to exceed amount of \$394,000, 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 2023-2024 budget.

Motion made by Council 2 Stoll, Seconded by Council 3 Dunagin to approve New Business Consent Agenda.

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

Motion carried unanimously.

#### H. New Business

Item H.1. was discussed prior to the items listed under the Old Business Agenda.

1. Consider approval of agreement with HMF Americana, LLC (Developer) for City of Tomball maintenance of a stormwater detention facility serving The Shoppes at Cottage Green and The Cottage Green Tomball (“Development”), a proposed 48.96-acre planned development, situated at the intersection of Brown-Hufsmith Road and State Highway 249 in the City of Tomball, Harris County, Texas.

Motion made by Council 1 Ford to amend motion to include HMF Americana, LLC. taking over the maintenance cost of the detention pond for 10 years.

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 1 Ford, Seconded by Council 2 Stoll to approve on amended motion, agreement with HMF Americana, LLC.

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

Motion carried 3 votes yea, 2 votes nay.

2. Consideration, discussion, and possible action regarding Code Enforcement.
3. Approve Resolution No. 2023-52, 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 Central Appraisal District.

Motion made by Council 3 Dunagin, Seconded by Council 5 Parr for the City Council of the City of Tomball to cast its ballot for Mike Sullivan to serve as member of the Board of Directors of the Harris Central Appraisal District.

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

Motion carried unanimously.

4. Consideration to Approve **Zoning Case Z23-16**: Request by HH 11701 Properties LLC, represented by Austin Haynes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-16**

- Mayor Pro Tem Townsend, Sr. called the PH to order at 7:27 pm.

Christian Goedde  
19910 Tidy Tips Ln. - Developer  
Spring, 77379

- Hearing no further comments Mayor Pro Tem Townsend, Sr. closed PH at 7:31 pm.

Adopt, on First Reading, Ordinance No. 2023-49, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within 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 5 Parr, Seconded by Council 2 Stoll to read by caption Ordinance No. 2023-49.

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 1 Ford to adopt, on First Reading, Ordinance No. 2023-49.

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

Motion carried unanimously.

5. Consideration to Approve **Zoning Case Z23-17**: Request by Daniel Rodano, represented by Sendero Ventures LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-17**

- Mayor Pro Tem Townsend, Sr. called the PH to order at 7:36 pm.

Paul Garcia  
12211 Zion Rd. - In opposition of Zoning Case Z23-17  
Tomball, 77375

Garrett Garcia  
12211 Zion Rd. - In opposition of Zoning Case Z23-17  
Tomball, 77375

Scott Burrer  
Sendero Ventures LLC  
26410 Oak Ridge Dr. #108 - Developer  
The Woodlands, 77380

Juan Sanchez  
Sendero Ventures LLC  
26410 Oak Ridge Dr. #108 - Developer  
The Woodlands, 77380

- Hearing no further comments Mayor Pro Tem Townsend, Sr. closed PH at 7:45 pm.

Adopt, on First Reading, Ordinance No. 2023-50, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith 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 5 Parr, Seconded by Council 2 Stoll to read by caption Ordinance No. 2023-50.

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

Motion carried unanimously.

No action was taken.

6. Consideration to Approve **Zoning Case Z23-18**: Request by Brian Mai to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.172 acres of land legally described as Lot 9, Block 1 of Main Street – Tomball from Single Family Residential – 6 (SF-6) to General Retail (GR). The property is located within the 100 block (east side) of Holderrieth Boulevard, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-18**



- Mayor Pro Tem Townsend, Sr. called the PH to order at 7:59 pm.

B. Mai

112 S. Vernon St. - Spoke on behalf of the landowner/developer  
Tomball, 77375

- Hearing no further comments Mayor Pro Tem Townsend, Sr. closed PH at 8:00 pm.

Adopt, on First Reading, Ordinance No. 2023-51, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.172 acres of land legally described as Lot 9, Block 1 of Main Street – Tomball from Single Family Residential – 6 (SF-6) to General Retail (GR). The property is located within the 100 block (east side) of Holderrieth Boulevard, 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 1 Ford to read by caption Ordinance No. 2023-51.

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, Ordinance No. 2023-51.

Voting Yea: Council 5 Parr

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

Motion failed four votes nay, 1 vote yea.

7. 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. 551.072 – Deliberations regarding Real Property

Executive session started: 8:08 PM

Executive session ended: 8:54 PM

I. Adjournment

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.

PASSED AND APPROVED this 4<sup>th</sup> day of December, 2023.

*Tracylynn Garcia*

Tracylynn Garcia  
City Secretary, TRMC, MMC, CPM

*Lori Klein Quinn*

Lori Klein Quinn  
Mayor