

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, February 05, 2024
6:00 PM**

- A. Mayor L. Klein-Quinn called the meeting of the City of Tomball Council to order at 6:03 p.m.

PRESENT

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

City Staff Present:

City Manager - David Esquivel
Assistant City Manager - Jessica Rogers
City Attorney - Loren Smith
City Secretary - Tracylynn Garcia
Assistant City Secretary - Sasha Luna
Finance Director - Katherine Tapscott
Public Works Director - Drew Huffman
Director of Marketing & Tourism - Chrislord Templonuevo
Director of Community Development - Craig Meyers
Fire Chief - Joe Sykora
Police Chief - Jeff Bert
Project Manager - Meagan Mageo
IT Support - Tom Wilson
TEDC Executive Director - Kelly Violette
TEDC Assistant Director – Tiffani Wooten

- B. Invocation - Led by Pastor Adam McIntosh with St. David's Reformed Church
- C. Pledges to U.S. and Texas Flags Fire Chief J. 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.]

Tana Ross 30722 Country Meadows Dr. Tomball 77375	-	Comments regarding CRC
William Sumner 12321 Zion Rd. Tomball 77375	-	TEDC Board appt. Paul Garcia
David Martin 13319 Spring Hall Dr. Tomball 77375 -	-	Charter (website, amendments, term limits)
Anshu Yedavelli 114 North Stage Sparrow Circle Spring, Tx	-	Tomball High School (stem job/programs)
Angie Johnson 30614 Quinn Rd. Tomball 77375	-	Comments regarding CRC (term limits)
Richard Anderson 11307 Wallstreet Rd. Tomball	-	Term limits

E. Presentations

1. J. Klein - Tomball Regional Health Foundation presented Tomball Fire Department a check in the amount of \$10,200.00 for the purchase of Cyanokits.

J. Klein also presented L. Shannon a plaque for her 20 years of service the Foundation.

F. Reports and Announcements

1. Announcements

I. Upcoming Events:

February 8, 2024 – Mayor’s Kaffeeklatsch 8:30 am – 10 am @
Community Center Room A

February 16, 2024 - Last day to apply for place on ballot for the May 4, 2024 General Election

February 20, 2024 – Tomball Trail Ride (SHTR) 12:00 pm – 2:00 pm @ Depot

March 9, 2024 – Second Saturday 5:00 pm – 9:00 pm @ Depot

March 16, 2024 – Electric Tomball/Depot Disco 5:00 pm – 9:00 pm @ Depot

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 - Quarterly Financial Update for Period Ending December 31, 2023
 - II. Katherine Tapscott presented - Quarterly Investment Report for Period Ending December 31, 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.

G. Old Business

1. Approve, on Second Reading, Ordinance No. 2024-01, an Ordinance of the City of Tomball, Texas, finding and determining that public convenience and necessity no longer require the continued existence of an unimproved right-of-way between Barbara Street and Alma Street, all situated in the Northwest Houston Heart Center Plat as recorded in Volume 621, Page 269 of the Map Records of Harris County, Texas; vacating, abandoning, and closing said portion of such unimproved right-of-way; authorizing the City Manager to execute and the City Secretary to attest a quitclaim deed quitclaiming the City's interest in said unimproved right-of-way; and containing other provisions relating to the subject.

Motion made by Council 3 Dunagin, 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.

- 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.]

Items 2, 3 were removed.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin for items 1, 4-9

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

Motion carried unanimously

1. Approve the Minutes of the January 22, 2024, Special City Council meeting and the January 29, 2024, Special Joint City Council and Charter Review Commission meeting.
4. Approve a Professional Services Agreement with Oller Engineering, Inc. for the design of a water line extension along E. Hufsmith (from the drainage channel to N. Cherry Street/Ulrich Road), Project Number 2024-10002, for a not-to-exceed amount of \$346,382, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2023-2024 capital budget.
5. 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 \$262,500, 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.
6. Approve a services agreement renewal with North Water District Laboratory, Services, Inc. for wastewater sampling and laboratory services for a total not-to-exceed amount of \$100,000, 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 2023-2024 Budget.
7. Approve a services agreement renewal with Source Point Solutions, LLC to provide vector services and regular maintenance of sewer components for a total not-to-exceed amount of \$60,000, 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 2023-2024 Budget.

8. Approve a services agreement renewal with Water Utility Services, Inc. for water sampling and laboratory services for a total not-to-exceed amount of \$175,000, 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 2023-2024 Budget.
9. Approve a services agreement with Sprint Waste of Texas, LP DBA GFL Environmental for sludge hauling and disposal for Fiscal Year 2024, for a not-to-exceed amount of \$140,000 (Bid No. 2024-06), 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 4 Townsend, Sr., Seconded by Council 3 Dunagin for items 1, 4-9

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

Motion carried unanimously.

2. Approve the expenditure of \$135,065.08 for Sales Tax Compliance Review Services for October 1 -December 31, 2023 from Avenu Insights & Analytics and authorize the City Manager to execute any and all documents related to the expenditure.

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

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

Voting Abstaining: Mayor Klein Quinn

3. Approve a Professional Services Agreement with Engineered Utility Solutions, Inc. for Project Number 2022-10011, Gas Master Plan, for a not-to-exceed amount of \$327,750, 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 5 Parr.

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

Motion carried unanimously.

I. New Business

1. Appoint a Member to Fill Vacancy and Complete the Unexpired Term on the Tomball Economic Development Corporation Board of Directors expiring 5/31/2024.

Motion made by Council 2 Stoll, Seconded by Council 5 Parr Brock Henderson to fill vacancy on EDC Board of Directors

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

Motion carried unanimously.

2. Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Billiard Factory to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the development of its corporate distribution facility to be located at 2013 S. Persimmon Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is and amount not to exceed \$95,909.00.

Motion made by Council 1 Ford, 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.

3. Approve, on Second Reading, Resolution No. 2024-03-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 LOMA Health & Wellness, PLLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 604 Baker Drive, Unit D, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$8,880.00.

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

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

Motion carried unanimously.

4. Approve, on First Reading, Resolution No. 2024-04-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 Della Casa Pasta, LLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 22525 Hufsmith-Kohrville Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.

Motion made by Council 5 Parr, 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.

5. Approve, on First Reading, Resolution No. 2024-05-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 City of Tomball to make direct incentives to, or expenditures for, improvements to the North and South 100 Block and North 200 Block Alleyways located in the City of Tomball, Texas. The estimated amount of expenditures for such Project is an amount not to exceed \$1,188,834.00.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin
Amended motion - City manager to execute all agreements.

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 3 Dunagin.

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

Motion carried unanimously.

6. Approve, on First Reading, Resolution No. 2024-06-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 for the Summer Youth Employment Program, that will, among other things, reimburse qualified business owners for certain employment costs related to employing young people in the City during the summer months, in order to promote new or expanded business development in and around the City.

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

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

Motion carried unanimously.

7. Consideration to approve the Tomball Police Department Annual Data Capture Report – 2023 and authorize the posting of the information as required by Senate Bill 1074.

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.

8. Council received a Presentation and discussion and provide staff direction regarding the draft City of Tomball Parks, Recreation, and Trails System Master Plan.

No action was taken.

9. Approve Resolution Number 2024-09, a Resolution of the City Council of the City of Tomball, Texas approving a Reimbursement Agreement relating to the Wood Leaf Public Improvement District Number 11 – Improvement Area #2 (IA2).

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

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

Voting Nay: Council 2 Stoll

Motion carried 4 votes yea, 1 vote nay.

10. Consideration to Approve **Ordinance Amendment OAM23-03**: Request by the City of Tomball to amend Chapter 50 – Article III (*District Regulations*) adding Section 50-75.1 – Neighborhood Retail District (NR) zoning classification and subsequent district standards. Modifying Section 50-82 (*Use regulations (charts)*). Modifying Section 50-112 (*Off Street Parking and Loading Requirements*) adding parking regulations within the Neighborhood Retail District. Modifying Section 50-113 (*Landscape Requirements*) specifying parking lot screening requirements. Modifying Section 50-115 (*Screening, Buffering and Fencing Requirements*) replacing subsection (b)(1) (*Screening of Non-Residential, Multifamily, and manufactured (mobile) home parks*) with new land use buffering standards.

Conduct Public Hearing on **Ordinance Amendment OAM23-03**

- Mayor Klein Quinn called the PH to order at 8:28 pm

Ron Brooks (Chesmar Homes) spoke about the development.

- Hearing no further comments the Mayor closed the PH at 8:29 pm

Adopt, on First Reading, Ordinance No. 2023-55, an Ordinance of the City of Tomball, Texas, amending Chapter 50 – Article III (*District Regulations*) adding Section 50-75.1 – Neighborhood Retail District (NR) zoning classification and subsequent district standards. Modifying Section 50-82 (*Use regulations (charts)*). Modifying Section 50-112 (*Off Street Parking and Loading Requirements*) adding parking regulations within the Neighborhood Retail District. Modifying Section 50-113 (*Landscape Requirements*) specifying parking lot screening requirements. Modifying Section 50-115 (*Screening, Buffering and Fencing Requirements*) replacing subsection (b)(1) (*Screening of Non-Residential, Multifamily, and manufactured (mobile) home parks*) with new land use buffering standards; 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 only Ordinance No. 2023-55.

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 amend the motion to add rv parks

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 5 Parr as amended.

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

Voting Abstaining: Mayor Klein Quinn

11. Adopt, on Second Reading, Ordinance No. 2024-02, An Ordinance Of The City Of Tomball, Texas Calling A Special Election To Be Held On May 4, 2024, For The Purpose Of Submitting To The Voters Propositions To Amend The City Of Tomball Charter Regarding: (A) Amending Sections 3.07, 4.01, 5.07, 6.03, 6.12, 6.13, 7.07, 7.08, 9.03, And 10.2 To Correct Non-Substantive Issues; (B) Amending Section 1.05 To Update To Language Used To Clarify Between Sex And Gender Based Pronouns; (C) Amending Section 2.03 To Update Annexation Procedures In Line With Changes In Texas Law; (D) Amending Section 5.01 Relating To The Publication Of Elections And The Dates Of Elections; (E) Amending Section 5.03 Relating To Forms Required For Municipal Office Application; (F) Amending Section 6.02 Relating To Term Limits; (G) Amending Sections 6.08 And 7.01 Relating To The Powers Of Mayor And City Manager; (H) Amending Section 6.10 Relating To The Role Of Council In Selecting City Administrative Personnel; (I) Amending Section 6.14 Relating To The Physical Publishing Of Ordinances And Relating To Reading Ordinances At Council Meetings; (J) Amending Article Vi And Article X By Removing Part Of Section 10.01 And Adding Section 6.17 Relating To Council Liaison On Boards And Commissions; (K) Amending Sections 6.02, 6.03, 6.04, 6.06, 6.08, And 6.13 Relating To The Term Councilmember; (L) Section 7.01 Relating To The Next Charter Review Written Report; (M) Amending Section 7.08 Relating To The

Term And Removal Of Municipal Judge; (N) Amending Section 8.06 Relating To Public Hearing On Budget; (O) Amending Section 8.14 Relating To Classifications Of Accounting Standards; (P) Amending 8.17 Relating To Countersigning Of Checks, Vouchers Or Warrants By Assistant City Manager; (Q) Amending Section 10.01 Relating To The Planning And Zoning Commission Powers To Approve Final Plats, To Recommend Building Code Adoption And Revision, To Recommend Capital Improvement Plans; And To The Planning And Zoning Commission Notice Of Meeting Change; And (R) Amending Sections 6.02, 6.03, 6.07, 6.08, 6.14, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 11.03, 11.04, 11.05, 11.07, 11.11, 11.12, And 12.02 Relating To The Office Or Title Language; Providing For Ballots; Designating The Time And Place For Holding Such Elections; Providing For Notices; Providing For Publication; Providing For Severability; And, Providing An Effective Date.

- Mayor Klein Quinn called the PH to order at 8:45 pm
- Hearing no public comments Mayor Klein Quinn closed the PH at 8:46 pm

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.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr.. Amend motion to strike F - term limits, remove portion of quorum portion, re-letter proposition

Voting Yea: Council 1 Ford, Council 2 Stoll

Voting Nay: Council 3 Dunagin, Council 5 Parr

Voting Abstaining: Council 4 Townsend, Sr.

Motion failed 2 votes yea, 3 votes nay.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr.. Amend motion to change term limits to one year, remove portion of quorum portion re-letter propositions.

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. as amended.

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

Motion carried unanimously.

12. Discussion and possible action to schedule a Special City Council for the Second Reading of Ordinance No. 2024-02

Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr. calling a Special Meeting for February 9, 2024 at 5pm.

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

Motion carried unanimously.

13. Discussion and possible action to schedule a City Council retreat for strategic planning sessions

April 3 5pm -10pm

April 4 5pm - 10pm

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 which the Attorney’s duty requires to be discussed in closed session.

Sec. 551.072 – Deliberations regarding Real Property

Executive session started: 9:50 PM

Executive session ended: 10:21 PM

J. Adjournment

Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Motion carried unanimously.

Tracylynn Garcia

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn

Lori Klein Quinn
Mayor