

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



**Tuesday, September 7, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for September 7, 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 6:00 p.m.

PRESENT:

Mayor Gretchen Fagan
Council 1 John Ford
Council 3 Chad Degges
Council 4 Derek Townsend, Sr. – arrived 6:09 p.m.
Council 5 Lori Klein Quinn

ABSENT:

Council 2 Mark Stoll - Excused

OTHERS PRESENT:

City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Beth Jones
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Interim Fire Chief/Fire Marshal – Joe Sykora
City Engineer – Wesley Stolz
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Johnita Robinson
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette

B. Invocation - Led by Pastor Bill Haygood – Tomball United Methodist Church

C. Pledges to U.S. and Texas Flags – Led by Joe 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.]*
- E. Presentations
1. Joe Sykora presented Fire Department Awards/Commendations to Firefighters McHenry, Rymer and Collins.
- F. Reports and Announcements
1. Announcements
 - I. September 10-11, 2021 – **“9-11 20th Anniversary Remembrance”**; an event to remember the events of **9-11** - at the Depot
 - II. September 18, 2021 – **GroovFest 2021** – 11:00 a.m.-6:00 p.m., at the Depot
 - III. October 8-9, 2021 – **Zomball in Tomball** – 5:00 p.m. – 9:00 p.m. at the Depot – **Lots of Changes!!!!**
October 8 – **DriveBoo at Juergen’s Park** (dusk) - families stay in and **“trick or treat”** from the car
October 9 – **2nd Saturday at the Depot** – 8 p.m.; A Halloween movie & free face painting
 - IV. October 16, 2021 – **Bluegrass Tomball** – 11:00 a.m. – 6:00 p.m. at the Depot
 2. Reports by City staff and members of council about items of community interest on which no action will be taken:
- G. Approval of Minutes
1. Motion made by Council 5 Klein Quinn, Seconded by Council 1 Ford, to approve the Minutes of the August 16, 2021 Special Tomball City Council-TEDC Meeting and August 16, 2021 Regular Tomball City Council Meeting

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

Motion carried unanimously.
- H. 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, on Second Reading, Resolution No. 2021-21-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 Beefy Marketing, LLC, to make direct incentives to, or expenditures for, rental assistance for new or expanded enterprise to be located at 944 Village Square Drive, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$6,000.00.
2. Approve, on Second Reading, Resolution No. 2021-22-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 Jonah's Movers, 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 23,000 square foot office/warehouse facility to be located at 0 Theis Lane, Tomball, Texas. The estimated amount of expenditures for such Project is \$26,925.00.
3. Adopt, on Second Reading, Ordinance No. 2021-30, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by amending Planned Development (PD-14) District. the property is approximately 95.4 acres of land, legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, PT Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, PT Tract 21A (AG-use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, and Wood Leaf Reserve Section 1; within the City of Tomball, Harris County, Texas; said property being generally located on the south side of Theis Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street; 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 3 Degges, Seconded by Council 1 Ford, to approve Consent Agenda Items H1, H2 and H3.

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

Motion carried unanimously.

I. New Business

1. Mayor Fagan opened the Second Public Hearing for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2021-2022 at 6:11 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:11 p.m.

2. Motion made by Council 3 Degges, Seconded by Council 1 Ford, to read Ordinance No. 2021-33 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to adopt, on First Reading, Ordinance No. 2021-33, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2021-2022; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2020-2021 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance.

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

Motion carried unanimously.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve the Proposed Tax Rate of \$0.333339/\$100 for 2021 and Set the Public Hearing Date on the Proposed Tax Rate for 2021 for September 20, 2021.

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

Motion carried unanimously.

4. Mayor Fagan announced that Voting on the 2021 Tax Rate will be held at a Regular City Council Meeting on September 20, 2021 at 6:00 p.m. and at a Special City Council Meeting on September 27, 2021 at 5:30 p.m.

No action necessary.

5. Motion made by Council 3 Degges, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2021-31 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 1 Ford, Seconded by Council 3 Degges, to adopt, on First Reading, Ordinance No. 2021-31, 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 Magnolia Street and Pine Street, all situated in Block 35 of revised Map of Tomball, Harris County, Texas, and as recorded in Volume 4, page 25 of the Harris County Map Records; vacating, abandoning, and closing said unimproved right-of-way; authorizing the Mayor to execute and the City Secretary to attest, respectively, a Quitclaim Deed conveying said unimproved right-of-way to Scott Gordan Moore, Jr.; providing for severability; and containing other provisions relating to the subject.

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

Motion carried unanimously.

6. Motion made by Council 3 Degges, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2021-32 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr.,

Council 5 Klein Quinn
Absent: Council 2 Stoll

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to adopt, on First Reading, Ordinance No. 2021-32, 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 South Chestnut Street and South Howard Street, all situated in Block 80 of Revised Map of Tomball, Harris County, Texas, and as recorded in Volume 4, Page 25 of the Harris County Map Records; vacating, abandoning, and closing said unimproved right-of-way; authorizing the Mayor to execute and the City Secretary to attest, respectively, a Quitclaim Deed conveying said unimproved right-of-way to Grevis Properties, LLC, Kevin and Madonna Edmond and Henry Allee; providing for severability; and containing other provisions relating to the subject.

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

Motion carried unanimously.

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve Resolution No. 2021-28, 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"

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

Motion carried unanimously.

8. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Amendment to Administrative Policy No. 7, entitled "Bank Credit Cards Acceptance Policy"

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

Motion carried unanimously.

9. Motion made by Council 5 Klein Quinn, Seconded by Council 4 Townsend, Sr., to approve Administrative Policy No. 28, entitled "Electronic/Digital Signature Policy".

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

Motion carried unanimously.

10. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve Administrative Policy No. 29, entitled "Notary Public Procedures, Policies and Prohibitions"

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

Motion carried unanimously.

11. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve Administrative Policy No. 30, entitled "Records Management Requirements for Electronic Records and E-Mail"

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

Motion carried unanimously.

12. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Resolution No. 2021-29, a Resolution of the City Council of the City of Tomball, Texas, approving a partnership between the City of Tomball and the Munson Family.

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

Motion carried unanimously.

13. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to award contract for E&P Project 2019-10035 to AR Turnkee Construction Company, Inc. in the amount of \$133,838.00 to award contract for the Mulberry and Agg Road Drainage Improvements (Project 2021-03R).

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

Motion carried unanimously.

14. Motion made by Council 3 Degges, Seconded by Council 4 Townsend, Sr., to authorize City Manager to execute portions of an agreement on behalf of the City of Tomball with Musco Finance for the Tomball Little League for improvements to Wayne Stovall Sports Complex.

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

Motion carried unanimously.

15. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Resolution No. 2021-30, a Resolution of the City Council of the City of Tomball, Texas, authorizing the City Manager to enter into negotiations between the City of Tomball and Lovett Industrial

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

Motion carried unanimously.

16. Executive Session: The City Council recessed at 6:47 p.m. to 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 – Assistant City Manager, Fire Chief, and Community Development Director
- Sec. 551.087 – Deliberations Regarding Economic Development

Upon reconvening into session at 7:44 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned at 7:45 p.m.

PASSED AND APPROVED this the 20th day of September 2021.

Doris Speer
Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Gretchen Fagan
Mayor