

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



**Monday, November 7, 2022
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for November 7, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 7:38 p.m.

PRESENT

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

OTHERS PRESENT

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Doris Speer
Assistant City Secretary – Tracylynn Garcia
City Attorney – Justin Pruitt
Director of Community Development – Nathan Dietrich
Director of Public Works – Drew Huffman
Finance Director – Katherine Tapscott
Police Chief – Jeff Bert
Police Captain-Patrol – Brandon Patin
Project Manager - Meagan Mageo
Marketing Manager – Sasha Smith
Marketing Communications Specialist – Chrislord Templonuevo
Community Center Manager – Rosalie Dillon
TEDC President Fagan
TEDC Board Member Covington
Executive Director-TEDC – Kelly Violette
Economic Development Coordinator-TEDC – Tori Gleason

B. Invocation - Led by Council 4 Derek Townsend Sr.

- C. Pledges to U.S. and Texas Flags- Led by Council 1 John Ford
- D. No public comments were received.
- E. Reports and Announcements
 - 1. Announcements
 - I. November 12, 2022 – **Depot Day – a *National Model Railroad Month Event*** – 10:00 a.m.-4:00 p.m.
 - II. November 12, 2022 – **2nd Saturday at the Depot** – 5:45 p.m.-7:35 p.m.
 - III. November 18, 2022 – ***Light it Up! Tree Lighting – 7:00 p.m.-9:00 p.m.,*** at the Depot
 - IV. November 19, 2022 – ***Holiday Parade*** – Downtown – Sponsored by the Greater Tomball Area Chamber of Commerce; 2023 Miss Tomball Event in the Evening – 10:00 a.m.-Noon
 - V. December 3, 2022 – ***Deck the Depot*** – Depot Plaza – 10:00 a.m.-2:00 p.m.
 - VI. December 9-11, 2022 – **German Christmas Market** – Depot Plaza and Market Street
 - 2. Reports by City staff and members of council about items of community interest on which no action will be taken:
 - I. Katherine Tapscott - Quarterly Investment Report for Period Ending September 30, 2022. 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. As of September 30, 2022, the City’s cash and investment balances totaled \$67,314,441.
 - II. Chrislord Templonuevo – Report on the Success of the **Spooktacular 2nd Saturday at the Depot**

Sasha Smith – Report on the Success of the **Tomball Bluegrass Fall Fest 2022**
- F. Old Business
 - 1. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to adopt, on Second Reading, Ordinance No. 2022-18, 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 1.44 acres of land legally described as being Lot 1, Block 1 of JTS Subdivision from General Retail (GR) to the Commercial (C) District. The property is located at the southwest corner of the intersection of Medical Complex Drive and the State Highway 249 frontage 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 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

2. Adopt, on Second Reading, Ordinance No. 2022-38, 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 17.08 acres of land legally described as being all of lots 1, 2, 3, and 4 of Tomball Business and Technology Park from Single Family Residential -20 (SF-20) to Light Industrial (LI). The property is located within the 1900 block of S. Persimmon Street (east and west sides), 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 was taken.

3. Motion made by Council 5 Parr, Seconded by Council 1 Ford to adopt, on Second Reading, Ordinance No. 2022-39, an ordinance of the City of Tomball, Texas, amending the City of Tomball's Comprehensive Plan to update the Major Thoroughfare Plan Map. Removing the proposed east-west extension of Medical Complex Drive which is currently designated as a minor arterial from the Major Thoroughfare Plan Map. Specifically being the segment that is planned to extend approximately 1.05 miles from the western right-of-way boundary of Calvert Road to the southeastern right-of-way boundary of FM 2920 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.

Kyle Bertrand - 102 Sage Tone Ct., Montgomery, Texas

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

Motion carried unanimously.

G. Motion made by Council 2 Stoll, Seconded by Council 1 Ford.to approve New Business Consent Agenda Items 1-13:

1. Approve the Minutes of the following Meetings:
 - * October 17, 2022 Regular Tomball City Council Meeting
 - * November 1, 2022 Special Tomball City Council Meeting
2. Approve the purchase of budget software from Questica Ltd. for a not-to-exceed amount of \$112,874.81 over a five (5) year term, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchase is included in the FY 2022-2023 Budget.
3. Approve the purchase of four (4) Ford F-150 Crew Cab Trucks from Silsbee Ford through the TIPS USA Automobiles Contract (Contract No. 210907) for a not-to-exceed amount of \$176,841.00, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. These purchases are included in the FY 2022-2023 Budget.
4. Approve the purchase of one (1) Ford F-150 Crew Cab Truck and two (2) Ford Police Interceptors from Silsbee Ford through the TIPS USA (Contract No. 210907) for a not-to-exceed amount of \$130,945.50, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. These purchases are included in the FY 2022-2023 Budget.
5. Approve the purchase of public safety uniforms from Impact Promotional Services, d.b.a Got You Covered Workwear and Uniforms through the BuyBoard Cooperative Purchasing Network (Contract #670-22) for a not-to-exceed amount of \$125,000.00, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchases are included in the FY 2022-2023 Budget.
6. Approve Supplemental Number One to Gunda Corporation, LLC. for Project Number 2018-10041, Jerry Matheson Park Rebuild for an amount of \$113,530 (total not-to-exceed contract amount of \$147,630), approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.
7. Approve a Professional Services Agreement with Oller Engineering, Inc. for Project Number 2023-10004, design of the Pine Street elevated storage tank rehabilitation for the City of Tomball, for the not-to-exceed amount of \$73,943,

approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.

8. Approve a Professional Services Agreement with Freese & Nichols, Inc. for Project Number 2023-10010, East Water Plant design for the City of Tomball, for the not-to-exceed amount of \$2,606,076, approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.
9. Approve a Professional Services Agreement with Freese & Nichols, Inc. for Project Number 2019-10008, FM 2920 Lift Station Improvements for the City of Tomball, for the not-to-exceed amount of \$2,206,200, approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.
10. Approve a Professional Services Agreement with Freese & Nichols, Inc. for Project Number 2023-10003, the preliminary design of the South Wastewater Treatment Plant expansion and associated improvements to the South Wastewater Treatment Plant, for the not-to-exceed amount of \$506,085; approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.
11. Approve a Professional Services Agreement with Gunda Corporation, Inc. for Project Number 2014-10031, FM 2920 Improvement Project for the City of Tomball, for the not-to-exceed amount of \$65,000, approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.
12. Approve an Interlocal Agreement with Harris County for Project Number 2023-10009, Telge Easement Acquisition, for a total amount of \$1,379,163.19, approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget as part of the Certificate of Obligation issuance.
13. Repeal Administrative Policy No. 6, “Auctions Conducted to Dispose of City Property,” and Administrative Policy No. 16, “Master Service or Commodity Contracts, Professional Service Contracts, and Change Orders”

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

Motion carried unanimously.

H. New Business

1. Motion made by Council 1 Ford, Seconded by Council 5 Parr to approve amendments to Administrative Policy No. 18, Development Policy for Special Financing Districts.

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

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin to approve amendments to Administrative Policy No. 24, Sports Court Reservation Policy option #2.

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.

3. Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr., to accept Resignation of Becky Loving, Resident Member 1, of the Tourism Advisory Committee

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

Motion carried unanimously.

4. Executive Session: The City Council recessed at 8:30 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. 551.076 – Deliberation regarding Security Devices

Upon reconvening into session at 9:08 p.m., no action was taken.

I. Motion made by Council 5 Parr, Seconded by Council 2 Stoll to adjourn.

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 the 21st day of November 2022.

Doris Speer

Doris Speer
City Secretary, TRMC, MMC

Lori Klein Quinn

Lori Klein Quinn
Mayor