

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



**Monday, December 6, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for December 6, 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 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
Police Chief – Jeff Bert
Director of Public Works – Beth Jones
Marketing Director – Mike Baxter
Finance Director – Katherine Dubose
Director of Community Development – Nathan Dietrich
CSO Administrative Assistant – Sasha Luna
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette

- B. The invocation was led by Pastor Steven Staten – Fellowship @ Tomball
- C. Pledges to U.S. and Texas Flags were led by Scouts from Pack 469, Arrow of Light Den

D. The following public comments were received:

Bruce Hillegeist - Introduced 2022 Miss Tomball, Breleigh Rose and President, GTACC expressed the Chamber's appreciation for City Council's support of the 56th Annual Tomball Holiday Parade

E. Reports and Announcements

1. Announcements

I. December 10-12, 2021 – **German Christmas Market** – Depot Plaza and Market Street

II. December 23-24, 2021 – **Christmas Holidays** – City offices closed

III. December 31, 2021 – **New Year's Day Holiday** – City offices closed

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

I. Mike Baxter reported on the success of the City's "**Deck the Depot**" event.

F. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the November 15, 2021 Special and Regular Tomball City Council Meetings and the November 29, 2021 Special 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.

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.]*

Councilman Klein Quinn requested the removal of Item 4 from the Old Business Consent Agenda.

1. Adopt, on Second 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]
2. Adopt, on Second 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.
3. Adopt on Second Reading, Ordinance No. 2021-39, an Ordinance of the City Council of the City of Tomball, Texas; Creating the "Tax Increment Reinvestment Zone Number Three" over the Area Generally Located at the Southwest Corner of Grand Parkway 99 and Rocky Road, Harris County, Texas; Designating the Boundaries of the Zone; Creating a Board of Directors for the Zone; Establishing a Tax Increment Fund for the Zone; Making Certain Findings; Repealing Ordinances Inconsistent or in Conflict Herein; Providing a Severability Clause; and, Providing an Effective Date

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve Items 1, 2, and 3 of the Consent Agenda.

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

Motion carried unanimously.

G. Old Business (Removed from Consent Agenda)

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on Second 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

The following public comments were received:

- | | | |
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| Jason Ahrendt
22315 Pine Tree Dr. | - | Expressed his opposition to the zoning change. |
| Michelle Gutierrez
22507 Tomball Cemetery Rd. | - | Expressed her opposition to the zoning change. |
| Kyle Keith
22407 Pine Tree Dr. | - | Expressed his opposition to the zoning change. |
| Richard Hill
22213 Tomball Cemetery Rd. | - | Expressed his opposition to the zoning change. |
| Mike Clark
22307 Pine Tree Dr. | - | Expressed his opposition to the zoning change. |
| Joe Rowton
15907 Pine Country Blvd. | - | Expressed his opposition to the zoning change. |
| Andrew Hamilton
22414 Pine Tree | - | Expressed his opposition to the zoning change. |
| Tola Akindele
2500 Wilcrest, #300, 77042 | - | Provided additional information regarding the project |

- Sean Ratterree - Provided additional information regarding the
854 Sprucewood Ln, 77024 project
- Kyle Keith - Expressed his opposition to the zoning change.
22407 Pine Tree
- Colleen Pye - Expressed her support of the zoning change.
207 Florence
- Jason Ahrendt - Expressed his opposition to the zoning change.
22315 Pine Tree Dr.
- Jessica Young - Expressed her opposition to the zoning change.
22319 Pine Tree Dr.
- Lauren Ahrendt - Expressed her opposition to the zoning change.
22315 Pine Tree Dr.
- Michelle Gutierrez - Expressed her opposition to the zoning change.
22507 Tomball Cemetery Rd.
- Edward Mikolajewski - Expressed his opposition to the zoning change.
22203 Pine Tree Dr.
- Bill Rigney - Expressed his opposition to the zoning change.
15815 Pine Bark Ln.

Motion to AMEND Ordinance No. 2021-35 made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on Second 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 by Including a Requirement to Add Security Cameras, and Ensure that Lighting on the Property is in Compliance with the City's Current Lighting Ordinance/Standards.

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

Voting Nay: Council 3 Degges

Motion to AMEND Ordinance No. 2021-35 carried, 4 votes Aye, 1 vote Nay.

Vote on Motion, as AMENDED:

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

Voting Nay: Council 3 Degges

Motion, as AMENDED, carried, 4 votes Aye, 1 vote Nay.

H. New Business

1. Motion made by Council 3 Degges, Seconded by Council 5 Klein Quinn, to amend the Contract between the City of Tomball and Tomball Farmers Market to Enable Tomball Farmers Market to hold Special Farmers Market Events on Wednesday Evenings, December 22, 2021 and December 29, 2021 and to provide in-kind support by the City of the use of two light towers.

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

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve, on First Reading, Resolution No. 2021-42-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 Silver Accounting Group, LLC, to make direct incentives to, or expenditures for, rental assistance for new or expanded enterprise to be located at 1431 Graham Drive, Suite 150, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$8,236.00.

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

Motion carried unanimously.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve, on First reading, Resolution No. 2021-43-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 Friends of Tomball Community Library for expenditures required or suitable for the promotion of new or expanded business development. The estimated amount of expenditures for such Project is an amount not to exceed \$47,614.00.

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

Motion carried unanimously.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve, on First Reading, Resolution No. 2021-41-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 GK Hospitality Development, 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 6,530 square foot commercial facility to be located on the west side of SH 249, northerly of FM 2920 Road, Tomball, Texas 77377. The estimated amount of expenditures for such Project is an amount not to exceed \$107,500.00.

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 3 Degges, Seconded by Council 4 Townsend, Sr., to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Techsico to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the development of a 10,000 square foot office/warehouse facility to be located on Lot 9 of the Tomball Business and Technology Park. The estimated amount of expenditures for such Project is and amount not to exceed \$20,529.00.

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 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Changes to Spirit of Texas Bank Entity Signer.

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 3 Degges, Seconded by Council 1 Ford, to approve a Contract with B&C Constructors for an LED Lighting Upgrade to All City Facilities, in the Amount of \$82,089.42, to be Completed through a 1GPA Contract, with Partial Funding through the State Energy Conservation Office (SECO).

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

Motion carried unanimously.

- I. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, 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 8:26 p.m.

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

Doris Speer

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan

Gretchen Fagan
Mayor