

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



**Monday, September 20, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for September 20, 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.

ABSENT:

Council 5 Lori Klein Quinn – 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
Community Center Manager – Rosalie Dillon

B. Invocation - Led by Pastor Adam McIntosh - St. David's Church

C. Pledges to U.S. and Texas Flags – Led by Joe Sykora

D. No public comments were received.

E. Presentations

1. Presentation was given by Jana Hoglund regarding the “Spark” program and Mayor Fagan presented a Proclamation proclaiming that September is ***“Library Card Sign-Up Month” in Tomball***
2. Chief Bert presented the Chief’s Citation of Merit - ***Employee of the Quarter Award:***
April – June 2021 Recipient: Detective David White;
July – September 2021 Recipient: Sergeant Keith Ferguson

F. Reports and Announcements

1. Announcements
 - I. 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
 - II. 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:
 - I. Mike Baxter – Report on the success of the ***“9-11 20th Anniversary Remembrance”***; and ***GroovFest 2021***

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve the Minutes of the September 7, 2021 Regular Tomball City Council Meeting

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

Absent: Council 5 Klein Quinn

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.]*

Mayor Fagan advised that she would abstain from discussion and vote on Item H.2. and had filed a conflict of interest affidavit with the City Secretary.

1. Adopt, on Second 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.
2. Adopt, on Second 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.
3. Adopt, on Second 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

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Consent Agenda Items H1, H2 and H3.

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

I. New Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to remove from table for consideration Resolution No. 2021-18, a Resolution of the City Council of the City of Tomball, Texas, Accepting for Filing a Landowner Petition Requesting the Dissolution of a Public Improvement District; Calling a Public Hearing to Consider the Dissolution of a Public Improvement District; Authorizing and Directing That Notices of the Public Hearing be given as required by Law; and Providing for an Immediate Effective Date

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Resolution No. 2021-18, a Resolution of the City Council of the City of Tomball, Texas, Accepting for Filing a Landowner Petition Requesting the Dissolution of a Public Improvement District; Calling a Public Hearing to Consider the Dissolution of a Public Improvement District; Authorizing and Directing That Notices of the Public Hearing be given as required by Law; and Providing for an Immediate Effective Date, and setting October 18, 2021 as the date for the public hearing.

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to Approve Termination of the Development Agreement for Tomball Heights (TPID 9 – Sydney's Park).

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

3. Mayor Fagan opened the Public Hearing regarding the Proposed Public Improvement District Number Thirteen (TPID 13) [Proposed Pine Trails Subdivision] at 6:38 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:38 p.m.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve Resolution No. 2021-24, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Thirteen Related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost between the District and the City as a Whole; and Making Other Findings Related to the District [TPID 13 Pine Trails Subdivision]

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

Motion carried unanimously.

5. Motion made by Council 3 Degges, Seconded by Council 4 Townsend, Sr., to approve Resolution No. 2021-25, a Resolution Authorizing the Establishment of the Public Improvement District Number Thirteen in the City of Tomball, Texas; Authorizing Publication of This Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making Other Provisions Related to the Subject [TPID 13 Pine Trails Subdivision]

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

Motion carried unanimously.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to ratify the FY 2021-2022 Budget and Find that the Proposed Tax Rate of \$0.333339/\$100 DOES EXCEED the No-New-Revenue Tax Rate and WILL Generate More Property Tax Revenue than the FY 2020-2021 Budget.

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

Motion carried unanimously.

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt \$0.155782 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2021-2022.

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

8. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt \$0.177557 as the Portion of the Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2021-2022.

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

9. Mayor Fagan opened the Public Hearing regarding the Proposed 2021 Tax Rate of \$0.333339/\$100 Assessed Value for the City of Tomball, Texas at 6:44 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:44 p.m.

10. Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2021-34 by caption only on First Reading.

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to “move that the property tax rate be increased by the adoption of a tax rate of \$0.333339/\$100, which is effectively a 2.29 percent increase in the tax rate” and to adopt, on First Reading, Ordinance No. 2021-34, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.333339/\$100 Value Assessed for the Year 2021 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

11. Mayor Fagan announced that Final Vote on the 2021 Tax Rate will be held at a Special City Council Meeting on September 27, 2021 at 5:30 p.m.

No action necessary

12. Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to approve Resolution No. 2021-27, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2021-2022.

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

13. Motion made by Council 3 Degges, Seconded by Council 1 Ford, to approve Resolution No. 2021-32, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2022 General Assembly, designating Councilman Townsend as the Representative and Councilman Stoll as Alternate.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges

Voting Nay: Council 4 Townsend, Sr.

Absent: Council 5 Klein Quinn

Motion carried, 3 votes Aye, 1 vote Nay.

14. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to authorize the City Manager to Enter into Negotiations with Harris County Emergency Services District #15 for Amendments to the 2018 Interlocal Agreement, to Fund One (1) Battalion Chief Position

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

15. Councilman Ford advised that he would abstain from discussion and vote on Item I.15. and had filed a conflict of interest affidavit with the City Secretary.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Change Order 8 for E&P Project Number 2017-10005, Medical Complex Segment 4B, to Durwood Greene Construction Co. for a total amount of \$541,919.00.

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

Motion carried, 3 votes Aye, 1 Abstention.

16. Motion made by Council 3 Degges, Seconded by Council 1 Ford, to approve payment to Gexa Energy for remainder of Ancillary Charges Rate due to the Winter Storm

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

Motion carried, 3 votes Aye, 1 vote Nay.

17. Motion made by Council 3 Degges, Seconded by Council 2 Stoll, to authorize the City Manager to execute an agreement for Professional Services with Oller Engineering, Inc. for E&P Project 2021-10037, South Persimmon Water Line Replacement for \$73,000.00.

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

Motion carried unanimously.

18. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Amendment to Administrative Policy No. 17, entitled "*General Fixed Assets Policies and Procedures*".

Motion to AMEND made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Amendment to Administrative Policy No. 17, entitled "*General Fixed Assets Policies and Procedures*", to amend the Capitalization Policy \$20,000 limit on page 1-6 by increasing the Capitalization Policy limit to \$50,000 on page 1-6.

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

Motion as AMENDED carried unanimously.

19. Executive Session: The City Council recessed at 7:08 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 – City Manager, Assistant City Manager, Fire Chief, Community Development Director, and Finance Director

Upon reconvening into session at 8:04 p.m., the following actions were taken:

20. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to extend the Employment Contract for David Esquivel, City Manager, and amend the contract dates to align with the City’s annual budget.

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

Motion carried unanimously.

21. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to confirm the City Manager’s recommendation and hiring of Nathan Dietrich, as Community Development Director

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

Motion carried unanimously.

22. Motion made by Council 3 Degges, Seconded by Council 4 Townsend, Sr., to confirm the City Manager’s recommendation and hiring of Joe Sykora, as Fire Chief.

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

23. Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to confirm the City Manager's recommendation and hiring of Jessica Rogers as Assistant City Manager.

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

- J. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adjourn.

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

Motion carried unanimously.

Meeting adjourned at 8:08 p.m.

PASSED AND APPROVED this the 4th day of October 2021.

Doris Speer

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan

Gretchen Fagan
Mayor