

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



**Monday, October 17, 2022
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for October 17, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via personal attendance and video/telephone conference.

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 6:00 p.m.

PRESENT

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

ABSENT

Council 2 Mark Stoll

OTHERS PRESENT

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Community Development – Nathan Dietrich
Finance Director – Katherine Tapscott
Marketing Manager – Sasha Smith
Fire Chief – Joe Sykora
Sr. Administrative Assistant-CSO – Sasha Luna
Police Captain-Investigations – Ricky Doerre
IT Manager – Doug Tippey
Court Administrator – Maria Morris
Assistant Court Clerk – Carlos Vera
Project Manager - Meagan Mageo
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette

B. Invocation - Led by Pastor Greg Sipe, Church 1:37

C. Pledges to U.S. and Texas Flags – Led by Latrell Shannon.

D. The following public comments were received:

- | | | |
|--|---|--|
| Tom Weatherford
20203 Mahogany Ridge Dr., 77355 | - | Expressed his opinions regarding the new pickleball reservation requirements |
| Michael Pierce
13607 Arcott Bend, 77375 | - | Expressed his opinions regarding an outdoor art market |
| Sharon Finger
13215 Lost Creek, 77375 | - | Expressed her opinions regarding the new pickleball reservation requirements |
| Colleen Pye
207 Florence, 77375 | - | Expressed her opinions regarding an outdoor art market |
| Molly Middlebrook
619 N. Hickory, 77375 (email) | - | Requested that her opinions regarding the new pickleball reservation requirements be read. |
| Toni Fletcher
200 Fannin, 77375 | - | Expressed her opinions regarding an outdoor art market |

E. Presentations

1. Mayor Klein Quinn presented the following Proclamation – October 2022 is ***“Chiropractic Health Month”*** to Dr. Pettit
2. Tomball Regional Health Foundation presented a Grant Check, in the Amount of \$19,902.38, to Joe Sykora and Ricky Doerre, on behalf of the Tomball Fire Department and the Tomball Police Department, to Purchase Go-Bags Containing Emergency Medical Supplies

F. Reports and Announcements

1. Announcements

- I. October 22, 2022 – ***Bluegrass and Fall Festival*** at the Depot – 11:00 a.m.-6 p.m.
- II. November 18, 2022 – ***Light it Up! Tree Lighting – 6:30 p.m.-8:30 p.m.,*** at the Depot

III. November 19, 2022 – **Holiday Parade** – Downtown – Sponsored by the Greater Tomball Area Chamber of Commerce

IV. December 3, 2022 – **Deck the Depot** – Depot Plaza

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

I. Doug Tippey and Maria Morris introduced Assistant Court Clerk Carlos Vera of the Tomball Municipal Court, who has completed all the requirements for Level 1 of the Texas Court Clerk Certification program, awarded on 7/11/2022.

II. Ricky Doerre and Joe Sykora reported on the Success of the **Tomball Police and Fire Pinning Ceremony and Class A Uniform Inspection.**

III. Councilman Townsend requested that City Staff look at pickleball as amenities in future PIDs

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin, to approve the Minutes of the following Meetings:

- * October 3, 2022 Tomball City Council Meeting – 4 p.m.
- * October 3, 2022 Tomball City Council Meeting – 5 p.m.
- * October 3, 2022 Regular Tomball City Council Meeting

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

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. Adopt, on Second Reading, Ordinance No. 2022-30, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.287248/\$100 Value Assessed for the Year 2022 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

2. Adopt, on Second Reading, Ordinance No. 2022-21, an ordinance of the City of Tomball, Texas, amending Section(s) 40-74 (Lots, general provisions) and 40-75 (Minimum Lot Sizes) of the Tomball Code of Ordinance by adding/revising regulations pertaining to lot sizes; providing for 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. 2022-24, an ordinance of the City of Tomball, Texas, amending Section(s) 40-65 (Streets; specific standards) of the Tomball Code of Ordinance by adding/revising the right-of-way widths for roadway classifications; providing for 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 3 Dunagin, to approve Items H.1, H.2, and H.3, Old Business Consent Agenda.

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

Motion carried unanimously.

- I. 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 I.1, I.2 and I.5 were removed from approval under the New Business Consent Agenda at the request of Council.

3. Approve the purchase of one (1) PC35MR-5 Excavator and associated attachments from Waukesha-Pearce Industries, LLC through the Houston-Galveston Area Council Cooperative Purchasing Contract (Contract No. EM06-19) for a not-to-exceed amount of \$60,100.00, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This purchase is included in the FY 2022-2023 Budget.
4. Approve the purchase of one (1) Vermeer BC1000XL Chipper from Vermeer Texas-Louisiana through the BuyBoard Contract (Contract No. 597-19) for a not-to-exceed amount of \$54,303.00, approve the expenditure of funds therefor, and

authorize the City Manager to execute any and all documents related to the purchase. This purchase is included in the FY 2022-2023 Budget.

6. Approve the purchase of two (2) F-250 Crew Cab Trucks from Chastang Ford through the BuyBoard purchasing contract (Contract No. 601-19) for a not-to-exceed amount of \$117,204, 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.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to approve Items I.3, I.4 and I.6.

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

Motion to approve Items I.3, I.4 and I.6 carried unanimously.

J. New Business

- NBCA1. Motion made by Council 5 Parr, Seconded by Council 3 Dunagin, to approve the Purchase of the Verity Voting 2.5 System election equipment from Hart Intercivic through the Buyboard Purchasing Cooperative (Contract No. 622-20) for a not to exceed amount of \$63,543.09, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This purchase was included in the FY 2022-2023 Budget.

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

Motion carried unanimously.

- NBCA2. Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr., to approve Resolution No. 2022-49, a Resolution and Order of the City Council of the City of Tomball, Texas, Approving the Hart Intercivic Verity Voting 2.5 System Equipment for Elections Held by the City of Tomball; and Providing for an Effective Date. This item is budgeted in FY 2022-23.

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

Motion carried unanimously.

- NBCA5. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr, to approve the purchase of one (1) John Deere 6105E Cab Tractor from Brookside Equipment Sales through the Sourcewell Ag Tractors Contract (Contract No. 110719-JDC PG 1P CG 70) for a total amount of \$72,899.20. This purchase is included in the FY 2022-2023 Budget.

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

Motion carried unanimously.

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve Request from Concordia Lutheran High School for City Support and In-Kind Services for the *Annual Cruisin' Crusaders 5K Run/Walk* in downtown Tomball, on Saturday, February 11th, 2023

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

Motion carried unanimously.

2. Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr., to approve Resolution Number 2022-47, a Resolution of the City Council of the City of Tomball, Texas approving a Reimbursement Agreement relating to the Winfrey Estates Public Improvement District Number 12

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

Motion carried unanimously.

3. Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to approve Resolution Number 2022-48, a Resolution of the City Council of the City of Tomball, Texas approving a Reimbursement Agreement relating to the Seven Oaks Public Improvement District Number 14

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

Motion carried unanimously.

4. Consideration to Approve Zoning Case P22-213: Request from Yuna Holdings, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by

rezoning 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, within the City of Tomball, Harris County, Texas.

* Conduct Public Hearing on **Zoning Case P22-213**

Mayor Klein Quinn called the Public Hearing to order at 6:52 p.m.

The following public comment was received:

Jeff Yuna - Expressed his support for the zoning
37123 Chris Court, 77355 change

Receiving no additional public comments, Mayor Klein Quinn closed the Public Hearing at 6:55 p.m.

* Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin, to read Ordinance No. 2022-18 by caption only on first reading.

Voting Yea: Council 1 Ford, 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, to adopt, on First 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 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

5. Consideration to Approve Zoning Case P22-309: Request from Tomball Economic Development Corporation and Tortuga Operating Company to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 17.08 acres of land legally described as being all of Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2 from Single Family Residential – 20 (SF-20) to Light Industrial (LI). The properties are located within the 1900 block of S. Persimmon Street (East and West side), within the City of Tomball, Harris County, Texas.

* Conduct Public Hearing on **Zoning Case P22-309**

Mayor Klein Quinn called the Public Hearing to order at 7:06 p.m.

The following public comments were received:

- | | | |
|---|---|--|
| Paul Mladenka
1631 S. Persimmon, 77375 | - | Expressed his opposition to the zoning change |
| Kelly Violette
29201 Quinn Road, Suite B | - | Expressed TEDC's support for the zoning change |
| Tom Condon
31903 Debbie Lane, 77355 | - | Expressed his support for the zoning change. |

Receiving no additional public comments, Mayor Klein Quinn closed the Public Hearing at 7:30 p.m.

- * Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr, to read Ordinance No. 2022-38 by caption only on first reading.

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

Motion carried unanimously.

Council took no action regarding consideration to adopt, on First 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 taken.

6. Consideration to Approve Zoning Case P22-310: Request by 28121 Calvert, LLC, represented by Louis Smith to amend 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, within Harris County, Texas.**

- * Conduct Public Hearing on **Zoning Case P22-310**

Mayor Klein Quinn called the Public Hearing to order at 8:16 p.m.

The following public comments were received:

Caitlin Craig 15633 Treichel Rd, 77375	-	Expressed her support for the zoning change
Louis Smith 22316 Kobs Rd, 77377	-	Expressed his support for the zoning change.

Receiving no additional public comments, Mayor Klein Quinn closed the Public Hearing at 8:30 p.m.

- * Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to read Ordinance No. 2022-39 by caption only on first reading.

Voting Yea: Council 1 Ford, 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, to adopt, on First 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.

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

Motion carried, 3 votes Yea, 1 vote Nay.

7. Confirm/Appoint/Reappoint Member to Director Position 7 for the 2022 Tomball Legacy Fund, Inc. Board of Directors as Required under Sec. 4.02, Bylaws

No action taken.

8. Discussion and Possible Action regarding Developing a Project for a Future Downtown Tomball Advisory Committee

No action taken.

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

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

Motion carried unanimously.

Meeting adjourned at 8:53 p.m.

PASSED AND APPROVED this the 7th day of November 2022.

Doris Speer
Doris Speer
City Secretary, TRMC, MMC

Lori Klein Quinn
Lori Klein Quinn
Mayor