

MINUTES OF REGULAR COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, August 1, 2022
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for August 1, 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 6:00 p.m.

PRESENT

Council 1 John Ford
Council 2 Mark Stoll
Council 3 Dane Dunagin
Council 4 Derek Townsend, Sr. (via video, verified)
Council 5 Randy Parr

OTHERS PRESENT (CITY):

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
Police Chief – Jeff Bert
Fire Chief – Joe Sykora
Director of Public Works – Drew Huffman
Interim HR Director – Mary Jo Vargas
Marketing Manager – Sasha Smith (via video)
Assistant City Secretary – Tracylynn Garcia
IT Sr. Specialist – Ben Lato
Police Captain-Patrol – Brandon Patin
Police Captain-Investigations – Ricky Doerre
Police Officer-Investigations – James Harral
Fire Lieutenant – Matt Capozzelli
Utilities Superintendent – Will Goff
Community Center Manager - Rosalie Dillon
Project Manager - Meagan Mageo
Assistant Fire Chief – Jeff Cook
Executive Director-TEDC – Kelly Violette (via video)

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

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

D. The following public comments were received:

Ellen Warren	-	Expressed concerns regarding activities
206-1 Moore St		occurring at 600 Maple; arrest(s) on July 30
Tomball, Texas 77375		

E. Presentations

1. Amanda Kelly, Market Manager, Tomball Farmers Market, presented a check in the amount of \$480.00 to the Holiday Heroes (Fire and Police Departments) from the dunking booth activities on Father's Day at the Market.
2. Chief Bert recognized TPD Officers Bryce Smith, Derek Townsend, Erin McNeil, and James O'Malley, who were awarded seven (7) awards from Mothers Against Drunk Driving (MADD).
3. Sally Fisher presented a memory/shadow box to Mayor Klein Quinn.
4. Mayor Klein Quinn announced that Walmart-Tomball's fundraising event for the Christian Children's Network, a pie-throwing contest, was a complete success. Walmart-Tomball came in First Place in their 8-store area and doubled their fundraising goal.

F. Reports and Announcements

1. Announcements

- I. **Tomball City Pool – 2022 Swim Season** - Jerry Matheson Park Pool will be open from 10 a.m.–6 p.m., Tuesday through Friday and Noon–8 p.m. on Saturday and Sunday through August 14.
End of Season hours will be: Noon–8 p.m. on August 20-21, August 27-28, and September 3-4; on September 5, the pool will be open 10 a. m.–6 p.m. to close out the Swim Season.
The pool will be closed every Monday during swim season 2022, except Labor Day (September 5).
- II. **TOMBALL KID'S CLUB – Activities:** August 2, 4, 9, and 11 from 10:00 a.m. to 12:00 p.m., at the **Juergens Park Pavilion.**
- III. August 5, 2022 – **50th Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**
- IV. August 13, 2022 – **2nd Saturday at the Depot**

- V. September 9-10, 2022 – ***“9-11 21st Anniversary Remembrance”***; an event to remember the events of **9-11** - at the Depot
- VI. September 10, 2022 – **2nd Saturday at the Depot**
- VII. September 17, 2022 – ***GroovFest 2022*** – 11:00 a.m. – 6:00 p.m. at the Depot
- VIII. September 24, 2022 – ***Fiesta de 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 Parr, Seconded by Council 4 Townsend, Sr., to approve the Minutes of the following Meetings;
 - July 14, 2022 Special Tomball City Council Meeting
 - July 15, 2022 Special Tomball City Council Meeting
 - July 18, 2022 Special Tomball City Council Meeting
 - July 18, 2022 Regular Tomball City Council Meeting

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

Motion carried unanimously.

H. Old Business

- 1. *June 20, 2022 Actions: Motion made by Council 2 Stoll, Seconded by Council 5 Parr, to read Ordinance No. 2022-13 by Caption only on First Reading, which carried unanimously.*

June 20, 2022 Actions: Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to adopt, on First Reading, Ordinance No. 2022-13, 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 13.21 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, 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, was superseded by motion made by Council 4 Townsend, Sr., to amend his motion to table

consideration of Ordinance No. 2022-13 until next meeting, which carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 5 Parr, to **Remove from Table** for Consideration to Adopt, on First Reading, Ordinance No. 2022-13, 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 13.21 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, 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 to REMOVE FROM TABLE carried unanimously.

Motion to AMEND made by Council 2 Stoll, second by Council 3 Dunagin, to adopt, on First Reading, Ordinance No. 2022-13, 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 13.21 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, 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, [changing the zoning classification to General Retail \(GR\)](#)

Motion to AMEND made by Council 2 Stoll, second by Council 3 Dunagin, to adopt, on First Reading, Ordinance No. 2022-13, 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 13.21 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the Commercial (C) District. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, 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, **changing the zoning classification to Office (O).**

Applicant/Developer, Ryan Wasaff, Welcome Realty Group, spoke regarding their desire to receive Council approval for a zoning change to Commercial (C).

Jacquelyn Marshall 16007 Stablepoint Lane Cypress, TX 77429	-	As property owner of the portion of land on Medical Complex, under contract with the Welcome Realty Group, spoke regarding her desire for the property to receive zoning as Commercial, due to the excessive number of pipelines crossing her property.
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Council 2 Stoll withdrew his Motion to AMEND, changing the zoning classification to General Retail (R).

Council 2 Stoll withdrew his Motion to AMEND, changing the zoning classification to Office (O).

Original Motion STANDS for change of zoning to Commercial (C) District:

Vote on original Motion, made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2022-13, 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 13.21 acres of land legally described as being a portion of Tomball Outlots 163, 167, 171, 172, 175, and 176 from Agricultural (AG) to the **Commercial (C) District**. The property is generally located within the 13000 block of Medical Complex Drive (south side), at the southwest corner of the intersection of South Cherry Street and Medical Complex Drive, 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 NAY: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr.

Motion to change zoning to Commercial (C) District FAILS unanimously.

I. New Business

1. Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll, to read Ordinance No. 2022-16 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 3 Dunagin, Seconded by Council 5 Parr, to adopt, on First Reading, Ordinance No. 2022-16, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Allow an "Accessory Residence" within the General Retail (GR) Zoning District at 817 East Main Street; said Property being approximately 0.78 Acres, being a Portion of the Jesse Pruitt Survey, Abstract Number 629 (Legally described in Exhibit "A"). Located within the 700-800 Blocks of East Main Street (North Side); Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability

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

Motion carried unanimously.

2. Consideration to Approve Right-of-Way Abandonment Case P22-265: Request from Habitat for Humanity – Northwest Harris County Inc. represented by Erik Armstrong to abandon a segment of the 30-foot-wide public right-of-way presently dedicated to Welty Street. Being that segment which extends approximately 295 linear feet northwest from the northernmost right-of-way boundary for Foster Street to the southernmost right-of-way boundary for Carrel Street, wedged between Block 90 in Tomball and the western property line of Restricted Reserve "A" in the Final Plat of The Episcopal Church of The Good Shepherd, within the City of Tomball, Harris County, Texas.

- a. Mayor Klein Quinn opened the Public Hearing on Zoning Case P22-265 at 7:28 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 7:29 p.m.

- b. Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to read Ordinance No. 2022-17 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2022-17, an ordinance of the City of Tomball, Texas, authorizing the abandonment of public right-of-way dedicated to Welty Street. Being a segment of the 30-foot-wide public right-of-way extending approximately 295 linear feet northwest from the northernmost right-of-way boundary for Foster Street to the southernmost right-of-way boundary for Carrel Street, wedged between Block 90 in Tomball and the western property line of Restricted Reserve "A" in the Final Plat of The Episcopal Church of The Good Shepherd, 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.

3. Motion made by Council 1 Ford, Seconded by Council 5 Parr, to read Ordinance No. 2022-26 by caption only on First Reading.

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

Voting Nay: Council 2 Stoll

Motion carried, 4 votes Aye, 1 vote Nay.

Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to adopt, on First Reading, Ordinance No. 2022-26, an Ordinance of the City of Tomball, Texas Authorizing and Approving the Calendar Year 2022 Annual Service and Assessment Plan (SAP) Update for the Raburn Reserve Public Improvement District Number 10 (PID 10)

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

Voting Nay: Council 2 Stoll

Motion carried, 4 votes Aye, 1 vote Nay.

4. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to approve Resolution No. 2022-29, a Resolution of the City of Council of the City of Tomball, Texas, accepting the Preliminary Service and Assessment Plan for Authorized Improvements within the Wood Leaf Reserve Public Improvement District; Setting a Date for the Public Hearing on the Proposed Levy of Assessments; Authorizing

the Publication and Mailing of Notice; and Enacting Other Provisions Relating thereto; date of the public hearing will be September 6, 2022.

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

Motion carried, 3 votes Aye, 2 votes Nay.

5. Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to award contract for Bid No. 2022-08 for the S. Persimmon asphalt overlay to Hayden Paving, Inc. for a total amount of \$171,440.00.

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

Motion carried unanimously.

6. Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to award contract for Bid No. 2022-07 for the replacement of Slide Gate at the North and South Wastewater Treatment Plants to Hassell Construction Group, LLC. for a total amount of \$158,000.00.

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

Motion carried unanimously.

7. Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll, to approve a contract amendment to a professional services agreement with Freese & Nichols, Inc. for on-call GIS, planning, and engineering services for an amount of \$100,000 (contract total not to exceed amount of \$145,000).

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

Motion carried unanimously.

8. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr, to approve a professional services agreement for construction management and inspection support services with Freese and Nichols, Inc. for a total not-to-exceed amount of \$50,000.

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

Motion carried unanimously.

9. Motion made by Council 1 Ford, second by Council 2 Stoll, to approve the grant from K-9 for Cops to receive a male canine for narcotics and criminal apprehension.

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

Motion carried unanimously.

10. Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr., to approve Interlocal Agreement between the City of Tomball and Tomball Independent School District (TISD), Affording the Tomball Police Department the Ability to Assign Twelve (12) Law Enforcement Officers in Academic Calendar Year 2022-23, thirteen (13) Law Enforcement Officers as SROs in Academic Calendar Year 2023-2024, and fifteen (15) Law Enforcement Officers in Academic Calendar Year 2024-2025 to TISD Campuses

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

Motion carried unanimously.

11. Motion made by Council 2 Stoll, Seconded by Council 5 Parr, to approve Administrative Policy Number 2, Special Events & Fireworks Events.

Motion to Amend made by Council 2 Stoll, second by Council 4 Townsend, Sr., to allow sparklers as long as conditions are allowed by KBDI, i.e., drought conditions, as defined by the Fire Chief, Joe Sykora.

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

Motion to approve Council 2 Stoll's motion to Amend carried 3 votes Aye, 2 votes Nay.

Motion as AMENDED:

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

Motion, as AMENDED, carried 3 votes Aye, 2 votes Nay.

12. Motion made by Council 2 Stoll, Seconded by Council 3 Dunagin, to receive Petition and Grant Consent to the Acquisition of Road Powers by Harris County MUD No. 273 to Facilitate the Construction of Roads within the Boundaries of the District (Grand Parkway Town Center).

Voting Yea: Council 3 Dunagin, Council 5 Parr

Voting Nay: Council 1 Ford, Council 2 Stoll, Council 4 Townsend, Sr.

Motion FAILED, 2 votes Aye, 3 votes Nay.

13. Mayor Klein Quinn advised that consideration of recommended changes to applications for the Board & Commissions and the Tourism Advisory Committee would be withdrawn from the agenda and considered at a future date.

No action necessary.

- 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 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of August 2022.

Doris Speer

Doris Speer
City Secretary, TRMC, MMC

Lori Klein Quinn

Lori Klein Quinn
Mayor