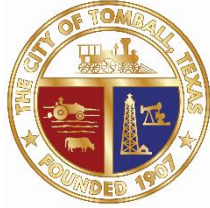


MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, June 7, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for June 7, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the regular 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:

Interim City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Loren Smith
Marketing Director – Mike Baxter (video)
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Interim Fire Chief – Taner Drake
HR Director – Lisa Coe
Director of Community Development – Craig Myers
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Johnita Robinson
Fire Marshal/Assistant Fire Chief – Joe Sykora
Community Center Manager – Rosalie Dillon
Accountant – Luisa Taylor
Police Officer-Investigations – James Harral
Executive Director-TEDC – Kelly Violette

- B. Invocation - Led by Pastor James Clark – Tomball First Baptist Church
- C. Pledges to U.S. and Texas Flags – Led by Joe Sykora
- D. The following public comments were received:

Sherrie Meicher, on behalf Congressman Michael McCaul	-	Presented a Certificate to the Tomball Sister City Organization, honoring the 20 th Anniversary of the Tomball German Heritage Festival
Mohammed Iqbal 28106 Heidi Lane, 77375	-	Expressed his frustrations with the Tomball Police Department regarding incidents at his place of business.
Bruce Hillegeist GTACC, 29201 Quinn, 77375	-	Expressed his appreciation of the City of Tomball for support of the Annual Tomball Night festivities.

E. Presentations

- 1. Presentation by Tomball Regional Health Foundation is rescheduled to August 2, 2021

F. Reports and Announcements

1. Announcements

- I. **Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be operate with normal hours through August 15. The pool will be open on Saturday and Sunday only on the weekends of August 21-22, August 28-29, and September 4-5. The pool will be closed every Monday during swim season 2021, except Memorial Day (May 31), July 4th, and Labor Day (September 6). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- II. **TOMBALL KID'S CLUB – Activities: Tuesdays and Thursdays, June 15 through July 22, 2021** from 10:30 a.m. to 12:30 p.m., at **Juergen's Park, 1331 Ulrich Road, Tomball, Texas 77375**. Phone number: 281-351-5484; Website: www.tomballtx.gov. Tomball Kids Club got its start a decade ago as a free offering for local school-aged children. Games & educational activities are offered, each day offers something new. We provide a free meal to all children in attendance, and parents **MUST** stay with their children. **Tomball Kid's Club** is **not** a drop-off camp.

- III. June 19, 2021 – **Tomball Honky Tonk Chili Challenge Festival** – 11:00 a.m.-6:00 p.m. at the Depot
 - IV. July 4, 2021 – **July Fourth Celebration & Street Fest** – 6:00 p.m.-10:00 p.m. at Four Corners (Business SH 249 at FM 2920)
 - V. July 10, 2021 – **2nd Saturday at the Depot**
 - VI. August 6, 2021 – **Tomball Night**
2. Reports by City staff and members of council about items of community interest on which no action will be taken:
- I. Beth Jones presented a report on the success of the **2021 Tomball Annual Spring Clean-Up and Chipping Week and Tomball Consolidated Recycling Day.**
 - II. Luisa Taylor presented the Quarterly Investment Report for Period Ending March 31, 2021. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On March 31, 2021, the City had total cash and cash equivalents in the amount of \$56,773,259.
- G. Approval of Minutes
1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the May 17, 2021 Regular 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.
- H. Old Business: Tabled Items (*Motion to Remove*) – *Items will be presented for consideration at the June 21, 2021 Council Meeting.*
1. Adopt on First Reading, Ordinance No. 2021-05, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Nine (*Tomball Heights, aka Sydney's Park*)

2. Adopt on First Reading, Ordinance No. 2021-06, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Nine (Tomball Heights Subdivision); and Making Certain Findings Related Thereto (*Sydney's Park*)
3. 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

I. New Business

1. Presentation was given by Historymaker Homes in regards to their proposed townhome project at 11922 Holderrieth Road.

No action necessary.
2. Presentation as given by ROC Homes in regards to a Public Improvement District for a Proposed Residential Subdivision along Winfrey Lane.

No action necessary.
3. Motion made by Council 1 Ford, Seconded by Council 3 Degges, to approve Resolution No. 2021-19, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 49th Annual Tomball Night and Parade, to be held in Tomball on Friday, August 6, 2021.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn; Council 4 Townsend, Sr. left chambers at 7:00 p.m., returned at 7:01 p.m.

Motion carried unanimously.
4. Kelly Violette presented the Tomball Economic Development Corporation (TEDC) 2020-2021 Annual Report.
5. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve the Tomball Economic Development Corporation (TEDC) 2021-2022 Strategic Work Plan.

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 5 Klein Quinn, Seconded by Council 2 Stoll, to reappoint Barbara Tague and Dane Dunagin to their respective positions on the Planning & Zoning Commission, for Terms Expiring June 1, 2024.

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 4 Townsend, Sr., Seconded by Council 3 Degges, to approve transfer of right-of-way for City of Tomball Tracts 532 and 540 to TxDOT and authorize Interim City Manager to execute appropriate deeds.

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

Motion carried unanimously.

8. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to read Ordinance No. 2021-19, as corrected, by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to Adopt, on First Reading, Ordinance No. 2021-19, an Ordinance amending the Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, Division 2, prohibited. Restricted on certain streets, of Article V, stopping, standing and parking, of Chapter 44, Traffic and Vehicles, establishing a “No Parking, Stopping or Standing” zone on the north side of FM 2920 beginning approximately 150 feet east of Tomball Cemetery Road, extending East approximately 885 feet to approximately 1,560 feet west of Park Road; providing a penalty in the amount not to exceed \$200 for each violation hereof; and providing for severability; and making findings related thereto

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn

Voting Nay: Council 4 Townsend, Sr.

Motion carried, 4 votes Aye, 1 vote Nay.

9. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-20 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to Adopt, on First Reading, Ordinance No. 2021-20, an Ordinance of the City of Tomball, Texas Amending Its Code of Ordinances by Amending Section 32-45, Fingerprints, Photographs, of Article II, Permits, of Chapter 32, Peddlers and Solicitors, to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters.

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

Motion carried unanimously.

10. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to read Ordinance No. 2021-21 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to Adopt, on First Reading, Ordinance No. 2021-21, an Ordinance of the City of Tomball, Texas, Amending Its Code of Ordinances by Amending Chapter 48, Vehicles For Hire, to Delete Article II, Taxicabs, in Its Entirety; Amending Section 48-177 Tow Truck Company Application, Renewal, of Division 2, Tow Truck Company License, of Article II Tow Trucks and Tows, to Remove the Requirement of a Tow Truck Company to Provide a Background Check on Its Drivers; Amending Section 48-192, Application, of Division 3 Tow Truck Driver's Permit; of Article III, Tow Trucks and Tows; to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the

Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters.

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

Motion carried unanimously.

11. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Resolution No. 2021-20, a Resolution of the City Council of the City of Tomball, Texas amending the City of Tomball Minimum Standards for Stormwater Drainage Design.

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

Motion carried unanimously.

12. Motion made by Council 3 Degges, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2021-22 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to Adopt, on First Reading, Ordinance No. 2021-22, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 10-445, General Standards, and Section 10-446, Specific Standards, of Division 3, Provisions for Flood Hazard Reduction, of Article VIII, Flood Damage Prevention of Chapter 10, Buildings and Building Regulations; 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 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

13. Executive Session: The City Council recessed at 7:53 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

Upon reconvening in open session, no action was taken.

- J. Motion made by Council 4 Townsend, Sr., Second by Council 5 Klein Quinn, to adjourn.

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

Motion carried unanimously.

PASSED AND APPROVED this the 21st day of June 2021.

Doris Speer

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan

Gretchen Fagan
Mayor