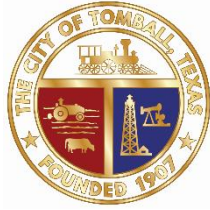


**MINUTES OF REGULAR COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**Monday, May 17, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for May 17, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting to order.

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
Director of Public Works – Beth Jones
Finance Director – Glenn Windsor
Interim Fire Chief – Taner Drake
Marketing Director – Mike Baxter (virtual)
Director of Community Development – Craig Myers
CSO Administrative Assistant – Sasha Luna
Community Center Manager – Rosalie Dillon
Community Events Coordinator – Denise Fiore
Police Officer-Investigations – James Harral
Police Lieutenant-Support Services – Brandon Patin
Police Lieutenant-Patrol – Daniel Arriaga
Police Captain-Patrol – Ricky Doerre
Police Sergeant – Ken Cole
Police Corporal – Stephen Clough

B. Invocation - Led by Pastor Kevin Bowles - Redeemer Church

C. Pledges to U.S. and Texas Flags – Led by Taner Drake

D. No Public Comments were received.

E. Presentations

- * Presentation was given by Jonathan Campbell, Executive Director, **Southeast Texas Housing Finance Corporation (SETH)**, regarding SETH's programs.
- * Mayor Fagan presented a Proclamation marking May 16-22, 2021 as "**National Public Works Week – Tomball, Texas**" to members of the Public Works Department.
- * Mayor Fagan presented a Proclamation marking May 16-22, 2021 as **Northwest Community Health, and National Emergency Medical Services Week - "This is EMS: Caring for Our Communities" - Tomball, Texas** to members of NCH.
- * Police Chief Jeff Bert presented the Chief's Citation of Merit - **Employee of the Quarter** Award to the January–March 2021 Recipient, Corporal Stephen Clough.

F. Reports and Announcements

1. Announcements

- I. June 4-6, 2021 – ***Tomball German Heritage Festival*** – at the Depot
- II. **Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be open Memorial Weekend, May 29-31, then will reopen on June 1 and will 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.
- III. **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.
- IV. June 19, 2021 – ***Tomball Honky Tonk Chili Challenge Festival*** – 11:00 a.m.-6:00 p.m. at the Depot
- V. 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)

VI. July 10, 2021 – **2nd Saturday at the Depot**

VII. 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:

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the May 3, 2021 Regular Tomball City Council Meeting and the May 10, 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.

H. Old Business: Tabled Items

No action was taken; items were not removed from the table.

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. Old Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-18, 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 Buckingham Drive beginning at the intersection of Quinn Road and extending through its entirety approximately five hundred thirty (530) feet; providing a penalty in the amount not to exceed \$200 for each violation hereof; and providing for severability; and making finds related thereto.

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

Voting Nay: Council 5 Klein Quinn

Motion carried, 4 votes Aye, 1 vote Nay.

J. New Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve Request by Concordia Lutheran High School for In-Kind Services from Police, Fire and Public Works for the Annual 5k Fun Run at the Depot on June 26, 2021

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

Motion carried unanimously.

2. Consideration to approve **Zoning Case P21-169**: Request by Prakash Patel for a Conditional Use Permit to operate a mini warehouse / self-storage facility at 601 Malone Street. The property is approximately 0.3214 acres, legally described as Lot 1 Block 1 Patel Plaza, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Malone Street and Magnolia Street, within the City of Tomball, Harris County, Texas, and is zoned Old Town & Mixed Use District.

Mayor Fagan opened the Public Hearing on **Zoning Case P21-169** at 6:32 p.m.

Mark Sanders (email) - His opposition to the proposed zoning
615 Malone, 77375 change was read into the record.

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 6:33 p.m.

No action necessary.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-15 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. 2021-15, 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 Prakash Patel to Operate a “Mini Warehouse/Self-Storage” Facility at 601 Malone Street; said Properties being Approximately 0.3214 Acres of Land legally described as Lot 1 Block 1 Patel Plaza, within the City of Tomball, Harris County, Texas, generally located at the Northwest Corner of Malone Street and Magnolia Street, and is Zoned Old Town & Mixed Use District; Providing Requirements and Conditions for this CEP; 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 NAY: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion FAILED unanimously.

3. Request for Consideration to approve **Zoning Case P21-168**: Request by Southwest Momentum Properties LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.208 acres of land legally described as Tracts 81 81A 89A & 90D Tomball Outlots, from the Agricultural District to the Commercial District; the property is generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, Harris County, Texas was withdrawn by the Applicant.

Conduct Public Hearing on Zoning Case P21-168

No action necessary.

Adopt, on First Reading, Ordinance No. 2021-16, 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 3.208 acres of land legally described as Tracts 81 81A 89A & 90D Tomball Outlots, from the Agricultural District to the Commercial District, said property being generally located at the southwest corner of East Hufsmith Road and Hospital Road, within the City of Tomball, 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.

Request withdrawn by Applicant; no action necessary.

4. Motion made by Council 3 Degges, Seconded by Council 2 Stoll, to approve Resale Deed for Property acquired by Tax Suit in Cause No. 1998-28228, styled City of Tomball vs. Warren, Cal; said Property being described as: Lot 22, Block 85, Tomball, Located in Harris County, Texas, and being more particularly described Volume 418, Page 98 of the Real Property Records of Harris County, Texas (HCAD Account No. 035-277-085-0022).

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 4 Townsend, Sr., Seconded by Council 1 Ford, to approve the purchase of playground equipment from Kompan, Inc., for Jerry Matheson Park, totaling \$661,759.26, through Texas BuyBoard Contract Number 592-19.

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

Motion carried unanimously.

Request was made by Council 4 Townsend, Sr. to name the future Pickle Ball Courts in honor of Robert Hauck.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to award Contract for Project No. 2021-01 for the 2021 Asphalt and Concrete Street Improvements, to Hayden Paving, Inc., in the Amount of \$110,010.00.

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 1 Ford, to approve Payment Option to Gexa Energy for Increased Ancillary Charges Rate due to the Winter Storm

Motion to AMEND was made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to approve Payment Option to GEXA Energy for Increased Ancillary Charges Rate due to the Winter Storm, after review by the City Attorney, Loren Smith, to determine possible options/alternatives and report to Council regarding possible remedies, and calling for a Special Council meeting on May 24, 2021, if needed.

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

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

8. Executive Session: The City Council recessed at 7:18 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 at 8:24 p.m., no action was taken.

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

PASSED AND APPROVED this the 7th day of June 2021.

Doris Speer

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan

Gretchen Fagan
Mayor