

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



**Monday, February 19, 2024  
6:00 PM**

- A. Mayor Klein Quinn called the meeting of the City of Tomball 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.  
Council 5 Randy Parr

## **OTHERS PRESENT:**

City Manager - David Esquivel  
Assistant City Manager - Jessica Rogers  
City Attorney - Loren Smith  
City Secretary - Tracy Garcia  
Assistant City Secretary - Sasha Luna  
Records Specialist - Fae Morris  
Human Resource Director - Kristi Lewis  
Finance Director - Katherine Tapscott  
Project Manager - Meagan Mageo  
Director of Community Development - Craig Meyers  
Director of Information Technology - Tom Wilson  
Police Chief - Jeff Bert  
Police Captain - Brandon Patin  
Fire Chief - Joe Sykora  
Assistant Fire Chief - Jeff Cook  
Public Works Director - Drew Huffman  
Director of Marketing & Tourism - Chrislord Temploneuvo

- B. Invocation - Led by Pastor David Hinkle - Tomball Bible Church
- C. Pledges to U.S. and Texas Flags led by City Attorney, Loren Smith
- D. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*

No public comments were received.

- E. Presentations
  - 1. Presentation over the completion of the Helping Hands Program completed with grant funding provided by Southeast Texas Housing.
- F. Reports and Announcements
  - 1. Announcements

I. Upcoming Events:

- February 20, 2024 – Tomball Trail Ride (SHTR) 12:00 pm – 2:00 pm @ Depot
- March 9, 2024 – Second Saturday 5:00 pm – 9:00 pm @ Depot
- March 16, 2024 – Electric Tomball/Depot Disco 5:00 pm – 9:00 pm @ Depot
- March 22-24 – Tomball German Heritage Festival

II. Reports & Announcements by Mayor or City Council:

- Council Member Stoll – May 4, 2024, General Election
  - Council Member Townsend Sr. – May 4, 2024, General Election
- G. 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. Approve, on Second Reading, Resolution No. 2024-03-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with

an Economic Development Performance Agreement by and between the Corporation and LOMA Health & Wellness, PLLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 604 Baker Drive, Unit D, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$8,880.00.

2. Approve, on Second Reading, Resolution No. 2024-04-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and Della Casa Pasta, LLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 22525 Hufsmith-Kohrville Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.
3. Approve, on Second Reading, Resolution No. 2024-05-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to the North and South 100 Block and North 200 Block Alleyways located in the City of Tomball, Texas. The estimated amount of expenditures for such Project is an amount not to exceed \$1,188,834.00.
4. Approve, on Second Reading, Resolution No. 2024-06-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds for the Summer Youth Employment Program, that will, among other things, reimburse qualified business owners for certain employment costs related to employing young people in the City during the summer months, in order to promote new or expanded business development in and around the City.
5. Adopt, on Second Reading, Ordinance No. 2023-55, an Ordinance of the City of Tomball, Texas, amending Chapter 50 – Article III (*District Regulations*) adding Section 50-75.1 – Neighborhood Retail District (NR) zoning classification and subsequent district standards. Modifying Section 50-82 (*Use regulations (charts)*). Modifying Section 50-112 (*Off Street Parking and Loading Requirements*) adding parking regulations within the Neighborhood Retail District. Modifying Section 50-113 (*Landscape Requirements*) specifying parking lot screening requirements. Modifying Section 50-115 (*Screening, Buffering and Fencing Requirements*) replacing subsection (b)(1) (*Screening of Non-Residential, Multifamily, and manufactured (mobile) home parks*) with new land use buffering standards; 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.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Ford to approve consent agenda.

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

Motion carried unanimously.

- H. 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.]*
1. Approve the Minutes of the February 5, 2024, Regular City Council meeting and the February 9, 2024, Special City Council meeting.
  2. Approve an interlocal agreement with Harris County Public Health for the facilitation of a Closed Point of Distribution and authorize the City Manager any and all documents related to the agreement.
  3. Approve the purchase of vehicle upfitting from Dana Safety Supply, Inc. through a BuyBoard Cooperative Purchasing Network (Contract #698-23) for a not-to-exceed amount of \$196,400, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchases are included in the FY 2023-2024 Budget.
  4. Approve a professional services agreement with Raba Kistner for annual groundwater monitoring for the closed landfill for a not-to-exceed amount of \$40,395, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchases are included in the FY 2023-2024 Budget.
  5. Approve a professional services agreement with Raba Kistner for annual gas monitoring for the closed landfill for a not-to-exceed amount of \$20,495, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchases are included in the FY 2023-2024 Budget.

6. Approve contract renewal for Every-Bellies Catering, LLC to be the preferred beer and wine provider at six (6) city-sponsored festivals.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin to approve consent agenda.

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

Motion carried unanimously.

#### I. New Business

1. Discussion and Approval of Change to the City Policy related to Vacation/Holiday Hours

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll.

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

Motion carried unanimously.

2. Appoint/Reappoint Members to Position 1, 4 and 7 of the Tourism Advisory Committee.

Motion made by Council 5 Parr, Seconded by Council 2 Stoll to Reappoint Matthew Harris to Resident Position 1 and Melanie Sutton to Hotel Position 7.

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

Motion carried unanimously.

3. Received a presentation, held a discussion, and gave staff direction regarding the utility rate study and debt forecast.
4. Discussion and possible action regarding liens imposed by the City of Tomball at 0 Clayton Street.

Colleen Pye  
207 Florence St.  
Tomball 77375

-

In favor of removing associated lien fees.

George Collins  
28803 Meadow Falls - In favor of lowering associated lien fees.  
Magnolia 77355

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin to remove fees if the property owner was not duly notified of the liens placed on 0 Clayton St.

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 4 Townsend, Sr. to lower the fees associated with liens placed on 0 Clayton St. to \$500.00.

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

Motion carried unanimously.

5. Consideration to Approve **Zoning Case Z24-01**: Request by ESP Enterprises Inc., represented by Phlex Properties LLC. to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 6.87 acres of land legally described as being a portion of the W Hurd Survey, Abstract 378 from Agricultural (AG) to Office (O) zoning. The property is located within the 100 block (west side) of School Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z24-01**

- Mayor Klein Quinn called the PH to order at 7:45 pm
- Hearing no comments the Mayor closed the PH at 7:46 pm

Adopt, on First Reading, Ordinance No. 2024-03, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (*Zoning*) of the Tomball Code of Ordinances by rezoning approximately 6.87 acres of land legally described as being a portion of the W Hurd Survey, Abstract 378 from Agricultural (AG) to Office (O) zoning. The property is located within the 100 block (west side) of School Street, within the City of Tomball, Harris County, Texas; 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.

Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to read by caption only Ordinance No. 2024-03

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 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve, on First Reading, Ordinance No. 2024-03.

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

Motion carried unanimously.

6. Adopt, on First Reading, Ordinance 2024-05, an Ordinance of the City of Tomball, Texas, Amending its 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 along either side of Rudel Drive beginning at the intersection of SH 249 and Rudel Drive, extending east approximately 1725 feet to the intersection of Rudel Drive and Quinn Road; providing a penalty in the amount not to exceed \$200 for each violation hereof; making finding of fact; and providing for other related matters.

Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to read by caption only Ordinance No. 2024-05.

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 5 Parr, Seconded by Council 4 Townsend, Sr., to approve, on First Reading, Ordinance No. 2024-05.

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

Motion carried unanimously.

7. Conduct a Public Hearing and Approve Resolution 2024-10, a Resolution of the City of Tomball, Texas, Establishing Guidelines and Criteria for Tax Abatements in the City of Tomball.

- Mayor Klein Quinn called the PH to order at 7:51 pm
- Hearing no comments the Mayor closed the PH at 7:52 pm

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to approve Resolution 2024-10.

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

Motion carried unanimously.

8. Executive Session: The City Council will 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.

Executive session started: 7:53 PM

Executive session ended: 8:30 PM

J. Adjournment

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr.

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

Motion carried unanimously.



### **CERTIFICATION**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 15th day of February 2024 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

PASSED AND APPROVED this 4<sup>th</sup> day of March, 2024.

*Tracylynn Garcia*

Tracylynn Garcia  
City Secretary, TRMC, CMC, CPM

*Derek Townsend, Sr. Mayor Pro Tem*

Lori Klein Quinn  
Mayor