

MINUTES OF REGULAR CITY COUNCIL CITY OF TOMBALL, TEXAS



**Monday, October 02, 2023
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for October 02, 2023, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

- A. Mayor L. 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.

ABSENT

Council 5 Randy Parr (Excused)

Others present:

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Attorney – Loren Smith
City Secretary – Tracylynn Garcia
Assistant City Secretary- Sasha Luna
Records Specialist – Fae Morris
Director of Marketing & Tourism – Chrislord Templonuevo
Police Chief – Jeff Bert
Public Works Director – Drew Huffman
Director of Community Development – Craig Meyers
HR Director – Kristie Lewis
Finance Director – Katherine Tapscott
Fire Chief – Joe Sykora
Project Coordinator – Meagan Mageo
IT Sr. Specialist – Ben Lato
Community Center Manager – Rosalie Dillon

- B. Invocation - Led by Pastor Richard Jennings - River of Praise
- C. Pledges to U.S. and Texas Flags led by Cub Scouts Pack 469.
- 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.]*

Tim Gamar - water bills
12502 Montclair Ct.
Tomball, 77375

- E. Presentations
 - 1. Proclamation - “**Chiropractic Health Month**” **October 2023**
- F. Reports and Announcements
 - 1. Announcements

Upcoming Events:

October 3 - National Night Out 5:00 - 8 :00 p.m. @ Depot
 October 7 - Second Saturday “Spooktacular” 4:00 – 9:00 p.m. @ Depot
 October 7 - Fire Station #4 Open House
 October 12 - Mayor’s Kaffeeklatsch 8:30 – 10:00 a.m. @ Community Center Rm. B
 October 14 - Rotary “Big Show” 3:00 – 9:00 p.m. @ Depot
 November 4 - Depot Day Fall Fest 11:00 a.m. – 6:00 p.m. @ Depot

- 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. 2023-30, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit to allow “Barber/Beauty Shop (no related school/college)” within Office (O) zoning. Affecting approximately 1.00 Acres of land legally described as being Reserve B, Block 1 of Brown-Hufsmith Church

Subdivision. The property is located at the southwest corner of Brown-Hufsmith Road and Baker Drive, 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.

2. Adopt, on Second Reading, Ordinance No. 2023-31, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit to allow “Playfield or stadium (private)” within Agricultural (AG) zoning. Affecting approximately 7.51 Acres of land legally described as being Lot 69 of Tomball Townsite Outlots. The property is located at the northeast corner of Rudolph Road and E. Hufsmith 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.
3. Adopt, on Second Reading, Ordinance No. 2023-32, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.29 acres of land legally described as being Lot 200, Block 10 of Sansom Plaza from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 611 N. Cherry Street, 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.
4. Adopt, on Second Reading, Ordinance No. 2023-33, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.32 acres of land legally described as being Lots 1 & 2, Block 53 of Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 400 N. Elm Street, 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.
5. Adopt, on Second Reading, Ordinance No. 2023-37, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances by Adding Section 46-66 (Disconnection of Temporary Hydrant Meter Service); 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 3 Dunagin, Seconded by Council 4 Townsend, Sr. to approve Old Business Consent Agenda.

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

Motion carried unanimously.

- J. 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 September 18, 2023, Special Joint City Council and TEDC Meeting and the Regular Tomball City Council Meeting.
2. Consider abandonment of a City of Tomball Utility Easement and adopt, on First Reading, Ordinance No. 2023-38, an Ordinance of the City of Tomball, Texas finding and determining that the public convenience and necessity no longer require the continued existence of a certain portion of a City of Tomball Utility Easement across a certain 0.2087 acres of land being out of Unrestricted Reserves "A3" and "A4", Block 1, Replat of Unrestricted Reserve "A" Block One Tomball Village Square according to the map or plat thereof as recorded in Film Code No. 518014 of the Map Records of Harris County, Texas; vacating, abandoning, and closing said portion of such City of Tomball Utility Easement; authorizing the City Manager to execute and the City Secretary to attest a quitclaim deed quitclaiming the City's interest in said abandoned easement, and containing other provisions relating to the subject.
3. Approve an Encroachment Agreement with LE Rose Investment, LLC. for 706 W. Main Street and authorize the City Manager to execute the agreement.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin to approve items 1,2 and 3 from New Business Consent.

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

Motion carried unanimously.

4. Approve an annual Consumer Price Index (CPI) and Fuel Index Adjustment from GFL Environmental (formally WCA Waste Corporation) of 5%, effective October 1, 2023, authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all required documentation. This amount is included in the FY 2023-2024 budget.

Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr..

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

Motion carried unanimously.

K. New Business

1. Approve request from Concordia Lutheran High School for City Support and In-Kind Services for their 5th annual Cruisin' Crusader 5K Run/Walk in downtown Tomball, on Saturday, October 21, 2023.

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

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

Motion carried unanimously.

2. Approve Resolution No. 2023-45 A Resolution of The City Council of The City of Tomball, Texas, Appointing A Member to The Charter Review Commission. Katie Whisler

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr..

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

Motion carried unanimously.

3. Resolution No. 2023-38; A Resolution by the City Council of the City of Tomball, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Approving the Preparation of a Preliminary Official Statement; And Approving Other Matters Incidental Thereto

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin.

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

Motion carried unanimously.

4. Ratify the FY 2023-2024 Budget and Find that the Proposed Tax Rate of \$0.293320/\$100 EXCEEDS the No-New-Revenue Tax Rate and WILL Generate More Property Tax Revenue than the FY 2022-2023 Budget

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin.

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

Voting Nay: Council 1 Ford, Council 2 Stoll

Motion carried 3 votes yea, 2 votes nay.

5. Adopt \$0.106543 as the Portion of the 2023 Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2023-2024

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

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

Voting Nay: Council 2 Stoll

Motion carried 3 votes yea, 2 votes nay.

6. Adopt \$0.186777 as the Portion of the 2023 Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2023-2024

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

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

Voting Nay: Council 2 Stoll

Motion carried 4 votes yea, 1 votes nay.

7. Conduct Public Hearing regarding the Proposed 2023 Tax Rate of \$0.293320/\$100 Assessed Value for the City of Tomball, Texas

- Mayor Klein Quinn called the PH to order at: 7:05 PM

Valerie Hill - demographics in Tomball re: Seniors
12511 Durham Creek Ln.,
Tomball, 77375

John Clayton - in support
503 Clayton St.,
Tomball, 77375

- Hearing no further comments Mayor Klein Quinn closed PH at: 7:10 PM

8. Adopt, on First Reading, Ordinance No. 2023-39, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.293320/\$100 Value Assessed for the Year 2023 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 Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin to read Ordinance No. 2023-39 by caption only on First Reading.

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

Motion carried 3 votes yay, 1 vote nay

Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr. to adopt Ordinance No. 2023-39 on First Reading.

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

Motion tied with 2 votes yay, 2 votes nay. Breaking the tie Mayor Klein Quinn, voted yay.

Motion carried 3 votes yay, 2 votes nay.

9. Discussion and presentation by FLS Development LLC and Harrisburg Homes regarding “Graylou Grove”, a proposed mixed-use development along Hufsmith-Kohrville Road at Medical Complex Drive was heard by City Council.

No action taken.

10. Consider approval of agreement with developer for the construction of public improvements in the amount of \$98,800.00 for the sanitary sewer main extension to serve the Littlefield Office Building development.
Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr..

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

Motion carried unanimously.

11. Consider variance request from BCS Capital Group LLC for alcohol sales within 300 feet of a public school.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll.

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

Motion carried unanimously.

12. Accept the Donation of a Fire and Medical Skid Unit and Associated Upfit Modifications to the Special Event Cart.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin.

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

Motion carried unanimously.

13. Executive Session: The City Council entered Executive Session at 7:57 pm 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. 551.072 – Deliberations regarding Real Property
- Sec. 551.074 – Personnel Matters; Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee-City Manager

The council reconvened back into regular session at 9:20 PM

L. Adjournment

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

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

Motion carried unanimously.

PASSED AND APPROVED this 16th day of October 2023.

Tracylynn Garcia

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn

Lori Klein Quinn
Mayor