

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, April 5, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for April 5, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting 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 – Via Video (late arrival)

Others Present:

Acting City Manager – David Esquivel
Acting Interim City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Justin Pruitt
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Fire Chief – Randy Parr (via video)
Fire Marshal/Assistant Fire Chief – Joe Sykora
Assistant Fire Chief – Taner Drake
Marketing Director – Mike Baxter (via video)
Director of Community Development – Craig Meyers
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
CSO Administrative Assistant – Sasha Luna
CSO Administrative Assistant- Johnita Robinson

B. The invocation was led by Pastor Brandon Guindon – Real Life Ministries

C. Pledges to U.S. and Texas Flags were led by Joe Sykora.

D. No Public Comments were received.

E. Reports and Announcements

1. Announcements

- I. April 17, 2021 - **Tomball High School Athletic Booster Club (THSABC) Crawfish Bowl** - 4:00 p.m.-8:00 p.m. at the Depot
- II. April 19-24, 2021 – **Tomball Annual Spring Clean-Up and Chipping Week**
- III. April 24, 2021 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- IV. April 24, 2021 – **Tomball Rotary “Drive thru Fish Fry”** at Juergens Park
- V. May 1, 2021 – ***Rails & Tails Mudbug Festival*** – 11 a.m.–8:00 p.m. at the Depot
- VI. May 6, 2021 - **Texas Deuce Days Opening Day Meet and Greet** at the Depot on May 6, 2021 from 3:00 p.m.-8:00 p.m.

2. Reports by City staff and members of council about items of community interest on which no action will be taken:

F. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the March 15, 2021 Regular Tomball City Council Meeting and the March 20, 2021 Special Tomball City Council Meeting

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

Absent: Council 5 Klein Quinn

Motion carried unanimously.

G. Old Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-03, An Ordinance Of The City Of Tomball, Texas, Extending The City Limits Of Said City To Include All Of The Territory Within Certain Limits And Boundaries And Annexing To The City Of Tomball All Of The Territory Within Such Limits And Boundaries; Approving A Service Plan For All Of The Area Within Such Limits And Boundaries; Containing Other Provisions Relating To The Subject; And Providing A Savings And Severability Clause (Being A Tract Or Parcel Containing 6.5681 Acres Of

Land Known As Tracts 1 & 2 Out Of That Certain Call 40.1148 Acre Tract Of Land Situated In The John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract Being That Same Tract Of Land As Described In A Deed Filed For Record Under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd HCAD 04304100000055)]. Vote was as follows:

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

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-04, an Ordinance of the city of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land, legally described as Tract 12 Abstract 375 J M Hooper, within the city of Tomball, Harris County, Texas, as Commercial District; said property being generally located at the southwest corner of SH 249 and Alice Road; 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. Vote was as follows:

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

Motion carried unanimously.

3. Matthew Martinez, 29514 Liberty Lane, 77375, addressed Council to express his opposition to the proposed zoning change.

Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-07, 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 13.4 acres of land, legally described as tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J House, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District; said property being generally located on the south side of Brown Road between SH 249 and Quinn Road; 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. Vote was as follows:

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

Motion carried unanimously.

4. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-09, 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 5 acres of land legally described Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said property being generally located on the east side of Pitchford Road at 1333 Pitchford 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. Vote was as follows:

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., Second by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-10, 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 2.844 acres of land legally described tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District, said property being generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville 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. Vote was as follows:

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 4 Townsend, Sr., Second by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-12, an Ordinance of the city of Tomball, Texas amending its Code of Ordinances by amending Section 50-112, Off-street parking and loading requirements, of Article IV, Development Standards, of Chapter 50, Zoning; 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. Vote was as follows:

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

Motion carried unanimously.

H. New Business

1. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to approve the Extension of the Current Depository Contract between the City of Tomball and Wells Fargo through March 31, 2023.

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

Motion carried unanimously.

2. Motion made by Council 2 Stoll, Second by Council 1 Ford, to approve, on First Reading, Resolution No. 2021-13-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 DunnCo Properties II, Ltd to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a 5,225 square foot commercial facility to be located at 14635 FM 2920 Rd., Tomball, Texas 77377. The estimated amount of expenditures for such Project is \$54,760.00.

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

Motion carried unanimously.

3. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to approve, on First Reading, Resolution No. 2021-14-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 B. Smittys, LLC to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a 8,000 square foot commercial facility to be located at 22621 Hufsmith-Kohrville Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$30,301.00.

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

Motion carried unanimously.

4. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to approve Resolution No. 2021-15, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Sunday, July 4, 2021, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 12:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249

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., Second by Council 2 Stoll, to authorize the City Manager to Execute a Letter to TxDOT Requesting the Use of the Detention Pond behind Lowe's for the Purpose of Launching the July 4th Fireworks Display

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

Motion carried unanimously.

6. Discussion was held and Direction provided by Council regarding Amendments to Chapter 32 and Chapter 48 of the Code of Ordinances, regarding Application Requirements for Peddlers/Solicitors, Taxi Driver, and Tow Truck Driver Permits Discussion/No Vote

No action necessary.

7. Discussion was held and Direction provided by Council regarding the amendment of City of Tomball drainage design standards to comply with Harris County's minimum drainage standards

No action necessary.

8. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to approve Resolution No. 2021-16, a Resolution of the City of Tomball, Texas, amending authorized signatories for Contractual and Financial documents pertaining to the 2016 GLO Community Development Block Grant – Disaster Recovery (CDBG-DR) Program, Contract #19-076-029-B386.

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

Motion carried unanimously.

9. Executive Session: The City Council recessed at 7:20 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. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Interim City Manager, Interim Assistant City Manager

Upon reconvening at 8: 12 p.m., the following action was taken:

10. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to appoint David Esquivel as Interim City Manager and to Confirm Jeff Bert as Interim Assistant City Manager/Police Chief

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

Motion carried unanimously.

- I. Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, 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 18th day of May 2020.

Doris Speer

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan

Gretchen Fagan
Mayor