

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



**Monday, July 03, 2023
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for July 03, 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 3 Dane Dunagin
Council 4 Derek Townsend, Sr.
Council 5 Randy Parr

ABSENT

Council 2 Mark Stoll (Excused)

OTHERS PRESENT

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Tracylynn Garcia
City Attorney – Loren Smith
Director of Public Works – Drew Huffman
PD Captain - Shon Davis
Fire Chief – Joe Sykora
Marketing Manager - Chrislord Templonuevo
Project Manager – Meagan Mageo
Senior IT Specialist – Ben Lato
Johnita Robinson- Records Specialist
Fae Morris- Records Specialist
Ki Provencher- City Hall Intern

B. Invocation - Led by Chaplain Earl Detwiler - Colonial Hill Bible Chapel

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

- 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.]*

Colleen Pue - short term rentals
207 Florence
Tomball, Texas 77375

- E. Reports and Announcements

1. Announcements

- **Kids Club Dates:**
 - July 14: Reptile show-n-tell and Reading games (Texas Snakes & More and LSC-Tomball Community Library) at Juergens Park (1331 Ulrich Rd) from 10 a.m. to 12 p.m.
 - August 11: Learn about emergency vehicles and Splash Day at Tomball Depot Plaza (201 S. Elm St). from 10 a.m. to 12 p.m.
 - **2023 Swim Season (Jerry Matheson Park Pool):**
 - Monday-Closed
 - Tuesday thru Friday - 10am - 6pm
 - Saturday & Sunday – 12pm - 8pm
- REGULAR SEASON HOURS 2023**
- May 30th (Start Date) thru August 13th (Sunday) End Date
- END OF SEASON HOURS 2023**
- August 19th (Saturday) Noon – 8pm
 - August 20th (Sunday) Noon – 8pm
 - August 26th (Saturday) Noon – 8pm
 - August 27th (Sunday) Noon – 8pm
 - September 2nd (Saturday) Noon – 8pm
 - September 3rd (Sunday) Noon – 8pm
 - September 4th (Monday) 10am – 6p

The Pool will be open to the public on weekends until Labor Day

- F. 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.]*

Item #3 was pulled by staff and was voted on separately.

1. Adopt, on Second Reading, Ordinance No. 2023-11, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, 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.

3. Adopt, on Second Reading, Ordinance No. 2023-16, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to Office (O) zoning. The property is generally located within the 1600 block (west side) of S. 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. 2023-17, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon 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.

Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr. to approve items 1, 3, and 4 of Old Business Consent Agenda.

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

Motion carried unanimously.

2. Adopt, on Second Reading, Ordinance No. 2023-15, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to Office (O) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex 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.

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

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

Motion carried unanimously.

- G. 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 June 19, 2023, Regular City Council Meeting.
2. Approve Resolution No. 2023-33, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 51st annual Tomball Night on Market St and around downtown Tomball, on Friday, August 4, 2023
3. Approve Request from Tomball High School for City Support and In-Kind Services for the “Tomball HS Homecoming Parade” and rally on Main St and ending in a rally in downtown Tomball, on Wednesday, October 4, 2023
4. Approve request for Tomball Museum Center to receive assistance for the 2nd Annual Classic Car Social at the Tomball Museum Center on Saturday, September 30, 2023 from 10 a.m. – 2 p.m.

5. Authorize the City Manager to execute a letter to Harris County requesting to terminate the City of Tomball's participation in Harris County's Entitlement Program for Fiscal Years 2024-2026.
6. Approve an agreement with Shane Griffin Power & Electrical Services, LLC for electrical contractor services for Fiscal Year 2023, for a not-to-exceed amount of \$150,000 (RFP 2023-12), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2022-2023 Budget.
7. Approve a purchase from Equipment Controls Company, Inc. for Sensus transmitters for gas meters, as an exclusive authorized distributor of Sensus products, for a not-to-exceed amount of \$83,844.25, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2022-2023 Budget.

Motion made by Council 3 Dunagin, Seconded by Council 1 Ford to approve New Business Consent agenda.

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

Motion carried unanimously.

H. New Business

1. City Council provided staff direction for Short-Term Rental Monitoring, Identification, and Compliance Services.
2. Conduct Public Hearing of the City Council of the City of Tomball to consider proposed Levy of Assessments for authorized improvements within the Winfrey Estates Public Improvement District in the City of Tomball, Public Improvement District Number Twelve (PID 12), established by City Council Resolution No. 2022-10. The proposed Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on April 18, 2022.
 - Mayor Klein Quinn called the PH to order at 6:20 pm
 - Hearing no further comments Mayor Klein Quinn closed PH at 6:21 pm
3. Adopt, on First Reading, Ordinance Number 2023-20, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Winfrey Estates **Public**

Improvement District (the “District”); Making a Finding of Special Benefit to Certain Property in the District; Levying Assessments against Certain Property within the District and Establishing a Lien on Such Property; Providing for Payment of the Assessment in Accordance with Chapter 372, Texas Local Government Code, as Amended; Providing for the Method of Assessment and the Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Providing for Severability and Providing an Effective Date. The proposed Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on April 18, 2022.

Motion made by Council 1 Ford, Seconded by Council 5 Parr to read Ordinance No. 2023-20 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 1 Ford, Seconded by Council 5 Parr to adopt Ordinance No. 2023-20 on First Reading.

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

Motion carried unanimously.

4. Approve Resolution 2023-32, a Resolution of the City Council of the City of Tomball, Texas, accepting the Preliminary Service and Assessment Plan for Authorized Improvements within the Raburn Reserve Public Improvement District Improvement Area Three (IA#3); Setting a Date for a Public Hearing on the Proposed Levy of Assessments; Authorizing the Publication and Mailing of Notice; and Enacting Other Provisions Relating thereto.

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

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

Motion carried unanimously.

5. City Council provided staff direction for the award of a contract to Cypress Holiday Concepts for the installation of holiday lighting at City facilities for Fiscal Year 2024 (RFP 2023-11). These expenditures would need to be obligated in the Fiscal Year 2023-2024 budget.

Maggie Dorian
(Cypress Holiday Concepts)
4077 Oak Ridge,
Hempstead, Texas

6. Consideration and possible action to appoint/reappoint a Board Member to the Tomball Economic Development Corporation Board of Directors for Term Expired as of May 31, 2023.

Gretchen Fagen - seeks reappointment.
(current chair TEDC board)
1314 Pinebrook,
Tomball

Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr. to reappoint G. Fagan.

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

Motion carried unanimously.

7. Consideration and possible action to appoint/reappoint a Board Member to the Tomball Economic Development Corporation Board of Directors for Term Expired as of May 31, 2023.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to reappoint C, Degges.

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

Motion carried unanimously.

8. Consideration and possible action to appoint a Board Member to the Tomball Economic Development Corporation Board of Directors for Term Expired as of May 31, 2023.

Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr. to appoint Jim Engelke.

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

Motion carried unanimously.

9. 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 closes session.

Executive Session Started: 7:04 PM

Executive Session Ended: 7:20 PM

I. Adjournment

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

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

Motion carried unanimously.

PASSED AND APPROVED this 17th day of July 2023.

Tracylynn Garcia

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn

Lori Klein Quinn
Mayor