

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



**Monday, December 19, 2022
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for December 19, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 6:01 p.m.

PRESENT

Council 1 John Ford
Council 2 Mark Stoll
Council 3 Dane Dunagin
Council 5 Randy Parr

ABSENT

Council 4 Derek Townsend, Sr. - Excused

OTHERS PRESENT

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Assistant City Secretary – Tracylynn Garcia
Director of Community Development – Nathan Dietrich
Director of Public Works – Drew Huffman
Finance Director – Katherine Tapscott
Police Captain-Patrol – Brandon Patin
Fire Chief – Joe Sykora
Project Manager - Meagan Mageo
Sr. Administrative Assistant-CSO – Sasha Luna
Marketing & Communications Specialist – Chrislord Templonuevo
Community Center Manager – Rosalie Dillon

B. Invocation - Led by Pastor Kenny Rodgers, Anointed Faith Family Church

C. Pledges to U.S. and Texas Flags – Led by Brandon Patin

D. No Public Comments were received.

E. Presentations

1. Mayor Fagan presented a Proclamation declaring December 19, 2022 as ***“Salute to the Tomball Depot Museum Volunteers” Day***
2. Council received a presentation regarding the proposed design alternatives and feedback received for the FM 2920/Main Street reconstruction project.
3. Council received a presentation on the status of the Alley Reconstruction Project.
4. Council received a presentation regarding the status of the City of Tomball website redesign project.

F. Reports and Announcements

1. Announcements
 - I. December 23 and December 26, 2022 – **Christmas Holidays** – City offices closed; garbage pickup will not be affected
 - II. January 2, 2023 – **New Year’s Day Holiday** – City offices closed; garbage pickup will not be affected
 - III. January 3, 2023 – **City Council Meeting** will be held on Tuesday, due to New Year’s Day Holiday
2. Reports by City staff and members of council about items of community interest on which no action will be taken:

G. Old Business

1. Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to adopt, on Second Reading, Ordinance No. 2022-38, 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 17.08 acres of land legally described as being all of lots 1,2,3, and 4 of Tomball Business and Technology Park from Single Family Residential -20 (SF-20) to Light Industrial (LI). The property is located within the 1900 block of S. Persimmon Street (east and west sides), 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.

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

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 December 5, 2022 Regular Tomball City Council Meeting
2. Approve Request from Tomball HS Athletic Booster Club for City Support and In-Kind Services for the ***Tomball HS Athletic Booster Club Crawfish Boil*** in downtown Tomball, on Saturday, April 1, 2023
3. Approve Supplemental Number Two, amending the Professional Services Agreement with Gunda Corporation, LLC for Project Number 2017-10033, Alley Improvement Project, for the amount of \$57,320 (making the total not-to-exceed contract amount \$305,819); approve the expenditure of funds therefor; and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.
4. Approve a Professional Services Agreement with Four and One, LLC, for Project Number 2023-10013, Parks, Recreation, and Trail System Master Plan for a not-to-exceed amount of \$149,600, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2022-2023 budget.
5. Approve the purchase of SmartGov Subscriptions (permitting software) from Brightly Solutions, Inc. for year one implementation and annual subscription in the amount of \$41,619.65 of the total contract amount of \$153,393.27, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchase is included in the FY 2022-2023 Budget.

Motion made by Council 3 Dunagin, Seconded by Council 5 Parr, to approve all items in New Business Consent.

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

Mayor Klein Quinn called a recess at 7:21 p.m.; upon reconvening at 7:26 p.m., the following action was taken:

Motion carried unanimously.

I. New Business

1. Motion made by Council 5 Parr, Seconded by Council 2 Stoll, to appoint Angie Johnson to the unexpired vacancy of Resident Position 2 Member on the Tourism Advisory Committee.

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

Motion carried unanimously.

2. Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll, to appoint Matt Williams to the vacant/unexpired Alternate 4 Position on the Board of Adjustments, for Term expiring March 2, 2023.

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

Motion carried unanimously.

3. Consideration to approve **Zoning Case P22-350:** Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

- * Mayor Klein Quinn called the Public Hearing on **Case P22-350** to order at 7:47 p.m.

Applicant, Adam Ransom, 2148 Welch, Houston, TX 77019, developer, made a presentation supporting the proposed development.

The following individuals expressed their opposition to the proposed zoning change:

Danny Hudson - 12777 Zion Rd, Tomball, TX 77375

Donald Marshall Brown - 12607 Raleigh Creek, Tomball, TX 77375

Michelle Pierce - 31303 Raleigh Creek Dr, Tomball, TX 77375

William Sumner - 12321 Zion Rd, Tomball, TX 77375

Patricia Daily - 30818 Spring Lake Blvd, Tomball, TX 77375

Sam Jumper - 30831 Raleigh Creek Dr, Tomball, TX 77375

Rachel Wortham - 12926 Mossy Shore, Tomball, TX 77375

Joel Ocasio – 31007 Roanoak Woods Dr, Tomball, TX 77375

Lauren Tadlock - 30911 Roanoak Woods Dr, Tomball, TX 77375

Matt Kimich - 31435 Bearing Star Ln, Tomball, TX 77375

Edward Weaver- 31119 Wyndfield Ct, Tomball, TX 77375

Devinee Davidson, 31106 Gullwing Manor Dr, Tomball, TX 77375

Receiving no additional public comments, Mayor Klein Quinn closed the Public Hearing at 8:40 p.m.

- * Motion made by Council 2 Stoll, Seconded by Council 5 Parr, to read Ordinance No. 2022-41 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2022-41, 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 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within 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.

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

Motion FAILED unanimously.

4. **Consideration to approve Zoning Case P22-367:** Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

- * Mayor Klein Quinn called the Public Hearing on **Case P22-367** to order at 8:55 p.m.

Applicant, Colleen Pye - 207 Florence, Tomball, TX 77375, made a presentation.

The following individuals expressed their opposition to the proposed zoning change:

Thomas Najar - 24955 Decker Prairie Rosehill Rd, Magnolia, 77362

George Kelly - 319 Texas St., Tomball, TX 77375

The following individual expressed their support for the proposed zoning change:

Rene Lesley - 11906 Lucky Meadow Dr., Tomball, TX 77375

Receiving no additional comments, Mayor Klein Quinn closed the Public Hearing at 9:08 p.m.

- * Motion made by Council 5 Parr, Seconded by Council 2 Stoll, to read Ordinance No. 2022-42 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 1 Ford to adopt, on First Reading, Ordinance No. 2022-42, 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 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas 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.

Voting NAY: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin,
Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion FAILED unanimously.

5. Consideration to approve Case P22-394: Request by the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.

- * Conduct Mayor Klein Quinn called the Public Hearing on **Case P22-394** to order at 9:27 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 9:28 p.m.

- * Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll, to read Ordinance No. 2022-43 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

Motion made by Council 3 Dunagin, Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2022-43, an Ordinance of the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”; 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.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

6. Executive Session: The City Council recessed at 9:35 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. 551.072 – Deliberation regarding Real Property
- Sec. 551.076 – Deliberation regarding Security Devices

Upon reconvening into regular session at 10:20 p.m., no action was taken.

- J. Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to adjourn.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

PASSED AND APPROVED this the 3rd day of January 2023

Doris Speer
City Secretary, TRMC, MMC

Lori Klein Quinn
Mayor