

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



**Monday, June 17, 2024
6:00 PM**

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

PRESENT

Council 1 John Ford
Council 2 Paul Garcia
Council 3 Dane Dunagin
Council 4 Lisa A. Covington
Council 5 Randy Parr

OTHERS PRESENT

City Manager - David Esquivel
Assistant City Manager - Jessica Rogers
City Attorney - Loren Smith
City Secretary - Tracylynn Garcia
Assistant City Secretary - Sasha Luna
Director of Community Development - Craig Meyers
Director of Marketing & Tourism - Chrislord Templonuevo
Public Works Director – Drew Huffman
Police Chief – Jeff Bert
Project Manager - Meagan Mageo
IT Director - Tom Wilson
Fire Chief - Joe Sykora
City Hall Intern - Ki Provencher

- B. Invocation - Led by Pastor David Hinkle with Tomball Bible Church
- C. Pledges to U.S. and Texas Flags was led by Cub Scout Tyler Pauley – Troop 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.]*

Bruce Hillegeist 20339 Telge Rd Tomball, Texas	-	Tomball Night
Elaine Hancock 603 Mason St. Tomball, Texas	-	support of PH item new business item #7
Yolanda Smith 513 Mason St. Tomball, Texas	-	support of PH item new business item #7

E. Presentations

1. Presentation to Congressman Wesley Hunt

F. Reports and Announcements

1. Announcements

- I. Upcoming Events:**

July TBD – Comprehensive Plan Focus Group Meeting #4 @ City Hall

July 4, 2024 – July 4th Celebration & Street Fest 4 p.m. to 9 p.m. @
Business 249

July 12, 2024 – Kids Club 8 a.m. to 10 a.m. @ Matheson Park Pool

2024 Swim Season (Jerry Matheson Park Pool)

**REGULAR SEASON HOURS (Tuesday, May 28 to Sunday, August
11)**

Monday – Closed

Tuesday through Friday – 10 a.m. to 6 p.m.

Saturday and Sunday – Noon to 8 p.m.

END OF SEASON HOURS (Weekends only)

August 17 and 18 – Noon to 8 p.m.

August 24 and 25 – Noon to 8 p.m.

August 31 and September 1 – Noon to 8 p.m.

September 2 – 10 a.m. to 6 p.m.

G. Old Business

1. Approve, on Second Reading, Resolution No. 2024-24-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 Keep It Simple and Pink, LLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 103 W. Main Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.

Motion made by Council 1 Ford, Seconded by Council 3 Dunagin.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

2. Approve, on Second Reading, Resolution No. 2024-25-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 TCG Capital, 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 expansion of a sports facility located at 19220 Theis Ln., Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$26,750.00.

Motion made by Council 5 Parr, Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Voting Nay: Council 2 Garcia

Motion carried 4 votes yea, 1 vote nay.

3. Adopt, on Second Reading, Ordinance 2024-17, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Chapter 18-Environment, Article IV.-Noise, by deleting Section 18-192.-Maximum sound levels and modifying Section 18-195.-Defenses; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; providing for severability, making findings of fact; and providing for other related matters.

Motion made by Council 3 Dunagin, Seconded by Council 1 Ford.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, 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 June 3, 2024, Regular City Council meeting.
2. Consider approval of an agreement by and among the City of Tomball, Tomball Tax Increment Reinvestment Zone No. 3, and the Tomball Business Improvement District No. 1 for the disbursement of tax increment funds in accordance with the Tomball Tax Increment Reinvestment Zone No. 3 Project and Finance Plans.
3. Approve request from Greater Tomball Area Chamber of Commerce for City Support and In-Kind Services for the 52nd annual Tomball Night on Market St and around downtown Tomball, on Friday, August 2, 2024.
4. Approve Resolution No. 2024-26, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 52nd annual Tomball Night event parade, to be held in Tomball, on Friday, August 2, 2024.

Motion made by Council 1 Ford, Seconded by Council 4 Covington to approve items 1-4 New Business Consent Agenda.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

5. Approve a service agreement renewal with Cypress Holiday Decorating Concepts for holiday lighting services for Fiscal Year 2025, for a not-to-exceed amount of \$57,971.55 (RFP 2023-11), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures will need to be included in the Fiscal Year 2024-2025 Budget.

No action taken.

I. New Business

1. Presentation and discussion regarding Lizzie Lane drainage improvements given by Drew Huffman, Director of Public Works
2. Discussion and Possible action regarding TEDC Board Policy and Guidelines and possible Board Member appointments.
3. Approve the Engagement Letter with Weaver and Tidwell, L.L.P. for the Independent Audit of the City's Financial Statements for Fiscal Year Ending September 30, 2024.

Motion made by Council 1 Ford, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

4. Conduct Public Hearing of the City Council of the City of Tomball to consider proposed Levy of Assessments for authorized improvements within Improvement Area #2 (IA2) in Wood Leaf Reserve in the City of Tomball, Public Improvement District Number Eleven (PID 11), established by City Council Resolution No. 2020-04.
 - Mayor opened the Public Hearing at 7:31 p.m.
 - Hearing no comments, Mayor closed the Public Hearing at 7:32 p.m.
5. Adopt, on First Reading, Ordinance Number 2024-18, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Improvement Area #2 Projects for the Wood Leaf Reserve 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 Penalties and Interest on Delinquent Assessments; Providing for Severability and Providing an Effective Date.

Motion made by Council 1 Ford, Seconded by Council 3 Dunagin.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

6. Conduct a public hearing and consideration to approve **Ordinance Amendment OAM24-01**: Request by the City of Tomball to amend Chapter 50 – Article III (*District Regulations*) by adding Section 50-70.1 – Single-Family Residential District-7.5 (SF-7.5) 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 Single-Family Residential – 7.5 District.

- Mayor opened the Public Hearing at 7:36 p.m.
- Hearing no comments, Mayor closed the Public Hearing at 7:37 p.m.

Adopt, on First Reading, Ordinance No. 2024-13, an Ordinance of the City of Tomball, Texas, amending Chapter 50 – Article III (*District Regulations*) by adding Section 50-70.1 – Single-Family Residential District SF-7.5 (SF-7.5) 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 Single-Family Residential – 7.5 District; 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 Covington, Seconded by Council 3 Dunagin.

Voting Yea: Council 1 Ford, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Voting Nay: Council 2 Garcia

Motion carried 4 votes yea, 1 vote nay.

7. Conduct a public hearing and consideration to approve **Ordinance Amendment OAM24-02**: Request by the City of Tomball to amend Section(s) 50-2

(Definitions) and Section 50-82 (Use regulations (charts)) of the Tomball Code of Ordinances by adding standards pertaining to “Boarding Home Facility”.

- Mayor opened the Public Hearing at 7:50 p.m.

Bruce Hillegeist - Boarding Homes Standards
20339 Telge Rd
Tomball, Texas

Bill Hightower - Boarding Homes Complaints
511 Hicks St.
Tomball, Texas 77375

- Hearing no further comments, Mayor closed the Public Hearing at 7:54 p.m.

Adopt, on First Reading, Ordinance No. 2024-14, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by amending Sections 50-2 (Definitions) and Section 50-82 (Use regulations (charts)) of the Tomball Code of Ordinances by adding standards pertaining to “Boarding Home Facility”; providing for 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 Covington.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

8. Conduct a public hearing and consideration to approve **Zoning Case Z24-08:** Request by CHTA Development, Inc. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by amending Planned Development District – 15 which governs 33.386 acres of land legally described as being Winfrey Estates to reduce the required building setback in the rear yard from 14-feet to 9-feet. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

- Mayor opened the Public Hearing at 8:05 p.m.

Roland Ramirez
(Applicant)

City Secretary Tracy Garcia read an email written by Barbara Seber that was included in the packet as requested by the Mayor.

- Hearing no further comments, Mayor closed the Public Hearing at 8:11 p.m.

Adopt, on First Reading, Ordinance No. 2024-15, an Ordinance of the City of Tomball, Texas, amending Chapter 50 – Article III (*District Regulations*) by amending Chapter 50 (Zoning) of the Tomball Code of Ordinances, by amending Planned Development District – 15 which governs 33.386 acres of land legally described as being Winfrey Estates to reduce the required building setback in the rear yard from 14-feet to 9-feet. The property is generally located on the west side of FM 2978 at Winfrey Lane, 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 1 Ford, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 4 Covington, Council 5 Parr

Voting Nay: Council 2 Garcia, Council 3 Dunagin

Motion carried 3 votes yea, 2 votes nay.

9. Conduct a public hearing and consideration to approve **Zoning Case Z24-09**: Request by Tomball Hospital Authority D/B/A Tomball Regional Health Foundation, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.552 acres of land legally described Tracts 12B & 12C of the William Hurd Survey, Abstract 378 from the Agricultural (AG) District to General Retail (GR) District. The property is generally located within the 1300 block (north side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

- Mayor opened the Public Hearing at 8:26 p.m.

Paul Michna
Suites 3 and 4
Medical Complex Dr.
Tomball, Texas 77375

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Support of Ordinance

- Hearing no further comments, Mayor closed the Public Hearing at 8:28 p.m.

Adopt, on First Reading, Ordinance No. 2024-16, an Ordinance of the City of Tomball, Texas, amending Chapter 50 – Article III (*District Regulations*) by rezoning approximately 5.552 acres of land legally described Tracts 12B & 12C of the William Hurd Survey, Abstract 378 from the Agricultural (AG) District to General Retail (GR) District. The property is generally located within the 1300 block (north side) of Medical Complex Drive, 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 to amend the motion from General Retail to Office made by Council 3 Dunagin, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

Motion on the amended motion made by Council 3 Dunagin, Seconded by Council 5 Parr.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr.

Motion carried unanimously.

10. 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: 8:33 p.m.
- Executive session ended: 8:50 p.m.

J. Adjournment

Motion made by Council 1 Ford, Seconded by Council 4 Covington.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington,
Council 5 Parr.

Motion carried unanimously.

PASSED AND APPROVED this 1st day of July 2024.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor