

MINUTES OF CANVASS & REGULAR MEETING CITY OF TOMBALL, TEXAS



**Monday, May 16, 2022
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for May 16, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

A. Mayor Fagan called the meeting of the Tomball City Council to order at 6:00 p.m.

PRESENT

Mayor Gretchen Fagan

Council 1 John Ford

Council 2 Mark Stoll

Council 4 Derek Townsend, Sr.

Council 5/Mayor-Elect Lori Klein Quinn

ABSENT:

Council 3 Chad Degges – Excused

OTHERS PRESENT:

City Manager - David Esquivel

Assistant City Manager- Jessica Rogers

City Secretary - Doris Speer

City Attorney - Loren B. Smith

Council 5 Elect – Randy Parr

Director of Community Development - Nathan Dietrich

Finance Director – Katherine DuBose

Police Chief - Jeff Bert

Fire Chief - Joe Sykora

HR Director – Lisa Coe

Marketing Manager – Sasha Smith

Assistant City Secretary - Tracylynn Garcia

Community Center Manager - Rosalie Dillon

Project Manager - Meagan Mageo

Assistant to the City Manager/Communications Coordinator – Rebecca Beahan

CSO Senior Administrative Assistant – Sasha Luna

Assistant Fire Chief – Jeff Cook

Municipal Court Judge – Brett Peabody
Court Administrator – Maria Morris
Police Captain-Patrol – Brandon Patin
Police Captain - Investigations - Ricky Doerre
Police Sergeant – Ken Cole
Presiding Judge-May 7, 2022 Election – Patsy Kinsey

B. Canvas of Election
Escrutinio de la Elección
Kiểm Phiếu của Cuộc Bầu Cử
拉票選舉

Patsy Kinsey, Presiding Judge-May 7 2022 Election, presented the unofficial canvass of the Election.

Patsy Kinsey, Juez Presidente de la Elección del 7 de mayo, presentó el escrutinio no oficial de la Elección.

Patsy Kinsey, Trưởng Ban Điều Hành Cuộc Bầu Cử Ngày 7 tháng Năm, 2022, đã trình bày kết quả kiểm phiếu không chính thức của Cuộc bầu cử.

Patsy Kinsey, 2022年5月7日選舉的主審法官，介紹了選舉的非官方審核。

1. Approve Resolution 2022-18 and Order Canvassing the Returns and Declaring the Results of the General and Special Elections held on May 7, 2022

Aprobar Resolución Nro. 2022-18 y Orden de Escrutinio y Declaración de Resultados de las Elecciones Generales y Especiales celebradas el 7 de mayo de 2022

NGHỊ QUYẾT 2022-18 VÀ LỆNH KIỂM PHIẾU VÀ CÔNG BỐ KẾT QUẢ CÁC CUỘC TỔNG TUYÊN CỬ VÀ BẦU CỬ ĐẶC BIỆT TỔ CHỨC VÀO NGÀY 7 THÁNG NĂM, 2022

第2022-

18號決議和關於審覈選票報告以及宣布2022年5月7日舉行的普通及特別選舉結果的命令。

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to accept the results of the canvass of the May 7, 2022 Election and to declare Lori Klein Quinn duly elected as Mayor and Randy Parr duly elected as Council Position 5, with Runoff Election to be held on June 4, 2022 to elect Council Position 3.

Townsend, Sr., Concejal 4, hizo una moción la cual fue secundada por Ford, Concejal 1, para aceptar los resultados del escrutinio de la Elección del 7 de mayo de 2022 y declarar a Lori Klein Quinn debidamente electa como Alcaldesa y declarar a Randy Parr debidamente electo como Concejal, Posición 5, con una Elección de Segunda Vuelta programada para el 4 de junio de 2022 para elegir al Concejal, Posición 3.

Ủy Viên Hội đồng Vị trí 4 Townsend Sr. đưa ra kiến nghị, Ủy Viên Hội đồng Vị trí 1 Ford nhất trí, để chấp nhận kết quả kiểm phiếu của cuộc bầu cử ngày 7 tháng

Năm, 2022 và tuyên bố rằng bà Lori Klein Quinn được bầu chọn hợp pháp làm Thị trưởng và ông Randy Parr được bầu chọn hợp pháp làm Ủy Viên Hội đồng Vị trí 5, với Cuộc bầu cử chung cuộc sẽ được tổ chức vào ngày 4 tháng Sáu, 2022 để bầu ra Ủy Viên Hội Đồng Thành Phố Vị Trí 3.

由議會議員4 Townsend, Sr. 提出動議, 由議會議員1 Ford 附議以接受2022年5月7日選舉的審核結果, 並宣布Lori Klein Quinn正式當選為市長, Randy Parr正式當選議會席位5, 將於2022年6月4日舉行決選, 以選出議會席位3。

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

Absent: Council 3 Degges

Votos afirmativos: Concejal 1 Ford, Concejal 2 Stoll, Concejal 4 Townsend, Sr. Concejal 5 Klein Quinn

Consejal ausente: 3 Degges

Bỏ phiếu Đồng thuận: Ủy Viên Hội đồng Vị Trí 1 Ford, Ủy Viên Hội đồng Vị Trí 2 Stoll, Ủy Viên Hội đồng Vị Trí 4 Townsend, Ủy Viên Hội đồng Vị Trí 5 Klein Quinn

Hội đồng vắng mặt 3 Degges

投票贊成: 議會議員1 Ford、議會議員2 Stoll、議會議員4 Townsend、議會議員5 Klein Quinn

缺席議會 3 德格

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

動議無異議地通過。

2. Administer Oath of Office to Elected Officials

Administrar el juramento al cargo de los funcionarios electos

Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn

管管理選舉官員宣誓就職

Oaths of Office for Mayor Lori Klein Quinn and for Council Position 5 Randy Parr were administered by Judge Peabody

Los juramentos al cargo de Alcaldesa de Lori Klein Quinn y al cargo de

Concejal, Posición 5, de Randy Parr, fueron oficiados por el Juez Peabody

Tuyên thệ nhậm chức cho Thị trưởng Lori Klein Quinn và cho Ủy Viên Hội đồng Vị Trí 5 Randy Parr do Thẩm phán Peabody tiến hành

市長Lori Klein Quinn和議會席位5 Randy Parr的就職宣誓儀式由Peabody法官主持

David Esquivel, City Manager, presented out-going Mayor Gretchen Fagan with a plaque.

David Esquivel, Administrador de la Ciudad, presentó una placa a la Alcaldesa saliente Gretchen Fagan.

David Esquivel, Giám đốc Thành phố, trao tặng Thị trưởng nhiệm kỳ trước Gretchen Fagan một tấm bảng khen ngợi.

市政官David Esquivel向即將離任的市長Gretchen Fagan贈送了一塊牌匾。

3. Recess for Reception
Recreo para Recepción
Giờ giải lao cho Lễ tân
接待休息時間

Upon reconvening, the following action was taken:

Al volver a reunirse, se tomó la siguiente acción

Sau khi triệu tập lại, hành động sau đã được thực hiện
重新召集後，採取了以下措施

4. Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter
Considerar elegir un Alcalde Interino, de acuerdo con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball
Xem xét Bầu Chọn Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball
考慮選出暫替市長 根據Tomball市自治憲章6.08節

Motion made by Council 2 Stoll, Seconded by Council 5 Parr, to Elect Council 1 Ford as Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter.

El Concejal 2 Stoll hizo una moción, secundada por el Concejal 5 Parr, para elegir al Concejal 1 Ford como Alcalde Pro Tempore, en conformidad con la Sección 6.08 de la Carta Orgánica de Gobierno Autónomo de la Ciudad de Tomball.

Ủy Viên Hội đồng Vị trí 2 Stoll đưa ra kiến nghị, Ủy Viên Hội đồng Vị trí 5 Parr nhất trí, bầu Ủy Viên Hội đồng Vị trí 1 Ford là Thị Trưởng Lâm Thời, theo Quy Định của Mục 6.08, Hiến Chương Quy Chế Nội Bộ của Thành Phố Tomball.
根據Tomball市自治憲章第6.08條，議會議員2 Stoll提出動議，議會議員5 Parr附議，選舉議會1 Ford為臨時市長。

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

Absent: Council 3 Degges

Votos afirmativos: Concejal 1 Ford, Concejal 2 Stoll, Concejal 4 Townsend, Sr. Concejal 5 Parr

Consejal ausente: 3 Degges

Bỏ phiếu Đồng thuận: Ủy Viên Hội đồng Vị Trí 1 Ford, Ủy Viên Hội đồng Vị Trí 2 Stoll, Ủy Viên Hội đồng Vị Trí 4 Townsend, Ủy Viên Hội đồng Vị Trí 5 Parr

Hội đồng vắng mặt 3 Degges

投票贊成：議會議員1 Ford、議會議員2 Stoll、議會議員4 Townsend、議會議員5 Parr

缺席議會 3 德格

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

動議無異議地通過。

- C. Invocation - Led by Pastor Greg Jenkins – Tomball Assembly of God
- D. Pledges to U.S. and Texas Flags – Led by Assistant Fire Chief – Jeff Cook
- E. No Public Comments were received.
- F. Presentations

Mayor Klein Quinn presented the following Proclamation:

- May 15-21, 2022 is ***“2022 Peace Officers Memorial Day and Tomball Police Week”***
- May 15-21, 2022 is ***“National Public Works Week, “Ready & Resilient” – Tomball, Texas”***
- May 15-21, 2022 is ***“Northwest Community Health, and National Emergency Medical Services Week - "Rising to the Challenge" – Tomball, Texas”***

- G. Reports and Announcements

- 1. Announcements

I. May 23 through May 31, 2022 – **Early Voting** for the **June 4, 2022 Runoff Election**, at City Hall, 401 Market Street

II. **June 4, 2022 – Tomball Runoff Election Day** – 7:00 a.m. to 7:00 p.m. at City Hall, 401 Market Street

- III. **Tomball City Pool – 2022 Swim Season - Jerry Matheson Park Pool**
will be open Memorial Day Weekend, May 28-29, from Noon–8 p.m., and on Memorial Day from 10 a.m.–6 p.m.
The Regular Season begins on May 31 (Tuesday), operating from 10 a.m.–6 p.m., Tuesday through Friday and Noon–8 p.m. on Saturday and Sunday through August 14.
End of Season hours will be: Noon–8 p.m. on August 20-21, August 27-28, and September 3-4; on September 5, the pool will be open 10 a. m. –6 p.m. to close out the Swim Season.
The pool will be closed every Monday during swim season 2022, except Memorial Day (May 30), July 4th, and Labor Day (September 5).

- IV. July 4, 2021 – **July Fourth Celebration & Street Fest** – 6:00 p.m.-10:00 p.m. at Four Corners (Business SH 249 at FM 2920)

- V. July 9, 2022 – **2nd Saturday at the Depot**

- VI. August 5, 2022 – **50th Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**

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

- I. Sasha Smith – Report on the Success of ***Rails & Tails Mudbug Festival*** on May 7, 2022

H. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the May 2, 2022 Regular Tomball City Council Meeting.

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

Absent: Council 3 Degges

Motion carried unanimously.

- I. 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. 2022-06, 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 3.070 Acres of Land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, Being all of that Certain Called 3.070 Acres of Land Described in Deed and Recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2021-678359*) (21830 Hufsmith Kohrville, HCAD 0352900000525 and 0352960000529)
2. Adopt, on Second Reading, Ordinance No. 2022-07, 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 3.07 acres of land out of the Jesse Pruitt Survey, Abstract Number 629 (described in "Exhibit A"), within the City of Tomball, Harris County, Texas, from the Agricultural (AG) District to the General Retail (GR) District, said property being generally located within the 21700-21800 Blocks (East Side) of Hufsmith-Kohrville Road, 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 Townsend, Sr., Seconded by Council 2 Stoll to approve Old Business Consent Agenda Items in one motion.

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

Absent: Council 3 Degges

Motion carried unanimously.

J. New Business

1. Consideration to Approve **Case P22-016**: Request by Harrisburg Homes, Inc. to amend the City of Tomball's Comprehensive Plan to update the Major Thoroughfare Plan Map. Removing the **proposed east-west extension of Medical Complex Drive extending approximately 0.9 miles from the eastern right-of-way boundary of Hufsmith-Kohrville Road to the southern right-of-way boundary of Mahaffey Road.**

Mayor Klein Quinn opened the Public Hearing on **Case P22-016** at 7:13 p.m.

The following public comment was received:

Dane Dunagin - Expressed his opposition to the proposed
535 E. Hufsmith, 77375 update.

Receiving no additional public comments, Mayor Klein Quinn closed the public hearing at 7:15 p.m.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2022-04 by caption only on First Reading.

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

Absent: Council 3 Degges

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2022-04, an ordinance of the City of Tomball, Texas, amending the Tomball Comprehensive Plan by changing the Major Thoroughfare Plan Map; 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: None

Voting Nay: Council 1 Ford, Council 2 Stoll, Council 4 Townsend, Sr., Council 5 Parr

Absent: Council 3 Degges

Motion FAILED unanimously.

2. Consideration to Approve **Zoning Case P22-106**: Request from the collective owners of properties have requested to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.64 acres of land legally described as being all of Lots 21 through 24 of Block 32, in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential 6 (SF-6) District to the Old Town and Mixed-Use (OT and MU) District. Being generally located in the 500 block of James Street (north side), between S. Pine Street and S. Magnolia Street, within the City of Tomball, Harris County, Texas

Mayor Klein Quinn opened the Public Hearing on **Case P22-106** at 8:05 p.m.

The following public comments were received:

- | | | |
|---|---|--|
| Scott Moore
404 S. Pine, 77375 | - | Expressed his opposition to the proposed rezoning. |
| Kevin & Donna Labbe
515 Clayton, 77375 | - | Expressed their opposition to the proposed rezoning. |
| Cathy Paulson
606 S. Pine, 77375 | - | Expressed her opposition to the proposed rezoning. |
| Laurence Paulson
606 S. Pine, 77375 | - | Expressed his opposition to the proposed rezoning. |
| Jeff McCann
504 James, 77375 | - | Expressed his opposition to the proposed rezoning. |

Receiving no additional public comments, Mayor Klein Quinn closed the public hearing at 8:15 p.m.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2022-11 by caption only on First Reading.

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

Absent: Council 3 Degges

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2022-11, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinance by changing the Zoning District Classification of approximately 0.64 acres of land legally described as being all of Lots 21 through 24 of Block 32, in Revised Map of Tomball, as well as Lots 25 and 27 in Grandinetti Tract from Single-Family Residential 6 (SF-6) District to the Old Town and Mixed Use (OT & MU) District, being generally located in the 500 block (north side) of James Street, 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.

Voting Yea: None

Voting Nay: Council 1 Ford, Council 2 Stoll, Council 4 Townsend, Sr., Council 5 Parr

Absent: Council 3 Degges

Motion FAILED unanimously.

Mayor Klein Quinn called a recess at 8:33 p.m.; upon reconvening at 8:40 p.m., the following actions were taken:

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Resolution No. 2022-19, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on the creation of a Public Improvement District and Being Located within the City of Tomball - Public Hearing Date: June 20, 2022 for Tomball Public Improvement District No. 14 (Seven Oaks)

Voting Yea: Council 1 Ford

Voting Nay: Council 2 Stoll, Council 4 Townsend, Sr., Council 5 Parr

Absent: Council 3 Degges

Motion FAILED, 1 vote Aye, 3 votes Nay.

4. Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to approve the execution of an Agreement for Professional Services with Gunda Corporation for E&P Project 2014-10031 for the FM 2920 Improvement Project in the amount of \$49,685.00.

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

Absent: Council 3 Degges

Motion carried unanimously.

5. Executive Session: The City Council recessed at 9:30 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. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Public Works Director

Upon reconvening at 10:23 p.m., the following action was taken:

6. Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to confirm the Appointment by the City Manager of Drew Huffman as the Director of Public Works.

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

Absent: Council 3 Degges

Motion carried unanimously.

- K. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adjourn.

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

Absent: Council 3 Degges

Motion carried unanimously.

PASSED AND APPROVED this the 6th day of June 2022.

Doris Speer
City Secretary, TRMC, MMC

Lori Klein Quinn
Mayor