

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



**Monday, August 21, 2023
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for August 21, 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 6:05 p.m.

PRESENT:

Council 1 John Ford
Council 2 Mark Stoll
Council 3 Dane Dunagin
Council 4 Derek Townsend, Sr.
Council 5 Randy Parr

OTHERS PRESENT:

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Tracy Garcia
Assistant City Secretary – Sasha Luna
Finance Director – Katherine Tapscott
Budget Analyst – Hannah Brown
HR Director – Kristie Lewis
Director of Community Development – Craig Meyers
Public Works Director – Drew Huffman
Police Chief – Jeff Bert
Marketing Director – Chrislord Templonuevo
Project Manager – Meagan Mageo
IT Support Technician – Sam Walton

- B. Invocation - Led by Pastor Miker Hernandez - Local Church
C. Pledges to U.S. and Texas Flags was led by Sam Shannon

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.]*

Rene Garza 918 Juniper Ct. Tomball, TX	-	Opposition to Zoning Case Z23-10
Tom Weatherford 20203 Mahogany Ridge Magnolia, TX	-	Pickleball Courts
Samantha Book (Heard) 212 South Pine St. Tomball, TX	-	Opposition to Zoning Case Z23-10
Barbara Seber 10801 Hufsmith-Kuykendahl Tomball, TX	-	Opposition to Zoning Case Z23-10
Valerie Hill 12511 Durham Creek Ln. Tomball, TX	-	Opposition to Zoning Case Z23-10
Teri Clark 1122 Audrey Trail Tomball, TX	-	Opposition to Zoning Case Z23-10
Becky Clepper 713 Clayton St. Tomball, TX	-	Opposition to Zoning Case Z23-10
Paul Mladenka 1631 S. Persimmon Tomball, TX	-	Opposition to Zoning Case Z23-11
Sherrie Meicher 222 Southmore St. Tomball, TX	-	Her willingness to continue to serve on the SETH Board

E. Reports and Announcements

1. Announcements

- **2023 Swim Season (Jerry Matheson Park Pool):**
(See website tomballtx.gov for specific dates and times open)
The Pool will be open to the public on weekends until Labor Day

- **Upcoming Events:**
 - September 5 – Public Hearing Re: Adopting the City of Tomball’s Budget for FY 2023-2024
 - September 9 - Second Saturday 5:00 - 9:00 p.m. @ Depot
 - September 11 - 9/11 Remembrance 8:30 – 9:30 a.m.
 - September 14 - Mayor’s Kaffeeklatsch 8:30 -10:00 a.m. @ Administrative Services Training Room
 - September 16 - Freedom 5k Ruck March 8:00 a.m. – 12:00 p.m.
 - September 23 - GroovFest 11:00 a.m. – 6:00 p.m. @ Depot
 - September 27- Tomball HS Homecoming Parade 6:00 – 8:00 p.m. @ Depot & Main St.
 - September 30 - Tomball Museum Classic Car Day 10:00 a.m. – 2:00 p.m. @ Tomball Museum

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.]*

1. Adopt, on Second Reading, Ordinance No. 2023-22, an Ordinance of the City of Tomball, Texas Approving the 2023 Annual Update to the Service and Assessment Plan and Assessment Roll for the Wood Leaf Public Improvement District Number 11 (PID 11), including the collection of the 2023 Annual Installment.

2. Adopt, on Second Reading, Ordinance Number 2023-24, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Raburn 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 for Penalties and Interest on Delinquent Assessments; Providing for Severability and Providing an Effective Date. The

proposed Amended and Restated Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on October 7, 2019.

3. Adopt, on Second Reading, Ordinance No. 2023-25, an Ordinance of the City of Tomball, Texas Amending its code of ordinances by adding article VIII (22-196-22-276), Boarding Home Regulations, of Chapter 22, Health and Sanitation, to comply with Chapter 260 of the Texas Health & Safety Code; Containing findings and other provisions relating to the subject; declaring certain conduct to be unlawful; providing a penalty in an amount not to exceed \$2,000.00 for each violation of this ordinance with every day constituting a new violation; providing for severability; providing for publication; and providing an effective date.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr. to approve all items of the Old New Business Consent Agenda.

Voting Yea: Council 1 Ford, Council 2 Stoll, 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.]*

Items #8, #10, and #11 were pulled by Councilman 1 Ford and were voted on separately.

1. Approve the Minutes of the August 7, 2023, Special and Regular Tomball City Council Meetings.
2. Approve an Interlocal Agreement between the City of Tomball and the County of Harris for intergovernmental cooperation regarding boarding homes within the City Limits of Tomball, the Harris County Sheriff's Department Boarding Home Taskforce and Authorize the City Manager to Execute said Interlocal Agreement.
3. Approve an agreement with Caldwell Country Chevrolet for two 2023 Chevrolet Tahoes Shop #23-170 and Shop #23-178 through the Buy Board Contract (Contract No. 601-19), for a not-to-exceed amount of \$100,690.00, authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the expenditure. This amount is included in the FY 2022-2023 budget.

4. Reappoint Sherrie Meicher as the City of Tomball's Representative to the Southeast Texas Housing Finance Corporations (SETH) Board of Directors, New Term Expiring January 21, 2026.
5. Approve a Service Agreement with America's Nationwide Netting, Inc. for the purchase and installation of baseball netting at Jerry Matheson Park, for a not-to-exceed amount of \$77,000 (Bid 2023-18), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures were included in the Fiscal Year 2022-2023 Budget.
6. Approve an Agreement with A-K 133 Hwy 249 – Grand Parkway, L.P. for Contribution in Aid of Construction for related expenses for the design and construction of the proposed Grand Parkway Natural Gas Gate, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement.
7. Approve an Agreement with LIT Interchange 249 Phase I, LLC for Contribution in Aid of Construction for related expenses for the design and construction of the proposed Grand Parkway Natural Gas Gate, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement.
9. Approve a Facilities Agreement with Kinder Morgan Tejas Pipeline, LLC for design and construction of the interconnect for the proposed Grand Parkway Natural Gas Gate, for a not-to-exceed amount of \$236,762, 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 as a Capital Improvement Project.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr to approve items 1-7 and 9 of New Business Consent Agenda.

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

Motion carried unanimously.

8. Approve a Professional Services Agreement with Freese & Nichols, Inc. for the design of the Baker Drive Water Plant, Project Number 2023-10019, for a not-to-exceed amount of \$1,849,087, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the fiscal year 2023-2024 budget as a Capital Improvement Project.

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

Motion amended by Council 4 Townsend, Sr., to approve item in the 2022-2023 budget.

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

Motion carried unanimously.

10. Approve a Professional Services Agreement with Threshold Land Services for acquisition of utility easements for the FM 2920 Lift Station Consolidation, Project 2019-10008, for a not-to-exceed amount of \$77,646.28, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the fiscal year 2023-2024 budget as a Capital Improvement Project.

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

Motion amended by Council 4 Townsend, Sr., to approve item in the 2022-2023 budget.

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

Motion carried unanimously.

11. Approve an annual Consumer Price Index (CPI) and Fuel Index Adjustment from GFL Environmental (formally WCA Waste Corporation) of 5%, effective October 1, 2023, authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all required documentation. This amount is included in the FY 2023-2024 budget.

No action taken on the item.

H. New Business

1. Discussion and Presentation by Tim Crawford regarding “The Cottage Green”, a proposed development along Brown Road between the Tomball Tollway and Quinn Road.
(Item pulled from the agenda at the request of the presenter)

2. Appoint/Reappoint Members to the Tomball Regional Health Foundation Board of Directors for Terms Expiring September 1, 2023

Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to appoint Jim Ross to the TRHF Board of Directors.

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

Abstaining: Council 5 Parr

Motion carried 4 votes yea, one vote abstaining.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to appoint Sharon Frank to the TRHF Board of Directors.

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

Motion carried unanimously.

3. Consideration and discussion regarding the Charter Review Committee
4. Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2023-2024 Budget.

No action taken on item.

5. Consideration to Approve **Zoning Case Z23-10**: Request by Nathan T. Newman on behalf of NTN Tomball Corner, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 56.1 acres of land legally described as Lot 1 & Lot 3 of Reserve at Tomball, and Lot 2 of Reserve at Tomball Partial Replat No. 1 from Single-Family 9 (SF-9) and Commercial (C) to Planned Development (PD) zoning. The property is generally located at the northwest corner of FM 2978 and FM 2920, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-10**

- Mayor Klein Quinn called the PH to order at 7:48 pm.

Nate Newman (Applicant)
87 N. Hunters Crossing
The Woodlands, TX

Tomball Boardwalk
Presentation

Valerie Hill 12511 Durham Creek Ln. Tomball, TX	-	Opposition to Zoning Case Z23-10
Roland Ramirez (Developer) 43 E. Sundance Circle Spring, TX	-	Concerns about height of apartments
Barbara Seber 10801 Hufsmith-Kuykendahl Tomball, TX	-	Opposition to Zoning Case Z23-10
Teri Clark 1122 Audrey Trail Tomball, TX	-	Opposition to Zoning Case Z23-10
Samantha Book (Heard) 212 South Pine St. Tomball, TX	-	Opposition to Zoning Case Z23-10

- Hearing no further comments Mayor Klein Quinn closed PH at 8:47 pm.

Adopt, on First Reading, Ordinance No. 2023-22, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 56.1 acres of land legally described as Lot 1 & Lot 3 of Reserve at Tomball, and Lot 2 of Reserve at Tomball Partial Replat No. 1 from Single-Family 9 (SF-9) and Commercial (C) to Planned Development (PD) zoning. The property is generally located at the northwest corner of FM 2978 and FM 2920, 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 5 Parr to read by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin to adopt on First Reading.

Motion amended by Council 4 Townsend, Sr., to approve item with two story apartments backing up to Winfrey Estates (N/S bound) 300 units' total. No car washes or oil change businesses.

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

Voting Nay: Council 3 Dunagin

Motion carried 4 votes yea, 1 vote nay.

6. Consideration to Approve **Zoning Case Z23-11**: Request by ISIDROWS, LLC on behalf of Wendy Lynn Dixon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 10 acres of land legally described as being part of Lots 372 & 373 of Tomball Outlots from Single-Family 20 Estate (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1500 block (east side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-11**

- Mayor Klein Quinn called the PH to order at 9:10 pm.

Veronica Martinez
1523 S. Persimmon St. - Representing buyer
Tomball, TX

Paul Mladenka
1631 S. Persimmon - Opposition to Zoning Case
Tomball, TX Z23-11

- Hearing no further comments Mayor Klein Quinn closed PH at 9:15 pm

Adopt, on First Reading, Ordinance No. 2023-23, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as being part of Lots 372 & 373 of Tomball Outlots from Single-Family 20 Estate (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1500 block (east side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to read by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to adopt on First Reading.

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

Voting Nay: Council 3 Dunagin, Council 4 Townsend, Sr.

Motion carried 3 votes yea, 2 votes nay.

7. Adopt, on First Reading, Ordinance No. 2023-28, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Chapter 4, Alcoholic Beverages, by adding a new Section 4-3, Variance procedures; 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 4 Townsend, Sr., Seconded by Council 2 Stoll to read by caption only on First Reading.

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

Voting Nay: Council 2 Stoll

Motion carried 4 votes yea, 1 vote nay.

Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to adopt on First Reading.

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

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

Motion carried 3 votes yea, 2 votes nay.

8. Approve Resolution No. 2023-29, a Resolution of the City of Tomball, Texas, amending sections of the Master Fee Schedule for Fiscal Year 2022-2023.

Motion made by Council 5 Parr, Seconded by Council 3 Dunagin to approve Resolution.

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

Motion carried unanimously

9. Adopt, **on First and Only Reading**, Ordinance No. 2023-26, an Ordinance Approving and Authorizing the Issuance and Sale of the City of Tomball Special Assessment Revenue Bonds, Series 2023 (Raburn Reserve Public Improvement District Improvement Area #2); Approving and Authorizing a Master Indenture of Trust and Second Supplemental Indenture of Trust and other Agreements and Documents in Connection Therewith; Making Findings with to the Issuance of Such Bonds; and Providing an Effective Date.

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr to read by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend Sr., Seconded by Council 5 Parr to adopt on First Reading and Only Reading.

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

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

Motion carried unanimously.

10. Adopt, **on First and Only Reading**, Ordinance No. 2023-27, an Ordinance Approving and Authorizing the Issuance and Sale of the City of Tomball Special Assessment Revenue Bonds, (Raburn Reserve Public Improvement District Improvement Area #3); Approving and Authorizing a Master Indenture of Trust and First Supplemental Indenture of Trust and other Agreements and Documents in Connection Therewith; Making Findings with to the Issuance of Such Bonds; and Providing an Effective Date.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to read by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 4 Townsend Sr., Seconded by Council 1 Ford to adopt on First Reading and Only Reading.

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

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

Motion carried unanimously.

11. Approve Resolution Number 2023-28, a Resolution of the City Council of the City of Tomball, Texas approving an Amended and Restated Reimbursement Agreement relating to the Raburn Reserve Public Improvement District – Improvement Area Three (IA3).

Motion made by Council 1 Ford, Seconded by Council 2 Stoll to approve Resolution.

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

Motion carried unanimously.

Recess at 9:40 p.m.

Back from recess at 9:49 p.m.

12. Consideration and discussion regarding the Proposed Fiscal Year 2023-2024 Budget

I. Adjournment

Motion made by Council 2 Stoll., Seconded by Council 1 Ford to adjourn the meeting.

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

Motion carried unanimously.

PASSED AND APPROVED this 5th day of September 2023.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor