

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



**Monday, November 06, 2023
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for November 06, 2023, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

- A. Mayor Pro-Tem D. Townsend Sr. called the meeting of the City of Tomball Council to order at 6:00 p.m.

PRESENT

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

ABSENT

Mayor Lori Klein Quinn (Excused)

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
Fire Chief - Joe Sykora
Assistant Fire Chief - Jeff Cook
Police Chief - Jeff Bert
Police Captain - Brandon Patin
Project Coordinator - Meagan Mageo
Community Center Manager - Rosalie Dillon
IT Sr. Specialist - Ben Lato
Records Specialist - Fae Morris

- B. Invocation - Led by Chaplain Steve Allison – VFW Tomball Post 2427
- C. Pledges to U.S. and Texas Flags led by Captain Steven Foehner
- 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.]*

Marilyn O’Neal
14235 Turnervine Dr. - In opposition of Re-Zoning Case Z23-15
Tomball, 77375

Barbara Senseman
14243 Turnervine Dr. - In opposition of Re-Zoning Case Z23-15
Tomball, 77375

Bradley Burnside
1245 Rudolph Rd. - In opposition of items F.1 Ordinance No. 2023-40
Tomball, 77375 and F.2 Ordinance No. 2023-41

- E. Presentations
 - 1. Proclamation presentation to Dr. Salazar-Zamora.
 - 2. Presentation by the Tomball Lions Club to the Tomball Fire Department and Explorer Post # 5451 in the amount of \$4000 for the 2023 Holiday Heroes Event.
 - 3. Presentation by Resale with a Purpose to the Tomball Fire Department and Explorer Post # 5451 in the amount of \$20,000 for the 2023 Holiday Heroes Event.

1. Announcements

I. Upcoming Events:

November 11 - Second Saturday 3:00 – 8:00 p.m. @ Depot

November 18 - Tomball Holiday Parade 10:00 a.m. – 12:00 p.m. @ Main St.

December 2 - Deck the Depot Christmas Tree Lighting 2:00 p.m. – 8:00 p.m. @ Depot

December 8-9 – Tomball Museum Candlelight Tour 6:00 p.m. – 9:00 p.m. @ Tomball Museum

December 8-10 – Tomball German Christmas Market @ Depot and Market St.

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. 2023-40, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by revising its code of ordinance amending Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning 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.
2. Adopt, on Second Reading, Ordinance No. 2023-41, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 1100-1200 blocks (east side) of Rudolph Road, 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.
3. Adopt, on Second Reading, Ordinance No. 2023-42, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, 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 2023-44, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, Division 2, prohibited. Restricted on certain streets, of Article V, stopping, standing and parking, of Chapter 44, Traffic and Vehicles, establishing a “No Parking, Stopping or Standing” zone along the west side of Pine Street beginning at the intersection of FM 2920 and Pine Street, extending south approximately 275 feet to the intersection of Pine Street and Market Street; providing a penalty in the amount not to exceed \$200 for each violation hereof; making finding of fact; and providing for other related matters.
5. Adopt, on Second Reading, Ordinance 2023-45, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, Division 2, prohibited. Restricted on certain streets, of Article V, stopping, standing and parking, of Chapter 44, Traffic and Vehicles, establishing a “No Parking, Stopping or Standing” zone along the west side of South Cherry Street beginning at the intersection of FM 2920 and South Cherry Street, extending south approximately 245 feet to the intersection of South Cherry Street and Market Street; providing a penalty in the amount not to exceed \$200 for each violation hereof; making finding of fact; and providing for other related matters.
6. Adopt, on Second Reading, Ordinance No. 2023-48, an Ordinance of the City of Tomball, Texas, Adopting Amendment Number 1 to the Original Budget of the City of Tomball, Texas for the Fiscal Year 2023-2024.

Motion made by Council 2 Stoll, Seconded by Council 5 Parr to approve Old 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.]*
1. Approve the Minutes of the October 16, 2023, Regular City Council meeting.
 2. Approve Resolution No. 2023-45 Authorizing City Manager to execute a multiple use agreement between the City of Tomball and TxDOT for installation of License Plate Reader Cameras.
 3. Approve Resolution 2023-48, a Resolution of the City Council of the City of Tomball, Texas, approving the 2023 Water and Wastewater Master Plan Update; and Providing an Effective Date.
 4. Approve an agreement with Caldwell Country Chevrolet, LLC for a Chevrolet 5500 with crane body, a Chevrolet 6500 with dump body, and two Chevrolet 3500s with utility body through the BuyBoard Cooperative Purchasing (Contract #601-19) for a not-to-exceed amount of \$410,185 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 2023-2024 budget.
 5. Approve an agreement with Caldwell Country Chevrolet, LLC for a Chevrolet Silverado 1500 and a Chevrolet Silverado 2500 through the BuyBoard Cooperative Purchasing Contract (Contract #601-19), for a not-to-exceed amount of \$109,695, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2023-2024 budget.
 7. Approve a Services Agreement with ABM Building Services, LLC for a two-year contract for HVAC preventive maintenance for a not-to-exceed amount of \$89,074 (not-to-exceed annual contract of \$44,537) through a 1GPA contract (contract number 20-01PV-01), authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2023-2024 budget.
 8. Approve the purchase of public safety uniforms from Impact Promotional Services DBA Got You Covered Workwear and Uniforms through the BuyBoard Cooperative Purchasing Network (Contract #670-22) for a not-to-exceed amount of \$60,000.00 for the Police Department and a not-to-exceed amount of \$20,000.00 for the Fire Department, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchases are included in the FY 2023-2024 Budget.

9. Approve the expenditure of \$350,000.00 for upgrading the Malone Storage Lot from B & C Constructors, L. P. Contract # 1GPA #19-03DP and authorize the City Manager to execute any and all documents related to the expenditure. This was previously approved in the FY 22-23 budget but has been rolled over to the FY 23-24 budget.
10. Authorize the City Manager to Execute an amendment to the Interlocal Agreement between the City of Tomball and Harris County Emergency Services District No. 15 (ESD15) for Fire Protection, Fire Suppression, and Rescue Services.

Motion made by Council 2 Stoll, Seconded by Council 1 Ford to approve items 1, 2, 3, 4, 5, 7, 8, 9, and 10 from 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.

6. Approve an agreement with Mustang Machinery Company, LLC, for a 420XE Caterpillar Backhoe through the Sourcewell Purchasing Cooperative (Contract #032119-CAT.COI) for a not-to-exceed amount of \$122,397.83, 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 2023-2024 budget.

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

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

Voting Abstaining: Council 2 Stoll

Motion carried 4 votes aye, one abstention.

H. New Business

1. Presentation and discussion by Burditt Consultants regarding landscaping, tree preservation, and buffering.
2. Presentation, discussion and possible action regarding the services to be included in the Request for Proposals for solid waste services.

3. Approve Resolution No. 2023-47, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Date, Time, and Place for Public Hearing at which all Interested Parties shall have an Opportunity to be heard; Providing for Publication of Notice of Such Public Hearing; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (*Being A Tract Or Parcel, Containing 12.114 Acres (527,706 Square Feet) Of Land Situated In The Elizabeth Smith Survey, Abstract Number 70 And In The C.M. Pilot Survey, Abstract 632, Harris County, Texas; Said 12.114 Acre Tract Of Record In The Name Of Csv Holderrieth, Llc In Harris County Clerk's File (H.C.C.F.) Number 20140017182; Said 12.114 Acre Tract Being More Particularly Described By Metes And Bounds As Follows (Bearing Referenced Herein Are Based On The Texas Coordinate System, South Central Zone Nad83)[11701 Holderrieth Rd, Hcad 0410260020004]*)

Motion made by Council 2 Stoll, Seconded by Council 3 Dunagin to approve Resolution No. 2023-47

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

Motion carried unanimously.

4. Discussion and possible action regarding the appointment of focus group members for the City of Tomball Comprehensive Plan Update.

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll

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

Motion carried unanimously.

5. Adopt, on Second Reading, Ordinance Number 2023-46, an Ordinance of the City of Tomball, Texas Adopting Impact Fees for Water and Wastewater Facilities; Defining Certain Terms; Providing for the Assessment and Collection of Such Impact Fees; Containing Other Provisions Relating to the Subject; and Providing for Severability.

Motion made by Council 1 Ford, Seconded by Council 2 Stoll to read Ordinance No. 2023-46 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 3 Dunagin, Seconded by Council 2 Stoll to adopt on First Reading.

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

Motion carried unanimously.

6. Adopt, on Second Reading, Ordinance 2023-47, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances, Section 46-55, Separate Metering of Irrigation Systems; 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 2 Stoll, Seconded by Council 3 Dunagin to read Ordinance No. 2023-47 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 2 Stoll, Seconded by Council 5 Parr to adopt on First Reading.

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

Motion carried unanimously.

I. Adjournment

Motion made by Council 1 Ford, Seconded by Council 2 Stoll.

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 20th day of November 2023.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor