

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



**Monday, October 21, 2024
6:00 PM**

- A. Mayor L. Klein-Quinn called the meeting of the City of Tomball Council to order at 6:15 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 Secretary - Tracy Garcia
City Attorney - Loren Smith
Director of Community Development - Craig Meyers
Human Resources Director - Kristie Lewis
Fire Chief - Joe Sykora
Finance Director - Bragg Farmer
Public Works Director - Drew Huffman
IT Director - Tom Wilson
Director of Marketing & Tourism - Chrislord Templonuevo
Police Lieutenant - Albert Chambers
Assistant Fire Chief/Fire Marshal - Jeff Cook
Director of Special Projects - Luisa Taylor
Records Specialist - Fae Morris
Project Manager - Meagan Mageo

- B. Invocation - Led by Pastor Adam McIntosh with St. David's Church
C. Pledges to U.S. and Texas Flags by City Attorney, Loren Smith

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	-	New Business H 4, 5, 6 and 7
Rayford McCoy 31215 Helen Ln. Tomball, Texas	-	HOT application for Museum
Katie Whisler 606 Carrell St. Tomball, Texas	-	interest in serving on TAC
Lori Ball 13519 Sleepy Ln. Tomball, Texas	-	interest in serving on TAC
Edgar McNutt 31427 Stella Ln. Tomball, Texas	-	opposition of expansion of Stella Ln.
Vic Friday 31503 Capella Cir. Tomball, Texas	-	opposes replat of 37 homes by Tomball Hills
Mark Pauls 31511 Capella Cir. Tomball, Texas	-	opposes proposed Tomball Hills replat
Jeffrey King 31427 Capella Cir. Tomball, Texas	-	opposes replat of 37 homes by Tomball Hills
Brianna Julienne 31307 Antonio Ln. Tomball, Texas	-	opposes replat of 37 homes by Tomball Hills

- | | | |
|---|---|---------------------------------------|
| Larry Metcalf
31302 Antonio Ln.
Tomball, Texas | - | opposes proposed Tomball Hills replat |
| Vernon Piehl
28111 Linda Ln.
Tomball, Texas | - | opposes proposed Tomball Hills replat |
| Cheryl Dubrig
31227 Antonio Ln.
Tomball, Texas | - | opposes proposed Tomball Hills replat |
| Mary Piehl
28111 Linda Ln.
Tomball, Texas | - | opposes proposed Tomball Hills replat |
| Dianna & Randy Boychuck
31414 Stella Ln.
Tomball, Texas | - | opposes proposed Tomball Hills replat |
| Patty Hazlewood
31418 Stella Ln.
Tomball, Texas | - | opposes proposed development Tomball |
| Linda Graves
31315 Antonia Ln.
Tomball, Texas | - | opposes proposed Tomball Hills replat |
| Thomas Julien
31307 Antonia Ln.
Tomball, Texas | - | opposes proposed Tomball Hills replat |
| Josh Eckert
31406 Stella Ln.
Tomball, Texas | - | opposes the replat of Stella Ln. |
| Susan Murrell
31314 Antonia Ln.
Tomball, Texas | - | opposes Lot 24 |
| Craig Finch
31527 Capella Cir.
Tomball, Texas | - | opposes proposed Tomball Hills replat |

- Trista Finch - opposes proposed Tomball Hills replat
31527 Capella Cir.
Tomball, Texas
- Joyce Goodwin - opposes proposed development Tomball Hills
31330 Alice Ln.
Tomball, Texas
- Susan Wood - opposes proposed development Tomball Hills
28227 Camille Dr.
Tomball, Texas
- Robert & Jeannie Crippen - opposes proposed development Tomball Hills
28207 Camille Dr.
Tomball, Texas
- Sandy Eckert - opposes proposed Tomball Hills replat & development Tomball Hills Lot 24
31406 Stella Ln.
Tomball, Texas
- Joy Criner - opposes proposed Tomball Hills
31419 Stella Ln.
Tomball, Texas
- Jason Simms - Clayton St. water – city ordinance
518 Clayton St.
Tomball, Texas
- Misty & Tommy Greene - opposes Lot 24 becoming a neighborhood in Tomball Hills
31530 Capella Cir.
Tomball, Texas

E. Reports and Announcements

1. Announcements

I. Upcoming Events:

November 2, 2024 – Tidy Up Tomball 8 a.m. to 11 a.m. @ Tomball Baptist Church

November 9, 2024 – 2nd Saturday 4 p.m. – 8 p.m. @ Depot

November 14, 2024 – Mayor’s Holiday Kaffeeklatsch 11:30 a.m. – 1 p.m.
@ Community Center

November 16, 2024 – Depot Day Fall Fest 11 a.m. – 6 p.m. @ Depot

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. Approve, on Second Reading, Resolution No. 2024-33-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 Kara Miles Hair (KMH Studio), LLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 22525 Hufsmith-Kohrville Road, Bldg. 1-Suite 1-C, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.
2. Adopt, on Second Reading, Ordinance No. 2024-27, 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 5.001 acres of land legally described as being Outlot 281 of the Corrected Map of Tomball Outlots, from the Light Industrial District to the Commercial District. The property is located in the 1000 Block (west side) of South Persimmon Street, within the city of Tomball, Harris County, Texas; 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 2 Garcia.

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

Motion carried unanimously.

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2024-32, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.336365/\$100 Value Assessed for the Year 2024 on All Taxable Real and Personal Property Located in the City of

Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

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

Voting Yea: Council 2 Garica, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Voting Nay: Council 1 Ford

Motion carried 4 votes Yea, 1 vote Nay.

- 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 Minutes of the October 7, 2024, Special and Regular City Council meetings.
 4. Consideration of Application from the Greater Tomball Area Chamber of Commerce for use of FY 2024-2025 Hotel Occupancy Tax Funds for the 2024 Holiday Parade.
 5. Consideration of Application from the Greater Tomball Area Chamber of Commerce for use of FY 2024-2025 Hotel Occupancy Tax Funds for the 2025 Tomball Night.
 6. Consideration of Application from the Greater Tomball Area Chamber of Commerce for use of FY 2024-2025 Hotel Occupancy Tax Funds for the Visitor Center.
 7. Approve supporting the 59th Annual Tomball Holiday Parade to be held in the City of Tomball at 10:00 a.m. on Saturday, November 23, 2024, and to Approve Requested Street Closures and In-Kind Services.
 8. Approve supporting the Frost Bank First Responders Luncheon to be held at the Depot in the City of Tomball from 11:30 a.m. to 1:30 p.m. on Thursday, October 24, 2024.
 10. Approve a contract with B & C Constructors, LP for the construction and installation of the antique train equipment and required improvements, through a 1GPA Contract (Contract No. 24-06DP-01) for a not-to-exceed amount of

\$102,055, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the Fiscal Year 2024-2025 Budget to be paid from the American Rescue Plan Act funds.

11. Approve acceptance of a grant award for the CenterPoint Energy Foundation in the amount of \$160,000 to the Tomball Legacy Fund, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement.
12. Approve the purchase of vehicle upfitting and other repairs and maintenance from Dana Safety Supply, Inc. through a BuyBoard Cooperative Purchasing Network (Contract #698-23) for a not-to-exceed amount of \$180,500, 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 2024-2025 Budget.

Motion made by Council 1 Ford, Seconded by Council 4 Covington to approve New Business Consent agenda items 1, 4 - 8 and items 10 - 12.

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

Motion carried unanimously.

2. Consideration of Application from the Tomball Sister City Organization for use of FY 2024-2025 Hotel Occupancy Tax Funds for the 2024 German Christmas Market.

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

Craig Bogner - German Heritage Festival

Motion made by Councilman Ford to amend his original motion to approve the application pending the correction of the financial statements provided in the application as well as the number of employees.

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

Motion carried unanimously.

Voting Yea on the amended motion: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

3. Consideration of Application from the Tomball Sister City Organization for use of FY 2024-2025 Hotel Occupancy Tax Funds for the 2025 German Heritage Festival.

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

Motion made by Councilman Ford to amend his original motion to approve the application pending the correction of the financial statements provided in the application as well as the number of employees.

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

Motion carried unanimously.

Voting Yea on the amended motion: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

9. Approve a contract with Hayden Paving, Inc. to complete the parking lot addition at Jerry Matheson Park, through a BuyBoard Contract (Contract No. 700-23) for a not-to-exceed amount of \$64,388, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the Fiscal Year 2024-2025 Budget and Capital Improvement Plan.

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.

I. New Business

1. Consideration and discussion regarding appointment/reappointment to the Tourism Advisory Committee.

Mayor Klein Quinn reminded the Council that Katie Whisler and Laura Ball had introduced themselves during the Public Comment segment at the beginning of

the meeting. However, Gilianne Bijoux did not, and she came to the podium to introduce herself.

2. Consideration and discussion regarding appointment/reappointment to the Board of Adjustments.
3. Consideration of Application from the Spring Creek County Historical Association for use of FY 2024-2025 Hotel Occupancy Funds for 2024-2025 Operations Activities.

Motion made by Council 5 Parr, Seconded by Council 3 Dunagin.

Motion made by Councilman Parr to amend his original motion to approve the full amount of \$59,000.

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

Motion carried unanimously.

Voting Yea on the amended motion: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

4. Approve Resolution No. 2024-37 Designating Authorized Representatives to Conduct Authorized Participation in TexPool and TexPool Prime on Behalf of the City of Tomball.

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.

5. Conduct a public hearing and consideration to approve **Zoning Case Z24-16**: Request by Mike Matheson, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Office (O) to the General Retail (GR) zoning district. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.

- Mayor opened the Public Hearing at 7:47 p.m.

Jason Haus (represented the applicant) Red Grip LLC

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

Adopt, on First Reading, Ordinance No. 2024-31, an Ordinance of the City of Tomball, Texas, amending Chapter 50 of the Tomball Code of Ordinances by rezoning approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Office (O) to the General Retail (GR) zoning district. The property is located at 1211 Rudel 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.

No action taken.

6. Approve an agreement with Silsbee Toyota, for one Toyota Tacoma through the TIPS Purchasing (Contract TIPS USA #210907 AUTOMOBILES) for a not-to-exceed amount of \$34,411.25 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 2024-2025 budget.

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.

7. 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 that 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 – City Manager

Executive Session started: 8:03 p.m.

Executive Session ended: 9:30 p.m.

8. Consideration and possible action regarding settlement agreement with Peter and Sylvia Hildrieth.

Motion made by Council 4 Covington, Seconded by Council 5 Parr to accept as discussed.

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

Motion carried unanimously.

9. Discussion and Approval of the Employment Contract for City Manager, David Esquivel, PE

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.

J. Meeting adjourned at 9:33 P.M.

PASSED AND APPROVED this 4th day of November 2024.

Tracylynn Garcia
City Secretary, TRMC, MMC, CPM

Lori Klein Quinn
Mayor