

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



**Monday, November 18, 2024
6:00 PM**

- A. Mayor L. Klein-Quinn called the meeting of the City of 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 Secretary - Tracylynn 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
Director of Special Projects - Luisa Taylor
Assistant City Secretary – Sasha Luna
Project Manager - Meagan Mageo
Police Chief - Jeff Bert
Assistant Fire Chief - Jeff Cook
Police Captain - Brandon Patin
Police Lieutenant – Albert Chambers

- B. Invocation - Led by Pastor Rob Garcia with Real Life Ministries
C. Pledges to U.S. and Texas Flags TPD Lt. A. Chambers

- 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.]*

Christina Breaux - in support of item I7
1155 E. Huffsmith
Tomball, Texas

- E. Presentations

1. Presentation by the Tomball Lions Club to the Tomball Fire Department and Explorer Post # 5451 in the amount of \$2000 for the 2024 Holiday Heroes Event.

- F. Reports and Announcements

1. Announcements

I. Upcoming Events:

- November 23, 2024 – 59th Annual Tomball Holiday Parade 10 a.m. to noon on Main St.
- December 7, 2024 – Holiday Heroes 8:00 a.m. – noon @ St. Anne’s Catholic Church & Tomball Walmart
- December 7, 2024 –Tomball Farmers Market Polar Express Market 9 a.m. to 1 p.m. at Farmers Market Lot
- December 7, 2024 – Louie’s Together Playground Grand Opening 2 p.m. – 3 p.m. @ Juergens Park
- December 7, 2024 – Deck the Depot Tree Lighting 4 p.m. to 8 p.m. @ Depot

- G. 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. 2024-36, an Ordinance granting the request for annexation of a certain tract of land being 11.40 acres (496,734 square feet) tract of land situated in the John Edwards Survey, Abstract No. 20 and Chauncey Goodrich Survey, Abstract No. 311, in Harris County, Texas, being a portion of a called 18.739 acres recorded under County Clerk's File No. (C.C.F.No.) RP-2017-242129, Official Public Records, Harris County, Texas (O.P.R.H.C.T.); providing for a service plan; providing for severability.
2. Adopt, on Second Reading, Ordinance No. 2024-37, an Ordinance granting the request for annexation of a certain tract of land being 4.339 acres (189,008 square feet) tract of land situated in the John Edwards Survey, Abstract No. 20 and Chauncey Goodrich Survey, Abstract No. 311, in Harris County, Texas, being a portion of a called 18.739 acres recorded under County Clerk's File No. (C.C.F.No.) RP-2017-242129, Official Public Records, Harris County, Texas (O.P.R.H.C.T.); providing for a service plan; providing for severability.

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.

- 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 November 4, 2024, Special and Regular City Council meetings.
2. Approve Request from Tomball Rotary Club for City Support and In-Kind Services for the **Tomball Rotary Club Fish Fry** at Juergens Park, on Friday, April 4, 2024 from 4:00-8:00 p.m.
3. Approve the expenditure of greater than \$50,000 with CentralSquare Technologies, LLC for computer aided dispatch software support and Crywolf Outsource False Alarm Reduction Program (FARP) monthly service charges, for a not-to-exceed amount of \$66,874.58 and authorize the City Manager to execute any and all documents related to the expenditure. These expenditures are included in the FY 2024-2025 Budget.

4. Approve an expenditure of greater than \$50,000 with Tyler Technologies, Inc. for software and implementation fees of a computer aided dispatch (CAD) system for a not-to-exceed amount of \$363,952, authorize the expenditure of funds therefore, and authorize the City Manager to execute the agreement. This expenditure is included in the FY 2024-2025 budget.
5. Approve an expenditure of greater than \$50,000 with Harris County Radio Services for radio airtime, programming, and part services, for a not-to-exceed amount of \$116,000.00, approve the expenditure of funds therefore, and authorize the City Manager to execute any and all documents related to the purchases. The purchase is included in the FY 2024-2025 Budget.
8. Consideration to approve Resolution 2024-41, a Resolution of the City Council of the City of Tomball, Texas, authorizing the City Manager to act for the City in connection with the City's expenditure of grants from the American Rescue Plan and the Coronavirus Local Fiscal Recovery Fund and making other provisions related to the subject.
9. Approve a contract with B & C Constructors, LP for general contractor services through a 1GPA Contract (Contract No. 24-06DP-01) for a not-to-exceed amount of \$445,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the fiscal year 2024-2025 adopted budget.
10. Approve a contract with B & C Constructors, LP to complete the construction a building for the pool area at Jerry Matheson Park, through a BuyBoard Contract (Contract No. 728-24) for a not-to-exceed amount of \$150,320, 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.
11. Approve a purchase of a SmartGov subscription (permitting software) with Granicus for an annual subscription in the amount of \$20,698.76 of the total contract amount of \$109,892.61 through an Omnia Partners Contract (Contract No. 01-115), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchase is included in the adopted fiscal year 2024-2025 budget.
12. Approve a Professional Services Agreement with Oller Engineering, Inc for the design of water line replacement along Clayton Street, Project Number 2025-10003, for a not-to-exceed amount of \$140,000, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. The expenditure was included in the Fiscal Year 2024-2025 Budget as part of the 2025-2029 Capital Improvement Plan

13. Approve a contract with MACYAS Construction and Utilities, LLC for the construction of a sanitary sewer line extension along Rudolph Road (Project No. 2025-10009), for a not-to-exceed amount of \$129,764 (Bid No. 2025-01), authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all documents. The expenditure was included in the Fiscal Year 2024-2025 Budget as part of the 2025-2029 Capital Improvement Plan.
14. Approve a purchase with Water & Play Expressions, Inc. for the purchase and installation of a shade structure for the splashpad at Jerry Matheson Park, through a BuyBoard Contract (Contract No. 679-22) for a not-to-exceed amount of \$159,598.24, 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 and is being reimbursed by a grant from CenterPoint Energy Foundation.

Motion made by Council 1 Ford, Seconded by Council 4 Covington to approve items 1-6 and 8-13 on New Business Consent.

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

Motion carried unanimously.

7. Approve the purchase of supplies and materials from Amazon Capital Services, Inc. through the OMNIA Partners Cooperative (Contract # R-TC-17006) for a not-to-exceed amount of \$150,000, approve the expenditure of funds therefore, and authorize the City Manager to execute 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 5 Parr.

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

Motion carried unanimously.

15. Approve a Professional Services Agreement with Westwood Professional Services, Inc. to provide professional landscape architecture services for the Tomball Gateway Monumentation, Project Number 2025-10002, for a not-to-exceed amount of \$51,700, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. The expenditure was included in the Fiscal Year 2024-2025 Budget.

Motion made by Council 5 Parr, 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.

16. Approve a Service Agreement with Every-Bellies Catering, LLC for alcohol beverage services for City of Tomball festivals (RFP 2024-14) and authorize the City Manager to execute any and all documents related to the purchases.

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. Approve Resolution No. 2024-43, a Resolution of the City Council of the City of Tomball, Texas, casting its vote to appoint directors to the Harris Central Appraisal District's board of directors.

No action taken.

2. Approve Resolution No. 2024-42, A Resolution of the City Council of the City of Tomball, Texas, Declaring The Intention to Institute Proceedings to Annex Certain Territory; describing such territory; setting December 16, 2024 at 6 o'clock pm as the date and time for Public Hearing at which all interested parties shall have an opportunity to be heard; providing for publication of such notice of said Public Hearing; directing preparation of a municipal service plan for the territory proposed to be annexed (being approximately 5.2 acres tract of land consisting of: a strip of land approximately forty-feet-wide containing 1.187 acres of land in the Chauncey Goodrich Survey, Abstract No. 311, in Harris County, Texas, and being an abandoned portion of Old Tomball-Waller Road and that certain 4.1037 acre tract of land situated in the Chauncey Goodrich Survey, Abstract 31, Harris County, Texas, and being that 4.1037 acre tract of land conveyed to Ernest George and wife, Ida George from Lee Etta Weindorff by deed dated November 24, 1964, filed for record under Harris County Clerk's Film Code No. 148-36-2242); and providing for severability.

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.

3. Approve a contract with IECONI for the construction of the Baker Drive Water Plant (Project No. 2024-10019), for a not-to-exceed amount of \$8,848,597.05 (Bid No. 2024-01R), authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all documents. The expenditure was included in the Fiscal Year 2024-2025 Budget as part of the 2025-2029 Capital Improvement Plan.

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. Presentation and discussion regarding a request from FLS Development, LLC (Harrisburg Homes) for the creation of a Public Improvement District for Graylou Grove in the City of Tomball.

Mr. S. Speer & Mrs. S. Speer with FLS spoke before the council regarding their request.

5. Conduct a public hearing and consideration to approve **Zoning Case Z24-18:** Request by John and Tracy Randall, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 36.408 acres of land legally described as being three tracts of land situated in the Jesse Pruett Survey, Abstract No. 629 from Single-Family Estate Residential (SF-20-E) to the Light Industrial (LI) zoning district. The property is located at 21725 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

- Mayor opened the Public Hearing at: 7:23 p.m.

Tracy Randall spoke regarding her request.

- Hearing no further comments, Mayor closed the Public Hearing at: 7:24 p.m.

Adopt, on First Reading, Ordinance No. 2024-34, an Ordinance of the City of Tomball, Texas, amending Chapter 50 of the Tomball Code of Ordinances by rezoning approximately 36.408 acres of land legally described as being three tracts of land situated in the Jesse Pruett Survey, Abstract No. 629 from Single-Family Estate Residential (SF-20-E) to the Light Industrial (LI) zoning district. The property is located at 21725 Hufsmith-Kohrville Road, 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 3 Dunagin, 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.

6. Adopt, on First Reading, Ordinance No. 2024-38, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Chapter 18, Environment, by adding a new Article XI, Tree preservation; 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

No action taken.

7. Adopt, on First Reading, Ordinance No. 2024-39, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Chapter 18, Environment, by adding a new section 18-169, Business hours of operation; 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 1 Ford, Seconded by Council 4 Covington.

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.

8. Authorize the City Manager to execute the necessary documents for a grant application through the Federal Emergency Management Agency Assistance to Firefighters Grant, in the amount not to exceed \$500,000, for the purchase of firefighter Self Contained Breathing Apparatus (SCBA).

Motion made by Council 5 Parr, 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.

9. 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.
- Sec. 551.072 – Deliberations regarding Real Property

Executive Session Started: 7:35 PM

Executive Session Ended: 7:50 PM

J. Meeting adjourned at 7:50 p.m.

PASSED AND APPROVED this 2nd day of December 2024.

Tracylynn Garcia
City Secretary, TRMC, MMC, CPM

Lori Klein Quinn
Mayor