

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



**Monday, April 03, 2023
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for April 03, 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 6:00 p.m.

PRESENT

Mayor Lori Klein Quinn
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 – Tracylynn Garcia
City Attorney – Loren Smith
Director of Public Works – Drew Huffman
Police Chief – Jeff Bert
Director of Community Development – Nathan Dietrich
Fire Chief - Joe Sykora
Director of Finance – Katherine Tapscott
IT Sr. Specialist – Ben Lato (video)
Executive Director-TEDC – Kelly Violette
Marketing Manager - Chrislord Templonuevo
Community Center Manager – Rosalie Dillon
Project Coordinator – Meagan Mageo
Senior Administrative Assistant – Sasha Luna

- B. Invocation - Led by Pastor Adam McIntosh – St. David’s Church
C. Pledges to U.S. and Texas Flags led by Fire Chief Joe Sykora

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.]*

Racheal Rutledge - concerns regarding the
405 Epps St purchase of the church
Tomball, Texas 77375

Lisa Daniels - concerns regarding the
403 Epps St. rezoning change with the
Tomball, Texas 77375 purchase of the church

Greg Leboeuf - concerns with purchase of the
307 Epps St. church being turned into a
Tomball, Texas business park

E. Presentations

1. Doug Tippey recognized staff members of Municipal Court on receiving Level 1 of the Texas Court Clerk Certification program.

F. Reports and Announcements

1. April 7, 2023 – City offices will be closed, in observance of Good Friday
April 15, 2023 – Tomball Rails and Tails Crawfish Festival at the Depot
April 21, 2023 – Tomball Rotary Fish Fry at Juergens Park
April 17-22, 2023 – Tomball Annual Spring Clean-Up and Chipping Week
April 22, 2023 – Tomball Consolidated Recycling Day – Lone Star College-
Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00
p.m.
May 4, 2023- National Day of Prayer at the Community Center at 6 -7 pm

- 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.]*

Items 5 and 6 were pulled at the request of the Council and Staff and were voted on separately.

1. Approve, on Second Reading, Resolution No. 2023-10-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 Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to Jerry Matheson Park located at 1240 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$200,000.00.
2. Approve, on Second Reading, Resolution No. 2023-11-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 Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to the North and South 100 Block Alleyways located in the City of Tomball, Texas, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$600,000.00.
3. Approve, on Second Reading, Resolution No. 2023-12-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 Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to Louie's Together Playground located at 1331 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$200,000.00.

4. Approve, on Second Reading, Resolution No. 2023-13-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 Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, design of the South Wastewater Treatment Plant expansion located in the City of Tomball, Texas, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$415,000.00.

7. Adopt on Second Reading Ordinance No. 2023-07, an Ordinance Amending The Code of Ordinances of The City of Tomball, Texas, By Adding a New Subsection (ff-1) to Section 20-28, Amendments to The 2015 International Fire Code, of Article II, Fire Code, of Chapter 20, Fire Prevention And Protection; Regulating The Installation, Operation, Maintenance, Repair, Retrofitting, Testing, Commissioning And Decommissioning Of Energy Systems Used for Generating or Storing Energy; Providing A Penalty In An Amount Not To Exceed \$2,000.00 Per Day for Violation of Any Provision Hereof, With Each Day Constituting a Separate Offense; Providing a Repealer; Providing For Severability, And Making Other Findings Related Thereto.

Motion made by Council 4 Townsend, Sr., 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 No. 2023-04, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit for approximately 0.46 acres of land legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, 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 to adopt Ordinance as amended to prohibit amplified music was made by Council 5 Parr, Seconded by Council 3 Dunagin.

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

Motion as amended carried unanimously.

6. Adopt, on Second Reading, Ordinance Number 2023-06, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Seven Oaks 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 Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on August 15, 2022.

No action taken.

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 the Minutes of the March 20, 2023, Regular City Council Meeting.
2. Approve Resolution No. 2023-20, a Resolution of the City of Tomball, Texas, authorizing the acceptance of American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) and authorizing the City Manager and Assistant City Manager to act as the City’s Executive Officer and Authorized Representative in all matters pertaining to the City’s implementation of the ARPA-CLFRF Funds.
3. Approve Resolution No. 2023-21, a Resolution of the City of Tomball, Texas, adopting the policies in connection with the City of Tomball Texas participation in federally funded projects associated with the American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) and adherence to the regulations described therein.

4. Approve a purchase from Hydra-Shield Manufacturing, Inc. for the purchase of Hydra Storz adaptors, as a sole source provider (United States Patent Number 7,128,091), for a not-to-exceed amount of \$70,839.34, 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 FY 2022-2023 Budget.
5. Approve a Professional Services Agreement with Paypoint HR, for Administrative Contract Number 0000-10090, Classification and Compensation Study, for a not-to-exceed amount of \$37,500 (RFP 2023-04R), 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.

Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr..

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

Motion carried unanimously.

I. New Business

1. Discussion and Possible Action regarding Legislative Items at the 2023 Texas Legislative Session on items including:

Resolution No. 2023-17, a Resolution of the City Council of the City of Tomball, Texas, adopting legislative priorities for the 88th Session of the Texas Legislature to include any special called sessions; and providing an effective date.

Resolution No. 2023-18, a Resolution of the City Council of the City of Tomball, Texas, expressing opposition to House Bill 3921 and Senate Bill 1787 which are being considered in the 88th Texas Legislature, that would adversely impact the ability of Texas cities to make decisions directly impacting their residents and communities; and providing an effective date.

Resolution No. 2023-19, a Resolution of the City Council of the City of Tomball, Texas, expressing support for legislation that promotes local farmers, cottage food production, and farmers markets which are being considered in the 88th Texas Legislature; and providing an effective date.

Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr..

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

Motion carried unanimously.

2. Adopt On First Reading Ordinance No. 2023-08, An Ordinance Of The City Of Tomball, Texas Amending Section 48-139 Of Its Code Of Ordinances, Storage Lot Requirements, Of Division 1, Generally, Of Article III, Tow Trucks And Tows, Of Chapter 48, Vehicles For Hire, By Allowing Wrecker Storage Lots To Be Located Within The City, Its Extraterritorial Jurisdiction Or Within Five (5) Miles Of The Extraterritorial Jurisdiction Of The City; 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 4 Townsend, Sr., Seconded by Council 5 Parr to read Ordinance No. 2023-08 by caption only.

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 Ordinance No. 2023-08.

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

Motion carried unanimously.

J. Adjournment

Motion made by Council 4 Townsend, Sr., 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 17th day of April 2023.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor