

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



**Monday, December 18, 2023
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for December 18, 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 Attorney – Loren Smith
City Secretary – Tracylynn Garcia
Assistant City Secretary- Sasha Luna
Director of Marketing & Tourism – Chrislord Templonuevo
Police Chief – Jeff Bert
Public Works Director – Drew Huffman
Director of Community Development – Craig Meyers
Finance Director – Katherine Tapscott
Fire Chief – Joe Sykora
Project Coordinator – Meagan Mageo
IT Sr. Specialist – Ben Lato
Community Center Manager – Rosalie Dillon

- B. Invocation Led by Pastor Terry Clemmon – The Church of God of the Union Assembly, Inc.
- C. Pledges to U.S. and Texas Flags by Councilman Ford

- 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.]*

Craig Bogner
31226 Antonio Ln. - Tomball German Christmas Market
Tomball, 77375

- E. Presentations

1. Proclamation - **“Greater Tomball Area Chamber of Commerce Day”**

- F. Reports and Announcements

1. Announcements

- I. Upcoming Events:

December 20 – Polar Express Sunset Market 4:00 p.m. – 7:00 p.m.
@ Information Center Parking Lot

January 13, 2024 – Tomball Fire Station IV Grand Opening 10:00
am – 1:00 pm

2. Reports by City staff and members of council about items of community interest on which no action will be taken:

- I. Katherine Tapscott – Quarterly Financial Update for Period Ending September 30, 2023.

- 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 2023-52, an Ordinance of the City of Tomball, Texas, extending the city limits of said City to include all of the territory within certain limits and boundaries and annexing to the City of Tomball all of the territory within such limits and boundaries; approving a service plan for all of the area within such limits and boundaries; containing other provisions relating to the subject; and providing a savings and severability clause (*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 [11701 Holderrieth Rd, HCAD 0410260020004]

2. Adopt, on Second Reading, Ordinance No. 2023-49, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within 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. Approve, on Second Reading, Resolution No. 2023-46-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 The Garza Agency to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 28427 SH 249, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.
4. Approve, on Second Reading, Resolution No. 2023-50-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 T & R Harmon, LLC DBA Craving Kernels to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 702 South Persimmon Street, Unit 3A, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$8,820.00.
5. Approve, on Second Reading, Resolution No. 2023-53-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 Headquarters TOO, LLC to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the development and construction of a 15,500 square foot commercial facility to be located at 1417 Graham Drive, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$102,459.00.

6. Approve, on Second Reading, Resolution No. 2023-54-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 First Community Credit Union to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the development and construction of a Banking and Financial Services office building to be located at 26902 TX-249 in the City of Tomball, Texas. The estimated amount of expenditures for such Project is an amount not to exceed \$64,721.00.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll 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.

- 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 December 4, 2023, Regular City Council meeting.
2. Approve an agreement with Bull-G Construction, LLC for Project Number 2023-10015, Rudolph Road water line extension for the City of Tomball, for a not-to-exceed amount of \$333,198 (Bid No. 2024-02), 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 2023-2024 capital budget.
3. Approve an agreement with Bull-G Construction, LLC. for Project Number 2017-10012, Rudolph Road sanitary sewer extension for the City of Tomball, for a not-to-exceed amount of \$217,885 (Bid No. 2024-03), 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 2023-2024 capital budget.
4. Approve an agreement with MC Sandblasting and Painting, Inc. for Project Number 2023-10004, Pine Street elevated storage tank rehabilitation for the City of Tomball, for a not-to-exceed amount of \$229,400 (Bid No. 2024-05), 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 2023-2024 Capital Improvement Program budget.

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

I. New Business

1. Consideration, discussion, and possible action regarding January 2, 2023, Regular City Council

No action taken

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 12, 2024, from 4:00-8:00 p.m.

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.

3. Consideration to Approve **Zoning Case Z23-19**: Request by William G. Hightower to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 0.24 acres of land legally described as being Lot 1, Block 1 of Elim from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located within the 300 block (north side) of Mechanic Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-19**

- Mayor Klein-Quinn called the PH to order at 6:35 pm.
- Hearing no comments Mayor Klein-Quinn closed PH at 6:36 pm.

Adopt, on First Reading, Ordinance No. 2023-54, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.24 acres of land legally described as being Lot 1, Block 1 of Elim from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located within the 300 block (north side) of Mechanic Street, 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 4 Townsend, Sr., Seconded by Council 1 Ford to read, by caption, Ordinance No. 2023-54.

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

Motion carried unanimously.

Bill Hightower - Applicant

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to approve, on First Reading, Ordinance No. 2023-54

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, one vote Nay.

4. Approve a Professional Services Agreement with Freese & Nichols, Inc. for the design of the expansion for the South Wastewater Treatment Plant, Project Number 2023-10003, for a not-to-exceed amount of \$4,933,000, 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 2 Stoll. Townsend, Sr., Council 5 Parr

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

Motion carried unanimously.

5. Approve a Professional Services Agreement with PLW Waterworks, LLC to provide design phase services for the South Wastewater Treatment Plant expansion, Project Number 2023-10003, for a not-to-exceed amount of \$595,699, 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.

Matt Cartwright - Freese & Nichols, Inc.

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

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

Motion carried unanimously.

6. Resolution No. 2023-56, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on January 15, 2024, for the creation of Tomball Public Improvement District No. 15 (Graylou Grove) and being located within the City of Tomball.

Shawn Speer - FLS Development, LLC

Jeremy Liardon - Harrisburg Homes

Kyle Friedman - FLS Development, LLC

Patrick Rummel - Gunda Corporation

Motion made by Council 2 Stoll, Seconded by Council 1 Ford to approve Resolution No. 2023-56.

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

Voting Nay: Council 2 Stoll, Council 3 Dunagin

Motion carried 3 votes Yea, 2 votes Nay.

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 which the Attorney’s duty requires to be discussed in closed session.

Sec. 551.072 – Deliberations regarding Real Property

Sec. 551.074 – Personnel Matters; Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee-IT Director

Executive Session started: 8:00 PM

Executive Session ended: 8:45 PM

J. Adjournment

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

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 2nd day of January 2024.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor