

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



**Monday, August 15, 2022  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for August 15, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone participation/access.

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 6:48 p.m.

### **PRESENT**

Council 1 John Ford  
Council 2 Mark Stoll  
Council 3 Dane Dunagin  
Council 5 Randy Parr

### **ABSENT**

Council 4 Derek Townsend, Sr. (Excused)

### **OTHERS PRESENT**

City Manager – David Esquivel  
Assistant City Manager – Jessica Rogers (via video)  
City Secretary – Doris Speer  
City Attorney – Mary Ann Powell  
Director of Community Development – Nathan Dietrich  
Finance Director – Katherine Tapscott  
Police Chief – Jeff Bert  
Fire Chief – Joe Sykora  
Marketing Manager – Sasha Smith  
IT Sr. Specialist – Ben Lato  
Financial Analyst – Lexi McMinn  
Community Center Manager - Rosalie Dillon  
Project Manager - Meagan Mageo  
Executive Director-TEDC – Kelly Violette

B. Invocation - Led by Pastor James Clark - First Baptist Church

C. Pledges to U.S. and Texas Flags – Led by Council 1 Ford

D. The following Public Comment was received:

Amanda Kelly - Gave an update regarding the Tomball  
19710 Rippling Brook Ln, 77375 Farmers Market

E. Reports and Announcements

1. Announcements

- I. **Tomball City Pool – 2022 Swim Season** - Jerry Matheson Park Pool: **End of Season** hours will be: Noon–8 p.m. on August 20-21, August 27-28, and September 3-4; on September 5, the pool will be open 10 a. m.–6 p.m. to close out the Swim Season.

The pool will be closed every Monday during swim season 2022, except Labor Day (September 5).

- II. September 9 thru September 11, 2022 – **“9-11 21st Anniversary Remembrance”**; an event to remember the events of **9-11** - at the Depot
- III. September 10, 2022 – **2nd Saturday at the Community Center**
- IV. September 17, 2022 – **GroovFest 2022** – 11:00 a.m. – 6:00 p.m. at the Depot
- V. September 24, 2022 – **Fiesta de Tomball** – 11:00 a.m. – 6:00 p.m. at the Depot
- VI. October 4, 2022 – **12th Annual Economic Outlook Luncheon**, sponsored by the Tomball Economic Development Corporation, at LSC – Tomball – Beckendorf Conference Center, 30555 Tomball Parkway, from 10:00 a.m.-12:00 p.m.
- VII. October 4, 2022 – **National Night Out** at the Depot
- VIII. October 8, 2022 – **2nd Saturday at the Depot**
- IX. October 15, 2022 – **The Big Show**, hosted by the Tomball Rotary at the Depot

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

- I. Sasha Smith – Report on the Success of the **2022 Tomball Kid’s Club**

F. Approval of Minutes

1. Motion made by Council 1 Ford, Seconded by Council 2 Stoll, to approve the Minutes of the August 1, 2022 Special Tomball City Council Meeting and the August 1, 2022 Regular Tomball City Council Meeting.

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

Motion carried unanimously.

G. Old Business

1. Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2022-16, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Allow an "Accessory Residence" within the General Retail (GR) Zoning District at 817 East Main Street; said Property being approximately 0.78 Acres, being a Portion of the Jesse Pruitt Survey, Abstract Number 629 (Legally described in Exhibit "A). Located within the 700-800 Blocks of East Main Street (North Side); Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability

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

Motion carried unanimously.

2. Motion made by Council 1 Ford, Seconded by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2022-17, an ordinance of the City of Tomball, Texas, authorizing the abandonment of public right-of-way dedicated to Welty Street. Being a segment of the 30-foot-wide public right-of-way extending approximately 295 linear feet northwest from the northernmost right-of-way boundary for Foster Street to the southernmost right-of-way boundary for Carrel Street, wedged between Block 90 in Tomball and the western property line of Restricted Reserve "A" in the Final Plat of The Episcopal Church of The Good Shepherd, 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.

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

Motion carried unanimously.

3. Motion made by Council 1 Ford, Seconded by Council 3 Dunagin, to adopt, on Second Reading, Ordinance No. 2022-26, an Ordinance of the City of Tomball, Texas Authorizing and Approving the Calendar Year 2022 Annual Service and Assessment Plan (SAP) Update for the Raburn Reserve Public Improvement District Number 10 (PID 10).

Voting Yea: Council 1 Ford, Council 3 Dunagin, Council 5 Parr

Voting Nay: Council 2 Stoll

Absent: Council 4 Townsend, Sr.

Motion carried, 3 votes Aye, 1 vote Nay.

#### H. New Business

1. Mayor Klein Quinn announced that consideration to approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2022-2023 Budget would be moved to the September 6, 2022 Council meeting.

No action taken.

2. Motion made by Council 1 Ford, Seconded by Council 2 Stoll, to approve, on First Reading, Resolution No. 2022-37-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 Clearhope Counseling & Wellness Center, LP, to make direct incentives to, or expenditures for, rental assistance for new or expanded enterprise to be located at 1431 Graham Drive, Suite 130, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$6,875.00.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

3. Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll, to approve, on First Reading, Resolution No. 2022-38-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 Della Casa Pasta LLC, to make direct incentives to, or expenditures for, rental assistance for new or expanded enterprise to be located at 1599 Hicks St. Suite 2,

Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$6,520.00.

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

Motion carried unanimously.

4. Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll, to receive Petition and Grant Consent to the Acquisition of Road Powers by Harris County MUD No. 273 to Facilitate the Construction of Roads within the Boundaries of the District

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

Motion carried unanimously.

5. Conduct Public Hearing of the City Council of the City of Tomball to consider the advisability of the creation of Public Improvement District to make certain improvements over certain property located within the City (Proposed Public Improvement District 14, Seven Oaks).

Mayor Klein Quinn opened the Public Hearing at 7:19 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 7:20 p.m.

6. Motion made by Council 1 Ford, Seconded by Council 5 Parr, to approve Resolution No. 2022-27, a Resolution of the City Council of the City of Tomball, Texas authorizing and creating the Seven Oaks Public Improvement District in the City of Tomball, Harris County, Texas, in accordance with Chapter 372 of the Texas Local Government Code; Providing for Related Matters, and Providing an Effective Date.

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

Motion carried, 3 votes Aye, 1 vote Nay.

7. Motion made by Council 5 Parr, Seconded by Council 1 Ford, to approve Resolution Number 2022-35, a Resolution of the City Council of the City of

Tomball, Texas approving a Development Agreement relating to the Seven Oaks Public Improvement District (PID 14)

Voting Yea: Council 1 Ford, Council 3 Dunagin, Council 5 Parr

Voting Nay: Council 2 Stoll

Absent: Council 4 Townsend, Sr.

Motion carried, 3 votes Aye, 1 vote Nay.

8. Motion made by Council 3 Dunagin, Seconded by Council 1 Ford, to approve Professional Services Agreement for expenses incurred relating to the Seven Oaks Public Improvement District (PID 14), and authorize the City Manager to execute

Voting Yea: Council 1 Ford, Council 3 Dunagin, Council 5 Parr

Voting Nay: Council 2 Stoll

Absent: Council 4 Townsend, Sr.

Motion carried, 3 votes Aye, 1 vote Nay.

9. Conduct Public Hearing of the City Council of the City of Tomball to consider Proposed Assessments against Pine Trails in the City of Tomball, Public Improvement District Number Thirteen (TPID 13), established by City Council Resolution No. 2021-25

Mayor Klein Quinn opened the Public Hearing at 7:30 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 7:31 p.m.

10. Motion made by Council 5 Parr, Seconded by Council 2 Stoll, to read Ordinance No. 2022-27 by Caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2022-27, an Ordinance of the City Council of Tomball, Texas, approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Thirteen, (PID 13), Pine Trails Subdivision

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

Motion carried, 3 votes Aye, 1 vote Nay.

11. Motion made by Council 1 Ford, Seconded by Council 2 Stoll, to read Ordinance No. 2022-28 by Caption only, on First Reading.

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

Motion carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2022-28, an Ordinance of the City Council of Tomball, Texas, Levying the Assessment against properties within the City of Tomball Public Improvement District Thirteen (PID 13), Pine Trails Subdivision

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

Motion carried, 3 votes Aye, 1 vote Nay.

12. Motion made by Council 3 Dunagin, Seconded by Council 1 Ford, to approve Resolution No. 2022-34, a Resolution of the City of Council of the City of Tomball, Texas, accepting the Preliminary Service and Assessment Plan for Authorized Improvements within the Raburn Reserve Public Improvement District; Setting a Date for the Public Hearing on the Proposed Levy of Assessments; Authorizing the Publication and Mailing of Notice; and Enacting Other Provisions Relating thereto; and Setting September 6, 2022 as the Date for the Public Hearing.

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

Motion carried, 3 votes Aye, 1 vote Nay.

13. Consideration to Approve Zoning Case P22-222: Request from DeLisa Kik to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.40 acres of land legally described as being all of Lots 11, 12 and

the north ½ of Lot 10 in Block 2 of Main Street Addition from Single Family Residential (SF-6) to Old Town & Mixed Use (OT&MU). The property is located at 201 Holderrieth Boulevard, within the City of Tomball, Harris County, Texas.

- Mayor Klein Quinn opened the Public Hearing on Zoning Case P22-222 at 7:44 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 7:45 p.m.

- Motion made by Council 2 Stoll, Seconded by Council 3 Dunagin, to read Ordinance No. 2022-19 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2022-19, 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 0.40 acres of land legally described as being all of Lots 11, 12 and the north ½ of Lot 10 in Block 2 of Main Street Addition from Single Family Residential (SF-6) to Old Town & Mixed Use (OT&MU). The property is located at 201 Holderrieth Boulevard, 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.

Voting Yea: Council 1 Ford, Council 3 Dunagin, Council 5 Parr

Voting Nay: Council 2 Stoll

Absent: Council 4 Townsend, Sr.

Motion carried, 3 votes Aye, 1 vote Nay.

14. Consideration to Approve Zoning Case P22-226: Request from Maple Group, LTD represented by Cross Engineering to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 25.87 acres of land legally described as Reserve "A" in Maple Group Subdivision, from Planned Development District 8 (PD-8) to Commercial (C). The property is generally located at the northeast corner of the intersection of Holderrieth Road and State Highway 249 frontage road, within the City of Tomball, Harris County, Texas



- Conduct Public Hearing on **Zoning Case P22-226**

Mayor Klein Quinn opened the Public Hearing on Zoning Case P22-226 at 8:03 p.m.

Michael Clark 6750 Hillcrest Plaza # 215 Dallas, TX	-	Requested an extension of time regarding the zoning change; consideration of Ordinance No. 2022-20 will be moved to the September 19, 2022 Council meeting
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Receiving no additional public comments, Mayor Klein Quinn closed the Public Hearing at 8:05 p.m.

No action taken regarding Ordinance No. 2022-20.

- Adopt, on First Reading, Ordinance No. 2022-20, 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 25.87 acres of land legally described as Reserve "A" in Maple Group Subdivision, from Planned Development District 8 (PD-8) to Commercial (C). The property is generally located at the northeast corner of the intersection of Holderrieth Road and State Highway 249 frontage road, 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.
15. Consideration to Approve Zoning Case P22-266: Request by the City of Tomball to amend Section(s) 50-33 (*Board of adjustments*) and 50-34 (*Amendments to zoning chapter and districts, administrative procedures, and enforcement*) of the Tomball Code of Ordinances by increasing the required notification area for public hearings.

- Conduct Public Hearing on **Zoning Case P22-266**

Mayor Klein Quinn opened the Public Hearing on Zoning Case P22-266 at 8:07 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 8:08 p.m.

- Motion made by Council 2 Stoll, Seconded by Council 3 Dunagin, to read Ordinance No. 2022-25 by Caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 5 Parr, to adopt, on First Reading, Ordinance No. 2022-25, an Ordinance of the City of Tomball, Texas Amending Its Code of Ordinances by Amending Section 50-33 (*Board of Adjustments*), and Section 50-34 (*Amendments to Zoning Chapter and Districts, Administrative Procedures, and Enforcement*), of Article II, Administration, of Chapter 50, Zoning; 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.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

16. Consideration to Approve Zoning Case P22-268: Request by the City of Tomball to amend Section(s) 40-28 (*Application for Preliminary Plat Approval*) and 40-30 (*Application for Final Plat Approval*) of the Tomball Code of Ordinances by revising the plat review application submission deadline(s).

- Conduct Public Hearing on **Zoning Case P22-268**

Mayor Klein Quinn opened the Public Hearing on Zoning Case P22-266 at 8:14 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 8:15 p.m.

- Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to read Ordinance No. 2022-23 by Caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2022-23, an Ordinance of the City of Tomball, Texas, Amending Its Code of Ordinances by Amending Section 40-28 (*Application for Preliminary Plat Approval*), and 40-30 (*Application for Final Plat Approval*) of Article II, Procedure for Submission of Plats, of Chapter 40, Subdivisions; 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.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Absent: Council 4 Townsend, Sr.

Motion carried unanimously.

New Business Items 17, 18, and 19, were considered together:

17. Conduct Public Hearing for the following Zoning Case: Zoning Case P22-267: Request by the City of Tomball to amend Section(s) 40-65 (Streets; specific standards) of the Tomball Code of Ordinance by adding/revising the right-of-way widths for roadway classifications.

- Conduct Public Hearing on **Zoning Case P22-267**

Mayor Klein Quinn opened the Public Hearing on Zoning Case P22-267 at 8:20 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 8:21 p.m.

18. Conduct Public Hearing for the following Zoning Case: Zoning Case P22-269: Request by the City of Tomball to amend Chapter 40, Article III (Subdivision Design Standards) of the Tomball Code of Ordinance by adding sections to address driveway approaches and related requirements to include separation requirements and access management standards.

- Conduct Public Hearing on **Zoning Case P22-269**

Mayor Klein Quinn opened the Public Hearing on Zoning Case P22-269 at 8:20 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 8:21 p.m.

19. Conduct Public Hearing for the following Zoning Case: Zoning Case P22-270: Request by the City of Tomball to amend Section 40-74 (Lots, general provisions) and 40-75 (Minimum Lot Sizes) of the Tomball Code of Ordinances by adding/revising regulations pertaining to lot sizes.

- Conduct Public Hearing on **Zoning Case P22-270**

Mayor Klein Quinn opened the Public Hearing on Zoning Case P22-270 at 8:20 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 8:21 p.m.

20. Motion made by Council 5 Parr, Seconded by Council 2 Stoll, to Receive the Certified Estimate, Tax Assessor-Collector Certification of Collection Rate, and Tax Rate Calculations and Approve Resolution No. 2022-39, a Resolution of the City of Tomball, Texas, Acknowledging Receipt of the 2022 Certified Estimated Taxable Value, the 2022 Certification of Estimated Collection Rate from the Harris County Tax Assessor-Collector, and the 2022 Tax Rate Calculation Worksheet as Calculated by the Harris County Tax Assessor-Collector based on the Certified Estimated Taxable Value and Related Information; and Containing Related Provisions

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

Motion carried unanimously.

21. Discussion was held regarding Possible Amendments to Administrative Policy No. 2, entitled "*Special Events & Fireworks Events*"

No action taken.

22. Motion made by Council 3 Dunagin, Seconded by Council 5 Parr, to authorize the City Manager to execute a purchase order with Impact Promotional Services, dba Got You Covered Workwear and Uniforms for public safety uniforms through the BuyBoard Cooperative Purchasing Network Contract #670-22 in the not to exceed amount of \$115,000, and approving the associated expenditure of funds.

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

Motion carried unanimously.

23. Executive Session: The City Council recessed at 8:40 p.m. to 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. 551.076 – Deliberation regarding Security Devices

Upon reconvening into regular session at 9:38 p.m., no action was taken.

- I. Motion made by Council 5 Parr, Seconded by Council 1 Ford, to adjourn.

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

Motion carried unanimously.

Meeting adjourned at 9:40 p.m.

PASSED AND APPROVED this the 6th day of September 2022.

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Doris Speer  
City Secretary, TRMC, MMC

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Lori Klein Quinn  
Mayor