

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



**Monday, December 16, 2024
6:00 PM**

- A. Mayor L. Klein-Quinn called the meeting of the City of Tomball Council to order at 6:00 P.M.

PRESENT

Council 1 John Ford
Council 2 Paul Garcia
Council 3 Dane Dunagin
Council 4 Lisa A. Covington

ABSENT

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
Police Chief - Jeff Bert
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 Sergeant - Courtnay White
Assistant Fire Chief - Jeff Cook

- B. Invocation - Led by Tomball Police Sergeant Courtnay White
C. Pledges to U.S. and Texas Flags Chief Bert

- 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.]*

Greg Smith - appreciation for road repairs
525 School St. Apt 302 concerns regarding fentanyl
Tomball, Texas

Tammy Rhemann - concerns regarding fentanyl
525 School St. Apt 202
Tomball, Texas

- E. Reports and Announcements

1. Announcements

I. Upcoming Events:

January 9, 2025 – Kaffeeklatsch 8:30 a.m. to 10:00 a.m. @ Tomball Community Center Room A

January 25, 2025 – Harris County Sheriff's Office Junior Mounted Posse Relay Ride 9:00 a.m. to 10:00 a.m. @ Tomball Depot Plaza

- 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. Adopt, on Second 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

Motion made by Council 3 Dunagin, Seconded by Council 4 Covington to adopt on First Reading Ordinance No. 2024-38.

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

Motion carried unanimously.

2. Approve, on Second Reading, Resolution No. 2024-45-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 NIVIS SERIES, 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 construction of a commercial office/retail development to be located at 424 Holderrieth Blvd, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$34,170.00.

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

Motion carried unanimously.

3. Approve, on Second Reading, Resolution No. 2024-46-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 Niky's Mini Donuts, LLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 1417 Graham Drive, Suite 400, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.

Motion made by Council 4 Covington, Seconded by Council 3 Dunagin.

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

Motion carried unanimously.

- G. 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 December 2, 2024, Special and Regular City Council meetings.
2. Consider approval of Resolution No. 2024-50, a Resolution of the City of Tomball, Texas, amending sections of the Master Fee Schedule for Fiscal Year 2024-2025.
3. Adopt, on First Reading, Ordinance No. 2024-41, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Chapter 10- Buildings and Building Regulations, by repealing Article I. - In general, Article II. – Building code, Article III. – Residential code, Article IV. – Air conditioning and mechanical work, Article V. – Electricity; and Article VI. – Plumbing and gas and replacing with a new Article 1 – In general; 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.
5. Adopt on Second Reading, Ordinance No. 2024-43, an Ordinance Amending The Code Of Ordinances Of The City Of Tomball, Texas, By Adopting The International Fire Code, 2021 Edition; By Amending Section 20-25, International Fire Code Adopted, Article II, Fire Code, Of Chapter 20, Fire Prevention And Protection; By Deleting And Replacing Section 20-28 Of Article II, Fire Code; Providing For 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.
6. Approve an expenditure of greater than \$50,000 with the Harris County Appraisal District for appraisal services to certify property values used by the City to assess property owners their FY2024-2025 tax assessment for a not to exceed amount of \$80,621, authorize the expenditure of funds therefore, and authorize the City Manager to execute all documents necessary for the expenditure. This expenditure is included in the FY2024-2025 budget.
7. Approve an agreement with BL Technology, LLC and Inframark Company, for the upgrade of Utilities' SCADA system software through the TIPS Purchasing Contract (TIPS USA #230105 - Technology Solutions Products and Services – Red River Technologies), for a not-to-exceed amount of \$307,705.00. Additionally, authorize the expenditure of funds and empower the City Manager to execute all necessary documents related to this expenditure. This amount is included in the FY 2024-2025 budget as part of the 2025-2029 Capital Improvement Plan.

8. Authorize the City Manager to Execute an Interlocal Agreement between the City of Tomball and Harris County, by and through Harris County Public Health (HCPH), for a partnership in a wastewater-based epidemiology (WBE) program.
11. Approve a services agreement with Ambassador Services for the landscaping services for city facilities (Contract No. 2025-10005), for a not-to-exceed amount of \$53,190.84 (Bid No. 2025-03), 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.

Motion made by Council 1 Ford, Seconded by Council 4 Covington to approve items 1–3, 5–8 and item 11.

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

Motion carried unanimously.

4. Adopt on First Reading, Ordinance No. 2024-42, an Ordinance of the City of Tomball, Texas adding Section 44-67, Article 3, Operation of vehicles, engine brake prohibited, prohibiting the use of motor engine brakes (also known as “Jake Brakes”) within the City limits; 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.

No action taken.

9. Approve a contract with Pavecon Ltd., to complete parking lot and pavement construction on North Sycamore Street through the BuyBoard Purchasing Cooperative (Contract No. 700-23) for a not-to-exceed amount of \$400,578, 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 2024-2025 Budget.

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

Motion carried unanimously.

10. Approve a contract with Tejas Civil Construction Group, LLC for the construction of drainage improvements for North Star Estates (Project No. 2024-10008), for a not-to-exceed amount of \$139,626.90 (Bid No. 2025-02), 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 2 Garcia.

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

Motion carried unanimously.

H. New Business

1. Approve Resolution Number 2024-48, a Resolution of the City Council of the City of Tomball, Texas approving a First Amendment to the Development Agreement for the Winfrey Estate Public Improvement District Number 12.

Developer from Winfrey Estate presented.

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

Voting Yea: Council 1 Ford, Council 3 Dunagin, Council 4 Covington

Voting Nay: Council 2 Garcia

Motion carried 3 votes yea, 1 vote nay.

2. Approve Resolution Number 2024-49, a Resolution of the City Council of the City of Tomball, Texas approving the second Amended and Restated Reimbursement Agreement for the Winfrey Estates Public Improvement District Number 12.

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

Voting Yea: Council 1 Ford, Council 3 Dunagin, Council 4 Covington

Voting Nay: Council 2 Garcia

Motion carried 3 votes yea, 1 vote nay.

3. Conduct a public hearing and consideration to approve **Zoning Case Z24-20**: Request by Indus Equities LLC, represented by Windrose Land Services, to amend

Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.800 acres of land legally described as being a 1.800-acre tract of land situated in the John M. Hooper Survey, Abstract No. 375 from the Agricultural (AG) zoning district to the Commercial (C) zoning district. The property is located at 14615 FM 2920, within the City of Tomball, Harris County, Texas.

- Mayor opened the Public Hearing at: 7:09 p.m.

Adu Kanat representing Windrose Land Services spoke on the request.

Lucy McGanna, - In favor
5353 West Parkway STE. 150,
Houston, TX 77041

- Hearing no further comments, Mayor closed the Public Hearing at: 7:10 p.m.

Adopt, on First Reading, Ordinance No. 2024-40, 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 a 1.800-acre tract of land situated in the John M. Hooper Survey, Abstract No. 375 from the Agricultural (AG) zoning district to the Commercial (C) zoning district. The property is located at 14615 FM 2920, 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

Motion carried unanimously.

4. 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: 7:22 PM
- Executive Session Ended: 8:00 PM

I. Meeting adjourned at 8:00 p.m.

PASSED AND APPROVED this 6th day of January 2025.

Tracylynn Garcia
City Secretary, TRMC, MMC, CPM

Lori Klein Quinn
Mayor