

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



**Monday, August 07, 2023
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for August 07, 2023, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): **+1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 876 0179 6210 Passcode: 825316.** The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

A. Call to Order

Meeting started: 6:05 pm

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

Staff:

City Manager - David Esquivel
Assistant City Manager - Jessica Rogers
City Attorney - Loren Smith
City Secretary - Tracy Garcia
Finance Director - Katherine Tapscott
Director of Community Development - Craig Meyers
Public Works Director - Drew Huffman
Project Manager - Meagan Mageo

Fire Chief - Joe Sykora
Asst. Fire Chief/Fire Marshal - Jeff Cook
Police Chief - Jeff Bert
Marketing Director - Chrislord Templonuevo
Community Center Manager - Rosalie Dillon
Court Administrator - Maria Morris
IT Sr. Specialist - Ben Lato
Records Specialist - Fae Morris
City Hall Intern - Ki Provencher
Public Works Intern - Caroline Klein

- B. Invocation - Led by Pastor Tim Niekerk - Salem Lutheran Church
- C. Pledges to U.S. and Texas Flags was led by 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.]*

Craig Bogner - introduced an exchange student
(Sister City)
Tomball, TX

Russell Hill - Thank TPD – traffic change in Zion
31207 Alice Ln
Tomball, TX

Bruce Hilligeist - Chamber Conference
20339 Telge
Tomball, TX

E. Presentations

1. Craig Bogner Presented a check for \$2500 from the Tomball Rotary Club to the Tomball Fire Department for upfitting of the Special Events Vehicle.
2. Katherine Tapscott presented the Quarterly Investment Report for Period Ending June 30, 2023. The Public Funds Investment Act requires that a report of the City's cash and investments be presented to City Council on a quarterly basis.
3. Drew Huffman presented the Status of the City of Tomball Drought Contingency Plan.

F. Reports and Announcements

1. Announcements

Budget Workshops:

August 21st

Kids Club Dates:

August 11: Learn about emergency vehicles and Splash Day at Tomball Depot Plaza (201 S. Elm St). from 10 a.m. to 12 p.m.

2023 Swim Season (Jerry Matheson Park Pool):

(See website tomballtx.gov for specific dates and times open)

The Pool will be open to the public on weekends until Labor Day

Upcoming Events:

August 10: 2nd Thursday Kaffeeklatsch with the Mayor

At the Community Center (Room B); from 8:30-10:00 a.m.

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

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2023-21, an Ordinance of the City of Tomball, Texas Authorizing and Approving the Calendar Year 2023 Annual Service and Assessment Plan (SAP) Update for the Raburn Reserve Public Improvement District Number 10 (PID 10).

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.

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.]*

Item #14 was pulled Councilman 2 Stoll and was voted on separately.

1. Approve the Minutes of the July 17, 2023 Special and Regular Tomball City Council Meetings.
2. Reappoint Associate Judges to the Municipal Court for two (2) year term of office. The term will run concurrently with the executed contracts, which are effective August 7, 2023, through August 6, 2025.
3. Approve the Professional Service Agreement Contract for the Associate Municipal Court Judges to the Tomball Municipal Court for a two (2) year terms effective August 7, 2023, through August 6, 2025.
4. Reappoint Associate Prosecutor to the Tomball Municipal Court for two (2) year term of office. The term will run concurrently with his executed contract, which is effective August 7, 2023, through August 6, 2025.
5. Approve the Professional Service Agreement Contract for the Associate Prosecutor to the Tomball Municipal Court for a two (2) year term effective August 7, 2023, through August 6, 2025.
6. Approve the Professional Service Agreement Contract for the Chief Prosecutor to the Tomball Municipal Court for the term of office. The term will run concurrently with their appointment which ends on September 30, 2024.
7. Approve Resolution No. 2023-37, A Resolution of The City Council of The City Of Tomball, Texas, Authorizing The Consolidation Of Vital Records From The City Of Tomball, Texas, To Harris County, Texas.
8. Approve an agreement with Brycer, Inc, for The Compliance Engine, to maintain business compliance with the inspection and maintenance of Fire Detection, Suppression, and Backflow Prevention throughout the City, and authorize the City Manager to execute the agreement. This service is at no cost to the City of Tomball.
9. Approve Request from Tomball High School for City Support and In-Kind Services for their annual “Tomball HS Senior Picnic” at Juergens & Matheson Park on Wednesday, October 18, 2023, from 8:30 a.m. to 2:00 p.m.
10. Approve an amendment to Purchase Agreement with Municipal Gas Acquisition and Supply Corporation (Munigas) and the City of La Grange, Texas for the purchase of natural gas and extending the contract to purchase until 2036 and authorize the City Manager to execute the amendment to the agreement.

11. Approve the Engagement Letter with Weaver and Tidwell, L.L.P. for the Independent Audit of the City's Financial Statements for Fiscal Year Ending September 30, 2023.
12. Approve an agreement with First Response Family Clinic for NFPA Firefighter Health and Wellness Physicals, for a not-to-exceed amount of \$25,450, 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.
13. Consideration to approve Supplemental Number One to Oller Engineering, Inc. for Project Number 2023-10015, Rudolph Road Water Line Extension for an amount of \$30,580 (total not-to-exceed contract amount of \$80,000), approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll to approve items 1-13 of 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.

14. Approve an agreement with Cypress Holiday Decorating Concepts for holiday lighting services for Fiscal Year 2024, for a not-to-exceed amount of \$50,350.48 (RFP 2023-11), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures will need to be included in the Fiscal Year 2023-2024 Budget.

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.

I. New Business

1. Approve the Appointment, by the City Manager, of Craig Meyers as Community Development Director, effective August 7, 2023.

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

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

Motion carried unanimously.

2. Approve Resolution No. 2023-36 A Resolution of The City of Tomball, Texas, Acknowledging Receipt Of The 2023 Certified Estimated Taxable Value, The 2023 Certification Of Estimated Collection Rate From The Harris County Tax Assessor-Collector, And The 2023 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.

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

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

Motion carried unanimously.

3. Drew presented, and Council discussed, and provided direction regarding citywide mowing operations.
4. Conduct Public Hearing of the City Council of the City of Tomball to consider proposed Levy of Assessments for authorized improvements within the Raburn Reserve Public Improvement District in the City of Tomball, Public Improvement District Number Ten (PID 10), established by City Council Resolution No. 2019-41. The proposed Amended and Restated Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on October 7, 2019.

- Mayor Klein Quinn called the PH to order at 6:56 pm.
- Hearing no further comments Mayor Klein Quinn closed PH at 6:57 pm.

5. Adopt, on First Reading, Ordinance No. 2023-22, an Ordinance of the City of Tomball, Texas Approving the 2023 Annual Update to the Service and Assessment Plan and Assessment Roll for the Wood Leaf Public Improvement District Number 14 (PID 14), including the collection of the 2023 Annual Installment.

Motion made by Council 1 Ford, Seconded by Council 5 Parr to read by caption only on First Reading.

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 1 Ford, Seconded by Council 5 Parr to adopt on First Reading.

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

Motion carried unanimously.

6. Adopt, on First Reading, Ordinance Number 2023-24, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Raburn Reserve 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 Amended and Restated Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on October 7, 2019.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford to read by caption only on First Reading.

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.

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

Motion carried unanimously.

7. Adopt, on First Reading, Ordinance No. 2023-25, an Ordinance of the City of Tomball, Texas Amending its code of ordinances by adding article VIII (22-196-22-276), Boarding Home Regulations, of Chapter 22, Health and Sanitation, to comply with Chapter 260 of the Texas Health & Safety Code; 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 by caption only on First Reading.

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 3 Dunagin to adopt and amend page 8 to read "the department".

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

Motion carried unanimously.

8. David Esquivel advised that during the next Budget Workshop the Council will receive a presentation on Class and Comp, Capitol projects to be discussed on August 21, 2023, Special City Council meeting.

J. Adjournment

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

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 21st day of August 2023.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor