

MINUTES OF REGULAR COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, September 19, 2022
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for September 19, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 6:00 p.m.

PRESENT

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 – Doris Speer
City Attorney – Loren B. Smith
Director of Community Development – Nathan Dietrich
Finance Director – Katherine Tapscott
Fire Chief – Joe Sykora
Police Chief – Jeff Bert
Marketing Manager – Sasha Smith
Interim HR Director – Mary Jo Vargas
Director of Public Works – Drew Huffman
City Planner – Jared Smith
Sr. Administrative Assistant-CSO – Sasha Luna
Community Center Manager - Rosalie Dillon
Project Manager - Meagan Mageo
Budget Analyst – Kristin Kelley (via video)

B. Invocation - Led by Pastor Kevin Bowles - Redeemer Church

C. Pledges to U.S. and Texas Flags – Led by Troop 346, Angel of Light Webelos, Den 7

D. The following public comments were received:

- | | | |
|--|---|---|
| Bruce Hillegeist
15300 Cutten #2129 77070 | - | Requested approval of Resolution No. 2022-42, and applications for grant funds from 2021-22 and 2022-23 HOT funds |
| Lisa Covington
31202 Antonia, 77375 | - | Expressed her interest in serving on City boards. |
| Sherry Meicher
222 Southmore, 77375 | - | Expressed her interest in serving on City boards. |
| Ellen Warren
206-1 Moore, 77375 | - | Expressed her interest in serving on City boards. |
| Jose Quilizapas
702 Hicks, 77375 | - | Expressed his interest in serving on City boards. |
| Scott Moore
404 S. Pine, 77375 | - | Expressed his interest in serving on City boards. |

E. Presentations: Mayor Klein Quinn presented the following proclamations:

- Proclamation – October 9 through October 15, 2022 is ***“2022 Tomball Fire Prevention Week”***
- Proclamation – October is ***“Community Planning Month”***

F. Reports and Announcements

1. Announcements

- I. 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 9:00 a.m.- 1:00 p.m.
- II. October 4, 2022 – ***National Night Out*** at the Depot
- III. October 8, 2022 – **Spooktacular 2nd Saturday at the Depot** – 5:00 p.m.- 10 p.m.
- IV. October 10, 2022 – **Tomball Police and Fire Pinning Ceremony and Class A Uniform Inspection** at Lone Star College-Tomball, Beckendorf Conference Center – 9:30 a.m.-12:00 p.m.
- V. October 15, 2022 – ***The Big Show***, hosted by the Tomball Rotary at the Depot

VI. October 22, 2022 – ***Bluegrass and Fall Festival*** at the Depot – 11:00 a.m.-6 p.m.

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

I. Sasha Smith reported on the success of the ***“9-11 21st Anniversary Remembrance” Event***

II. Councilman Townsend, liaison for BOA, presented comments regarding the September 8, 2022; requested that public comments be added to the beginning of the agenda for all board meetings.

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the following Meetings:

- September 6, 2022 Special Joint Tomball City Council and Tomball Economic Development Corporation Meeting
- September 6, 2022 Regular Tomball City Council Meeting

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. Executive Session: The City Council recessed at 6:39 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 or Security Audits

Upon reconvening at 7:32 p.m., the following action was taken:

- H. 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.]*

At the request of Council, Item 3 was removed from Old Business Consent Agenda for consideration/action separately as Old Business item.

Items 1 and 2:

1. Adopt, on Second Reading, Ordinance No. 2022-22, an ordinance of the City of Tomball, Texas amending its Code of Ordinances by adding Section 40-81 (Driveway and Access Management) to Article III, Design Standards 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
2. Adopt, on Second Reading, Ordinance No. 2022-29, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2022-2023; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2021-2022 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance

Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr., to approve Items 1 and 2 of the 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 to Approve Items 1 and 2.

- H. Old Business Item:

3. Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to adopt, on Second Reading, Ordinance Number 2022-31, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Wood Leaf 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.

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, 1 vote Nay.

- I. 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 Resolution No. 2022-42, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 56th Annual Tomball Holiday Parade, “A Cowboy Christmas”, to be held in Tomball on Saturday, November 19, 2022, and to Approve Requested Street Closures and In-Kind Services
2. Approve Applications for Grants from FY 2021-2022 Hotel Occupancy Tax (HOT) Funds: Greater Tomball Area Chamber of Commerce, \$35,000
3. Approve request from the Tomball Museum Center to receive assistance for the Antique Car Social on Saturday, October 8, 2022; 10 a.m.-2 p.m.
4. Approve Request by Tomball High School for In-Kind Services from Police, Fire and Public Works for the 15th Annual Homecoming Parade & Community Rally at the Depot on Wednesday, October 5, 2022
5. Approve Request from Tomball Sister City Organization for City Support and In-Kind Services for the German Christmas Market – Depot Plaza and Market Street – December 9-11, 2022

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll, to approve Items 1, 2, 3, 4, and 5 of the 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 to Approve New Business Consent Agenda items.

J. New Business

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Resolution No. 2022-43, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2023 General Assembly, designating Mayor Klein Quinn as the City's Representative and Councilman Parr as the City's Alternate.

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

Motion carried unanimously.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Applications for Grants from FY 2022-2023 Hotel Occupancy Tax (HOT) Funds: Greater Tomball Area Chamber of Commerce, \$35,000; Spring Creek County Historical Association, \$35,000; Tomball Sister City Organization, \$160,000; and Houston Repertoire Ballet, \$19,000.

Motion to AMEND made 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 to approve amending the motion.

Motion to AMEND made by Council 4 Townsend, Sr. , Seconded by Councilman Stoll, to approve Applications for Grants from FY 2022-2023 Hotel Occupancy Tax (HOT) Funds in the following amounts: Greater Tomball Area Chamber of Commerce, \$35,000; Spring Creek County Historical Association, \$35,000; Tomball Sister City Organization, ~~\$160,000~~ **\$80,000**; and Houston Repertoire Ballet, \$19,000, and to approve the additional Tomball Sister City Organization request of \$80,000 for the 2023 Heritage Festival upon receipt of the completed audit for fiscal year 2021 within six (6) months, with the additional requirement that subsequent audits are to be received within six (6) months of the end of the fiscal year.

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

Motion, as AMENDED, carried unanimously.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Resolution No. 2022-41, a Resolution of the City of Tomball, Texas, approving the Master Fee Schedule for Fiscal Year 2022-2023

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

Motion carried unanimously.

5. Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr., to approve Interlocal Agreement between the City of Tomball and Tomball Independent School District, Affording the Tomball Police Department the Ability to Provide Police Services on a Contractual Basis for Specialized Events Occurring Before, During and After Normal Campus Hours

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

Motion carried unanimously.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Dunagin, to approve Proposed Amendments to Interlocal Agreement between the City of Tomball and Tomball Independent School District (TISD), Affording the Tomball Police Department the Ability to Assign a total of Sixteen (16) Student Resource Officers (SROs) to TISD Campuses by the End of the Current Academic Calendar Year 2022-2023

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

Motion carried unanimously.

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Proposed Tax Rate of \$0.287248/\$100 for Tax Year 2022 and Set the Dates to Vote on the Proposed Tax Rate for October 3, 2022 and October 17, 2022

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

Motion carried unanimously.

8. Mayor Klein Quinn announced that the City Council will Vote on the 2022 Tax Rate at the Regular City Council Meetings on October 3, 2022 and October 17, 2022 at 6:00 p.m.

No action necessary.

9. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the contract renewal for janitorial services for City facilities to ABM Texas General Services, Inc. for an annual contract amount of \$89,307.31 (total contract amount \$346,732.13). This amount is included in the FY 2022-2023 budget.

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

Motion carried unanimously.

10. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to reject all bids received for Request for Proposal (RFP) No. 2022-10 – Electrical Contractor Services and rebid the project

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

Motion carried unanimously.

11. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr, to read Ordinance No. 2022-32 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 1 Ford, to adopt on first reading Ordinance No. 2022-32, an Ordinance of the City Council of the City of Tomball, Texas, Amending Chapter 30 of the Code of Ordinances, the City of Tomball “Offenses”, by Adding a New Article III, “Catalytic Converters”; Containing Findings and Other Provisions Related to the Subject; Declaring Certain Conduct to be Unlawful; Providing a Penalty; Providing for Severability; Providing for Publication; and Providing an Effective Date.

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

Motion carried unanimously.

12. 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

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance N. 2022-20 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 3 Dunagin, Seconded by Council 4 Townsend, Sr., to 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.

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

Motion carried unanimously.

13. Consideration of this item withdrawn at request of City Staff.

No action taken.

Consideration to Approve 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.

- Adopt, on First Reading, Ordinance No. 2022-21, an ordinance of the City of Tomball, Texas, amending Section(s) 40-74 (Lots, general provisions) and 40-75 (Minimum Lot Sizes) of the Tomball Code of Ordinance by adding/revising regulations pertaining to lot sizes; providing for 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.

14. Consideration of this item withdrawn at request of City Staff.

No action taken.

Consideration to Approve 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.

- Adopt, on First Reading, Ordinance No. 2022-24, an ordinance of the City of Tomball, Texas, amending Section(s) 40-65 (Streets; specific standards) of the Tomball Code of Ordinance by adding/revising the right-of-way widths for roadway classifications; providing for 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. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2022-27 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 3 Dunagin, 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 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

16. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to read Ordinance No. 2022-28 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 5 Parr, Seconded by Council 4 Townsend, Sr., 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 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

17. Mayor Klein Quinn called the Public Hearing of the City Council of the City of Tomball to consider proposed Levy of Assessments for authorized improvements within Improvement Area #2 (IA1) in Raburn Reserve in the City of Tomball, Public Improvement District Number Ten (PID 10), established by City Council Resolution No. 2019-41 at 8:45 p.m.

Receiving no comments, Mayor Klein Quinn closed the Public Hearing at 8:46 p.m.

18. Motion made by Council 3 Dunagin, Seconded by Council 1 Ford, to read Ordinance No. 2022-33 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 4 Townsend, Sr., to adopt, on First Reading, Ordinance No. 2022-33, 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.

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, 1 vote Nay.

19. Motion made by Council 3 Dunagin, Seconded by Council 1 Ford, to adopt Resolution No. 2022-44, a Resolution Approving the Distribution of a Preliminary Limited Offering Memorandum for its Special Assessment Revenue Bonds, Series 2022 (Raburn Reserve Public Improvement District Number 11, Improvement Area #1)

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, 1 vote Nay.

20. Motion made by Council 1 Ford, Seconded by Council 3 Dunagin, to adopt Resolution No. 2022-45, a Resolution Approving the Distribution of a Preliminary Limited Offering Memorandum for its Special Assessment Revenue Bonds, Series 2022 (Raburn Reserve Public Improvement District Number 11, Improvement Area #2)

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, 1 vote Nay.

21. Motion made by Council 1 Ford, Seconded by Council 3 Dunagin, to read Ordinance No. 2022-34 by caption only on First and Only Reading.

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, 1 vote Nay.

Motion made by Council 1 Ford, Seconded by Council 5 Parr, to adopt, **on First and Only Reading**, Ordinance No. 2022-34, an Ordinance Approving and Authorizing the Issuance and Sale of the City of Tomball Special Assessment Revenue Bonds, (Wood Leaf Reserve Public Improvement District Improvement Area #1); Approving and Authorizing an Indenture of Trust and First other Agreements and Documents in Connection Therewith; Making Findings with to the Issuance of Such Bonds; and Providing an Effective Date.

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, 1 vote Nay.

21. Discussion and possible action regarding approval of amendments to Administrative Policy Number 18, Development Policy for Special Financing Districts.

No action taken.

Item will be placed on October 17, 2022 meeting (special).

- K. Motion made by Council 3 Dunagin, 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 the 3rd day of October 2022.

Doris Speer
City Secretary, TRMC, MMC

Lori Klein Quinn
Mayor