

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



**Monday, April 17, 2023
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for April 17, 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.

ABSENT

Council 5 Randy Parr

OTHERS PRESENT:

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Tracylynn Garcia
City Attorney – Loren Smith
Assistant City Secretary- Sasha Luna
Director of Public Works – Drew Huffman
Police Chief – Jeff Bert
Director of Community Development – Nathan Dietrich
Fire Chief - Joe Sykora
Director of IT – Doug Tippey
IT Sr. Specialist – Ben Lato (video)
Marketing Manager - Chrislord Templonuevo
Community Center Manager – Rosalie Dillon
Project Coordinator – Meagan Mageo
Administrative Assistant – Johnita Robinson

- B. Invocation - Led by Pastor David Hinkle – Tomball Bible Church

- C. Pledges to U.S. and Texas Flags led by Public Works Director Drew Huffman.
- 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.]*

No public comments received.

E. Presentations

1. Drew Huffman presented on the progress of the Parks, Recreation, and Trails System Master Plan.

F. Reports and Announcements

1. Announcements

- April 21, 2023 – Tomball Rotary Fish Fry at Juergens Park
- April 17-22, 2023 – Tomball Annual Spring Clean-Up and Chipping Week
- April 22, 2023 – Tomball Consolidated Recycling Day – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 25, 2023 – Parks Master Plan Open House – Tomball Community Center 6-8 pm
- May 4, 2023 – National Day of Prayer – Tomball Community Center 6-7 pm

- II. Nathan Dietrich recognized Building Department Inspector Christopher Plummer for passing the State Plumbing exam.

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2023-06, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Seven Oaks 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 Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on August 15, 2022.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to adopt on Second Reading Ordinance No. 2023-06.

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

Motion carried unanimously.

2. Adopt On Second Reading Ordinance No. 2023-08, An Ordinance Of The City Of Tomball, Texas Amending Section 48-139 Of Its Code Of Ordinances, Storage Lot Requirements, Of Division 1, Generally, Of Article III, Tow Trucks And Tows, Of Chapter 48, Vehicles For Hire, By Allowing Wrecker Storage Lots To Be Located Within The City, Its Extraterritorial Jurisdiction Or Within Five (5) Miles Of The Extraterritorial Jurisdiction Of The City; 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 2 Stoll to adopt on Second Reading Ordinance No. 2023-08.

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

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 April 3, 2023, Regular City Council Meeting
2. Approve Resolution No. 2023-22, a Resolution Of The City Council Of The City Of Tomball, Texas, Sponsoring The City's Annual July 4th Celebration, To Be Held In Tomball On July 4th Of Each Year Closing State Highway Business 249 From Hicks Street To The North Entrance To The Kroger Parking Lot From 12:00 P.M. Until 11:00 P.M., And Authorizing The City Manager To Issue A Letter To TxDOT Requesting The Closure Of The Designated Portion Of State Highway Business 249
3. Approve for the purchase of network switches from Waypoint Business Solutions through the Choice Partners Cooperative for a not-to-exceed amount of \$43,399.80, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. The purchases are included in the FY 2022-2023 Budget.
4. Approve a Professional Services Agreement with Willdan Financial Services, Administrative Contract Number 0000-10089, Utility Rate Study, for a not-to-exceed amount of \$45,000 (RFP 2023-096), 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.
5. Approve Resolution Number 2023-23, a Resolution of the City Council of the City of Tomball, Texas approving the Amended and Restated Reimbursement Agreement for the Seven Oaks Public Improvement District Number 14.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to approve all items on consent agenda except for #6.

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

Motion carried unanimously.

6. Approve a contract with Landmark Structures I, LP for the construction of the Grand Parkway Elevated Storage Tank for E&P Project 2021-10053 (Bid 2023-03) for a not-to-exceed amount of \$5,178,000, authorize the expenditure of funds therefor, and authorize the City Manager to execute contract. The amount is included in the Fiscal Year 2022-2023 budget.

Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr., to approve contract with Landmark Structures I, LP.

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

Motion carried unanimously.

I. New Business

1. Jessica discussed and provided an update Legislative Items at the 2023 Texas Legislative Session.
2. Approve request from Tomball Rotary Club for City Support and In-Kind Services for the Tomball Rotary Annual Big Show at the Depot in downtown Tomball, on Saturday, October 14, 2023

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll.

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

Motion carried unanimously.

3. Authorize the donation of obsolete firefighting nozzles, adapters, various equipment, and uniforms to the East Texas Mutual Aid Association.

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.

Motion carried unanimously.

4. Approve Resolution No. 2023-25 a Resolution of the City of Tomball, Texas, amending sections of the Master Fee Schedule for Fiscal Year 2022-2023.

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford.

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

Motion carried unanimously.

5. Appoint members to position 1, 3 and alternate position 2 and 4 to the Board of Adjustment (BOA) for a two-year term expiring March 2, 2025.

Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr..

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

Motion carried unanimously.

6. Appointment of Member to the Capital Improvement Advisory Committee (CIPAC).

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.

Motion carried unanimously.

7. Discussion and possible direction regarding any changes to Chapter 18 Environment - Article IV Noise Ordinance.

The following public comments were received:

Rodney Posinki 12215 Zion Rd Tomball, Texas	-	opposition to changes; lives behind Boxwood Manor
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Gretchen Fagan 1314 Pinebrook Tomball, Texas	-	working towards bringing our children back to Tomball. Current business owner, have been open for 6 years; karaoke, porch music and etc. People shop here and it helps our sales tax, and our city is
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driven by sales tax. No one is complaining, so why are we changing it.

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| Colleen Pye
207 Florence St.
Tomball, Texas | - | 2 people grew up in Tomball, moved away and want to come back. VFW will be playing live music. I garden and enjoy listening to music. |
| Latrell Shannon
823 Lizzie Lane
Tomball, Texas | - | rumors of live stage band coming to east side of town, we just don't want to wake up to loud music every night. Don't want to have the decibel levels get higher. |
| Al Pye
207 Florence St.
Tomball, Texas | - | restaurants say when the music is playing, it's their busiest days. 1-2 speakers outside businesses. We have a lot to offer in Tomball and we want to keep it that way. |
| Sherrie Meicher
222 Southmore
Tomball, Texas | - | came in 1982, concerned with the noise; due to festivals, you just tolerate it. Tomball is changing, but am concerned with the booming music. |

8. Executive Session: The City Council entered Executive Session 8:09 pm after a 5 minute break 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. 551.076 – Deliberations regarding Security Devices.

The council reconvened back into regular session at 8:30 pm.

J. Adjournment

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.

Motion carried unanimously.

PASSED AND APPROVED this 1st day of May 2023.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor