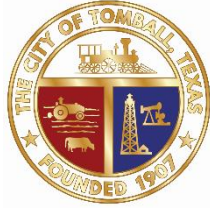


MINUTES OF REGULAR COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Tuesday, September 6, 2022
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for September 6, 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 – Justin Pruitt
Director of Community Development – Nathan Dietrich
Finance Director – Katherine Tapscott
Fire Chief – Joe Sykora
Marketing Manager – Sasha Smith
Interim HR Director – Mary Jo Vargas
Assistant City Secretary – Tracylynn Garcia
Police Captain-Patrol – Brandon Patin
Community Center Manager - Rosalie Dillon
Project Manager - Meagan Mageo
Budget Analyst – Kristin Kelley (via video)
Utilities Superintendent – Will Goff (via video)
Executive Director-TEDC – Kelly Violette

B. Invocation - Led by Pastor Brandon Guindon – Real Life Ministries

C. Pledges to U.S. and Texas Flags – Led by Webelos Pack 72

D. The following public comments were received:

- | | | |
|---------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------|
| Bruce Hillegeist
15300 Cutten Rd, 77070 | - | Expressed the Chambers' appreciation of the City's support to the GTACC on August 5. Tomball |
| Latrell Shannon
823 Lizzie Lane, 77375 | - | Spoke regarding the Bogs-Hufsmith Cemetery Association's "Fence Fundraiser", to be held on Saturday, September 17, 2022. |
| Vicki Clarke
26103 Rimwick Forest, 77355 | - | Introduced the new Chair of the Tomball Regional Hospital Foundation, Jeffery Klein |
| Jeffrey Klein
13310 Timberwild Ct, 77375 | - | Spoke regarding his appointment as the new CEO for the Tomball Regional Hospital Foundation |

E. Reports and Announcements

1. Announcements

- I. September 10, 2022 – **2nd Saturday at the Community Center**
- II. September 10 thru September 11, 2022 – **"9-11 21st Anniversary Remembrance"**; an event to remember the events of **9-11** - at the Depot (*Spot lights lighting ceremony on September 10th at 7:45 p.m., 9/11 Remembrance Ceremony is on September 11th at 8 a.m.*)
- III. September 17, 2022 – **GroovFest 2022** – 11:00 a.m. – 6:00 p.m. at the Depot
- IV. September 24, 2022 – **Fiesta de Tomball** – 11:00 a.m. – 6:00 p.m. at the Depot – **Postponed to September 2023**
- V. 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.
- VI. October 4, 2022 – **National Night Out** at the Depot
- VII. October 8, 2022 – **Spooktacular 2nd Saturday at the Depot** – 5:00 p.m.-10 p.m.

VIII. October 10, 2022 – **Tomball Police and Fire Pinning Ceremony and Class A Uniform Inspection** – Lone Star College-Tomball, Beckendorf Conference Center

IX. October 15, 2022 – ***The Big Show***, hosted by the Tomball Rotary at the Depot

X. 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:

F. Approval of Minutes

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

- August 15, 2022 Special Joint Tomball City Council and Tomball Economic Development Corporation Meeting
- August 15, 2022 Special Tomball City Council Meeting
- August 15, 2022 Regular Tomball City Council Meeting
- August 18, 2022 Special 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.

- G. 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 Councilmembers, Items 3, 6 and 7 were removed from Old Business Consent Agenda and will be considered separately as Old Business items.

Items 1, 2, 4 and 5:

1. Approve, on Second 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.

2. Approve, on Second 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.
4. Adopt, on Second Reading, Ordinance No. 2022-23, an ordinance of the City of Tomball, Texas, amending 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)
5. Adopt, on Second Reading, Ordinance No. 2022-25, an Ordinance of the City of Tomball, Texas, Amending 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

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Items 1, 2, 4, and 5 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, 2, 4 and 5.

Old Business Items:

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to adopt, on Second 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

Voting Nay: Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr.,
Council 5 Parr

Motion FAILED, 1 vote Yea, 4 votes Nay.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on Second Reading, Ordinance Number 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 5 Parr

Voting Nay: Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr.

Motion FAILED, 2 votes Yeas, 3 votes Nay.

7. NO ACTION was taken regarding consideration to adopt, on Second Reading, Ordinance Number 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.

No Action.

H. New Business

11. Mayor Klein Quinn moved Item #11 – Council received a presentation from Nate Newman, held a discussion, and provided direction regarding Mr. Newman's proposed planned development at the northwest corner of FM 2978 and FM 2920, behind the existing Jack in The Box and 7-11 Gas Station/Convenience Store.

Consensus of Council was favorable for development of this property, contingent on the project/plans presented in future.

No action taken.

1. Motion made by Council 1 Ford, Seconded by Council 3 Dunagin, to approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2022-2023 Budget.

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

Motion carried unanimously.

2. Mayor Klein Quinn called the Public Hearing for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2022-2023 to order at 6:55 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 6:56 p.m.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2022-29 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. 2022-29, 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

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

Motion carried unanimously.

4. Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to approve Resolution No. 2022-31, a Resolution of the City of Tomball, Texas, Adopting and Ratifying the City of Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy".

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

Motion carried unanimously.

5. Mayor Klein Quinn called the Employee Benefits Trust Board to Order and Receive recommendation from City Staff regarding renewal of contracts for Medical/RX Dental, Life AD&D, and Long-Term Disability benefits for City employees and

retirees and make recommendation to City Council regarding approval of contracts at 7:01 p.m..

PRESENT

EBT Board Member/Council 1 John Ford
EBT Board Member/Council 2 Mark Stoll
EBT Board Member/Council 3 Dane Dunagin
EBT Board Member/Council 4 Derek Townsend, Sr.
EBT Board Member/Council 5 Randy Parr

OTHERS PRESENT

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Doris Speer
City Attorney – Justin Pruitt
Director of Community Development – Nathan Dietrich
Finance Director – Katherine Tapscott
Fire Chief – Joe Sykora
Marketing Manager – Sasha Smith
Interim HR Director – Mary Jo Vargas
Assistant City Secretary – Tracylynn Garcia
Police Captain-Patrol – Brandon Patin
Community Center Manager - Rosalie Dillon
Project Manager - Meagan Mageo
Budget Analyst – Kristin Kelley (via video)
Utilities Superintendent – Will Goff (via video)
Executive Director-TEDC – Kelly Violette

Motion made by EBT Board Member/Council 4 Townsend, Sr., Seconded by EBT Board Member/Council 5 Parr, to accept the recommendation of City Staff regarding renewal of contracts for Medical/RX Dental, Life AD&D, and Long-Term Disability benefits for City employees and retirees.

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

Motion carried unanimously.

There being no further business to consider, Mayor Klein Quinn adjourned the Employee Benefits Trust Board at 7:05 p.m.

Upon reconvening into Council session at 7:05 p.m., the following actions were taken:

6. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to approve the renewal of contracts for Medical/RX Dental, Life AD&D, and Long Term Disability benefits for City employees and retirees with Blue Cross Blue Shield (BCBS), Cigna Health and New Your Life, respectively.

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

Motion carried unanimously.

7. 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 #1 (IA1) in Wood Leaf Reserve in the City of Tomball, Public Improvement District Number Eleven (PID 11), established by City Council Resolution No. 2020-04 to order at 7:10 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 7:11 p.m.

8. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2022-31 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 1 Ford, to adopt, on First Reading, Ordinance No. 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

9. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to adopt Resolution No. 2022-40, a Resolution Approving the Distribution of a Preliminary Limited Offering Memorandum for its Special Assessment Revenue Bonds, Series 2022 (Wood Leaf 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.

10. Motion made by Council 3 Dunagin, Seconded by Council 4 Townsend, Sr., to reject all bids received for Request for Proposal (RFP) No. 2022-06 – Meter Reading 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.

12. Consideration to approve 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.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr, to read Ordinance No. 2022-22 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 2 Stoll, Seconded by Council 4 Townsend, Sr., to adopt, on First 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.

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

Motion carried unanimously.

Mayor Klein Quinn called for a recess at 7:35 p.m.; upon reconvening at 7:40 p.m., the following actions were taken:

13. Council held discussions to review, recommend, and approve amendments to the Board & Commissions and Tourism Advisory Committee Applications and the Boards and Commissions Handbook.

Consensus of Council was unanimous to include an additional amendment to the Handbook: Page vi, Eligibility Requirements for City of Tomball Boards & Committees, Item 8., to read: *“8. Active participation by all appointed members is necessary for proper functioning of boards. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service.”*

Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve the Board & Commissions and Tourism Advisory Committee Applications and the Boards and Commissions Handbook, with the additional amendment to the Handbook by consensus of Council.

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

Motion carried unanimously.

14. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to appoint City Council Members as Liaisons and Alternates to City-Appointed Boards, Commissions and Committees, as listed:

Board of Adjustments:

Liaison: Councilman Townsend, Sr.
Alternate: Councilman Ford

Planning & Zoning Commission (CIPAC/Building Standards):

Liaison: Councilman Dunagin
Alternate: Councilman Ford

Tomball Economic Development Corporation:

Liaison: Councilman Stoll

Alternate: Councilman Ford

Tomball Regional Health Foundation:

Liaison: Councilman Parr

Alternate: Councilman Ford

Tourism Advisory Committee:

Liaison: Mayor Klein Quinn

Alternate: Councilman Ford

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

Motion carried unanimously.

15. Executive Session: The City Council recessed at 7:57 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. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties a Public Officer or Employee – City Manager

Upon convening into session at 9:15 p.m., the following action was taken:

16. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr, to approve the Amendments to and Extension of the Employment Contract for David Esquivel, City Manager

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

Motion carried unanimously.

- I. There being no further business for consideration, Mayor Klein Quinn adjourned the Council meeting.

Meeting adjourned at 9:20 p.m.

PASSED AND APPROVED this the 19th day of September 2022.

Doris Speer
City Secretary, TRMC, MMC

Lori Klein Quinn
Mayor