

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



**Monday, September 18, 2023  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for September 18, 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.  
Council 5 Randy Parr

Others present:

City Manager – David Esquivel  
Assistant City Manager – Jessica Rogers  
City Attorney – Loren Smith  
City Secretary – Tracylynn Garcia  
Assistant City Secretary- Sasha Luna  
Director of Marketing & Tourism – Chrislord Templonuevo  
Police Chief – Jeff Bert  
Public Works Director – Drew Huffman  
Director of Community Development – Craig Meyers  
HR Director – Kristie Lewis  
Finance Director – Katherine Tapscott  
Fire Chief – Joe Sykora  
Project Coordinator – Meagan Mageo  
IT Sr. Specialist – Ben Lato  
TEDC Executive Director – Kelly Violette  
TEDC Assistant Director – Tiffani Wooten  
Community Center Manager – Rosalie Dillon

- B. Invocation - Led by Pastor Bill Haygood - Tomball Methodist Church
- C. Pledges to U.S. and Texas Flags was led by Amanda Kelly
- 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.]*

Bruce Hillegeist - In favor 58<sup>th</sup> Annual Tomball Holiday  
20339 Telge Rd. parade  
Tomball, TX

Tom Whetherford - Pickleball courts  
20203 Mahogany Ridge Dr.  
Magnolia, TX

Tim Gamar - Water bill and fees  
12502 Montclair Landing Ct.  
Tomball, TX

Ellen Lewis - Pickleball courts  
712 Clarence St.  
Tomball, TX

Brenda Pope - Water bill  
31023 Raleigh Creek Dr.  
Tomball, TX

John Weaver - Water bill  
31119 Winfield Ct.  
Tomball, TX

E. Reports and Announcements

1. Announcements

- **Upcoming Events:**  
September 23 - GroovFest 11:00 a.m. – 6:00 p.m. @ Depot

September 27 - Tomball HS Homecoming Parade 6:00 – 8:00 p.m. @ Depot & Main St.

September 30 - Tomball Museum Classic Car Day 10:00 a.m. – 2:00

October 3 - National Night Out 5:00 - 8 :00 p.m. @ Depot

October 3 - Tomball Farmers Market Sunset Market 4:00 – 7 p.m.

October 7 - Second Saturday “Spooktacular” 4:00 – 9:00 p.m. @ Depot

October 12 - Mayor’s Kaffeeklatsch 8:30 – 10:00 a.m. @ Community Center

October 14 - Rotary “Big Show” 3:00 – 9:00 p.m. @ Depot

October 14 - TFD Family Day @ Juergens Park

F. Approval of Minutes

1. Approve the Minutes of the September 5, 2023, Special and Regular Tomball City Council Meetings.

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., Council 5 Parr

Motion carried unanimously.

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2023-29, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2023-2024; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2022-2023 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr.

Voting Yea: Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Voting Nay: Council 1 Ford, Council 2 Stoll

Motion carried 3 votes yea, 2 votes nay.

H. New Business

1. Approve Resolution No. 2023-41 of the City Council of the City of Tomball, Texas, supporting the 58<sup>th</sup> Annual Tomball Holiday Parade, Santa's Beach Bash" to be held in the City of Tomball at 10:00 a.m. on Saturday, November 18, 2023, and to Approve Requested Street Closures and In-Kind Services.

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.

2. Resolution No. 2023-38; A Resolution by the City Council of the City of Tomball, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Approving the Preparation of a Preliminary Official Statement; And Approving Other Matters Incidental Thereto

No action was taken.

3. Approve the Proposed Tax Rate of \$0.293320/\$100 for Tax Year 2023 and Set the Dates to Vote on the Proposed Tax Rate for October 2, 2023 and October 16, 2023

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Parr.

Voting Yea: Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Voting Nay: Council 1 Ford, Council 2 Stoll

Motion carried 3 votes yea, 2 votes nay.

4. Approve Resolution No. 2023-43, a Resolution of the City of Tomball, Texas, Adopting the City of Tomball's Fiscal Year 2024-2028 Capital Improvement Plan.

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

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

Voting Nay: Council 1 Ford

Motion carried 4 votes yea, 1 vote nay.

5. Adopt, on First Reading, Ordinance No. 2023-37, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances by Adding Section 46-66 (Disconnection of Temporary Hydrant Meter Service); 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.

Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., 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 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. Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2023-2024 Budget.

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

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

Voting Abstaining: Council 5 Parr

Motion carries 4 votes yea, 1 abstention.

7. Presentation, discussion, and possible action regarding the Alley Improvement Project.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll for mesquite tile color for alleyway.

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

Motion carried unanimously.

8. Consider, Discuss and Appoint the Charter Review Commission Chair and Co-Chair.

Motion made by Council 3 Dunagin to designate Tana Ross as Chairman,  
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.

9. Approve Resolution No. 2023-42, a Resolution of the City of Tomball, Texas approving the Fiscal Year 2023-2024 Strategic Plan.

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., Council 5 Parr

Motion carried unanimously.

10. Approve Resolution No. 2023-44, a Resolution of the City of Tomball, Texas, approving the Master Fee Schedule for Fiscal Year 2023-2024.

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.

11. Consideration to Approve **Conditional Use Permit Case CUP23-05**: Request by 2 S&Z Investments LLC., represented by Breann Williams, for a Conditional Use Permit to allow “Barber/Beauty Shop (no related school/college)” within Office (O) zoning. Affecting approximately 1.00 Acres of land legally described as being Reserve B, Block 1 of Brown-Hufsmith Church Subdivision. The property is

located at the southwest corner of Brown-Hufsmith Road and Baker Drive, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Conditional Use Permit Case CUP23-05**

- Mayor Klein Quinn called the PH to order at 7:02 pm.
- Hearing no comments Mayor Klein Quinn closed PH at 7:03 pm.

Adopt, on First Reading, Ordinance No. 2023-30, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit to allow “Barber/Beauty Shop (no related school/college)” within Office (O) zoning. Affecting approximately 1.00 Acres of land legally described as being Reserve B, Block 1 of Brown-Hufsmith Church Subdivision. The property is located at the southwest corner of Brown-Hufsmith Road and Baker Drive, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; 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.

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

12. Consideration to Approve **Conditional Use Permit Case CUP23-06:** Request by Equalizer USA, Inc., represented by Morales Engineering Associates, LLC., for a Conditional Use Permit to allow “Playfield or stadium (private)” within Agricultural (AG) zoning. Affecting approximately 7.51 Acres of land legally described as being Lot 69 of Tomball Townsite Outlots. The property is located at

the northeast corner of Rudolph Road and E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Conditional Use Permit Case CUP23-06**

- Mayor Klein Quinn called the PH to order at 7:06 pm.

John Klueger  
503 Clayton - Parking concerns  
Tomball, TX

Enrico Morales  
Moral Engineering Associates - Representing applicant

- Hearing no further comments Mayor Klein Quinn closed PH at 7:10 pm.

Adopt, on First Reading, Ordinance No. 2023-31, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit to allow “Playfield or stadium (private)” within Agricultural (AG) zoning. Affecting approximately 7.51 Acres of land legally described as being Lot 69 of Tomball Townsite Outlots. The property is located at the northeast corner of Rudolph Road and E. Hufsmith Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; 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.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll 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 5 Parr to amend motion to include parking compliances.

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 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.

13. Consideration to Approve **Re-Zoning Case Z23-12**: Request by Paul & Delphine Michna to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.29 acres of land legally described as being Lot 200, Block 10 of Sansom Plaza from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 611 N. Cherry Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Re-Zoning Case Z23-12**

- Mayor Klein Quinn called the PH to order at 7:20 pm.
- Hearing no comments Mayor Klein Quinn closed PH at 7:21 pm.

Adopt, on First Reading, Ordinance No. 2023-32, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.29 acres of land legally described as being Lot 200, Block 10 of Sansom Plaza from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 611 N. Cherry Street, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; 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.

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.

Comments from applicant - Paul Michna

Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., 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.

14. Consideration to Approve **Re-Zoning Case Z23-13**: Request by Hightower Investments LTD. To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.32 acres of land legally described as being Lots 1 & 2, Block 53 of Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 400 N. Elm Street, within the City of Tomball, Harris County, Texas.

Comments from applicant – Bill Hightower

Conduct Public Hearing on **Zoning Case Z23-13**

- Mayor Klein Quinn called the PH to order at 7:34 pm.
- Hearing no comments Mayor Klein Quinn closed PH at 7:35 pm.

Adopt, on First Reading, Ordinance No. 2023-33, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.32 acres of land legally described as being Lots 1 & 2, Block 53 of Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 400 N. Elm Street, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; 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.

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

15. Approve a contract with CentralSquare Technologies, for False Alarm Management Services, and authorize the City Manager to execute the agreement. This contract reduces the revenue share with CentralSquare from 47.5% to 35%.

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.

16. Discussion and consideration to approve Resolution No. 2023-39, a Resolution of the City Council of the City of Tomball, Texas authorizing the City Manager to execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation for providing reconstruction and access management improvements to FM 2920 from Business 249-B east to Willow Street.

No action was taken.

17. Approve an agreement with B & C Constructors, LP for improvements at Jerry Matheson Park (BuyBoard Contract No. 19-03DP), for a not-to-exceed amount of \$355,312.26, 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 as a Capital Improvement Project.

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., Council 5 Parr

Motion carried unanimously.

18. Approve a Service Agreement with ABM Texas General Services, Inc. for the janitorial services and supplies for City facilities, for a not-to-exceed amount of \$115,000 (RFP 2023-19), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the

purchases. These expenditures were included in the Fiscal Year 2023-2024 Budget.

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.

19. 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 that the Attorney's Duty Requires to be Discussed in Closed Session

Sec. 551.072 – Deliberations regarding Real Property

Sec. 551.074 – Personnel Matters; Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee-City Manager

Executive Session Started: 7:57 pm

Executive Session Ended: 9:29 pm

20. Discussion and Approval of the Employment Contract for City Manager, David Esquivel, PE

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., Council 5 Parr

Motion carried unanimously.

I. 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.,  
Council 5 Parr

Motion carried unanimously.

PASSED AND APPROVED this 2<sup>nd</sup> day of October, 2023.

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Tracylynn Garcia  
City Secretary, TRMC, CMC, CPM

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Lori Klein Quinn  
Mayor