

MINUTES OF REGULAR COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, February 7, 2022
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for February 7, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting of the Tomball City Council to order at 4:02 p.m.

PRESENT

Mayor Gretchen Fagan
Council 1 John Ford
Council 2 Mark Stoll
Council 3 Chad Degges
Council 4 Derek Townsend, Sr.
Council 5 Lori Klein Quinn

OTHERS PRESENT:

City Manager – David Esquivel
Assistant City Manager – Jessica Rogers
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Adam Ballesteros
Director of Community Development – Nathan Dietrich
Finance Director – Katherine Dubose
Police Chief – Jeff Bert (video)
Marketing Director – Mike Baxter
Fire Chief – Joe Sykora
HR Director – Lisa Coe
CSO-Administrative Assistant – Sasha Luna
Marketing & Communication Specialist – Gargi Bhowal
Community Center Manager – Rosalie Dillon
Police Captain-Investigations – Ricky Doerre
Police Sergeant-Investigations – Chris Burns
Police Captain-Patrol – Brandon Patin
Executive Director-TEDC – Kelly Violette

B. Invocation - Led by Pastor Bill Haygood - Tomball United Methodist Church

- C. Pledges to U.S. and Texas Flags – Led by Joe Degges and Joshua Henson, Eagle Scouts
- D. No Public Comments were received.
- E. Reports and Announcements

- 1. Announcements

- I. February 18, 2022 – Last day to apply for Place on Ballot for the May 7, 2022 General City Election; 5:00 p.m.
 - II. February 22, 2022 – ***Sam Houston Trail Ride Reception*** – 11:00 a.m. at the Depot
 - III. March 19, 2022 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.
 - IV. Tomball Police Department Annual Data Capture Report – 2021 (SB 1074)

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

- I. Katherine Dubose presented the Quarterly Investment Report for Period Ending December 31, 2021. 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. As of December 31, 2021, the City's cash and investment balances totaled \$59,856,602.

- F. Approval of Minutes

- 1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the January 17, 2022 Regular Tomball City Council Meeting
Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

- G. Old Business

- 1. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to approve, on Second Reading, Resolution No. 2022-05-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 Decatur Professional Development, LLC, to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 1431 Graham Drive, Suites 262-265, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$6,600.00.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

H. New Business

1. Motion made by Council 3 Degges, Seconded by Council 1 Ford, to approve the request from the Tomball High School Athletic Booster Club for City support and in-kind services for the *3rd Annual Tomball Athletic Booster Crawfish Boil* in downtown Tomball on Saturday, April 30, 2022.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

2. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve the Application from Spring Creek County Historical Association for Grant from Hotel Occupancy Tax Funds in the amount of \$27,000 for Fiscal Year 2021-2022 Annual Operations.

Motion to AMEND made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve the Application from Spring Creek County Historical Association for Grant from Hotel Occupancy Tax Funds in the amount of **up to \$30,000** for Fiscal Year 2021-2022 Annual Operations.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion to AMEND carried unanimously.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion, as AMENDED, carried unanimously.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve and authorize the City Manager to execute a Facility Use Agreement with the Tomball Farmer's Market.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve a Project Cost Sharing Agreement with LIT Interchange 249 Business Park, LLC for the design and engineering of an elevated storage tank.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

5. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to approve a Professional Services Agreement with Freese & Nichols, Inc. for E&P Project 2021-10053, Elevated Storage Tank for Lovett Industrial for \$499,000.00, and to authorize the City Manager to execute.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to read Ordinance No. 2022-01 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to Adopt, on First Reading, Ordinance No. 2022-01, an Ordinance of the City of Tomball, Texas, Adopting an Amendment to the Original Budget of the City of Tomball, Texas for the Fiscal Year 2021-2022; Containing Findings; Providing for Severability; and Providing Other Details Relating to the Subject

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Resolution 2022-08, a Resolution of the City of Council of the City of Tomball, Texas, accepting the Preliminary Service and Assessment Plan for Authorized Improvements within the Wood Leaf Reserve Public Improvement District; Setting a Date for the Public Hearing on the Proposed Levy of Assessments; Authorizing the Publication and Mailing of Notice; and Enacting Other Provisions Relating thereto.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

8. Mayor Fagan opened the public hearing of the City Council of the City of Tomball to consider the advisability of the creation of a public improvement district to make certain improvements over certain property located within the City (TPID 12, Winfrey Estates) at 6:31 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:32 p.m.

No action taken.

9. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to accept the automatic resignation of Councilmember Lori Klein Quinn, Position 5, under the Texas Constitution, Article XI, Section 11(a)(b), due to her application for place on ballot for the May 7, 2022 Election.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

10. Motion made by Council 1 Ford, Seconded by Council 4 Townsend, Sr., to approve Resolution No. 2022-09, a Resolution and Order of the City Council of the City of Tomball, Texas, Ordering a Special City Officer's Election, to be held in the City of Tomball on Saturday, May 7, 2022; Designating the Polling Places

and Appointing Election Officials for such Election; Directing the Giving of Notice of Such Election; Designating the Date for a Runoff Election if Needed; and Providing Details Relating to the Holding of Such Election

Fue presentada una moción por el Concejal 1 Ford, secundada por el Concejal 5 Townsend, Sr., para aprobar la Resolución No. 2022-09, Una Resolución Y Orden Del Consejo Municipal De La Ciudad De Tomball, Texas, que ordena una Elección Especial De Funcionario Municipal, A celebrarse en la ciudad De Tomball el Sábado 7 de Mayo De 2022; que designa los lugares de votación y nombra los funcionarios Electorales para dicha Elección; que instruye la entrega del aviso de dicha elección; que designa la fecha para una elección de desempate en caso de ser necesaria; y que dispone los detalles relativos a la celebración de dicha Elección.

Đề nghị được đưa ra bởi Hội đồng 1 Ford, được Hội đồng 4 Townsend, Sr., tán thành, đề thông qua Nghị quyết số 2022-09, một Nghị quyết và Lệnh của Hội đồng Thành phố của Thành phố Tomball, Texas, Ra lệnh Bầu cử Viên chức Thành phố Đặc biệt, được được tổ chức tại Thành phố Tomball vào Thứ Bảy, ngày 7 tháng 5 năm 2022; Chỉ định các địa điểm bỏ phiếu và bổ nhiệm các quan chức bầu cử cho cuộc bầu cử đó; Chỉ đạo việc đưa ra thông báo về cuộc bầu cử đó; Chỉ định Ngày cho Cuộc Bầu cử Runoff nếu Cần; và Cung cấp chi tiết liên quan đến việc tổ chức cuộc bầu cử như vậy

第 1 委員會 Ford 提出的動議, 得到第 4 委員會 Townsend, Sr. 的附議, 批准第 2022-09 號決議,

TEXAS 州 TOMBALL 市市議會決議及命令之內容包括: 於 2022 年 5 月 7 日 (週六) 在 TOMBALL 市舉行本市官員特別選舉; 為上述選舉指定投票地點並任命選舉官員; 就發出本選舉之通知作出指示; 指定決選舉行日期 (如果需要舉行決選); 以及就本選舉之舉行事宜作出具體規定。

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Votación Sí: Consejo 1 Ford, Consejo 2 Stoll, Consejo 3 Degges, Consejo 4 Townsend, Sr., Consejo 5 Klein Quinn

Bỏ phiếu Yea: Hội đồng 1 Ford, Hội đồng 2 Stoll, Hội đồng 3 Degges, Hội đồng 4 Townsend, Sr., Hội đồng 5 Klein Quinn

投票贊成: 議會 1 Ford、議會 2 Stoll、議會 3 Degges、議會 4 Townsend, Sr.、議會 5 Klein Quinn

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

議案一致通過

11. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2022-03 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Motion made by Council 3 Degges, Seconded by Council 4 Townsend, Sr., to adopt, on First Reading, Ordinance No. 2022-03, an Ordinance of the City Council of the City of Tomball, Texas, Amending Chapter 44 of the Code of Ordinances of the City of Tomball "Traffic And Vehicles", by Adding a New Article IX, "Regulation of Golf Carts", that Provides Regulations for the Operation and Maintenance of Golf Carts within the City; Providing a Penalty; Providing for Severability; Providing for Publication; and, Providing an Effective Date.

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

Voting Nay: Council 5 Klein Quinn

Motion carried, 4 votes Aye, 1 vote Nay.

12. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to reject all bids received for bid number 2022-01, Roof Replacement for the Administrative Services Building and rebid the project.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

13. Executive Session: The City Council recessed at 7:08 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):

- Section 551.087 - Deliberation regarding Economic Development negotiations.
- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney's duty requires to be discussed in closed session

Upon reconvening into regular session at 7:26 p.m., the following action was taken:

14. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Project Hanks to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the development of a 900,000 square foot distribution facility to be located at 14000 Boudreaux Rd, Tomball, Texas 77377. The estimated amount of expenditures for such Project is an amount not to exceed \$580,864.00 (Macy's Distribution Center).

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

- I. . Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to adjourn.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.

Meeting adjourned at 7:28 p.m.

PASSED AND APPROVED this the 21st day of February 2022.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor