

MINUTES OF REGULAR COUNCIL MEETING CITY OF TOMBALL, TEXAS



**Monday, July 19, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for July 19, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the Special meeting of the Tomball City Council to order at 4:04 p.m.

PRESENT:

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

ABSENT:

Council 3 Chad Degges - Excused

OTHERS PRESENT:

Interim City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Katie Rutherford
Director of Public Works – Beth Jones
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
IT Manager – Doug Tippey (via video)
Director of Community Development – Craig Myers
City Planner – Amelia Lindley
Asst. Fire Chief/Fire Marshal – Joe Sykora
CSO Administrative Assistant – Sasha Luna
Community Center Manager – Rosalie Dillon
Police Lieutenant-Support Services – Brandon Patin
Police Officer-Investigations – James Harral

B. Invocation - Led by Pastor Adam McIntosh, St. David's Church, Tomball

C. Pledges to U.S. and Texas Flags – Led by Joe Sykora

D. No Public Comments were received.

E. Reports and Announcements

1. Announcements

- I. **Tomball City Pool – 2021 Swim Season - Jerry Matheson Park Pool** will be operate with normal hours through August 15. The pool will be open on Saturday and Sunday only on the weekends of August 21-22, August 28-29, and September 4-5. The pool will be closed every Monday during swim season 2021, except Labor Day (September 6). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- II. **TOMBALL KID'S CLUB – Activities: Tuesdays and Thursdays, June 15 through July 22, 2021** from 10:30 a.m. to 12:30 p.m., at **Juergen's Park, 1331 Ulrich Road, Tomball, Texas 77375**. Phone number: 281-351-5484; Website: www.tomballtx.gov. Tomball Kids Club began a decade ago as a free offering for local school-aged children. Games & educational activities are offered, each day offers something new. We provide a free meal to all children in attendance, and parents **MUST** stay with their children. **Tomball Kid's Club** is not a drop-off camp.
- III. **August 16, 2021 and September 7, 2021** - Public Hearings for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2021-2022
- IV. August 6, 2021 – **49th Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**
- V. August 14, 2021 – **2nd Saturday at the Depot**
- VI. September 18, 2021 – **GroovFest 2021** – 11:00 a.m.-6:00 p.m., at the Depot

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 July 6, 2021 Special Tomball City Council Meeting, the July 6, 2021 Regular Tomball City Council Meeting, and the July 9, 2021 Special Tomball City Council Meeting.

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

Absent: Council 3 Degges

Motion carried unanimously.

G. Old Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on Second Reading, Ordinance No. 2021-08, 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 31.7 acres of land, legally described as Reserve A & B Block 1 Peck Station, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-6) District to the Planned Development (PD-15) District; said property being generally located on the west side of FM 2978 at Winfrey Lane; 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.

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

Absent: Council 3 Degges

Motion carried unanimously.

H. New Business

1. Consideration to approve Zoning Case P21-252: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, from the Single-Family 20 Estate District to the Light Industrial District. The property is generally located at the northwest corner of Agg Road and Persimmon Road, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P21-252 at 6:28 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:29 p.m.

- Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to read Ordinance No. 2021-24 by caption only on First Reading.

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

Absent: Council 3 Degges

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2021-24, 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 4.00 acres of land legally described as TRS 284D 284E & 286 Tomball Outlots, from the Single-Family 20 Estate District to the Light Industrial District, said property being generally located at the northwest corner of Agg Road and Persimmon 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.

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

Motion carried unanimously.

2. Consideration to approve Zoning Case P21-266: Request by Clinton Hankla to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail District. The property is generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P21-266 at 6:47 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:47 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-26 by caption only on First Reading.

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

Motion carried unanimously.

- Motion made by Council 2 Stoll, Seconded by Council 1 Ford, to adopt, on First Reading, Ordinance No. 2021-26, 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 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, from the Agricultural District to the General Retail District, said property being generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, at 343 East 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.

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

Voting Nay: Council 5 Klein Quinn

Absent: Council 3 Degges

Motion carried, 3 votes Aye, 1 vote Nay.

3. Consideration to approve Zoning Case P21-267: Request by Clinton Hankla for a Conditional Use Permit to operate an office showroom/warehouse facility at 343 East Hufsmith Road. The property is approximately 3.78 acres, legally described as Lot 1 Block 1 Tennis Venture Tract, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, within the City of Tomball, Harris County, Texas, and is zoned Agricultural District with an application to rezone to the General Retail District.

- Mayor Fagan opened the Public Hearing on Zoning Case P21-267 at 7:08 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:08 p.m.

- Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2021-27 by caption only on First Reading.

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

Absent: Council 3 Degges

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Second by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-27, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by granting a Conditional Use Permit (CUP) to Clinton Hankla to operate an “Office showroom / warehouse” facility at 343 East Hufsmith Road; said property being approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, and is zoned General Retail use district; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability.
- Motion to AMEND made by Council 2 Stoll, Second by Council 4 Townsend, Sr., to adopt, on First Reading, Ordinance No. 2021-27, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by granting a Conditional Use Permit (CUP) to Clinton Hankla to operate an “Office showroom / warehouse” facility at 343 East Hufsmith Road; said property being approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, and is zoned General Retail use district; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability, to include a requirement that “structures on the site shall be limited to 25 feet in height.”
- Motion to AMEND made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-27, an ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by granting a Conditional Use Permit (CUP) to Clinton Hankla to operate an “Office showroom / warehouse” facility at 343 East Hufsmith Road; said property being approximately 3.78 acres of land legally described as Lot 1 Block 1 Tennis Venture Tract, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road, between Peach Street and Hospital Street, and is zoned General Retail use district; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability, to include a requirement that “trees and/or shrubs shall be planted

within the required 10-foot landscape buffers along the west and east sides of the property to provide additional screening.”

- Vote on the Motion to AMEND to include a requirement that “trees and/or shrubs shall be planted within the required 10-foot landscape buffers along the west and east sides of the property to provide additional screening.”

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

Voting Nay: Council 5 Klein Quinn

Absent: Council 3 Degges

Motion to AMEND for vegetation barrier carried, 3 votes Aye, 1 vote Nay.

- Vote on the Motion to AMEND to include a requirement that “structures on the site shall be limited to 25 feet in height.”

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

Voting Nay: Council 5 Klein Quinn

Absent: Council 3 Degges

Motion to AMEND for height restriction carried, 3 votes Aye, 1 vote Nay.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to reject all bids received for bid number 2021-03 – Mulberry & Agg Drainage Improvements and rebid the project.

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

Absent: Council 3 Degges

Motion carried unanimously.

5. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to award the Contract for Bid number 2021-04, Purchase of Diesel Fuel and Gasoline, to Sun Coast Resources, Inc.

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

Absent: Council 3 Degges

Motion carried unanimously.

6. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to renew Blue Cross Blue Shield Insurance for the Employees of the City of Tomball

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

Absent: Council 3 Degges

Motion carried unanimously.

7. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to Authorize City Manager to request funds from Texas Department of Emergency Management (TDEM) for the American Rescue Plan (ARP) Disbursements.

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

Absent: Council 3 Degges

Motion carried unanimously.

8. Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to approve Resolution No. 2021-23, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the City Manager of the City of Tomball, Texas, to Complete the Submission for Coronavirus State and Local Fiscal Recovery Funds, and Designating the City Manager as the Authorized Representative; and Providing for an Effective Date Hereof (July 19, 2021).

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

Absent: Council 3 Degges

Motion carried unanimously.

9. Motion made by Council 1 Ford, Seconded by Council 5 Klein Quinn, to approve One percent (1%) Cost of Living salary increase for City employees, effective July 19, 2021.

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

Absent: Council 3 Degges

Motion carried unanimously.

10. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to approve hiring David Esquivel as City Manager, effective July 19, 2021.

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

Absent: Council 3 Degges

Motion carried unanimously.

Kent Clingerman, representing Commissioner R. Jack Cagle, Precinct 4, presented a Letter of Recognition from Commissioner Cagle to David Esquivel in honor of his approval by City Council as Tomball City Manager.

11. Executive Session: The City Council recessed at 7:33 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

Upon reconvening into regular session at 7:45 p.m., no action was taken.

- 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 4 Townsend, Sr., Council 5 Klein Quinn

Absent: Council 3 Degges

Motion carried unanimously.

PASSED AND APPROVED this the 2nd day of August 2021.

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan
Mayor