

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



**Monday, November 21, 2022  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for November 21, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference/access.

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 6:01 p.m.

## **PRESENT**

Council 1 John Ford (video)  
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 – Loren B. Smith  
City Planner – Jared Smith  
Director of Public Works – Drew Huffman  
Finance Director – Katherine Tapscott  
Police Chief – Jeff Bert  
Project Manager - Meagan Mageo  
IT Manager – Doug Tippey  
Marketing Manager – Sasha Smith  
Sr. Administrative Assistant-CSO – Sasha Luna  
Community Center Manager – Rosalie Dillon  
Executive Director-TEDC – Kelly Violette

B. Invocation - Led by Bruce Hillegeist, GTACC

C. Pledges to U.S. and Texas Flags – Led by Drew Huffman

D. Public Comments and Receipt of Petitions

Bruce Hillegeist Chamber of Commerce 15300 Cutten Rd. #2129 77070	-	Expressed the Chamber's appreciation of the City's support for the 57 <sup>th</sup> Annual Holiday Parade
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E. Presentations

- Presentation by Al Gerhardt, Tomball Lions Club – moved to December 5, 2022 Council meeting
- Presentation by representatives for Hyacinth Battery Energy Storage

F. Reports and Announcements

1. Announcements

- I. November 24-25, 2022 – **Thanksgiving Holidays** – City offices closed
- II. December 3, 2022 – ***"Holiday Heroes"*** – hosted by members of the Tomball Police, Fire and Public Works Department, in collaboration with Northwest Community Health (EMS) – Breakfast and One-on-One Shopping for the Christmas Holiday – 8:00 a.m. at the Community Center
- III. December 3, 2022 – ***Deck the Depot*** – Depot Plaza – 10:00 a.m.-2:00 p.m.
- IV. December 9 and 10, 2022 – Spring Creek County Historical Association's ***Annual Candlelight Tour*** and ***Holiday Open House*** – 6:00 p.m.-9:00 p.m. at the Tomball Museum Center
- V. December 9-11, 2022 – **German Christmas Market** – Depot Plaza and Market Street
- VI. December 23 and December 26, 2022 – **Christmas Holidays** – City offices closed
- VII. January 2, 2023 – **New Year's Day Holiday** – City offices closed

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

- I. Sasha Smith – Report on the Success of the ***Depot Day*** and the ***Light it Up! Tree Lighting*** at the Depot

- 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.]*

Mayor Klein Quinn advised that Item G.2 is removed from consideration and will be placed on the December 5, 2022 agenda.

2. Adopt, on Second Reading, Ordinance No. 2022-38, 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 17.08 acres of land legally described as being all of lots 1, 2, 3, and 4 of Tomball Business and Technology Park from Single Family Residential -20 (SF-20) to Light Industrial (LI). The property is located within the 1900 block of S. Persimmon Street (east and west sides), 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.

Tabled. No action taken.

1. Adopt, on Second Reading, Ordinance No. 2022-20, 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 25.87 acres of land legally described as Reserve "A" in Maple Group Subdivision, from Planned Development District 8 (PD-8) to Commercial (C). The property is generally located at the northeast corner of the intersection of Holderrieth Road and State Highway 249 frontage road, 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.
3. Approve, on Second Reading, Resolution No. 2022-50-TEDC, a Resolution of the City Council of the City of Tomball, Texas Authorizing and Approving, as a Project of the Tomball Economic Development Corporation, an Economic Development Incentive between the City of Tomball (the "City"), Tomball Economic Development Corporation (the "TEDC"), and Costco Wholesale Corporation ("Costco"), to Expend Funds in Accordance with an Economic Development Incentive Agreement to promote new and expanded business development associated with the construction of a Costco retail facility and fueling station on approximately 25.88 acres of land situation at the northeast corner of the intersection of Holderrieth Road and State Highway 249 Frontage Road in the City of Tomball, Texas; Containing other Provisions relating to the Subject; and Providing for Severability.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Items G.1 and G.3.

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

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 following Meetings:
  - November 7, 2022 Special Tomball City Council Meeting
  - November 7, 2022 Special Joint Tomball City Council-TEDC Meeting
  - November 7, 2022 Special Tomball City Council Meeting
2. Approve a Professional Services Agreement with Engineered Utility Solutions, Inc. for Project Number 2022-10011, Gas Master Plan, for a not-to-exceed amount of \$115,000, 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.
3. Approve a Professional Services Agreement with Mosaic Public Partners for executive search services for the position of Human Resources Director for the not-to-exceed amount of \$27,000, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount was included in the FY 2022-2023 budget.
4. Approve the purchase of two (2) Ford F-250 Crew Cab Trucks from Rush Truck Center through the Buyboard purchasing cooperative contract (Contract #601-19) for a not-to-exceed amount of \$102,052.00, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. These purchases are included in the FY 2022-2023 Budget.
5. Approve an agreement with Shane Griffin Power & Electrical Services, LLC for electrical contractor services for Fiscal Year 2023, for a not-to-exceed amount of \$75,000 (RFP 2022-10R), 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.

6. Approve the expenditure of \$56,700 for Incode software support and maintenance from Tyler Technologies, Inc. and authorize the City Manager to execute any and all documents related to the expenditure. This expenditure is included in the FY 2022-2023 Budget.
7. Approve the expenditure of \$52,350 for computer aided dispatch software support from CentralSquare Technologies, LLC and authorize the City Manager to execute any and all documents related to the expenditure. This expenditure is included in the FY 2022-2023 Budget.

Motion made by Council 2 Stoll, Seconded by Council 3 Dunagin, to approve Items H.1 through H.7.

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

Motion carried unanimously.

I. New Business

1. Council received a presentation on iChoosr from Kelle Balch and Fred Wu, representing iChoosr, regarding the Texas Power Switch Program and the Solar Switch Program; items for consideration of the Memorandum(s) of Understanding will be placed on the December 5, 2022 agenda.

No action necessary.

2. Consideration to Approve Case P22-354: Request by the City of Tomball to amend Section(s) 50-116 (*Supplemental Regulations*) of the Tomball Code of Ordinances by revising standards pertaining to subsection (j) (*Site Development Standards for Mobile Food Courts*).

- Mayor Klein Quinn called the Public Hearing on **Zoning Case P22-354** to order at 7:16 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 7:17 p.m.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2022-40 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 5 Parr, Seconded by Council 4 Townsend, Sr., to adopt, on First Reading, Ordinance No. 2022-40, an ordinance of the City of Tomball, Texas, amending Section(s) 50-116(j) (*Site Development Standards - Mobile Food Courts*) Chapter 50 (Zoning) of the Tomball Code of Ordinances by revising the standards governing mobile food vendors located within mobile food courts, 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.

3. Executive Session: The City Council recessed at 7:20 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. 551.076 – Deliberation regarding Security Devices

Upon reconvening at 8:25 p.m., no action was taken.

- J. Motion by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to adjourn.

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

Motion carried unanimously.

Meeting adjourned at 8:25 p.m.

PASSED AND APPROVED this the 5<sup>th</sup> day of December 2022.

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Doris Speer  
City Secretary, TRMC, MMC

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Lori Klein Quinn  
Mayor