

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



**Monday, April 15, 2024
6:00 PM**

- A. Mayor Klein Quinn called the meeting of the City Tomball 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. (via video)
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 Community Development - Craig Meyers
Police Chief – Jeff Bert
Director of Marketing & Tourism - Chrislord Templonuevo
IT Director - Tom Wilson
Public Works Director - Drew Huffman
Project Manager - Meagan Mageo
Part-time Administrative Assistant – Tabitha Trejo

- B. Invocation - Led by Pastor Abraham Jasso with Templo La Hermosa
- C. Pledges to U.S. and Texas Flags Latrel Shannon
- 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.]*

No public comments were received.

E. Reports and Announcements

1. Announcements

I. Upcoming Events:

April 15 – 20, 2024 - Annual Spring Clean-up & Chipping Week
April 20, 2024 - Tomball Consolidated Recycling Day

Early Voting @ City Hall:

April 22 – 26, 2024 – 7:45 am – 5:00 pm

April 29, 2024 – 7:45 am – 5:00 pm

April 30, 2024 – 7:45 am – 7:45 pm

April 27, 2024 – Rails & Tails Mudbug Festival 11:00 am – 6:00 pm @
the Depot

May 2, 2024 – National Day of Prayer 5:00 pm – 6:00 pm @ Community
Center

May 4, 2024 – Election Day 7:00 am – 7:00 pm @ City Hall

F. 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 April 1, 2024, Regular City Council meeting.
2. Notice of the General and Special Elections
3. Approve request from Cancer Kiss My Cooley for City Support and In-Kind Services for the Cancer Kiss My Cooley 5k and Superhero Dash near Paradigm Brewery in Tomball, on Saturday, October 26, 2024, from 6:30 – 11:00 a.m.
4. Approve request from MAD for Vets for City Support and In-Kind Services for the Freedom 5k Fun Run/Walk in downtown Tomball, on Saturday, October 19, 2024, from 8:00 – 11:00 a.m.
5. Approve a Professional Services Agreement with Freese & Nichols, Inc. for the design of drainage improvements for North Star Estates, Project Number 2024-10008, for a not-to-exceed amount of \$59,193, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is to be paid from the Capital Improvement Project budget for fiscal year 2023-2024.

Motion made by Council 1 Ford, 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. New Business

1. Discussion and possible action to schedule Special City Council Meeting(s) and workshop(s).

As discussed, the following dates were confirmed:

May 6, 2024 @ 4pm, Joint CC and P & Z Unified Development Code

May 13, 2024 @ 5pm, Canvas of the Election

May 20, 2024 @ 4pm, Tree preservation and Noise ordinance workshop

2. Approve Resolution No. 2024-17, a Resolution of the City Council of the City of Tomball, Texas regarding acceptance of an approximately 18.739 acre tract of land located at 16000 Farm to Market 2920, Tomball, TX 77377 into the extraterritorial jurisdiction of the City of Tomball.

Motion made by Council 1 Ford, 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.

3. Approve a donation agreement with the estate of Gilbert and Virginia Freitag for the donation and display of antique train equipment and authorize the City Manager to execute any and all documents related to the donation.

Motion made by Council 1 Ford, 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.

4. Approve Resolution No. 2024-15 - A Resolution of the City Council of the City of Tomball, Texas, authorizing the City Manager to act for the City in connection

with the City's expenditure of grants from the American Rescue Plan and the Coronavirus Local Fiscal Recovery Fund and making other provisions related to the subject.

Motion made by Council 5 Parr, 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.

5. Consideration to Approve **Zoning Case Z24-03**: Request by Ken & Betty Vairin, represented by META Planning & Design, Inc., to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 31.12 acres of land legally described as being portions of the J H Edwards Survey, Abstract 20 and the C Goodrich Survey, Abstract 311 from the Agricultural (AG) to Single Family Residential – 6 (SF-6) zoning. The property is generally located within 22100 block (west side) of Tomball Cemetery Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z24-03**

- Mayor Klein Quinn called the PH to order at 6:25 pm
- Hearing no comments the Mayor closed the PH at 6:26 pm

Adopt, on First Reading, Ordinance No. 2024-07, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (*Zoning*) of the Tomball Code of Ordinances by rezoning approximately 31.12 acres of land legally described as being portions of the J H Edwards Survey, Abstract 20 and the C Goodrich Survey, Abstract 311 from the Agricultural (AG) to Single Family Residential – 6 (SF-6) zoning. The property is generally located within 22100 block (west side) of Tomball Cemetery Road, within the City of Tomball, Harris County, Texas; 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 1 Ford, Seconded by Council 2 Stoll to read by caption only Ordinance No. 2024-07.

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 Ordinance No. 2024-07.

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

Motion carried unanimously.

6. Consideration to Approve **Zoning Case Z24-04:** Request by Houston Deco Balloons LLC, to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 0.87 acres of land legally described as being a portion of Tomball Outlot 286 from Single Family Residential – 20 (SF-20) to Commercial (C) zoning. The property is generally located in the 900 block (North Side) of Agg Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z24-04**

- Mayor Klein Quinn called the PH to order at 6:40 pm
- Hearing no comments the Mayor closed the PH at 6:41 pm

Adopt, on First Reading, Ordinance No. 2024-08, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (*Zoning*) of the Tomball Code of Ordinances by rezoning approximately 0.87 acres of land legally described as being a portion of Tomball Outlot 286 from Single Family Residential – 20 (SF-20) to Commercial (C) zoning. The property is generally located in the 900 block (North Side) of Agg Road, within the City of Tomball, Harris County, Texas; 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 1 Ford, Seconded by Council 2 Stoll to read by caption only Ordinance No. 2024-08.

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 Ordinance No. 2024-08.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 5 Parr

Voting Nay: Council 4 Townsend, Sr.

Motion carried 4 votes yea, 1 vote nay.

7. Approve Resolution 2024-18, a Resolution of the City Council of the City of Tomball, Texas, approving the Utility Rate Study; and Providing an Effective Date.

Motion made by Council 3 Dunagin, 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.

8. Approve Resolution 2024-19, a Resolution of the City Council of the City of Tomball, Texas, approving and establishing the 2024 to 2028 Utility Rate Plan as approved in the Utility Rate Study; and Providing an Effective Date.

Motion made by Council 1 Ford, Seconded by Council 2 4 Townsend, Sr.

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

Motion carried unanimously.

9. 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 which the Attorney's duty requires to be discussed in closed session.

Executive session started: 7:00 PM

Executive session ended: 7:30 PM

H. Adjournment

Motion made by Council 1 Ford, 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.

PASSED AND APPROVED THIS 6th DAY OF May 2024.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor