

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



**Monday, June 19, 2023
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for June 19, 2023, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference.

A. Call to Order

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

STAFF PRESENT

David Esquivel- City Manager
Jessica Rogers- Assistant City Manager
Tracylynn Garcia- City Secretary
Megan Mageo- Project Manager
Drew Huffman- Public Works Director
Jeff Bert- Police Chief
Chrislord Templonuevo- Marketing Manager
Katherine Tapscott- Finance Director
Rosalie Dillon- Community Center Manager
Joe Sykora- Fire Chief
Fae Morris- Records Specialist
Johnita Robinson- Records Specialist
Ki Provencher- City Hall Intern
Caroline Klein- Public Works Intern

- B. Invocation - Led by Pastor Tommy Robinson – Real Life Ministries
- C. Pledges to U.S. and Texas Flags Chief J. Sykora
- 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.]*

Tina Salem 1310 Pine Trails Tomball, Texas 77375	–	Tennis Courts
Henry Reid 11102 Old Mint Lane Tomball, Texas 7735	-	Tomball Museum Center
Brandy Beyer 20331 New Kentucky Hockley, Texas 77447	-	51 st Annual Tomball night
Russell Hill 31207 Alice Lane Tomball, Texas 77375	-	Traffic Safety on Zion Rd
Mike Clark 519 E. Huffsmith Tomball, Texas 77375	-	Hotel Occ. Tax for the city

- E. Presentations
 - 1. Lions Club Presented \$2000 a check to the Tomball Fire Department for paint and decals of the Special Events Vehicle.

- F. Reports and Announcements

- 1. Announcements
 - **Kids Club Dates:**
 - June 9: Soccer Clinic with HTX Soccer (formerly Dynamo/Dash Youth Soccer) at Broussard Park (1414 E. Huffsmith Rd) from 9-11 a.m.
 - July 14: Reptile show-n-tell and Reading games (Texas Snakes & More and

LSC-Tomball Community Library) at Juergens Park (1331 Ulrich Rd) from 10 a.m. to 12 p.m.

- August 11: Learn about emergency vehicles and Splash Day at Tomball Depot Plaza (201 S. Elm St). from 10 a.m. to 12 p.m.
- **2023 Swim Season (Jerry Matheson Park Pool):**
- Monday-Closed
- Tuesday thru Friday - 10am - 6pm
- Saturday & Sunday – 12pm - 8pm

REGULAR SEASON HOURS 2023

- May 30th (Start Date) thru August 13th (Sunday) End Date

END OF SEASON HOURS 2023

- August 19th (Saturday) Noon – 8pm
- August 20th (Sunday) Noon – 8pm
- August 26th (Saturday) Noon – 8pm
- August 27th (Sunday) Noon – 8pm
- September 2nd (Saturday) Noon – 8pm
- September 3rd (Sunday) Noon – 8pm
- September 4th (Monday) 10am – 6p

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

Item I was pulled at the request of Council 2 Stoll.

- II. Katherine presented on Hotel Occupancy Tax for short-term rental properties.

G. Old Business

1. Adopt on Second Reading Ordinance No. 2023-18, An Ordinance of The City Of Tomball, Texas Amending Section 2-326 Of Its Code Of Ordinances, Designated, Of Division II, Records Management Officer, Of Article V, Records Management, Of Chapter II, Administration; Providing For Severability, Making Findings Of Fact; And Providing For Other Related Matters

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.

- 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.]*

Item #3 was pulled by Council 1 Ford and was voted on separately.

1. Approve the Minutes of the June 5, 2023, Regular City Council Meeting.
2. Approve a contract with Accurate Utility Supply, LLC for water, wastewater, and drainage supplies and services through a BuyBoard Contract (Contract No. 626-20) for a not-to-exceed amount of \$160,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2022-2023 Budget.
4. Approve amendment to Administrative Policy No. 22, entitled “Hotel Occupancy Tax Grant Policy”
5. Approve request from Greater Tomball Area Chamber of Commerce for City Support and In-Kind Services for the 51st annual Tomball Night on Market St and around downtown Tomball, on Friday, August 4, 2023
6. Authorize the City Manager to execute the necessary documents to enter into Buyboard Contract #698-23, with Casco Industries, Inc. for the purchase of Hose, Firefighting, and Personal Protective Equipment in excess of \$50,000 for Fiscal Year 2022-2023, in accordance with the Purchasing and Bidding Policy. This expenditure is within the Fiscal Year 2023 Budget.
7. Authorize annual spending exceeding \$50,000 from Siddons-Martin in accordance with the Purchasing and Bidding Policy for Fiscal Year 2022-2023. These purchases are within the Fiscal Year 2022-2023 budget.

Motion made by Council 3 Dunagin, Seconded by Council 2 Stoll to approve New Business Consent agenda 1,2,4,5,6 and 7.

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

Motion carried unanimously.

3. Approve a contract with B & C Constructors, LP through a 1GPA Contract (Contract No. 19-03DP) for a not-to-exceed amount of \$885,000, approve the

expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2022-2023 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., Council 5 Parr

Motion carried unanimously.

I. New Business

I. Presentation, discussion, and possible direction related to bills proposed or passed in the 2023 Texas Legislative Sessions and their impact on City operations.

1. Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-05**: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-05**

Adopt, on First Reading, Ordinance No. 2023-11, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford 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.

- Mayor Klein Quinn called the PH to order at 7:05 pm.

Sam Latrell - spoke in opposition.
823 Lizzy Lane
Tomball, Texas

Katherine Meyer
(On behalf of the applicant)

- Hearing no further comments Mayor Klein Quinn closed PH at 7:08 pm.

Motion made by Council 1 Ford, Seconded by Council 2 Stoll to read Ordinance No. 2023-11 by caption only on First Reading.

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

Motion carried unanimously.

Motion made by Council 1 Ford, Seconded by Council 2 Stoll to adopt First Reading Ordinance No. 2023-11.

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

Motion carried unanimously.

2. Consideration to approve **Case CUP23-04**: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Case CUP23-04**

Adopt, on First Reading, Ordinance No. 2023-14, 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 an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford 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.

- Mayor Klein Quinn called the PH to order at 7:14 pm.

Presenters:

Katherine Meyer (on behalf of the applicant)

Sam Jackson (Black Mountain Energy)

Derek Post (Fire & Risk Alliance)

- Hearing no further comments Mayor Klein Quinn closed PH at 7:47 pm.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to read Ordinance No. 2023-14 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 2 Stoll, Seconded by Council 1 Ford to adopt on First Reading Ordinance No. 2023-14.

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

Motion failed.

3. Consideration to Approve **Zoning Case Z23-07**: Request by Tomball 10 Joint Venture represented by Khoa Nguyen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-07**

Adopt, on First Reading, Ordinance No. 2023-15, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being approximately 2.73 acres out of the William Hurd Survey, Abstract 378 from Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 13200-13400 blocks (south side) of Medical Complex 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.

- Mayor Klein Quinn called the PH to order at 8:47 pm.

Khoa Nguyen (applicant)
28257 Tomball Pkwy
Tomball, Texas 77375

Andrew Nguyen (on behalf of applicant)
2272 Hickory Log Dr
Houston

- Hearing no further comments Mayor Klein Quinn closed PH at 8:55 pm.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to read Ordinance No. 2023-15 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.

Council 5 Parr amended his motion to read instead of GR to O

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 as amended on First Reading Ordinance No. 2023-15.

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

Motion carried unanimously.

4. Consideration to Approve **Zoning Case Z23-08**: Request by Real Life Ministries Texas represented by Quiddity to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. Cherry Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-08**

Adopt, on First Reading, Ordinance No. 2023-16, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being Lot 1, Block 1 of Devasco International as well as approximately 6.09 acres of land being a portion of Tomball Townsite Outlots 172, 175, and 176 from Light Industrial (LI) and Agricultural (AG) to General Retail (GR) zoning. The property is generally located within the 1600 block (west side) of S. 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.

- Mayor Klein Quinn called the PH to order at 9:09 pm.

Pastor Tommy Robertson (requestor)
Real Life Ministries
12819 Carriage Glen Dr.
Tomball, Texas 77377

- Hearing no further comments Mayor Klein Quinn closed PH at 9:11 pm.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to read Ordinance No. 2023-16 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 3 Dunagin, Seconded by Council 4 Townsend, Sr. to amend zoning from AG to O.

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 Z23-09**: Request by Tim Littlefield to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-09**

Adopt, on First Reading, Ordinance No. 2023-17, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning land legally described as being all of Tomball Townsite Outlot 281 from Single Family Residential Estate – 20 (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1100-1400 blocks (west side) of S. Persimmon 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.

- Mayor Klein Quinn called the PH to order at 9:17 pm.
- Hearing no further comments Mayor Klein Quinn closed PH at 9:18 pm.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to read Ordinance No. 2023-17 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. 2023-17.

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

Motion carried unanimously.

J. Adjournment

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

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 3rd day of July 2023.

Tracylynn Garcia
City Secretary, TRMC, CMC, CPM

Lori Klein Quinn
Mayor