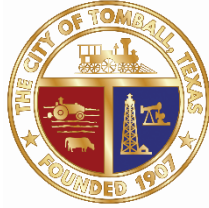


**MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**Monday, June 21, 2021
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for June 21, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the regular meeting of the Tomball City Council to order at 6:03 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:

Interim City Manager – David Esquivel
Interim Assistant City Manager/Police Chief – Jeff Bert
City Secretary – Doris Speer
City Attorney – Loren Smith
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – Beth Jones
Interim Fire Chief – Taner Drake
HR Director – Lisa Coe
Director of Community Development – Craig Myers
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Sasha Luna
Community Center Manager – Rosalie Dillon
Accountant – Luisa Taylor
Police Officer-Investigations – James Harral
Assistant Director-TEDC – Tiffani Wooten

B. Invocation - Led by Pastor Bill Rasco – Spring Creek Church of Christ

C. Pledges to U.S. and Texas Flags – Led by Bruce Hillegeist

D. No Public Comments were received.

E. Presentations

1. Mayor Fagan presented a Proclamation, honoring June 21, 2021 as ***“HCA Houston Healthcare Tomball CEO Robert Marmmerstein and Team: Winter Storm Uri Heroes” Day***

F. 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 July 4th and 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. July 4, 2021 – **July Fourth Celebration & Street Fest** – 6:00 p.m.-10:00 p.m. at Four Corners (Business SH 249 at FM 2920)
- IV. July 10, 2021 – **2nd Saturday at the Depot**
- V. August 6, 2021 – **49th Annual Tomball Night, Parade of Lights, and Health & Wellness Expo**

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

G. Approval of Minutes

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve the Minutes of the June 7, 2021 Special Tomball City Council and Tomball Economic Development Corporation Meeting and the Minutes of the June 7, 2021 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.

H. Old Business: Tabled Items

1. Adopt on First Reading, Ordinance No. 2021-05, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Nine (*Tomball Heights, aka Sydney's Park*)
2. Adopt on First Reading, Ordinance No. 2021-06, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Nine (Tomball Heights Subdivision); and Making Certain Findings Related Thereto (*Sydney's Park*)
3. Approve Resolution No. 2021-18, a Resolution of the City Council of the City of Tomball, Texas, Accepting for Filing a Landowner Petition Requesting the Dissolution of a Public Improvement District; Calling a Public Hearing to Consider the Dissolution of a Public Improvement District; Authorizing and Directing That Notices of the Public Hearing be given as required by Law; and Providing for an Immediate Effective Date

Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to remove Items H.1, H.2, and H.3 from the table.

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 3 Degges, to Table Items H.1, H.2, and H.3 indefinitely.

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

Motion carried unanimously.

- I. 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 Fagan advised that Items I.1 and I.2 would be removed from consideration as Consent Agenda items, for Council consideration and discussion. Items I.1 and I.2 will be considered after remaining Consent Agenda items.

3. Adopt, on Second Reading, Ordinance No. 2021-20, an Ordinance of the City of Tomball, Texas Amending Its Code of Ordinances by Amending Section 32-45, Fingerprints, Photographs, of Article II, Permits, of Chapter 32, Peddlers and Solicitors, to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters
4. Adopt, on Second Reading, Ordinance No. 2021-21, an Ordinance of the City of Tomball, Texas, Amending Its Code of Ordinances by Amending Chapter 48, Vehicles For Hire, to Delete Article II, Taxicabs, in Its Entirety; Amending Section 48-177 Tow Truck Company Application, Renewal, of Division 2, Tow Truck Company License, of Article II Tow Trucks and Tows, to Remove the Requirement of a Tow Truck Company to Provide a Background Check on Its Drivers; Amending Section 48-192, Application, of Division 3 Tow Truck Driver's Permit; of Article III, Tow Trucks and Tows; to Require Fingerprinting and Background Checks through the Federal Bureau of Investigations and the Texas Department of Public Safety; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Providing for Severability, Making Findings of Fact; and Providing for Other Related Matters.
5. Adopt, on Second Reading, Ordinance No. 2021-22, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Section 10-445, General Standards, and Section 10-446, Specific Standards, of Division 3, Provisions for Flood Hazard Reduction, of Article VIII, Flood Damage Prevention of Chapter 10, Buildings and Building Regulations; 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 2 Stoll, Seconded by Council 4 Townsend, Sr., to Adopt and Approve Consent Agenda Items I.3, I.4, and I.5.

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

Motion carried unanimously.

1. Motion made by Council 3 Degges, Seconded by Council 5 Klein Quinn, to ratify Approval the Payment in Full Payment Option to GEXA Energy for Increased Ancillary Charges Rate due to the Winter Storm

Voting Yea: Council 3 Degges, Council 5 Klein Quinn

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

Motion FAILED, 2 votes Aye, 3 votes Nay.

2. Motion made by Council 4 Townsend, Sr., Second by Council 3 Degges, to adopt, on Second Reading, Ordinance 2021-19, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, Section 44-164, Parking Restricted on Certain Streets, of Division 2, Prohibited. Restricted on Certain Streets, of Article V, Stopping, Standing and Parking, of Chapter 44, Traffic and Vehicles, Establishing a “No Parking, Stopping or Standing” Zone on the North Side of FM 2920 beginning approximately 150 Feet East of Tomball Cemetery Road, Extending East approximately 885 Feet to approximately 1,560 Feet West of Park Road; Providing a Penalty in an Amount Not to Exceed \$200 for Each Violation Hereof; and Providing for Severability; and Making Findings Related Thereto.

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

Motion carried unanimously.

J. New Business

1. Motion made by Council 1 Ford, Seconded by Council 5 Klein Quinn, to reappoint Gretchen Fagan, Steven Vaughan, and Chad Degges to their current positions and to appoint Randy Parr to the unexpired vacancy on the Tomball Economic Development Corporation Board of Directors for new terms expired on May 31, 2023.

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

Motion carried unanimously.

2. Consideration to approve Zoning Case P21-257: Request by HistoryMaker Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 19.33 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Planned Development (PD-17) District. The property is generally located on the north side of Holderrieth Road at 11922 Holderrieth Road, within the City of Tomball, Harris County, Texas.
 - Mayor Fagan opened the Public Hearing on Zoning Case P21-257 at 7:20 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:20 p.m.
 - Motion made by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to read Ordinance No. 2021-17 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. 2021-17, 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 19.65 acres of land legally described as Tracts 14H, 14H-1, 14H-1A, 14H-1B, 14H-2 & 14H-3 (AG-USE) and Tract 14H-4 Abstract 632 C N Pillot, from the Single-Family 20 Estate District to the Planned Development (PD-17) District, said property being generally located on the north side of Holderrieth Road at 11922 Holderrieth 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 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion carried unanimously.
3. Jeff Bert presented an update regarding the City's Strategic Plan for FY 2020–FY2022 for Council review and discussion.

No action necessary.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve a Contract for Dispatch System with Northwest Communications, Inc, in the amount of \$172,359.69 and authorize the Interim City Manager to execute the necessary documents.

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 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve a contract with B&C Constructors for the replacement of the HVAC system at the Community Center for Room A in the amount of \$75,192.48, to be completed through a 1GPA contract.

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 2 Stoll, to award the purchase of One (1) Rubber Tire Front Loader in the Amount of \$149,950.00 to Waukesha-Pearce Industries, LLC, through a State Buyboard Cooperative Purchasing Contract.

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

Motion carried unanimously.

7. Executive Session: The City Council recessed at 8:12 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. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening in session at 9:26 p.m., no action was taken.

K. Motion made by Council 2 Stoll, 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.

PASSED AND APPROVED this the 6th day of July 2021.

Doris Speer

Doris Speer
City Secretary, TRMC, MMC

Gretchen Fagan

Gretchen Fagan
Mayor