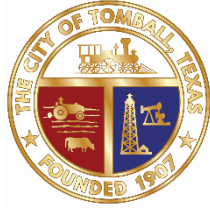


**MINUTES OF REGULAR COUNCIL MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, August 16, 2021  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for August 16, 2021, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

A. Mayor Fagan called the meeting of the Tomball City Council to order at 6:00 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:**

City Manager – David Esquivel  
Interim Assistant City Manager/Police Chief – Jeff Bert  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
Director of Public Works – Beth Jones  
Marketing Director – Mike Baxter  
Finance Director – Glenn Windsor  
Interim Fire Chief/Fire Marshal – Joe Sykora  
City Planner – Amelia Lindley  
Assistant City Secretary – Tracy Garcia  
CSO Administrative Assistant – Sasha Luna  
Police Sergeant – Ken Cole  
Accountant – Louisa Taylor  
Marketing Assistant – Larrissa Roberts  
Executive Director-TEDC – Kelly Violette  
Administrative Assistant-TEDC – Tori Gleason

B. Invocation - Led by Pastor Tim Niekerk – Salem Lutheran Church

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 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. September 7, 2021 – Second Public Hearing for the Purpose of Adopting the City of Tomball’s Budget for Fiscal Year 2021-2022
- III. September 10-11, 2021 – “**9-11 20<sup>th</sup> Anniversary Remembrance**”; an event to remember the events of **9-11** - at the Depot
- IV. 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:

- I. Larissa Roberts – Report on the success of **Tomball Kids Club** and presented Certificates of Appreciation to Sponsors and Volunteers
- II. Luisa Taylor presented the Quarterly Investment Report for Period Ending June 30, 2021. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On June 30, 2021, the City had total cash and cash equivalents in the amount of \$57,298,396.

F. Approval of Minutes

1. Motion made by Council 3 Degges, Seconded by Council 2 Stoll, to approve the Minutes of the August 2, 2021 Special Tomball City Council Meeting, the August 2, 2021 Regular Tomball City Council Meeting, and the August 6, 2021 Special 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.

G. Public Hearing

1. Mayor Fagan opened the First Public Hearing for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2021-2022 at 6:13 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:13 p.m.

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 Tomball Economic Development Corporation (TEDC) Fiscal Year 2021-2022 Budget.
2. Approve Interlocal Agreement between the City of Tomball and Tomball Independent School District (TISD), Affording the Tomball Police Department the Ability to Assign Nine (9) Student Resource Officers (SROs) to TISD Campuses
3. Approve Interlocal Agreement between the City of Tomball and Tomball Independent School District, Affording the Tomball Police Department the Ability to Provide Police Services on a Contractual Basis for Specialized Events Occurring Before, During and After Normal Campus Hours

Motion made by Council 4 Townsend, Seconded by Council 5 Klein Quinn, to approve Consent Agenda Items, H1, H2 and H3.

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

Motion carried unanimously.

I. New Business

1. Sarah Roberts, Weaver and Tidwell, LLP, presented the Annual Financial Report for Fiscal Year ending September 30, 2020, advising a Clean Report.

No action required.

2. Discussion was held regarding the proposed installation of an Inclusive Play Structure at Juergens Park, in cooperation with the Munson family and Chick-fil-a, inspired by Louie's Together Playground; consensus of the Council was unanimous to proceed.
3. Motion made by Council 4 Townsend, Sr., Seconded by Council 1 Ford, to approve, as a Project of the Tomball EDC, an agreement with Dicar, Inc. to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the relocation and development of its corporate headquarters facility on approximately 5.0 acres of land, located at 0 Hufsmith-Kohrville Road, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$71,181.00.

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

Motion carried unanimously.

4. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve, on First Reading, Resolution No. 2021-21-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and Beefy Marketing, LLC, to make direct incentives to, or expenditures for, rental assistance for new or expanded enterprise to be located at 944 Village Square Drive, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$6,000.00.

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 1 Ford, Seconded by Council 2 Stoll, to approve, on First Reading, Resolution No. 2021-22-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and Jonah's Movers, LLC, to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a 23,000 square foot office/warehouse facility to be located at 0 Theis Lane, Tomball, Texas. The estimated amount of expenditures for such Project is \$26,925.00.

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 1 Ford, Seconded by Council 3 Degges, to approve Resolution No. 2021-26, a Resolution of the City of Tomball, Texas, Authorizing and Approving the Calendar Year 2021 Annual Service and Assessment Plan (SAP) Update for Raburn Reserve Public Improvement District Number 10 (PID 10)

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

Motion carried unanimously.

7. Consideration to Approve **Zoning Case P21-253**: Request by Louis Smulders to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as Reserve A Block 3 Pine Meadows, from the Single-Family 6 District to the Commercial District. The property is generally located at the southwest corner of Theis Lane and South Cherry Street, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on **Zoning Case P21-253** at 7:04 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:04 p.m.

- Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2021-25 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. 2021-25, 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 2.00 acres of land legally described as Reserve A block 3 Pine Meadows, from the Single-Family 6 District to the Commercial District, said property being generally located at the southwest corner of Theis Lane and South 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.

- Motion to AMEND made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to amend Ordinance No. 2021-25, 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 2.00 acres of land legally described as Reserve A block 3 Pine Meadows, from the Single-Family 6 District to the Commercial District, said property being generally located at the southwest corner of Theis Lane and South 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 *by changing the zoning district classification from the Commercial District to the General Retail District.*

**Motion to Amend** - Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion to Amend the zoning district classification to General Retail carried unanimously.

**Motion to Adopt Ordinance No. 2021-25 on First Reading** - Voting Yea: Council 2 Stoll, Council 3 Degges  
Voting Nay: Council 1 Ford, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion **FAILED**, 2 votes Aye, 3 votes Nay.

8. Consideration to Approve **Zoning Case P21-308**: Request by Kathryn Parker with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by amending Planned Development (PD-14) District. The property is approximately 95.4 of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot,

Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, and Wood Leaf Reserve Section 1, generally located on the south side of Theis Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on **Zoning Case P21-308** at 7:36 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:37 p.m.

- Motion made by Council 2 Stoll, Seconded by Council 3 Degges, to read Ordinance No. 2021-30 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. 2021-30, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by amending Planned Development (PD-14) District. the property is approximately 95.4 acres of land, legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, PT Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, PT Tract 21A (AG-use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, and Wood Leaf Reserve Section 1; within the City of Tomball, Harris County, Texas; said property being generally located on the south side of Theis Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street; 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.

- Motion to AMEND made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to amend Ordinance No. 2021-30, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by amending Planned Development (PD-14) District. the property is approximately 95.4 acres of land, legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, PT Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, PT Tract 21A (AG-use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, and Wood Leaf Reserve Section 1; within the City of Tomball, Harris County, Texas; said property being generally located on the south side of Theis Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street; 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 by ***adding/including the requirement that the minimum rear yard building setback for non-residential uses shall be 25 feet.***

**Motion to Amend** - Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Motion to Amend Ordinance No. 2021-30 by adding/including the requirement that the minimum rear yard building setback for non-residential uses shall be 25 feet carried unanimously.

**Motion to Adopt Ordinance No. 2021-30 on First Reading** - Voting Yea: Council 1 Ford, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn  
Voting Nay: Council 2 Stoll

Motion, **as AMENDED**, carried, 4 votes Aye, 1 vote Nay.

9. Executive Session: The City Council recessed at 7:49 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. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property
- Sec. 551.087 – Deliberations Regarding Economic Development

Upon reconvening into regular session at 9:065 p.m., no action was taken.

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

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

Motion carried unanimously.

PASSED AND APPROVED this the 7th day of September 2021.

*Doris Speer*

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Doris Speer  
City Secretary, TRMC, MMC

*Gretchen Fagan*

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Gretchen Fagan  
Mayor