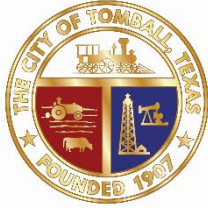


**NOTICE OF REGULAR CITY COUNCIL  
CITY OF TOMBALL, TEXAS**



**Monday, October 16, 2023  
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, October 16, 2023 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): **+1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 832 0235 0197 Passcode: 030979.** The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by Pastor Kevin Bowles - Redeemer Church
- C. Pledges to U.S. and Texas Flags
- 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.]*
- E. Reports and Announcements
  - 1. Announcements

**I. Upcoming Events:**

November 4 - Tidy Up Tomball 7:00 a.m. – 11:00 a.m. @ First Baptist Church

November 4 - Depot Day Fall Fest 11:00 a.m. – 6:00 p.m. @ Depot

November 11 - Second Saturday 3:00 – 8:00 p.m. @ Depot

November 18 - Tomball Holiday Parade 10:00 a.m. – 12:00 p.m. @ Main St.

2. Reports by City staff and members of council about items of community interest on which no action will be taken:
  - I. Quarterly Investment Report for Period Ending September 30, 2023. The Public Funds Investment Act requires that a report of the City's cash and investments be presented to City Council on a quarterly basis.
- F. 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.]*
  1. Adopt on Second Reading, Ordinance No. 2023-38, an Ordinance of the City of Tomball, Texas finding and determining that the public convenience and necessity no longer require the continued existence of a certain portion of a City of Tomball Utility Easement across a certain 0.2087 acres of land being out of Unrestricted Reserves "A3" and "A4", Block 1, Replat of Unrestricted Reserve "A" Block One Tomball Village Square according to the map or plat thereof as recorded in Film Code No. 518014 of the Map Records of Harris County, Texas; vacating, abandoning, and closing said portion of such City of Tomball Utility Easement; authorizing the City Manager to execute and the City Secretary to attest a quitclaim deed quitclaiming the City's interest in said abandoned easement, and containing other provisions relating to the subject.
  2. Adopt, on Second Reading, Ordinance No. 2023-39, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.293320/\$100 Value Assessed for the Year 2023 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

- G. 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 September 26, 2023, Special City Council, October 2, 2023, Regular City Council and the October 9, 2023 Special Joint City Council and Planning and Zoning Commission Meetings.
  2. Approve Applications for Grants from FY 2023-2024 Hotel Occupancy Tax (HOT) Funds: Greater Tomball Area Chamber of Commerce, \$45,000; Spring Creek County Historical Association, \$45,000; Tomball Sister City Organization, \$160,000; and Houston Repertoire Ballet, \$21,000
  3. Approve a Services Agreement Renewal with Shane Griffin Power & Electrical Services, LLC for electrical contractor services for fiscal year 2024, for a not-to-exceed amount of \$250,000, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2023-2024 budget.
  4. Approve an agreement with Northwest Communications, Inc. for handheld radios through the Harris County/TXWARN P25 700/800 MHz contract on the BuyBoard purchasing cooperative (Contract No. 604-20) for a not-to-exceed amount of \$58,820.51, authorize the expenditure of funds therefor, and authorize the City Manager any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.
  5. Approve an agreement with Patterson Equipment Company for a Hurco Vac 600D hydro excavator and water valve exerciser through the TIPS Cooperative (Contract #221001) for a not-to-exceed amount of \$90,292.30, authorize the expenditure of funds therefor and authorize the City Manager any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.
  6. Approve an agreement with Monk Machinery, LLC for a JCB 110W T4F TAB wheeled excavator, through the Sourcewell Purchasing Cooperative (Contract No. #040319-JCB) for a not-to-exceed amount of \$229,961.61, authorize the expenditure of funds therefor, and authorize the City Manager any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.

7. Approve an agreement with Silsbee Ford, for two Ford Police Interceptor Utility vehicles through the TIPS Cooperative Purchasing (Contract TIPS USA #210907 AUTOMOBILES) for a not-to-exceed amount of \$94,080 authorize the expenditure of funds therefore and authorize the City Manager any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.
8. Approve an agreement with Donalson CDJR LLC, for seven Police Dodge Durangos through the TIPS Cooperative Purchasing (Contract TIPS US #210907 AUTOMOBILES) for a not-to-exceed amount of \$317,383.50 authorize the expenditure of funds therefore and authorize the City Manager any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.
9. Approve an agreement with Deere & Company and King Ranch Ag & Turf for two zero turn mowers, three UTV/Gators and one compact utility tractor through the Sourcewell Cooperative Purchasing (Contract Ground Maintenance #031121-DAC) for a not-to-exceed amount of \$116,383.59 authorize the expenditure of funds therefor, and authorize the City Manager any and all documents related to the expenditure. This amount is included in the FY 2023-2024 budget.

H. New Business

1. Adopt, on First Reading, Ordinance No. 2023-48, an Ordinance of the City of Tomball, Texas, Adopting Amendment Number 1 to the Original Budget of the City of Tomball, Texas for the Fiscal Year 2023-2024.
2. Consider appointments to the Tax Increment Reinvestment Zone Number 3 Board of Directors, including appointment of a Board Chair.
3. Adopt, on First Reading, Ordinance 2023-44, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, 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 along the west side of Pine Street beginning at the intersection of FM 2920 and Pine Street, extending south approximately 275 feet to the intersection of Pine Street and Market Street; providing a penalty in the amount not to exceed \$200 for each violation hereof; making finding of fact; and providing for other related matters.
4. Adopt, on First Reading, Ordinance 2023-45, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances, Section 44-164, Parking Restricted on Certain Streets, 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 along the west side of South Cherry Street beginning at the intersection of FM 2920 and South Cherry Street, extending south approximately 245 feet to the intersection of South Cherry Street and Market Street; providing a penalty in the amount not to exceed \$200 for each violation hereof; making finding of fact; and providing for other related matters.

5. Presentation, discussion and possible action regarding the Adoption of Updated Impact Fees for Water and Wastewater, in accordance with Chapter 395, Texas Local Government Code.
6. Conduct Public Hearing of the City Council of the City of Tomball to consider adoption of Updated Impact Fees for Water and Wastewater, in accordance with Chapter 395, Texas Local Government Code; Making Other Findings and Providing Details Related Thereto.
7. Consideration to Approve **Ordinance Amendment OAM23-02:** Request by Chris & Tiona Campbell to amend Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.

Conduct Public Hearing on **Ordinance Amendment OAM23-02**

Adopt, on First Reading, Ordinance No. 2023-40, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by revising its code of ordinance amending Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district; 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.

8. Consideration to Approve **Conditional Use Permit Case CUP23-07:** Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is

generally located within the 1100-1200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Conditional Use Permit Case CUP23-07**

Adopt, on First Reading, Ordinance No. 2023-41, 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 “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 1100-1200 blocks (east side) of Rudolph 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.

9. Consideration to Approve **Re-Zoning Case Z23-14**: Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Re-Zoning Case Z23-14**

Adopt, on First Reading, Ordinance No. 2023-42, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, 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.

10. Consideration to Approve **Re-Zoning Case Z23-15**: Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-

Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Re-Zoning Case Z23-15**

Adopt, on First Reading, Ordinance No. 2023-43, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn 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.

11. Approve, on First Reading, Resolution No. 2023-46-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 The Garza Agency to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 28427 SH 249, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.
12. Approve a purchase order with Siddons-Martin Emergency Group, LLC (sole source) for preventative maintenance and repairs to Pierce Fire Apparatus, within the fleet of the Fire Department, for a not to exceed amount of \$80,000, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents relating to the purchase. Funds for vehicle repairs are included in the FY 2023-2024 budget.

I. Adjournment

## **C E R T I F I C A T I O N**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 12 day of October 2023 by 6:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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Tracylynn Garcia, TRMC, CMC, CPM  
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1019 for further information.