

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



**Monday, February 20, 2023
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, February 20, 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 CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR FEBRUARY 20, 2023, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:

[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38)

A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.

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 9389 0395, Passcode: 060821. 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 Richrd Jennings - River of Praise 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. February 21, 2023 – **Sam Houston Trailride Reception** – 12 Noon at the Depot
- II. March 4, 2023 - **Tomball Little League Parade of Teams** – beginning at 7:30 a.m.
- III. March 11, 2023 – Second Saturday at the Depot – *“The Rise of Gru”* at dusk
- IV. March 24-26, 2023 – **Tomball German Heritage Festival** at the Depot

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

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. Approve, on Second Reading, Resolution No. 2023-05-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 Hufsmith Kohrville Business Park, 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 development and construction of a multibuilding office/warehouse park to be located on the West side of Hufsmith-Kohrville and Werich Rd, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$122,722.00.
- 2. Approve, on Second Reading, Resolution No. 2023-06-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 Church Holdings, Inc. 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 development and construction of a multibuilding office/warehouse park to be located near the intersection of Hufsmith-Kohrville and Spell Rd. in the City of Tomball, Texas. The estimated amount of expenditures for such Project is an amount not to exceed \$426,639.00.

3. Approve, on Second Reading, Resolution No. 2023-07-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 BCS Tomball Main, 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 commercial retail development to be located at the NE corner of SH 249 and FM 2920 Rd, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$123,094.00.
4. Approve, on Second Reading, Resolution No. 2023-08-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 STUDIO a28 to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 1431 Graham Drive, Suites 212 and 213, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$4,063.00.

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 February 6, 2023, Regular City Council Meeting
2. Approve a contract with B&C Constructors, LP to reconstruct driveways and headwalls for the Belmont Drainage Improvement Project through a IGPA Contract (Contract No. 19-03DP) for a not-to-exceed amount of \$73,752.62, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. This expenditure is included in the FY 2022-2023 Budget.
3. Approve a master services agreement with North Water District Laboratories Services, Inc. for wastewater sampling and laboratory services for a total not-to-exceed amount of \$75,000, approve the expenditure of funds therefor, and

authorize the City Manager to execute any and all documents related to the purchase. This service is included in the FY 2022-2023 Budget.

4. Approve service agreement to use Waypoint Business Solutions as a consulting services provider for a 3-year term.
5. Approve a lease extension for two years with Frank and Russell DeNina, for 3.547-acre tract, described as TR R10, Abstract 371 W. Hurd Survey, 0 Mechanic Road, for the daily worker's site.
6. Approve Resolution No. 2023-09, a Resolution of the City Council of the City of Tomball, Texas, accepting the Preliminary Service and Assessment Plan for Authorized Improvements within the Seven Oaks Public Improvement District; Setting a Date for a Public Hearing on the Proposed Levy of Assessments; Authorizing the Publication and Mailing of Notice; and Enacting Other Provisions Relating thereto

H. New Business

1. Approve an amended request from Tomball High School Athletic Booster Club (THSABC) for City Support and In-Kind Services for the THSABC Scholarship Crawfish Boil at Juergens Park, on Saturday, April 1, 2023 from 4:00-8:00 p.m.
2. Approve the Appointment, by the City Manager, of Tracylynn Garcia as City Secretary, effective March 1, 2023
3. Approve Administrative Policy No. 1, entitled "Proclamation Policy"
4. Conduct a Public Hearing and consideration to approve **Zoning Case Z23-02**: Request by RIAA Group, LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.12 acres of land legally described as being portions of Lot 172, in Tomball Townsite from Agricultural (AG) to General Retail (GR). The property is located at the northwest corner of S. Cherry Street & Medical Complex Drive at 1635 S. Cherry Street, within the City of Tomball, Harris County, Texas.
 - * Conduct Public Hearing
 - * Adopt, on First Reading, Ordinance No. 2023-02, 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 50-2 (Definitions), of Article I, in general and Section 50-82 (Use Regulations (Charts)), Subsection (B)(Use Charts), of Article III, District Regulations; providing for 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.

5. Conduct a Public Hearing and consideration to approve **Ordinance Amendment OAM23-01**; Request by Apex Clean Energy Holdings, LLC to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding standards pertaining to “Energy Storage System”.
 - * Conduct Public Hearing
 - * Adopt, on First Reading, Ordinance No. 2023-03, 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 50-2 (Definitions), of Article I, in general and Section 50-82 (Use Regulations (Charts)), Subsection (B)(Use Charts), of Article III, District Regulations; providing for 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.
6. 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
 - * Sec. 551.072 – Deliberations regarding Real Property
 - * Sec. 551.076 – Deliberations regarding Security Devices
 - * Sec. 551.087 – Deliberations regarding Economic Development
7. Approve, on First Reading, Resolution No. 2023-04-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Project of the Tomball Economic Development Corporation, the designation of a mixed-use development in Old Town Tomball, to promote new or expanded business development, with such Project including the expenditure of funds for the purchase of land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements related to the Project, and authorizing the Executive Director or designee to execute any and all documentation related to the Project.
8. Approve, on First Reading, Resolution No. 2023-03-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving an

Amendment to the Tomball Economic Development Corporation Fiscal Year 2022-2023 Budget to allow for the expenditure of funds and related project costs for the acquisition of land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements near Old Town Tomball.

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 16th day of February 2023 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, Assistant City Secretary, TRMC, CMC, CPM

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) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.