

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



**Monday, September 18, 2023
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, September 18, 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: 892 7611 6840 Passcode: 512526. 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 Bill Haygood - Tomball Methodist 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

Upcoming Events:

- September 23 - GroovFest 11:00 a.m. – 6:00 p.m. @ Depot

- September 27 - Tomball HS Homecoming Parade 6:00 – 8:00 p.m. @ Depot & Main St.
- September 30 - Tomball Museum Classic Car Day 10:00 a.m. – 2:00
- October 3 - National Night Out 5:00 - 8 :00 p.m. @ Depot
- October 3 - Tomball Farmers Market Sunset Market 4:00 – 7 p.m.
- October 7 - Second Saturday “Spooktacular” 4:00 – 9:00 p.m. @ Depot
- October 12 - Mayor’s Kaffeeklatsch 8:30 – 10:00 a.m. @ Community Center Rm. B
- October 14 - Rotary “Big Show” 3:00 – 9:00 p.m. @ Depot
- October 14 - TFD Family Day @ Juergens Park

F. Approval of Minutes

1. Approve the Minutes of the September 5, 2023, Special and Regular Tomball City Council Meetings.

G. Old Business

1. Adopt, on Second Reading, Ordinance No. 2023-29, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2023-2024; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2022-2023 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance

H. New Business

1. Approve Resolution No. 2023-41 of the City Council of the City of Tomball, Texas, supporting the 58th Annual Tomball Holiday Parade, Santa’s Beach Bash” to be held in the City of Tomball at 10:00 a.m. on Saturday, November 18, 2023, and to Approve Requested Streed Closures and In-Kind Services.
2. Resolution No. 2023-38; A Resolution by the City Council of the City of Tomball, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Approving the Preparation of a Preliminary Official Statement; And Approving Other Matters Incidental Thereto
3. Approve the Proposed Tax Rate of \$0.293320/\$100 for Tax Year 2023 and Set the Dates to Vote on the Proposed Tax Rate for October 2, 2023 and October 16, 2023

4. Approve Resolution No. 2023-43, a Resolution of the City of Tomball, Texas, Adopting the City of Tomball’s Fiscal Year 2024-2028 Capital Improvement Plan.
5. Adopt, on First Reading, Ordinance No. 2023-37, an Ordinance of the City of Tomball, Texas, Amending its Code of Ordinances by Adding Section 46-66 (Disconnection of Temporary Hydrant Meter Service); 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.
6. Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2023-2024 Budget.
7. Presentation, discussion, and possible action regarding the Alley Improvement Project.
8. Consider, Discuss and Appoint The Charter Review Commission Chair and Co-Chair.
9. Approve Resolution No. 2023-42, a Resolution of the City of Tomball, Texas approving the Fiscal Year 2023-2024 Strategic Plan.
10. Approve Resolution No. 2023-44, a Resolution of the City of Tomball, Texas, approving the Master Fee Schedule for Fiscal Year 2023-2024.
11. Consideration to Approve **Conditional Use Permit Case CUP23-05**: Request by 2 S&Z Investments LLC., represented by Breann Williams, for a Conditional Use Permit to allow “Barber/Beauty Shop (no related school/college)” within Office (O) zoning. Affecting approximately 1.00 Acres of land legally described as being Reserve B, Block 1 of Brown-Hufsmith Church Subdivision. The property is located at the southwest corner of Brown-Hufsmith Road and Baker Drive, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Conditional Use Permit Case CUP23-05**

Adopt, on First Reading, Ordinance No. 2023-30, 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 “Barber/Beauty Shop (no related school/college)” within Office (O) zoning. Affecting approximately 1.00 Acres of land legally described as being Reserve B, Block 1 of Brown-Hufsmith Church

Subdivision. The property is located at the southwest corner of Brown-Hufsmith Road and Baker 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.

12. Consideration to Approve **Conditional Use Permit Case CUP23-06**: Request by Equalizer USA, Inc., represented by Morales Engineering Associates, LLC., for a Conditional Use Permit to allow “Playfield or stadium (private)” within Agricultural (AG) zoning. Affecting approximately 7.51 Acres of land legally described as being Lot 69 of Tomball Townsite Outlots. The property is located at the northeast corner of Rudolph Road and E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Conditional Use Permit Case CUP23-06**

Adopt, on First Reading, Ordinance No. 2023-31, 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 “Playfield or stadium (private)” within Agricultural (AG) zoning. Affecting approximately 7.51 Acres of land legally described as being Lot 69 of Tomball Townsite Outlots. The property is located at the northeast corner of Rudolph Road and E. Hufsmith 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.

13. Consideration to Approve **Re-Zoning Case Z23-12**: Request by Paul & Delphine Michna to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.29 acres of land legally described as being Lot 200, Block 10 of Sansom Plaza from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 611 N. Cherry Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Re-Zoning Case Z23-12**

Adopt, on First Reading, Ordinance No. 2023-32, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.29 acres of land legally described as being Lot 200, Block 10 of Sansom Plaza from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 611 N. 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.

14. Consideration to Approve **Re-Zoning Case Z23-13**: Request by Hightower Investments LTD. To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.32 acres of land legally described as being Lots 1 & 2, Block 53 of Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 400 N. Elm Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-13**

Adopt, on First Reading, Ordinance No. 2023-33, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.32 acres of land legally described as being Lots 1 & 2, Block 53 of Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 400 N. Elm 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.

15. Approve a contract with CentralSquare Technologies, for False Alarm Management Services, and authorize the City Manager to execute the agreement. This contract reduces the revenue share with CentralSquare from 47.5% to 35%.
16. Discussion and consideration to approve Resolution No. 2023-39, a Resolution of the City Council of the City of Tomball, Texas authorizing the City Manager to execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation for providing reconstruction and access management improvements to FM 2920 from Business 249-B east to Willow Street.
17. Approve an agreement with B & C Constructors, LP for improvements at Jerry Matheson Park (BuyBoard Contract No. 19-03DP), for a not-to-exceed amount of \$355,312.26, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2022-2023 budget as a Capital Improvement Project.
18. Approve a Service Agreement with ABM Texas General Services, Inc. for the janitorial services and supplies for City facilities, for a not-to-exceed amount of

\$115,000 (RFP 2023-19), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures were included in the Fiscal Year 2023-2024 Budget.

19. 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 that the Attorney's Duty Requires to be Discussed in Closed Session

Sec. 551.072 – Deliberations regarding Real Property

Sec. 551.074 – Personnel Matters; Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee-City Manager

20. Discussion and Approval of the Employment Contract for City Manager, David Esquivel, PE

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 14 day of September 2023 by 6:30 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, TRMC, CMC, CPM
City Secretary

<p>This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation 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.</p>
