

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



**Monday, February 05, 2024
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, February 05, 2024 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: 895 3151 8784 Passcode: 528448. 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 Adam McIntosh with St. David's Reformed 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. Presentations
 - 1. Tomball Regional Health Foundation

F. Reports and Announcements

1. Announcements

I. Upcoming Events:

February 8, 2024 – Mayor’s Kaffeeklatsch 8:30 am – 10 am @
Community Center Room A

February 17, 2024 - Last day to apply for place on ballot for the May 4,
2024 General Election

February 20, 2024 – Tomball Trail Ride (SHTR) 12:00 pm – 2:00 pm @
Depot

March 9, 2024 – Second Saturday 5:00 pm – 9:00 pm @ Depot

March 16, 2024 – Electric Tomball/Depot Disco 5:00 pm – 9:00 pm @
Depot

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

I. Katherine Tapscott – Quarterly Financial Update for Period Ending
December 31, 2023

II. Quarterly Investment Report for Period Ending December 31, 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.

G. Old Business

1. Approve, on Second Reading, Ordinance No. 2024-01, an Ordinance of the City of Tomball, Texas, finding and determining that public convenience and necessity no longer require the continued existence of an unimproved right-of-way between Barbara Street and Alma Street, all situated in the Northwest Houston Heart Center Plat as recorded in Volume 621, Page 269 of the Map Records of Harris County, Texas; vacating, abandoning, and closing said portion of such unimproved right-of-way; authorizing the City Manager to execute and the City Secretary to attest a quitclaim deed quitclaiming the City’s interest in said unimproved right-of-way; and containing other provisions relating to the subject.

- 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 Minutes of the January 22, 2024, Special City Council meeting and the January 29, 2024, Special Joint City Council and Charter Review Commission meeting.
 2. Approve the expenditure of \$135,065.08 for Sales Tax Compliance Review Services for October 1 -December 31, 2023 from Avenu Insights & Analytics and authorize the City Manager to execute any and all documents related to the expenditure.
 3. Approve a Professional Services Agreement with Engineered Utility Solutions, Inc. for Project Number 2022-10011, Gas Master Plan, for a not-to-exceed amount of \$327,750, 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 a Professional Services Agreement with Oller Engineering, Inc. for the design of a water line extension along E. Hufsmith (from the drainage channel to N. Cherry Street/Ulrich Road), Project Number 2024-10002, for a not-to-exceed amount of \$346,382, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2023-2024 capital budget.
 5. Approve a services agreement renewal with Accurate Utility Supply, LLC for water, wastewater, and drainage supplies and services through a BuyBoard Contract (Contract No. 626-20) for a not-to-exceed amount of \$262,500, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the Fiscal Year 2023-2024 Budget.
 6. Approve a services agreement renewal with North Water District Laboratory, Services, Inc. for wastewater sampling and laboratory services for a total not-to-exceed amount of \$100,000, 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 Fiscal Year 2023-2024 Budget.
 7. Approve a services agreement renewal with Source Point Solutions, LLC to provide vector services and regular maintenance of sewer components for a total not-to-exceed amount of \$60,000, 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 Fiscal Year 2023-2024 Budget.

8. Approve a services agreement renewal with Water Utility Services, Inc. for water sampling and laboratory services for a total not-to-exceed amount of \$175,000, 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 Fiscal Year 2023-2024 Budget.
9. Approve a services agreement with Sprint Waste of Texas, LP DBA GFL Environmental for sludge hauling and disposal for Fiscal Year 2024, for a not-to-exceed amount of \$140,000 (Bid No. 2024-06), approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. These expenditures are included in the fiscal year 2023-2024 budget.

I. New Business

1. Appoint a Member to Fill Vacancy and Complete the Unexpired Term on the Tomball Economic Development Corporation Board of Directors expiring 5/31/2024.
2. Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with Billiard Factory to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the development of its corporate distribution facility to be located at 2013 S. Persimmon Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is and amount not to exceed \$95,909.00.
3. Approve, on First Reading, Resolution No. 2024-03-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 LOMA Health & Wellness, PLLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 604 Baker Drive, Unit D, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$8,880.00.
4. Approve, on First Reading, Resolution No. 2024-04-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 Della Casa Pasta, LLC to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be

located at 22525 Hufsmith-Kohrville Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$10,000.00.

5. Approve, on First Reading, Resolution No. 2024-05-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 the City of Tomball to make direct incentives to, or expenditures for, improvements to the North and South 100 Block and North 200 Block Alleyways located in the City of Tomball, Texas. The estimated amount of expenditures for such Project is an amount not to exceed \$1,188,834.00.
6. Approve, on First Reading, Resolution No. 2024-06-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 for the Summer Youth Employment Program, that will, among other things, reimburse qualified business owners for certain employment costs related to employing young people in the City during the summer months, in order to promote new or expanded business development in and around the City.
7. Consideration to approve the Tomball Police Department Annual Data Capture Report – 2023 and authorize the posting of the information as required by Senate Bill 1074.
8. Presentation and discussion, and provide staff direction regarding the draft City of Tomball Parks, Recreation, and Trails System Master Plan.
9. Approve Resolution Number 2024-09, a Resolution of the City Council of the City of Tomball, Texas approving a Reimbursement Agreement relating to the Wood Leaf Public Improvement District Number 11 – Improvement Area #2 (IA2).
10. Consideration to Approve **Ordinance Amendment OAM23-03**: Request by the City of Tomball to amend Chapter 50 – Article III (*District Regulations*) adding Section 50-75.1 – Neighborhood Retail District (NR) zoning classification and subsequent district standards. Modifying Section 50-82 (*Use regulations (charts)*). Modifying Section 50-112 (*Off Street Parking and Loading Requirements*) adding parking regulations within the Neighborhood Retail District. Modifying Section 50-113 (*Landscape Requirements*) specifying parking lot screening requirements. Modifying Section 50-115 (*Screening, Buffering and Fencing Requirements*) replacing subsection (b)(1) (*Screening of Non-Residential, Multifamily, and manufactured (mobile) home parks*) with new land use buffering standards.

Conduct Public Hearing on **Ordinance Amendment OAM23-03**

Adopt, on First Reading, Ordinance No. 2023-55, an Ordinance of the City of Tomball, Texas, amending Chapter 50 – Article III (*District Regulations*) adding Section 50-75.1 – Neighborhood Retail District (NR) zoning classification and subsequent district standards. Modifying Section 50-82 (*Use regulations (charts)*). Modifying Section 50-112 (*Off Street Parking and Loading Requirements*) adding parking regulations within the Neighborhood Retail District. Modifying Section 50-113 (*Landscape Requirements*) specifying parking lot screening requirements. Modifying Section 50-115 (*Screening, Buffering and Fencing Requirements*) replacing subsection (b)(1) (*Screening of Non-Residential, Multifamily, and manufactured (mobile) home parks*) with new land use buffering standards; 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. Consideration to Approve the proposed amendments to the City of Tomball Charter.

Conduct Public Hearing on the Proposed Amendatory language for City of Tomball’s Charter.

Adopt, on First Reading, Ordinance No. 2024-02, An Ordinance Of The City Of Tomball, Texas Calling A Special Election To Be Held On May 4, 2024, For The Purpose Of Submitting To The Voters Propositions To Amend The City Of Tomball Charter Regarding: (A) Amending Sections 3.07, 4.01, 5.07, 6.03, 6.12, 6.13, 7.07, 7.08, 9.03, And 10.2 To Correct Non-Substantive Issues; (B) Amending Section 1.05 To Update To Language Used To Clarify Between Sex And Gender Based Pronouns; (C) Amending Section 2.03 To Update Annexation Procedures In Line With Changes In Texas Law; (D) Amending Section 5.01 Relating To The Publication Of Elections And The Dates Of Elections; (E) Amending Section 5.03 Relating To Forms Required For Municipal Office Application; (F) Amending Section 6.02 Relating To Term Limits; (G) Amending Sections 6.08 And 7.01 Relating To The Powers Of Mayor And City Manager; (H) Amending Section 6.10 Relating To The Role Of Council In Selecting City Administrative Personnel; (I) Amending Section 6.14 Relating To The Physical Publishing Of Ordinances And Relating To Reading Ordinances At Council Meetings; (J) Amending Article Vi And Article X By Removing Part Of Section 10.01 And Adding Section 6.17 Relating To Council Liaison On Boards And Commissions; (K) Amending Sections 6.02, 6.03, 6.04, 6.06, 6.08, And 6.13 Relating To The Term Councilmember; (L) Section 7.01 Relating To The Next Charter Review Written Report; (M) Amending Section 7.08 Relating To The Term And Removal Of Municipal Judge; (N) Amending Section 8.06 Relating To Public Hearing On Budget; (O) Amending Section 8.14 Relating To Classifications Of Accounting Standards; (P) Amending 8.17 Relating To Countersigning Of Checks, Vouchers Or Warrants By Assistant City Manager; (Q) Amending Section 10.01 Relating To The Planning And Zoning Commission

Powers To Approve Final Plats, To Recommend Building Code Adoption And Revision, To Recommend Capital Improvement Plans; And To The Planning And Zoning Commission Notice Of Meeting Change; And (R) Amending Sections 6.02, 6.03, 6.07, 6.08, 6.14, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.07, 7.08, 11.03, 11.04, 11.05, 11.07, 11.11, 11.12, And 12.02 Relating To The Office Or Title Language; Providing For Ballots; Designating The Time And Place For Holding Such Elections; Providing For Notices; Providing For Publication; Providing For Severability; And, Providing An Effective Date.

12. Discussion and possible action to schedule a Special City Council for the Second Reading of Ordinance No. 2024-02
13. Discussion and possible action to schedule a City Council retreat for strategic planning sessions
14. 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

J. 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 1st day of February 2024 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, TRMC, CMC, CPM
City Secretary

his 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.
