

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



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

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, December 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: 871 2890 4632 Passcode: 131837.** 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 Terry Clemons - The Church of God of the Union Assembly Inc.
- 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. Proclamation - **“Greater Tomball Area Chamber of Commerce Day”**

F. Reports and Announcements

1. Announcements

I. Upcoming Events:

December 20 – Polar Express Sunset Market 4:00 p.m. – 7:00 p.m.
@ Information Center Parking Lot

January 13, 2024 – Tomball Fire Station IV Grand Opening 10:00
am – 1:00 pm

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
September 30, 2023.

G. 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 2023-52, an Ordinance of the City of Tomball, Texas, extending the city limits of said City to include all of the territory within certain limits and boundaries and annexing to the City of Tomball all of the territory within such limits and boundaries; approving a service plan for all of the area within such limits and boundaries; containing other provisions relating to the subject; and providing a savings and severability clause *(being a tract or parcel, containing 12.114 acres (527,706 square feet) of land situated in the Elizabeth Smith Survey, Abstract Number 70 and in the C.M. Pilot Survey, Abstract 632, Harris County, Texas [11701 Holderrieth Rd, HCAD 0410260020004])*
2. Adopt, on Second Reading, Ordinance No. 2023-49, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within 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.

3. Approve, on Second 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.
4. Approve, on Second Reading, Resolution No. 2023-50-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 T & R Harmon, LLC DBA Craving Kernels to make direct incentives to, or expenditures for, rental assistance for new or expanded business enterprise to be located at 702 South Persimmon Street, Unit 3A, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$8,820.00.
5. Approve, on Second Reading, Resolution No. 2023-53-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 Headquarters TOO, 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 15,500 square foot commercial facility to be located at 1417 Graham Drive, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$102,459.00.
6. Approve, on Second Reading, Resolution No. 2023-54-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 First Community Credit Union 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 Banking and Financial Services office building to be located at 26902 TX-249 in the City of Tomball, Texas. The estimated amount of expenditures for such Project is an amount not to exceed \$64,721.00.

- 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 December 4, 2023, Regular City Council meeting.
 2. Approve an agreement with Bull-G Construction, LLC for Project Number 2023-10015, Rudolph Road water line extension for the City of Tomball, for a not-to-exceed amount of \$333,198 (Bid No. 2024-02), 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 capital budget.
 3. Approve an agreement with Bull-G Construction, LLC. for Project Number 2017-10012, Rudolph Road sanitary sewer extension for the City of Tomball, for a not-to-exceed amount of \$217,885 (Bid No. 2024-03), 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 capital budget.
 4. Approve an agreement with MC Sandblasting and Painting, Inc. for Project Number 2023-10004, Pine Street elevated storage tank rehabilitation for the City of Tomball, for a not-to-exceed amount of \$229,400 (Bid No. 2024-05), 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 Capital Improvement Program budget
- I. New Business
1. Consideration, discussion, and possible action regarding January 2, 2023, Regular City Council
 2. Approve Request from Tomball Rotary Club for City Support and In-Kind Services for the Tomball Rotary Club Fish Fry at Juergens Park, on Friday, April 12, 2024 from 4:00-8:00 p.m.

3. Consideration to Approve **Zoning Case Z23-19**: Request by William G. Hightower to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 0.24 acres of land legally described as being Lot 1, Block 1 of Elim from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located within the 300 block (north side) of Mechanic Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-19**

Adopt, on First Reading, Ordinance No. 2023-54, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (*Zoning*) of the Tomball Code of Ordinances by rezoning approximately 0.24 acres of land legally described as being Lot 1, Block 1 of Elim from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located within the 300 block (north side) of Mechanic Street, within the City of Tomball, Harris County, Texas; 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.

4. Approve a Professional Services Agreement with Freese & Nichols, Inc. for the design of the expansion for the South Wastewater Treatment Plant, Project Number 2023-10003, for a not-to-exceed amount of \$4,933,000, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the fiscal year 2023-2024 budget as a Capital Improvement Project.
5. Approve a Professional Services Agreement with PLW Waterworks, LLC to provide design phase services for the South Wastewater Treatment Plant expansion, Project Number 2023-10003, for a not-to-exceed amount of \$595,699, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the Fiscal Year 2023-2024 budget as a Capital Improvement Project.
6. Resolution No. 2023-56, a Resolution of the City Council of the City of Tomball, Texas, calling for a public hearing on January 15, 2024, for the creation of Tomball Public Improvement District No. 15 (Graylou Grove) and being located within the City of Tomball.

7. 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. 551.074 – Personnel Matters; Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee-IT Director

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 14th day of December 14, 2023, by 6:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, TRMC, CMC, CPM
City Secretary

<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>
