

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



**Monday, August 21, 2023
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, August 21, 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:869 0070 2410 Passcode: 211635. 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 Miker Hernandez - Local 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
 - **2023 Swim Season (Jerry Matheson Park Pool):**
(See website tomballtx.gov for specific dates and times open)
The Pool will be open to the public on weekends until Labor Day

- **Upcoming Events:**

September 5 – Public Hearing Re: Adopting the City of Tomball’s Budget for FY 2023-2024

September 9 - Second Saturday 5:00 - 9:00 p.m. @ Depot

September 11 - 9/11 Remembrance 8:30 – 9:30 a.m.

September 14 - Mayor’s Kaffeeklatsch 8:30 -10:00 a.m. @ Administrative Services Training Room

September 16 - Freedom 5k Ruck March 8:00 a.m. – 12:00 p.m.

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 p.m. @ Tomball Museum

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. 2023-22, an Ordinance of the City of Tomball, Texas Approving the 2023 Annual Update to the Service and Assessment Plan and Assessment Roll for the Wood Leaf Public Improvement District Number 11 (PID 11), including the collection of the 2023 Annual Installment.

2. Adopt, on Second Reading, Ordinance Number 2023-24, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Raburn Reserve Public Improvement District (the “District”); Making a Finding of Special Benefit to Certain Property in the District; Levying Assessments against Certain Property

within the District and Establishing a Lien on Such Property; Providing for Payment of the Assessment in Accordance with Chapter 372, Texas Local Government Code, as Amended; Providing for the Method of Assessment and the Payment of the Assessments; Providing for Penalties and Interest on Delinquent Assessments; Providing for Severability and Providing an Effective Date. The proposed Amended and Restated Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on October 7, 2019.

3. Adopt, on Second Reading, Ordinance No. 2023-25, an Ordinance of the City of Tomball, Texas Amending its code of ordinances by adding article VIII (22-196-22-276), Boarding Home Regulations, of Chapter 22, Health and Sanitation, to comply with Chapter 260 of the Texas Health & Safety Code; Containing findings and other provisions relating to the subject; declaring certain conduct to be unlawful; providing a penalty in an amount not to exceed \$2,000.00 for each violation of this ordinance with every day constituting a new violation; providing for severability; providing for publication; and providing an effective date.
- 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 August 7, 2023, Special and Regular Tomball City Council Meetings.
 2. Approve an Interlocal Agreement between the City of Tomball and the County of Harris for intergovernmental cooperation regarding boarding homes within the City Limits of Tomball, the Harris County Sheriff's Department Boarding Home Taskforce and Authorize the City Manager to Execute said Interlocal Agreement.
 3. Approve an agreement with Caldwell Country Chevrolet for two 2023 Chevrolet Tahoes Shop #23-170 and Shop #23-178 through the Buy Board Contract (Contract No. 601-19), for a not-to-exceed amount of \$100,690.00, authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the expenditure. This amount is included in the FY 2022-2023 budget.
 4. Reappoint Sherrie Meicher as the City of Tomball's Representative to the Southeast Texas Housing Finance Corporations (SETH) Board of Directors, New Term Expiring January 21, 2026.
 5. Approve a Service Agreement with America's Nationwide Netting, Inc. for the purchase and installation of baseball netting at Jerry Matheson Park, for a not-to-

exceed amount of \$77,000 (Bid 2023-18), 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 2022-2023 Budget.

6. Approve an Agreement with A-K 133 Hwy 249 – Grand Parkway, L.P. for Contribution in Aid of Construction for related expenses for the design and construction of the proposed Grand Parkway Natural Gas Gate, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement.
7. Approve an Agreement with LIT Interchange 249 Phase I, LLC for Contribution in Aid of Construction for related expenses for the design and construction of the proposed Grand Parkway Natural Gas Gate, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement.
8. Approve a Professional Services Agreement with Freese & Nichols, Inc. for the design of the Baker Drive Water Plant, Project Number 2023-10019, for a not-to-exceed amount of \$1,849,087, 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.
9. Approve a Facilities Agreement with Kinder Morgan Tejas Pipeline, LLC for design and construction of the interconnect for the proposed Grand Parkway Natural Gas Gate, for a not-to-exceed amount of \$236,762, 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.
10. Approve a Professional Services Agreement with Threshold Land Services for acquisition of utility easements for the FM 2920 Lift Station Consolidation, Project 2019-10008, for a not-to-exceed amount of \$77,646.28, 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.
11. Approve an annual Consumer Price Index (CPI) and Fuel Index Adjustment from GFL Environmental (formally WCA Waste Corporation) of 5%, effective October 1, 2023, authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all required documentation. This amount is included in the FY 2023-2024 budget.

H. New Business

1. Discussion and Presentation by Tim Crawford regarding “The Cottage Green”, a proposed development along Brown Road between the Tomball Tollway and Quinn Road.
2. Appoint/Reappoint Members to the Tomball Regional Health Foundation Board of Directors for Terms Expiring September 1, 2023
3. Consideration and discussion regarding the Charter Review Committee
4. Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2023-2024 Budget.
5. Consideration to Approve **Zoning Case Z23-10**: Request by Nathan T. Newman on behalf of NTN Tomball Corner, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 56.1 acres of land legally described as Lot 1 & Lot 3 of Reserve at Tomball, and Lot 2 of Reserve at Tomball Partial Replat No. 1 from Single-Family 9 (SF-9) and Commercial (C) to Planned Development (PD) zoning. The property is generally located at the northwest corner of FM 2978 and FM 2920, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-10**

Adopt, on First Reading, Ordinance No. 2023-22, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 56.1 acres of land legally described as Lot 1 & Lot 3 of Reserve at Tomball, and Lot 2 of Reserve at Tomball Partial Replat No. 1 from Single-Family 9 (SF-9) and Commercial (C) to Planned Development (PD) zoning. The property is generally located at the northwest corner of FM 2978 and FM 2920, 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.

6. Consideration to Approve **Zoning Case Z23-11**: Request by ISIDROWS, LLC on behalf of Wendy Lynn Dixon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 10 acres of land legally described as being part of Lots 372 & 373 of Tomball Outlots from Single-Family 20 Estate (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the

1500 block (east side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Zoning Case Z23-11**

Adopt, on First Reading, Ordinance No. 2023-23, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as being part of Lots 372 & 373 of Tomball Outlots from Single-Family 20 Estate (SF-20-E) to Light Industrial (LI) zoning. The property is generally located within the 1500 block (east side) of S. Persimmon Street, within the City of Tomball, Harris County, Texas.

7. Adopt, on First Reading, Ordinance No. 2023-28, an Ordinance of the City of Tomball, Texas amending its Code of Ordinances by amending Chapter 4, Alcoholic Beverages, by adding a new Section 4-3, Variance procedures; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; providing for severability, making findings of fact; and providing for other related matters.
8. Approve Resolution No. 2023-29, a Resolution of the City of Tomball, Texas, amending sections of the Master Fee Schedule for Fiscal Year 2022-2023.
9. Adopt, **on First and Only Reading**, Ordinance No. 2023-26, an Ordinance Approving and Authorizing the Issuance and Sale of the City of Tomball Special Assessment Revenue Bonds, Series 2023 (Raburn Reserve Public Improvement District Improvement Area #2); Approving and Authorizing a Master Indenture of Trust and Second Supplemental Indenture of Trust and other Agreements and Documents in Connection Therewith; Making Findings with to the Issuance of Such Bonds; and Providing an Effective Date.
10. Adopt, **on First and Only Reading**, Ordinance No. 2023-27, an Ordinance Approving and Authorizing the Issuance and Sale of the City of Tomball Special Assessment Revenue Bonds, (Raburn Reserve Public Improvement District Improvement Area #3); Approving and Authorizing a Master Indenture of Trust and First Supplemental Indenture of Trust and other Agreements and Documents in Connection Therewith; Making Findings with to the Issuance of Such Bonds; and Providing an Effective Date.
11. Approve Resolution Number 2023-28, a Resolution of the City Council of the City of Tomball, Texas approving an Amended and Restated Reimbursement Agreement relating to the Raburn Reserve Public Improvement District – Improvement Area Three (IA3).

12. Consideration and discussion regarding the Proposed Fiscal Year 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 17 day of August 2023 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

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) 290-1018.