

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



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

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, March 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.

THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:

<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: 869 2550 4716, Passcode: 404593. 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 Chris Hull – Zion Lutheran 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

March 24-26, 2023 – Tomball German Heritage Festival at the Depot

April 1, 2023 – Tomball Athletic Booster Club Crawfish Boil at Juergens Park

April 15, 2023 – Tomball Rails and Tails Crawfish Festival at the Depot

April 21, 2023 – Tomball Rotary Fish Fry at Juergens Park

April 17-22, 2023 – Tomball Annual Spring Clean-Up and Chipping Week

April 22, 2023 – Tomball Consolidated Recycling Day – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.

May 4, 2023 – National Day of Prayer at the Depot

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

1. Quarterly Investment Report for Period Ending December 31, 2022. 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.

F. 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 March 6, 2023, Regular City Council Meeting
2. Consideration to approve an amendment to a professional services agreement with Freese & Nichols, Inc. for on-call GIS, planning, and engineering services for an amount of \$50,000 (contract total not to exceed amount of \$100,000).
3. Consideration to approve a Professional Services Agreement with Raba Kistner for groundwater monitoring at the City of Tomball closed landfill for a not-to-exceed amount of \$40,300, 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.

4. Consideration to approve a Professional Services Agreement with Raba Kistner for gas monitoring at the City of Tomball closed landfill for a not-to-exceed amount of \$20,500, 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.
5. Approve a contract with Weisinger Incorporated to complete repairs and maintenance on Water Well 6 through a BuyBoard Contract (Contract No. 662-22 & 672-22) for a not-to-exceed amount of \$129,444, 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.
6. Approve the purchase of a two 500kW natural gas generators from Evolve Power Generation through a cooperative purchasing contract with Choice Partners (Contract No. 17/020CG-04 & 21/031KN-22) for a not-to-exceed amount of \$599,787, approve the expenditure of funds therefor, and authorized the City Manager to execute any and all documents related to the purchase. This expenditure is included in the FY 2022-2023 Budget.
7. Consideration to approve a Professional Services Agreement with Oller Engineering, Inc. for the Rudolph Road water line extension design (Project Number 2023-10015) in the not-to-exceed amount of \$49,420, approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This project was included in the FY 2022-2023 budget.

G. New Business

1. Discussion and Possible Action regarding Legislative Items at the 2023 Texas Legislative Session.
2. Provide staff direction and authorize the city to commence negotiations on the proposed designs for FM 2920/Main Street reconstruction project with TXDOT.
3. Approve Resolution No. 2021-14, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be Held on the 6th Day of May 2023, in Accordance with Section 2.053(A) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

Aprobar la Resolución Nro. 2023-14 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 6 de mayo de 2023 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Chấp thuận Nghị Quyết số 2023-14, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 6 tháng Năm, 2023, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

通過決議案2023-14，取消一般市府官員應於2023年5月6日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於取消該選舉的詳情。

4. Approve, on First Reading, Resolution No. 2023-10-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 Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to Jerry Matheson Park located at 1240 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$200,000.00.
5. Approve, on First Reading, Resolution No. 2023-11-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 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 Alleyways located in the City of Tomball, Texas, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$600,000.00.
6. Approve, on First Reading, Resolution No. 2023-13-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 Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, design of the South Wastewater Treatment Plant expansion located in the City of Tomball, Texas, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$415,000.00.

7. Approve, on First Reading, Resolution No. 2023-12-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 Agreement by and between the Corporation and the City of Tomball to make direct incentives to, or expenditures for, improvements to Louie's Together Playground located at 1331 Ulrich Rd., Tomball, Texas 77375, as authorized under Sections 505.152 and 505.154 of the Texas Local Government Code. The estimated amount of expenditures for such Project is \$200,000.00.
8. Conduct Public Hearing of the City Council of the City of Tomball to consider proposed Levy of Assessments for authorized improvements within the Seven Oaks Public Improvement District in the City of Tomball, Public Improvement District Number Fourteen (PID 14), established by City Council Resolution No. 2022-27. The proposed Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on August 15, 2022.
9. Adopt, on First Reading, Ordinance Number 2023-06, an Ordinance of the City Council of Tomball, Texas, Approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Seven Oaks 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 Service and Assessment Plan complies with the requirements of the approved Development Agreement as approved by City Council on August 15, 2022.
10. An Ordinance Amending The Code of Ordinances of The City of Tomball, Texas, By Adding a New Subsection (ff-1) to Section 20-28, Amendments to The 2015 International Fire Code, of Article II, Fire Code, of Chapter 20, Fire Prevention And Protection; Regulating The Installation, Operation, Maintenance, Repair, Retrofitting, Testing, Commissioning And Decommissioning Of Energy Systems Used for Generating or Storing Energy; Providing A Penalty In An Amount Not To Exceed \$2,000.00 Per Day for Violation of Any Provision Hereof, With Each Day Constituting a Separate Offense; Providing a Repealer; Providing For Severability, And Making Other Findings Related Thereto.

11. Consideration to approve **Case CUP23-01**: Request by Ideaco Investments, LLC, represented by Michael Pierce for a Conditional Use Permit to allow “Market, Open Air” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Case CUP23-01**

Adopt, on First Reading, Ordinance No. 2023-04, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit for approximately 0.46 acres of land legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce 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.

12. Consideration to approve **Case CUP23-02**: Request by Ideaco Investments, LLC, represented by Michael Pierce for a Conditional Use Permit to allow “Mobile Food Court” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

Conduct Public Hearing on **Case CUP23-02**

Adopt, on First Reading, Ordinance No. 2023-05, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by issuing a Conditional Use Permit for a “Mobil Food Court” approximately 0.46 acres of land legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce 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.

H. Adjournment

CERTIFICATION

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

Tracylynn Garcia, TRMC, CPM, CMC
City Secretary

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.