

**NOTICE OF CITY COUNCIL WORKSHOP/
REGULAR AGENDA
CITY OF TOMBALL, TEXAS**



**Monday, April 06, 2026
5:00 P.M.**

Notice is hereby given of a Workshop and Regular meeting of the Tomball City Council, to be held on Monday, April 06, 2026 at 5:00 P.M., 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: 820 6796 2159 Passcode: 831472. 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. 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.]*
- C. General Discussion
 - 1. Presentation of design concepts for the Gateway Monuments and Wayfinding Signage.
 - 2. Review of and Discussion on HB 2844, SB 1008, DSHS proposed rules (25 TAC Chapter 226), and Tomball Code of Ordinances Chapter 32 (Peddlers and Solicitors / Mobile Food Vendors).

- D. Proposed Future Agenda Items *[The following items are provided for informational purposes for City Council and public review. Any item may be pulled for separate discussion at Council's request.]*
1. Workshop Discussion Only- Request by Tim Littlefield LLC to abandon of an unimproved street right-of-way between Lot 1 Block 1 of Tim Littlefield LLC and Lot 1 Block 2 of Tim Littlefield LLC, being 0.324 acres of land situated in the Jessie Pruitt Survey A-629, and in the Tim Littlefield LLC plat as recorded in file 704839 of the map records of Harris County, Texas.
 2. Workshop Discussion Only - Approve an agreement with Environmental Designs, Inc. for tree growing and planting for the streetscape improvement project along Main Street/FM 2920 for a total purchase amount not-to-exceed \$1,549,702 (RFP No. 2026-06), 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 2025-2026 Capital Improvement budget.
 3. Workshop Discussion Only – Approve a services agreement renewal with Evolve Power Generation for generator preventive maintenance and repairs through a Choice Partners cooperative purchasing contract (Contract No. 17-020CG-04) for a not-to-exceed amount of \$105,000, 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 2025-2026 budget and will be allocated in the fiscal year 2026-2027 budget.
- E. Recess/Reconvene at 6:00 p.m.
- F. Invocation led by Pastor Adam McIntosh, St. David's Church
- G. Pledges to U.S. and Texas Flags
- H. 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.]*
- I. Presentations
1. Proclamation – “Records Management Month”
- J. Presentations
1. Announcements

I. Upcoming events:

- April 9, 2026 – Kaffeeklatsch from 8:30 – 10:00 a.m. at Tomball Community Center
- April 11, 2026 – Tidy up Tomball from 8:00 – 11:00 a.m. at the Parking Lot on 401 Houston St.
- April 11, 2026 – 2nd Saturday at the Depot from 5:00 – 9:00 p.m. at Tomball Depot Plaza
- April 20-24, 2026 – Spring Cleanup Week will take place from 8:00 a.m. – 4:00 p.m., except Friday, when it ends at 3:00 p.m., and Saturday from 9:00 a.m. – 1:00 p.m., at the old City landfill (1200 Rudolph Rd.).
- April 25, 2026 – Recycling Day from 9:00 a.m. – 1:00 p.m. at Lone Star College-Tomball (South entrance)
- April 25, 2026 – Rails & Tails Mudbug Festival from 11:00 a.m. – 5:00 p.m. at Tomball Depot Plaza
- May 2, 2026 – Tomball Prays Together from 10:00 – 11:00 a.m. at Tomball Depot Gazebo

II. Report on City awards and achievements.

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

K. 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 Minutes of March 16, 2026, Workshop/Regular City Council meeting.

Approve Minutes of March 19, 2026, Special Workshop - Strategic Plan.

2. Approve supporting the Frost Bank First Responders Luncheon to be held at the Depot in the City of Tomball from 11:30 a.m. to 1:30 p.m. on Wednesday, October 28, 2026.

L. New Business

1. Consideration and action on three appointments to the Tourism Advisory Committee.
2. Consideration of and action on First Reading - Ordinance No. 2026-09, Repealing and Replacing Article I In General, Article II City Council Division 1, and Article III Division 5 Code of Ethics of Chapter 2, Administration, of the Code of Ordinances, Designated; Providing for Severability, Making Findings of Fact; Providing for Penalty Clauses; and Providing for Other Related Matters.
3. 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; A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

M. 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 30th day of March 2026 by 5:00 p.m., and remained posted for at least three consecutive business days preceding the scheduled time of said meeting.

Thomas Harris III, TRMC
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) 290-1019 for further information.

City Council Meeting Agenda Item Data Sheet

Meeting Date: April 6, 2026

Topic:

Presentation of design concepts for the Gateway Monuments and Wayfinding Signage.

Background:

Staff will present the final designs for the Gateway Monuments and Wayfinding Signage.

Origination: Project Management

Recommendation:

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project Manager

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: _____

If no, funds will be transferred from account # _____ To account # _____

Signed Meagan Mageo
Staff Member _____
Date _____

Approved by _____
City Manager _____
Date _____

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: April 6, 2026

Topic:

Review of and Discussion on HB 2844, SB 1008, DSHS proposed rules (25 TAC Chapter 226), and Tomball Code of Ordinances Chapter 32 (Peddlers and Solicitors / Mobile Food Vendors).

Background:

House Bill 2844 establishes a new statewide licensing and regulatory framework for mobile food vendors under Health & Safety Code Chapter 437B. Beginning July 1, 2026, mobile food vendors will operate under a single state-issued license administered by the Department of State Health Services (DSHS), with state-set inspection, operational, and documentation standards. The bill significantly limits local authority to impose additional food-safety-related permits, inspections, or operational requirements that conflict with the state program.

To implement HB 2844, DSHS has proposed new rules in 25 TAC Chapter 226. These rules create risk-based vendor categories, set statewide licensing and renewal fees, establish uniform sanitation and wastewater requirements, and outline inspection and enforcement procedures. The rules also clarify the scope of state preemption: cities may continue regulating zoning, location, right-of-way use, parking regulations, and fire code compliance, but may not adopt requirements that duplicate or conflict with Chapter 226 or the state Mobile Food Vendor license.

Senate Bill 1008 further standardizes local regulation of food service establishments, including mobile food units and temporary food vendors. Effective September 1, 2025, SB 1008 restricts when municipalities may require separate local food permits, caps local fees relative to state fees, and limits additional sound-related or inspection-related charges tied to food service operations. Together, SB 1008 and HB 2844 shift most food-safety regulations to the state while narrowing the scope of permissible local permitting.

Tomball Code of Ordinances Chapter 32 regulates peddlers, solicitors, and itinerant vendors, including mobile food vendors operating within the city. Several provisions, particularly those requiring city-issued permits, imposing local inspection standards, or charging fees that function as food-service permits, may be preempted or require revision under HB 2844, SB 1008, and the proposed DSHS rules.

Origination: City Secretary's Office

Recommendation:

Staff is presenting this item to brief Council on these changes and to seek direction on preparing amendments to Chapter 32 that preserve the City's remaining authority while ensuring compliance with the new state framework.

Party(ies) responsible for placing this item on agenda:

Thomas Harris III, City Secretary
and Joseph Hays, Attorney –
Olson & Olson

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To # _____
account _____

Signed _____ Approved by _____
Staff Member Date City Manager Date

ARTICLE I. - IN GENERAL

Sec. 32-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile shall mean being capable of being in active, but not necessarily continuous, movement.

Mobile food vendor shall mean any business which sells food or beverages from a vehicle or structure which is capable of being moved from place to place. The term shall include, but is not limited to:

- (1) *Mobile food truck*: a self-contained motorized unit selling food or beverage items;
- (2) *Concessions cart*: mobile vending unit that must be moved by non-motorized means; and
- (3) *Trailer*: a vending unit which is capable of being moved when pulled by a motorized unit and has no power to move on its own.

Peddler means any person, whether a resident of the city or not, traveling from house to house, or from street to street, for the purpose of selling or soliciting for sale, goods, wares, merchandise or services, other than agricultural products produced or processed in the state; and also means and includes any person transacting a temporary business within the city at an established place of business. The term "peddler" includes the terms "solicitor," "transient or itinerant merchant or vendor," or "transient or itinerant photographer."

(Code 1978, § 17-1; Code 1993, § 54-1; Ord. No. 2015-13, § 2, 8-4-2015)

Sec. 32-2. - Exceptions to chapter.

The provisions of this chapter shall not apply to the following:

- (1) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business.
- (2) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law.
- (3) Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor.
- (4) Noncommercial solicitations, sales or distributions for purposes of fundraising or generating profits by religious or charitable organizations, political organizations, conservation organizations, city civic organizations, or other educational organizations, which have their principal place of activity within the city.

- (5) Minors conducting fundraising activities who represent an organization for the benefit of youths, including, but not limited to, Boy Scouts, Girl Scouts, Little League groups and city school groups.
- (6) Mobile food vendors that are registered with the city and conducting business at a mobile food court as defined in section 50-2.

(Code 1978, § 17-2; Code 1993, § 54-2; Ord. No. 2011-01, § 1(54-2), 3-21-2011; Ord. No. 2016-34, § 2, 1-3-2017)

Sec. 32-3. - Refusing to leave.

Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, or any peddler who enters upon property posted with a "No Peddlers Allowed," "No Solicitations Allowed," or other similar type posted sign, shall be deemed guilty of criminal trespass and/or attempted criminal trespass and may be punished as provided in V.T.C.A., Penal Code §§ 15.01, 30.05.

(Code 1978, § 17-3; Code 1993, § 54-3; Ord. No. 2011-01, §2(54-3), 3-21-2011)

Sec. 32-4. - Use of public places.

It shall be unlawful for any peddler to sell or solicit or take orders for or offer to sell or take orders for or display any goods, wares, merchandise, photographs, newspapers or magazines on any public square, park, street, road, highway or alley within the city without having first obtained a special events permit as provided in section 32-55.

(Code 1978, § 17-4; Code 1993, § 54-4)

Sec. 32-5. - Hours of operation.

It shall be unlawful for any peddler engaged in the business of peddling within the city to go upon any residential premises and ring the doorbell, rap or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence prior to 9:00 a.m. or after 8:00 p.m. of any day Monday through Friday, or prior to 10:00 a.m. or after 8:00 p.m. on Saturday, Sunday, or any federal, state or city holiday, except by specific appointment with or invitation from the prospective customer.

(Code 1978, § 17-6; Code 1993, § 54-6; Ord. No. 2011-01, § 3(54-6), 3-21-2011)

Sec. 32-6. - Soliciting at intersections.

- (a) *Prohibition.* It shall be unlawful for any person to solicit funds, advertise, or distribute any item, either on foot or in automobiles, for any cause whatsoever, at any intersection or crossing of streets within the city limits, where, in the opinion of the police chief, such solicitation or distribution would cause the blocking of traffic so as to create a traffic hazard.
- (b) *Exceptions.* If, in the opinion of the police chief, it would not create a traffic hazard for solicitation of funds and advertising at an intersection of streets within the city, the person desiring to solicit funds, advertise, or distribute any item at such intersections, shall first make an application for permission to do so by making the application at the city hall. The application shall set forth the name of the organization, the location of the intersection where such solicitation shall transpire and the length of time the proposed solicitation shall take place, not to exceed 48 consecutive hours. If the solicitation is to be done by a person under the age of 18 years, no such permit shall be issued unless such person shall have proper adult supervision as to be determined by the police chief. Any permit for the solicitation of funds shall be acquired prior to any actual solicitation, and any such permit shall be good for one such solicitation period only and any further solicitation shall require an additional permit. Such permit should be signed by the police chief.

(Code 1978, § 17-7; Code 1993, § 54-7)

Sec. 32-7. - Misrepresentation.

- (a) It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.
- (b) If, after a permit has been issued, the city determines that such permit was obtained by false representation in the application or the permit holder has committed any act or practice that violates V.T.C.A., Business and Commerce Code ch. 17, subch. E, otherwise known as the Texas Deceptive Trade Practices-Consumer Protection Act, or any crime or misdemeanor involving moral turpitude, or any violation of this chapter or any other city ordinance, or any other state or federal law, during the term of the permit, the permit shall be revoked by the chief of police.

(Code 1978, § 17-8; Code 1993, § 54-8; Ord. No. 2011-01, § 4(54-8(a)), 3-21-2011)

Sec. 32-8. - Responsibility of owners, tenants and lessees allowing peddlers to utilized property.

Any property owner, tenant, or lessee who allows a peddler to utilize his private property shall be responsible, along with the peddler, for compliance with the adopted zoning regulations of the city set forth in chapter 50. Approval by the zoning administrator must be obtained before a permit may be issued.

(Ord. No. 2011-01, § 5(54-9), 3-21-2011; Ord. No. 2016-34, § 3, 1-3-2017)

Sec. 32-9. - Compliance with the Home Solicitation Sales Act.

A peddler shall comply with the requirements of the Home Solicitation Sales Act provided for in V.T.C.A., Business and Commerce Code ch. 601. In addition to any other rights or remedies available, a consumer may cancel a consumer transaction not later than 12:00 midnight of the third business day after the date the consumer signs an agreement or offer to purchase. A peddler must provide a consumer notice and a complete cancellation form, as provided for in V.T.C.A., Business and Commerce Code §§ 601.052 and 601.053 at the time a consumer signs an agreement.

(Ord. No. 2011-01, § 6(54-10), 3-21-2011)

Sec. 32-10. - Structures erected or maintained by peddlers.

It shall be unlawful for any peddler to erect or maintain any permanent or temporary structure without complying with the applicable building codes, zoning regulations, and other applicable city codes.

(Ord. No. 2011-01, § 6(54-11), 3-21-2011)

Sec. 32-11. - Mobile food vendors.

The following regulations shall apply to mobile food vendors operating within the city:

- (1) Each unit shall be equipped with a portable trash receptacle, and shall be responsible for the proper disposal of solid waste and waste water in the sanitation facility legally accessed by the mobile food vendor. All disturbed areas must be cleaned following each stop at a minimum of 20 feet of the sales location. Each unit shall comply with all applicable provisions of chapter 36 of the Code of Ordinances;
- (2) Each unit shall be equipped with a power source sufficient to conduct all operations. It shall be a violation of this provision for any unit to obtain power from an exterior source;
- (3) Continuous or repetitive music or sounds shall not project from the mobile food vendor unit; and
- (4) A mobile food vendor shall not be located in the same location, or within 100 yards thereof, for more than four hours total per day.

(Ord. No. 2015-13, § 3, 8-4-2015)

Secs. 32-12—32-40. - Reserved.

By: Middleton, et al.

S.B. No. 1008

A BILL TO BE ENTITLED

1

AN ACT

2 relating to state and local authority to regulate the food service
3 industry.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 102A, Civil Practice and Remedies Code,
6 is amended by adding Section 102A.0015 to read as follows:

7 Sec. 102A.0015. APPLICABILITY. In this chapter, a
8 reference to a municipality or county includes a public health
9 district created by one or more municipalities or counties.

10 SECTION 2. Section 102A.002, Civil Practice and Remedies
11 Code, is amended to read as follows:

12 Sec. 102A.002. LIABILITY FOR CERTAIN REGULATION. Any
13 person who has sustained an injury in fact, actual or threatened,
14 from a municipal or county ordinance, order, or rule adopted or
15 enforced by a municipality or county in violation of any of the
16 following provisions or a trade association representing the person
17 has standing to bring and may bring an action against the
18 municipality or county:

19 (1) Section 1.004, Agriculture Code;

20 (2) Section 1.109, Business & Commerce Code;

21 (3) Section 1.004, Finance Code;

22 (3-a) Chapter 437, 437A, or 438, Health and Safety
23 Code;

24 (4) Section 30.005, Insurance Code;

- 1 (5) Section 1.005, Labor Code;
- 2 (6) Section 229.901, Local Government Code;
- 3 (7) Section 1.003, Natural Resources Code;
- 4 (8) Section 1.004, Occupations Code; or
- 5 (9) Section 1.004, Property Code.

6 SECTION 3. Section 437.003, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 437.003. COUNTY AUTHORITY TO REQUIRE PERMIT. Subject
9 to Section 437.0045, to [~~The~~] enforce state law and rules adopted
10 under state law, the commissioners court of a county by order may
11 require food service establishments, retail food stores, mobile
12 food units, and roadside food vendors in unincorporated areas of
13 the county, including areas in the extraterritorial jurisdiction of
14 a municipality, to obtain a permit from the county.

15 SECTION 4. Sections 437.004(a), (c), and (d), Health and
16 Safety Code, are amended to read as follows:

17 (a) Subject to Section 437.0045, a [A] public health
18 district that is established by at least one county and one or more
19 municipalities in the county by order may require food service
20 establishments, retail food stores, mobile food units, and roadside
21 food vendors in the district to obtain a permit from the district.

22 (c) If the district does not have an administrative board,
23 the governing body of each member of the district must adopt the
24 order. Subject to Section 437.009(b), the [~~The~~] order is effective
25 throughout the public health district on the 30th day after the
26 first date on which the governing bodies of all members have adopted
27 the order.

1 (d) This chapter does not restrict the authority of a
2 municipality that is a member of a public health district to adopt
3 ordinances or administer a permit system concerning food service
4 establishments, retail food stores, mobile food units, and roadside
5 food vendors, to the extent those ordinances or that system does not
6 conflict with a provision of state law.

7 SECTION 5. Chapter 437, Health and Safety Code, is amended
8 by adding Section 437.0045 to read as follows:

9 Sec. 437.0045. LOCAL PERMIT REQUIREMENT LIMITATION.
10 Notwithstanding any other law, a county, municipality, or public
11 health district, including an authorized agent, employee, or
12 department, may only require a permit, license, certification, or
13 other form of authority if the permit, license, certification, or
14 other form of authority would be required of the food service
15 establishment, retail food store, mobile food unit, roadside food
16 vendor, or temporary food service establishment or an employee of
17 any of those entities if the entity or person was located within the
18 department's jurisdiction.

19 SECTION 6. Section 437.0091, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 437.0091. LOCAL [MUNICIPAL] ORDINANCE AND FEE SCHEDULE
22 REGISTRY. The department shall establish and maintain on the
23 department's Internet website a registry for municipal ordinances
24 submitted under Section 437.009(b) and fee schedules submitted
25 under Section 437.0124(b). The department shall ~~and~~ post in the
26 registry each submitted ordinance or fee schedule not later than
27 the 10th day after the date the department receives the ordinance or

1 fee schedule.

2 SECTION 7. Section 437.01235, Health and Safety Code, is
3 amended to read as follows:

4 Sec. 437.01235. FEES FOR PREMISES WITH ALCOHOLIC BEVERAGE
5 PERMIT OR LICENSE. Notwithstanding any other law, a [A] county, [~~or~~
6 a] municipality, or public health district, including an authorized
7 agent, employee, or department, [with a public health district that
8 charges a fee for issuance or renewal of a permit under Section
9 437.012 or 437.0123 for a premises located in the county or
10 municipality and permitted or licensed by the Texas Alcoholic
11 Beverage Commission] may not [also] charge a fee under Section
12 11.38 or 61.36, Alcoholic Beverage Code, if the premises is a food
13 service establishment, retail food store, mobile food unit,
14 roadside food vendor, or temporary food service establishment that
15 has already paid a fee to operate to the department or to any
16 county, municipality, or public health district [for issuance of an
17 alcoholic beverage permit or license for the premises].

18 SECTION 8. Section 437.0124, Health and Safety Code, is
19 amended to read as follows:

20 Sec. 437.0124. COUNTY, MUNICIPALITY, AND PUBLIC HEALTH
21 DISTRICT FEE SCHEDULE. (a) A county, municipality, or public
22 health district shall establish a fee schedule for any fees
23 collected under this chapter and revise the fee schedule as
24 necessary.

25 (b) A county, municipality, or public health district shall
26 submit a copy of the fee schedule to the department for inclusion in
27 the registry established under Section 437.0091 not later than the

1 60th day before the date the fee schedule goes into effect.

2 SECTION 9. Chapter 437, Health and Safety Code, is amended
3 by adding Sections 437.0126, 437.0127, 437.029, and 437.030 to read
4 as follows:

5 Sec. 437.0126. LOCAL FEE LIMITATION. (a) Notwithstanding
6 any other law and except as provided by Subsections (c) and (d), a
7 county, municipality, or public health district, including an
8 authorized agent, employee, or department, may not charge a food
9 service establishment, retail food store, mobile food unit,
10 roadside food vendor, or temporary food service establishment or an
11 employee of any of those entities a fee, including any processing
12 fees or added costs, that exceeds the maximum fee a food service
13 establishment, retail food store, mobile food unit, roadside food
14 vendor, temporary food service establishment, or employee would pay
15 to the department if the entity or employee were located within the
16 department's jurisdiction.

17 (a-1) For purposes of Subsection (a), the maximum fee a
18 county, municipality, or public health district may charge annually
19 may not exceed the maximum fee that would be charged by the
20 department biennially.

21 (b) A county, municipality, or public health district,
22 including an authorized agent, employee, or department, may
23 calculate and assess fees in accordance with Subsection (a):

24 (1) on an annual or biennial basis; and

25 (2) using a risk-based assessment.

26 (c) A county, municipality, or public health district,
27 including an authorized agent, employee, or department, may assess

1 a reinspection fee if:

2 (1) the reinspection is necessary to cure a violation
3 that presents a direct and significant risk to public health;

4 (2) the reinspection fee does not exceed the lesser of
5 the cost of an initial inspection or \$200; and

6 (3) not more than one reinspection fee is charged
7 within 60 days of the previous inspection, unless the entity on
8 which the fee is imposed failed to make reasonable efforts to
9 correct the violation.

10 (d) A county, municipality, or public health district may
11 charge a food service establishment, retail food store, mobile food
12 unit, roadside food vendor, or temporary food service establishment
13 up to 120 percent of the total fees authorized under Subsection (a)
14 if the county, municipality, or public health district determines
15 that the increased fee is necessary to protect public safety and
16 maintain adequate food safety staffing levels in the county,
17 municipality, or district. Before imposing the increased fees
18 under this subsection, a county, municipality, or public health
19 district shall hold at least one annual public meeting or hearing to
20 demonstrate compliance with this subsection. This subsection
21 applies only to:

22 (1) a county with a population of 2.5 million or more;

23 (2) a county with a population of more than 2 million
24 within which are located two municipalities, each of which has a
25 population of at least 350,000;

26 (3) a municipality with a population of 950,000 or
27 more; or

1 (4) a public health district that regulates a county
2 or municipality described by Subdivision (1), (2), or (3).

3 (e) This section does not prohibit a county, municipality,
4 or public health district, including an authorized agent, employee,
5 or department, from charging a fee that is necessary for the county,
6 municipality, or public health district to comply with an active,
7 legally binding federal consent decree, enforcement order, or
8 administrative agreement mandating food service compliance
9 inspections. Before imposing a fee under this subsection, a county,
10 municipality, or public health district shall hold at least one
11 annual public meeting or hearing to demonstrate that the fee is
12 limited to the amount necessary to comply with a decree, order, or
13 agreement.

14 Sec. 437.0127. STAKEHOLDER NOTICE. (a) A county,
15 municipality, or public health district that charges fees, requires
16 permits, or conducts inspections under this chapter shall provide
17 an opportunity for stakeholders to sign up for e-mail updates from
18 the entity.

19 (b) At least 60 days before a fee, permit, or inspection
20 protocol or procedure is revised, the county, municipality, or
21 public health district shall notify by e-mail all stakeholders who
22 have signed up for e-mail updates under this section.

23 Sec. 437.029. SOUND REGULATIONS. (a) Notwithstanding any
24 other law, the department, a county, a municipality, or a public
25 health district, including an authorized agent, employee, or
26 department, may not require a food service establishment to obtain
27 a sound regulation permit, charge a sound regulation fee to an

1 establishment, or otherwise prohibit sound-related activity at an
2 establishment if the establishment:

3 (1) accepts delivery of supplies or other items,
4 provided that if the delivery occurs between 10 p.m. and 5 a.m.,
5 then:

6 (A) the delivery lasts for one hour or less;

7 (B) the delivery is only for food, nonalcoholic
8 beverages, food service supplies, or ice; and

9 (C) the delivery sound level when measured from
10 the residential property closest in proximity to the establishment
11 does not exceed 65 dBA, excluding traffic and other background
12 noise that can be reasonably excluded; or

13 (2) is a restaurant, as defined by Section 1.04,
14 Alcoholic Beverage Code, that limits the use of amplified sound for
15 playing music or amplifying human speech within the establishment's
16 indoor or outside property boundaries to ensure:

17 (A) the amplified sound is not used after 10 p.m.
18 on Sunday through Thursday and 11 p.m. on Friday and Saturday; and

19 (B) the amplified sound level does not exceed 70
20 dBA or 75 dBC when measured at the establishment's property
21 perimeter, excluding traffic and other background noise that can be
22 reasonably excluded.

23 (b) Subsection (a)(2) does not apply to a food service
24 establishment on property that is located within 300 feet of a
25 residence that was occupied before any food service establishment
26 was located on the property.

27 (c) This section does not restrict the authority of a

1 municipality or county to enforce the limitations described by
2 Subsection (a) or an ordinance or order the municipality or county
3 adopts, to the extent the ordinance or order does not conflict with
4 that subsection.

5 Sec. 437.030. TRANSPORTING, DELIVERING, AND SERVING FOOD AT
6 WORKPLACE BY FOOD SERVICE ESTABLISHMENT OR MOBILE FOOD UNIT. (a)
7 This section applies only to a permitted food service establishment
8 or permitted mobile food unit transporting and delivering to the
9 premises of a workplace food to be served by an employee or
10 contractor of the establishment or unit.

11 (b) Notwithstanding any other law, a county, a
12 municipality, a public health district, or the department may not
13 require a permitted food service establishment or permitted mobile
14 food unit or an employee or contractor of an establishment or unit
15 to obtain an additional permit or certification to transport,
16 deliver, and serve food at the premises of a workplace if:

17 (1) in the event that the food is assembled at the
18 workplace, the employees or contractors of the establishment or
19 unit comply with applicable food handler and food manager
20 certification requirements;

21 (2) an employee or contractor of the establishment or
22 unit serves the prepared food at the workplace premises;

23 (3) the prepared food is sold to employees or guests of
24 the workplace;

25 (4) the food is prepared, transported, delivered, and
26 served in accordance with local catering food safety rules,
27 including time and temperature requirements;

1 (5) adequate bathrooms and handwashing stations,
2 whether plumbed or portable, are available on the workplace
3 premises; and

4 (6) the establishment or unit transports, delivers,
5 and serves food to the workplace premises not more than three days
6 in a seven-day period.

7 (c) Notwithstanding any other law, a county, a
8 municipality, a public health district, or the department may not
9 require an owner or operator of a workplace to which food is
10 transported, delivered, or served under Subsection (b) to obtain a
11 permit or certification.

12 SECTION 10. Section 438.1055, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 438.1055. PROHIBITED REQUIREMENT OF LOCAL FOOD MANAGER
15 CARD OR LOCAL FEE. Notwithstanding any other law, a [A] local
16 health jurisdiction may not require a food manager who holds a food
17 manager certificate issued under this subchapter to pay a fee for or
18 to hold a local food manager card, license, permit, or
19 certification or any other credential or paperwork [~~or charge a fee~~
20 ~~for issuance of the certificate under this subchapter].~~

21 SECTION 11. This Act takes effect September 1, 2025.

S.B. 1008 – Regulation of Food Service Industry - Impacts to the City of Tomball Quick Reference

Purpose

- Closes the potential loopholes identified in previous legislation by setting provisions related to state and local authority to regulate the food service industry.

Local Analysis

- Prohibits a municipality from requiring a local food permit unless within the jurisdiction of the Department of State Health Services (DSHS).
- Prohibits a municipality from charging a fee more than the DSHS fee if within the jurisdiction of the DSHS.
- Reinspection fees can be charged by a municipality, if necessary to cure a violation, only if the reinspection fee does not exceed the initial inspection fee or \$200.
- Local fee limitations do not prohibit a municipality from assessing a fee to comply with an enforcement order.
- Prohibits a municipality from assessing a local fee if a fee to another entity has been paid (DSHS, county, health district, etc.).
- Requires municipalities to submit a copy of their fee schedule to DSHS for inclusion in the registry within 60 days.
- Requires municipalities to set up a subscription service for stakeholders to be able to subscribe to for fee updates with notification of fee updates within 60 days of being enacted.
- Prohibits a municipality from requiring a sound regulation permit, an associated fee, and prohibiting sound-related activity for food service establishments for the following:
 - Deliveries between 10 pm and 5 am if the delivery lasts one hour or less, the delivery is for food or related items (not including alcohol), and the sound level at nearby residential properties does not exceed 65 dBA.
 - Restaurants playing amplified music or amplified speech within its property boundaries, if not after 10 pm on Sunday through Thursday or 11 pm on Friday and Saturday. The amplified sound measured at the property's perimeter shall not exceed 70dBA or 75 dBC.
 - These provisions are not applicable to food service establishments on property within 300 feet of a residence where the residence was established prior to the food service establishment.

- Restaurants are defined as a business that operates its own permanent food service facility with commercial cooking equipment on its premises; and prepares and offers to sell multiple entrees for consumption on or off the premises.
- Current City of Tomball sound provisions:
 - At residential property, 65 dBA between 7 am and 10 pm and 58 dBA between 10 pm and 7 am
 - At nonresidential property, 68 dBA at all times
- Prohibits a municipality from requiring a permit to transport, deliver, or serve food at a workplace.

By: Landgraf, Raymond

H.B. No. 2844

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the regulation of mobile food vendors; requiring an
3 occupational license; imposing fees; authorizing an administrative
4 penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle A, Title 6, Health and Safety Code, is
7 amended by adding Chapter 437B to read as follows:

8 CHAPTER 437B. MOBILE FOOD VENDORS

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 437B.001. DEFINITIONS. In this chapter:

11 (1) "Applicant" means a person who applies to the
12 department to receive a license to operate as a mobile food vendor.

13 (2) "Food vending vehicle" means any vehicle that
14 operates as a food service establishment and is designed to be
15 readily movable.

16 (3) "License holder" means a person who holds a mobile
17 food vendor license issued under this chapter.

18 (4) "Local authority" means a municipality, county,
19 public health authority, special purpose district or authority, or
20 any other political subdivision of this state.

21 (5) "Mobile food vendor" means any person who
22 dispenses food or beverages from a food vending vehicle for
23 immediate service or consumption.

24 (6) "Prepackaged food" means any commercially labeled

1 and processed food that is prepackaged to prevent direct human
2 contact with the food product on distribution from the
3 manufacturer, food facility, or other approved source.

4 Sec. 437B.002. CONSTRUCTION OF CHAPTER. This chapter may
5 not be construed to require a local authority to enter into a
6 collaborative agreement with the department to conduct health
7 inspections, adopt a program regulating mobile food vendors, or
8 modify a local authority's existing mobile food vendor regulation
9 program, provided the local authority's regulations do not conflict
10 with this chapter.

11 Sec. 437B.003. LOCAL PREEMPTION. This chapter preempts a
12 local authority's power to prohibit or regulate mobile food vendors
13 in a manner that conflicts with this chapter.

14 Sec. 437B.004. RULES. The executive commissioner may adopt
15 rules to implement this chapter. The rules must be narrowly
16 tailored to address a demonstrable health or safety risk and may
17 not:

18 (1) limit the number of mobile food vendor licenses
19 the department may issue;

20 (2) address the hours of operation for mobile food
21 vendors;

22 (3) restrict a mobile food vendor's propane capacity
23 below the capacity state law allows for commercial vehicles; or

24 (4) require a mobile food vendor to:

25 (A) operate outside a specific perimeter of a
26 commercial establishment or restaurant;

27 (B) enter into any agreement with a commercial

1 establishment or restaurant, except as necessary to properly
2 dispose of grease and other cooking waste;

3 (C) have an operational handwashing sink in the
4 vehicle of a vendor who sells only prepackaged food;

5 (D) associate with a commissary if the vehicle
6 carries the equipment necessary to comply with state law and
7 properly disposes of grease and other cooking waste;

8 (E) provide the vendor's fingerprints as a
9 condition of holding a mobile food vendor license;

10 (F) install a global positioning system tracking
11 device on the vehicle;

12 (G) keep the vehicle in constant motion except
13 when serving customers;

14 (H) submit to an additional fire inspection a
15 vehicle the vendor demonstrates has passed a state or local fire
16 inspection within the preceding 12 months; or

17 (I) submit to health inspections other than an
18 inspection the department, or a local authority under a
19 collaborative agreement, conducts unless the department is
20 investigating a reported foodborne illness.

21 SUBCHAPTER B. LICENSE

22 Sec. 437B.051. LICENSE REQUIRED. (a) A person may not
23 operate as a mobile food vendor in this state unless the person
24 holds a mobile food vendor's license issued by the department. A
25 separate license is required for each food vending vehicle a mobile
26 food vendor operates.

27 (b) A local authority may not prohibit the operation in its

1 jurisdiction of a mobile food vendor who holds a mobile food vendor
2 license and complies with all other state and local laws not in
3 conflict with this chapter.

4 Sec. 437B.052. FORM OF APPLICATION. The department shall
5 prescribe a written application for a mobile food vendor license.
6 The department shall make the application available to applicants
7 in person and on the department's Internet website.

8 Sec. 437B.053. APPLICATION REQUIREMENTS. (a) An applicant
9 for a mobile food vendor license must submit an application to the
10 department on the form the department prescribes. The application
11 must contain:

12 (1) the applicant's name, address, and telephone
13 number;

14 (2) the name, address, and telephone number of any
15 associated entity or organization the applicant is representing and
16 copies of documents verifying that relationship;

17 (3) the applicant's primary residences and business
18 addresses during the 12 months preceding the date of the
19 application;

20 (4) the food or beverages the applicant proposes to
21 sell to enable the department to establish the applicant's food
22 type classification;

23 (5) a statement of whether the applicant has
24 previously been denied a mobile food vendor license or had a mobile
25 food vendor license suspended or revoked in another state or local
26 jurisdiction and the reasons for any denial, suspension, or
27 revocation; and

1 (6) for each motorized food vending vehicle the
2 applicant is applying for a license to operate:

3 (A) the vehicle license number, description,
4 identification number, and registration;

5 (B) proof of vehicle insurance; and

6 (C) a copy or proof of any additional commercial
7 vehicle licenses or permits required by this state.

8 (b) An applicant must attest to the information submitted
9 under Subsection (a).

10 (c) The department may require an applicant to submit
11 additional information.

12 (d) An applicant may submit one application for all food
13 vending vehicles to be licensed under this subchapter.

14 (e) An applicant's failure to submit a complete application
15 may result in denial of a license.

16 (f) A person may not intentionally provide false
17 information or intentionally omit requested information on an
18 application.

19 Sec. 437B.054. HEALTH INSPECTION. (a) Not later than the
20 14th day after the date the department receives a complete mobile
21 food vendor license application, the department or a governmental
22 entity acting under a collaborative agreement as provided by
23 Subchapter D shall conduct a health inspection of each of the
24 applicant's food vending vehicles listed on the application. The
25 department may not issue a license to an applicant whose vehicle
26 does not pass a health inspection.

27 (b) The department shall ensure that:

1 (1) an applicant's food vending vehicle is safe for
2 preparing, handling, and selling food; and

3 (2) an applicant is in compliance with all applicable
4 laws and the rules adopted under those laws.

5 Sec. 437B.055. ISSUANCE OF LICENSE. (a) The department
6 shall issue a mobile food vendor license to an applicant who submits
7 a complete application, pays any required fee, and meets the
8 department's licensing requirements and whose food vending vehicle
9 passes a health inspection.

10 (b) A license issued under this section expires on the first
11 anniversary of the date of issuance.

12 Sec. 437B.056. LICENSE RENEWAL. (a) Before expiration of a
13 license, the department shall send notice of the expiration to the
14 mobile food vendor. The vendor shall submit a renewal application
15 before the date the license expires.

16 (b) A mobile food vendor may continue to operate while the
17 vendor's application for renewal is pending with the department.

18 Sec. 437B.057. LICENSE NOT TRANSFERABLE; SUBSTITUTION OF
19 VEHICLE. (a) A mobile food vendor license issued under this
20 subchapter is not transferable and does not authorize the
21 activities of any person other than the person who holds the
22 license.

23 (b) The sale of one food vending vehicle identified in a
24 mobile food vendor license application, when replaced by another
25 food vending vehicle, does not invalidate the license or require
26 issuance of a new license.

27 (c) A license holder who replaces a food vending vehicle

1 with another vehicle must provide to the department for the
2 replacement vehicle the information required by Section 437B.053
3 and have the replacement vehicle inspected as required by Section
4 437B.054. The health inspection shall be conducted as soon as
5 practicable but not later than the 14th calendar day after the date
6 the department receives the information required under this
7 section.

8 (d) The recipient of transferred mobile food vendor
9 business assets must apply for and obtain a new mobile food vendor
10 license before operating as a mobile food vendor.

11 Sec. 437B.058. FEES. (a) The department may charge a fee
12 for each mobile food vendor license application submitted and each
13 license issued or renewed under this chapter. The department may
14 establish a schedule of fees based on the license classifications
15 described by Section 437B.151. The department shall set the fees in
16 amounts reasonable in relation to the costs of administering this
17 chapter but not more than \$150.

18 (b) The department may charge a fee for a health inspection
19 of an applicant's food vending vehicle required under Section
20 437B.054. The department shall set the fee in an amount that covers
21 the cost of conducting a health inspection under that section.

22 (c) At the time the department issues or renews a mobile
23 food vendor license, the department shall charge a fee for a health
24 inspection required under Subchapter D. The department shall set
25 the fee in an amount based on the average cost of conducting a
26 health inspection multiplied by the number of annual health
27 inspections required during the next year for the mobile food

1 vendor classification type as described by Section 437B.151.

2 Sec. 437B.059. MOBILE FOOD VENDOR GUIDE. (a) The
3 department shall develop a guide on the mobile food vendor
4 licensing procedures. The guide must include:

5 (1) instructions for obtaining, maintaining, and
6 renewing a mobile food vendor license; and

7 (2) a description of the department's standards for
8 inspecting a food vending vehicle.

9 (b) The department shall make the guide available at the
10 department's office and on the department's Internet website.

11 Sec. 437B.060. DEPARTMENT DATABASE. (a) The department
12 shall establish and maintain a statewide database for use by the
13 department and local authorities that includes the:

14 (1) names of mobile food vendors licensed under this
15 chapter;

16 (2) results of health inspections of mobile food
17 vendors' food vending vehicles, including inspection reports;

18 (3) public complaints made against mobile food vendors
19 resulting in disciplinary or corrective action; and

20 (4) itineraries of mobile food vendors submitted under
21 Subsection (b).

22 (b) A mobile food vendor may periodically submit to the
23 department an itinerary of the locations of the mobile food
24 vendor's food vending vehicles.

25 SUBCHAPTER C. MOBILE FOOD VENDOR OPERATIONS

26 Sec. 437B.101. COMPLIANCE WITH STATE AND LOCAL LAW. A
27 mobile food vendor shall comply with all state and local laws in the

1 jurisdiction in which the mobile food vendor operates, including
2 all fire codes, location restrictions, and zoning codes.

3 Sec. 437B.102. FOOD VENDING VEHICLE DRIVER REQUIREMENTS. A
4 person who drives a motorized food vending vehicle must hold a
5 current commercial driver's license if a commercial driver's
6 license is required for the vehicle's class under Chapter 522,
7 Transportation Code.

8 Sec. 437B.103. OPERATIONAL STANDARDS. A mobile food vendor
9 shall:

10 (1) submit to and pass any required health inspection
11 conducted under Subchapter D; and

12 (2) display the mobile food vendor license and health
13 inspection certificate in a conspicuous location for public view.

14 Sec. 437B.104. FOOD SAFETY. A mobile food vendor shall
15 comply with all laws and rules regarding food safety, including any
16 food safety and food manager certifications required under Chapter
17 438.

18 SUBCHAPTER D. HEALTH INSPECTIONS

19 Sec. 437B.151. MOBILE FOOD VENDOR CLASSIFICATIONS. (a)
20 The executive commissioner by rule shall establish classifications
21 of mobile food vendors for purposes of conducting health
22 inspections as follows:

23 (1) mobile food type I vendor for a vendor who
24 dispenses prepackaged foods, does not dispense time or temperature
25 control for safety beverages, or poses a low risk of harm to the
26 public;

27 (2) mobile food type II vendor for a vendor who

1 dispenses food that requires limited handling and preparation; and
2 (3) mobile food type III vendor for a vendor who
3 prepares, cooks, holds, and serves food from a food vending
4 vehicle.

5 (b) The rules adopted under Subsection (a) shall specify the
6 categories of foods or beverages that mobile food vendors in each
7 classification may serve.

8 Sec. 437B.152. CHANGING CLASSIFICATIONS. A mobile food
9 vendor who seeks to serve food or beverages that may require the
10 vendor's reclassification shall notify the department of the nature
11 of the food or beverages to be sold. The department, or a local
12 authority in a collaborative agreement with the department under
13 Section 437B.153, may conduct a health inspection and reclassify
14 the vendor in accordance with the rules adopted under Section
15 437B.151.

16 Sec. 437B.153. INSPECTIONS; COLLABORATIVE AGREEMENT WITH
17 LOCAL AUTHORITY. (a) To protect public health and safety, the
18 department shall ensure ongoing, randomized inspections are
19 conducted on each mobile food vendor based on the mobile food
20 vendor's classification and previous health inspection results.

21 (b) On request by a local authority, the department may
22 enter into a collaborative agreement with the local authority for
23 conducting health inspections. The department shall reimburse the
24 local authority acting under a collaborative agreement for the cost
25 of conducting a health inspection using money collected for health
26 inspection fees under Section 437B.058(c).

27 Sec. 437B.154. NOTICE OF LOCATION FOR INSPECTIONS. A

1 mobile food vendor shall make available to the department a list of
2 all locations at which the vendor intends to operate, to the best of
3 the vendor's knowledge. A vendor may provide the list of locations
4 through the vendor's social media or on the vendor's Internet
5 website. If the vendor does not provide the list of operating
6 locations on social media or the vendor's Internet website, the
7 vendor shall submit to the department in the form and manner the
8 department prescribes a list of the locations at which the vendor
9 intends to operate, to the best of the vendor's knowledge.

10 Sec. 437B.155. REIMBURSEMENT OF INSPECTION FEE. On request
11 of a mobile food vendor, the department shall reimburse the vendor
12 the portion of the fee charged for each health inspection required
13 under this subchapter that was not conducted by the department or
14 local authority under a collaborative agreement during the time the
15 vendor's license was valid. The department shall reimburse the
16 vendor not later than the 30th day after the date the department
17 receives the vendor's request.

18 SUBCHAPTER E. INVESTIGATION; ENFORCEMENT

19 Sec. 437B.201. INVESTIGATION. (a) The department or a
20 local authority may investigate a mobile food vendor on reasonable
21 suspicion the vendor is violating the law or on receipt of a health
22 or safety complaint. The department must record a complaint in the
23 state's mobile food vendor database. The local authority shall
24 report suspected violations of state law to the department and may
25 recommend the department suspend or revoke a mobile food vendor
26 license.

27 (b) The mobile food vendor shall cooperate with the

1 department or local authority during an investigation. Failure to
2 cooperate with the department or local authority may result in
3 suspension or revocation of a license.

4 (c) This chapter may not be construed to impede the
5 department or local authority when conducting an investigation of a
6 reported foodborne illness.

7 Sec. 437B.202. LICENSE DENIAL, SUSPENSION, OR REVOCATION.
8 The department may deny, suspend, or revoke a mobile food vendor
9 license only if:

10 (1) the applicant or license holder:

11 (A) violates this chapter, a rule adopted under
12 this chapter, or a department order;

13 (B) obtains a license by means of fraud,
14 misrepresentation, or concealment of a material fact;

15 (C) commits fraud or makes a misrepresentation or
16 false statement in connection with the sale of food or beverages
17 while operating as a mobile food vendor; or

18 (D) is cited three or more times during a
19 12-month period for a violation of this chapter or rules adopted
20 under this chapter; or

21 (2) the department determines that material facts or
22 conditions related to the applicant or application provide
23 reasonable justification for the denial, suspension, or revocation
24 of the license.

25 Sec. 437B.203. NOTICE AND HEARING. (a) The department
26 shall provide written notice to an applicant or license holder that
27 the applicant's mobile food vendor application has been denied or

1 that the license may be suspended or revoked. Not later than 14
2 calendar days after the date an applicant or license holder
3 receives notice from the department of a denial, suspension, or
4 revocation of a license, the applicant or license holder may
5 request a hearing in the form and manner the department prescribes.

6 (b) If the applicant for or holder of a mobile food vendor
7 license requests a hearing as prescribed by the department, the
8 department shall promptly refer the matter to the State Office of
9 Administrative Hearings for a contested case hearing.

10 (c) Following a hearing or on conclusion of the involvement
11 of the State Office of Administrative Hearings in the matter under
12 this section, the department shall promptly issue an order that
13 includes findings of fact and conclusions of law.

14 Sec. 437B.204. EMERGENCY SUSPENSION. (a) The department
15 may issue an emergency order to suspend a mobile food vendor license
16 if the department has reasonable cause to believe a license
17 holder's operations pose an imminent threat to the public's health
18 and safety. An emergency suspension order is effective immediately
19 without a hearing on notice to the license holder and must state the
20 length of the suspension.

21 (b) Not later than the 14th day after the date a mobile food
22 vendor license holder receives notice from the department of an
23 emergency suspension of a license under this section, the license
24 holder may request a preliminary hearing on the emergency order in a
25 form and manner the department prescribes.

26 (c) On receipt of a license holder's request for hearing
27 under Subsection (b), the department shall promptly refer the

1 matter to the State Office of Administrative Hearings for a
2 preliminary hearing before an administrative law judge.

3 (d) An administrative law judge for the State Office of
4 Administrative Hearings shall:

5 (1) conduct a preliminary hearing to affirm, modify,
6 or set aside the emergency suspension order issued by the
7 department under Subsection (b) not later than the 17th day after
8 the date the office receives the hearing request;

9 (2) make findings of fact and conclusions of law; and

10 (3) issue a written proposal for decision on the
11 department's reasonable cause to believe a continuing and imminent
12 threat to the public's health and safety exists.

13 (e) A final hearing on the matter shall be held not later
14 than the 61st day after the date of the emergency suspension.

15 Sec. 437B.2045. RIGHT TO APPEAL. The department's
16 suspension or revocation of a mobile food vendor license under this
17 chapter and the appeal from that action are governed by the
18 procedures for a contested case hearing under Chapter 2001,
19 Government Code.

20 Sec. 437B.205. ADMINISTRATIVE PENALTY. A license holder
21 who continues to operate after the department suspends or revokes
22 the license holder's mobile food vendor license is subject to an
23 administrative penalty in an amount the department determines.

24 SECTION 2. Section 437.0055(a), Health and Safety Code, is
25 amended to read as follows:

26 (a) A person may not operate a food service establishment,
27 retail food store, [~~mobile food unit,~~] or temporary food service

1 establishment located in an area in which a county or public health
2 district does not require a permit or conduct inspections under
3 this chapter unless the person has a permit issued by the
4 department.

5 SECTION 3. Section 437A.003, Health and Safety Code, is
6 repealed.

7 SECTION 4. (a) Chapter 437B, Health and Safety Code, as
8 added by this Act, applies to an ordinance, rule, regulation,
9 policy, or procedure adopted before, on, or after the effective
10 date of this Act.

11 (b) Not later than May 1, 2026, the executive commissioner
12 of the Health and Human Services Commission shall adopt the rules
13 required by Chapter 437B, Health and Safety Code, as added by this
14 Act.

15 (c) A mobile food vendor is not required to hold a license
16 under Chapter 437B, Health and Safety Code, as added by this Act,
17 before July 1, 2026.

18 SECTION 5. (a) Except as provided by Subsection (b) of this
19 section, this Act takes effect July 1, 2026.

20 (b) Section 437B.004, Health and Safety Code, as added by
21 this Act, takes effect September 1, 2025.

TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 226. MOBILE FOOD VENDORS

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), proposes new §226.1, concerning Purpose, Local Preemption, and Applicability; §226.2, concerning Definitions; §226.3, concerning Management and Personnel; §226.4, concerning Mobile Food Vendor Licensing; §226.6, concerning Mobile Food Vendor Requirements; and §226.8, concerning Mobile Food Vendor Inspections.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill (HB) 2844, 89th Legislature, Regular Session, 2025, which created Texas Health and Safety Code (HSC) Chapter 437B, concerning Mobile Food Vendors (MFVs). HB 2844 made significant changes to how MFVs are regulated, licensed, and inspected in Texas. The statute tasks DSHS with implementing a statewide licensing and inspection program for MFVs that includes creation of a contract structure by which Local Health Departments (LHDs) may conduct MFV inspections within their jurisdictions and be reimbursed by DSHS, as included in the new rules.

SECTION-BY-SECTION SUMMARY

Proposed new §226.1 describes the statutory authority for adopting the rules, the regulatory preemption of local authority, and applicability of other appropriate statutes, rules, and regulations.

Proposed new §226.2 defines terms used throughout the proposed rules.

Proposed new §226.3 sets general requirements regarding food safety education, employee health posters, and driver requirements for management and personnel.

Proposed new §226.4 establishes application, licensing, and fee requirements for MFVs that operate in Texas.

Proposed new §226.6 sets general requirements for all MFVs, including the responsibility to comply with all other state and local laws not conflicting with HSC 437B, the requirement for MFVs to be readily moveable, requirements for the potable water tank, and requirements to utilize a central preparation facility and servicing area unless properly exempted.

Proposed new §226.8 establishes categories for MFVs, criteria for reclassification, and parameters for inspections.

FISCAL NOTE

Christy Havel Burton, Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, there will be an estimated increase in revenue or additional cost to state government and a loss of revenue to local government as a result of enforcing and administering the rules as proposed. Enforcing or administering the rules has the following foreseeable implications relating to costs and revenues of state government.

The effect on state government for each year of the first five years the proposed rules are in effect is an estimated cost of \$3,996,653.50 in fiscal year (FY) 2026, \$6,814,085 in FY 2027, \$6,814,085 in FY 2028, \$6,814,085 in FY 2029, and \$6,814,085 in FY 2030 and an estimated increase in revenue of \$1,764,090 in FY 2026, \$17,829,000 in FY 2027, \$17,829,000 in FY 2028, \$17,829,000 in FY 2029, and \$17,829,000 in FY 2030

GOVERNMENT GROWTH IMPACT STATEMENT

DSHS has determined that during the first five years the rules will be in effect:

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will create new DSHS employee positions;
- (3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;
- (4) the proposed rules will require an increase in fees paid to DSHS, but a decrease in fees paid to local government;
- (5) the proposed rules will create new regulations;
- (6) the proposed rules will limit existing regulations; and
- (7) the proposed rules will increase the number of individuals subject to the rules.
- (8) DSHS has insufficient information to determine the proposed rules' effect on the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Christy Havel Burton has also determined there will be an adverse economic effect on small businesses, micro-businesses, or rural communities. There are some MFVs not previously required to obtain a license in some jurisdictions due to low-risk foods that will now be required to obtain a license as Category I MFVs. In addition, some MFVs may have to pay higher application and inspection fees under the new statewide licensing program. Any potential negative effect, due to higher fees, on microbusinesses or rural communities should be outweighed by the ability of MFVs to move freely across jurisdictional lines under a single statewide license.

DSHS estimates that the number of small businesses subject to the proposed rules is approximately 19,000. The projected economic impact for a small business is \$300-\$1,350 for the initial application and pre-licensing inspection and \$300-\$850 per year for license renewal. For Category II and III MFVs there will also be inspection costs of \$400-\$500 per inspection.

DSHS determined that alternative methods to achieve the purpose of the proposed rules for small businesses would not be consistent with ensuring the health and safety of consumers of food products prepared and sold from the regulated MFVs.

LOCAL EMPLOYMENT IMPACT

DSHS does not foresee a negative impact by the rules or statute on local employment.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules are necessary to protect the health, safety, and welfare of the residents of Texas and to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Dr. Timothy Stevenson, Deputy Commissioner, Consumer Protection Division, has determined that for each year of the first five years the rules are in effect, the public benefit will be more streamlined licensing and consistent inspections for all operators of MFVs to ensure food safety compliance for consumers.

Christy Havel Burton has also determined that for the first five years the rules are in effect, persons who are required to comply with the proposed rules may incur economic costs because some MFVs that were not previously required to obtain a license will now be required, and some MFVs may have to pay higher application and inspection fees under the new statewide licensing program.

REGULATORY ANALYSIS

DSHS has determined that this proposal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

DSHS has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 25R051" in the subject line.

SUBCHAPTER A. GENERAL PROVISIONS

25 TAC §226.1, §226.2

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code §1001.075, which authorizes the executive commissioner of HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

The new sections implement Texas Government Code §524.0151, Texas Health and Safety Code §1001.075, and Texas Health and Safety Code Chapters 437 and 437B.

§226.1. Purpose, Local Preemption, and Applicability.

(a) Purpose. The purpose of this chapter is to implement Texas Health and Safety Code (HSC) Chapter 437B, Mobile Food Vendors (MFVs).

(b) Local preemption. A local authority may not adopt a rule or enforce requirements that conflict with this chapter.

(c) Applicability of other statutes, rules, and regulations.

(1) MFVs must comply with all relevant laws and rules applicable to the preparation, holding, and service of food products in and from food vending vehicles, including:

(A) Texas HSC Chapter 431 (Texas Food, Drug, and Cosmetic Act);

(B) Texas HSC Chapter 437 (Regulation of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors);

(C) Texas HSC Chapter 437B (Mobile Food Vendors);

(D) Chapter 228 of this title (relating to Retail Food Establishments); and

(E) the United States Food and Drug Administration (FDA) 2022 Food Code (Food Code).

(2) MFVs must comply with all laws, ordinances, or orders passed by a municipality, county, or public health district in which the MFV operates, as long as the laws, ordinances, and orders do not conflict with Texas HSC Chapter 437B.

§226.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Applicant--A person who sends an application to the department for a license to operate as a mobile food vendor (MFV) under this chapter.

(2) Central preparation facility (CPF)--A facility approved by the regulatory authority for preparing, storing, serving, vending, or packaging food and for servicing the MFV, or other retail food establishments, such as outfitter operations. A commissary is a central preparation facility.

(3) Department--Texas Department of State Health Services.

(4) Fire Code--The National Fire Protection Association (NFPA) standards, including NFPA 1, NFPA 58 (Chapter 16), NFPA 96 (Chapter 17), or a Fire Code adopted by a local regulatory authority, whichever is more stringent.

(5) Food--A raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(6) Food Code--United States Food and Drug Administration (FDA) 2022 Food Code.

(7) Food service establishment--A food establishment as defined in §228.2 of this title (relating to Definitions).

(8) Food vending vehicle--Any vehicle that is a self-enclosed food service establishment (including catering trucks, trailers, push carts, and roadside vendors) that operates to store, prepare, display, serve, or sell food as a food service establishment and is designed to be readily movable. A food vending vehicle may be self- or otherwise-propelled or be vehicle-mounted. A food vending vehicle does not include a stand or a booth.

(9) License holder--A person who holds an MFV license issued under this chapter.

(10) Local authority--A municipality, county, public health authority, special purpose district or authority, or any other political subdivision of this state.

(11) Mobile food vendor (MFV)--Any person who dispenses food or beverages from a food vending vehicle for immediate service or consumption. An MFV may cook, cool, hold, prepare, reheat, or conduct other activities allowed by the Food Code to fulfill food orders for immediate consumption. An MFV may not perform food manufacturer or food wholesaler activities under Texas Health and Safety Code (HSC) Chapter 431. An MFV does not include any operation that is not readily moveable. MFVs are divided into three categories:

(A) Type I--an MFV that dispenses only non-time and temperature control for safety (TCS) prepackaged food and does not sell TCS beverages, or an MFV that otherwise poses a low risk of harm to the public as determined by the department;

(B) Type II--an MFV that dispenses prepackaged TCS foods or food that requires limited handling and preparation, or TCS foods that are prepared to order and served for immediate consumption; processes may include preparing, cold holding, thawing, and/or reheating of commercially processed and/or packaged products for immediate consumption; and

(C) Type III--an MFV that prepares, cooks, holds, and serves food from a food vending vehicle; processes may include hot holding, cold holding, thawing, cooking, cooling, reheating, or conducting other activities allowed by the Food Code.

(12) Person--An individual, business, partnership, organization, corporation, or association.

(13) Prepackaged food--Commercially labeled and processed food that is already in a package to stop direct contact with the food during distribution by the manufacturer, food facility, or other approved source. Prepackaged does not include food only wrapped or placed in a carry-out container by a food employee, at the consumer's request.

(14) Pushcart--A non-self-propelled food vending vehicle limited to serving foods requiring a limited amount of preparation as authorized by the regulatory authority and readily movable by one or two people. A pushcart is classified as a food vending vehicle. A pushcart does not include non-self-propelled units owned and operated within a retail food store. This type of vehicle requires the support of a central preparation facility.

(15) Readily moveable--Able to easily move without delay or difficulty; free of alterations, attachments, additions, placement, or change in, under, or upon the mobile food unit that prevent or otherwise reduce the ability to easily move without delay or difficulty. Readily moveable also includes any other requirements set forth by the regulatory authority.

(16) Regulatory authority--The department. The department may enter into a collaborative agreement to allow a local authority to inspect on the department's behalf. When such an agreement is in place, the local authority has full authority to conduct health inspections as the department's representative.

(17) Roadside food vendor--A person who operates a food vending vehicle from a temporary location adjacent to a public road or highway. Food is not prepared or processed by a roadside food vendor. A roadside food vendor is classified as an MFV.

(18) Servicing area--A location that an MFV visits to fill the potable water tank with potable water from an approved source and to empty grease, cooking waste, and sewage from the wastewater tank into a wastewater collection system as allowed by law and approved by the regulatory authority.

(19) TCS--Time/temperature control for safety.

(20) TCS food--Time and temperature control for safety food, as defined in Food Code §1-201.10.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

TRD-202600498

Cynthia Hernandez

General Counsel

Department of State Health Services

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For further information, please call: (512) 834-6753

SUBCHAPTER B. MANAGEMENT AND PERSONNEL

25 TAC §226.3

STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code §1001.075, which authorizes the executive commissioner of HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

The new section implements Texas Government Code §524.0151, Texas Health and Safety Code §1001.075, and Texas Health and Safety Code Chapters 437 and 437B.

§226.3. Management and Personnel.

(a) Except as specified in subsection (b) of this section, a certified food protection manager must be present at the food establishment during all hours of operation as required in the Food and Drug Administration (FDA) 2022 Food Code (Food Code) §2-101.11 and §2-102.12.

(b) Food establishments deemed by the regulatory authority to pose minimal risk of causing or contributing to foodborne illness based on the nature of the operation and extent of food preparation are exempt from the requirements in subsection (a) of this section. The exemption includes:

(1) a Type I mobile food vendor (MFV); or

(2) other MFVs that do not prepare, handle, or hold TCS food.

(c) All employees involved in the preparation and service of food products, except for certified food protection managers, must successfully complete an accredited food handler training course within 30 days of employment.

(d) MFVs must display a sign or poster notifying food employees to report any symptoms or medical diagnoses related to diseases that can be spread through food. The sign or poster must be displayed where all employees can easily see the sign or poster.

(e) Driver requirements.

(1) A person who drives a motorized food vending vehicle must possess a valid driver's license as required by Texas Transportation Code Chapter 521.

(2) A person who drives a motorized food vending vehicle must hold a current commercial driver's license if required by Texas Transportation Code Chapter 522.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Cynthia Hernandez

General Counsel

Department of State Health Services

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SUBCHAPTER C. LICENSING

25 TAC §226.4

STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code §1001.075, which authorizes the executive commissioner

HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

The new section implements Texas Government Code §524.0151, Texas Health and Safety Code §1001.075, and Texas Health and Safety Code Chapters 437 and 437B.

§226.4. Mobile Food Vendor Licensing.

(a) A mobile food vendor (MFV) must have a current MFV license from the department to operate as an MFV in Texas. An MFV must have a separate license for each food vending vehicle operated by the MFV.

(b) An MFV license is valid for one year from the date of issuance and must be renewed annually. The license is non-transferable.

(c) Application requirements.

(1) An MFV must apply for a license from the department using the form the department prescribes. The application must include:

(A) the applicant's name, address, email address, and telephone number;

(B) the name, address, email address, and telephone number for any associated entity or organization represented by the applicant, along with copies of documents showing proof of that relationship;

(C) the primary residences and business addresses of the applicant for the 12 months before the application date;

(D) the following documentation:

(i) a description of the processes to be used in the operation (e.g., prepackaged, non-TCS foods only, cook-serve, cook-cool-reheat-serve, etc.); and

(ii) a copy of the menu or a list of all food and beverage products to be prepared, sold, or served;

(E) a statement regarding whether the applicant has ever been denied an MFV license, or had an MFV license suspended or revoked by any governmental entity, and the reason for any denial, suspension, or revocation;

(F) the following for each motorized food vending vehicle for which the applicant is applying:

(i) the vehicle: license number, description, identification number, and registration;

(ii) proof of vehicle insurance;

(iii) proof of vehicle weight as issued by Texas Department of Transportation; and

(iv) a copy or proof of any additional commercial vehicle licenses or permits required by this state; and

(G) a list of the locations at which the vendor intends to operate, to the best of the vendor's knowledge. The MFV may provide the department with a list of locations by providing a link to the MFV's social media page or website. If the vendor does not provide the list of operating locations on a social media page or website, the MFV shall submit the list of operating locations to the department in the form and manner the department prescribes.

(2) The applicant must provide a notarized written statement that all information provided under paragraph (1) of this subsection is true and correct.

(3) The applicant may submit one application for all food vending vehicles that require licensing under this subchapter. A separate licensing fee is required for each food vending vehicle.

(4) If an applicant does not submit a complete and accurate application, the license may be denied or delayed.

(5) Intentional submission of false information or omission of requested information on an application may result in denial, delay, or revocation of a license.

(d) Before a license is issued, each proposed food vending vehicle must be inspected by the regulatory authority. The inspection must confirm that:

(1) each food vending vehicle is safe for preparation, handling, and selling food; and

(2) each vendor complies with all applicable laws and rules.

(e) An applicant must pay fees for each food vending vehicle:

(1) a non-refundable application fee, as follows:

(A) \$300 for each Type I MFV;

(B) \$600 for each Type II MFV; and

(C) \$850 for each Type III MFV;

(2) a pre-licensing health inspection fee, as follows:

(A) \$400 for each Type II MFV; and

(B) \$500 for each Type III MFV;

(3) an inspection fee for health inspections, as follows:

(A) \$400 for each Type II MFV; and

(B) \$500 for each Type III MFV; and

(4) an inspection fee for compliance inspections and complaint investigations, as follows:

(A) \$300 for each Type I MFV;

(B) \$400 for each Type II MFV; and

(C) \$500 for each Type III MFV.

(f) A fee for randomized health inspections of Type II and Type III MFVs, per subsection (e)(3) of this section, must be paid at the time of initial or renewal application.

(g) Fees for complaint investigations and compliance inspections to determine corrective actions must be paid by the MFV at the time of the MFV's next license renewal application.

(h) If there are changes in the operation that require a licensing amendment as outlined in this chapter, an amendment fee is required. The amendment fee is half of the initial license application fee.

(i) For all initial and renewal license applications submitted through Texas.gov, the department is authorized to collect fees in amounts determined by the Texas Department of Information Resources to recover costs

associated with using Texas.gov.

(j) A person filing a renewal license application after the expiration date must pay an additional \$100 as a late fee. The license holder must submit a renewal application and license fees before the expiration date of the license.

(k) Renewal, transferability, and substitution of vehicle.

(1) MFV licenses must be renewed on an annual basis, within 12 months of the date of issuance.

(2) To renew a license, the MFV must submit a renewal application and all required fees, as outlined in subsections (c), (e), (f), and (g) of this section, to the department before the current license expires. A pre-licensing inspection and related fee is not required for a renewal application unless the application includes a change of category or the food vending vehicle has been replaced.

(3) An MFV license issued under this subchapter cannot be transferred to another person or business. Only the person or business named on the license is permitted to operate as the MFV.

(4) When a food vending vehicle is replaced with another vehicle, the license holder must provide the department all information required by subsection (c)(1)(E) of this section for a motorized vehicle. The replacement vehicle must be inspected as stated in subsection (d) of this section.

(5) Any person receiving MFV business assets must apply for a new MFV license before operating as an MFV. This includes situations such as change of ownership of food vending vehicle, change of ownership of MFV, or acquisition of a new food vending vehicle.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Cynthia Hernandez

General Counsel

Department of State Health Services

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SUBCHAPTER D. REQUIREMENTS

25 TAC §226.6

STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code §1001.075, which authorizes the executive commissioner of HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

The new section implements Texas Government Code §524.0151, Texas Health and Safety Code §1001.075, and Texas Health and Safety Code Chapters 437 and 437B.

§226.6. Mobile Food Vendor Requirements.

(a) Compliance with state and local laws. Mobile food vendors (MFVs) must comply with all state and local laws that do not conflict with this chapter or Texas Health and Safety Code (HSC) Chapter 437B. This includes fire codes, location rules, and zoning codes in the jurisdictions where the MFV operates.

(b) MFV provisions.

(1) Mobile food vendors must adhere to Food Code §8-304.11, Responsibilities of the Permit Holder.

(2) General. Except as otherwise provided in this paragraph and in paragraph (3) of this subsection, the regulatory authority may waive or change physical facility requirements in this section if a public health hazard is not likely to occur. The following requirements may not be waived:

(A) paragraphs (8) - (10) of this subsection;

(B) subsection (c)(3) of this section; and

(C) Food Code Subparts 3-401, 3-402, 3-403, 3-404, and 3-501.

(3) Restricted operation. An MFV that only serves food prepared and packaged in individual servings that is stored and transported as required by this chapter, or beverages that are non-TCS food and served from covered urns or other protected equipment, is not required to comply with:

(A) water and sewage system requirements; and

(B) cleaning and sanitizing equipment and utensil requirements if cleaning and sanitizing equipment is available at the central preparation facility.

(4) Readily movable.

(A) There shall be no alteration, removal, attachments, additions, placement, or change in, under, around, or on the food vending vehicle that prevents or otherwise reduces mobility.

(B) A food vending vehicle may connect to a utility only when filling the potable water tank, emptying the wastewater tank, or temporarily connecting to an electrical source. The vehicle must not remain connected to:

(i) a water supply hose during operation, except when filling the potable water tank;

(ii) an external sewage or water disposal system during operation, except when emptying the wastewater tank;

(iii) an external electrical source, if it is the only means for powering the food vending vehicle; or

(iv) an external gas source, except if it is self-contained and affixed to the food vending vehicle.

(C) The regulatory authority may require an MFV to move the food vending vehicle as often as required to a location designated by the regulatory authority to demonstrate the food vending vehicle is readily moveable. The food vending vehicle must be fully functional and free of any temporary utility connection, including electricity, water, and wastewater, at any location while operating or any location designated by the regulatory authority. A food vending vehicle must always be readily movable.

(5) Single-service articles. An MFV must provide only single-service articles for use by the consumer.

(6) Equipment, numbers, and capacities.

(A) Cooling, heating, and holding capacities. Equipment used for cooling and heating food, and holding cold and hot food, must be sufficient in number and capacity to provide food temperatures as specified under the Food Code Chapter 3 - Food. If capacity is insufficient for a process on a food vending vehicle or a central preparation facility (CPF), then that process may not occur on the food vending vehicle or a CPF.

(B) Manual warewashing and sink compartment requirements.

(i) A sink with at least three compartments must be available for manually washing, rinsing, and sanitizing equipment and utensils, as required by Food Code Paragraph 4-301.12(A).

(ii) Sink compartments must be large enough to completely cover the largest equipment and utensils with water, as required by Food Code Paragraph 4-301.12(B).

(C) Handwashing sinks. At least one handwashing sink must be present inside the MFV with employee access for easy use. The handwashing sink must have soap and drying devices, as required by Food Code §6-301.11 and §6-301.12. MFVs that only sell prepackaged food are not required to have an operational handwashing sink.

(7) Food vending vehicle water system requirements. The food vending vehicle water systems must meet all material, design, and operation requirements in Food Code Part 5-3.

(8) The drinking water tank. The food vending vehicle drinking water tank must meet all requirements specified in Food Code §5-303.13.

(A) A fill hose and water holding tank must be labeled as "Potable Water."

(B) A holding tank must be tested for contamination by collecting a sample upon request by the regulatory authority.

(9) Sewage and other liquid waste.

(A) Liquid waste from operating a food vending vehicle must be stored in a retention tank that is permanently installed for holding waste.

(B) A leak-proof sewage holding tank in a food vending vehicle must meet the requirements of Food Code §5-401.11 for capacity and drainage.

(C) All connections on the vehicle that are used for servicing MFV waste disposal facilities must be a different size or type than the connections used for supplying potable water to the MFV. All connections must form a tight and complete seal.

(D) Liquid waste must not be released from the retention tank while the MFV is moving.

(E) A waste retention tank must be flushed in accordance with Food Code §5-402.15.

(F) MFV waste must be removed in accordance with Food Code Part 5-4.

(G) Liquid waste holding tanks must be labeled "Wastewater."

(10) MFV water and wastewater exemption. Roadside vendors that only sell prepackaged food do not have to comply with the water and wastewater requirements in this chapter.

(11) Toilet room requirements. Toilet rooms must be conveniently located and accessible to employees at all times during operations.

(12) Specialized processes. Specialized processing methods, as outlined in Food Code §3-502.11 and §3-502.12, must not be conducted by an MFV on a food vending vehicle. These processes may be conducted when approved by the regulatory authority at CPFs.

(c) Central preparation facility (CPF).

(1) Supplies, cleaning, and servicing operations. Unless all conditions listed in paragraph (3) of this subsection are met, an MFV must operate from a CPF or another fixed food establishment. An MFV must report to this location as required by the regulatory authority for supplies, cleaning, and servicing operations.

(2) Construction. The CPF or other fixed food establishment that serves as the base of operation for an MFV must meet construction and operation standards in accordance with Food Code Chapter 6 - Physical Facilities.

(3) CPF exemption. An MFV may operate without a CPF or commissary if all requirements of this paragraph are met. Each requirement must be checked during inspection. Requirements include the following.

(A) Equipment for cooling and heating food, and holding cold and hot food, must be sufficient in number and capacity on the food vending vehicle to provide food temperatures as specified in Food Code Chapter 3 - Food.

(B) All food stored on the food vending vehicle must be kept in a way that prevents cross contamination and contamination from other sources as described in Food Code Chapter 3 - Food.

(C) Food equipment, utensils, and single-service articles must be stored on the food vending vehicle in a way that prevents contamination. Storage practices must comply with requirements in Food Code Chapter 3 - Food and Chapter 4- Equipment, Utensils, and Linens.

(D) Food vending vehicle warewashing compartments must be large enough to completely cover the largest equipment and utensils with water, as required by Food Code Paragraph 4-301.12(B).

(E) Potable water for the food vending vehicle must come from an approved source as outlined in Chapter 228, Subchapter E of this title (relating to Water, Plumbing, and Waste) and Food Code Part 5-1. Potable water cannot be taken from an untested water well or from a private residence.

(F) Sewage and other liquid waste must be removed from the food vending vehicle at a facility approved for waste servicing or by a sewage transport vehicle. Removal of waste must not cause a risk to public health or create a nuisance as defined by state or local law, regulation, or ordinance.

(G) The MFV must keep records that include the physical address and letters of authorization, if needed, for approved sources of potable water and disposal locations for wastewater. The MFV must always keep the records available for review on the food vending vehicle, and the records must be applicable to the current licensing cycle and locations of operation.

(H) The MFV must keep records that show proof of loaded vehicle weight as issued by Texas Department of Transportation.

(d) Outdoor servicing area and operations, if used.

(1) Protection.

(A) An MFV servicing area must provide overhead protection for any supplying, cleaning, or servicing activity. Overhead protection is not required for areas only used for loading water or discharging sewage

other liquid waste through a closed hose system.

(B) The location for flushing and draining liquid waste in the servicing area must be separate from the area used for potable water servicing and from the area used for loading and unloading food and related supplies.

(C) A servicing area is not required when only prepackaged food is held and dispensed from the MFV or when the MFV does not have waste retention tanks.

(D) The servicing area's surface must be made of smooth, nonabsorbent material, such as concrete or machine-laid asphalt. The servicing area's surface must remain in good condition, always clean, and be graded to drain.

(E) Potable water servicing equipment must be installed in the servicing area as required by the Plumbing Code, as defined in §228.2 of this title (relating to Definitions). The equipment must be stored and handled in a way that keeps both the water and the equipment from becoming contaminated.

(2) Construction exemption. Walls and ceilings in the servicing area do not have to meet the requirements in Food Code §6-201.11.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Cynthia Hernandez

General Counsel

Department of State Health Services

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SUBCHAPTER E. INSPECTIONS

25 TAC §226.8

STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code §1001.075, which authorizes the executive commissioner of HHSC to adopt rules for the administration of Texas Health and Safety Code Chapter 1001, and Texas Health and Safety Code Chapters 437 and 437B.

The new section implements Texas Government Code §524.0151, Texas Health and Safety Code §1001.075, and Texas Health and Safety Code Chapters 437 and 437B.

§226.8. Mobile Food Vendor Inspections.

(a) Mobile food vendor (MFV) categories. The department assigns each MFV to a category based on the type of food served and how the food is prepared. Each category of MFV is described in the definition of "mo

food vendor (MFV)" in §226.2 of this chapter.

(b) Reclassification. When an MFV wants to sell food or beverages that require a different category than initially approved, the MFV must inform the department about the specific food or beverages to be sold. The regulatory authority may conduct a health inspection to decide if a new category is needed.

(c) Health inspection. The regulatory authority may require an MFV to appear at a location chosen by the regulatory authority. The food vending vehicle must be fully functional at the time of inspection, including proper operation of handwash stations, warewash equipment, refrigeration units, and wastewater disposal systems. The following documentation must be available during inspection:

(1) Certified Food Protection Manager and Food Handler Certification;

(2) central preparation facility (CPF) authorization (if required): a signed letter of authorization is required, to verify facility use, if the CPF is not owned by the mobile unit operator;

(3) CPF inspection report (if required);

(4) servicing area documentation and authorization: the MFV must keep the following records on the food vending vehicle:

(A) records that show use of an approved water source and an approved sanitary sewage system; such records may include invoices, written agreements, or other available evidence;

(B) a servicing area activity log that must show the date and time the MFV obtained potable water, properly disposed sewage and other liquid waste, or properly disposed grease or other cooking waste; and

(C) a signed letter by the department or local authority, if applicable, giving authorization to use a servicing area, if the servicing area is not owned by the MFV; and

(5) a menu of all food items to be sold.

(d) Notice of location for inspections. An MFV must provide the department, to the best of the vendor's knowledge, a list of all planned locations of operation along with an itinerary listing the dates and times the MFV plans to operate at these locations. The itinerary must be provided at least seven days before the first date listed in the itinerary. The MFV can share the itinerary on the MFV's social media or website. If the MFV does not post the itinerary on social media or the vendor's internet website, the MFV must send the itinerary to the department, in the form and way the department requires.

(1) The regulatory authority must be able to find and inspect an MFV using the provided itinerary. If an MFV cannot be located, then the regulatory authority may require an MFV to come to a location designated by the regulatory authority.

(2) If an MFV is not able to be located according to provided itinerary or does not appear for an inspection agreed upon by the regulatory authority then the MFV's license may be subject to suspension or revocation.

(e) An MFV must allow inspection by a representative of the regulatory authority during any hours of operation to check compliance with this chapter. An MFV's refusal of inspection or cooperation with a complaint investigation may result in suspension or revocation of a license. Refusal to allow an inspection by a local authority acting under a collaborative agreement with the regulatory authority will be considered a refusal to allow the regulatory authority to inspect.

(f) The MFV must provide the required valid driver's license or commercial driver's license upon request to the regulatory authority during pre-licensing, routine health inspections, and investigations. Driver's licenses required for the operation of the food vending vehicle must be present during all hours of MFV operation

(g) Refusal, revocation, or suspension of a license; administrative penalties.

(1) Basis. The department may refuse an application for a license or may revoke or suspend a license for violations of this chapter or for interference with a department representative in the performance of their duties under this chapter.

(2) Hearings. Any hearings for the refusal, revocation, or suspension of a license are governed by §§1.21, 1.23, 1.25, and 1.27 of this title (relating to Formal Hearing Procedures) or under the provisions of the Texas Government Code Chapter 2001, Administrative Procedure Act.

(3) Reinstatement. A former license holder may apply for reinstatement of a suspended license by demonstrating corrections and controls are implemented to prevent future violations. The department may reinstate the license after the department has determined the MFV no longer poses a risk to public health and safety. The department may also require employees of a MFV to successfully complete a department-accredited training course on food safety principles before reinstatement of the license.

(4) Administrative penalties. Administrative penalties in Texas Health and Safety Code §437.018, and in §229.261 of this title (relating to Assessment of Administrative Penalties), may be assessed for violations of this chapter.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on February 3, 2026.

TRD-202600502

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: March 22, 2026

For further information, please call: (512) 834-6753

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: April 6, 2026

Topic:

Request by Tim Littlefield LLC to abandon of an unimproved street right-of-way between Lot 1 Block 1 of Tim Littlefield LLC and Lot 1 Block 2 of Tim Littlefield LLC, being 0.324 acres of land situated in the Jessie Pruitt Survey A-629, and in the Tim Littlefield LLC plat as recorded in file 704839 of the map records of Harris County, Texas.

Background:

Tim Littlefield LLC has requested the abandonment of an existing City of Tomball unimproved street right-of-way to allow for the expansion of Lot 1, Block 2 in the Tim Littlefield LLC subdivision plat. The Community Development, Public Works, and Fire Departments reviewed the unimproved street right-of-way abandonment, and it has been determined that it is not needed for roadway or utility purposes. For this reason, City Staff has no concerns about the proposed abandonment.

Origination: Tim Littlefield LLC

Recommendation: Approval

Party(ies) responsible for placing this item on agenda: Craig T. Meyers, P.E.

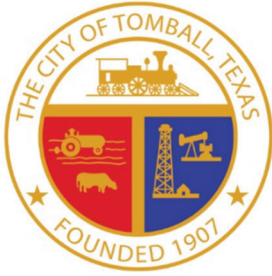
FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the Community Development Director's Office, 501 James Street, Tomball, Texas 77375.

Minimum Submittal Requirements

- \$1,000 application fee.
- Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned.
- Completed and signed application form.

Applicant Information

Name Tim Littlefield LLC

Mailing Address PO BOX 1808

City Tomball State TX Zip Code 77377

Phone Number 2817237344 Fax Number _____

E-mail Address tim@littlefieldbrothers.com

Agent or Engineer Information

Name Rick Galatian

Mailing Address 1717 w. 34th Street suite 600518

City Houston State TX Zip Code 77018

Phone Number (713) 894-8739 Fax Number NA

E-mail Address Rick@gbuildingdevelopment.com

We, the undersigned property owners of

Lot 1, Block 2 of Tim Littlefield LLC a subdivision

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. Rick Galatian 1717 w. 34th Street suite 600518 Houston, TX 77018

2. HCAD Account #1422610020001 

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

Certification

I, Tim Littlefield-Tim Littlefield LLC, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

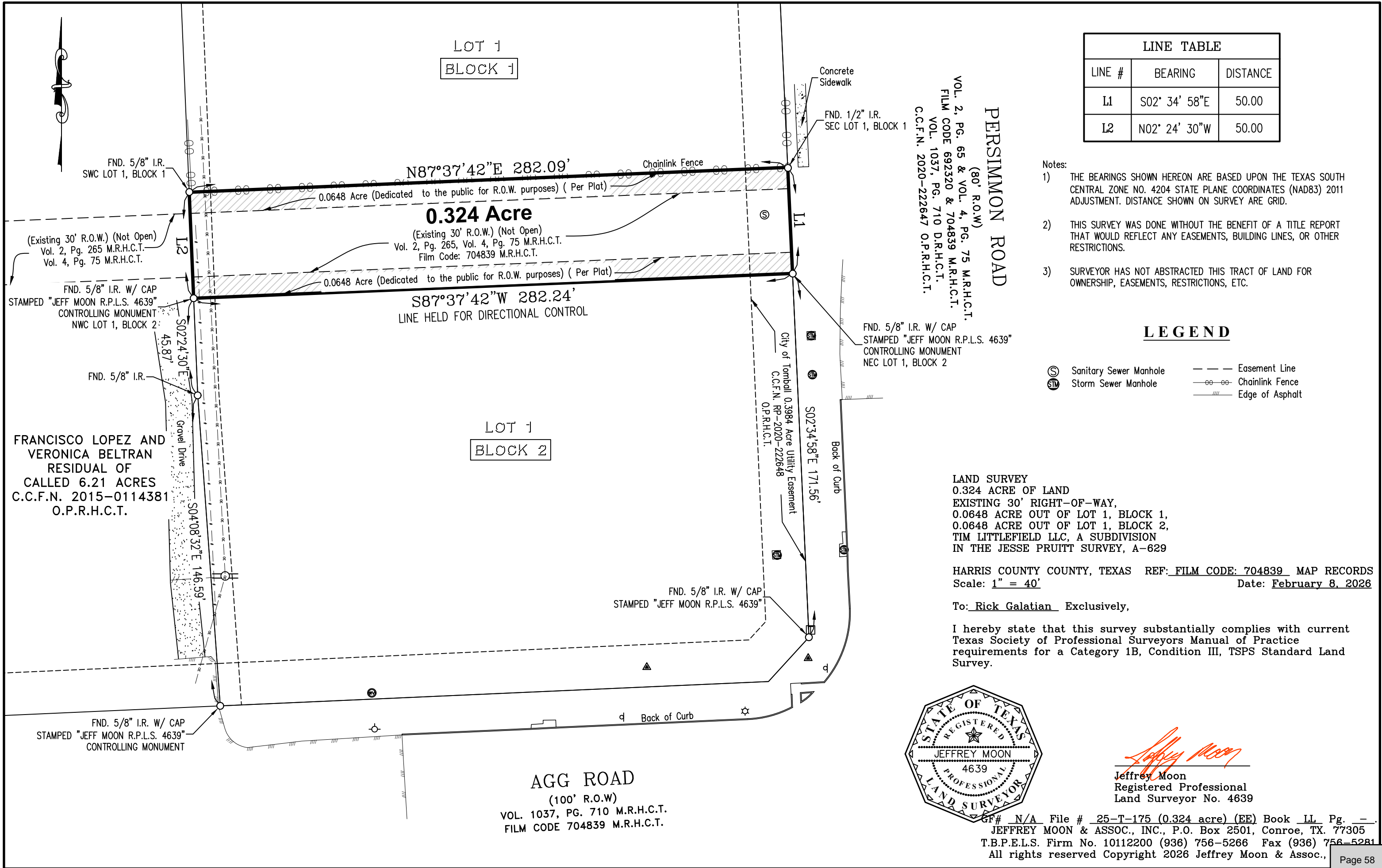
City will not need to maintain a useless ROW that they will never use.

(Signature)

(Printed Name)

Tim Littlefield

Tim Littlefield



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S02° 34' 58"E	50.00
L2	N02° 24' 30"W	50.00

- Notes:
- 1) THE BEARINGS SHOWN HEREON ARE BASED UPON THE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE COORDINATES (NAD83) 2011 ADJUSTMENT. DISTANCE SHOWN ON SURVEY ARE GRID.
 - 2) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT THAT WOULD REFLECT ANY EASEMENTS, BUILDING LINES, OR OTHER RESTRICTIONS.
 - 3) SURVEYOR HAS NOT ABSTRACTED THIS TRACT OF LAND FOR OWNERSHIP, EASEMENTS, RESTRICTIONS, ETC.

LEGEND

- ⊙ Sanitary Sewer Manhole
- ⊕ Storm Sewer Manhole
- Easement Line
- ⊖⊖⊖ Chainlink Fence
- //// Edge of Asphalt

PERSIMMON ROAD
 (80' R.O.W.)
 VOL. 2, PG. 65 & VOL. 4, PG. 75 M.R.H.C.T.
 FILM CODE 692320 & 704839 M.R.H.C.T.
 VOL. 1037, PG. 710 D.R.H.C.T.
 C.C.F.N. 2020-222647 O.P.R.H.C.T.


LAND SURVEY
 0.324 ACRE OF LAND
 EXISTING 30' RIGHT-OF-WAY,
 0.0648 ACRE OUT OF LOT 1, BLOCK 1,
 0.0648 ACRE OUT OF LOT 1, BLOCK 2,
 TIM LITTLEFIELD LLC, A SUBDIVISION
 IN THE JESSE PRUITT SURVEY, A-629

HARRIS COUNTY COUNTY, TEXAS REF: FILM CODE: 704839 MAP RECORDS
 Scale: 1" = 40' Date: February 8, 2026

To: Rick Galatian Exclusively,

I hereby state that this survey substantially complies with current
 Texas Society of Professional Surveyors Manual of Practice
 requirements for a Category 1B, Condition III, TSPS Standard Land
 Survey.




 Jeffrey Moon
 Registered Professional
 Land Surveyor No. 4639

GF# N/A File # 25-T-175 (0.324 acre) (EE) Book LL Pg. -
 JEFFREY MOON & ASSOC., INC., P.O. Box 2501, Conroe, TX. 77305
 T.B.P.E.L.S. Firm No. 10112200 (936) 756-5266 Fax (936) 756-5281
 All rights reserved Copyright 2026 Jeffrey Moon & Assoc.,



February 8, 2026

BEING 0.324 ACRE TRACT OF LAND IN THE JESSE PRUITT SURVEY, ABSTRACT 629 IN HARRIS COUNTY, TEXAS, BEING ALL OF AN EXISTING 30 FOOT RIGHT OF WAY, ALL OF A 0.0648 ACRE TRACT OUT OF LOT 1, BLOCK 1, AND ALL OF A 0.0648 ACRE TRACT OUT OF LOT 1, BLOCK 2 OF TIM LITTLEFIELD LLC. A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE 704839 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; SAID 0.324 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH ALL BEARINGS AND COORDINATES REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, TEXAS SOUTH CENTRAL ZONE (ALL DISTANCES SHOWN ARE GRID):

BEGINNING at a 5/8 inch iron rod with survey cap stamped "Jeff Moon R.P.L.S. 4639, found for the Southeast corner of the herein described tract and being the Northeast corner of said Lot 1, Block 2 and the Southeast corner of said 0.0648 acre out of said Lot 1, Block 2 and being in the West line of Persimmon Road a 80 foot right-of-way thereof recorded in Volume 2, Page 65, Volume 4, page 75 of the Map Records of Harris County, Texas and Film Code 692320 and 704839 of the Map Records of Harris County, Texas and Volume 1037, Page 710 of the Deed Records of Harris County, Texas, from whence a 5/8 inch iron rod with a survey cap stamped "Jeff Moon R.P.L.S. 4639" bears South 02°34'58" East, 171.56 for the upper Southeast corner of said Lot 1, Block 2;

THENCE South 87°37'42" West, along the North line of said Lot 1, Block 2 and the South line of said 0.0648 acre out of Lot 1, Block 2, a distance of 282.24 feet to a 5/8 inch iron rod with a survey cap stamped "Jeff Moon R.P.L.S. 4639" found for the Southwest corner of the herein described tract and being the Northwest corner of said Lot 1, Block 2 and the Southwest corner of said 0.0648 acre out of Lot 1, Block 2 and being in the East line of a called 6.21 acres of land conveyed in deed to Francisco Lopez and Veronica Beltran recorded under County Clerk's File Number 2015-0114381 of the Official Public Records of Harris County, Texas from whence a 5/8 inch iron rod bears South 02°24'30" East, 45.87 feet for a angle point of said Lot 1, Block 2;

THENCE North 02°24'30" West, leaving the North of said Lot 1, Block 2 and along the East line of said 6.21 acre tract and the West line of said 0.0648 acre out of Lot 1, Block 2, passing the Northwest corner of said 0.0648 acre out of Lot 1, Block 2 and the Southwest corner of said 30 foot right-of-way, continuing along the East line of said 6.21 acre tract and the West line of said 30 foot right-of-way, passing the Northwest corner of said 30 foot right-of-way and the Southwest corner of said 0.0648 acre out of Lot 1, Block 1, continuing along the East line of said 6.21 acre tract and the West line of said 0.0648 acre out of Lot 1, Block 1, a total distance of 50.00 feet to a 5/8 inch iron rod found for the Northwest corner of the herein described tract and being the Northwest corner of said 0.0648 acre out of Lot 1, Block 1 and the Southwest corner of said Lot 1, Block 1;

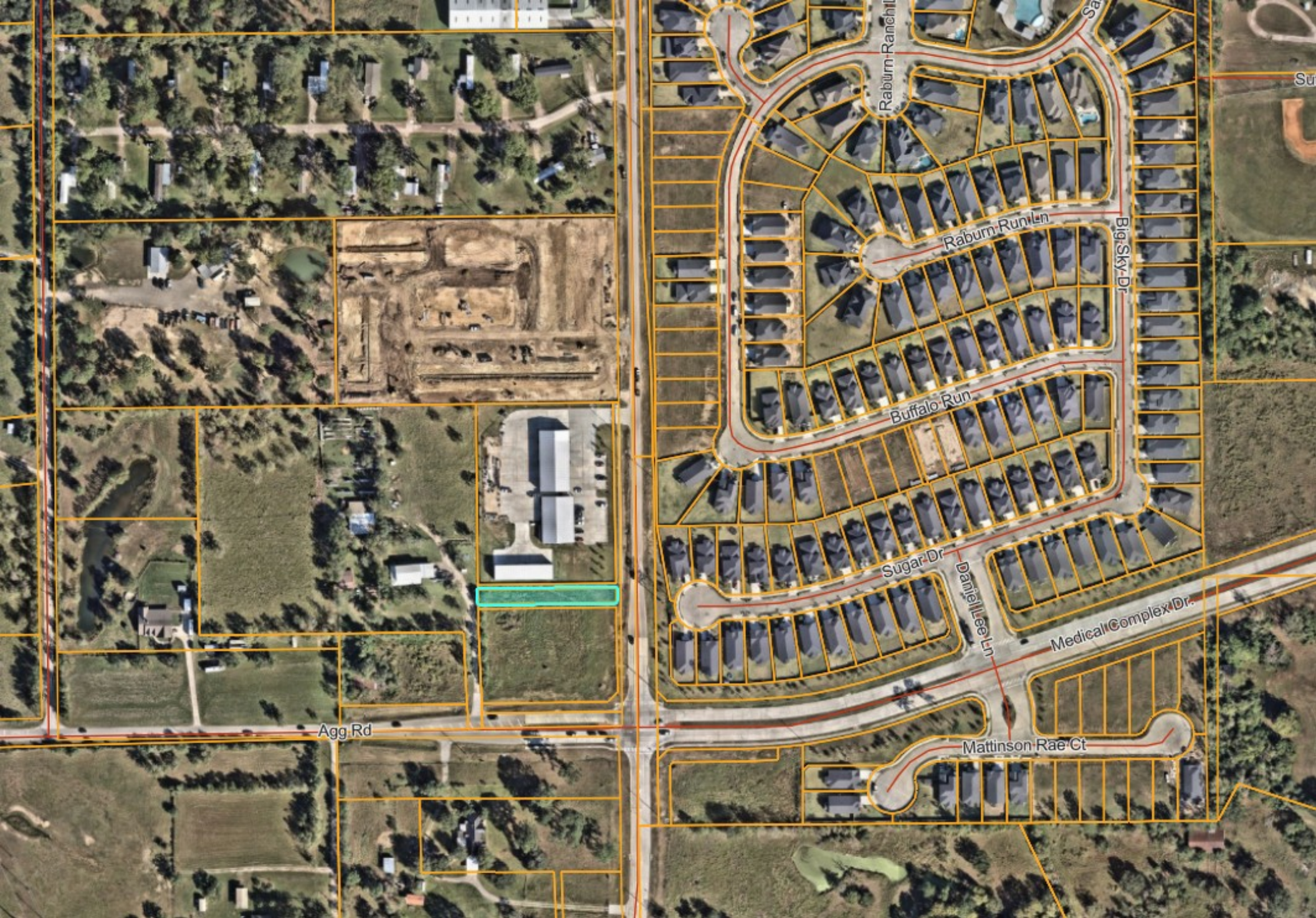
THENCE North 87°37'42" East, leaving the East line of said 6.21 acre tract and along the South line of said Lot 1, Block 1 and the North line of said 0.0648 acre out of Lot 1, Block 1, a distance of 282.09 feet to a 1/2 inch iron rod found for the Northeast corner of the herein described tract and being the Southeast corner of said Lot 1, Block 1 and the Northeast corner of said 0.0648 acre out of Lot 1, Block 1 and being in the West line of said Persimmon Road;

THENCE South 02°34'58" East, along the West line of said Persimmon Road and the East line of said 0.0648 acre out of Lot 1, Block 1, passing the Southeast corner of said 0.0648 acre out of Lot 1, Block 1 and the Northeast corner of said 30 foot right-of-way, continuing along the West line of said Persimmon Road and the East Line of said 30 foot right-of-way and passing the Southeast corner of said 30 foot right-of-way and the Northeast corner of said 0.0648 acre out of Lot 1, Block 2, continuing along the West line of said Persimmon Road and the East line of said 0.0648 acre out of Lot 1, Block 2, for a total distance of 50.00 feet back to the **POINT OF BEGINNING** and containing in all 0.324 acre of land, based on the survey prepared by Jeffrey Moon and Associates, Inc., dated February 8, 2026.

Job. No: 25-T-175 (0.324 Acres)


Jeffrey Moon
Registered Professional
Land Surveyor No. 4639





City Council Meeting

Agenda Item

Data Sheet

Meeting Date: October 20, 2025

Topic:

Approve an agreement with Environmental Designs, Inc. for tree growing and planting for the streetscape improvement project along Main Street/FM 2920 for a total purchase amount not-to-exceed \$1,549,702 (RFP No. 2026-06), 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 2025-2026 Capital Improvement budget.

Background:

As part of the Fiscal Year 2025–2026 Capital Improvement Plan, the City identified a streetscape enhancement project along FM 2920/Main Street to support the planned reconstruction of the corridor by the Texas Department of Transportation (TxDOT). Funding for this project, in the amount of \$1,500,000, was requested through the Tomball Economic Development Corporation (TEDC) to enhance the visual character and long-term functionality of the corridor.

To implement this initiative, the City issued a Request for Proposals (RFP) to solicit qualified firms capable of supporting the growing, planting, and establishment of trees in coordination with TxDOT requirements and project timelines. The project is intended to provide high-quality, well-established trees that will enhance the appearance of the corridor, improve environmental conditions, and contribute to the long-term vitality of the community, particularly within the Old Town area.

Following the RFP process, staff received one (1) sealed response from Environmental Design, Inc. and after reviewing the submission, the company was selected as the most qualified firm to provide these services. The firm will be responsible for cultivating and supplying healthy trees, coordinating installation, and providing early-stage maintenance to ensure successful establishment and longevity.

This project supports the City’s goal of creating a durable and attractive streetscape that enhances safety, sustainability, and community character along this key transportation corridor. Staff is recommending awarding an agreement with Environmental Design, Inc. for an amount not-to-exceed \$1,549,702.

Origination: Project Management

Recommendation:

Staff recommends approving an agreement with Environmental Design, Inc. for an amount not-to-exceed \$1,549,702

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project Manager

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #400-154-6409

If no, funds will be transferred from account # _____ To account # _____

Signed Meagan Mageo Approved by _____
Staff Member Date City Manager Date

COST PROPOSAL - ENVIRONMENTAL DESIGNS INC
RFP 2026-06: Tree Growing and Planting

Tree Caliper Size	Number of Trees Needed	Cost Per Tree	Total Cost of Trees
5" Caliper Trees (65" Root Ball Minimum)	65	\$1,184.00	\$76,960.00
7" Caliper Trees (80" Root Ball Minimum)	65	\$2,664.00	\$173,160.00
10" Caliper Trees (120" Root Ball Minimum)	25	\$5,178.00	\$129,450.00
12"+ Caliper Trees (Boxed – TxDOT Approved)	25	\$6,364.00	\$159,100.00
7 inch Caliper Trees: Grown in 60-65" diameter Airpots	6	\$2,664.00	\$15,984.00
12 inch Caliper Trees: Grown in 72" Airpots until trees reach an 8" caliper	10	\$6,364.00	\$63,640.00

Tree Care Alternates: (If Needed Due to Project Delay)			
Monthly Tree Care Alternate – 5"	65	\$13.00	\$845.00
Monthly Tree Care Alternate – 7"	65	\$22.00	\$1,430.00
Monthly Tree Care Alternate – 10"	25	\$26.00	\$650.00
Monthly Tree Care Alternate – 12"	25	\$26.00	\$650.00
Monthly Tree Care Alternate – 7" Grown in 60-65" diameter Airpots	6	\$22.00	\$132.00
Monthly Tree Care Alternate – 12" Grown in 72" Airpots until trees reach an 8" caliper	10	\$26.00	\$260.00

Installation:			
Installation – 5" Caliper	65	\$1,776.00	\$115,440.00
Installation – 7" Caliper	65	\$3,996.00	\$259,740.00
Installation – 10" Caliper	25	\$7,767.00	\$194,175.00
Installation – 12" Caliper	25	\$9,546.00	\$238,650.00
Installation – 7" Caliper - Grown in 60-65" diameter Airpots	6	\$3,996.00	\$23,976.00
Installation – 12" Caliper - Grown in 72" Airpots until trees reach an 8" caliper	10	\$9,546.00	\$95,460.00

Total Purchase Price:	\$1,549,702.00
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**CITY OF TOMBALL
SERVICES AGREEMENT**

THE STATE OF TEXAS §

COUNTY OF HARRIS §

Description of Services: Tree Growing and Planting

This Agreement is made and entered into by the **City of Tomball** (referred to as the “City”), with an office at 501 James Street, Tomball, TX and, **Environmental Design, Inc** (the “Company”), with an office at **23544 Coons Rd, Tomball, TX 77375**, City hereby engages the services of Company as an independent contractor for **Tree Growing and Planting**, upon the following terms and conditions.

1. SCOPE OF AGREEMENT

- 1.1. The City hereby agrees to employ Company and Company agrees to perform the necessary services as set forth in Exhibit A – Scope of Work and Exhibit B – Contract Pricing, attached hereto and incorporated herein for all purposes.
- 1.2. In the event of a conflict among the terms of this Agreement and the Exhibit A, the term most favorable to the City, in the City’s sole discretion, shall control.

2. TERM OF AGREEMENT; TERMINATION

- 2.1. This Agreement shall be effective upon proper execution by the City. It shall be effective from **April 20,2026 through December 31, 2031** . The City reserves the right to withdraw from the Agreement immediately if its governing body fails to appropriate funds necessary for the satisfaction of its contractual obligations. ***Either party may terminate this Agreement for any reason with ninety days (90) written notice to the other party.***
- 2.2. The City’s obligations under this Agreement shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas. Nothing contained herein shall ever be construed so as to require City to create a sinking fund or to assess, levy and collect any tax to fund its obligations under this Agreement.
- 2.3. The City reserves the right to enforce the performance of this Agreement in any manner prescribed by law or deemed to be in the best interest of the City in the event of breach or default of any provision of this Agreement, including immediate termination of this Agreement.

3. ENTIRE AGREEMENT

This Agreement represents the entire agreement between Company and the City and no prior or contemporaneous oral or written Agreements or representations shall be construed to alter its terms. No additional terms shall become part of this Agreement without the written consent of both parties and compliance with relevant state law. This Agreement supersedes all other prior agreements either oral or in writing.

4. ASSIGNMENT

Company shall not assign or subcontract its obligations under this Agreement without the prior written consent of the City.

5. COMPENSATION

For and in consideration of the services rendered by the Company pursuant to this Agreement, the City shall pay the Company only for the actual work performed under the Scope of Work, on the basis set forth in Attachment B, up to an amount not-to-exceed **\$1,549,702**.

6. IDEMNITY

6.1. DEFINITIONS

For the purpose of this section the following definitions apply:

- a. "City" shall mean all officers, agents and employees of the City of Tomball.
- b. "Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.
- c. "Company" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.
- d. "Company's employees" shall mean any employees, officers, agents, subcontractors, licensees and invitees of Company.
- e. "Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:
 - i. injury or damage to any property or right
 - ii. injury, damage, or death to any person or entity
 - iii. attorneys' fees, witness fees, expert witness fees and expenses,
 - iv. any settlement amounts; and
 - v. all other costs and expenses of litigation
- f. "Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

6.2. Indemnity

COMPANY AGREES TO INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY FROM AND AGAINST LIABILITY FOR ANY CLAIMS FOR DAMAGES ARISING OUT OF THE COMPANY'S WORK AND ACTIVITIES CONDUCTED IN CONNECTION WITH THIS AGREEMENT.

COMPANY IS AN INDEPENDENT CONTRACTOR AND IS NOT, WITH RESPECT TO ITS ACTS OR OMISSIONS, AN AGENT OR EMPLOYEE OF THE CITY.

COMPANY MUST AT ALL TIMES EXERCISE REASONABLE PRECAUTIONS ON BEHALF OF, AND BE SOLELY RESPONSIBLE FOR, THE SAFETY OF COMPANY'S EMPLOYEES WHILE IN THE VICINITY WHERE THE WORK IS BEING DONE. THE CITY IS NOT LIABLE OR RESPONSIBLE FOR THE NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS OF COMPANY OR COMPANY'S EMPLOYEES.

THE CITY ASSUMES NO RESPONSIBILITY OR LIABILITY FOR DAMAGES WHICH ARE DIRECTLY OR INDIRECTLY ATTRIBUTABLE TO PREMISE DEFECTS.

THE CITY AND COMPANY MUST PROVIDE THE OTHER PROMPT AND TIMELY NOTICE OF ANY COVERED EVENT WHICH IN ANY WAY AFFECTS OR MIGHT AFFECT THE COMPANY OR CITY. THE CITY HAS THE RIGHT TO COMPROMISE AND DEFEND THE SAME TO THE EXTENT OF ITS OWN INTERESTS.

THE INDEMNITY OBLIGATIONS HEREIN SHALL SURVIVE THE TERMINATION OF THE AGREEMENT FOR ANY REASON AND SHALL SURVIVE THE COMPLETION OF THE WORK.

7. INSURANCE

7.1. AMOUNTS OF INSURANCE

Company agrees to provide and to maintain the following types and amounts of insurance, for the term of this Contract:

TYPE	AMOUNT
(a) Workers Compensation Employer's Liability	(where required – Statutory by State Law) \$100,000 per occurrence

(b) Commercial (Public) Liability, including but not limited to:

- a. Premises/ Operations Combined Single Limit
- b. Independent Contractors
- c. Personal Injury
- d. Products/Completed Operations
- e. Contractual Liability (insuring above indemnity provisions)

All insured at combined single limits for bodily injury and property damage at \$500,000 per occurrence.

(c) Comprehensive Automobile Liability, in include coverage for:

- a. Owned/Leased Automobiles
- b. Non-owned Automobiles
- c. Hired Cars

All insured at combined single limits for bodily injury and property damage for \$500,000 per occurrence.

7.2. OTHER INSURANCE REQUIREMENTS

Company understands that it is its sole responsibility to provide the required Certificates and that failure to timely comply with the requirements of this article shall be a cause for termination of this Contract.

Insurance required herein shall be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies shall be subject to examination and approval by the City Attorney's Office for their adequacy as to form, content, form of protection, and providing company.

Insurance required by this Contract for the City as additional insured shall be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Company further agrees that with respect to the above required liability insurances, the City shall:

- a. Be named as an additional insured;
- b. Be provided with a waiver of subrogation, in favor of the City,
- c. Br provided with 30 days advance written notice of cancellation, nonrenewal, or reduction in coverage (all "endeavor to" and similar language of reservation stricken from cancellation section of certificate); and
- d. Prior to execution of this Agreement, be provided through the office of the City Attorney with their original Certificate of Insurance evidencing the above requirement.

The insurance requirements set out in this section are independent from all other obligations of Company under this Agreement and apply whether or not required by any other provision of this Agreement.

8. PAYMENT AND PERFORMANCE

Payment for services described in this Agreement will be made in accordance with the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code, or as subsequently amended.

9. VENUE; RECOVERY OF FEES; DISPUTE RESOLUTION; CHOICE OF LAW

Any suit or claim or cause of action regarding this Agreement shall be brought in Harris County, Texas, as the choice of venue and jurisdiction and site of performance by the parties. If the City is the prevailing party in any such action, the City may recover reasonable costs, including costs of court, attorney's fees, expert witnesses' fees, and trial consultants' fees. The parties further agree that the law of the State of Texas shall govern any interpretation of the terms of this Agreement.

10. COMPANY CERTIFICATIONS

Company certifies that neither it, nor any of its agents or employees, have or will offer or accept gifts or anything of value, or enter into any business arrangement, with any employee, official, or agent of the City.

Company certifies, pursuant to Texas Government Code Chapter 2270, that it does not boycott Israel and will not boycott Israel during the term of this Agreement. Company further certifies, pursuant to Texas Government Code Chapter 2252, Subchapter F, that it does not engage in business with Iran, Sudan, or a foreign terrorist organization as may be designated by the United States Secretary of State pursuant to his authorization in 8 U.S.C. Section 1189.

11. NO WAIVER OF IMMUNITY

The City does not waive any statutory or common law right to sovereign immunity by virtue of the execution of this Agreement.

12. NOTICES

Any written notice provided under this Agreement or required by law shall be deemed to have been given and received on the next day after such notice has been deposited by Registered or Certified Mail with sufficient postage affixed thereto and addressed to the other party to the Agreement; provided, that this shall not prevent the giving of actual notice in any manner.

Notice to Company may be sent to the following address:

23544 Coons Rd
Tomball, TX 77375

13. CONTRACT ADMINISTRATOR

This Agreement shall be administered on the City’s behalf by the Project Manager, and all notices, questions, or documentation, arising under this Agreement shall be addressed to the Project Manager at:

City of Tomball, Texas
Attn: Project Manager
501 James Street
Tomball, Texas 77375

AGREED to and ACCPETED this ___ day of _____, 2026.

Company

Signature

Print Name

Title

AGREED to and ACCPETED this ___ day of _____, 2026.

City of Tomball

David Esquivel, PE
City Manager

Attest:

Thomas Harris III
City Secretary

EXHIBIT A
SCOPE OF WORK

I. General

The purpose of this Request for Proposals (RFP) is to solicit qualified firms to provide the growing, planting, and establishment of trees along Main Street/FM 2920. The project is intended to enhance the visual character of the corridor, improve environmental quality, and support long-term streetscape and community development goals. Proposers shall demonstrate experience with tree cultivation, installation, and maintenance practices suitable for urban roadway environments and shall provide services in accordance with applicable standards, regulations, and best management practices.

II. ACTION SUBMITTALS

- a. Product Data: For each product.
 - i. Plant Materials: Include quantities, sizes, quality, and verified sources for plant materials.
- b. Growing Field Plan and Shop Drawings:
Submit the following:
 - i. Growing field location with denoted aerial photograph.
 - ii. Layout of trees within growing field, with specific attention paid to the correct orientation of the rows (as either east to west rows or north to south rows).
- c. Fertilization Plan:
 - i. Diagnostic and testing strategy for fertilization throughout growing duration.

III. INFORMATIONAL SUBMITTALS

- a. Qualification Statements:
For Contract Tree-Grower.
 - i. Submit documentation of experience with project name, customer, and customer contact information of past projects.
 - ii. Include photographs of the contract growing site, final installation, and final project.
- b. Integrated Pest Management Program (IPM):
To be provided by Contract Tree-Grower Firm's Certified Arborist and shall include the following:
 - i. Fertility program and preventative insecticide application.
 - ii. Monthly arborist report that includes all current and future application schedules

- c. Soil Analysis Report:
 - i. Obtain soil analysis of materials from an accredited soil laboratory.
 - ii. Submit the results of the analysis to the Owner for review. Consult with Owner prior to testing. The results of test may alter the specified structure soil mix.

IV. CLOSEOUT SUBMITTALS

- a. Maintenance Data:
 - i. Recommended procedures to be established by Owner for maintenance of plants during a calendar year. Submit before expiration of required maintenance periods.

V. QUALITY ASSURANCE

- a. Grower & Installer Qualifications:

A qualified Tree-Grower with the following qualifications:

- i. History of successfully executing contract tree growing projects of similar size and scope and demonstrate proficiency in managing a custom, purpose-built tree nursery consisting of trees designed to support the requirements of a specific project.
 - ii. At least five custom-built and managed nurseries from imported stock that Tree-Grower has managed within the last five years.
 - iii. Ability to provide necessary bonding capabilities.
 - iv. Ability to self-perform work.
 - v. Will assign an experienced, ISA Certified Arborist on staff (company employee) who will be present on Project site during execution of the Work and involved in day-to-day activities of the Project.
 - vi. Ability to provide insurance and bonding capabilities as required for project.
- b. Provide quality, size, genus, species, and variety of trees indicated, complying with applicable requirements in ANSI Z60.1.
 - c. Measurements:

Measure in accordance with ANSI Z60.1. Do not prune to obtain required sizes.

 - i. Trees: Measure with branches and trunks or canes in their normal position. Take height measurements from or near the top of the root flare for field-grown stock and container-grown stock. Measure main body of tree or shrub for height and spread; do not measure branches or roots tip to tip. Take caliper measurements 6 inches (150 mm) above the root flare for trees up to 4-inch (100-mm) caliper size, and 12 inches (300 mm) above the root flare for larger sizes.

VI. FIELD CONDITIONS

- a. Field Measurements:
 - i. Verify actual grade elevations, tree stake location and elevations, and desired top of root ball elevations. Provide to Contract Tree-Grower prior to tree planting.
 - ii. Stake and mark proposed finished grade at each planting location indicating top of root ball elevation.
 - iii. Verify service and utility locations, irrigation system components, and dimensions of trees by field measurements before proceeding with planting work.

VII. MAINTENANCE SERVICE

- a. Initial Maintenance Service: Provide tree maintenance by skilled employees of Contract Tree-Grower firm and as required in Part 3. Begin maintenance at Growing Field.
- b. Post-Transplant Maintenance Service: Provide tree maintenance by skilled employees of Contract Tree-Grower firm and as required in Part 3. Begin maintenance immediately after trees are installed on Project Site.
- c. Continuing Maintenance Proposal: From Contract Tree-Grower firm to Owner, in the form of standard maintenance agreement, starting after Substantial Completion. State services, obligations, conditions, and terms for agreement period and for future renewal options.
 - i. Maintenance Period: One-year from date of individual tree planting.

VIII. TREE MATERIALS

- a. General:

Furnish custom nursery-grown trees true to genus, species, variety, cultivar, stem form, shearing, and other features indicated in Tree List, Tree Schedule, or Tree Legend indicated on Drawings and complying with ANSI Z60.1; and with healthy root systems developed by transplanting or root pruning.

 - i. Trees shall be within a 10 percent variance of specified tree quality and size.
- b. Trees with damaged, crooked, or multiple leaders; with tight vertical branches where bark is squeezed between two branches or between branch and trunk ("included bark"); with crossing trunks; with cut-off limbs more than 3/4 inch (19 mm) in diameter; or with stem girdling roots are unacceptable.
- c. Tree root flare should be clearly visible and not buried. Any tree with a buried root flare will not be permitted.
- d. Labeling: Label each tree of each variety, size, and caliper with a securely attached, waterproof tag bearing legible designation of common name and full scientific

name, including genus and species. Include nomenclature for hybrid, variety, or cultivar, if applicable for plant.

IX. BACKFILL SOIL

- a. Backfill Soil: Planting soil of suitable moisture content and granular texture for placing and compacting in planting pit around tree, and free of stones, roots, plants, sod, clods, clay lumps, pockets of coarse sand, concrete slurry, concrete layers or chunks, cement, plaster, building debris, and other extraneous materials harmful to plant growth.
 - i. Approved Manufacturers:
 - 1. Living Earth Technologies.
 - 2. Or approve equal
- b. Mixture: As determined by Certified Arborist with locally available materials.

X. FERTILIZERS

- a. Provide fertilizer on as needed basis as approved by Contract Tree-Grower's Certified Arborist and Landscape Architect.

XI. PESTICIDES

- a. Registered and approved by the EPA, acceptable to authorities having jurisdiction, and of type recommended in writing by manufacturer for each specific problem and as required for Project conditions and application. Restricted-use pesticides shall only be used by licensed applicators by relevant jurisdiction.

XII. CUSTOM GROWING FIELD

- a. Custom growing field shall be owned and operated by selected tree growing firm.
- b. Custom growing field shall be within 30 miles of the installation location.
- c. Assemble and organize trees into one continuous acreage that will be called the Growing Field.
- d. Grower shall be required to bring a representative tree to a City of Tomball community event once annually throughout the growing period.
- e. 10% of overstock shall be included in quantities. Overstock shall be maintained during the one-year warranty period.
- f. Consolidate material within growing field within 60 days of contract being awarded.
- g. Growing Field: Well drained, uncontaminated, secured site that is clearly out of a potential flood plain, and accessible to construction vehicles and visits by Owner and members of the Project Team.
 - i. Any product, waste disposal, or chemicals that are used on Growing Field must be legal and in compliance with the applicable codes and ordinances of the relevant jurisdiction and must comply with ANSI A300 Standards.

- h. Trees on Growing Field: Boxed and on automated irrigation.
 - i. Water:
 - 1. From reliable and redundant sources suitable for agricultural purposes. Provide water tests for Certified Arborist and Landscape Architect review and approval.
 - 2. pH between 6.5-7.

XIII. GROWING AND CULTIVATING TREES

- a. Methods used to cultivate trees shall comply with ANSI A300.
- b. Any pruning performed shall comply with ANSI A300 (Part 5) so as not to blemish quality of trees
- c. Balled-and-Bur lapped (B&B) Starter Material Trees:
Dug and basketed with non-treated burlap before placing in Growing Field. Comply with the following minimum ratios of root ball to caliper:
 - i. 5-inch Caliper: 65-inches minimum root ball diameter.
 - ii. 7-inch Caliper: 80-inches minimum root ball diameter.
 - iii. 10-inch Caliper: 120-inches minimum root ball diameter.
 - iv. 12-inch Caliper or Larger: Boxed trees.
- d. Boxed and/or AirPot Trees:
Dimensional boxes to accommodate site specific planting requirements, limitations, and utility clearances while providing proper ratio of root mass to caliper of tree.
 - i. Boxes shall be used for proper air exchange and proper root growth. No containerized materials will be permitted.
 - 1. 6–7-inch Caliper Trees: Grown in 60-65” diameter Airpots.
 - 2. 10–12-inch Caliper Trees: Grown in 72” Airpots until trees reach an 8” caliper. Once trees reach 8”, trees shall be placed in a wooden dimension box. Final box dimensions will be determined by TXDOT.
 - ii. Trees Planted on Structure or Over Concrete Lids: Comply with the following weight for trees planted in areas above concrete lids:
 - iii. Maximum Load: 250 psf
 - iv. Working Load: 250 psf
 - v. Tree caliper and associated root ball dimensions and weight must be modified in the following manner:

XIV. TRANSPORTING TREES

- a. Certified Arborist shall be on site during all handling of trees.
- b. Loading and Unloading:
 - i. Prior to loading, install ArborGuard or approved equal around tree.
 - ii. Tie up trees with the combination of gentle hand-tying and a properly adjusted size ring to bring tree crown into a cocoon and proper shipping package.
 1. Dutchman 60/72-inch Tree Tyer ring or approved comparable will be used to pull in the branches while simultaneously being tied in using polypropylene rope to gently bring in branching.
 - iii. Install root ball hatting and place on top of the root ball to cover top of box to prevent soil loss during transport and maintain integrity of root ball.
 - iv. Lift trees without the use of trunk or limb strapping method or in a manner that does not compromise root ball integrity.
 - v. Submit tree handling methodology for approval by Landscape Architect.
 - vi. Loads shall be double tarped using only tree shade tarps that cover the entire length and width of the load. Tarps shall be secured in a manner that allows for no movement during transport.
 - vii. Unload trees directly into planting locations or adequate staging areas.
 - viii. Unload trees within two hours of arrival to the Project Site.
 - ix. Install trees within 24 hours of being delivered to Project Site.

XV. PLANTING PREPARATION

- a. Examine areas to receive trees, with Installer present, for compliance with requirements and conditions affecting installation and performance of the Work.
 - i. Proceed with planting only after unsatisfactory conditions have been corrected.
- b. Protect structures, utilities, sidewalks, pavements, and other facilities and turf areas and existing plants from damage caused by planting operations.
- c. Install erosion-control measures to prevent erosion or displacement of soil and discharge of soil-bearing water runoff or airborne dust to adjacent properties and walkways
- d. Stabilizing Root balls:
 - i. Install ArborAnchor system or approved equal within one foot of the edge of root ball base.
 - ii. Anchor root balls using 2-inch industrial webbing.

XVI. TREE PLANTING

- a. Inspection: At time of planting, verify that root flare is visible at top of root ball in accordance with ANSI Z60.1. If root flare is not visible, remove soil in a level manner from root ball to where the top-most root emerges from the trunk. After soil removal to expose root flare, verify that root ball still meets size requirements.
- b. Roots: Remove stem girdling roots and kinked roots. Remove injured roots by cutting them cleanly; do not break.
- c. Tree Boxes:
 - i. Remove and dispose of box properly.
 - ii. Plant tree at predetermined locations and elevations.
 - iii. Immediately backfill with approved soil mix. As the mix is added, apply water to displace air pockets and eliminate settling.
 - iv. Provide initial watering immediately after planting. City will be responsible for automatic irrigation installation and operations.

XVII. TREE MAINTENANCE

- a. Provide the following maintenance procedures during these maintenance periods:
 - i. Initial Maintenance Service: Begin in Growing Field.
 - ii. Post-Plant Maintenance: Begin immediately following tree planting.
 - iii. Continuing Maintenance Program: Begin immediately following Substantial Completion.
- b. Maintenance Procedures:
 - i. Perform plant health care monitoring inspections at least once per month and complete pest and disease report. Report to include recommendation of treatments necessary to ensure that the trees are healthy and vigorous.
 - ii. Provide initial planting hydration, mulching, and weed control.
- c. Hydration: Provide initial watering immediately following installation. GC or others to install automatic irrigation thereafter.
 - i. Monthly soil moisture monitoring with recommended irrigation adjustments
 - ii. First Application: Based upon soil diagnostics, in conformance with ANSI A300 (Part 6).
- d. Mulching:
 - i. Initial Mulching to a depth of 3"
- e. Canopy Pruning: Perform required pruning in strict accordance with ANSI A300 (Part 5), with the specific objectives of:
 - i. Removing dead, damaged, diseased, crossing and conflicting, poorly spaced, or otherwise objectionable branches in a manner that minimizes the loss of foliage in the remaining crown.

- f. Monthly Arborist Report: Provide report that includes the following:
 - i. Tree conditions.
 - ii. Pest and pathogen observations.
 - iii. Soil moisture conditions.
 - iv. Tree protection zone integrity.
 - v. Mulch coverage condition.
 - vi. Construction impact assessment.
 - vii. Issues outside of maintenance scope.

XVIII. WARRANTY

- a. Installer's Special Warranty: Tree grower and installer firm agrees to the following:
 - i. Warranty will include one-year monitoring for pests, soil moisture monitoring, and seasonal irrigation adjustments recommendations.
 - ii. Warranty does not include owner neglect, vandalism, trees hit by vehicles, or acts of God.
- b. Replacement Trees:
 - i. Replacement trees do not carry a warranty.
 - ii. Access to tree planting area and street or lane closure to be provided by Owner.
 - iii. Removal and replacement of finished surfaces will not be included.
 - iv. Tree replacements are based upon the following:
 - 1. Overstock will be used for all replacements
- c. Warranty Periods begins from Date of individual tree planting for one-year.

XIX. Monthly Tree Care Alternate (ANSI A300 / ISA Aligned)

- a. eEstablishes requirements for monthly tree care services to be performed only if installation of project trees is delayed beyond the originally scheduled planting date. The intent is to preserve tree health, structure, and readiness for installation.
- b. All work shall comply with applicable ANSI A300 Standards and International Society of Arboriculture (ISA) Best Management Practices. All services shall be performed by, or under the supervision of, an ISA Certified Arborist.
- c. While trees remain in nursery or holding conditions, the Contractor shall provide monthly care including, at a minimum:
 - 1. Irrigation appropriate to species, container size, soil media, and prevailing weather conditions (ANSI A300 Part 2).
 - 2. Fertilization and soil management, as necessary, based on inspection and tree condition (ANSI A300 Part 2).
 - 3. Corrective and structural pruning, limited to work necessary to maintain health and form (ANSI A300 Part 1).

4. Pest, disease, and stress monitoring, utilizing Integrated Pest Management (IPM) practices as needed (ANSI A300 Part 10).
 5. General maintenance is required to maintain trees in healthy, vigorous, and plantable condition.
- d. Inspections and Documentation
- i. The Contractor shall conduct a monthly inspection of all trees and provide written documentation summarizing:
 1. Overall tree condition
 2. Maintenance activities performed
 3. Identified deficiencies or risks
 4. Corrective actions taken or recommended
- e. Tree Quality and Replacement
- i. Trees that decline below acceptable industry standards or are deemed unsuitable for installation shall be promptly reported to the Owner. Subject to Owner approval, such trees shall be replaced at no additional cost.

Exhibit B
COST PROPOSAL
RFP 2026-06: Tree Growing and Planting

Tree Caliper Size	Number of Trees Needed	Cost Per Tree	Total Cost of Trees
5" Caliper Trees (65" Root Ball Minimum)	65	\$1,184.00	\$76,960.00
7" Caliper Trees (80" Root Ball Minimum)	65	\$2,664.00	\$173,160.00
10" Caliper Trees (120" Root Ball Minimum)	25	\$5,178.00	\$129,450.00
12"+ Caliper Trees (Boxed – TxDOT Approved)	25	\$6,364.00	\$159,100.00
7 inch Caliper Trees: Grown in 60-65" diameter Airpots	6	\$2,664.00	\$15,984.00
12 inch Caliper Trees: Grown in 72" Airpots until trees reach an 8" caliper	10	\$6,364.00	\$63,640.00

Tree Care Alternates: (If Needed Due to Project Delay)			
Monthly Tree Care Alternate – 5"	65	\$13.00	\$845.00
Monthly Tree Care Alternate – 7"	65	\$22.00	\$1,430.00
Monthly Tree Care Alternate – 10"	25	\$26.00	\$650.00
Monthly Tree Care Alternate – 12"	25	\$26.00	\$650.00
Monthly Tree Care Alternate – 7" Grown in 60-65" diameter Airpots	6	\$22.00	\$132.00
Monthly Tree Care Alternate – 12" Grown in 72" Airpots until trees reach an 8" caliper	10	\$26.00	\$260.00

Installation:			
Installation – 5" Caliper	65	\$1,776.00	\$115,440.00
Installation – 7" Caliper	65	\$3,996.00	\$259,740.00
Installation – 10" Caliper	25	\$7,767.00	\$194,175.00
Installation – 12" Caliper	25	\$9,546.00	\$238,650.00
Installation – 7" Caliper - Grown in 60-65" diameter Airpots	6	\$3,996.00	\$23,976.00
Installation – 12" Caliper - Grown in 72" Airpots until trees reach an 8" caliper	10	\$9,546.00	\$95,460.00

Total Purchase Price:	\$1,549,702.00
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City Council Meeting

Agenda Item

Data Sheet

Meeting Date: April 6, 2026

Topic:

Workshop Discussion Only – Approve a services agreement renewal with Evolve Power Generation for generator preventive maintenance and repairs through a Choice Partners cooperative purchasing contract (Contract No. 17-020CG-04) for a not-to-exceed amount of \$105,000, 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 2025-2026 budget and will be allocated in the fiscal year 2026-2027 budget.

Background:

Evolve Power Generation is a local company that has consistently provided the City of Tomball with generator maintenance and repair services for the City’s fifteen (15) generator units located at various critical facilities. These services are essential to ensuring continuity of operations and maintaining reliable backup power for public safety, utility infrastructure, and other City operations.

In 2024, the City executed a Services Agreement with Evolve Power Generation for generator maintenance and repair services. The agreement included an initial one-year term with the option for up to five (5) additional one-year renewals. The first renewal was executed in 2025, and the proposed renewal will represent the second renewal of the agreement, with three (3) one-year renewal options remaining.

During the most recent contract period, staff has observed an increase in the frequency and scope of repairs, primarily due to the aging condition of several generator units within the City’s inventory. As these generators continue to age, maintenance needs have become more frequent and more extensive to ensure continued reliability and operational readiness.

Accordingly, staff is requesting an increase to the contract amount to provide sufficient funding for anticipated repair services during the upcoming contract term. This adjustment will allow the City to proactively address necessary repairs and maintain dependable backup power capabilities across City facilities.

Based on the City’s adopted Procurement Policy, staff is requesting approval of a services agreement renewal for generator maintenance and repairs through an existing Choice Partners cooperative purchasing contract for services this fiscal year in excess of \$100,000. The chart below identifies projected spending through April 30, 2027.

Services Agreement Renewal Estimated Expenditures	
Preventive Maintenance & Inspections	\$25,000
Required Repairs	\$80,000
Total Estimated Purchases: \$105,000	

Origination: Project Management

Recommendation:

Staff recommends approving a services agreement renewal with Evolve Power Generation for generator preventive maintenance and repairs through a Choice Partners cooperative purchasing contract (Contract No. 17-020CG-04).

Party(ies) responsible for placing this item on agenda: Meagan Mageo, Project Manager

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: #100-145-6206
#100-157-6206
#600-613-6207
#600-614-6207

If no, funds will be transferred from account # _____ To account # _____

Signed Meagan Mageo Approved by _____
Staff Member _____ Date _____ City Manager _____ Date _____

**CITY OF TOMBALL
SERVICES AGREEMENT**

THE STATE OF TEXAS §

COUNTY OF HARRIS §

Description of Services: Generator Preventive Maintenance & Repairs

This Agreement is made and entered into by the **City of Tomball** (referred to as the “City”), with an office at 501 James Street, Tomball, TX and, **Evolve Power Generation** (the “Company”), with an office at **10555 Cossey Road, Houston, Texas 77070**, City hereby engages the services of Company as an independent contractor for **generator maintenance and repairs**, upon the following terms and conditions.

1. SCOPE OF AGREEMENT

- 1.1. The City hereby agrees to employ Company and Company agrees to perform the necessary services as set forth in Exhibit A – Scope of Work and Exhibit B – Contract Pricing, attached hereto and incorporated herein for all purposes.
- 1.2. In the event of a conflict among the terms of this Agreement and the Exhibit A, the term most favorable to the City, in the City’s sole discretion, shall control.

2. TERM OF AGREEMENT; TERMINATION

- 2.1. This Agreement shall be effective upon proper execution by the City. It shall be effective from **May 1, 2026 through April 30, 2027, with three (3) additional one-year renewal options remaining**. The City reserves the right to withdraw from the Agreement immediately if its governing body fails to appropriate funds necessary for the satisfaction of its contractual obligations. ***Either party may terminate this Agreement for any reason with ninety days (90) written notice to the other party.***
- 2.2. The City’s obligations under this Agreement shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas. Nothing contained herein shall ever be construed so as to require City to create a sinking fund or to assess, levy and collect any tax to fund its obligations under this Agreement.
- 2.3. The City reserves the right to enforce the performance of this Agreement in any manner prescribed by law or deemed to be in the best interest of the City in the event of breach or default of any provision of this Agreement, including immediate termination of this Agreement.

3. ENTIRE AGREEMENT

This Agreement represents the entire agreement between Company and the City and no prior or contemporaneous oral or written Agreements or representations shall be construed to alter its terms. No additional terms shall become part of this Agreement without the written consent of both parties and compliance with relevant state law. This Agreement supersedes all other prior agreements either oral or in writing.

4. ASSIGNMENT

Company shall not assign or subcontract its obligations under this Agreement without the prior written consent of the City.

5. COMPENSATION

For and in consideration of the services rendered by the Company pursuant to this Agreement, the City shall pay the Company only for the actual work performed under the Scope of Work, on the basis set forth in Attachment B, up to an amount not-to-exceed **\$105,000**.

6. IDEMNITY

6.1. DEFINITIONS

For the purpose of this section the following definitions apply:

- a. "City" shall mean all officers, agents and employees of the City of Tomball.
- b. "Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.
- c. "Company" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.
- d. "Company's employees" shall mean any employees, officers, agents, subcontractors, licensees and invitees of Company.
- e. "Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:
 - i. injury or damage to any property or right
 - ii. injury, damage, or death to any person or entity
 - iii. attorneys' fees, witness fees, expert witness fees and expenses,
 - iv. any settlement amounts; and
 - v. all other costs and expenses of litigation
- f. "Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

6.2. Indemnity

COMPANY AGREES TO INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY FROM AND AGAINST LIABILITY FOR ANY CLAIMS FOR DAMAGES ARISING OUT OF THE COMPANY'S WORK AND ACTIVITIES CONDUCTED IN CONNECTION WITH THIS AGREEMENT.

COMPANY IS AN INDEPENDENT CONTRACTOR AND IS NOT, WITH RESPECT TO ITS ACTS OR OMISSIONS, AN AGENT OR EMPLOYEE OF THE CITY.

COMPANY MUST AT ALL TIMES EXERCISE REASONABLE PRECAUTIONS ON BEHALF OF, AND BE SOLELY RESPONSIBLE FOR, THE SAFETY OF COMPANY'S EMPLOYEES WHILE IN THE VICINITY WHERE THE WORK IS BEING DONE. THE CITY IS NOT LIABLE OR RESPONSIBLE FOR THE NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS OF COMPANY OR COMPANY'S EMPLOYEES.

THE CITY ASSUMES NO RESPONSIBILITY OR LIABILITY FOR DAMAGES WHICH ARE DIRECTLY OR INDIRECTLY ATTRIBUTABLE TO PREMISE DEFECTS.

THE CITY AND COMPANY MUST PROVIDE THE OTHER PROMPT AND TIMELY NOTICE OF ANY COVERED EVENT WHICH IN ANY WAY AFFECTS OR MIGHT AFFECT THE COMPANY OR CITY. THE CITY HAS THE RIGHT TO COMPROMISE AND DEFEND THE SAME TO THE EXTENT OF ITS OWN INTERESTS.

THE INDEMNITY OBLIGATIONS HEREIN SHALL SURVIVE THE TERMINATION OF THE AGREEMENT FOR ANY REASON AND SHALL SURVIVE THE COMPLETION OF THE WORK.

7. INSURANCE

7.1. AMOUNTS OF INSURANCE

Company agrees to provide and to maintain the following types and amounts of insurance, for the term of this Contract:

TYPE	AMOUNT
(a) Workers Compensation Employer's Liability	(where required – Statutory by State Law) \$100,000 per occurrence

(b) Commercial (Public) Liability, including but not limited to:

- a. Premises/ Operations Combined Single Limit
- b. Independent Contractors
- c. Personal Injury
- d. Products/Completed Operations
- e. Contractual Liability (insuring above indemnity provisions)

All insured at combined single limits for bodily injury and property damage at \$500,000 per occurrence.

(c) Comprehensive Automobile Liability, in include coverage for:

- a. Owned/Leased Automobiles
- b. Non-owned Automobiles
- c. Hired Cars

All insured at combined single limits for bodily injury and property damage for \$500,000 per occurrence.

7.2. OTHER INSURANCE REQUIREMENTS

Company understands that it is its sole responsibility to provide the required Certificates and that failure to timely comply with the requirements of this article shall be a cause for termination of this Contract.

Insurance required herein shall be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies shall be subject to examination and approval by the City Attorney's Office for their adequacy as to form, content, form of protection, and providing company.

Insurance required by this Contract for the City as additional insured shall be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Company further agrees that with respect to the above required liability insurances, the City shall:

- a. Be named as an additional insured;
- b. Be provided with a waiver of subrogation, in favor of the City,
- c. Br provided with 30 days advance written notice of cancellation, nonrenewal, or reduction in coverage (all "endeavor to" and similar language of reservation stricken from cancellation section of certificate); and
- d. Prior to execution of this Agreement, be provided through the office of the City Attorney with their original Certificate of Insurance evidencing the above requirement.

The insurance requirements set out in this section are independent from all other obligations of Company under this Agreement and apply whether or not required by any other provision of this Agreement.

8. PAYMENT AND PERFORMANCE

Payment for services described in this Agreement will be made in accordance with the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code, or as subsequently amended.

9. VENUE; RECOVERY OF FEES; DISPUTE RESOLUTION; CHOICE OF LAW

Any suit or claim or cause of action regarding this Agreement shall be brought in Harris County, Texas, as the choice of venue and jurisdiction and site of performance by the parties. If the City is the prevailing party in any such action, the City may recover reasonable costs, including costs of court, attorney's fees, expert witnesses' fees, and trial consultants' fees. The parties further agree that the law of the State of Texas shall govern any interpretation of the terms of this Agreement.

10. COMPANY CERTIFICATIONS

Company certifies that neither it, nor any of its agents or employees, have or will offer or accept gifts or anything of value, or enter into any business arrangement, with any employee, official, or agent of the City.

Company certifies, pursuant to Texas Government Code Chapter 2270, that it does not boycott Israel and will not boycott Israel during the term of this Agreement. Company further certifies, pursuant to Texas Government Code Chapter 2252, Subchapter F, that it does not engage in business with Iran, Sudan, or a foreign terrorist organization as may be designated by the United States Secretary of State pursuant to his authorization in 8 U.S.C. Section 1189.

11. NO WAIVER OF IMMUNITY

The City does not waive any statutory or common law right to sovereign immunity by virtue of the execution of this Agreement.

12. NOTICES

Any written notice provided under this Agreement or required by law shall be deemed to have been given and received on the next day after such notice has been deposited by Registered or Certified Mail with sufficient postage affixed thereto and addressed to the other party to the Agreement; provided, that this shall not prevent the giving of actual notice in any manner.

Notice to Company may be sent to the following address:

10555 Cossey Road
Houston, TX 77070

13. CONTRACT ADMINISTRATOR

This Agreement shall be administered on the City’s behalf by the Project Manager, and all notices, questions, or documentation, arising under this Agreement shall be addressed to the Project Manager at:

City of Tomball, Texas
Attn: Project Manager
501 James Street
Tomball, Texas 77375

AGREED to and ACCPETED this 24th day of March, 2026.

Evolve Holdings, Inc.

Company

Hunter Hood

Signature

Hunter H. Hood

Print Name

Operations Manager

Title

AGREED to and ACCPETED this 24th day of March, 2026.

City of Tomball

David Esquivel, PE
City Manager

Attest:

Thomas Harris III
City Secretary

City of Tomball Quotes for Generator Preventative Maintenance and Repairs

It is the intention of the City of Tomball to obtain professional Generator Maintenance and Repair Services for Fifteen (15) City owned electric generators. The City of Tomball will have the right and option to terminate any Contract upon thirty (30) days written notice.

The services to be furnished in this agreement will be for quarterly and/or semi-annual preventative/ scheduled maintenance and emergency services, as required to provide proper operation of the generators.

- **Current Generators (15)**

Unit Name – Location	Address	kW	Make	Model
City Hall/Police Dept.	401 Market St	100	Onan	100DGDB
Fire Station #1	1200 Rudel	125	TBD	TBD
Fire Station #2	11725 Holderrieth	125	Kohler	Kohler
Fire Station #5	19900 Telge	200	Cummins	200GFPC
Ingersol-Rand Trailer	501 James St	60	Ingersol-Rand	G60/2008
Kohler Trailer	501 James St	200	Kohler	200REOZT
South WWTP	12411 Holderrieth	800	Catepillar	3412
North WWTP	615 E Hufsmith	500	MTU	10V.1600 DS500
Water Well 5 & 6	15902 FM 2920	725	Cummins	725GFLC
Service Center – PW	501 James St	150	Cummins	DSGAC-1337003
Pine St Well	802 S Pine	600	MTU	DS00600D6SRAH148
Public Works - Admin	501 James St	100	Onan	100DGDB
Grand parkway Gas Gate	13502 ½ Rocky Road	60	Cummins	C60 N6
(2) Tower Generators	401 Fannin	7.5	Onan	TBA

- **The Contractor must meet the following requirements:**
 - 1.) The Contractor must be subject to 24 hour on call notice 365 days per year and must provide the City with normal, weekend and emergency telephone numbers.
 - 2.) All maintenance and repairs shall be completed during normal working hours (8am – 5p) except for emergencies; pricing per hour for repairs must be provided.
 - a. Regular hourly repairs (8:00am to 5:00 pm)

- b. Overtime hourly rate for repairs (5:01 pm to 7:59 am, weekdays, and all day Saturday and Sunday)
 - c. Holiday hourly rate for repairs (all City observed Holidays)
- 3.) If during the preventative/ scheduled maintenance services, the Contractor determines the need for repair or replacement of parts, the scope of which extends beyond the assigned preventative maintenance tasks, the Contractor shall promptly notify the Project Coordinator, or appointed designee, and shall not proceed until approved.
- 4.) The Contractor shall maintain service records for all work completed for each generator. The City of Tomball reserves the right to review the reports with 24 hours notice.
- 5.) The Contractor shall provide the City with a report at the end of each inspection, repair or test that shall include the location, manufacturer, model and serial number. This report should contain detailed information of evaluation, repair, test and/or maintenance completed, including start and end times. These reports may be delivered electronically.
- 6.) Semi-Annual Preventative Maintenance will be required for the following generator(s):
 - a. Ingersol-Rand Trailer
 - b. Kohler Trailer
 - c. Service Center – PW
 - d. South WWTP
 - e. North WWTP
 - f. Pine Street Water Well
 - g. Water Well 5 & 6
- 7.) Quarterly Preventative Maintenance will be required for the following generator(s):
 - a. City Hall/ Police Department
 - b. Fire Station #1
 - c. Fire Station #2
 - d. Fire Station #4
 - e. Fire Station #5
 - f. Public Works -Admin Building
 - g. Grand Parkway Gas Gate
- 8.) Preventative Maintenance will be required based on usage for the following generator(s):
 - a. Two (2) Tower Generators (Police Department)
- 9.) Preventative Maintenance (quarterly and semi-annual) should consist but not be limited to the following:
 - a. Replace oil, air, water, and fuel filters with new filters, if needed
 - b. Check and tighten all electrical connections or generators
 - c. Check and clean battery connections, check and record batter charge rates
 - d. Start and load generator, while running check and record coolant temperature
 - e. Check function of day tank pump
 - f. Check voltage and hertz, adjust if needed
 - g. Check for exhaust leaks
 - h. Check fuel level
 - i. Check all fluid levels

- j. Check for fluid leaks
 - k. Check and tighten all belts, replace if necessary
 - l. Provide report listing conditions of all systems
 - m. Tighten all electrical connections in transfer switches. This work may need to be completed during non-business hours, at no additional charge to the City of Tomball.
 - n. Provide one (1) External Load Bank Test to load generator to 100% of rated load for a period of two (2) hours. Provide complete report with recommendations upon Test Completion.
 - o. Testing of the generator transfer switch to be completed bi-annually on each generator.
- 10.) Requested maintenance shall be scheduled outside of the Preventative Maintenance Schedule by the City of Tomball and shall consist of the following:
- a. Start and run generator unloaded
 - b. Check voltage and frequency, adjust if necessary
 - c. Check all fluid levels
 - d. Check for fluid leaks
 - e. Check and adjust all belts, if necessary
 - f. Oil changes based on run times/ month
 - g. Provide report listing conditions of all systems
- 11.) Optional Tests/Services at Customer's Request – to be billed in addition to the standard Preventative Maintenance Price at Pre-Determined Price per Service on a Time & Material basis.
- a. Replace battery(ies)
 - b. Replace air cleaner
 - c. Oil analysis
 - d. Fuel analysis (Diesel only)
 - e. Coolant flush and replacement
 - f. Coolant analysis
- 12.) Any repairs required outside the scope of Preventative Maintenance and Scheduled Maintenance will be billed at the regular hourly rate or overtime hourly rate.
- 13.) When preparing pricing for quotes, the Contractor should factor in the price of mileage and the employees time to get to each location. The quoted price for each generator, for scheduled maintenance and preventative maintenance, should be all inclusive.
- 14.) It will be the City of Tomball's discretion for the number of scheduled maintenance appointments chosen to schedule.
- 15.) The Contractor is responsible for contacting the appointed designee listed as soon as the contract is awarded to establish the schedule for Preventative Maintenance and any scheduled maintenance required for each generator.
- 16.) Contractor must submit a maintenance checklist for review.

Exhibit B

GENERATOR MAINTENANCE & REPAIR SERVICES							
BASE QUOTES MAINTENANCE							
ITEM	DESCRIPTION	Make/ Model	(kW)	Cost for Quarterly Preventive Maintenance (Each)	Cost for Semi - Annual Preventive Maintenance (Each)	ATS Semi Annual Transfer Test After Hours (EACH)	Cost for Scheduled Maintenance as requested
1	City Hall/ Police Dept. 401 Market St	Gillette SP-1500	150	\$405.00 (\$1,620)		\$498.12	\$350.00
2	Fire Station #1 1200 Rudel	mtu 10V0068 GS125	125	\$405.00 (\$1,620)		\$498.12	\$350.00
3	Fire Station #2 11725 Holderrieth	Gillette SP-1500	125	\$405.00 (\$1,620)		\$498.12	\$350.00
4	Fire Station #4 10333 Mahaffey Rd	Cummins C250N6	250	\$425.00 (\$1,700.00)		\$498.12	\$350.00
5	Fire Station #5 19900 Telge	Cummins 200GFPC	200	\$425.00 (\$1,700.00)		\$498.12	\$350.00
6	Ingersol-Rand Trailer 501 James St	Ingersol-Rand G60/ 2008	60		\$593.35 (\$1,186.70)		\$350.00
7	Kohler Trailer 501 James St	Kohler 200REOZT	200		\$667.50 (\$1,335.00)		\$350.00
8	Service Center PW 501 James St	Cummins DSGAC-1337003	150		\$649.68 (\$1,299.36)	\$498.12	\$350.00
9	South WWTP 12411 Holderrieth	Gillette SP-5000-3-4N2 (Nat. Gas)	500		\$847 (\$1,694)	\$498.12	\$350.00
10	South WWTP 12411 Holderrieth	Gillette SP-5000-3-4N2 (Nat. Gas)	500		\$847 (\$1,694)	\$498.12	\$350.00
11	North WWTP 615 E. Hufsmith	MTU 10V1600 DS500	500		\$811 (\$1,622)	\$498.12	\$350.00
12	Pine Street Well 802 S. Pine	MTU DS00600D6SRAH148	600		806.50 (\$1,613)	\$498.12	\$350.00
13	Water Wall 5 & 6 15902 FM 2920	Cummins 725GFLC	725		\$847 (\$1,694)	\$498.12	\$350.00
14	Public Works (Unit used to be at city hall)	Onan 100DGDB	100	\$405.00 (\$1,620)		\$498.12	\$350.00
15	13502 1/2 Rocky Road	Cummins C60 N6	60	\$350.00 (\$1,400.00)		\$498.12	\$350.00

REPAIRS OUTSIDE THE SCOPE OF MAINTENANCE				
ITEM	DESCRIPTION	Hourly Rate	Minimum Charge or Minimum Hours	Total
1	Hourly cost for repairs during normal business hours (8am-5pm), including all cost (trip charge, service call, etc)	\$125.00	N/A	\$125.00
2	Hourly cost for repairs after hours, weekends, and holidays, including all cost (trip charge, service call, etc)	\$175.00	\$350	\$175.00

City Council Meeting Agenda Item Data Sheet

Meeting Date: April 6, 2026

Topic:

- Proclamation – “Records Management Month”

Background:

Origination: Mayor

Recommendation:

Party(ies) responsible for placing this item on agenda:

Shannon Bennett, Assistant City
Secretary _____

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed _____
Staff Member Date

Approved by _____
City Manager Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: April 6, 2026

Topic:

Upcoming events:

- April 9, 2026 – Kaffeeklatsch from 8:30 – 10:00 a.m. at Tomball Community Center
- April 11, 2026 – Tidy up Tomball from 8:00 – 11:00 a.m. at the Parking Lot on 401 Houston St.
- April 11, 2026 – 2nd Saturday at the Depot from 5:00 – 9:00 p.m. at Tomball Depot Plaza
- April 20-24, 2026 – Spring Cleanup Week will take place from 8:00 a.m. – 4:00 p.m., except Friday, when it ends at 3:00 p.m., and Saturday from 9:00 a.m. – 1:00 p.m., at the old City landfill (1200 Rudolph Rd.).
- April 25, 2026 – Recycling Day from 9:00 a.m. – 1:00 p.m. at Lone Star College-Tomball (South entrance)
- April 25, 2026 – Rails & Tails Mudbug Festival from 11:00 a.m. – 5:00 p.m. at Tomball Depot Plaza
- May 2, 2026 – Tomball Prays Together from 10:00 – 11:00 a.m. at Tomball Depot Gazebo

Background:

Origination: Marketing Department

Recommendation:

Party(ies) responsible for placing this item on agenda: Chrislord Templonuevo, Marketing Director

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: April 6, 2026

Topic:

Report on City awards and achievements.

Background:

City staff continue to work diligently behind the scenes, not only fulfilling essential responsibilities but also striving to improve and excel in multiple areas.

Origination: City Manager's Office

Recommendation:

N/A

Party(ies) responsible for placing this item on agenda: Sakura Moten, Assistant City Manager

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: Sakura Moten **Approved by:** _____
Staff Member Date City Manager Date

City Council Meeting Agenda Item Data Sheet

Meeting Date: April 6, 2026

Topic:

Approve Minutes of March 16, 2026, Workshop/Regular City Council meeting.

Approve Minutes of March 19, 2026, Special Workshop - Strategic Plan.

Background:

Origination: City Secretary Office

Recommendation:

Approve Minutes

Party(ies) responsible for placing this item on agenda:

Shannon Bennett, Assistant City
Secretary _____

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To # _____
account _____

Signed _____ Approved by _____
Staff Member _____ Date _____ City Manager _____ Date _____

**MINUTES OF WORKSHOP 5:00 P.M./
REGULAR CITY COUNCIL AGENDA 6:00 P.M.
CITY OF TOMBALL, TEXAS**



**Monday, March 16, 2026
5:00 P.M.**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for March 16, 2026, 5:00 P.M., at 401 Market Street, Tomball, Texas 77375.

A. Mayor L. Klein Quinn called the meeting to order at 5:00 P.M.

PRESENT:

Mayor Lori Klein Quinn
Council 1 John Ford
Council 2 Paul Garcia
Council 3 Dane Dunagin
Council 4 Lisa A. Covington
Council 5 Randy Parr

CITY STAFF PRESENT:

City Manager - David Esquivel
Assistant City Manager – Sakura Moten
City Attorney – Joseph Hays
City Secretary – Thomas Harris III
Community Development Director – Craig Meyers
Fire Chief – Joe Sykora
Police Chief – Jeffery Bert
Finance Director - Bragg Farmer
Public Works Director - Drew Huffman
Director of Marketing & Tourism - Chrislord Templonuevo
Director of I.T. – Ben Lato
Project Manager - Meagan Mageo
Special Project Director -Luisa Taylor
Records Specialist - Dayjah Whyte
Judge -Brett Peabody
Police Officer – Matthew Maglitto

- B. 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.]* - There were no comments received.
- C. General Discussion
1. Tomball Economic Development Corporation activity update.

Kelly Violette provided an activity update. (Exhibit A)
 2. Approve an \$80,000.00 Amendment to the Tomball Economic Development Corporation Fiscal Year 2025-2026 Budget.

Kelly Violette discussed the \$80,0000 Amendment to the Tomball Economic Development Corporation Fiscal Year 2025-2026 Budget.
- D. Recess/Reconvene at 6:00 p.m.

Mayor Klein Quinn recessed the meeting at 5:30 p.m. and reconvened it at 6:00 p.m.
- E. Invocation led by Councilman Dane Dunagin
- F. Pledges to U.S. and Texas Flags led by Fire Chief Joe Sykora
- G. 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.]*
- Per Werner, Tomball, Texas expressed his concerns regarding Social Haus.
- H. Presentations
1. Presentation of grant award from Tomball Regional Health Foundation for the City of Tomball Police Department in the amount of \$32,850.00 for the purchase of Automated External Defibrillators (AEDs) for patrol vehicles.

Jeffery Klein presented the Tomball Police Department with a check to fund the purchase of AEDs for patrol vehicles.

2. Accept the Annual Comprehensive Financial Report and Compliance Report for fiscal year ending September 30, 2025.

Jeremy Barbatto with ABIP/CPA's Advisors presented the Annual Comprehensive Financial Report and Compliance Report for fiscal year ending September 30, 2025.

I. Reports and Announcements

1. Announcements

I. Upcoming events:

- March 21, 2026 – Choo Choo Chow Down from 11:00 a.m. – 5:00 p.m. at Tomball Depot Plaza
- March 27-29, 2026 – Tomball German Heritage Festival from 6:00 – 10:00 p.m. on Friday, 10:00 a.m. – 10:00 p.m. on Saturday, and 10:00 a.m. – 6:00 p.m. on Sunday at 100–400 blocks of Market St.
- April 9, 2026 – Kaffeeklatsch from 8:30 – 10:00 a.m. at Tomball Community Center
- April 11, 2026 – Tidy up Tomball from 8:00 – 11:00 a.m. at the Parking Lot on 401 Houston St.
- April 11, 2026 – 2nd Saturday at the Depot from 5:00 – 9:00 p.m. at Tomball Depot Plaza
- April 20-24, 2026 – Spring Cleanup Week will take place from 8:00 a.m. – 4:00 p.m., except Friday, when it ends at 3:00 p.m., and Saturday from 9:00 a.m. – 1:00 p.m., at the old City landfill (1200 Rudolph Rd.).
- April 25, 2026 – Recycling Day from 9:00 a.m. – 1:00 p.m. at Lone Star College-Tomball (South entrance)
- April 25, 2026 – Rails & Tails Mudbug Festival from 11:00 a.m. – 5:00 p.m. at Tomball Depot Plaza

- II. Council 2 Paul Garcia Comments – Mr. Garcia provided a presentation on Notable Projects and the Property Tax Rate. (Exhibit B)

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

- Council 2 Paul Garica and Mayor Quinn attended the TML Mid - Year Conference on March 5 & 6, 2026.

J. Old Business

1. Approve, on Second Reading, Resolution No. 2026-16-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 Old Town Façade Improvement Grant by and between the Corporation and Tejas Dragon Companies, LLC to make direct incentives to, or expenditures for, building improvements for new or expanded business enterprise to be located at 306 Market Street, Tomball, Texas 77375. The estimated amount of expenditures for such Project is an amount not to exceed \$40,000.00.

Motion made by Council 5 Parr, Seconded by Council 4 Covington to approve Resolution No. 2026-16, second reading.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

K. New Business

1. Approve Minutes of February 23, 2026, Special City Council meeting.

Approve Minutes of March 2, 2026, Workshop/Regular City Council meeting.

Motion made by Council 4 Covington, Seconded by Council 2 Garcia to approve minutes of February 23, 2026 and March 2, 2026.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

2. Consideration and action on one appointment to the Planning and Zoning Commission for an unexpired term ending May 31, 2028.

Mayor allowed each applicant to introduce themselves. Austin Rosas was the only applicant that spoke.

Council 3 Dunagin nominated Earl Detwiller

Council 1 Ford and Council 2 Garcia nominated Cody Miller

Council voted by hand to nominate a new Commissioner with 3 to 2 vote for Earl Detwiller.

Motion made by Council 3 Dunagin, Seconded by Council 4 Covington to appoint one member to the Planning and Zoning Commission for an unexpired term ending May 31, 2028. (Earl Detwiller)

Voting Yea: Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Voting Nay: Council 1 Ford, Council 2 Garcia,

Motion carried unanimously.

3. Consideration and discussion regarding future appointment/reappointment to the Tourism Advisory Committee

Mayor Quinn invited all applicants to introduce themselves to Council.

Austin Rosas introduced himself to Council.

4. Consideration and possible action to approve, as a Project of the Tomball Economic Development Corporation, an agreement with SMS Precision Tech, LLC to make direct incentives to, or expenditures for, the creation or retention of primary jobs associated with the construction and development of a corporate headquarters facility, located at 28002 and 28010 Johnson Road, Tomball, Texas 77375. The estimated amount of expenditures for such Project is and amount not to exceed \$70,500.00.

Motion made by Council 5 Parr, Seconded by Council 4 Covington to approve the agreement with SMS Precision Tech., LLC.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

5. Approve an \$80,000.00 Amendment to the Tomball Economic Development Corporation Fiscal Year 2025-2026 Budget.

Motion made by Council 1 Ford, Seconded by Council 5 Parr to approve the \$80,0000 amendment to the Tomball Economic Development Corporation Fiscal Year 2025-2026 Budget.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

6. Approve an agreement with McGrath Human Resources Group for a city-wide Compensation and Benefits Study, for a not-to-exceed amount of \$45,200 (RFP 2026-03), approve the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This expenditure is included in the fiscal year 2025-2026 budget.

Motion made by Council 3 Dunagin, Seconded by Council 2 Garcia to approve the agreement with McGrath Human Resources Group.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

7. Consideration, discussion and possible action concerning award of the engineering services contract to AIG Technical Services, Inc. for the preparation of the City's Texas Community Development Block Grant Community Development Fund 2025-2026 (TxCDBG CDF 2025-26) application and subsequent engineering contract if funded. Future expenditures are to be paid from grant funds received from the Texas Department of Agriculture for the Community Development Fund 2025-2026 grant, if awarded.

Motion made by Council 3 Dunagin, Seconded by Council 4 Covington to approve the engineering services contract to AIG Technical Services, Inc.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

8. Approve a Professional Improvement Agreement with Republic Business Park, LP for reimbursement of the cost for a sanitary sewer extension and pipe upsizing along S. Persimmon Street for a total amount not-to-exceed \$202,904.10, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchases. This expenditure was not included in the

adopted Fiscal Year 2026-2027 budget but will be added to the 2026-2031 Capital Improvement Plan and paid from capital expenditures.

Motion made by Council 3 Garcia, Seconded by Council 4 Covington to approve the agreement with Republic Business Park.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

9. Conduct a Public Hearing regarding the submission of an application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) grant.

Mayor Quinn opened the public hearing at 7:39 p.m.

City Secretary Thomas Harris read comments from Samuel Shannon into the record (Exhibit A).

Mayor Quinn closed the public hearing at 7:50 p.m.

10. Approve Resolution No. 2026-17, a Resolution of the City Council of the City of Tomball, Texas, Designating Authorized Signatories for Contractual Documents and Documents for Requesting Funds Pertaining to the Texas Community Development Block Grant Program administered through the Texas Department of Agriculture.

Motion made by Council 5 Parr, Seconded by Council 4 Covington to approve Resolution No. 2026-17.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

11. Approve amendments to Administrative Policy No. 18, Development Policy for Special Financing Districts.

Motion made by Council 3 Garcia, Seconded by Council 1 Ford to approve Administrative Policy No. 18.

Voting Yea: Council 1 Ford, Council 2 Garcia, Council 3 Dunagin, Council 4 Covington, Council 5 Parr

Motion carried unanimously.

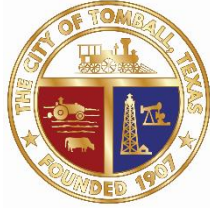
L. Mayor Lori Klein Quinn adjourned the meeting at 7:52 P.M.

PASSED AND APPROVED on this 6th day of April 2026.

Thomas Harris III, TRMC
City Secretary

Lori Klein Quinn
Mayor

**MINUTES OF SPECIAL CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**Thursday, March 19, 2026
9:00 A.M.**

- A. Mayor Lori Klein Quinn called the meeting of the City of Tomball Council to order at 9:00 A.M.

PRESENT

Mayor Lori Klein Quinn
Council 1 John Ford
Council 2 Paul Garcia
Council 3 Dane Dunagin
Council 4 Lisa Covington
Council 5 Randy Parr

OTHERS PRESENT

City Manager - David Esquivel
Assistant City Manager – Sakora Moten
City Attorney- Joseph Hays
City Secretary – Thomas Harris III
Human Resources Director - Kristie Lewis
Public Works Director – Drew Huffman
Fire Chief - Joe Sykora
Police Chief- Jeff Bert
Finance Director - Bragg Farmer
Director of I.T. – Ben Latta
Director of Planning and Development – Craig Meyers
Director of Marketing & Tourism - Chrislord Templonuevo
Special Project Director – Luisa Taylor

- B. 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.]*

The following individuals addressed the City Council during the public comment portion:

- Elaine Handcock, Tomball, Texas
- Scott Moore Jr., Tomball, Texas
- Teresa Latsis, Magnolia, Texas
- Rodney Hutson

C. New Business

1. The Tomball City Council and city staff will enter into a Strategic Planning Workshop.

City Manager David Esquivel, along with City Staff and the City Council, presented their vision, expectations, and prioritized goals for the upcoming year for the City of Tomball. (Exhibit A)

- D. Mayor Quinn adjourned the meeting at 3:54 P.M.

PASSED AND APPROVED this 6th day April 2026.

Thomas Harris III, TRMC
City Secretary

Lori Klein Quinn
Mayor

City Council Meeting Agenda Item Data Sheet

Meeting Date: April 6, 2026

Topic:

Approve supporting the Frost Bank First Responders Luncheon to be held at the Depot in the City of Tomball from 11:30 a.m. to 1:30 p.m. on Wednesday, October 28, 2026.

Background:

Frost Bank requests the support and endorsement of the City of Tomball for their First Responders Luncheon, to be held at the Depot in Tomball on Wednesday, October 28, 2026.

Frost Bank has hired Impact 249 to cook and provide lunch for City of Tomball First Responders during the times of 11:30 a.m. through 1:30 p.m. They will also provide tables and chairs for the attendees.

Origination: Frost Bank

Recommendation: Approve request to waive rental fee

Party(ies) responsible for placing this item on agenda: Chrislord Templonuevo, Marketing Director

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: _____

If no, funds will be transferred from account # _____ To account # _____

Signed _____
Staff Member Date

Approved by _____
City Manager Date



SPECIAL EVENT APPLICATION

CITY OF TOMBALL, TEXAS | 401 Market Street | Tomball, TX 77375 | (281) 351-5484

An application to stage an event within the city of Tomball shall be filed with the Marketing & Tourism Team at least 180 days prior to the event. This application is not to be construed as authorizing or agreeing to any event until formally approved by the Tomball City Council.

Date: 03/19/2026 Is this event Co-City sponsored? Yes No

Request for permission to use a public venue for the following type of event (please check one):
Festival Community Event Arts & Crafts Event Music Event Other (specify) _____

1. Event title: First Responders Luncheon (Police, Fire, EMS, Public Works)

2. Sponsoring entity: Frost Bank Tomball Financial Center

3. Is this organization based in Tomball: Yes No

4. Is this organization non-profit or for-profit *Attach 501 (c) (3) tax exemption if applicable

5. Contact: Vicki Clark Phone: Cell (281) 825-8331

6. Contact address: 14310 FM 2920 Rd., Tomball, Texas 77377-5504

7. Contact email: Vicki.Clark@frostbank.com

8. Event date: Wednesday, October 28, 2026

9. Event times: Start 11:30 am Finish 1:30 pm Set-up 10:00 am Breakdown 1:45 pm

10. Is this event for charity? Yes No

11. If yes, what charity? _____ Tax ID _____

12. If yes, what percentage of net proceeds will be donated to the charity? _____

13. On-site contact: Vicki Clark Mobile #: 281-825-8331

14. Estimated number of attendees: 100 - 150

15. Detailed site map in attached: Yes No

16. Is this event open to the public: Yes No

17. Admission fee: \$ 0.00 Free

18. Time at which event staff will begin to arrive: 10:00 am

19. The applicant will defend and hold harmless the city of Tomball from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such application including attorney fees and expenses. Initial Jme

20. The applicant will provide proof of general liability insurance for the event naming the City of Tomball as additional insured. Initial Jme

21. Name of insurance carrier: Frost Insurance Agency

22. Are Fireworks included in your event? No Yes (Must submit Fireworks Event Application)

Signature: [Handwritten Signature]

FOR OFFICIAL USE - Fee required: Yes _____ No _____ Amount Due: \$ _____

**First Responders
Appreciation Lunch**
Tomball Depot
October 28, 2026
11:30am – 1:30pm



Fish Fry set up



Tables



City Council Meeting Agenda Item Data Sheet

Meeting Date: April 6, 2026

Topic:

Consideration and action on three appointments to the Tourism Advisory Committee.

Background:

During this meeting, candidates will have the opportunity to introduce themselves and respond to any questions.

The Tourism Advisory Committee is advisory in nature, bringing its recommendations to Council for approval of Hotel Occupancy Tax expenditures. The Tourism Advisory Committee is comprised of nine members who serve staggered three-year terms. Three Residents, Three Tomball business owners or managers and Three Tomball hotel/motel managers, and individuals from tourism-related businesses are eligible to serve on the Tourism Advisory Committee.

<u>TAC Member</u>	<u>Term Ends</u>
Jeffie Cappadonna/Resident	12/05/2025
Eric Berger/Business	12/05/2025
Katie Whisler/Hotel	12/05/2025

Current members were all contacted, and the following members would like to be reappointed:

Jeffie Cappadonna
Eric Berger
Katie Whisler

Additionally, we received applications from the following individuals:

Austin Rosas/Resident

All qualified applicants were invited to attend today's meeting.

Origination: Thomas Harris III, City Secretary

Recommendation: Appoint three members to the TAC

Party(ies) responsible for placing this item on agenda: Thomas Harris, City Secretary

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account # _____ To account # _____

Signed _____ Approved by _____
Staff Member Date City Manager Date

Sec. 42-27. - Management and administration.

- (a) All revenue generated by the hotel occupancy tax shall be held by the city in a separate account established for that purpose and shall not be co-mingled with any other money or maintained in any other account.
- (b) Revenue derived from the hotel occupancy tax shall be expended in a manner that directly enhances and promotes tourism and the convention and hotel industry. Revenue generated by the hotel occupancy tax shall not be used for general revenue purposes or to pay for governmental expenses that are not directly related to increasing tourism or promoting the convention and hotel business.
- (c) As authorized by V.T.C.A., Tax Code § 351.101(c), the city council by contract may delegate to a person, including another governmental entity or private organization, the management or supervision of programs and activities funded with revenue from the hotel occupancy tax; otherwise, the city council retains administrative control over the revenue generated by the hotel occupancy tax and retains supervision of programs and activities funded with such revenue.
- (d) The tourism advisory committee, hereby referred to as the "committee" is created. The committee shall recommend to city council those activities, programs, events and policies that will best promote tourism and the convention and hotel industry within the city. Such activities, programs, events and policies, if approved by the city council, would be funded all or in part by revenue generated by the hotel occupancy tax adopted by the city pursuant to the provisions of V.T.C.A., Tax Code ch. 351. The committee shall be organized under the following terms and conditions:
 - (1) The committee shall consist of nine members who shall be recommended by the mayor and approved by the city council to serve three-year staggered terms. The initial term for positions one, four and seven will be one year; positions two, five, and eight will be two years; and positions three, six and nine will be three years. Members serve at the will and pleasure of the city council, and may be removed without cause at any time by a majority vote of the city council. Members will become ineligible to serve if such member fails to meet one of the qualifications as described in subsection (7) of this section. Unless a member is removed, becomes ineligible, or resigns, such member will continue to serve until a new member has been recommended by the mayor and approved by city council. The mayor shall designate a chairperson from among the appointees who shall preside over all meetings. The chair shall retain the right to vote and make motions as a member of the committee. Any vacancies shall be filled by recommendation of the mayor with the city council approval.
 - (2) The committee shall meet at least once quarterly during a fiscal year. The committee may meet in special session upon call by the chair, vice-chair, or the city manager. Meetings shall be held in council chambers, or such other public place as approved by the committee.

of every meeting (of the committee shall be posted in accordance with the Texas Open Meetings Act, V.T.C.A., Government Code ch. 551). The committee shall elect a vice-chair at its first meeting. The vice-chair shall preside over meetings when the chair is unable to attend. The city secretary, or the city secretary's designee, shall review and maintain the minutes of committee meetings and shall sign minutes of meetings with the chair or vice-chair once approved by the majority of the committee.

- (3) The committee may adopt other rules and regulations for the conduct of its meetings. The chair of the committee shall present any recommendations from the committee to the city council.
- (4) The city manager, or the city manager's designee, is an ex officio (nonvoting) member of the committee.
- (5) The committee shall promulgate forms for use by persons or entities requesting hotel occupancy tax funds for use in qualifying events or projects. In addition to furnishing other information that may be required, such forms shall require the applicant to state in writing how the requested expenditure will enhance and promote tourism and the convention and hotel industry in the city.
- (6) The committee shall use its best efforts to study proposed use of funds generated by the hotel occupancy tax and shall recommend allocation of all funds as required by V.T.C.A., Tax Code § 351.103. From time to time, the committee shall recommend activities, events, and programs to the city council that will best promote the city as a convention site and tourist destination. To assist it in achieving its goals, the committee may communicate with other cities and examine their policies and practices regarding conventions and tourism. Members of the committee may attend workshops and studies created for the purpose of assisting cities develop convention and visitor incentives.
- (7) Members of the committee shall possess at least one of the following qualifications:
 - a. Positions one, two and three must reside within the city limits, provided, however, that no more than three committee members may qualify solely under this subsection;
 - b. Positions four, five and six must work for, own, or be an officer or director of a business, other than a hotel or motel, with business locations within the city limits, provided, however, that no more than three committee members may qualify solely under this subsection;
 - c. Positions seven, eight and nine must work for, own, or be an officer of a hotel or motel located in the city limits, who may either be a resident or nonresident of the city, provided, however, that no more than three committee members may qualify solely under this subsection.
- (8)

No member, or an organization or entity for which a member has an ownership interest or is serving on the board of such organization or entity, shall be eligible for hotel occupancy tax financial assistance for any activities, programs, or events, during the term of such member or for a period of two years after the end of that member's term. No person shall be eligible to serve on the committee who has a spouse, child or stepchild who owns or is employed by or is serving on the board of any organization or entity which is applying for or may apply for hotel occupancy tax financial assistance for any activities, program, or events.

(9) A majority of the committee members shall constitute a quorum. Once a request for hotel occupancy tax financial assistance has been filed, the committee shall indicate in a written report to the city council whether it does or does not recommend the request within 60 days. The report shall also describe how the request complies with any one or more of the statutory categories for expenditures set out in V.T.C.A., Tax Code § 351.101(a)(1) through (8). A copy of the request accompanied by the report of the committee shall be delivered to city council for a determination on whether the project is related to the promotion of tourism and the convention and hotel industry within the city limits. The city council shall not be bound by the recommendation of the committee in determining whether the project should be approved.

(e) Each budget year, the city council shall allocate funds for use by the committee as a line item in the following fiscal year based upon anticipated administrative costs and estimated costs for committee member education and other matters. Any expenditure of funds by members of the committee must be authorized in writing in advance by the city manager. Any member receiving funds under this subsection shall keep records of any and all expenditures and shall deliver copies of such records supported by receipts or invoices to the city manager.

(Ord. No. 2010-21, § 2(74-32), 11-1-2010)

ORDINANCE NO. 2026-04

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS REGARDING THE CITY'S TOURISM ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 7, 2003, the City of Tomball did adopt Ordinance No. 2003-04 levying a hotel occupancy tax to become effective on May 1, 2003, which was later amended on November 6, 2006 by the adoption of Ordinance No. 2006-16, which was later amended on November 1, 2010 by the adoption of Ordinance No. 2010-21; and

WHEREAS, the City Council of the City of Tomball, Texas (the "City Council"), determines it is in the best interest of the of the City of Tomball, Texas (the "City") to amend the meeting frequency of the Tourism Advisory Committee to be as needed; and **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

SECTION 1. THAT, the City Council hereby finds and determines that the statements set forth in the preamble of this Ordinance are true and correct and are incorporated herein for all purposes.

SECTION 2. THAT, the first sentence of Subsection 42-27(d)(2) of the Code of Ordinances, Tomball, Texas is hereby amended to read as follows:

"The committee shall meet as needed during a fiscal year."

SECTION 3. THAT, in the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent or original jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and, the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 4. THAT, this Ordinance shall be in full force and effect immediately upon its adoption as provided by law.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON JANUARY 5, 2026.

COUNCILMEMBER FORD _____
COUNCILMEMBER GARCIA _____

COUNCILMEMBER DUNAGIN _____
COUNCILMEMBER COVINGTON _____
COUNCILMEMBER PARR _____

SECOND READING:

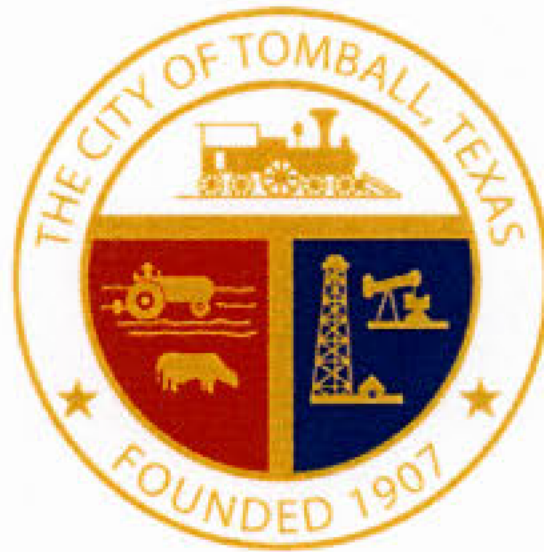
READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON JANUARY 19, 2026.

COUNCILMEMBER FORD _____
COUNCILMEMBER GARCIA _____
COUNCILMEMBER DUNAGIN _____
COUNCILMEMBER COVINGTON _____
COUNCILMEMBER PARR _____

LORI QUINN, MAYOR

ATTEST:

Thomas Harris, III, City Secretary



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be **public information**. All appointments are made by the Tomball City Council. Incumbents whose terms expire may be automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. **Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2022 will expire in 2024**

Please Type or Print Clearly:

Date: 10/25/2025

Name: Austin Rosas

Phone:



(Home)

Address:



Phone:

(Work)

Email



I have lived in Tomball 3 years.

I am X am not ___ a U.S. Citizen

I am applying as (please check all that apply):

a Tomball Resident, residing within the city limits of Tomball
an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball

an Employee or Officer of a hotel or motel located in the
city limits of Tomball

Occupation:

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

Although I have only lived in Tomball for a few years, I have been connected to the Spring-Klein-Tomball area since childhood. Tomball was always a place my family visited to enjoy its charm and sense of community. Years later, my wife and I fulfilled our long-time goal of making Tomball our home, and since then we've built strong relationships with neighbors, friends, and local business owners. I've watched Tomball grow into a vibrant and thriving community—one that attracts visitors from Houston, The Woodlands, and Cypress while maintaining its unique small-town character. I want to contribute to that continued growth and help preserve what makes Tomball special. With an academic and professional background in economics, I specialize in identifying market gaps and developing data-driven insights. I believe these skills can bring a valuable quantitative perspective to the advisory committee and help guide decisions that benefit both residents and visitors.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) Acknowledgment of Receipt and Understanding from the Boards, Commissions, and Committees Handbook.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Austin Rosas Digitally signed by Austin Rosas
Date: 2025.10.25 16:18:04 -05'00'

Signature of Applicant
(Must be signed/signature typed in)

Please return this application to: City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
cso@tomballtx.gov
office: 281-351-5484
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 35, Handbook)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.
This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).
By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.
A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY
Date Received

1 Name of vendor who has a business relationship with local governmental entity.
N/A

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.
N/A

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.
N/A

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7
Austin Rosas Digitally signed by Austin Rosas
Date: 2025.11.26 10:23:21 -06'00'

Signature of vendor doing business with the governmental entity _____
Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

**LOCAL GOVERNMENT OFFICER CONFLICTS
DISCLOSURE STATEMENT**

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

N/A

2 Office Held

N/A

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

N/A

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

N/A

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted N/A Description of Gift N/A

Date Gift Accepted N/A Description of Gift N/A

Date Gift Accepted N/A Description of Gift N/A

(attach additional forms as necessary)

6 SIGNATURE

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Austin Rosas

Digitally signed by Austin Rosas
Date: 2025.11.26 10:20:12 -06'00'

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP/SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____.
(month) (year)

Signature of Local Government Officer (Declarant)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Board Member Election on Disclosure

An elected/appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return to the City Secretary's Office within fourteen days of receipt.

I **DO** elect public access to my: (please indicate items you would like available, if any)

home address

home telephone number

personal email address

cell or pager numbers not paid for by the City

emergency contact information

information that reveals whether I have family members.

I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Austin Rosas Digitally signed by Austin Rosas
Date: 2025.11.26 10:15:21 -06'00'

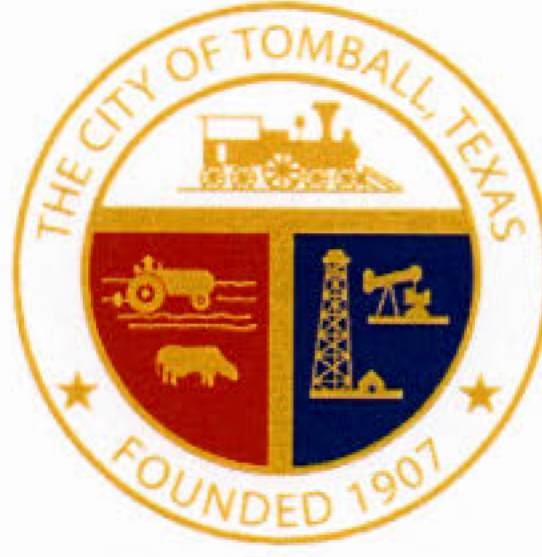
Board Member's Signature

11/26/2025

Date

Austin Rosas

Board Member's Printed Name



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be **public information**. All appointments are made by the Tomball City Council. Incumbents whose terms expire may be automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. **Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2022 will expire in 2024**

Please Type or Print Clearly:

Date: 12/3/2025

Name: Jeffie Cappadonna

Phone: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

(Home)

(Work)

Email jkcapadonna@att.net

I have lived in Tomball 40 years.

I am x am not a U.S. Citizen

I am applying as (please check all that apply):

a Tomball Resident, residing within the city limits of Tomball
an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball
an Employee or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: Owner of Mid-West Electric Co

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

I would like to continue to volunteer my time on the Tomball Advisory Committee as an active member of our
community. I strongly support our city government and think it's important to be aware of all city plans
my late husband and I chose to call Tomball our home 40 years ago, we've raised 4 children here and now
have 8 grandchildren attending TISD schools.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) Acknowledgment of Receipt and Understanding from the Boards, Commissions, and Committees Handbook.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Jeffie Cappadonna

Signature of Applicant
(Must be signed/signature typed in)

Please return this application to: City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
cs@tomballtx.gov
office: 281-351-5484
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 35, Handbook)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.
This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).
By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.
A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY
Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 SIGNATURE

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP/SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____,

20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

My address is _____,
(street) (city) (state) (zip code) (country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____.
(month) (year)

Signature of Local Government Officer (Declarant)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Board Member Election on Disclosure

An elected/appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.

I **DO** elect public access to my: (please indicate items you would like available, if any)

[REDACTED]

[REDACTED]

personal email address

[REDACTED]

[REDACTED]

[REDACTED] information that reveals whether I have family members.

I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Jeffie Cappadonna Digitally signed by Jeffie Cappadonna
Date: 2025.12.03 12:47:15 -06'00'

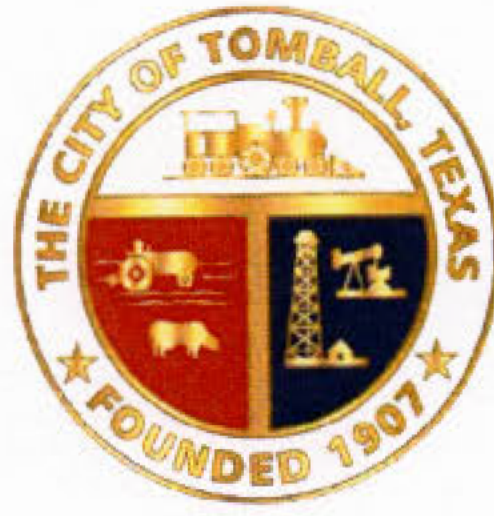
Board Member's Signature

12/3/25

Date

Jeffie Cappadonna

Board Member's Printed Name



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be public information. All appointments are made by the Tomball City Council. Incumbents whose terms expire may be considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2022 will expire on December 31, 2024.

Please Type or Print Clearly:

Date: 2/5/24

Name: Katelyn Whisler

Phone: [REDACTED]
(Home)

Address: [REDACTED]

Phone: _____
(Work)

Email: [REDACTED]

I have lived in Tomball 7 years.

I am am not a U.S. Citizen

I am applying as (please check all that apply):

- a Tomball Resident, residing within the city limits of Tomball
 an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball
 an Employee or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: I am co-owner of Maple Creek Bed and Breakfast, which opened in Tomball in 2016.

Professional and/or Community Activities: Organize annual toy drive for Texas Childrens Hospital.

Additional Pertinent Information/References: _____

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

I would like to know what our occupancy tax money is being used for. I would also like to learn how my business can help the tourism of Tomball, and how Tomball can help my business.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) Acknowledgment of Receipt and Understanding from the Boards, Commissions, and Committees Handbook.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.

Katelyn Whisler

Signature of Applicant
(Must be signed/signature typed in)

Please return this application to: City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
cs@ci.tomball.tx.us
office: 281-290-1002
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 33, Handbook)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.
This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).
By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.
A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

Katelyn Whisler

Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

N/A

Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 Katelyn Whisler
Signature of vendor doing business with the governmental entity

2/5/20

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

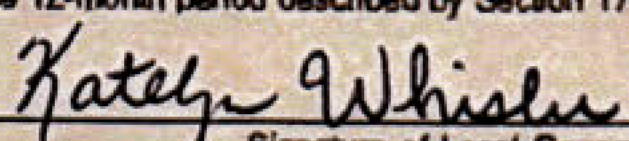
(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

**LOCAL GOVERNMENT OFFICER CONFLICTS
DISCLOSURE STATEMENT**

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code</p>	<p>OFFICE USE ONLY</p> <p>Date Received _____</p>
<p>1 Name of Local Government Officer Katelyn Whisler</p>	
<p>2 Office Held Tourism Advisory Committee</p>	
<p>3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code N/A</p>	
<p>4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in Item 3.</p>	
<p>5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).</p> <p>Date Gift Accepted _____ Description of Gift _____</p> <p>Date Gift Accepted _____ Description of Gift _____</p> <p>Date Gift Accepted _____ Description of Gift _____</p> <p style="text-align: center;">(attach additional forms as necessary)</p>	
<p>6 SIGNATURE I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code</p> <p style="text-align: center;">  _____ Signature of Local Government Officer </p> <p style="text-align: center;">Please complete either option below:</p> <p>(1) Affidavit</p> <p>NOTARY STAMP / SEAL</p> <p>Sworn to and subscribed before me by _____ this the _____ day of _____</p> <p>20 _____, to certify which, witness my hand and seal of office.</p> <p>Signature of officer administering oath _____ Printed name of officer administering oath _____ Title of officer administering oath _____</p> <p style="text-align: center;">OR</p> <p>(2) Unsworn Declaration</p> <p>My name is <u>Katelyn Whisler</u> and my date of birth <u>_____</u></p> <p>My address is <u>_____</u> TX <u>77375</u> USA</p> <p style="text-align: center;">(street) (city) (state) (zip code) (country)</p> <p>Executed in <u>Harris</u> County, State of <u>Texas</u> on the <u>5th</u> day of _____ 20____</p> <p style="text-align: center;">(month) (year)</p> <p style="text-align: center;">_____ Signature of Local Government Officer (Declarant)</p>	

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

1. **Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
2. **Office Held.** Enter the name of the office held by the local government officer filing this statement.
3. **Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
4. **Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
5. **List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
6. **Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.



Board Member Election on Disclosure

An elected/appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return to the City Secretary's Office within fourteen days of receipt.

I **DO** elect public access to my: (please indicate items you would like available, if any)

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Katelyn Whisler
Board Member's Signature

02/5/2024
Date

Katelyn Whisler
Board Member's Printed Name

Appendix D

Acknowledgment of Receipt and Understanding

I acknowledge that I have received a copy of the City of Tomball Boards, Commissions and Committees Handbook on 2/5/24 (date).

I understand the eligibility requirements, policies, and procedures set forth in this Handbook.

I have read and understood the contents of this handbook and will act in accordance with these eligibility requirements, policies and procedures as a condition of my appointment to a board, commission, or committee.

I have read and understood the Standards of Conduct expected by the City of Tomball and I agree to act in accord with the Standards of Conduct as a condition of my appointment by the City of Tomball.

Finally, I understand that the contents of this Handbook are policies and guidelines established by the City Council of the City of Tomball and that the City Council may amend the Handbook at its discretion.

Please read this Handbook carefully to understand these conditions of appointment before you sign this document.

Katelyn Whisler
Signature of Applicant for Appointment

Katelyn Whisler
Printed Name of Applicant

2/5/24
Date:

Requested Biography of Katelyn Whisler

Hello! I was born in San Diego, California in 1993, but moved to Houston, Texas soon after once my father finished his time in the U.S. Navy. I grew up in the Spring area, and I graduated from Houston Baptist University with a double major in Business Marketing and Business Management in 2014. I also married Samuel Whisler in 2014 and have had three beautiful children together since then, all born at the Tomball Regional Hospital (James 2017, Emily 2020, Makenzie 2023). Soon after graduation, I started working at HR&P as a Customer Relations Specialist and assisted in onboarding new clients onto the payroll system. With the birth of our son in 2017, I decided to stay home to raise him and focus on our new business. In 2016, my husband and I, along with my parents Mike and Becky Clark, opened our business, Maple Creek Bed and Breakfast, in Tomball. We've been successfully hosting guests from all over the world and have been a part of so many special memories for the last seven years. In my free time, I enjoy reading, cheering on the Astros, and hanging out with my family.



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be public information. All appointments are made by the Tomball City Council. Incumbents whose terms expire may be considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2022 will expire on December 31, 2024.

Please Type or Print Clearly:

Name: Eric Berger

Date: 11-14-24

Address: 1301 Rudel Rd Apt 302

Phone: 832-538-7840
(Home)

Tomball TX 77375

Phone: _____
(Work)

Email texan2424@icloud.com

I have lived in Tomball 8 years. I am am not ___ a U.S. Citizen

I am applying as (please check all that apply):

- a Tomball Resident, residing within the city limits of Tomball
- an Owner, Officer or Director of a business, other than a hotel or motel, with offices within the city limits of Tomball
- an Employee or Officer of a hotel or motel located in the city limits of Tomball

Occupation: I am a manager at Graze Restaurant on Elm Street. I am also a manager at Texas Chocolate and BBQ also on Elm Street. On Thursday night I work for Real Life Ministries Texas in the Regeneration Program.

Professional and/or Community Activities: My job requires me to be involved in a variety of community activities, including german fest, sip & stroll, etc. I volunteer at the Kids ministry at church.

Additional Pertinent Information/References: I work directly for Tatia George and Scott and Michele Moore. I have been blessed to develop many relationships with prominent figures in our community.

Please attach a short biography to this application.

Briefly tell us why you would like to be considered for appointment to a City of Tomball Board/Commission.

The first reason I would like to be considered for appointment is because I love my community. This city has been such a positive impact on my life. I would love to be a part of its continued growth by giving back with my time and experience.

Please complete the attached Conflict of Interest Questionnaire (CIQ), Conflict of Interest Statement (CIS), Board Member Election on Disclosure, and Appendix D (page 33) Acknowledgment of Receipt and Understanding from the Boards, Commissions, and Committees Handbook.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.



Signature of Applicant
(Must be signed/signature typed in)

Please return this application to:
City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
cso@ci.tomball.tx.us
office: 281-290-1002
fax: 281-351-6256

Attachments: Conflict of Interest Questionnaire
Conflict of Interest Statement
Election on Disclosure
Acknowledgment of Receipt and Understanding (Page 33, Handbook)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.003(1)-(a) with a local governmental entity and the vendor meets requirements under Section 176.003(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.003(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

n/a

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Eric Berger
Name of Officer

4 Describe each employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

n/a

A Is the local government officer or a family member of the officer receiving or likely to receive taxable income other than investment income from the vendor?

Yes No

B Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 [Signature]
Signature of vendor doing business with the governmental entity

11-14-24
Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

Instructions for completing and filing this form are provided on the next page.

<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.</p>	<p>OFFICE USE ONLY</p> <p>Date Received</p>
1 Name of Local Government Officer	
2 Office Held	
3 Name of vendor described by Sections 176.001(7) and 176.003(a) Local Government Code	

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted	Description of Gift
	n/a

(attach additional forms as necessary)

6 SIGNATURE I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2)) Local Government Code, of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B) Local Government Code.

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP/SEAL

Sworn to and subscribed before me by _____ this _____ day of _____

at _____ (city and county), address my hand and seal of office _____

Signature of officer administering oath _____ Printed name of officer administering oath _____ Title of officer administering oath _____

OR

(2) Unsworn Declaration

My name is Eric Berger and my date of birth is 9-6-77

My address is 1301 Ruelen Rd #302 Tomball TX 7735 Harris

Evicted in Harris County, State of Texas on the 14 day of November 2024

Signature of Local Government Officer (Declaration)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.



Board Member Election on Disclosure

An elected/appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.

I **DO** elect public access to my: (please indicate items you would like available, if any)

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Eric Berger

Board Member's Signature

11-14-24

Date

Eric Berger

Board Member's Printed Name

Appendix D

Acknowledgment of Receipt and Understanding

I acknowledge that I have received a copy of the City of Tomball Boards, Commissions and Committees Handbook on 11-14-24 (date).

I understand the eligibility requirements, policies, and procedures set forth in this Handbook.

I have read and understood the contents of this handbook and will act in accordance with these eligibility requirements, policies and procedures as a condition of my appointment to a board, commission, or committee.

I have read and understood the Standards of Conduct expected by the City of Tomball and I agree to act in accord with the Standards of Conduct as a condition of my appointment by the City of Tomball.

Finally, I understand that the contents of this Handbook are policies and guidelines established by the City Council of the City of Tomball and that the City Council may amend the Handbook at its discretion.

Please read this Handbook carefully to understand these conditions of appointment before you sign this document.



Signature of Applicant for Appointment

Eric Berger

Printed Name of Applicant

11-14-24

Date:

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: January 05, 2026

Topic:

Consideration of and action on First Reading - Ordinance No. 2026-09, Repealing and Replacing Article I In General, Article II City Council Division 1, and Article III Division 5 Code of Ethics of Chapter 2, Administration, of the Code of Ordinances, Designated; Providing for Severability, Making Findings of Fact; Providing for Penalty Clauses; and Providing for Other Related Matters.

Background:

Staff was directed to update the Code of Ethics, originally adopted in 1993, to keep it current, clear, and aligned with best practices in governance, accountability, and transparency. A draft policy was presented for review at the April 21, 2025 Council meeting, and feedback was requested from Council members.

On June 2, 2025, an ordinance was introduced on first reading, outlining proposed revisions to the City of Tomball’s ethics rules and procedures. After further review, staff determined the legislative intent was to repeal and replace specific articles and sections in Chapter 2 of the Code of Ordinances, not the entire chapter. On January 5, 2026 staff and City Council restarted the process to revise the Code of Ethics. During the February 16, 2026 meeting, Council directed staff to include censure procedures in the Code of Ethics.

Origination: Thomas Harris III

Recommendation:

Approve Ordinance No. 2026-09 on first reading.

Party(ies) responsible for placing this item on agenda: David Esquivel, PE, Thomas Harris III, Shannon Bennett, and Loren Smith

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

ORDINANCE NO. 2026-09

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS REPEALING AND REPLACING ARTICLE I IN GENERAL, ARTICLE II CITY COUNCIL DIVISION 1, AND ARTICLE III DIVISION 5 CODE OF ETHICS OF CHAPTER TWO, ADMINISTRATION OF THE CODE OF ORDINANCES, DESIGNATED; PROVIDING FOR SEVERABILITY, MAKING FINDINGS OF FACT; PROVIDING FOR PENALTY CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City of Tomball, Texas (the “City”) is a home-rule municipality pursuant to sect 5, article 11 of the Texas constitution and as such, is vested with the power of local self-government; and

WHEREAS, the City desires to amend Article I In General, Article II City Council Division 1, and Article III Division 5 Code of Ethics, the Code of Ordinances;

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of its residents to amend its code of ordinances as set forth herein; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The findings contained in the preamble of this Ordinance are hereby found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Article I In General, Article II City Council Division 1, and Article III Division 5 Code of Ethics, of Chapter Two, Administration, is hereby repealed and replaced with the language contained hereto:

ARTICLE I. IN GENERAL

Sec. 2-1. Organization

The governing body of the City shall consist of the Mayor and five (5) members of the city council (“Council”). The Mayor is elected in the city at large, and the members of the city council are elected at large by positions 1,2, 3, 4, and 5. The Mayor shall be the presiding officer for the Council meetings and, pursuant to the City’s Charter, shall only vote in the event of a tie.

Secs. 2-2—2-18. Reserved.

ARTICLE II. CITY COUNCIL

DIVISION 1. GENERALLY

Sec. 2-19. Compensation of elected officials.

In accordance with the city Home Rule Charter, section 6.04, compensation, effective October 1 of each year, beginning November 6, 2007, the stipend/compensation for the mayor and members of city council shall be, as follows:

- (1) The monthly stipend for the mayor shall be \$750.00 per month.
- (2) The mayor and each member of the city council shall receive compensation, per person, of \$100.00 per regular, special or workshop meetings attended each month. Should any such meetings be scheduled back-to-back, they shall be construed to be one meeting.
- (3) The mayor and members of the city council shall also be reimbursed for actual expenses incurred while on official city business.
- (4) Compensation shall be reviewed annually for budget adjustments and figures shall be indexed to the Bureau of Labor Statistics, Consumer Price Index for Houston, or a similar index during the budget process.

Sec. 2-20. Conflict of interest.

No member of the city council shall be the surety of any person having any contract, work or business with the city, for the performance of which security may be required, nor be security on the official bond of any officer of the city.

Sec. 2-21. Removal.

Any member of the city council may be expelled or removed from office in the manner prescribed by law by the concurrent vote of two-thirds of all the members elected.

Sec. 2-22. Rules of procedure.

- (a) ***Adopted.*** The following rules of procedure (the "rules") are adopted by the city council (the "council") in accordance with section 6.13 of the city Charter. These rules shall govern all meetings and proceedings of the city council, the order of business, and the conduct of city councilmembers and persons in attendance at such meetings. Additionally, these principles, parliamentary procedures and rules for citizen participation shall be adhered to by all city commissions, boards and committees, to the extent such rules of procedure are not inconsistent with the public business to be conducted by such a body.
- (b) ***Purpose and guiding principles.*** These rules are simple and meant to be kept simple. Strict technical rules tend to impede rather than advance the legislative process. Reason, common sense and cooperation must prevail in the conduct of city business. Dissent and debate are essential and beneficial elements of our system of free and open government, but rules should not

be used to hinder the process, however the ultimate outcome is viewed by an individual or group.

(c) **Meetings.** The following types of meetings may be held:

(1) **Regular meetings.** The Council shall hold no less than two regular meetings per month in accordance with Section 3.08 of the City Charter. Regular meetings shall be held at dates and times adopted by City Council Resolution and shall generally be on the 1st and 3rd Monday of each month at a time agreeably set by a consensus of the City Council. Unless designated otherwise, meetings of the City Council shall take place in the Council Chambers of City Hall, and the public is invited to attend the meetings. If the Council meets at a place or time other than its regular meeting place, then public notice to such effect shall be posted in accordance with the Texas Open Meetings Act.

(2) **Special meetings.** A special meeting may be called upon written request of the Mayor or any two (2) council members. Notice of special meetings must be posted in accordance with the Texas Open Meetings Act.

(3) **Workshop meetings.** In accordance with section 6.12 of the Charter, additional workshop meetings may be called upon written request of the mayor or any three councilmembers. If a majority of the city councilmembers at a public meeting request a subsequent workshop meeting, a workshop meeting shall be scheduled at the earliest

practical time as requested. The council meeting minutes reflecting the request to call a workshop meeting shall also reflect the scheduled date and time of such workshop meeting.

- a. The purpose of a workshop meeting is to give council the opportunity to discuss in depth or explore in detail subjects of interest to the city.
- b. No action items shall be placed on the agenda for a workshop meeting.
- c. Workshop meetings shall begin promptly at the time designated and may precede a regular or special meeting. If circumstances reasonably require a different starting time or a different date, such circumstances shall be stated on the meeting agenda.
- d. As circumstances require, public hearings may be held at workshop meetings for the convenience of the public.
- e. Except in unusual circumstances, which shall be stated on the meeting agenda, workshop meetings will be held at the city hall.

(4) ***Public meetings.*** All meetings of the city council are open to the public, in compliance with the Texas Open Meetings Act. Further, the city council may conduct executive sessions in compliance with the Texas Open Meetings Act.

(5) ***Joint meetings.*** The Council may hold Joint Meetings with various Boards, Commissions, and/or various governmental entities that share a community interest with the City. Such meetings shall be scheduled for a specific purpose or goal, agreed to by the City and the other board or entity prior to the meeting and posted in accordance with the Texas Open Meetings Act.

(6) ***Executive sessions.*** Pursuant to the Texas Open Meetings Act, the Council may conduct closed meetings that are not open to the public when the following matters are considered:

- a. Consultation with an attorney regarding pending or contemplated litigation; a settlement offer; or to receive advice on legal matters not associated with litigation;
- b. Deliberations associated with the sale, purchase or exchange of real property;
- c. Personnel matters;
- d. Deliberations regarding security matters;
- e. Deliberations regarding economic development

negotiations; or

- f. Any other purpose permitted by the Texas Open Meetings

Act.

The purpose of an executive session shall be stated in the motion to call the closed session. Any action taken on a matter discussed in executive

session shall occur in an open meeting following the deliberation in closed session.

- (d) ***Attendance.*** Serving on the City Council is a privilege that carries with it the responsibility to represent constituents through participation in Council meetings. Attendance at council meetings is critical to fulfillment of this responsibility and accountability to public. Therefore, Council members unable to attend a Council meeting shall be required to contact the City Secretary's Office no less than two (2) hours prior to the meeting, stating the reason for such absence. The City Secretary shall inform the Council of the reason for the member's absence prior to the City Council meeting. For Regular meetings of the City Council, an agenda item shall be placed on the next Regular meeting agenda following the Council members absence for City Council to consider whether the absence is excused or unexcused. Failure to comply with the notification provisions of this section, except in cases of emergency, may result in an unexcused absence.

An excused absence from a council meeting is when a council member notifies the council in advance and provides a valid reason for their inability to attend. The definition of an excused absence is typically outlined in the council's bylaws, rules of procedure, or local government policies.

Common Reasons for Excused Absences:

- (1) Illness or medical emergency (personal or immediate family)
- (2) Family emergencies or obligations

- (3) Pre-approved travel for official government business or personal reasons
- (4) Unavoidable work commitments
- (5) Military service
- (6) Other reasons deemed acceptable by the council

An unexcused absence from a council meeting occurs when a council member fails to attend without providing prior notice or a valid reason as defined by the council's bylaws, rules of procedure, or local government policies.

Common Reasons for an Unexcused Absence:

- (1) Failure to notify the Mayor, Chair, or City Secretary in advance
- (2) No valid reason provided under council guidelines
- (3) Repeated or chronic absences without justification
- (4) Skipping a meeting for personal convenience without approval

- (e) **Agenda.** The City Manager and the City Secretary, with consultation and concurrence of the Mayor, shall prepare an agenda for business to be considered at each regular Council meeting. It shall be the practice of the City to include on any regular Council meeting agenda all items that are deemed appropriate by the City Manager, the Mayor, or any two (2) Members of the City Council.

Members of the City Council desiring to make individual presentations or sharing of information, outside of material provided in the agenda packet, regarding any posted agenda items shall submit the additional presentation material to the City Manager by noon on the day of the meeting.

For the Mayor or any two (2) Councilmembers to have an item placed on the regular meeting agenda, the request shall be in writing and shall be filed with the City Manager no later than noon on the 7th business day before the regular meeting at which it is requested for consideration. If the filing is later than noon on the 7th business day before the regular meeting, the item shall be placed on the agenda of the next regular meeting, unless the Mayor and/or City Manager determine that delaying the requested item would be contrary to the City's best interest. The Agenda for the City Council Regular Meetings shall be developed by the City Manager and published by the City Secretary in the manner generally prescribed as follows:

- (1) Call to Order
- (2) Invocation
- (3) Pledges of Allegiance to the United States of America flag
and Texas flag
- (4) Public Comments
- (5) Recognition and Awards (if required) *
- (6) Reports & Announcements
- (7) Old Business Consent Agenda
- (8) Matters Removed from Old Consent Agenda

- (9) New Business Consent
- (10) Matters Removed from New Consent Agenda
- (11) New Business
- (12) Executive Session (if required)
- (13) Adjournment

*At the discretion of the Mayor, special recognitions and awards may be presented prior to the Call to Order for a City Council meeting.

- (f) ***Quorum.*** Four (4) members of the Council, one of whom may be the Mayor, shall constitute a quorum for conducting business, unless otherwise prescribed by law. A quorum for conducting business can be achieved with the presence of the Mayor and three (3) councilmembers; or, in the absence of the Mayor, four (4) councilmembers. **Outside of posted meetings, three (3) members of Council shall be considered a quorum for the purposes of determining a “Walking Quorum” under Section 551.143 of the Open Meetings Act.**
- (g) ***Parliamentary procedure.*** In all council meetings, Robert's Rules of Order Newly Revised shall, to the extent feasible, govern the proceedings of Council.
 - (1) **Vote.** The presiding officer shall call for a vote. The presiding officer or any other member may request a roll call vote at any time, including immediately after a voice vote. Except for the "majority vote of the members present"

provided for in applying these procedural rules, any action by council shall require the affirmative vote of three or more members of the council (the mayor has a binding vote only in the case of a tie), in accordance with section 6.13 of the Charter. A councilmember shall state the reason for an abstaining vote, in accordance with section 6.13 of the Charter.

- (2) Recessed meetings. Recessing a meeting is not a favored practice. However, if circumstances require, any meeting of the council may be recessed to a later time, provided that no recess shall be for a longer period than until the next scheduled meeting. Prior to the recess the presiding officer shall announce the time, date and subjects of the meeting to be reconvened. A new agenda shall be posted for the reconvened meeting, making clear reference to the recessed meeting. The presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.

(3) Motion to adjourn. If there is no further business to consider, the presiding officer may declare the meeting adjourned without a motion.

(4) *Voting.*

a. Unless otherwise provided by City Charter, law or ordinance, the affirmative vote of the majority of those councilmembers present shall be necessary to adopt any item on an agenda.

b. It is the duty of each councilmember who has an opinion on an item presented for consideration and vote to express it by a vote to approve or deny the item. It is recognized that parliamentary procedure affords members of the City Council the right to abstain from voting on an item instead of voting to approve or deny the item. To maintain public transparency, any councilmember abstaining from a vote on an item shall state the purpose for the abstention which shall be entered into the City's official record.

c. If any member of the city council abstains without a cause, the vote will be recorded as a nay vote.

d. Any councilmember who abstains from voting due to a conflict of interest shall recuse themselves and leave the room during the discussion and subsequent vote.

- (h) ***Members of the City Council decorum and debate.*** Robert's Rules of Order Newly Revised shall, to the extent feasible, govern the proceedings of Council. The City Attorney shall act as Parliamentarian for Council meetings.
- (i) ***Duties of mayor or presiding officer.*** At all meetings, it is the responsibility of the presiding officer to use the rules of procedure appropriately so that good order and reasonable decorum are maintained and the business of the meeting goes forward. The presiding officer's duties include:
- (1) Calling the meeting to order at the time set.
 - (2) Following the agenda and clarifying to the members what is being voted on at all times.
 - (3) Ensuring that the rules and procedures for the conduct of meetings are followed.
 - (4) Dealing firmly with whispers, commotion, disruptions and frivolous motions.
 - (5) Ensuring that debate is confined to the merits of the question and that personal comments are avoided.
 - (6) Ensuring that the rules for citizen participation are followed.
 - (7) Remaining calm and dealing fairly with all sides of an issue, regardless of personal opinion.
 - (8) Ensuring that city business is handled expeditiously during council meetings.

(j) ***Citizens' participation at meetings.*** Rules for speakers:

- (1) *Time limit.* The presiding officer, or the city council by majority vote of the councilmembers present, may set a reasonable time limit for any citizen or person in attendance who desires to address the council or speak at a meeting.
- (2) *Identification.* All members of the public speaking before council shall preface their statements with their name and home address for the record.
- (3) *Speaking from the podium.* All speakers must come to the podium, unless the presiding officer permits speakers to make their statements from their seat in the meeting room.
- (4) *Spokesperson.* Speakers with similar or common interests are encouraged to select someone to act as a spokesperson in order to move the proceedings along. The presiding officer may urge the implementation of this rule at any time.
- (5) *Public comments and receipt of petitions; public hearings.* Citizens will be allowed to speak at a meeting; however, before a member of the public may address city council or speak at a meeting, the presiding officer must first recognize the member of the public who wishes to speak and announce that the person may proceed. Any person desiring to be heard by the city council regarding an item on an agenda shall be heard during that part of the meeting reserved for

public comments and receipt of petitions, or as scheduled for a public hearing.

- a. All members of the audience addressing the Council ("Speaker") shall direct their remarks to the person in charge of the meeting ("Chair").
 - b. No Speaker shall address the Council unless recognized by the Chair for that purpose.
 - c. Remarks shall be limited to those pertaining to matters before the City Council, to City business or policy, or to issues of community concern or interest. Profane, vulgar or abusive language or personal attacks will not be tolerated. If not followed consequences include:
 - Verbal Warning – The presiding officer (e.g., the Mayor or Council Chair) may issue a warning to the individual, reminding them of decorum rules.
 - Removal from the Meeting – Law enforcement or security personnel may be asked to escort the disruptive individual out of the meeting.
- (a) Ban from Future Meetings – In some cases, repeat offenders may be prohibited from attending future Council meetings for a specified period.

- Legal Consequences – If the language includes threats or harassment, the individual may face criminal charges such as disorderly conduct or trespassing.

d. No Speaker shall continue to address the Council after being informed by the Chair that the Speaker's time for addressing the Council has expired.

e. The Speaker shall be limited to 3 minutes to address the Council. If a single individual has been designated, on behalf of a larger group, to speak for the group, then such individual shall be allowed a maximum of 5 minutes to speak. The Chair has the authority to grant additional time, if requested by a Speaker, for good cause. At the end of the Speaker's allotted time, the Chair shall direct the Speaker to wrap up and the Speaker shall not exceed 1 additional minute of speaking time.

f. Council shall not respond to Speakers

(7) *Scheduled speakers.* Speakers may request, in writing, an opportunity to be placed on the agenda to speak at a meeting concerning a specific matter, as identified in their written request. Written requests to be placed on the agenda to speak must be delivered to the city secretary, or the city secretary's

designee, by 12:00 noon on the 7th business day preceding the regular, special or workshop meeting of the city council. In the event that the number of speakers who request to be scheduled on the agenda indicates that the comments will be lengthy or repetitious, the presiding officer may schedule such matter for a public hearing or make other appropriate arrangements to ensure that the conduct of the city's business is not unduly impeded.

- (8) *Speaking during consideration of agenda items.* The presiding officer at his own discretion, or by majority vote of the councilmembers present, may recognize a person or persons in attendance and allow such persons to speak prior to consideration and discussion of an agenda item by the city council. Any further discussion of the same matter shall likewise be at the discretion of the presiding officer, or by majority vote of councilmembers present.
- (9) *Rules not to restrict the city.* These rules for speakers will not be construed or applied in such a manner that they restrict the ability of the mayor, or the city council by majority vote of the members present, to reasonably limit or expand the debate and discussion of any item, when necessary in the city's best interest.

Sec. 2-23. Investigative body.

The city council shall have the power to call special meetings of the city council and to conduct itself as an investigative body for the purpose of inquiring into the official conduct of any department, agency, office, officer, or employee of the city. The investigative body shall be chaired by the mayor and, in the absence of the mayor, by the mayor pro tem. The investigative body shall conduct itself in accordance with Robert's Rules of Order, Newly Revised as provided for all city council meetings.

Sec. 2-24. Powers.

- (a) The city council, when sitting as an investigative body, shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence, material to the inquiry being conducted by the city. The city council shall have the power to issue subpoenas for witnesses and for evidence.
- (b) Subpoenas shall be served and returned in accordance with the Texas Criminal Procedure Code and Rules. A subpoena shall be served by reading the same in the hearing of the witness or by delivering a copy of the subpoena to the witness. The officer having the subpoena shall make due return thereof, showing the time and manner of service, if served, and, if not served, he shall show in his return the cause of his failure to serve it; and if the witness could not be found, he shall state the diligence he has used to find him and what information he has as to the whereabouts of the witness.
- (c) If a witness has in his possession any instrument of writing or other item desired as evidence or subpoenaed by the city council, the subpoena shall specify such evidence and direct that the witness bring the same with him

and produce it before the city council. All such subpoenas shall be issued by the city secretary, the city secretary shall sign the subpoena and indicate on it the date it was issued and the city secretary shall sign as attesting that the subpoena was issued at the insistence and request of the city council.

Sec. 2-25. Penalty for failure to obey subpoenas.

- (a) If a witness refuses to obey a subpoena, he shall be found to be in contempt. Upon a finding of contempt, he may be fined at the discretion of the city council in an amount not exceeding \$200.00 for each day in which the subpoena is not answered.
- (b) The witness shall be found guilty of contempt for refusing to obey the subpoena if the witness is not in attendance before the city council on the day set apart for taking up the matter specified in the subpoena or if he is not in attendance at any other time named in the subpoena or if he refuses, without legal cause, to produce evidence in his possession which he has been summoned to bring with him and produce.

Secs. 2-26—2-53. Reserved.

Article III – Officers and Employees

DIVISION 5. CODE OF ETHICS

Sec. 2-210. Declaration of policy.

- (a) It is hereby determined by the city council of the city, that the proper operation of government requires that public officers and employees be independent and impartial; that the government's decisions and policies be

made within the proper channels of the governmental structure; that a public office not be used for personal gain; and that the public have confidence in the integrity of its government and its governmental officials.

- (b) The purpose of this Code is to enumerate existing state laws which regulate the conduct and activities of city officers and employees, and to promulgate such additional minimum standards as are deemed necessary and appropriate to ensure the faithful and impartial administration of the city's government.

Sec. 2-211. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City employee means any person employed by the city, including those individuals employed on a part-time basis.

City officer means the mayor, members of the city council, the city manager, city secretary, municipal court judge and clerk, alternate judges, and substitute judges, and each member and alternate member of all of the city boards, commissions and committees.

City official means a city officer or city employee.

Sec. 2-212. Ethical principals.

The following code of ethics for all city officers and employees is adopted. To further the objectives of this code of ethics, certain ethical principles shall govern the conduct of every officer or employee, who shall:

- (a) Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and confidence of the citizens of the city;
- (b) Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
- (c) Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
- (d) Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the council or the city. Do not seek or accept gifts or special favors; believe that personal gain by use of confidential information or by misuse of public funds or time is dishonest;
- (e) Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the city and city council; and
- (f) Conduct business in open, duly noticed meetings in order to be directly accountable to the citizens of the city. It is recognized that certain exceptions are made by the state for executive sessions; however, any action as a result of that type of meeting will be handled later in open session.

Sec. 2-213. Ethical standards.

In order to more fully effectuate the policy declared in this code of ethics, to ensure that all city officials act and conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, and to avoid even the appearance of impropriety by any city official, the following standards of conduct are adopted.

- (a) It is the official policy of the City that:
- (1) City officials shall be independent, impartial, and responsible to the citizens of the City;
 - (2) City officials shall not have a financial interest, and shall not engage in any business, transaction, or professional activity, or incur any obligation that conflicts with the proper discharge of their duties for the city in the public interest;
 - (3) The principles of personal conduct and ethical behavior that should guide the behavior of city officials include:
 - a. A commitment to the public welfare
 - b. Respect for the value and dignity of all individuals;
 - c. Accountability to the citizens of the city;
 - d. Truthfulness; and
 - e. Fairness.
 - (4) Under such principles of conduct and ethical behavior, City officials should:
 - a. Conduct business with integrity and in a manner that merits the trust and support of the public;
 - b. Be responsible stewards of the taxpayers' resources; and
 - c. Take no official actions that would result in personal benefit in conflict with the best interests of the city.
 - (5) To implement the purpose and principles described herein, the Council has enacted rules of ethical conduct to govern city officials

(6) In order to adopt standards of disclosure and transparency in government, and to promote public trust in government, the City Council adopts the following guidelines regarding public disclosure of information related to Councilmember compliance with state and local law:

a. The City shall maintain a City Council Public Disclosure Webpage ("Public Disclosure Page"), with a direct link, visible from the City's homepage and individual Councilmember bio pages, containing public disclosure information for each City Councilmember; and

b. Each Councilmember Disclosure Page shall include public disclosure of the following information:

1. All campaign finance reports required by state law; and

2. All conflicts or ethical disclosures required by state or local law; and

a copy of awarded contracts for which the Councilmember was required, by local or state law, to file a conflicts affidavit and abstain from participation in discussion of and any vote related to the contract.

(b) ***Grant of special consideration.*** Council members shall not grant special treatment, consideration, or advantage to any individual, business, or group beyond what is available to all. Exceptions include specific programs or incentives, must be explicitly authorized by the City Council.

(c) ***Appearances on behalf of private interests.*** Council members shall not represent or advocate for private interests before a City body (Council,

boards, commissions) regarding matters over which they have discretionary authority. They shall also refrain from representing or participating in any litigation involving the City.

- (d) ***Securing special privileges.*** No city official shall use his official position to secure special privilege or exemption for himself or others.
- (e) ***Gifts.*** In accordance with state law, Council members shall not accept any gift, favor, or benefit that could reasonably influence their official duties or that is offered with the intent to influence or reward their official conduct.
- (f) ***Disclosure or use of confidential information.*** Council members must not disclose or use any confidential information gained through their position to further their personal interests or the interests of others.
- (g) ***Incompatible outside activities.*** No city official shall engage in any outside activity which will conflict with, or be incompatible with, the city office or employment.
- (h) ***Incompatible employment.*** No city official shall accept outside employment which is incompatible with the full and proper discharge of his duties and responsibilities with the city, or which might impair his independent judgment in the performance of his public duty.
- (i) ***Use of city property for personal use.*** No city official shall use city supplies, equipment, vehicles or facilities for any purpose other than the conduct of official city business, unless otherwise specifically provided for by law, ordinance or city policy.

- (j) ***Official Oppression.*** A City official may not knowingly mistreat, unlawfully arrest, detain, search, seize, dispossess, assess, or place a lien on someone. They also cannot intentionally deny or interfere with a person's rights, privileges, or protections, knowing their actions are unlawful, or subject anyone to sexual harassment. 39.02, Penal Code.
- (k) ***Nepotism.*** City officials may not appoint or vote to appoint a person related to them (within the second degree by affinity or third degree by consanguinity) or to another board member, if the position is paid with public funds. This does not apply if the related person has been continuously employed:
 - (1) at least thirty (30) days, if the officer or member is appointed, or
 - (2) at least six (6) months, if the officer or member is elected.

Sec. 2-214. State laws governing conduct.

- (a) ***Conflicts of interest.***
 - (1) Pursuant to V.T.C.A., Local Government Code, ch. 171, a local public official having a substantial interest in a business entity or piece of real property must file, before any vote or decision is made on any matter affecting the business entity or real property, an affidavit stating the nature and extent of the interest. The official must file the affidavit with the city secretary, and is required to abstain from any further participation in the matter if:

- a. The proposed action would have a special economic effect on the business entity that is distinguishable from the effect on the public; or
 - b. It is reasonably foreseeable that the action would have a special economic effect on the value of the real property which is distinguishable from its effect on the public. An exception to the abstention rule is provided in cases where a majority of members of the entity are likewise required to and do file affidavits.
- (2) A substantial interest in a business entity exists when the official:
- a. Owns ten percent or more of the voting stock or shares of the business entity;
 - b. Owns ten percent or more or \$5,000.00 or more of the fair market value of the business entity; or
 - c. Has received from the business entity funds which exceed ten percent of the official's gross income for the prior year.
- (3) A substantial interest in real property exists when the official has an equitable or legal interest in such property which has a fair market value of \$2,500.00 or more.
- (4) A local public official means a member of the city council or other official of the city, paid or unpaid, who exercises responsibilities which are more than advisory only. A business entity means any entity recognized by law.

- (5) It is an offense for a local public official to act as a surety for a business entity that is contracting with the city, or to act a surety on any official bond required of an officer of the city.

State law reference(s)—Similar provisions V.T.C.A., Local Government Code § 171.003.

- (6) A local public official is considered to have a substantial interest if a person related to the official in the first degree by consanguinity or affinity has a substantial interest.

State law reference(s)—Similar provisions, V.T.C.A., Local Government Code § 171.002(c).

- (7) The provisions of V.T.C.A., Local Government Code, ch. 171, are in addition to any other municipal charter provisions or municipal ordinances defining and prohibiting conflicts of interest.

(b) ***Bribery.*** It is unlawful for a city official to accept or agree to accept:

- (1) Any benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion as a public servant;
- (2) Any benefit as consideration for a decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or
- (3) Any benefit as consideration for a violation of a duty imposed by law on a public servant.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.02.

(c) ***Gifts to public servants.***

- (1) It is unlawful for a city official to solicit, accept or agree to accept any benefit from a person the official knows is subject to regulation, inspection or investigation by the official or the city.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.08(a).

- (2) In the event of litigation involving the city, it is unlawful for any city official to solicit, accept or agree to accept any benefit from a person against whom the official knows litigation is pending or contemplated by the official or the city.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.08(c).

- (3) It is unlawful for a city official who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions of government to solicit, accept or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.08(d).

- (4) It is unlawful for a city official who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, to solicit, accept or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any matter before the official or tribunal.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.08(e).

- (5) **Exceptions to gifts to public servants.** The provisions of V.T.C.A., Penal Code § 36.08, described in subsections (c)(1) thru (4) of this section, do not apply to:
- a. Fees prescribed by law to be received by the public official or any other benefit to which the official is lawfully entitled and for which the official has given legitimate consideration;
 - b. Gifts or other benefits conferred on account of kinship or personal, professional, or business relationships independent of the official's status with the city;
 - c. Certain honorariums in consideration of legitimate services;
 - d. Benefits consisting of food, lodging, transportation or entertainment accepted as a guest and reported as required by law; or
 - e. Benefits for which statements must be filed pursuant to V.T.C.A., Election Code §§ 251.011 and 251.012, if the benefit and source of any benefit exceeding \$50.00 is reported and the benefit is used solely to defray expenses which accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the city.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.10.

- (d) ***Tampering with governmental records.*** It is unlawful for any person to knowingly make a false entry in, or false alteration of, a governmental record, or to make, present, or use any record, document, or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code, § 37.10.

- (e) ***Impersonating public servant.*** It is unlawful for any person to impersonate a city official with intent to induce another to submit to his pretended official authority or to rely on his pretended official acts.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 37.11.

- (f) ***Misuse of official information.*** It is unlawful for a city official, in reliance on information to which he has access as a result of his office and which has not been made public, to acquire or aid another in acquiring a pecuniary interest in any property, transaction or enterprise that may be affected by the information or to speculate or aid another in speculating on the basis of the information.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 39.03.

- (g) ***Disrupting meeting or procession.*** It is unlawful for any person, with intent to prevent or disrupt a lawful meeting, to obstruct or interfere with the meeting by physical action or verbal utterance.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 42.05.

- (h) ***Official oppression.*** It is unlawful for a city official to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 39.02.

- (i) ***Official misconduct.*** It is unlawful for a city official, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misapply any thing of value belonging to the government that has come into his custody or possession by virtue of his office or employment.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 39.01.

- (j) ***Nepotism.*** The following provisions shall apply:
- (1) It is unlawful for any city official to appoint, or vote for the appointment, to any office, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of a board or governing body to which the person so voting or appointing may be a member, when the salary, fees or compensation of such appointee is to be paid out of public funds. An exception is provided for persons who have been continuously employed in such office, employment or duty for the

following periods prior to the election or appointment, as applicable, of the officer or member related to such employee in the prohibited degree:

- a. At least 30 days, if the officer or member is appointed; or
 - b. At least six months, if the officer or member is elected.
- (2) When a person is allowed to continue in an office, position or duty because of an exception above, the officer who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation or dismissal of such person, if such action applies only to such person and is not taken with respect to a bona fide class or category of employees.

Charter reference(s)—Similar provisions, § 6.05.

State law reference(s)—Similar provisions, V.T.C.A., Government Code § 573.041.

- (k) ***Disclosure of interest in property.*** It is unlawful for a city official, or a person elected, appointed or employed as a city official but for which office such person has not yet qualified, to fail to make public disclosure of any legal or equitable interest he may have in property which is acquired with public funds, provided such official has actual notice of the acquisition or intended acquisition. The public disclosure required is the filing of an affidavit with the county clerks of all counties in which the property is

located and wherein the official resides at least ten days prior to the acquisition.

Charter reference(s)—Conflict of interest in city contracts, § 6.07.

State law reference(s)—Similar provisions, V.T.C.A., Government Code § 553.02.

Sec. 2-215. Complaints Against Officials.

(a) Officials and staff have a duty to report suspected violations of law or this article as set forth herein. All complaints or allegations of a violation of this code of ethics against an official shall be made in writing on a form provided by the city clerk, sworn to before a notary public, and filed on record with the city clerk. Such complaint shall describe in detail the act or acts complained of and the specific section(s) of this code of ethics alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein; and anonymous complaints shall not be considered.

(1) The city clerk shall provide a copy of the complaint to the implicated official and the city council, and immediately refer the complaint to the city attorney, who shall initially review the complaint to determine if the complaint contains sufficient detail and alleges a violation of the code of ethics.

(2) The affected official may file a written response to the complaint within seven (7) business days after the complaint is filed with the city clerk, who shall forward the response, if any, to the city attorney.

(3) The city attorney shall conduct an initial review to determine if the facts as alleged could constitute a violation of this code of ethics within five days of the initial or clarified complaint.

(A) When the city attorney receives a vague complaint or one lacking in detail, the city attorney shall contact the complainant to request a written clarification. If the complainant fails to provide the city attorney with written clarification within 5 business days of the request for written clarification, or if after written clarification is provided, it is the opinion of the city attorney that the complaint is insufficient in detail and/or fails to allege a prima facie violation of the code of ethics, a written report to that effect shall be submitted to the city council.

(B) The city attorney may contact the complainant, interview witnesses and examine any documents necessary for the initial review.

(C) If the city attorney determines that a criminal violation may exist, the city attorney shall refer the matter to the appropriate law enforcement agency in addition to proceeding with the process described herein.

- (b) If it is determined by the city attorney that the facts as alleged could constitute a violation of this code of ethics, then the city attorney shall immediately proceed to fully investigate the alleged improprieties. For purposes of this investigation, the city attorney shall have all of the powers of investigation as are given to the city council by reason of the city charter. The city attorney shall report back to the city council as soon as possible but in no event more than twenty (20) business days from the date of the complaint unless an extension is granted by the majority of the nonimplicated city council. The city manager or city clerk shall cause a meeting to convene, whether regular or special, within twenty (20) business days after being so notified by the city attorney to further consider said complaint in executive session. Said report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the city attorney's opinion as to whether a violation of this code of ethics occurred.
- (c) The city council shall consider the complaint and the city attorney's report at an executive session of the city council unless the affected official requests that the complaint be considered in a public meeting. At such meeting, the city attorney shall present a written report to the city council describing in detail the nature of the complaint and the city attorney's findings and conclusions as to a possible violation of this code of ethics. The affected official shall have the right to a full and complete hearing before the city council with the opportunity to call and cross-examine witnesses and present evidence in such person's behalf. The nonimplicated

city council members in attendance shall conduct a hearing and review the complaint. Unless additional time is granted in writing by the mayor prior to the hearing, the hearing, including the presentation of witnesses is limited to two hours. The city council may reject the complaint or take action authorized under Section 2-216 Violations.

- (d) No action or decision with regard to the complaint shall be made except in a meeting which is open to the public.
- (e) The city council may appoint outside legal counsel, or may direct the city attorney to appoint outside legal counsel, or the city attorney in the city attorney's discretion, may appoint outside legal counsel, to perform any of the duties and responsibilities of the city attorney under this article and at any time in the investigative process.
- (f) A complaint or allegation of a violation of this article may only be made against an official while such person holds such position or office. A complaint made against an official pursuant to this section shall be processed and resolved even if such person resigns from, or ceases to hold such position or office, prior to resolution of the complaint.

Sec. 2-216. Violations.

- (a) Any person violating any standard contained in section 2-213 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

- (b) Penalties for violations of conduct described in section 2-214 are as set forth in the applicable statutory provision.

Sec. 2-217. City Council Censure.

- (a) Policy: The City Council places value on the characteristics of honesty, integrity, confidentiality, respect, and transparency. In furtherance of these leadership qualities and public accountability, the City Council adopts a censure policy to allow for Council disapproval or criticism of any of its members for actions unbecoming of their position.
- (b) Grounds: Council members may be subject to censure if they engage in the following:
 - (1) conduct found to impugn the character of a member of the public, another Council member, or staff member;
 - (2) conduct found to violate the Charter, these Rules, state and local conflicts disclosure laws, and council confidentiality including, but not limited to, the release of confidential information to unauthorized parties without approval of the City Council; or
 - (3) conduct found to cause embarrassment or damage to the reputation of the City.
- (c) Procedure: The following procedural rules shall apply to a censure request:

Any three (3) Members of the City Council, including the Mayor, may place a censure request on a regular meeting agenda. The request shall be in writing and shall be filed with the City Secretary no later than noon on the

Monday the week before the regular meeting at which it is requested for consideration.

- (1) All Council members shall be provided a copy a censure request on the same day the request is filed with the City Secretary.
- (2) A censure request shall include the name(s) of the alleged offending Council member(s) with a statement of the reasons for the censure.
- (3) All discussion shall be conducted in open session.
- (4) The alleged offending Council member(s) shall be provided an opportunity to respond to the allegations and present evidence in their defense except that City Council may proceed with the censure request in the absence of the alleged offending Council member(s); and
- (5) A two-thirds (2/3) vote of the City Council members present, excluding the Council member that is the subject of the Censure Request, shall be required to approve a censure request.

(d) Consequences: If sustained, a censure request shall serve as an official public statement of disapproval or criticism of a Council member(s) conduct subject to the following actions:

- (1) Minutes of the City Council's censure action shall be entered into the public record;
- (2) The official minutes shall be posted on the Council member(s) Public Disclosure Page; and

- (3) The censured Council member(s) may be removed from committee assignments within the city or with intergovernmental agencies.

Sec. 2-218. Use of City Computers/Tablets.

The City shall make computers and/or electronic tablets ("Device") available to Council to be used for City business and City related purposes. Personal use of a City-owned Device is discouraged and should be limited to intended City related uses of the Device. The following rules shall apply to Council members using a City issued Device:

- (a) The Device shall contain all associated hardware and software. Council members shall not install hardware or software on a Device without prior approval of the City's Information Technology Department.
- (b) The Device will be equipped to allow internet access and e-mail capabilities; however, Council members shall refrain from using such features to communicate with other Council members during Council meetings.
- (c) Council members shall have use of the Device during the member's term of office, and such right shall terminate at the same time the member's term of office ends, at which time the Device and all associated equipment shall be returned to the City.
- (d) Council members shall be responsible for maintaining the Device in good condition, and to reasonably protect it from theft, loss or damage.
- (e) Council Members may not use a Device in connection with election or re election efforts or campaigning, either for the member or any candidate for public office.

- (f) Council members shall not use the Device for any commercial or financial gain, and shall not use the Device to access, store or download inappropriate or obscene material.
- (g) Council should recognize that most information contained on a Device is subject to the Texas Public information Act or other means of discovery and that all public information shall be preserved in accordance with state law.
- (h) Council members shall not use the Device in a manner that would violate the terms of the Texas Open Meetings Act or Public Information Act.

Sec. 2-219. Council Approval of Individual Council Member Non-Routine Requests for Information or Investigations by City Staff.

Any Council members' request to the City Manager for the Manager or City staff to create reports or other information, other than routine requests (i.e., requests for existing information or new research that can be answered under 30 minutes), shall be added to a Council meeting agenda in the manner prescribed under section 6 of these Rules, considered under the New Business portion of the meeting, and thereafter considered for authorization to proceed by a majority of the Council.

Sec. 2-220. New Orientation & Continuing Education for Members of the City Council.

(a) Each new Council member shall, upon taking the oath of office, be provided various forms of vital information which shall include, but not be limited to, the following:

- (1) City Charter
- (2) Comprehensive Plan

- (3) Current Budget
- (4) Annual Comprehensive Financial Report for the last Fiscal Year
- (5) Council rules
- (6) Public Information Act and Open Meetings Act Training
- (7) Conflicts of Interest Training

Each new member of Council shall be offered an opportunity by the City Manager to tour various City facilities (i.e., City Hall, Police/Fire stations, Park facilities, Public Works facilities, etc.).

(b) Each Council member shall attend annually at least:

- (1) Two (2) board meetings of City boards of which they are not members;**
and
- (2) Two (2) training or continuing education seminars.**

Sec. 2-221. Acknowledgment.

All City Council members, Boards and Commissions are required to acknowledge receipt and understand this Ethics, Rules and Order of Business Policy by signing the acknowledgment form. By doing so, they commit to upholding its standards of conduct throughout their term in office.

Secs. 2-222—2-238. Reserved.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or

provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not more than Five Hundred Dollars (\$500.00).

FIRST READING: READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE ____ DAY OF APRIL 2026.

COUNCILMAN FORD

COUNCILMAN GARCIA

COUNCILMAN DUNAGIN

COUNCILMAN COVINGTON

COUNCILMAN PARR

SECOND READING: READ, PASSED, AND APPROVED AS SET OUT BELOW AT A
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON
THE _____ DAY OF APRIL 2026.

COUNCILMAN FORD

COUNCILMAN GARCIA

COUNCILMAN DUNAGIN

COUNCILMAN COVINGTON

COUNCILMAN PARR

LORI KLEIN QUINN, Mayor

ATTEST:

THOMAS HARRIS III, City Secretary

City Council Meeting Agenda Item Data Sheet

Meeting Date: April 6, 2026

Topic:

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; A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Background:

Origination: David Esquivel, City Manager

Recommendation:

Party(ies) responsible for placing this item on agenda: David Esquivel, City Manager

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: _____

If no, funds will be transferred from account # _____ To account # _____

Signed _____
Staff Member Date

Approved by _____
City Manager Date