

**NOTICE OF SPECIAL CITY COUNCIL MEETING - WORKSHOP
CITY OF TOMBALL, TEXAS**



**Monday, March 03, 2025
5:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, March 03, 2025 at 5:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 898 8538 2624 Passcode: 291126. 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. Discuss Arts & Craft Market
 - 2. Discuss Council Ethics and Rules & Procedures
- D. Proposed Future Agenda Items
 - 1. Consider approval of Resolution 2025-08 approving the FY 2023-2024 Tomball Tax Increment Reinvestment Zone No. 3 Annual Report.

2. Zoning Case Z25-04: Request by Mike Arledge and Baldomero Araiza Alonso, represented by Jon Arledge, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.1318 acres of land legally described as being two tracts of land, 1.991 acres, Tract 8E (north tract) and 1.1408 acres, Tract 8F (south tract), situated in the Jesse Pruitt Survey, Abstract 629 from Single-Family Residential - 6 (SF-6) to the Commercial (C) zoning district. The properties are located in the 420 block (west side) of South Persimmon Street, within the City of Tomball, Harris County, Texas.
3. Zoning Case Z25-05: Request by Jacquelyn D. Marshall, represented by Andrea Ameen, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 7.06 acres of land legally described as being a portion of the 15.541 acre tract situated in the Jesse Pruett Survey, Abstract No. 629, containing all of Lots 163,167, 171, and a portion of lot 159 of Five Acre Tracts, Tomball Townsite from Agricultural (AG) to the General Retail (GR) zoning district. The property is located in the 13000 block (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.
4. Workshop Discussion Only - Approve a professional services agreement with GrantWorks for grant administration services related to the U.S. Department of Housing and Urban Development – Community Project Fund (CPF) grant for an amount not to 4.21% of the total grant received or \$294,700, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the services. These expenditures are to be paid from grant funds received from the U.S. Department of Housing and Urban Development – Community Project Fund.
5. Workshop Discussion Only – Approve a contract with SAS Concrete Construction, Inc. for the construction of the Baker Drive and Cherry Street Sidewalk Improvements (Project No. 2024-10003), for a not-to-exceed amount of \$163,504.97 (Bid No. 2025-08), authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all documents. The expenditure was included in the Fiscal Year 2024-2025 Budget as part of the 2025-2029 Capital Improvement Plan.
6. Consider approval of Resolution 2025-XX approving the FY 2023-2024 Tomball Tax Increment Reinvestment Zone No. 3 Annual Report.

E. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 27th day of February 2025 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, TRMC, MMC, CPM

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: March 3, 2025

Topic:

Discuss Arts & Craft Market

Background:

Origination: City Council

Recommendation:

n/a

Party(ies) responsible for placing this item on agenda: David Esquivel, PE

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

**FACILITY USE AGREEMENT BETWEEN THE CITY OF TOMBALL
AND THE TOMBALL FARMERS MARKET**

This Facility Use Agreement is made and entered into this 7th day of February 2022, by and between the City of Tomball (City) and the Tomball Farmers Market (TFM), a Texas nonprofit corporation.

WHEREAS, the City is the owner of the City Parking Lot, located at 205-W Main Street, Tomball, Texas as referenced in Exhibit A; and

WHEREAS, the City and the TFM agree that the TFM is an independent contractor with respect to the services provided pursuant to this agreement, nothing in this agreement shall be considered to create the relationship of employer and employee between the parties hereto; and

WHEREAS, it is in the City's and the public's interest to allow TFM to use the City Parking Lot property, referenced as the "Site", for operation of the Tomball Farmers Market, subject to the terms specified within this Agreement;

NOW THEREFORE, in consideration of the promises and commitments made herein, the sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Premises:

The City hereby agrees to allow TFM to use the Site, graphically depicted on Exhibit "A", a copy of which is attached and incorporated by this reference, for the sole purpose of operating a farmers market upon the following terms and conditions.

2. Term:

For planning purposes, this Agreement shall be deemed in full force and effect as of the date of execution. The use permitted under this Agreement shall be on the dates and times specified herein. This Agreement may be renewed for additional one-year terms upon written, mutual agreement between the City and TFM..

3. Use:

TFM shall use said Premises for the sole purpose of operating a farmers market. All other uses are expressly prohibited without the prior written consent of the City Manager.

Parking for vendors will be located at 105-A Cherry Street, as designated by TFM, in order to provide adequate parking for customers.

Products to be sold at the farmers market include, but are not limited to, fresh farm, organic and local products; processed farm, organic and local foods; baked goods and grain products; artisan/craft products; trees or plants; and distribution of educational and free informational or promotional items.

4. Improvements and Alterations:

TFM shall make no alterations or improvements to or upon the Premises, or install any fixtures (other than trade fixtures which can be removed without injury to the Premises) without first obtaining written approval from the City Manager or his designee.

5. Rental Fees:

In executing this Agreement, the parties expressly agree and affirm that the use permitted herein is without charge.

6. Dates and Hours of Operation:

Regular Farmers Market:

The TFM shall have use of the Site beginning January 30, 2022 and continuing through December 31, 2022; thereafter, the TFM shall have use of the Site beginning January 1 and ending December 31 of each year, with the exception of the dates for the two Tomball Sister City German Festivals, during which time the City owned property will be unavailable for use by the TFM. Such use shall be open for business hours between 9:00 a.m. and 1:00 p.m. on Saturdays. Times may be adjusted by TFM as needed with written notification to the City. See Amendment added January 11, 2022.

- Market season is expected to begin in January and continue through December of each year.
- General. The City agrees the Site shall be available two (2) hours prior to the times established above for set-up purposes. The TFM agrees to clean up and vacate the Site no later than two (2) hours after the stated time of the market as referenced previously.

Sunset Market:

TFM shall have use of the Site for a Sunset Farmers Market 3 times per year during the months in March & December of each year each due to the occurrence of the Tomball German Festival.

- A third additional Sunset Market may be held in cooperation with Texas National Night Out which occurs the first Tuesday in October every year and is subject to the same hours of operations and guidelines within this contract. Times may be adjusted by TFM as needed with written notification to the City and with the City's approval.

Use of the Site can not interfere with Set-up or take down for the Tomball German Festival during which time the City owned property will be unavailable for use by the TFM. Such use for TFM Sunset Markets shall be open for business hours between 4:00 p.m. and 7:00 p.m. on (1) Wednesday Evening during the months of March and December (unless there is a scheduling problem, and the Tomball German Festival convenes during a different month.)

The addition of 3 additional Sunset Markets is subject to the adhering to the guidelines in this contract. Times may be adjusted by TFM as needed with written notification to the City and with approval by the City.

- General. The City agrees the Site shall be available two (2) hours prior to the times established above for set-up purposes. The TFM agrees to clean up and vacate the Site no later than two (2) hours after the stated time of the market as referenced previously.
- TFM is responsible for ensuring they are in compliance with all federal, state, and local laws, ordinances and regulations applicable to operating a farmers market for the above-mentioned Sunset Markets.
- Provide all necessary labor, materials, equipment and supplies to run the farmers market safely. Including but to the rental and placement of 2 Tower lights on Site (when applicable) and at least 2 officers on duty for the duration for each of the special sunset farmers markets.
- TFM must provide and place barricades and caution tape to secure the Site for the Sunset farmers market no later than 6:00 a.m. the day of each Sunset Farmers Market.

7. Duties of the TFM:

- The TFM agrees to include in its vendor guidelines and market promotion that the farmers' market will adhere to the City's policy of no smoking in city parks and public facilities.
- The TFM agrees to give local farmers priority in taking part in the farmers market.
- The TFM is responsible for obtaining all permits, certificates and licenses necessary to operate a farmers market.
- The TFM is responsible for all operation and management duties, including but not limited to:
 - Setting up and closing the market, putting up signs and banners.
 - Removing trash and debris.
 - Managing the number of vendors and their stall positions.
 - Collecting fees, ensuring vendors are in compliance with necessary business liability insurance, permits and licensing as required by federal, state and local entities.

- Provide all necessary labor, materials, equipment and supplies to run the farmers market safely.
- Resolve issues such as prices, stall locations, eligible foods/products, etc.
- Complying with all federal, state, and local laws, ordinances and regulations applicable to operating a farmers market.
- Enforcing guidelines and marketing the Tomball Farmers Market.

The TFM understands that this agreement and the terms described above solely cover the use of the Site for the specified days for the farmers market. Any additional uses of the Site may be subject to rental fees.

8. Indemnification/Hold Harmless:

TFM shall defend, indemnify and hold harmless the City of Tomball, its officers, officials, employees and volunteers from and against any and all claims, injuries, damages, suits including reasonable attorneys' fees, actions or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the use of Site facility or premises or from any activity, work or thing done, permitted, or suffered by User in or about the facility or premises, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Tomball.

9. Insurance:

The TFM shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the use of the Site facility or premises. The TFM shall provide a certificate of insurance evidencing:

- General Liability insurance covering premises, products-completed operations and contractual liability. The City shall be named as an insured on the TFM's General Liability insurance policy. The General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
- The insurance policy shall contain, or be endorsed to contain that the TFM's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the TFM's insurance and not contribute with it.
- The TFM shall provide a certificate of insurance evidencing the required insurance before using the facility or premises.

10. Assignment:

This agreement may not be assigned or transferred without the written approval of the City.

11. Discrimination Prohibited:

In all services or activities and all hiring or employment made possible by or resulting from this Agreement, there shall be no discrimination against any employee or applicant for participation in the farmers market operation because of sex, age (except minimum age and retirement provisions), race, color, creed, national origin, marital status, sexual orientation, or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification, in the selection and retention of employees or procurement of materials or supplies. TFM shall observe and fully comply with any and all applicable federal, state, or local law or regulations regarding non-discrimination.

Any violation of this provision shall be considered a violation of a material provision of this Agreement and shall be grounds for cancellation, termination, or suspension, in whole or in part of the Agreement by the City, and may result in ineligibility for further City agreements. The TFM will also comply with other anti-discrimination laws or requirements of any and all jurisdictions having authority.

12. Compliance with All Laws and Regulations:

In using the Premises TFM will comply with all applicable laws, ordinances, and regulations from any and all authorities having jurisdiction. The TFM specifically agrees to comply and pay all costs associated with achieving such compliance without any notice from the City, and further agrees that the City of Tomball does not waive this section by giving notice of demand for compliance in any instance.

The TFM further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not,

- (a) Lawfully admitted for permanent residence to the United States.
- (b) Authorized by law to be employed in that manner in the United States.

13. Non-Waiver:

Waiver by the City of any provision of this agreement or any time limitation provided for in this agreement shall not constitute a waiver of any other provision.

14. Captions:

The captions in this Agreement are for convenience only and do not in any way limit or amplify particular provisions.

15. Notice:

Any notice or information required or permitted to be given to the parties under this Agreement may be sent to the following addresses unless otherwise specified in a subsequent written directive:

City of Tomball
David Esquivel, City Manager
401 Market Street Tomball TX 77375

Tomball Farmers Market
Amanda Kelly, Market Manager
14090 FM 2920 Suite G163 Tomball TX 77377

16. Termination:

Either party to this agreement may, after thirty days written notice to the other, may terminate the agreement.

The City may suspend or terminate the Agreement due to emergency circumstances as defined by the City at its sole discretion.

The City may suspend any farmers market(s) due to the need to access City-owned property for other uses with fourteen (14) days written notice to the TFM.

17. Governing Law:

This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of Texas. Venue for any claims that might flow from this Agreement shall lie exclusively in the federal and state courts of Harris County, Texas.

18. Severability:

If any provision of this Agreement or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this Agreement nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.

Exhibit A

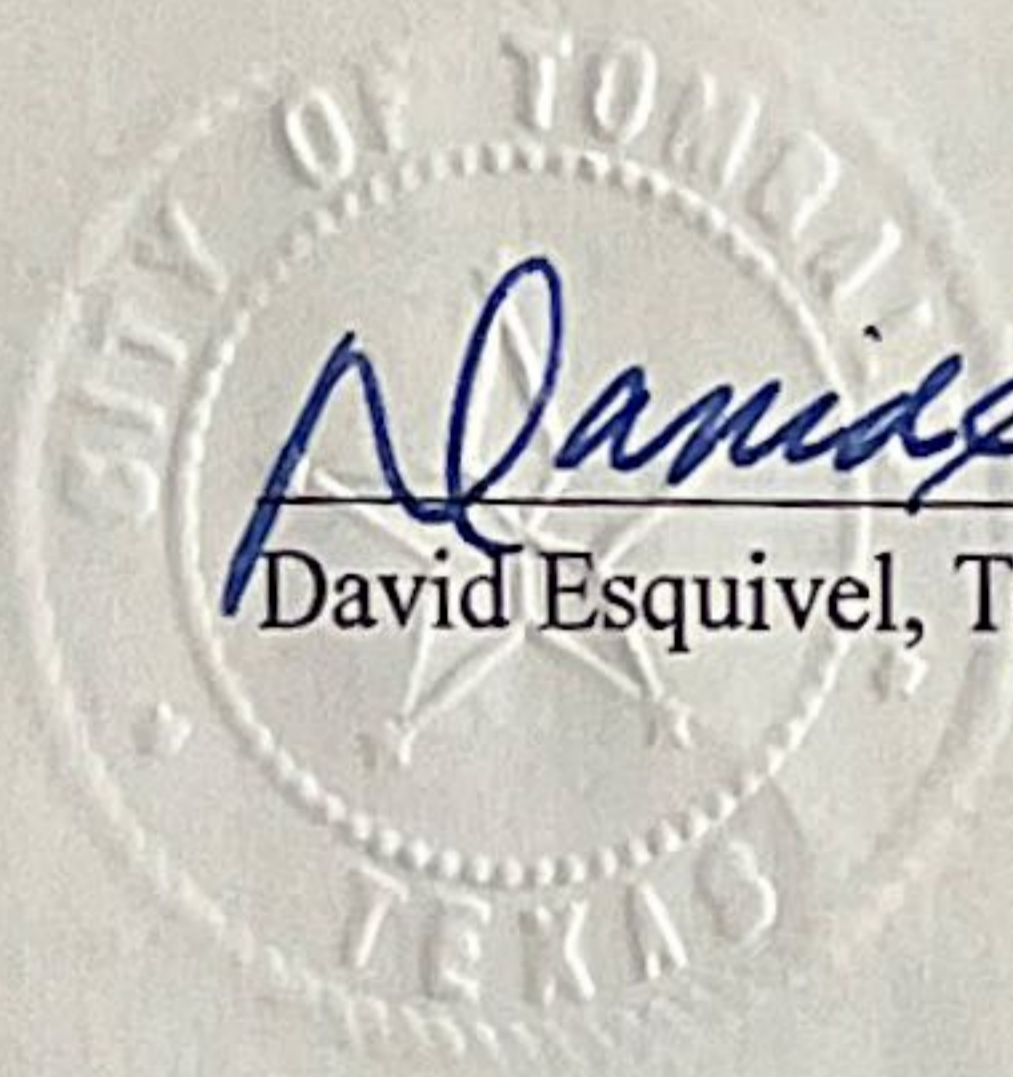


20. Agreement:

By signing below the City of Tomball and the Tomball Farmers Market understand and concur to this Agreement. This Agreement, together with attachments or addenda, represents the entire and integrated agreement between the City of Tomball and the TFM. The parties hereby agree that this document contains the entire agreement between the parties and this Agreement shall not be modified, changed, altered or amended in any way except through a written amendment signed by all of the parties hereto.

IN WITNESS WHEREOF, the City of Tomball and the TFM have executed this Agreement the date and year indicated:

CITY OF TOMBALL



David Esquivel
David Esquivel, Tomball, City Manager

Date: 02/03/22

TOMBALL FARMERS MARKET

Amanda Kelly
Amanda Kelly, TFM Market Manager

Date: 02/09/2022

City Council Meeting Agenda Item Data Sheet

Meeting Date: March 3, 2025

Topic:

Discuss Council Ethics and Rules & Procedures

Background:

Origination:

Recommendation:

n/a

Party(ies) responsible for placing this item on agenda: David Esquivel, PE

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 RULES AND ORDER OF BUSINESS ("RULES")
City of Tomball, Texas
Resolution No.2025-xx

ORGANIZATION

The governing body of the City shall consist of the Mayor and five (5) council members ("Council"). The Mayor is elected in the City at large, and the Council members are elected at large by positions 1, 2, 3, 4, and 5. The Mayor shall be the presiding officer for Council meetings and, pursuant the City's Charter, shall only vote in the event of a tie vote. These Rules shall serve as guidelines for the organization and conduct of Council to ensure that the City is governed in an orderly and consistent manner.

1. REGULAR MEETINGS

The Council shall hold no less than two regular meetings per month in accordance with Section 6.12 of the City Charter. Regular meetings shall be held at dates and times adopted by City Council and shall generally be on the 1st and 3rd Monday of each month at 6:00 P.M. 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 held upon the 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. 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.

4. 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.

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.

5. 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.

6. AGENDA

The City Manager and the City Secretary 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) Councilmembers.

Councilmembers desiring to make individual presentations or share information, outside of material provided in the agenda packet, regarding any posted agenda items shall submit the additional presentation material to the City Manager and the City Secretary by noon on the day of the meeting. The City Manager shall share the information with the entire City Council body no less than four hours prior to the start of the posted public 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 Secretary no later than noon on the Monday the week before the regular meeting at which it is requested for consideration. Agenda items requested by the Mayor or Councilmembers shall be placed on the Mayor/Councilmember reports & announcements portion of the agenda. If the filing is later than noon on the Monday 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:

A. Call to Order

B. Invocation

- C. Pledge of Allegiance to the United States of America flag and Texas flag
- D. Public Comments and Receipt of Petitions
- E. Presentations
- F. Reports & Announcements
- G. Old Business Consent
- H. Old Business Agenda
- I. New Business Consent Agenda-
- J. New Business
- K. Executive Session (if required)
- L. Adjournment

***At the discretion of the Mayor, special presentations may be presented prior to the Call to Order for a City Council meeting.**

7. PUBLIC COMMENT RULES

- 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.
- 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.

8. QUORUM

Four (4) members of the Council, including 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.

9. 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. The vote on all ordinances and resolutions shall be taken by roll call and entered into the City's official record to reflect each councilmember's vote.

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.

10. DEBATE AND DECORUM

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.

11. ETHICAL STANDARDS

It is the official policy of the City that:

- A. City officials shall be independent, impartial, and responsible to the citizens of the City;
- B. 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;
- C. The principles of personal conduct and ethical behavior that should guide the behavior of city officials include:
 - 1. A commitment to the public welfare
 - 2. Respect for the value and dignity of all individuals;
 - 3. Accountability to the citizens of the city;
 - 4. Truthfulness; and
 - 5. Fairness.
- D. Under such principles of conduct and ethical behavior, City officials should:

- 1. Conduct business with integrity and in a manner that

- merits the trust and support of the public;
 2. Be responsible stewards of the taxpayers' resources; and
 3. Take no official actions that would result in personal benefit in conflict with the best interests of the city.
- E. To implement the purpose and principles described herein, the Council has enacted rules of ethical conduct to govern city officials (City Ordinance No. 1993-06 as it may be amended from time to time).
- F. 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:
1. 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
 2. Each Councilmember Disclosure Page shall include public disclosure of the following information:
 - (a) All campaign finance reports required by state law; and
 - (b) All conflicts or ethical disclosures required by state or local law; and
 - (c) 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.

12.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:

- (1) Any three (3) Councilmembers, 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.
- (2) All Council members shall be provided a copy a censure request on the same day the request is filed with the City Secretary.
- (3) A censure request shall include the name(s) of the alleged offending Council member(s) with a statement of the reasons for the censure.
- (4) All discussion shall be conducted in open session.
- (5) 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
- (6) 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.

13. 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.

14. 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 Mayor/Council Issues portion of the meeting, and thereafter considered for authorization to proceed by a majority of the Council.

15. NEW COUNCIL MEMBER ORIENTATION

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:

- A. City Charter
- B. Comprehensive Plan

- C. Current Budget
- D. Comprehensive Annual Financial Report for the last Fiscal Year
- E. Council rules and Order of Business (“Rules’)
- F. Public Information Act and Open Meetings Act 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.).

ORDINANCE NO. 93-06

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE III, DIVISION 4 TO CHAPTER 2 OF THE CODE TO ESTABLISH A CODE OF ETHICS FOR CITY OFFICERS AND EMPLOYEES; CONTAINING DEFINITIONS; PROVIDING A PENALTY IN AN AMOUNT OF \$500 PER OFFENSE, OR AS PROVIDED BY STATE LAW; DIRECTING PUBLICATION OF THE CAPTION OF THIS ORDINANCE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE.

* * * * *

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

Section 1.0. That Chapter 2 of the Code of Ordinances of the City of Tomball, Texas, is hereby amended by adding a new Article III, Division 4, which provides as follows, and which shall be renumbered to conform to the numbering system of such Code:

**"CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS"**

1.0. Declaration of Policy.

It is hereby determined by the City Council of the City of Tomball, Texas, 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.

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 assure the faithful and impartial administration of the City's government.

**CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS**

2.0. Definitions.

For the purposes of this Code of Ethics the following words, terms, and phrases shall have the meanings ascribed thereto:

- 2.01. **City Employee.** Any person employed by the City, including those individuals employed on a part-time basis.
- 2.02. **City Officer.** 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.
- 2.03. **City Official.** A City officer or City employee.

3.0. 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:

- 1. 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 Tomball;
- 2. Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
- 3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
- 4. 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;
- 5. Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the City and City Council; and

6. Conduct business in open, duly noticed meetings in order to be directly accountable to the citizens of Tomball. 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.

4.0. Standards of Conduct.

In order to more fully effectuate the policy declared in this Code of Ethics, to assure 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.

4.01. Grant of Special Consideration.

No City official shall grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group. This shall not prevent special considerations authorized and granted by the City Council for the purpose of creating incentives necessary to secure or retain employees.

4.02. Appearances on Behalf of Private Interests.

No City official shall represent or appear on behalf of private interests of others before any agency of the City, or any City board, commission, committee, or City Council concerning any case, project, or matter over which the official exercises discretionary authority, nor shall a City official represent any private interest of others in any action or proceeding involving the City, nor voluntarily participate on behalf of others in any litigation to which the City is a party.

4.03. Appearances by Past Officials.

No City official, holding a position which involves decision-making, advisory, or supervisory responsibility, shall, within twelve (12) months following the end of service with the City, represent or appear on behalf of private interests of others before the City or any agency thereof concerning any case, project, or matter over which the official has exercised discretionary authority.

4.04. Securing Special Privileges.

No City official shall use his official position to secure special privilege or exemption for himself or others.

**CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS**

4.05. Gifts.

No City official shall accept or solicit any gift or favor that could reasonably tend to influence that individual in the discharge of official duties or that the official knows or should know has been offered with the intent to influence or reward official conduct.

4.06. Disclosure or Use of Confidential Information.

No City official shall disclose any confidential information gained by reason of his office or employment with the City, concerning any property, operation, policy, or affair of the City, or use such confidential information to advance any personal interest, financial or otherwise, of such official or others.

4.07. 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.

4.08. Incompatible Employment.

No City official shall accept outside employment which is incompatible with the full and proper discharge of his or her duties and responsibilities with the City, or which might impair his or her independent judgment in the performance of his or her public duty.

4.09. 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.

5.0. State Laws Governing Conduct.

5.01. Conflicts of Interest.

- 5.01.01. Pursuant to § 171.001 et seq., Texas Local Government Code, 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 (1) the proposed action would have a special economic effect on the business entity that is distinguishable from the effect on the public, or (2) 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.
- 5.01.02. A substantial interest in a business entity exists when the official (a) owns ten percent (10%) or more of the voting stock or shares of the business entity, or (2) owns ten percent (10%) or more or \$5,000 or more of the fair market value of the business entity, or (3) has received from the business entity funds which exceed ten percent (10%) of the official's gross income for the prior year.
- 5.01.03. 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 or more.
- 5.01.04. 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.
- 5.01.05. 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. §171.003.
- 5.01.06. 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. §171.002(c).
- 5.01.07. The provisions of §171.001 et seq., are IN ADDITION to any other municipal charter provisions or municipal ordinances defining and prohibiting conflicts of interest.

**CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS**

5.02. 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 or (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. §36.02, Penal Code.

5.03. Gifts to Public Servants.

5.03.01. 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. §36.08(a), Penal Code.

5.03.02. 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. §36.08(c), Penal Code.

5.03.03. 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. §36.08(d), Penal Code.

5.03.04. 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. §36.08(e), Penal Code.

5.03.05. Exceptions to Gifts to Public Servants.

The provisions of §36.08, Penal Code, described above, do not apply to (1) 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; (2) gifts or other benefits conferred on account of kinship or personal, professional, or business relationships independent of the official's status with the City; (3) certain honorariums in consideration of legitimate services; (4) benefits consisting of food, lodging, transportation, or entertainment accepted as a guest and reported as required by law; or (5) benefits for which statements must be filed pursuant to §251.011 and §251.012, Texas Election Code, if the benefit and source of any benefit exceeding fifty dollars (\$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. §36.10, Penal Code.

5.04. 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. §37.10, Penal Code.

5.05. 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. §37.11, Penal Code.

5.06. 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. §39.03, Penal Code.

5.07. 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. §42.05, Penal Code.

**CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS**

5.08. 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. §39.02, Penal Code.

5.09. 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. §39.01, Penal Code.

5.10. Nepotism.

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: (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.

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. Art. 5996a, Tex. Rev. Civ. Stat. Ann.

5.11. 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 (10) days prior to the acquisition. Art. 6252-9e, Tex. Rev. Civ. Stat. Ann.

6.0. Violations.

6.01. Any person violating any standard contained in Article 4.0 above shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

6.02. Penalties for violations of conduct described in Article 5.0 above are as set forth in the applicable statutory provision.

Section 7.0. Publication; Effective Date; Open Meetings.

The City Secretary of the City of Tomball, Texas, is hereby directed to publish this Ordinance in the official newspaper of the City of Tomball, Texas, in compliance with the provisions of Section 6.14(A) of the City Charter, which publication shall be sufficient if it contains the caption of this Ordinance. This Ordinance shall be effective after the publication requirement of the City Charter is satisfied.

It is found and determined that the meetings at which this Ordinance was considered were open to the public, as required by Article 6252-17, V.A.T.C.S., and that advance public notice of the time, place, and purpose of the meetings was given.

Section 8.0. **Severability.** 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 than the part declared to be invalid or unconstitutional, and the City Council of the City of Tomball, Texas, 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, or whether there be one of more parts.

Section 9.0. Rights and Remedies; Repeal; Code of Ordinances.

All rights and remedies which have accrued in favor of the City under this chapter and its amendments shall be and are preserved for the benefit of the City.

All ordinances in force when this Ordinance becomes effective and which ordinances are inconsistent herewith or in conflict with this Ordinance are hereby repealed, insofar as said ordinances are inconsistent or in conflict with this Ordinance.

The provisions of this Ordinance shall be included and incorporated as an amendment to the Code of Ordinances of the City of Tomball, Texas, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 3rd DAY OF May, 1993.

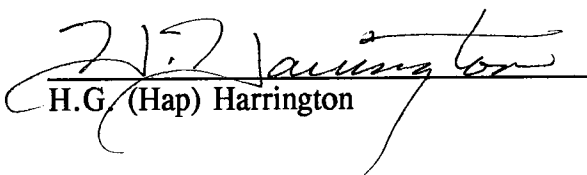
**CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS**

COUNCILMAN FORD AYE
COUNCILMAN WILEY AYE
COUNCILMAN MATHESON AYE
COUNCILMAN OLDHAM AYE
COUNCILMAN WOOD AYE

SECOND READING:

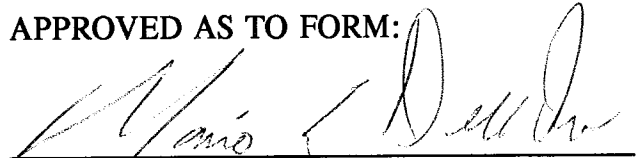
READ, PASSED, APPROVED, AND ADOPTED AS SET OUT BELOW AT THE
MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 17th
DAY OF May, 1993.

COUNCILMAN FORD AYE
COUNCILMAN WILEY AYE
COUNCILMAN MATHESON ABSENT
COUNCILMAN OLDHAM AYE
COUNCILMAN WOOD AYE


H.G. (Hap) Harrington

ATTEST:


Mary Reagan, City Secretary

APPROVED AS TO FORM:

Mario L. Dell'Osso
Olson & Olson
Attorneys For The City of Tomball

CODE OF ETHICS OF
THE CITY OF TOMBALL, TEXAS

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 3, 2025

Topic:

Consider approval of Resolution 2025-08 approving the FY 2023-2024 Tomball Tax Increment Reinvestment Zone No. 3 Annual Report

Background:

On December 6, 2021, the City Council adopted Ordinance No. 2021-39 establishing Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) for the purpose of dedicating incremental tax revenue from the designated area in support of eligible project costs.

Chapter 311.016 of the Texas Tax Code requires the governing body that created a TIRZ to draft and approve an annual report which is then submitted to the Texas Comptroller and any taxing unit that levies property taxes on real property in the TIRZ. The report must include:

- the amount and source of revenue in the tax increment fund established for the zone;
- the amount and purpose of expenditures from the fund;
- the amount of principal and interest due on outstanding bonded indebtedness;
- the tax increment base and current captured appraised value retained by the zone; and
- the captured appraised value shared by the municipality or county and other taxing units, the total amount of tax increments received, and any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the governing body of the municipality or county.

A summary table is below and a copy of the full Annual Report is attached as an exhibit to the resolution.

Fiscal Year	Tax Year	Base Value	Tax Year Value	Increment	TIRZ Revenue	TIRZ Expenditures
2021-2022	2021	\$ 7,843,320	---	---	---	
2022-2023	2022	\$ 7,843,320	\$ 7,843,320	\$ 0	\$ 0	\$ 0
2023-2024	2023	\$ 7,843,320	\$ 152,166,850	\$ 144,323,530	\$ 446,225.07	\$ 317,414.28

Origination: Finance Office

Recommendation:

This annual report is required by the State of Texas and needs acceptance by the TIRZ Board of Directors which is the City of Tomball City Council.

Party(ies) responsible for placing this item on agenda: Bragg Farmer, Finance 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: Bragg Farmer 3.3.2025 **Approved by:** _____
Staff Member Date City Manager Date

**City of Tomball, Texas
Tax Increment Reinvestment Zone No. 3
Annual Report
FY 2023-2024**

Pursuant to Texas Tax Code Sec. 311.016, the City Council of the City of Tomball, Texas makes this annual report for Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) for the time period of October 1, 2023 to September 30, 2024.

1. The amount and source of revenue in the tax increment fund established for the zone.

Tomball TIRZ No. 3 collected \$317,414.28 in FY 2023-2024

2. The amount and purpose of expenditures from the fund.

Tomball TIRZ No. 3 made total expenditures of \$317,414.28 which includes administrative expenditures of \$15,870.71 and remittance to Tomball BID of \$301,543.57.

3. The amount of principal and interest due on outstanding bonded indebtedness.

Tomball TIRZ No. 3 has issued no bonds and has no indebtedness.

4. The tax increment base and current captured appraised value retained by the zone.

The tax increment base retained by the Zone as of September 30, 2024, was \$7,843,320. The current appraise value retained by the Zone as of September 30, 2024, was \$152,166,850.

5. The captured appraised value shared by the municipality or county and other taxing units, the total amount of tax increments received, and any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the governing body of the municipality or county.

As of September 30, 2024, the captured appraised value shared by the municipality and other tax units as \$152,166,850. The total amount of all tax increments received is \$317,414.28.

No other tax entities participate in this TIRZ.

**Tomball Tax Increment Reinvestment Zone No. 3
Financial Summary**

Fiscal Year	Tax Year	Base Value	Tax Year Value	Increment	Tax Rate	TIRZ Contribution %	TIRZ Revenue Collected	TIRZ Fund Interest	TIRZ Expenditures	TIRZ Fund Balance
2021-2022	2021	\$7,843,320	---	---	---		---		---	---
2022-2023	2022	\$7,843,320	\$7,843,320	\$0	\$0.28725	75%	\$0	\$0	\$0	\$0
2023-2024	2023	\$7,843,320	\$152,166,850	\$144,323,530	\$0.29332	75%	\$317,414.28	\$0	\$317,414.28	\$0

RESOLUTION NO. 2025-08

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS APPROVING THE FISCAL YEAR 2023-2024
ANNUAL REPORT FOR TOMBALL TAX INCREMENT
REINVESTMENT ZONE NUMBER 3; AND PROVIDING AN
EFFECTIVE DATE.**

* * * * *

WHEREAS, the City of Tomball, Texas (the “City”), created Tax Increment Reinvestment Zone Number 3 (TIRZ No. 3) in 2021; and

WHEREAS, Texas Tax Code Sec. 311.016 requires the governing body that created a TIRZ approve an annual report and provide a copy of that annual report to any other taxing unit that levies a tax on real property in the TIRZ; and

WHEREAS, the TIRZ annual report must also be submitted to the Texas Comptroller of Public Accounts; **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS**

Section 1. The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

Section 2. That the City Council of the City of Tomball hereby approves the Fiscal Year 2023-2024 Tomball TIRZ No. 3 Annual Report, attached as Exhibit A, a copy of same being attached hereto and incorporated herein for all purposes.

Section 3. The City Manager or his designee shall distribute the Fiscal Year 2023-2024 Tomball TIRZ No. 3 to all taxing units that levy a tax on real property in the TIRZ and file a copy of the Annual Report with the Texas Comptroller of Public Accounts.

Section 4. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was

open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution shall take effect immediately upon its passage.

PASSED, APPROVED, AND RESOLVED this ___ day of _____.

Lori Klein Quinn
Mayor

ATTEST:

Tracylynn Garcia
City Secretary

City Council Agenda Item Data Sheet

Meeting Date: March 3, 2025

Topic:

Zoning Case Z25-04: Request by Mike Arledge and Baldomero Araiza Alonso, represented by Jon Arledge, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.1318 acres of land legally described as being two tracts of land, 1.991 acres, Tract 8E (north tract) and 1.1408 acres, Tract 8F (south tract), situated in the Jesse Pruitt Survey, Abstract 629 from Single-Family Residential - 6 (SF-6) to the Commercial (C) zoning district. The properties are located in the 420 block (west side) of South Persimmon Street, within the City of Tomball, Harris County, Texas.

Background:

Origination:

Mike Arledge and Baldomero Araiza Alonso, represented by Jon Arledge

Recommendation:

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



APPLICATION FOR RE-ZONING
Community Development Department
Planning Division

APPLICATION REQUIREMENTS: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for requests to rezone to standard zoning districts
- \$1,500.00 fee for request to rezone to Planned Development districts.

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Jon Arledge Title: buyer
 Mailing Address: 11902 gatesden dr City: tomball State: tx
 Zip: 77377 Contact: _____
 Phone: (832) 922 8839 Email: jon@arledgeinterests.com

Owner

Name: BALDOMERO al ALONSO Title: owner
 Mailing Address: 8714 RUTHERFORD LN City: HOUSTON State: tx
 Zip: 77088-3630 Contact: _____
 Phone: (713) 3032989 Email: alonso121267@hotmail.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
 Mailing Address: _____ City: _____ State: _____
 Zip: _____ Contact: _____
 Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: Horizon Concrete Warehouse and office

Physical Location of Property: 0 s persimmon st tomball tx
 [General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 8F ABST 629 J PRUITT
 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: (SF-6) : Single Family Residential 6

Current Use of Property: none

Proposed Zoning District: ~~(SF-6) Single Family Residential~~ (C) Commercial

Proposed Use of Property: Horizon concrete warehouse and office

HCAD Identification Number: 0440550000068 Acreage: 1.140702479338843

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X Jon Arledge 1/27/25
Signature of Applicant Date

X _____ 1/27/25
Signature of Owner Date

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: \$1,000.00 (standard zoning) or \$1,500.00 (PD zoning)**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

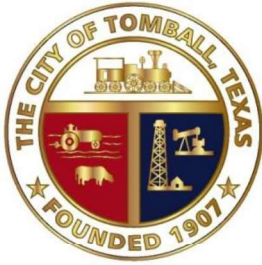
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Application Process

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3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.



APPLICATION FOR RE-ZONING
Community Development Department
Planning Division

APPLICATION REQUIREMENTS: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for requests to rezone to standard zoning districts
- \$1,500.00 fee for request to rezone to Planned Development districts.

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Jon Arledge Title: owner
 Mailing Address: 11902 gatesden dr City: tomball State: tx
 Zip: 77377 Contact: _____
 Phone: (832) 922 8839 Email: jon@arledgeinterests.com

Owner

Name: mike arledge Title: owner
 Mailing Address: 11902 gatesden dr City: tomball State: tx
 Zip: 77377 Contact: _____
 Phone: (281) 960 2856 Email: mike@arledgeinterests.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
 Mailing Address: _____ City: _____ State: _____
 Zip: _____ Contact: _____
 Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: Horizon Concrete Warehouse and office

Physical Location of Property: 426 s persimmon st tomball tx
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 8E ABST 629 J PRUITT
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: (SF-6) : Single Family Residential 6

Current Use of Property: none

Proposed Zoning District: (SF-6) Single Family Residential 6 (C) Commercial

Proposed Use of Property: Horizon concrete warehouse and office

HCAD Identification Number: 0440550000067 Acreage: 2

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X Jon Arledge 1/27/25
Signature of Applicant Date

X Mike Arledge 1/27/25
Signature of Owner Date

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: \$1,000.00 (standard zoning) or \$1,500.00 (PD zoning)**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
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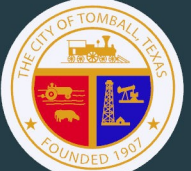
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Application Process

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FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.



Location




BLACKSHEAR ST


S PERSIMMON ST

LIZZIE LN

Legend

Page 48

 Rezoning Boundary



City Council Agenda Item Data Sheet

Meeting Date: March 3, 2025

Topic:

Zoning Case Z25-05: Request by Jacquelyn D. Marshall, represented by Andrea Ameen, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 7.06 acres of land legally described as being a portion of the 15.541 acre tract situated in the Jesse Pruett Survey, Abstract No. 629, containing all of Lots 163,167, 171, and a portion of lot 159 of Five Acre Tracts, Tomball Townsite from Agricultural (AG) to the General Retail (GR) zoning district. The property is located in the 13000 block (south side) of Medical Complex Drive, within the City of Tomball, Harris County, Texas.

Background:

Origination:

Jacquelyn D. Marshall, represented by Andrea Ameen

Recommendation:

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



APPLICATION FOR RE-ZONING
Community Development Department
Planning Division

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FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for requests to rezone to standard zoning districts
- \$1,500.00 fee for request to rezone to Planned Development districts.

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Andrea Ameen Title: _____

Mailing Address: 9407 Briscoe Bend Ln City: Cypress State: TX

Zip: 77377 Contact: _____

Phone: (847) 310-2290 Email: andreakenzerameen@gmail.com

Owner

Name: Jacquelyn D Marshall Title: _____

Mailing Address: 16007 Stablepoint Ln City: Cypress State: TX

Zip: 77429 Contact: Jacquelyn D. Marshall

Phone: (281) 610-6824 Email: critrdoc@gmail.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____

Mailing Address: _____ City: _____ State: _____

Zip: _____ Contact: _____

Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: To build new small residential assisted living homes

Physical Location of Property: 0 Medical Complex Dr, between School and S Cherry St.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 7.1439 acres aka Tract 1 out of 15.541 acre tract Jesse Pruitt Survey A-69
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: ~~(S) Single-Family Detached~~ (AG): Agricultural

Current Use of Property: vacant land


Proposed Zoning District: (GR) : General Retail


Proposed Use of Property: small type B assisted living homes

HCAD Identification Number: 0352860000163 Acreage: 7.14

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

 1/13/25
Signature of Applicant Date

DocuSigned by:
 1/27/25
Signature of Owner Date

Submittal Requirements

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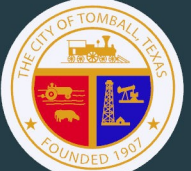
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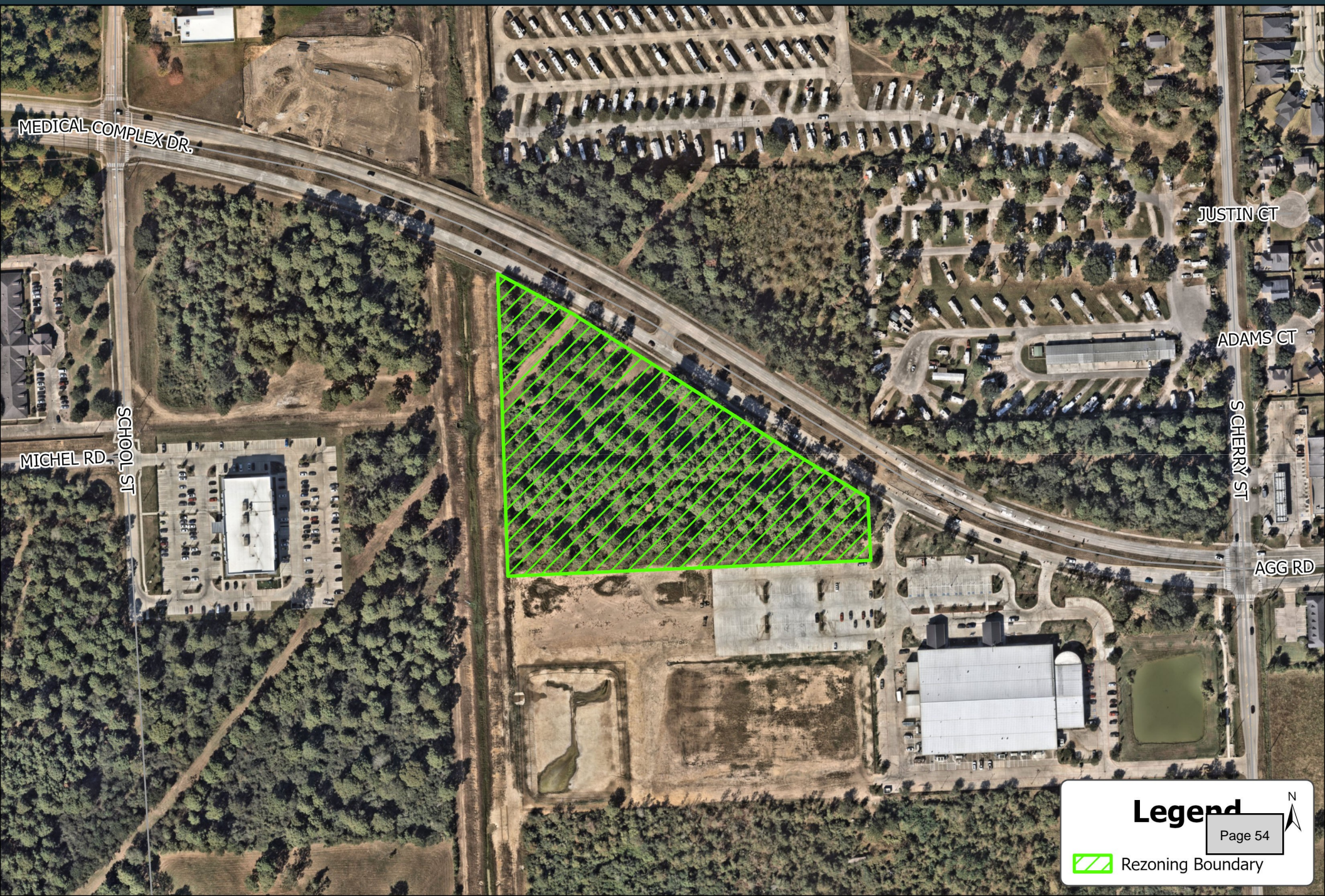
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Location



MEDICAL COMPLEX DR.

MICHEL RD.

SCHOOL ST

JUSTIN CT

ADAMS CT

S CHERRY ST

AGG RD

Legend

 Rezoning Boundary



City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 3, 2025

Topic:

Workshop Discussion Only - Approve a professional services agreement with GrantWorks for grant administration services related to the U.S. Department of Housing and Urban Development – Community Project Fund (CPF) grant for an amount not to 4.21% of the total grant received or \$294,700, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the services. These expenditures are to be paid from grant funds received from the U.S. Department of Housing and Urban Development – Community Project Fund.

Background:

In accordance with the terms and conditions of the Community Project Fund grant and 2 CFR 200 regulations, staff advertised a Request for Proposal for grant administration services for grant award assistance and management throughout the grant term. Staff received two (2) sealed proposals from qualified firms. Scoring was completed by a committee to determine the most qualified firm to complete the work and based on the review staff entered into contract negotiations with GrantWorks.

Staff is recommending awarding a professional services agreement with GrantWorks for award assistance and management throughout the grant term for the HUD – CPF grant. The agreement will include full grant administration services including environmental, procurement assistance, and administering and managing the grant funds awarded to the City. The total contract will not exceed 4.21%, or \$294,700, of the total grant awarded and will be paid from grant funds. A breakdown of the grant administration cost is reflected in the table below.

Awarded Project	Grant Amount	Grant Administration Cost
S. Persimmon & Timkin Street Improvements	\$3,000,000	\$126,300
N. Cherry Street Storm Sewer Improvements	\$2,000,000	\$84,200
Carrell & Lovett Storm Sewer Improvements	\$2,000,000	\$84,200
Total Grant Received: \$7,000,000		
Total Grant Administration Cost: \$294,700 (4.21% of total grant received)		

Origination: Project Management

Recommendation:

Staff recommends approving a professional services agreement with GrantWorks for grant administration services related to the U.S. Department of Housing and Urban Development – Community Project Fund grant for an amount not to 4.21% of the total grant received, or \$294,700.

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

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 3, 2025

Topic:

Workshop Discussion Only – Approve a contract with SAS Concrete Construction, Inc. for the construction of the Baker Drive and Cherry Street Sidewalk Improvements (Project No. 2024-10003), for a not-to-exceed amount of \$163,504.97 (Bid No. 2025-08), authorize the expenditure of funds therefor, and authorize the City Manager to execute any and all documents. The expenditure was included in the Fiscal Year 2024-2025 Budget as part of the 2025-2029 Capital Improvement Plan.

Background:

Through the annual budget process, the City has included funding for the sidewalk extension and/or expansion project. In January 2024, City Council awarded an engineering contract with Oller Engineering, Inc. to complete the design and construction documents for the FY 2024 sidewalk project to include:

- Sidewalks along Baker Drive from FM 2920 to connect to the existing sidewalks at Hicks Street
- Sidewalks along S. Cherry Street extending from Market Street to the Tomball Independent School District Administration Building

To obtain the most favorable pricing and in accordance with the City’s Procurement Policy, sealed bids were solicited for the completion of the construction, with information available online through CivCast or in person at the Oller Engineering office. A total of eight (8) bids were received, and after a thorough review it was determined that SAS Concrete Construction, Inc. was the lowest responsive bidder for a total of \$163,504.97. Below is a breakdown of the current funding allocated for the project.

Baker Drive & Cherry Street Sidewalks		
Budget Breakdown		
Element	Total Budget	Awarded Contract
Engineering	\$69,740	\$69,740.00
Construction	\$255,120	\$163,504.97
Project Budget:	Total Contracts:	Remaining Funding:
\$324,860.00	\$233,244.97	\$91,615.03

Origination: Project Management

Recommendation:

Staff recommends awarding a contract to SAS Concrete Construction, Inc. for the construction of the Baker Drive and Cherry Street Sidewalk Improvements for an amount not-to-exceed \$163,504.97.

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: X 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

Bid Tabulation for (City of Tomball)



2901 Wilcrest Dr., Suite 550
Houston, TX 77042
806.993.6226

Bid Date February 20, 2025, 2:00 PM

PROJECT: City of Tomball - Baker Drive and Cherry Street Sidewalk Improvement Project
OEI PROJECT NO.: 1030.24.01 / Tomball Project No. 2025-08

DATE: 2/25/2025
INITIALS: AV

Item No.	Description	Quantity	Unit	SAS Concrete Construction LLC		JBDEE Construction LLC DBA Filtex Builders		Castillo Aranda LLC		NL Concrete Services LLC		Teamwork Construction Services, Inc.		Steven R Hill Construction Co. Inc.		Able Petroleum Landman Services, LLC		ICGM Group LLC	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
Base Bid																			
1	Mobilization, setup, and project overhead for all equipment, work on the project, including related items and appurtenances, complete in place.	1	LS	\$5,000.00	\$5,000.00	\$6,000.00	\$6,000.00	\$15,000.00	\$15,000.00	\$18,500.00	\$18,500.00	\$14,500.00	\$14,500.00	\$18,000.00	\$18,000.00	\$2,500.00	\$2,500.00	\$35,000.00	\$35,000.00
2	Traffic control plan	1	LS	\$10,000.00	\$10,000.00	\$2,000.00	\$2,000.00	\$4,500.00	\$4,500.00	\$6,800.00	\$6,800.00	\$1,500.00	\$1,500.00	\$6,000.00	\$6,000.00	\$1,000.00	\$1,000.00	\$17,500.00	\$17,500.00
3	Filter Fabric Inlet Protection, Including Related Items and Appurtenances for Installation and Removal.	6	EA	\$100.00	\$600.00	\$200.00	\$1,200.00	\$50.00	\$300.00	\$125.00	\$750.00	\$195.00	\$1,170.00	\$900.00	\$5,400.00	\$200.00	\$1,200.00	\$1,800.00	\$10,800.00
4	Tree and Plant Protection - Removal and Relocation as Needed, Including Related Items and Appurtenances, Complete in Place.	4	EA	\$200.00	\$800.00	\$300.00	\$1,200.00	\$100.00	\$400.00	\$35.00	\$140.00	\$95.00	\$380.00	\$700.00	\$2,800.00	\$500.00	\$2,000.00	\$3,500.00	\$14,000.00
5	Relocations of Signs and Reinstallation Including All Related Items and Appurtenances, Complete in Place. Compression Tests.	4	EA	\$100.00	\$400.00	\$250.00	\$1,000.00	\$250.00	\$1,000.00	\$175.00	\$700.00	\$125.00	\$500.00	\$500.00	\$2,000.00	\$500.00	\$2,000.00	\$4,500.00	\$18,000.00
6	Fence removal and Relocation, Including Labor and All Related Items and Appurtenances, Complete in Place.	75	LF	\$27.00	\$2,025.00	\$15.00	\$1,125.00	\$40.00	\$3,000.00	\$25.00	\$1,875.00	\$125.00	\$9,375.00	\$20.00	\$1,500.00	\$80.00	\$6,000.00	\$350.00	\$26,250.00
7	Clearing and Grubbing	0.19	EA	\$5,263.00	\$999.97	\$8,000.00	\$1,520.00	\$4,500.00	\$855.00	\$16,540.00	\$3,142.60	\$9,000.00	\$1,710.00	\$10,000.00	\$1,900.00	\$8,000.00	\$1,520.00	\$14,500.00	\$2,755.00
8	Removal and Disposal of Existing Concrete Sidewalk (All Thicknesses), Including Labor and Disposal Fees.	13.3	SY	\$9.00	\$119.70	\$15.00	\$199.50	\$25.00	\$332.50	\$20.00	\$266.00	\$30.00	\$399.00	\$60.00	\$798.00	\$63.00	\$837.90	\$2,500.00	\$33,250.00
9	Removal and Disposal of Existing Concrete Curb and Gutter, Including Labor and Disposal Fees.	550	LF	\$5.00	\$2,750.00	\$6.00	\$3,300.00	\$3.00	\$1,650.00	\$5.00	\$2,750.00	\$6.00	\$3,300.00	\$20.00	\$11,000.00	\$8.00	\$4,400.00	\$130.00	\$71,500.00
10	Removal and Disposal of Existing Concrete Driveway (All Thicknesses), and Asphalt Driveways, Including Labor and Disposal Fees.	271	SY	\$9.00	\$2,439.00	\$20.00	\$5,420.00	\$20.00	\$5,420.00	\$20.00	\$5,420.00	\$31.00	\$8,401.00	\$80.00	\$21,680.00	\$72.00	\$19,512.00	\$50.00	\$13,550.00
11	Installation of Flatwork - 4-Inches of 3000 PSI 6' Wide Concrete Sidewalk with 6-Inch x 6-Inch Wire Mesh, Including Labor and All Related Items and Appurtenances, Complete in Place.	15.3	SY	\$63.00	\$963.90	\$50.00	\$765.00	\$70.00	\$1,071.00	\$65.00	\$994.50	\$109.00	\$1,667.70	\$90.00	\$1,377.00	\$140.00	\$2,142.00	\$275.00	\$4,207.50
12	Installation of Flatwork - 4-Inches of 3000 PSI 5' Wide Concrete Sidewalk with 6-Inch x 6-Inch Wire Mesh, Including Labor and All Related Items and Appurtenances, Complete in Place.	502	SY	\$63.00	\$31,626.00	\$50.00	\$25,100.00	\$70.00	\$35,140.00	\$63.00	\$31,626.00	\$76.00	\$38,152.00	\$90.00	\$45,180.00	\$108.00	\$54,216.00	\$50.00	\$25,100.00
13	Installation of Concrete Curb, Including Labor and All Related Items and Appurtenances, Complete in Place, With Passing Compression Tests.	540	LF	\$5.00	\$2,700.00	\$30.00	\$16,200.00	\$7.00	\$3,780.00	\$6.00	\$3,240.00	\$13.25	\$7,155.00	\$22.00	\$11,880.00	\$28.00	\$15,120.00	\$155.00	\$83,700.00
14	Installation of Concrete Drive Including Sub-Grade/Base Material, Excavation of 6-Inches of Existing Site for Placement of Base Material, Including all Labor, Items and Appurtenances, Complete in Place.	129.5	SY	\$81.00	\$10,489.50	\$60.00	\$7,770.00	\$75.00	\$9,712.50	\$72.00	\$9,324.00	\$104.00	\$13,468.00	\$115.00	\$14,892.50	\$145.00	\$18,777.50	\$88.00	\$11,396.00
15	Installation of New Concrete Drive at 103 Baker Drive including all 6-Inch Ribbon for Retaining Soil on Steep Slopes within Landscaped Area.	181.5	SY	\$81.00	\$14,701.50	\$60.00	\$10,890.00	\$75.00	\$13,612.50	\$65.00	\$11,797.50	\$96.00	\$17,424.00	\$115.00	\$20,872.50	\$180.00	\$32,670.00	\$101.00	\$18,331.50
16	Installation of Asphalt Road Repair, Including Labor and All Items and Appurtenances, Demo, and Disposal Fees, Complete in Place.	670	SY	\$45.00	\$30,150.00	\$50.00	\$33,500.00	\$45.00	\$30,150.00	\$59.00	\$39,530.00	\$29.00	\$19,430.00	\$45.00	\$30,150.00	\$64.00	\$42,880.00	\$78.00	\$52,260.00
17	Installation of Flatwork - 6-Inches Wide by 36-Inches Height with 1/2 the Section Buried, Reinforced Ribbon 3000 PSI Concrete (Stem Wall) as Shown on the Detail in Sheet 14, Including Labor and All Related Items and Appurtenances, Complete in Place, With Passing Compression Tests.	137	LF	\$15.00	\$2,055.00	\$40.00	\$5,480.00	\$25.00	\$3,425.00	\$30.00	\$4,110.00	\$47.50	\$6,507.50	\$90.00	\$12,330.00	\$100.00	\$13,700.00	\$55.00	\$7,535.00
18	Installation of Flatwork - 4-Inches of 3000 PSI Concrete Slope Paving for 1/2 Channel as Shown on the Detail in Sheet 14, Including Labor and All Related Items and Appurtenances, Complete in Place.	37.8	SY	\$63.00	\$2,381.40	\$50.00	\$1,890.00	\$70.00	\$2,646.00	\$135.00	\$5,103.00	\$126.00	\$4,762.80	\$100.00	\$3,780.00	\$108.00	\$4,082.40	\$65.00	\$2,457.00
19	Saw Cut Curb for Saw Tooth Cut Section Along Cherry St. Including Labor and All Items and Appurtenances, Complete in Place.	136	LF	\$5.00	\$680.00	\$25.00	\$3,400.00	\$4.50	\$612.00	\$5.00	\$680.00	\$1.50	\$204.00	\$12.00	\$1,632.00	\$20.00	\$2,720.00	\$100.00	\$13,600.00
20	ADA ramps Including 6 Feet of Sloped Surface with a Truncated Dome Surface Paver on the Bottom, Including Related Labor and All Items and Appurtenances, Complete in Place.	8	EA	\$1,500.00	\$12,000.00	\$1,000.00	\$8,000.00	\$1,500.00	\$12,000.00	\$1,200.00	\$9,600.00	\$3,450.00	\$27,600.00	\$2,500.00	\$20,000.00	\$3,400.00	\$27,200.00	\$1,500.00	\$12,000.00
21	Installation of Topsoil (4-Inch Depth), Including All Labor, Items and Appurtenances, Complete in Place.	37.0	CY	\$100.00	\$3,700.00	\$40.00	\$1,480.00	\$25.00	\$925.00	\$101.26	\$3,746.62	\$52.00	\$1,924.00	\$200.00	\$7,400.00	\$109.00	\$4,033.00	\$55.00	\$2,035.00
22	Installation of Landscaping after completion of new drive approach for the property located at 103 Baker Drive.	44	SY	\$20.00	\$880.00	\$35.00	\$1,540.00	\$15.00	\$660.00	\$25.00	\$1,100.00	\$50.00	\$2,200.00	\$100.00	\$4,400.00	\$20.00	\$880.00	\$100.00	\$4,400.00
23	Hydro Mulch Seeding, Including Labor and All Related Items and Appurtenances, Complete in Place.	42	SY	\$9.00	\$378.00	\$36.00	\$1,512.00	\$10.00	\$420.00	\$4.50	\$189.00	\$11.00	\$462.00	\$55.00	\$2,310.00	\$30.00	\$1,260.00	\$35.00	\$1,470.00
24	Sodding (Match Existing), Including Labor and All Related Items and Appurtenances, Complete in Place.	37	SY	\$18.00	\$666.00	\$30.00	\$1,110.00	\$10.00	\$370.00	\$13.51	\$499.87	\$10.00	\$370.00	\$90.00	\$3,330.00	\$20.00	\$740.00	\$55.00	\$2,035.00
TOTAL BID					\$138,504.97		\$141,601.50		\$146,981.50		\$161,884.09		\$182,562.00		\$250,612.00		\$261,390.80		\$483,132.00
Cash Allowance Table																			
1	Construction Contingencies	1	JOB	\$ 25,000.00	\$25,000.00	\$ 25,000.00	\$25,000.00	\$ 25,000.00	\$25,000.00	\$ 25,000.00	\$25,000.00	\$ 25,000.00	\$25,000.00	\$ 25,000.00	\$25,000.00	\$ 25,000.00	\$25,000.00	\$ 25,000.00	\$25,000.00
Base Bid Total					\$163,504.97		\$166,601.50		\$171,981.50		\$186,884.09		\$207,562.00		\$275,612.00		\$286,390.80		\$508,132.00

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 3, 2025

Topic:

Consider approval of Resolution 2025-XX approving the FY 2023-2024 Tomball Tax Increment Reinvestment Zone No. 3 Annual Report

Background:

On December 6, 2021, the City Council adopted Ordinance No. 2021-39 establishing Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) for the purpose of dedicating incremental tax revenue from the designated area in support of eligible project costs.

Chapter 311.016 of the Texas Tax Code requires the governing body that created a TIRZ to draft and approve an annual report which is then submitted to the Texas Comptroller and any taxing unit that levies property taxes on real property in the TIRZ. The report must include:

- the amount and source of revenue in the tax increment fund established for the zone;
- the amount and purpose of expenditures from the fund;
- the amount of principal and interest due on outstanding bonded indebtedness;
- the tax increment base and current captured appraised value retained by the zone; and
- the captured appraised value shared by the municipality or county and other taxing units, the total amount of tax increments received, and any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the governing body of the municipality or county.

A summary table is below and a copy of the full Annual Report is attached as an exhibit to the resolution.

Fiscal Year	Tax Year	Base Value	Tax Year Value	Increment	TIRZ Revenue	TIRZ Expenditures
2021-2022	2021	\$ 7,843,320	---	---	---	
2022-2023	2022	\$ 7,843,320	\$ 7,843,320	\$ 0	\$ 0	\$ 0
2023-2024	2023	\$ 7,843,320	\$ 152,166,850	\$ 144,323,530	\$ 446,225.07	\$ 317,414.28

Origination: Finance Office

Recommendation:

This annual report is required by the State of Texas and needs acceptance by the TIRZ Board of Directors which is the City of Tomball City Council.

Party(ies) responsible for placing this item on agenda: Bragg Farmer, Finance 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: Bragg Farmer 3.3.2025 **Approved by:** _____
Staff Member Date City Manager Date

**City of Tomball, Texas
Tax Increment Reinvestment Zone No. 3
Annual Report
FY 2023-2024**

Pursuant to Texas Tax Code Sec. 311.016, the City Council of the City of Tomball, Texas makes this annual report for Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) for the time period of October 1, 2023 to September 30, 2024.

1. The amount and source of revenue in the tax increment fund established for the zone.

Tomball TIRZ No. 3 collected \$317,414.28 in FY 2023-2024

2. The amount and purpose of expenditures from the fund.

Tomball TIRZ No. 3 made total expenditures of \$317,414.28 which includes administrative expenditures of \$15,870.71 and remittance to Tomball BID of \$301,543.57.

3. The amount of principal and interest due on outstanding bonded indebtedness.

Tomball TIRZ No. 3 has issued no bonds and has no indebtedness.

4. The tax increment base and current captured appraised value retained by the zone.

The tax increment base retained by the Zone as of September 30, 2024, was \$7,843,320. The current appraise value retained by the Zone as of September 30, 2024, was \$152,166,850.

5. The captured appraised value shared by the municipality or county and other taxing units, the total amount of tax increments received, and any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the governing body of the municipality or county.

As of September 30, 2024, the captured appraised value shared by the municipality and other tax units as \$152,166,850. The total amount of all tax increments received is \$317,414.28.

No other tax entities participate in this TIRZ.

**Tomball Tax Increment Reinvestment Zone No. 3
Financial Summary**

Fiscal Year	Tax Year	Base Value	Tax Year Value	Increment	Tax Rate	TIRZ Contribution %	TIRZ Revenue Collected	TIRZ Fund Interest	TIRZ Expenditures	TIRZ Fund Balance
2021-2022	2021	\$7,843,320	---	---	---		---		---	---
2022-2023	2022	\$7,843,320	\$7,843,320	\$0	\$0.28725	75%	\$0	\$0	\$0	\$0
2023-2024	2023	\$7,843,320	\$152,166,850	\$144,323,530	\$0.29332	75%	\$317,414.28	\$0	\$317,414.28	\$0

RESOLUTION NO. 2025-08

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS APPROVING THE FISCAL YEAR 2023-2024
ANNUAL REPORT FOR TOMBALL TAX INCREMENT
REINVESTMENT ZONE NUMBER 3; AND PROVIDING AN
EFFECTIVE DATE.**

* * * * *

WHEREAS, the City of Tomball, Texas (the “City”), created Tax Increment Reinvestment Zone Number 3 (TIRZ No. 3) in 2021; and

WHEREAS, Texas Tax Code Sec. 311.016 requires the governing body that created a TIRZ approve an annual report and provide a copy of that annual report to any other taxing unit that levies a tax on real property in the TIRZ; and

WHEREAS, the TIRZ annual report must also be submitted to the Texas Comptroller of Public Accounts; **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS**

Section 1. The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

Section 2. That the City Council of the City of Tomball hereby approves the Fiscal Year 2023-2024 Tomball TIRZ No. 3 Annual Report, attached as Exhibit A, a copy of same being attached hereto and incorporated herein for all purposes.

Section 3. The City Manager or his designee shall distribute the Fiscal Year 2023-2024 Tomball TIRZ No. 3 to all taxing units that levy a tax on real property in the TIRZ and file a copy of the Annual Report with the Texas Comptroller of Public Accounts.

Section 4. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was

open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution shall take effect immediately upon its passage.

PASSED, APPROVED, AND RESOLVED this ___ day of _____.

Lori Klein Quinn
Mayor

ATTEST:

Tracylynn Garcia
City Secretary