

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, FEBRUARY 3, 2014
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present were:

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Director of Public Works – David Kauffman
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Fire Marshal – Doug Sanguedolce
Building Official – David Allen
NWEMS Director – Brian Bayani

2.0 The invocation was led by Pastor Bob Webb, Rosehill United Methodist Church

- 3.0 The pledges to the U. S. and Texas Flags were led by Boy Scouts of Tomball and Magnolia.
- 4.0 The following public comments were received:
- | | |
|---|--|
| Chris Oliver
Centerpoint Representative
4903 Oxbow Circle East, 77441 | - Spoke in opposition to Item 8.3, Ordinance No. 2014-04 |
| Todd Johnson
10910 S. Country Club Green
77375 | - Spoke in opposition to Item 8.1, Ordinance No. 2013-26, zoning change. |
| Dawson Duerer
12719 Mossy Ledge Drive
77377 | - Spoke regarding the completion of his Eagle Scout Project and Pamphlet showing the location of each completed historical concrete street marker. |
| Patty Zachary
10907 S. Country Club Green
77375 | - Spoke in opposition to Item 8.1, Ordinance No. 2013-26, zoning change. |
| Rio Haines
11315 S. Country Club Green
77375 | - Spoke in opposition to Item 8.1, Ordinance No. 2013-26, zoning change. |
| Gabriel Cadavid
21610 Country Club Green Way
77375 | - Spoke in opposition to Item 8.1, Ordinance No. 2013-26, zoning change. |
| Katie Jones
21502 Country Club Green
77375 | - Spoke in opposition to Item 8.1, Ordinance No. 2013-26, zoning change. |
- 5.0 Mayor Fagan presented an Eagle Scout letter of commendation to Dawson Duerer for his work in restoring the remaining historical city street markers.
- 6.0 Reports and Announcements:
- February 8, 2014 – **2nd Saturday at the Depot**; showing ***“Home on the Range”*** – 5:00 p.m.
 - February 25, 2014 – **Trailride Reception** – 12:00 Noon
 - March 15, 2014 – **3rd Annual Tomball Honky Tonk Music Festival**
 - ***Walk Tomball!*** – Every Saturday at 9:00 a.m. at the Depot

- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor presented the Quarterly Investment Report for Period Ending December 31, 2013 - The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On December 31, 2013, the City had total cash equivalents and investments totaling \$53,293,498. A copy of the report is attached for review.

7.0 Motion was made by Councilman Dodson, second by Councilman Hudgens, to approve the Minutes of the January 20, 2014 Regular City Council Meeting and the January 27, 2014 Special City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Dodson, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2013-26, an ordinance of the City of Tomball, Texas, amending its Zoning Ordinance by changing the Zoning District Classification of approximately 18.77 acres of land, legally described as Lot 1, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; said property being generally located west of Hufsmith-Kohrville Road, north of Spell Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Councilman Townsend stated that he would abstain from discussion and voting on Ordinance No. 2013-26 and that he had filed an affidavit of conflict of interest with the City Secretary.

Vote was as follows:

Councilman Hudgens	<u>Nay</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Abstain</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 3 votes Aye, 1 vote Nay, 1 Abstain.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2014-01R, an Ordinance of the City of Tomball, Texas, Ordering a Special Election to be Held in the City of Tomball on May 10, 2014, for the Purpose of Submitting to the Qualified Voters of Tomball, Texas Certain Proposed Amendments to the Existing Charter of the City; Stating the Proposed Amendments to be Voted Upon at Said Election; Designation of Polling Place and Appointment of Election Officials of Such Election; Providing the Form of the Ballot and Directing that the Notice of Election be Given; Containing Other Provisions to the State Election Code; Directing Publication of the Caption of This Ordinance; Finding that the Meetings at Which This Ordinance is Considered are Open to the Public as Required by Law; Providing for Severability and the Repeal of Conflicting Ordinances; and Providing an Effective Date. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

Moción fue presentada por el Concejal Townsend, en segundo lugar, el Concejal Dodson, para que adopten, en la segunda lectura, en la ordenanza No. 2014-01R, una ordenanza de la ciudad de Tomball, Texas, ordenando una elección especial que se celebrará en la Ciudad de Tomball el 10 de mayo, 2014, con el fin de presentar a los votantes calificados de Tomball, Texas algunas propuestas de enmiendas a la Carta actual de la ciudad, indicando las modificaciones propuestas al ser sometida a votación en esa elección; la designación del lugar de votación y el nombramiento de los funcionarios electorales de las elecciones; la forma de la votación y se ordenaba que el anuncio de la elección; que contengan otras disposiciones para el Código Electoral del Estado; Dirigir Publicación del título de esta ordenanza; Diagnóstico que Las reuniones en las que esta ordenanza se considera están abiertas al público que exige la Ley, de separación y la derogación de las Ordenanzas; y proporcionar una fecha efectiva. Votación de la siguiente manera:

Concejal Hudgens	<u>Aye</u>
Concejal Degges	<u>Aye</u>
Concejal Stoll	<u>Aye</u>
Concejal Townsend	<u>Aye</u>
Concejal Dodson	<u>Aye</u>

Moción adoptada por unanimidad.

Chuyển động được tạo ra bởi Ông Townsend, thứ hai của Ông hội đồng Dodson, để áp dụng vào thứ hai, đọc, pháp lệnh không. 2014-01R, một pháp lệnh của thành phố Tomball, Texas, đặt mua một đặc biệt Tuyển Cử sẽ được tổ chức ở thành phố Tomball trên 10 tháng 5, năm 2014, với mục đích Gửi đến đủ tiêu chuẩn của Cử Tri Tomball, Texas Một số Nội dung Tu Chính cho những điều đã có những khái niệm của thành phố; đưa ra các Đề xuất các khoản Tu Chính phải được bỏ phiếu vào ở nói cuộc bầu cử; ghi đăng của Phòng Phiếu của quý vị và cuộc hẹn của các viên chức bầu cử của các cuộc bầu cử, Cung cấp các dạng Lá Phiếu của quý vị và hướng dẫn rằng các cuộc bầu cử được; chứa Các Điều Khoản khác cho tiêu bang bầu cử; chỉ dẫn đầu đề xuất bản của pháp lệnh này, Tìm ra điều đó Cuộc Hợp ở đây pháp lệnh này được cho là đang mở cửa cho công chúng như pháp luật yêu cầu; Cung cấp cho Kết Luận và những Mâu Thuẫn Pence của các sắc luật này; và Cung cấp một ngày Hiệu Lực. Bỏ phiếu là như sau:

Ông hội đồng Hudgens	<u>Aye</u>
Ông hội đồng Degges	<u>Aye</u>
Ông hội đồng Stoll	<u>Aye</u>
Ông hội đồng Townsend	<u>Aye</u>
Ông hội đồng Dodson	<u>Aye</u>

Chuyển động mang tất cả mọi người.

議案是由委員董誠亨、第二,通過由委員Dodson,在二讀,條例第2014-01r的城市,一個條例的湯博爾、得克薩斯、訂購一個特別舉行選舉,以在該市的湯博爾10日,2014,為提交給合資格選民的湯博爾、得克薩斯某些擬議修訂現行的《憲章》的城市;他說,擬議的修正案表決者在說選舉;指定的投票站地點和任命官員的選舉,這種選舉的投票;提供的表格,並指示將該通知的選舉;載有其他規定,將給予該州選舉守則;指導出版物的標題,找到,本條例;在這次會議審議了本條例所需的是向公眾開放的法律;提供可分割性和廢除法例的沖突;和提供一個有效日期。表決情況如下:

委員 Hudgens	<u>贊成</u>
委員 Degges	<u>贊成</u>
委員 Stoll	<u>贊成</u>
委員 Townsend	<u>贊成</u>
委員 Dodson	<u>贊成</u>

一致贊成議案獲得通過。

- 8.3 Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2014-04, an Ordinance amending the Code of Ordinances of the City of Tomball, Texas by amending Section 70-46, Utilities, of Article III, Design Standards, of Chapter 70, Plats and the Subdivision of Land, to require all above ground electrical transmission and distribution lines to be located along the perimeter of the area within the overall subdivision; providing a penalty in an amount not to exceed \$2,000 for each violation hereof; and providing for severability; and making other provisions and findings related thereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Degges, second by Councilman Townsend, to approve Request by Tomball Lions Club for City Co-sponsorship and Support for Its Annual Car Show, to be held on Sunday, April 27, 2014.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve a Project Utility Adjustment Agreement with TxDOT and Zachry Odebrecht Parkway Builders, LLC. and Authorize City Manager to Execute the Agreement.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Dodson, second by Councilman Hudgens, to approve an Encroachment Agreement for Raleigh Creek Boulevard at Raleigh Creek Subdivision and Authorize Mayor to Execute the Agreement.

Motion carried unanimously.

- 9.4 Discussion was held regarding the adoption of Updated Building and Fire Codes.

No action was taken.

10.0 Motion was made by Councilman Dodson, second by Councilman Hudgens, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 17th day of February 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor