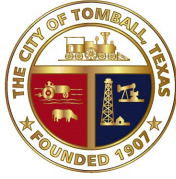


MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JANUARY 20, 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 Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Donna Johnson
Police Chief – Robert Hauck
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
Community Events Coordinator – Rosalie Dillon
Councilman-Elect Degges
Executive Director-TEDC – Kelly Violette
NWEMS Director – Brian Bayani

2.0 The invocation was led by Pastor Charlie Middlebrook, Impact Church-Houston

3.0 The pledges to the U. S. and Texas Flags were led by Members of the Tomball High School Student Council.

4.0 The following public comments were received:

Jarmon Wolfe
504 Kane, 77375

- Expressed his interest in serving as a Regular member of the Board of Adjustment

Bruce Hillegeist
GTACC
29201 Quinn Road, 77375
and
Laura Wilson
25630 Hufsmith, 77375

- Expressed support for a local option election to allow the legal sale of all alcoholic beverages, including mixed beverages.

Andrea Aroche
16806 Avenfeld Road, 77377

- Requested an opportunity to present electrical prices and terms for the City

Kelly Violette
TEDC

- Announced the Tomball Business & Technology Park groundbreaking event on Wednesday, January 29th at 10:00 a.m.

Randy Parr
Fire Chief

- Introduced Brian Bayani, new Chief for Northwest EMS

Rodney Hutson
9431 Rosie Lane, 77354

- Expressed his support for a local option election to allow the legal sale of all alcoholic beverages, including mixed beverages.

5.0 Reports and Announcements:

- January 27, 2014 – **Special Council Meeting to Canvass 1/18/2014 Special Election** – 5:00 p.m.
- February 4, 2014 – **Mayor's Coffee**
- February 8, 2014 – **2nd Saturday at the Depot**; showing "*Home on the Range*" – 5:00 p.m.
- **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 an update regarding Status of Comprehensive Annual Financial Report

- George Shackelford advised that the Finance Department has been awarded the Certificate of Achievement in Financial Reporting for Audit Year Ending September 30, 2012

6.0 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Minutes of the January 6, 2014 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-01R by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on First 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 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 aprobar, en primera 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 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 nhận nuôi, vào đầu tiên đọc, pháp lệnh không. 2014-01R, một pháp lệnh của thành phố Tomball, Texas, ra lệnh cho một đặc biệt cuộc bầu cử sẽ được tổ chức ở thành phố Tomball trên 10 tháng 5, năm 2014, với mục đích của Gửi đến đủ tiêu chuẩn của Cử Tri Tomball, Texas Một số Nội dung Tu Chính với 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 đảng 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 tiểu bang bầu cử; chỉ dẫn đầu đề xuất bản của pháp lệnh này, Tìm ra điều đó Cuộc Họp 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:

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

Chuyển động mang tất cả mọi người.

議案是由委員董誠亨、第二,由委員Dodson通過,第一次讀,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:

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

議案一致。

- 7.2 Motion was made by Councilman Dodson, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2014-02, an Ordinance of the City of Tomball, Texas, Establishing a Juvenile Case Manager Fund; Providing for the Assessment and Collection of a Juvenile Case Manager Fee; Providing for Severability; Providing for Publication and Effective Date. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Dodson, second by Councilman Stoll, to appoint Jarmon Wolfe to Regular Member, Position 1, to Fill Vacancy and Complete Unexpired Term on City of Tomball Board of Adjustments.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Contract between the City of Tomball and TXU Energy for the Purchase of Electrical Energy. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 8.3 Motion was made by Councilman Dodson, second by Councilman Hudgens, to approve and authorize the City Manager to Execute the Yearly Compensation Amendment to Interlocal Agreement for Fire Protection, Fire Suppression, and Rescue Services, in the Amount of \$67,500, Covering the City of Tomball Fire Department's Continued Provision of Fire Protection and Rescue Services to the Area Contained in the Boundaries of Harris County ESD #15.

Motion carried unanimously.

- 8.4 Item regarding the Consideration and Possible action Regarding the Use of Eminent Domain Authority to Condemn the Property as follows was withdrawn by Mayor Fagan:

Approve Resolution No. 2014-02, a Resolution of the City Council of the City of Tomball, Texas, Determining that a 3.608 Acre Tract of Land is needed for use as a drainage channel as part of the M121 Drainage Project for the City of Tomball, Texas; a 0.200 Acre Tract of Land is needed for the Extension of Holderrieth Road; 0.401 Acre Tract of Land is needed for the construction, operation, maintenance, inspection, replacement, and removal of one or more utility lines as part of the Holderrieth Road Extension Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings.

No action taken.

- 8.5 Item regarding the Consideration and Possible action Regarding the Use of Eminent Domain Authority to Condemn the Property as follows was withdrawn by Mayor Fagan:

Approve Resolution No. 2014-03, a Resolution of the City Council of the City of Tomball, Texas, Determining that a 8.288 Acre Tract of Land is needed for use as a drainage channel as part of the M121 Drainage Project for the City of Tomball, Texas; a 0.207 Acre Tract of Land is needed for the Extension of Holderrieth Road; 0.367 and 0.047 Acre Tracts of Land is needed for the construction, operation, maintenance, inspection, replacement, and removal of one or more utility lines as part of the Holderrieth Road Extension Project for the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings.

No action taken.

- 8.6 Consideration to approve ZONING CASE P13-148: Request by the City of Tomball to amend Section 34.4 ("Area Regulations for Residential Uses") of the City's Zoning Ordinance (Ordinance No. 2008-01) by creating non-conforming lot regulations for lots within that portion of the Old Town Area bounded by

Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

- Mayor Fagan opened the public hearing on ZONING CASE P13-148 at 6:58 p.m.; the following comments were received:

Rodney Hutson 9431 Rosie Lane, 77354	- Expressed his opposition to the zoning change.
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Pat Bailey 1319 Dove Trails, 77375	- Expressed her support for the zoning change.
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Brett Tynes 824 Wilson Lane, 77375	- Expressed his opposition to the zoning change.
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- Receiving no additional comments, Mayor Fagan closed the public hearing at 7:05 p.m.
- Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2014-03 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2014-03, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance by Amending Section 34.4 ("Area Regulations for Residential Uses") by Creating Non-conforming Lot Regulations for Lots within that Portion of the Old Town Area Bounded by Fannin Street, Houston Street, the Railroad Tracks, and Pine Street, and Including the Lots that Front on Fannin Street and Houston Street Adjacent to such Portion; 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.

Motion to Amend was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2014-03, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance by Amending Section 34.4 ("Area Regulations for Residential Uses") by Creating Non-conforming Lot Regulations for Lots within that Portion of the Old Town Area Bounded by Fannin Street, Houston Street, the Railroad Tracks, and Pine Street, and Including the Lots that Front on Fannin Street and Houston Street Adjacent to such Portion; 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, with the removal of Sections 8(a) and 8(b). Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Nay</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Nay</u>
Mayor Fagan	<u>Nay</u>

Motion, as Amended, FAILED, 3 votes Nay, 2 votes Aye.

8.7 Consideration of a Revision to Section 70-46 of the Tomball Code of Ordinances

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2014-04 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on First 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 Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Motion carried unanimously.

8.8 Discussion was held regarding Possible Action to Legislate Payday and Auto Title Lending within the City of Tomball. Consensus of Council was for the Engineering and Planning Department to develop zoning recommendations.

No action taken.

8.9 Mayor Fagan called the Tomball Economic Development Corporation to Order.

Executive Session: The Tomball Economic Development Corporation recessed at 8:02 p.m. as authorized by Title 5, Chapter 551, Texas Government Code, The Texas Open Meetings Act, for the following purpose:

- Section 551.087 - Deliberations Regarding Economic Development Negotiations

After reconvening into regular session at 9:10 p.m., no action was taken.

Motion was made by Commissioner Sumner, second by Commissioner Bruce, to adjourn the TEDC meeting.

Motion carried unanimously.

8.10 Executive Session: The Tomball City Council recessed at 9:10 p.m. as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

- Sec. 551.072 – Deliberations Regarding Real Property

After reconvening into regular session at 9:21 p.m., no action was taken.

9.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of February 2014.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor