

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MARCH 18, 2013
6:00 P.M.**

1.0 Call to Order

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

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Members absent:

Councilman Hudgens - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Community Development Director – Craig Meyers
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
Internal Operations Director-NWEMS – Terry Rogers

2.0 Invocation

- Led by Pastor Aaron Edwards, Sundays Church

3.0 Pledges to U. S. and Texas Flags

- Led by Ally Pace and Olivia Furstenfeld, Members of the Tomball High School Student Council

4.0 The following public comments were received:

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| Ally Pace and Olivia Furstenfeld,
Members of the Tomball High
School Student Council | - Requested City Support for the 6 th Annual
Homecoming Parade and Pep Rally, to be
held at the Tomball Depot on October 16,
2013. |
| Ralph Foxworthy
29607 Liberty Lane, 77375 | - Expressed his interest in serving on the
Tomball Regional Health Foundation Board
of Directors |

5.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- March 22-24, 2013 – **German Heritage Festival** – Friday, 6:00 p.m.-10:00 p.m.; Saturday, 10:00 a.m.-10:00 p.m.; and Sunday, 10:00 a.m.-6:00 p.m.
- March 29, 2013 – **Good Friday** – City Offices Closed
- April 1, 2013 – Public Hearing regarding Abandonment of a Portion of Timkin Road and South Persimmon Street
- April 13, 2013 – **5th Annual City of Tomball Bunny Run 5K and Kids 1K** – 9:00 a.m. at the Depot
- April 13, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- April 21-27, 2013 – Annual **Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 27, 2013 – Annual **Tomball Recycle and E-Waste Event** – Weingartens Center
- May 4-5, 2013 – **Rails and Tails Mudbug Festival** – 11:00 a.m.-7 p.m.
- May 7, 2013 – **Mayor's Coffee** – *Sol do Luna*, 207 Commerce, 5:30 p.m.
- May 25, 2013 – **Memorial Day Weekend Chili Challenge** 10:00 a.m.-6:00 p.m.
- May 27, 2013 – **80th Anniversary of the 1933 Tomball Oil Strike**
- July 4, 2013 – **July 4th Celebration**
- **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:
 - Mike Baxter presented a report on the success of the ***Tomball Honky Tonk Music Festival***.
 - Rob Hauck presented an update regarding the status of the investigation of the murder of Mrs. Mildred Stallones; the perpetrator has been taken into custody in Mexico and Tomball Police will continue working with U. S. and Mexican authorities.

6.0 Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Minutes of the March 4, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

7.1 Motion was made by Councilman Dodson, second by Councilman Brown, to accept the Resignation of Dr. Ben Thomas and to appoint Ralph Foxworthy as the replacement member to fill the unexpired vacancy on the Tomball Regional Health Foundation (TRHF).

Motion carried unanimously.

Information was presented by Lynn LeBouef and Jack Smith, Chairman-TRHF, and discussion was held regarding City's authority to appoint member to the TRHF board, receiving financial reports from TRHF, posting of agendas, projects being undertaken, pending legislation, and possibly revision of TRHF bylaws. No action taken.

7.2 Mayor Fagan opened the Public Hearing at 6:34 p.m. to consider Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

Receiving no public comments, Mayor Fagan closed the public hearing at 6:34 p.m.

7.3 Motion was made by Councilman Townsend, second by Councilman Brown, to read Ordinance No. 2013-02 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2013-02, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

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

Motion carried unanimously.

- 7.4 Mayor Fagan opened the Public Hearing at 6:38 p.m. to consider **ZONING CASE P13-006**: Request by Tomball & Magnolia Properties, LLC to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.01 acres of land, legally described as Lot 1, Block 1, Northwest Houston Heart Center within the City of Tomball, Harris County, Texas, generally located northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue, from the Single-Family Residential-6 District to the Old Town.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:38 p.m.

Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2013-03, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.01 Acres of Land, Legally Described as Lot 1, Block 1, Northwest Houston Heart Center, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Old Town & Mixed Use District; said Property being generally Located Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue; 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. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

- 7.5 Motion was made by Councilman Dodson, second by Councilman Stoll to approve establishing a 501(c)3 Organization for the City of Tomball, for the purpose of receiving grant funds.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2013-15, Canceling the Regular City Officer's Election Scheduled to be held on the 11th Day of May, 2013, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

El Concejal Townsend hizo la moción de aprobar la Resolución Nro. 2013-15 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 11 de mayo de 2013 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección, la cual fue secundada por el Concejal Stoll.

Cuộc Vận Động đã được tiến hành bởi Ủy Viên Hội Đồng Townsend, tán thành bởi Ủy Viên Hội Đồng Stoll, để chấp thuận Nghị Quyết số 2013-15, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 11 tháng Năm, 2013, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

動議已由市議員 Townsend, 第二由市議員 Stoll, 通過決議案2013-15, 取消一般市府官員應於2013年5月11日的選舉計畫, 其是根據德克薩斯州選舉法2.053(a)節; 茲此通知該選舉取消; 以及提供關於取消該選舉的詳情。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

動議無異議的通過。

- 7.7 Motion was made by Councilman Townsend, second by Councilman Brown, to approve Resolution No. 2013-16, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Thursday, July 4, 2013, and Closing State Highway 249 Business from Hicks to the North Entrance to Kroger's from 2:00 p.m. until 10:00 p.m., and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway 249 Business.

Motion was made by Councilman Townsend, second by Councilman Brown, to extend the time to end the celebration to 10:30 p.m., to allow sufficient time to clear the area before opening SH 249 Business to traffic.

Motion, as amended, carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 1st day of April 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor