

**NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, JANUARY 4, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, January 4, 2016 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Rick Brown, Senior Pastor, ChristBridge Fellowship Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 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.]

5.0 Reports and Announcements

- January 9, 2016 – **2nd Saturday at the Depot**
- January 20, 2016 – First day to apply for Place on Ballot for the May 7, 2016 General City Election
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - David Esquivel – Splash pad expansion update.

6.0 Approve the Minutes of the December 21, 2015 Regular City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2015-25, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Amending Section 50-82 (b) (“Use Charts”) to Add a Land Use and Associated Regulations for “Reception Venue”; 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.

8.0 New Business:

- 8.1 Approve Resolution No. 2016-01, a Resolution and Order of the City Council of the City Of Tomball, Texas, Ordering the General City Election, to be Held in the City of Tomball on Saturday, May 7, 2016; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election.

Aprobar la Resolución Nro. 2016-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 7 de mayo de 2016; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.

Chấp thuận Nghị Quyết số 2016-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 7 tháng Năm, 2016; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

批准決議案編號2016-01，為一德克薩斯州，Tomball市市議會決議及指示，特指示一市府官員普選，其將於2016年5月7日，星期六在Tomball市召開；並已為此選舉指定投票所地點以及指派選舉官員；指導發出本選舉之選舉通知；如需要，將指定決選日期；以及提供所有與召開本選舉相關的細節

- 8.2 Consider approval of Resolution No. 2016-02, a Resolution of the City Council of the City of Tomball, Texas regarding the release of an approximately 16.577 acre tract of land located at the southeast corner of FM 2920 and Telge Road from the extraterritorial jurisdiction of the City of Houston

9.0 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 31st day of December 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

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 feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 4, 2016

Topic:

- Led by Rick Brown, Senior Pastor, ChristBridge Fellowship Church

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 4, 2016

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council Agenda Item Data Sheet

Meeting Date: January 4, 2016

Topic:

- January 9, 2016 – **2nd Saturday at the Depot**
- January 20, 2016 – First day to apply for Place on Ballot for the May 7, 2016 General City Election
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - David Esquivel – Splash pad expansion update.

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council Agenda Item Data Sheet

Meeting Date: January 4, 2016

Topic:

Approve the Minutes of the December 21, 2015 Regular City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

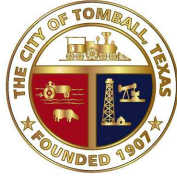
City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

City Council Minutes 12-21-15

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



MONDAY, DECEMBER 21, 2015

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:

Councilman Hudgens
Councilman Klein Quinn
Councilman Townsend
Councilman Degges
Councilman Stoll

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
CSO Administrative Assistant – Tracy Garcia
Community Events Coordinator – Denise Fiore

- 2.0** The invocation was led by Pastor Kenny Rodgers, Anointed Faith Family.
- 3.0** Pledges to U. S. and Texas Flags were led by Robert Hauck.
- 4.0** No Public Comments were received.

5.0 Reports and Announcements:

- December 24-25, 2015 – Christmas Holiday – City Offices closed
- January 1, 2016 – New Year’s Day Holiday – City Offices closed
- January 9, 2016 – **2nd Saturday at the Depot**
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on the success of the *Christmas on Commerce, 2nd Saturday at the Depot* event

6.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the December 7, 2015 Special Joint City Council and TEDC Meeting and the December 7, 2015 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for Project Number 2016-02 - Sale of Improvements Located at 100 Florence Street, in the amount of \$10,352.00.

Motion carried unanimously.

7.2 Motion was made by Councilman Stoll, second by Councilman Hudgens, to approve Resolution No. 2015-27, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 5, 2016

Motion carried unanimously.

7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to Initiate Contemplated Litigation Related to Collection of Hotel Occupancy Taxes Held by KCC, International, LLC, Operating as the La Quinta Inn & Suites for the La Quinta Inn & Suites located at 14000 Medical Complex Drive in Tomball.

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll, to Initiate Litigation Related to Collection of Hotel Occupancy Taxes Held by KCC, International, LLC, Operating as the La Quinta Inn & Suites for the La Quinta Inn & Suites located at 14000 Medical Complex Drive in Tomball.

Motion, as AMENDED, carried unanimously.

- 7.4 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve and ratify the Assignment of Development Agreement regarding the Assignment of Annual Assessment Collections for PID No. 5, Yaupon Trails (The Development Agreement is "Yaupon Trails" and the Assignment Agreement is "Yaupon Trails".)

Motion carried unanimously.

- 7.5 Craig Meyers presented an update on Status of Recommendations Made as Part of the Community Development Department Development Review Process Evaluation.

No action necessary. By a majority consensus, Council accepted the recommendations as presented.

- 7.6 Consideration to approve ZONING CASE P15-0122: Request by the City of Tomball to amend Section 50-82 (b) ("Use Charts") of the Tomball Code of Ordinances by adding "Reception venue" as an additional land use in the City of Tomball.

- Mayor Fagan opened the Public Hearing on ZONING CASE P15-0122 at 6:38 p.m.

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

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2015-25 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2015-25, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Amending Section 50-82 (b) ("Use Charts") to Add a Land Use and Associated Regulations for "Reception Venue"; 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>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>

Councilman Townsend Aye
Councilman Klein Quinn Aye

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 6:42 p.m..

PASSED AND APPROVED this the 4th day of January 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council Agenda Item Data Sheet

Meeting Date: January 4, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2015-25, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Amending Section 50-82 (b) ("Use Charts") to Add a Land Use and Associated Regulations for "Reception Venue"; 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.

Background:

On December 14, 2015, the Planning and Zoning Commission approved Zoning Case P15-0122 with a 3-1 vote.

Origination:

Community Development Department

Recommendation:

Adopt Ordinance No. 2015-25 on second reading.

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-25

Staff Report

Public Hearing Notification

ORDINANCE NO. 2015-25

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY AMENDING SECTION 50-82 (B) (“USE CHARTS”) TO ADD A LAND USE AND ASSOCIATED REGULATIONS FOR “RECEPTION VENUE”; 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.

* * * * *

WHEREAS, the City of Tomball has requested that Section 50-82(b) (“Use Charts”) of the Code of Ordinances be amended;

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted public hearings regarding the request to amend Section 50-82(b) (“Use Charts”) of the Code of Ordinances;

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the amendment to Section 50-82(b) (“Use Charts”) of the Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Section 50-82(b) (“Use Charts”) of the Code of Ordinances.

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Section 50-82(b) (“Use Charts”) of the Code of Ordinances is hereby amended by adding the following:

Types of Land Uses	Residential Zoning Districts							Non-Residential Zoning Districts				OT&MU	Parking Ratio (Also see Section 50-112)
	AG	SF-20-E	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal & Business													
Reception venue	C	C						C	P	P	P	P	1 space: 4 seats

Section 3. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated above.

Section 5. 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 Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

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 21st DAY OF DECEMBER 2015.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

SECOND READING:

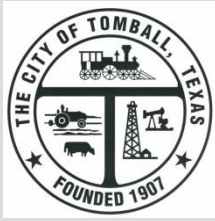
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF JANUARY 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: December 14, 2015

City Council Public Hearing Date: December 21, 2015

ZONING CASE P15-0122: Request by the City of Tomball to amend Section 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances by adding “Reception venue” as an additional land use in the City of Tomball.

BACKGROUND

On October 3, 2015, City staff met with the owner of Ella’s Garden about expanding their current operations. Ella’s Garden is a wedding and event venue located at 1415 Ulrich Road. Ella’s Garden would currently be classified as a “Wedding Chapel”, which is not a permitted use in the Single-Family 20 Estate District, and therefore is not able to expand. As Ella’s Garden is a venue for other types of gatherings in addition to weddings, City staff determined the best land use for Ella’s Garden would be “Reception venue”. A “Reception venue” is not a use currently in Tomball’s Land Use Matrix.

Ella’s Garden is requesting that Staff amend Section 50-82 (Use Charts) of the Code of Ordinances to create a new land use for a “Reception venue” and subsequently the City will need to establish which zoning districts the new use would be permitted to operate in and associated parking requirements.

PROPOSED AMENDMENTS

Section 50-82 (Use Charts)

Types of Land Uses	Residential Zoning Districts							Non-Residential Zoning Districts				OT&MU	Parking Ratio (Also see Section 50-112)
	AG	SF-20-E	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal & Business													
Reception venue	C	C						C	P	P	P	P	1 space: 4 seats

A “Reception venue” to be allowed by right (P) in the Light Industrial, Commercial, and General Retail zoning districts and allowed with a Conditional Use Permit (C) in the Office, Agricultural and Single-Family 20 Estate districts.

ANALYSIS

By creating the proposed new land use, Ella's Garden will be allowed to expand their operations to reach more people in the community and bring more people to Tomball for events. It will also benefit future business owners who wish to establish similar venues in Tomball.

There are other land uses of equal or greater intensity than a "Reception venue" allowed in the Agricultural (AG) and Single-Family 20 Estate (SF-20-E) districts with a Conditional Use Permit. These uses include but are not limited to "Community Center (Public)", "Community or Social Building", "Country Club (Private)", and "School, College or University".

Permitting a "Reception venue" in the Office, AG and SF-20-E districts with the approval of a Conditional Use Permit, allows the Planning & Zoning Commission and City Council to determine the impact and feasibility of the project on a case-by-case basis and if necessary add conditions to an approval to mitigate any potentially adverse impacts.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on November 30, 2015. No public comment forms have been received as of December 10, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-0122.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
December 14, 2015
&
CITY COUNCIL
December 21, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 14, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 21, 2015, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P15-0122: Request by the City of Tomball to amend Section 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances by adding “Reception venue” as an additional land use in the City of Tomball.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **10th** day of **December 2015** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler
Kim Chandler
Secretary of the Board

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Regular City Council

Agenda Item

Meeting Date: January 4, 2016

Data Sheet

Topic:

Approve Resolution No. 2016-01, a Resolution and Order of the City Council of the City Of Tomball, Texas, Ordering the General City Election, to be Held in the City of Tomball on Saturday, May 7, 2016; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election.

Aprobar la Resolución Nro. 2016-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 7 de mayo de 2016; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.

Chấp thuận Nghị Quyết số 2016-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 7 tháng Năm, 2016; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

批准決議案編號2016-01，為一德克薩斯州，Tomball市市議會決議及指示，特指示一市府官員普選，其將於2016年5月7日，星期六在Tomball市召開；並已為此選舉指定投票所地點以及指派選舉官員；指導發出本選舉之選舉通知；如需要，將指定決選日期；以及提供所有與召開本選舉相關的細節

Background:

Resolution No. 2016-01 orders the Regular City Officer's Election, which will be held on Saturday, May 7, 2016 for Mayor and Council Position 3.

The first day to file an Application for Place on Ballot is Wednesday, January 20, 2016; the last day to file an Application for Place on Ballot is Friday, February 19, 2016 at 5:00 p.m. Early Voting will be held April 25-29 and May 2-3, 2016.

The Resolution also designates the polling places, appoints the election officers, authorizes the use of the eSlate Voting System, and authorizes two 12-hour days of early voting on Tuesday, April 26, and Tuesday, May 3, 2016. Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 11, 2016; early voting for the Runoff Election would begin June May 31, 2016 and end June 7, 2016.

The contract between Hart Intercivic and the City includes personnel training, equipment testing, programming, on-site support, tallying, maintenance/repairs, software upgrades and certification services for the City's general election and the special election. The anticipated expenses for the May 7, 2015 election are approximately \$15,000, including the contracted services with Hart Intercivic for programming and Election Day support/finalizing the election. Additional expenses will be incurred for the general election if a runoff election is required; however, funds budgeted for elections in the FY 2015-2016 budget should be sufficient to cover anticipated costs.

As in previous years, a provision has been included in Section 2 to authorize the City Secretary to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified pool of Election Clerks if either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties for whatever reason.

Origination:

Doris Speer, City Secretary

Recommendation:

Approve Resolution No. 2016-01

Funding: Yes

Account Number: 100-114-6371

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Resolution No. 2016-01 - English

Resolution No, 2016-01 - Spanish

Resolution No 2016-01 - Vietnamese

Resolution No. 2016-01 - Mandarin

RESOLUTION NO. 2016-01

A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ORDERING A REGULAR CITY OFFICER'S ELECTION, TO BE HELD IN THE CITY OF TOMBALL ON SATURDAY, MAY 7, 2016; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; DESIGNATING THE DATE FOR A RUNOFF ELECTION IF NEEDED; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION

* * * * *

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

Section 1: It is hereby ordered that a Regular Election be held in and throughout the City of Tomball, Texas on the first Saturday in May, the 7th day of May, 2016, at which election the following officers shall be elected by the resident qualified voters in and for the said City of Tomball, to-wit:

POSITION

**MAYOR
COUNCIL POSITION 3**

Section 2: The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

Tomball City Hall
401 Market Street
Tomball, Texas 77375

ELECTION OFFICERS

Patsy Kinsey, Presiding Judge
Latrell Shannon, Alternate Presiding Judge.

The City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required by Section 32.009 of the Texas Election Code. If either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties, the City Secretary is authorized to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified Election Clerks, as needed.

The Presiding Judge shall have the authority to appoint no more than seven (7) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election

officers shall also serve as the Early Voting Ballot Board for such election; the Presiding Judge of such election precinct shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge shall be compensated at an hourly rate of \$12.50; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.50 as provided by Title 3, Section 32.091(a) of the State Election Code. The Election Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code, if such delivery is necessary. The City will pay for any required training of the City's election judges and clerks. Judges and clerks will also be reimbursed for travel and will be paid at the set hourly rates for training time.

Section 4: The City Secretary is hereby appointed the Elections Clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting for such election is hereby designated as:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from seven forty-five o'clock (7:45) a.m. until five o'clock (5:00) p.m. on Monday, Wednesday, and Thursday, from seven forty-five o'clock (7:45) a.m. until seven forty-five o'clock (7:45) p.m. on Tuesday, and from seven forty-five o'clock (7:45) a.m. until four o'clock (4:00) p.m. on Friday, on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of such election. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Tuesday, April 26, 2016 and Tuesday, May 3, 2016.

Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5: All ballots shall be prepared in accordance with Texas Election Code. Paper ballots shall be used for early voting by mail and the eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE Voting System. The City Council hereby adopts for use in early and election day voting the eSlate Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All expenditures necessary

for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Section 6: The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 7: Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

Section 8: Said election shall be held in accordance with the provisions of Article XI, Section 11 of the Constitution of Texas, which provides that a municipality having terms exceeding two (2) years must fill any vacancy within 120 days after such vacancy occurs, the Texas Election Code and the Federal Voting Rights Act of 1965, as amended. Only duly qualified resident electors of the City of Tomball shall be qualified to vote.

Section 9: The first day to file an application for place on ballot is January 20, 2016. All candidates for election for the Office of Mayor and City Council, Position 3 must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on February 19, 2016 in order for their names to be included on the Official Ballot.

Section 10: Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 11, 2016. Early voting for the Runoff Election will begin May 31, 2016 and end June 7, 2016. All terms, conditions, and provisions established for the May 7, 2016 Regular City Officers Election shall apply to the Runoff Election.

Section 11: The City Secretary is hereby authorized and instructed to give Notice of said election as required by law.

PASSED, APPROVED and RESOLVED this 4th day of January 2016.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

RESOLUCIÓN NRO. 2016-01

UNA RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, QUE ORDENA UNA ELECCIÓN REGULAR DE FUNCIONARIO MUNICIPAL, A CELEBRARSE EN LA CIUDAD DE TOMBALL EL SÁBADO 7 DE MAYO DE 2016; QUE DESIGNA LOS LUGARES DE VOTACIÓN Y NOMBRA LOS FUNCIONARIOS ELECTORALES PARA DICHA ELECCIÓN; QUE INSTRUYE LA ENTREGA DEL AVISO DE DICHA ELECCIÓN; QUE DESIGNA LA FECHA PARA UNA ELECCIÓN DE DESEMPATE EN CASO DE SER NECESARIA; Y QUE DISPONE LOS DETALLES RELATIVOS A LA CELEBRACIÓN DE DICHA ELECCIÓN

* * * * *

EL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS RESUELVE:

Sección 1: Por la presente se ordena que se realice una Elección Regular en toda la Ciudad de Tomball, Texas, el primer sábado de mayo, el día 7 de mayo de 2016, elección en la cual los residentes que sean votantes habilitados votarán para elegir a los siguientes funcionarios en y para la mencionada Ciudad de Tomball, a saber:

POSICIÓN

**ALCALDE
CONSEJO, POSICIÓN 3**

Sección 2: Los límites actuales de la Ciudad conformarán un precinto electoral, los lugares de votación estarán abiertos para votar desde las siete de la mañana (7:00 a.m.) hasta las siete de la tarde (7:00 p.m.) en el siguiente lugar de votación, y por la presente se designan a los siguientes funcionarios para llevar a cabo la elección en dicho lugar de votación:

LUGAR DE VOTACIÓN

Tomball City Hall
401 Market Street
Tomball, Texas 77375

FUNCIONARIOS ELECTORALES

Patsy Kinsey, Juez Presidente
Latrell Shannon, Juez Presidente Alterno.

Por la presente, se autoriza e instruye a la Secretaria de la Ciudad a entregar una copia de esta RESOLUCIÓN a los jueces en calidad de aviso por escrito de su designación según lo exige la Sección 32.009 del Código Electoral de Texas. Si fuera necesario y el Juez Presidente o el Juez Presidente Alterno no pudiera desempeñar sus funciones asignadas, el Secretario de la Ciudad está autorizado a escoger un Juez Presidente Actuante o Juez Presidente Alterno Actuante entre los Oficiales Electorales calificados.

El Juez Presidente estará autorizado para nombrar a no más de siete (7) funcionarios para colaborar en la celebración de dicha elección, pero bajo ninguna circunstancia el Juez Presidente nombrará menos de dos funcionarios. Dichos funcionarios electorales además actuarán como el Consejo de Boletas de Votación Anticipada para dicha elección; el Juez Presidente para dicho precinto electoral también actuará como Funcionario que preside el Consejo de Boletas de Votación Anticipada.

El Juez de la Elección será compensado con una tarifa por hora de \$12.50; los oficiales de votación anticipada y los funcionarios electorales serán compensados con una tarifa por hora de \$11.50 según lo dispone la Sección 32.091(a) del Título 3 del Código Electoral del Estado. El Juez de la Elección será compensado con una cantidad de \$25 por la entrega de equipamiento y suministros de la elección según lo dispone la Sección 32.091(a) del Título 3 del Código Electoral del Estado, si dicha entrega fuera necesaria. La Ciudad pagará por cualquier capacitación requerida para los jueces y los oficiales de la elección de la Ciudad. Los jueces y los oficiales también recibirán el reembolso de los gastos de transporte y se les pagarán las tarifas por hora establecidas por el tiempo de capacitación.

Sección 4: Por la presente se designa a la Secretaria de la Ciudad como Oficial de las Elecciones para la votación anticipada; la designación de uno o más suboficiales para la votación anticipada por la Secretaria de la Ciudad se realizará de acuerdo con la Sección 83.001 y siguientes del Código Electoral de Texas. Por la presente se designa el lugar de votación anticipada para dicha elección como:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Dichos oficiales mantendrán dicha oficina abierta durante el horario laboral regular de City Hall, es decir, de siete cuarenta y cinco de la mañana (7:45 a.m.) hasta las cinco de la tarde (5:00 p.m.) los lunes, miércoles y jueves, de siete cuarenta y cinco de la mañana (7:45 a.m.) hasta siete cuarenta y cinco de la tarde (7:45 p.m.) los martes, y de siete cuarenta y cinco de la mañana (7:45 a.m.) hasta las cuatro de la tarde (4:00 p.m.) los viernes, durante cada día de votación anticipada que no es un sábado, un domingo o un feriado oficial estatal, a partir del doceavo (12.º) día y siguiendo hasta el cuarto (4.º) día anteriores a la fecha de dicha elección. Según lo requiere la Sección 85.005(d) del Código Electoral, la votación anticipada en persona en el principal lugar de votación de la votación anticipada se realizará por un mínimo de 12 horas durante dos días de semana, si el periodo de votación anticipada consta de seis o más días de semana; por tanto, la votación anticipada en persona se realizará por 12 horas el martes 26 de abril de 2016 y el martes 3 de mayo de 2016.

Dichos oficiales no le permitirán a nadie votar con anticipación en persona durante ningún día que no sea un día laboral regular para la oficina del oficial, y bajo ninguna circunstancia le permitirán a nadie votar con anticipación en persona en cualquier horario en el cual dicha oficina no está abierta al público. El lugar descrito anteriormente para la votación anticipada también es la dirección postal del oficial a la cual se deben enviar las solicitudes de boleta de votación y las boletas de votación por correo. El oficial de votación anticipada, de acuerdo a las disposiciones del Código Electoral de Texas, mantendrá una lista que incluye cada persona que vota con anticipación en persona y cada persona a la que se le envía una boleta de votación por correo. La lista tendrá una forma aprobada por el Secretario de Estado.

Sección 5: Todas las boletas de votación serán preparadas de acuerdo con el Código Electoral de Texas. Las boletas de votación de papel se usarán para la votación anticipada por correo y el Sistema de votación electrónico de registro directo (DRE) eSlate se usará para la votación anticipada en persona y para la votación del Día de Elección, las cuales forman parte del Sistema de votación DRE eSlate. Por la presente el Consejo Municipal adopta para uso en la votación anticipada y la votación del día de la elección el Sistema de votación electrónico de registro directo (DRE) eSlate según lo aprobó el Secretario de Estado. Por la presente se autorizan todos los gastos necesarios para la realización de la elección, la compra de materiales para la misma y el empleo de todos los funcionarios electorales.

Sección 6: Por medio de la presente se autoriza e instruye a la Secretaria de la Ciudad a proporcionar todos los suministros necesarios para llevar a cabo dicha elección.

Sección 7: El aviso de esta elección se otorgará de acuerdo con las disposiciones del Código Electoral de Texas y los resultados de dicho aviso se realizarán según lo dispone el mencionado Código. El Alcalde emitirá todas las órdenes y los escritos necesarios para dicha elección, y los resultados de dicha elección serán entregados a la Secretaria de la Ciudad después del cierre de los lugares de votación.

Sección 8: Dicha elección se llevará a cabo de acuerdo con las disposiciones de la Sección 11 del Artículo XI de la Constitución de Texas, que dispone que una municipalidad que tiene mandatos que superan los dos (2) años debe cubrir cualquier vacante dentro de los 120 días posteriores a que se produzca dicha vacante, el Código Electoral de Texas y la Ley Federal de Derecho al Voto de 1965 y sus enmiendas. Solo los residentes que sean votantes debidamente habilitados de la Ciudad de Tomball podrán votar.

Sección 9: El primer día para presentar la solicitud para obtener un lugar en la boleta de votación es el 20 de enero de 2016. Todos los candidatos para el Cargo de Alcalde y para la Posición 3 en el Consejo Municipal, deben presentar sus nombres ante la Secretaria de la Ciudad de la Ciudad de Tomball antes de las 5:00 P.M. del 19 de febrero de 2016 a fin de que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 10: En caso de necesidad de una Elección de Desempate, se designa el sábado 11 de junio de 2016 como la fecha de la Elección de Desempate. La votación anticipada para la Elección de Desempate comenzará el 31 de mayo de 2016 y finalizará el 7 de junio de 2016. En la Elección de Desempate se aplicarán todos los términos, las condiciones y las disposiciones estipulados para la Elección Regular de Funcionarios Municipales del 7 de mayo de 2016.

Sección 11: Por la presente se autoriza e instruye a la Secretaria de la Ciudad a dar Aviso de dicha elección según lo requiere la ley.

PASADA, APROBADA Y ADOPTADA este día 4 de enero de 2016.

ATESTIGUA:

GRETCHEN FAGAN, Alcalde
Ciudad de Tomball

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2016-01

NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ TOMBALL, TEXAS, RA LỆNH TỔ CHỨC MỘT CUỘC BẦU CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG LỆ TẠI THÀNH PHỐ TOMBALL VÀO THỨ BẢY, NGÀY 7 THÁNG NĂM, 2016; ÁN ĐỊNH CÁC ĐỊA ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC TUYỂN CỬ CHO CUỘC BẦU CỬ ĐÓ; ÁN ĐỊNH NGÀY CHO CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ CUNG CẤP CÁC CHI TIẾT LIÊN QUAN ĐẾN VIỆC TỔ CHỨC CUỘC BẦU CỬ ĐÓ

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HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS QUYẾT ĐỊNH:

Mục 1: Theo đây ra lệnh tổ chức Cuộc Bầu Cử Thường Lệ trong và trên toàn Thành Phố Tomball khắp Thành Phố Tomball, Texas, vào thứ Bảy đầu tiên của tháng Năm, có nghĩa là ngày 7 tháng Năm, 2016. Trong cuộc bầu cử này, các viên chức sau đây sẽ được bầu chọn bởi các cử tri cư dân hội đủ điều kiện trong và cho Thành Phố Tomball, như sau:

VỊ TRÍ

THỊ TRƯỞNG ỦY VIÊN HỘI ĐỒNG, VỊ TRÍ 3

Mục 2: Ranh giới hiện tại của Thành Phố tạo thành một phân khu bầu cử, các quầy phiếu sẽ được mở cửa cho cử tri đến bỏ phiếu từ bảy (7) giờ sáng đến bảy (7) giờ tối, tại địa điểm bỏ phiếu sau đây, và theo đây chỉ định các viên chức để tiến hành cuộc bầu cử tại địa điểm nói trên:

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC TUYỂN CỬ

Patsy Kinsey, Trưởng Ban Điều Hành
Latrell Shannon, Trưởng Ban Điều Hành Dự Khuyết

Thư Ký Thành Phố theo đây được ủy quyền và chỉ thị cung cấp một bản sao của NGHỊ QUYẾT này cho các trưởng ban điều hành cuộc bầu cử dưới dạng thông báo bằng văn bản về việc bổ nhiệm của họ theo qui định của Mục 32.009 của Bộ Luật Tuyển Cử Texas. Nếu Trưởng Ban Điều Hành hoặc Trưởng Ban Điều Hành Dự Khuyết không thể thực hiện các nhiệm vụ được giao, Thư Ký Thành Phố được phép bầu chọn một Quyền Trưởng Ban Điều Hành hoặc Quyền Trưởng Ban Điều Hành Dự Khuyết từ các Thư Ký Tuyển Cử hội đủ điều kiện, nếu cần thiết.

Trưởng Ban Điều Hành sẽ có thẩm quyền bổ nhiệm không quá bảy (7) thư ký để giúp tổ chức cuộc bầu

cử nói trên, nhưng trong mọi trường hợp Trưởng Ban Điều Hành không bao giờ được bỏ nhiệm ít hơn hai thư ký. Các viên chức phụ trách tuyển cử nói trên cũng là Ủy Ban Đặc Trách về Bỏ Phiếu Sớm cho cuộc bầu cử nói trên; Trưởng Ban Điều Hành của phân khu bầu cử đó cũng đảm nhận vị trí Viên Chức Điều Hành của Ủy Ban Đặc Trách về Bỏ Phiếu Sớm.

Trưởng Ban Điều Hành sẽ được trả thù lao theo giờ ở mức \$12.50; các thư ký phụ trách bỏ phiếu sớm và thư ký phụ trách tuyển cử được trả thù lao theo giờ ở mức \$11.50 như qui định trong Tiêu Đề 3, Mục 32.091(a) của Bộ Luật Tuyển Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thù lao với số tiền là \$25 cho việc giao nhận thiết bị máy móc và vật tư cho cuộc bầu cử như qui định trong Tiêu Đề 3, Mục 32.091(a) của Bộ Luật Tuyển Cử Tiểu Bang, nếu việc giao nhận đó là cần thiết. Thành Phố sẽ đài thọ công việc huấn luyện cần thiết cho các trưởng ban điều hành và thư ký phụ trách tuyển cử của Thành Phố. Các trưởng ban điều hành và thư ký cũng sẽ được hoàn trả chi phí đi lại và sẽ được thanh toán ở mức chi phí theo giờ qui định cho thời gian tham gia huấn luyện.

Mục 4: Thư Ký Thành Phố theo đây được chỉ định làm Thư Ký phụ trách Tuyển Cử cho thủ tục bỏ phiếu sớm; việc chỉ định một phó thư ký hoặc các thư ký phụ trách bỏ phiếu sớm qua Thư Ký Thành Phố sẽ tuân thủ đúng Mục 83.001 và các phần sau đó của Bộ Luật Tuyển Cử Texas. Địa điểm bỏ phiếu sớm cho cuộc bầu cử theo đây được ấn định như sau:

City Hall
Thành Phố Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Các thư ký nói trên sẽ mở cửa văn phòng trong giờ Tòa Thị Chính Thành Phố thường mở cửa làm việc, có nghĩa là từ bảy giờ bốn mươi lăm phút (7:45) sáng cho đến năm (5:00) giờ chiều ngày thứ Hai, thứ Tư và thứ Năm, từ bảy giờ bốn mươi lăm phút (7:45) sáng cho đến bảy giờ bốn mươi lăm phút (7:45) tối ngày thứ Ba, và từ bảy giờ bốn mươi lăm phút (7:45) sáng cho đến bốn (4) giờ chiều ngày thứ Sáu, vào mỗi ngày bỏ phiếu sớm không phải là ngày thứ Bảy, Chủ Nhật, hoặc một ngày nghỉ lễ chính thức của tiểu bang, bắt đầu từ ngày thứ mười hai (12) và tiếp tục cho đến ngày thứ tư (4) trước ngày tổ chức bầu cử. Theo qui định của Mục 85.005 (d), Bộ Luật Tuyển Cử, thủ tục đích thân tới bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành trong ít nhất 12 giờ vào hai ngày trong tuần, nếu thời hạn bỏ phiếu sớm có ít nhất sáu ngày trong tuần trở lên; do vậy, thủ tục đích thân tới bỏ phiếu sớm sẽ được tiến hành trong 12 giờ vào thứ Ba, ngày 26 tháng Tư, 2016 và thứ Ba, ngày 3 tháng Năm, 2016.

Các thư ký nói trên sẽ không cho phép bất kỳ người nào đích thân tới bỏ phiếu sớm vào bất kỳ ngày nào không phải là một ngày làm việc bình thường của văn phòng thư ký, và trong mọi trường hợp các thư ký sẽ không cho phép bất kỳ người nào đích thân tới bỏ phiếu sớm vào bất kỳ thời gian nào văn phòng đó không mở cửa cho công chúng. Địa điểm bỏ phiếu sớm mô tả trên đây cũng là địa chỉ bưu tín của thư ký nơi tiếp nhận đơn xin lá phiếu bầu và lá phiếu bỏ phiếu bằng thư. Chiếu theo các điều khoản của Bộ Luật Tuyển Cử Texas, thư ký phụ trách bỏ phiếu sớm sẽ lưu giữ một bản danh sách ghi tên từng cử tri đích thân tới bỏ phiếu sớm và mỗi người nhận được lá phiếu để bầu qua thư. Danh sách này sẽ được ghi theo mẫu được Tổng Trưởng Tiểu Bang phê chuẩn.

Mục 5: Tất cả các lá phiếu sẽ được biên soạn chiếu theo Bộ Luật Tuyển Cử Texas. Lá phiếu giấy sẽ được sử dụng cho thủ tục bỏ phiếu sớm và Hệ Thống Bỏ Phiếu eSlate Direct Recording Electronic (DRE) sẽ được sử dụng cho thủ tục đích thân tới bỏ phiếu sớm và bỏ phiếu vào Ngày Bầu Cử, cả hai đều thuộc Hệ Thống Bỏ Phiếu eSlate DRE. Hội Đồng Thành Phố theo đây thông qua việc sử dụng Hệ Thống Bỏ Phiếu eSlate Direct Recording Electronic (DRE) được Tổng Trưởng Tiểu Bang phê chuẩn cho thủ tục bỏ phiếu sớm và bỏ phiếu vào ngày bầu cử. Mọi chi phí cần thiết để tiến hành cuộc bầu cử, việc mua tài liệu cho cuộc bầu cử, và tuyển dụng tất cả các viên chức tuyển cử theo đây được phép thực hiện.

Mục 6: Thư Ký Thành Phố theo đây được phép và được chỉ thị cung cấp toàn bộ đồ dùng tuyển cử cần thiết để tiến hành cuộc bầu cử đó.

Mục 7: Cuộc bầu cử này sẽ được thông báo chiếu theo các điều khoản của Bộ Luật Tuyển Cử Texas và số phiếu bầu của cuộc bầu cử đó sẽ được gửi đi như qui định trong Bộ Luật nói trên. Thị Trưởng ban hành tất cả các lệnh và chỉ thị cần thiết cho cuộc bầu cử, và số phiếu bầu của cuộc bầu cử sẽ được gửi cho Thư Ký Thành Phố ngay sau khi các địa điểm bỏ phiếu đóng cửa.

Mục 8: Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo các điều khoản qui định trong Điều Khoản XI, Mục 11 của Hiến Pháp Texas, qui định rằng chính quyền địa phương có nhiệm kỳ vượt quá hai (2) năm phải tuyển nhân sự cho bất kỳ vị trí trống nào trong vòng 120 ngày sau khi có vị trí trống đó, Bộ Luật Tuyển Cử Texas và Đạo Luật Quyền Bầu Cử Liên Bang 1965, bản tu chính. Chỉ có các cử tri cư dân hội đủ điều kiện của Thành Phố Tomball mới hội đủ điều kiện bỏ phiếu.

Mục 9: Ngày đầu tiên nộp đơn xin ghi tên trên lá phiếu là ngày 20 tháng Một, 2016. Tất cả các ứng cử viên tranh cử vào Chức Vụ Thị Trưởng và Ủy Viên Hội Đồng Thành Phố, Vị Trí Số 3, phải cung cấp tên cho Thư Ký Thành Phố của Thành Phố Tomball, Texas trễ nhất là 5 giờ chiều ngày 19 tháng Hai, 2016 để tên của các ứng cử viên đó được ghi vào Lá Phiếu Chính Thức.

Mục 10: Nếu cần tổ chức Cuộc Bầu Cử Chung Cuộc, ngày tổ chức Cuộc Bầu Cử Chung Cuộc được ấn định là thứ Bảy, ngày 11 tháng Sáu, 2016. Thủ tục bỏ phiếu sớm cho Cuộc Bầu Cử Chung Cuộc sẽ bắt đầu từ ngày 31 tháng Năm, 2016 và kết thúc vào ngày 7 tháng Sáu, 2016. Tất cả các điều khoản, điều kiện và qui định được thiết lập cho Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ ngày 7 tháng Năm, 2016 sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

Mục 11: Thư Ký Thành Phố theo đây được ủy quyền và chỉ thị đưa ra Thông Báo về cuộc bầu cử nói trên theo yêu cầu của luật pháp.

ĐƯỢC PHÊ CHUẨN, THÔNG QUA và QUYẾT ĐỊNH vào hôm nay ngày 4 tháng Một, 2016.

CHỨNG THỰC:

GRETCHEN FAGAN, Thị Trưởng
Thành Phố Tomball

DORIS SPEER, Thư Ký Thành Phố
Thành Phố Tomball

第2016-01號決議案

TEXAS州TOMBALL市市議會決議及命令之內容包括：於2016年5月7日（週六）在TOMBALL市舉行市政官員常規選舉；為上述選舉指定投票地點並任命選舉官員；就發出本選舉之通知作出指示；指定複選舉行日期（如果需要舉行複選）；以及就本選舉之舉行事宜作出具體規定。

* * * * *

TEXAS州TOMBALL市市議會決議如下：

第1條： 現命令於2016年5月7日（即5月第一個週六）在Texas州Tomball市舉行一項常規選舉，藉此由Tomball市合資格居民選民投票選出以下官員：

職位

市長
議會席位3號

第2條： 本市之當前範圍可構成一選區；下列投票地點應於上午七時(7:00)至晚上七時(7:00)開放，以便選民進行投票；現任命以下人士擔任選舉官員，負責執行該投票地點之選舉：

投票地點

Tomball City Hall
401 Market Street
Tomball, Texas 77375

選舉官員

Patsy Kinsey, 主審法官
Latrell Shannon, 候補主審法官。

根據Texas州選舉法第32.009條之規定，現授權並指示市政秘書向選舉法官提供本決議之副本，作為其書面委任通知。若主審法官或候補首席選舉法官無法行使其職責，則市政秘書有權在必要時選擇一名合資格之選舉書記員擔任代理主審法官或代理候補主審法官。

主審法官有權任命不超過七(7)名書記員來協助舉行本次選舉，但在任何情況下，主審法官任命之書記員均不得少於兩人。上述選舉官員還應擔任本次選舉的提前投票選票委員會成員，本選區之主審法官還應擔任提前投票選票委員會首席官員。

依據州選舉法第3篇第32.091(a)條之規定，選舉法官應獲得時薪為\$12.50美元的報酬；提前投票書記員和選舉書記員應獲得時薪為\$11.50美元的報酬。依據州選舉法第3篇第32.091(a)條之規定，如需運送選舉設備及用品，選舉法官應獲得金額為\$25美元的報酬。本市選舉法官與書記員的一切必要培訓費用應由本市承擔。法官與書記員的差旅費用應亦予以報銷，且培訓期間應按照規定時薪獲得報酬。

第4條： 現任命市政秘書為提前投票的選舉書記員，並由市政秘書依照Texas州選舉法第83.001條及以下條款之規定，任命一名或多名提前投票書記員助手。本選舉之提前投票地點為：

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375。

上述書記員應確保上述辦公室於市政廳正常辦公時間開放：即從選舉日前十二(12)天至前四(4)天期間，於週一、週三及週四的上午七時四十五分(7:45)至下午五時(5:00)開放，週二的上午七時四十五分(7:45)至晚上七時四十五分(7:45)開放，週五的上午七時四十五分(7:45)至下午四時(4:00)開放，週六、週日及法定節假日除外。依據選舉法第85.005(d)條規定，若提前投票的舉行時間超出(含)六個工作日，則在主要提前投票地點舉行的親自出席提前投票應於其中2個工作日至少持續12小時；故此，將於2016年4月26日(週二)及2016年5月3日(週二)，舉行為時12小時的親自出席提前投票。

上述書記員不得允許任何人士於非書記員辦公室正常工作日進行親自出席提前投票，並且在任何情況下，都不得允許任何人士於非書記員辦公室面向公眾開放的時間進行親自出席提前投票。選票申請與郵寄選票亦可寄往上述提前投票地點，收件人為上述書記員。依據Texas州選舉法規定，提前投票書記員應記錄一份名單，上面載有每位參加親自出席提前投票的選民及每位寄送郵寄選票的選民。該名單應採用州務卿許可的形式記錄。

第5條： 所有選票都應依照Texas州選舉法製備。紙質選票應當用於郵寄方式的提前投票，eSlate直接記錄式電子投票系統(DRE)應當用於親自出席提前投票和選舉日投票。市議會依據州務卿之授權，現決定在提前投票和選舉日投票中採用eSlate直接記錄式電子投票系統(DRE)。舉行本次選舉、購買相關材料及僱傭所有選舉官員所需的一切支出亦在此予以批准。

第6條： 現授權並指示市政秘書佈置所有必要的選舉用品以舉行本次選舉。

第7條： 本選舉通知應依據Texas州選舉法之規定發出；上述通知的回執確認亦應依據上述選舉法規定執行。市長應簽發本選舉的所有必要命令及令狀；投票關閉后，應向市政秘書提交本選舉的選票報告。

第8條： 本次選舉應依照Texas州憲法第XI條第11款之規定舉行。Texas州憲法規定，若任期超過

兩(2)年的市政職位出現空缺，則應於120天內，根據Texas州選舉法與經修訂的1965年聯邦投票權法案，予以填補。唯有合資格的Tomball市居民選民有資格進行投票。

第9條： 自2016年1月20日起，可提交選票席位申請書。競選市長及市議員職位（議會席位3號）的所有候選人應於2016年2月19日下午5:00前將其姓名提交至Texas州Tomball市市政秘書，以便其姓名得以載入正式選票。

第10條： 如需舉行複選，則舉行日期定為2016年6月11日（週六）。複選提前投票將於2016年5月31日開始，直至2016年6月7日結束。為2016年5月7日市政官員常規選舉制定的所有條款、條件及規定同樣適用於複選。

第11條： 現授權並指示市政秘書根據法律規定發出關於本選舉的通知。

本決議已於2016年1月__4__日獲得通過、獲准及決議。

GRETCHEN FAGAN，市長
Tomball市

見證：

DORIS SPEER，市政秘書
Tomball市

Regular City Council Agenda Item Data Sheet

Meeting Date: January 4, 2016

Topic:

Consider approval of Resolution No. 2016-02, a Resolution of the City Council of the City of Tomball, Texas regarding the release of an approximately 16.577 acre tract of land located at the southeast corner of FM 2920 and Telge Road from the extraterritorial jurisdiction of the City of Houston

Background:

The property owners of approximately 16.577 acres at the southeast corner Telge and FM 2920 desire to be within the City of Tomball extraterritorial jurisdiction (ETJ) and have indicated that they will pursue an annexation into the City of Tomball in the near future.

The first step towards a possible future annexation is to release the property from the City of Houston's ETJ. The City of Houston has indicated that it will release the property from its ETJ upon a resolution from City of Tomball indicating that it will accept the property into its ETJ.

A letter from the property owners requesting the resolution, survey of the property and vicinity map is attached for reference.

Origination:

Community Development Department

Recommendation:

Funding:

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

Community Development Director

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Resolution No. 2016-02

Letter Request and Survey

Vicinity Map

RESOLUTION NO. 2016-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL,
TEXAS REGARDING RELEASE OF AN APPROXIMATELY 16.577 ACRE
TRACT OF LAND LOCATED AT THE SOUTHEAST CORNER OF FM 2920
AND TELGE ROAD FROM THE EXTRATERRITORIAL JURISDICTION
OF THE CITY OF HOUSTON.**

* * * * *

WHEREAS, a tract of land consisting of approximately 16.577 acres out of the Chancey Goodrich Survey, Abstract No. 311, Harris County, Texas, located at the southeast corner of FM 2920 and Telge Road (the "Property") is situated in the extraterritorial jurisdiction of the City of Houston; and,

WHEREAS, the City of Houston has indicated it will release the Property from its extraterritorial jurisdiction provided that the City of Tomball agrees to accept the Property into its extraterritorial jurisdiction; and

WHEREAS, the City Council of the City of Tomball finds it to be in the best interest of the City of Tomball to indicate such intentions; now, therefore,

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

SECTION 1. The facts and matters set forth in the preamble are hereby found to be true and correct.

SECTION 2: That the City Council agrees that it will accept the Property into the Tomball extraterritorial jurisdiction if released by the City of Houston from its extraterritorial jurisdiction.

PASSED, APPROVED AND ADOPTED this _____ day of January, 2016.

Gretchen Fagan, Mayor
City of Tomball, Texas

ATTEST:

Doris Speer
City Secretary

November 4, 2015

Ms. Lori Lakatos, P.E., CFM
City Engineer
City of Tomball
501 James Street
Tomball, TX 77375

Re: Request for annexation into the City of Tomball

Dear Ms. Lakatos:

I, James M. Milner and my wife Pat A. Milner, currently own a 16.577 acre tract located at the southeast corner of FM 2920 and Telge Road. See attached Land Title Survey. This tract is located in unincorporated Harris County. At this location the south side of FM 2920 is located in the City of Houston E.T.J. and the north side is located in the E.T.J. of the City of Tomball. The City of Houston currently has no utilities serving this area.

Please consider this letter our formal request for this property to be added into the City of Tomball E.T.J. We will be requesting annexation and utility service from the City of Tomball in the near future.

At this time we request a letter or resolution from the City of Tomball addressed to the City of Houston Planning Department stating that you will accept the property into Tomball's E.T.J. and that you will provide water and sewer services in the future.

Thank you in advance for your cooperation.

Sincerely,

James M. Milner
State of Texas James M. Milner
County of Harris Land Owner

Signed and sworn to (or affirmed) before me
on Nov 9, 2015
by James M. Milner
Name(s) of Person(s)

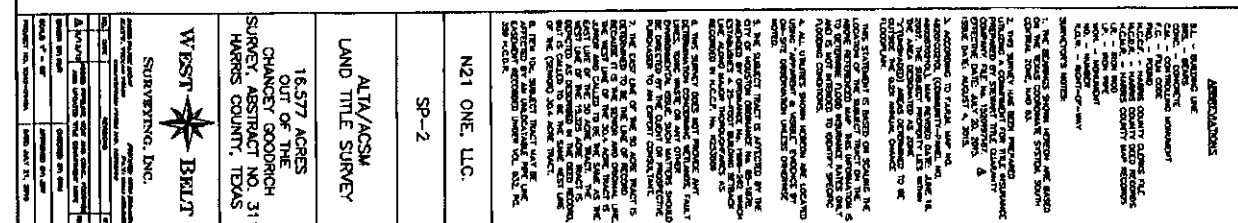


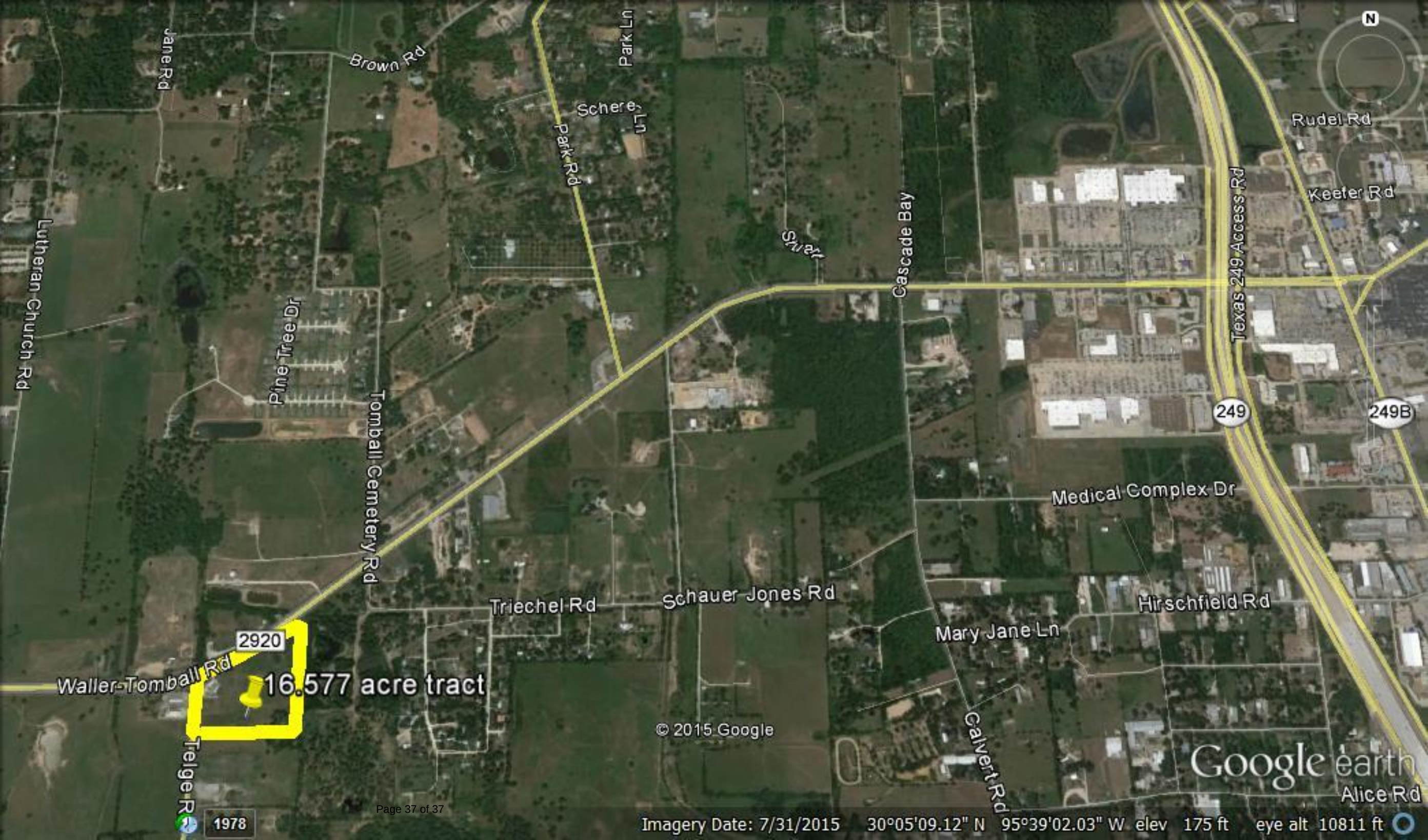
Diana L. Puccio
Signature of Notarial Officer
Notary
Title (and Rank)
My commission expires 09-11-2018
(Seal, if any)

Pat A. Milner
Pat A. Milner State of Texas
Land Owner County of Harris

Signed and sworn to (or affirmed) before me
on Nov 9, 2015
by Pat A. Milner
Name(s) of Person(s)

Diana L. Puccio
Signature of Notarial Officer
Notary
Title (and Rank)
My commission expires 09-11-2018
(Seal, if any)





Jane Rd

Brown Rd

Park Ln

Scherer

Park Rd

Waller

Cascade Bay

Texas 249 Access Rd

Rudel Rd

Keeter Rd

Lutheran Church Rd

Pine Tree Dr

Tomball Cemetery Rd

249

249B

Medical Complex Dr

Hirschfield Rd

Mary Jane Ln

Schauer Jones Rd

Triechel Rd

2920

Waller-Tomball Rd

16.577 acre tract

Telge Rd

1978

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© 2015 Google

Google earth
Alice Rd

Imagery Date: 7/31/2015 30°05'09.12" N 95°39'02.03" W elev 175 ft eye alt 10811 ft