

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



MONDAY, JANUARY 6, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, January 6, 2014 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 Reverend Henry Wied, Cross of Christ Lutheran 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 6-14, 2014 – **Early Voting** for January 18, 2014 **Special Election**
- January 11, 2014 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 18, 2014 – **Special Election** – 7:00 a.m-7:00 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

6.0 Approve the Minutes of the December 16, 2013 Regular City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2013-24, an Ordinance of the City of Tomball, Texas, Amending Chapter 60 Signs, of the Code of Ordinances, City of Tomball, by Providing that Certain Political Signs used for Electioneering shall be Governed by the Code of Ordinances, City of Tomball, by Adding Definitions to Section 60-1 Definitions; by Adopting Regulations Concerning the Time, Place and Manner of Electioneering on Public Property Used as a Polling Place; Amending Chapter 60, Section 60-7(B) "Political Signs" of the Code of Ordinances, City of Tomball; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$500 for Each Day of Violation of Any Provision Hereof, Providing an Effective Date; Making Findings of Fact; and Providing for Other Related Matters

8.0 New Business:

- 8.1 Appoint/Reappoint City of Tomball Representative to the 249 Partnership Board of Directors

- 8.2 Approve Resolution No. 2014-01, 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 10, 2014; 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. 2014-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 10 de mayo de 2014; 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 2014-01, 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 10 tháng Năm, 2014;

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2014-01，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2014年5月10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

- 8.3 Adopt, on First Reading, Ordinance No. 2014-01, 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

Adoptar, en primera lectura, la Ordenanza Nro. 2014-01, una Ordenanza de la Ciudad de Tomball, Texas, Pedido de una elección especial que se celebrará en la Ciudad de Tomball el 10 de mayo de 2014, para el propósito de someter a los votantes calificados de Tomball, Tejas Ciertas enmiendas propuestas a la Carta existente de la Ciudad; indicando las enmiendas propuestas a ser sometidas a votación en dicha elección; designación de Centro de Votación y nombramiento de Oficiales Electorales de dicha elección; entregar el formulario de la votación y que la Dirección Notificación de Elección será dado; se dictan otras disposiciones del Código Electoral del Estado; Publicación de la Leyenda de la presente Ordenanza Directivo; Al comprobar que las sesiones en que esta ordenanza se considera están abiertos al público según lo exige la ley; Prever Nulidad y Derogación del Conflicto de Ordenanzas, y proporcionar una fecha efectiva.

Thông qua, ngày đầu tiên của Reading, Pháp lệnh số 2014-01, một Pháp lệnh của thành phố Tomball, Texas, đặt hàng một cuộc bầu cử đặc biệt được tổ chức tại thành phố Tomball vào ngày 10 Tháng 5 năm 2014, cho các Mục đích của Trình bỏ phiếu Đạt Tiêu Chuẩn của Tomball, Texas Một số đề nghị sửa đổi Điều lệ hiện tại của thành phố; Phát biểu sửa đổi được đề xuất để được bình chọn khi ở Said bầu cử; Chỉ định Phòng Phiếu và bổ nhiệm các quan chức bầu cử bầu cử như vậy; Cung cấp mẫu của Lá Phiếu và chỉ đạo các thông báo về bầu cử được Given; Chứa Các quy định khác của Bộ luật bầu cử nhà nước; đạo Công bố các lời ghi chú của Pháp lệnh này; Tìm rằng cuộc họp tại đó Pháp lệnh này được coi là mở cửa để các hồ như bắt buộc của Luật; Cung cấp cho Tách và bãi bỏ của xung đột pháp lệnh; và Cung cấp một ngày hiệu quả.

採納，對首讀，編號2014-01條例，市湯波，得克薩斯州的一個條例，訂購一個特別選舉中市湯波的將於2014年5月10日，遞交給有選舉權的目的斥建議修訂在該次選舉進行表決；投票站及委任該選舉的選舉官員的指定，湯波，德州的若干建議修訂城市現有憲章提供了選票的表格及導演的選舉通知發出；含其他規定向國家選舉守則；導演出版物本條例的標題中，找到了這個條例被認為是會議舉行的開放日按法律規定，提供可分割性和廢除的衝突條例，並提供了一個有效的日期

- 8.4 Adopt, on First 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
- 8.5 Approve the following Plats, as recommended by the Planning and Zoning Commission:
- **RALEIGH CREEK SECTION ONE PARTIAL REPLAT NUMBER ONE**; A subdivision of 0.2518 acres, being a Replat of Lot 6, Block 6 of Raleigh Creek Section One, as recorded in Film Code No. 656125 H.C.M.R., and situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas.
 - **RALEIGH CREEK SECTION ONE REPLAT PARTIAL REPLAT NUMBER TWO**; A subdivision of 1.2774 acres, being a Replat of Reserve "A", Block 2 and Reserve "B", Block 1, of Raleigh Creek Section One, as recorded in Film Code No. 656125 H.C.M.R., and situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas.
- 8.6 Discuss and Take Possible Action on Raleigh Creek Electrical Distribution

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 2nd day of January 2014 by 6:00 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 6, 2014

Topic:

- Led by Reverend Henry Wied, Cross of Christ Lutheran Church

Background:

Origination:

Recommendation:

Funding:

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

City Secretary

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 6, 2014

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 ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER

Regular City Council Agenda Item Data Sheet

Meeting Date: January 6, 2014

Topic:

- January 6-14, 2014 – **Early Voting** for January 18, 2014 **Special Election**
- January 11, 2014 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 18, 2014 – **Special Election** – 7:00 a.m-7:00 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

Background:**Origination:**

Various

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	

Regular City Council Agenda Item Data Sheet

Meeting Date: January 6, 2014

Topic:

Approve the Minutes of the December 16, 2013 Regular City Council Meeting

Background:

Origination:

Recommendation:

Funding:

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

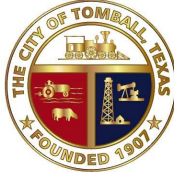
City Secretary

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

ATTACHMENTS:

Draft Minutes - 12/16/2013 Regular City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, DECEMBER 16, 2013
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 – Loren Smith
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Accountant – Christine Brookshire
Community Development Director – Craig Meyers
Assistant City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
Executive Director-TEDC – KellyViolette

2.0 The invocation was led by Pastor Kenny Rodgers, Anointed Faith Family

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 comment was received:

Richard Anderson - Expressed his interest in being appointed to
13307 Lost Creek Road serve on the Planning and Zoning Commission
77375

5.0 Reports and Announcements:

- December 24-25, 2013 – **Christmas Holiday** – City Offices Closed
- January 1, 2014 – **New Year's Day Holiday** – City Offices Closed
- January 6-14, 2014 – **Early Voting** for January 18, 2014 **Special Election**
- January 11, 2014 – **2nd Saturday at the Depot** – 5:00 p.m.
- January 18, 2014 – **Special Election** – 7:00 a.m-7:00 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:
 - Mike Baxter/Rosalie Dillon presented a report regarding ***Christmas on Commerce***
 - Glenn Windsor presented the **Quarterly Investment Report for Period Ending September 30, 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 September 30, 2013, the City had total cash equivalents and investments totaling \$51,878,009. A copy of the report is attached for Council review.
 - Chief Mike Gentry, Harker Heights Police Department, TPCA Immediate Past President, presented the ***Texas Police Chiefs Association Law Enforcement Recognition Award*** to the Tomball Police Department
 - George Shackelford presented the ***Exemplary Five-Star Service Award for Excellence in Vital Registration*** to Doris Speer, on behalf of the employees of the City Secretary's Office

6.0 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Minutes of the December 2, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve, on Second Reading, Resolution No. 2013-35-TEDC, a Resolution of the

City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Garth Lodging Corporation, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a Holiday Inn Express & Suites Hotel to be located at 14055 Park Drive, Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$56,000.00. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>

Motion carried unanimously.

8.0 New Business:

- 8.1 The City Council and the Charter Review Commission entered into a workshop session to receive the final report of the Charter Review Commission:

Chair Steven Vaughan called the Charter Review Commission Meeting to Order.

Motion was made by Commissioner Shannon, second by Commissioner Ball, to approve the Minutes of the December 3, 2013 Special Charter Review Commission Meeting.

Motion carried unanimously.

Chair Steven Vaughan and George Shackelford presented the Final Charter Review Commission Report regarding Possible Charter Amendments to be Placed on the May 10, 2014 Special Charter Amendment Election Ballot Report to City Council.

Motion was made by Commissioner Anderson, second by Commissioner Sumner, to adjourn.

Motion carried unanimously.

Charter Review Commission Meeting adjourned.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept recommendations from the Charter Review Commission and to approve

proposed amendments and additional amendments as proposed by Council to be placed on the May 10, 2014 Special Charter Amendment Election ballot.

Motion carried unanimously.

- 8.3 Councilman Stoll presented the Tomball Water Committee Report. Motion was made by Councilman Stoll, second by Councilman Dodson, that the City Manager send a letter to the North Harris County Regional Water Authority, asking that the City of Tomball be included in the Authority's future planning.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Stoll, second by Councilman Dodson, to appoint Richard Anderson to fill the unexpired term on the Planning and Zoning Commission.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Tobacco Awareness Classes, to be offered by Tomball Municipal Court and Tomball Police Department, to Tomball, Harris County, and Montgomery County Areas, and to approve the \$50 fee for the classes.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2013-24 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. 2013-24, an Ordinance of the City of Tomball, Texas, Amending Chapter 60 Signs, of the Code of Ordinances, City of Tomball, by Providing that Certain Political Signs used for Electioneering shall be Governed by the Code of Ordinances, City of Tomball, by Adding Definitions to Section 60-1 Definitions; by Amending Section 60-7, Miscellaneous Sign Provisions, of Chapter 60, Signs, to Adopt Regulations Concerning the Time, Place and Manner of Electioneering on Public Property Used as a Polling Place; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$500 for Each Day of Violation of Any Provision Hereof, Providing an Effective Date; 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 Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>

Councilman Hudgens left the meeting at 7:25 p.m.

- 8.7 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Pipeline Permit Application from BridgeTex Pipeline Company, LLC, for the Construction of One 20" Crude Oil Pipeline.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Dodson, to award the Contract for Project Bid No. 2013-08, "Tomball Business & Technology Park, Clearing, Grubbing, and SWPPP", E&P Project Number 2011-10016, to Low Bidder, R&T Ellis Excavating, Inc., in the amount of \$222,050.00

- 8.9 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the following Plats, as recommended by the Planning and Zoning Commission:

- **TOMBALL SOUTH COMMERCIAL NO. 2**; Being a subdivision of a 14.8086 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, of Harris County, Texas, out of and a part of a tract described in deed recorded in Clerk's File Number 20070269548 of the Real Property Records of Harris County, Texas; said 14.8086 acre subdivision being a Replat of all of Lot 1 and Restricted Reserve C, both in Block One of Tomball South Commercial, a subdivision according to the map or plat thereof recorded in Volume 632, Page 199 of the Map Records of Harris County, Texas.
- **STONE BAER SUBDIVISION**; Being a subdivision of a 0.3214 acre, 0.3214 acre and 0.1607 acre of land situated in the Joseph House Survey, Abstract Number 34 of Harris County, Texas, and being a Replat of Lots 31, 32, 33, 34, 35, 36, 38, 39, 40 and 41 in Block 46 of Revised Map of Tomball, a subdivision according to the map or plat thereof recorded in Volume 4, Page 25 of the map Records of Harris County, Texas, and being the same land as described in deed recorded under Clerk's File Number 20130496699 of the Real Property Records of Harris County Texas.

Motion carried unanimously.

8.10 Consideration to approve **COMPREHENSIVE PLAN CASE P13-181**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 25.70 acres of land, legally described as Lot 1, Lot 2, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial, within the City of Tomball, Harris County, Texas, generally located west of Hufsmith-Kohrville Road, north of Spell Road, from Rural Residential and Business/Industrial to Business/Industrial.

- Mayor Fagan opened the public hearing Public Hearing on **COMPREHENSIVE CASE P13-181** at 7:40 p.m. The following public comment was received:

Todd Johnson	-	Expressed his opposition
10910 S. Country Club Green Drive		to the proposed change.
77375		

- Receiving no additional comments, Mayor Fagan closed the public hearing at 7:44 p.m.
- Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2013-25 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Dodson, second by Councilman Stoll, to approve, on First Reading, Ordinance No. 2013-25, an Ordinance an Ordinance of the City of Tomball, Texas, amending its Comprehensive Plan by changing the Future Land Use classification of approximately 25.70 acres of land, legally described as Lot 1, Lot 2, Lot 3, Reserve A, and Reserve C, Block 1, Tomball South Commercial, within the City of Tomball, Harris County, Texas, from Rural Residential and Business/Industrial to Business/Industrial; said property being generally located west of Hufsmith-Kohrville Road, north of Spell Road; providing for the amendment of the Comprehensive Plan 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 Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>

Motion FAILED, 2 votes Aye, 1 vote Nay.

- 8.11 Consideration to approve **ZONING CASE P13-182**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties, LLC and KTC Holding, LLC, to amend the City's Zoning Ordinance by rezoning 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, generally located west of Hufsmith-Kohrville Road, north of Spell Road, from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the public hearing Public Hearing on **ZONING CASE P13-182** at 7:53 p.m. The following public comment was received:

Todd Johnson	-	Expressed his opposition
10910 S. Country Club Green Drive		to the proposed change.
77375		

- Receiving no additional comments, Mayor Fagan closed the public hearing at 7:55 p.m.
- Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2013-26 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Dodson, to approve, on First 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. Vote was as follows:

Councilman Hudgens
Councilman Stoll

Absent
Aye

Councilman Townsend Aye
Councilman Dodson Aye

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the _____ day of _____ 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: January 6, 2014

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2013-24, an Ordinance of the City of Tomball, Texas, Amending Chapter 60 Signs, of the Code of Ordinances, City of Tomball, by Providing that Certain Political Signs used for Electioneering shall be Governed by the Code of Ordinances, City of Tomball, by Adding Definitions to Section 60-1 Definitions; by Adopting Regulations Concerning the Time, Place and Manner of Electioneering on Public Property Used as a Polling Place; Amending Chapter 60, Section 60-7(B) "Political Signs" of the Code of Ordinances, City of Tomball; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$500 for Each Day of Violation of Any Provision Hereof, Providing an Effective Date; Making Findings of Fact; and Providing for Other Related Matters

Background:

The Texas Legislature recently enacted House Bill 259 which provides that a public entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's premises, outside of the 100 foot prohibited electioneering area prescribed by sections 61.003 and 85.036 of the Texas Election Code.

Currently, no political signs may be placed in the ground on City property, outside the 100-ft. prohibited electioneering zone, during early voting and only one sign is allowed on each tent in Heritage Plaza on Election Day. Campaign supporters are allowed to carry as many signs as they wish, but signs cannot be put into the ground.

House Bill 259 does permit the City to enact reasonable regulations regarding the time, place and manner of electioneering on the City's public property, outside the mandated 100-foot electioneering-free area.

Staff proposes amending Chapter 60. Signs to create electioneering definitions, exempting political signs from the permitting requirement, designating electioneering areas for City property, authorizing two (2) signs to be placed in the designated electioneering area during early voting and on Election Day, and authorizing a single tent, canopy or similar item per candidate on Election Day only. The proposed amendments will allow continued, reasonable, regulation of signs and electioneering on City property.

Origination:

City Secretary

Recommendation:

Adopt Ordinance No. 2013-24 on Second Reading.

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2013-24

House Bill 259

ORDINANCE NO. 2013-24

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 60 *SIGNS*, OF THE CODE OF ORDINANCES, CITY OF TOMBALL, BY PROVIDING THAT CERTAIN POLITICAL SIGNS USED FOR ELECTIONEERING SHALL BE GOVERNED BY THE CODE OF ORDINANCES, CITY OF TOMBALL, BY ADDING DEFINITIONS TO SECTION 60-1 DEFINITIONS, BY ADOPTING REGULATIONS CONCERNING THE TIME, PLACE AND MANNER OF ELECTIONEERING ON PUBLIC PROPERTY USED AS A POLLING PLACE; AMENDING CHAPTER 60, SECTION 60-7(B) "POLITICAL SIGNS" OF THE CODE OF ORDINANCES, CITY OF TOMBALL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, PROVIDING AN EFFECTIVE DATE; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City of Tomball, Texas, deems it in the best interest of the health, safety, and welfare of the citizens of the City to regulate signs, including signs that may be placed on public property; and

WHEREAS, the Texas Legislature recently enacted House Bill 259 which provides that a public entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's premises, outside of the 100 foot prohibited electioneering area prescribed by sections 61.003 and 85.036 of the Texas Election Code; and

WHEREAS, the new law does permit the City to enact reasonable regulations concerning the time, place, and manner of electioneering on the public building's premises, outside of the 100 foot prohibited electioneering area prescribed by sections 61.003 and 85.036 of the Texas Election Code; and

WHEREAS, the City has reviewed the new law and its existing sign regulations and has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to adopt reasonable regulations to continue to regulate electioneering or political signs that may be placed on certain areas of particular public property; and

WHEREAS, the City finds that the amendments to the Code of Ordinances herein are necessary to regulate signs and electioneering on public property, including the regulation of signs that may be placed on public property, and the following regulations are reasonable as to time, manner, and place; **NOW THEREFORE**,

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

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

Section 2. **Chapter 60, Signs,** of the Code of Ordinances of the City of Tomball, Texas, is amended to add the following words, terms, and phrases:

Chapter 60 – SIGNS

ARTICLE 1. IN GENERAL

Sec. 60-1 – Definitions.

“Electioneering as defined in Section 85.036 of the Texas Election Code.

Public property means property owned or controlled by a public entity.

Early voting period as defined in Section 85.001 of the Texas Election Code.

Prohibited area is the area within which Texas Election Code Section 85.036(a) prohibits electioneering during the time an early voting or voting place is open for the conduct of early voting or voting.”

Sec. 60-5 – Sign permits and fees

“(a) Permit Required.

(b) Exceptions.

(4) Signs permitted under Section 60-7(c)(4) are not prohibited by this Section.”

Sec. 60-7 – Miscellaneous sign provisions

“(c) **Signs on public rights-of-way.**

(4) During the early voting period through the end of the following Election Day, a maximum of two (2) temporary political signs for each candidate, measure, or political party may be placed within the designated electioneering area of the early voting or voting polling place building’s premises, which is also outside the prohibited area. The designated electioneering area is the portion of the grassy strip north of the Public Works Building, 501-B James Street, located outside the 100-ft. prohibited area, and the area in Heritage Plaza, 400 Market Street, outside the designated 100-ft. prohibited area. Such two (2) signs shall each have a

maximum area of four square feet but may contain the same message on both sides. Such signs must be placed in the designated electioneering area in a manner so as not to block or obscure other political signs. Such signs shall only be allowed from 7:00 A.M. on the beginning of the early voting period until 7:00 P.M. on Election Day, at which time the signs shall be removed by the person or organization placing them.

- a. Any unauthorized persons removing political signs otherwise permitted by this section shall be guilty of a misdemeanor and subject to a fine as provided in Section 1-14 of this code.
- b. Failure to remove permitted signs in accordance with the section is a violation of this ordinance subject to a fine as provided in Section 1-14 of this code.
- c. On Election Day only, each candidate may erect a single tent, canopy, or similar item encumbering or encroaching on public property in Heritage Plaza, 400 Market Street, in the designated location, located outside the 100-ft. prohibited area, as decided during the drawing for location in Heritage Plaza conducted prior to the beginning of early voting.
- d. Any signs on public property not permitted may be removed by the City. Any political signs installed prior to the authorized time, placed in a location other than the designated location delineated, or not removed within the time prescribed herein, may be removed by city personnel and discarded or destroyed.
- e. The provisions of this subsection shall not apply to notices posted by order of the court or notices to the public as required by law to be posted in a public place.”

Section 3. Penalty. Any person who shall willfully, intentionally, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 5. Effective Date: This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

Section 6. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of 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 7. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551.

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 16TH DAY OF DECEMBER 2013.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<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 6TH DAY OF JANUARY 2014.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

AN ACT

relating to electioneering conducted near a polling place.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 61.003, Election Code, is amended to read as follows:

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE [~~PROHIBITED~~].

SECTION 2. Section 61.003, Election Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's premises outside of the area described in Subsection (a), but may enact reasonable regulations concerning the time, place, and manner of electioneering.

(b) In this section:

(1) "Electioneering" includes the posting, use, or distribution of political signs or literature.

(2) "Voting [~~, "voting]~~ period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

SECTION 3. The heading to Section 85.036, Election Code, is amended to read as follows:

1 Sec. 85.036. ELECTIONEERING [~~PROHIBITED~~].

2 SECTION 4. Section 85.036, Election Code, is amended by
3 adding Subsections (b) and (f) to read as follows:

4 (b) The entity that owns or controls a public building being
5 used as an early voting polling place may not, at any time during
6 the early voting period, prohibit electioneering on the building's
7 premises outside of the area described in Subsection (a), but may
8 enact reasonable regulations concerning the time, place, and manner
9 of electioneering.

10 (f) In this section:

11 (1) "Early voting period" means the period prescribed
12 by Section 85.001.

13 (2) "Electioneering" includes the posting, use, or
14 distribution of political signs or literature.

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 259 was passed by the House on May 1, 2013, by the following vote: Yeas 136, Nays 6, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 259 was passed by the Senate on May 20, 2013, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

APPROVED: _____

Date

Governor

Regular City Council Agenda Item Data Sheet

Meeting Date: January 6, 2014

Topic:

Appoint/Reappoint City of Tomball Representative to the 249 Partnership Board of Directors

Background:

In December 2012, Council appointed Lamar Casparis (one-year term), Gretchen Fagan (two-year term), Rick Pritchett (three-year term) and Steve Vaughan, as Tomball's alternative Board member, to serve as the City of Tomball's representatives to the 249 Partnership Board of Directors.

Lamar Casparis' single-year term expired on December 31, 2013; the Mayor and City Manager recommend the reappointment of Lamar Casparis to serve a three-year term, expiring December 31, 2016. Mr. Casparis has provided excellent service as a member of the 249 Partnership.

As information, Mayor Fagan's two-year term will expire December 31, 2014 and Rick Pritchett's three-year term will expire December 31, 2015; and Steve Vaughan was appointed to serve as Tomball's alternative Board member, with his term expiring on December 31, 2015 as well.

Origination:

George Shackelford, City Manager

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:

249 Partnership Bylaws - Approved 6/12/12

Bylaws of the 249 Partnership

An Unincorporated Texas Nonprofit Association

Table of Contents

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Article I – Name of Organization

The name of this organization shall be “249 Partnership”.

Article II – Purpose

The 249 Partnership was founded to address a regional need for an action-oriented and unified advocacy organization focused on current and future infrastructure issues. The 249 Partnership seeks to represent the interests of the Region’s stakeholders to decision making bodies and funding agencies.

Mission Statement—The 249 Partnership is a regional advocate for building a sound, unified transportation infrastructure promoting regional mobility and connectivity creating sustainable economic growth and improved quality of life.

Article III – Offices and Agents

Principal Office: The principal office of this organization shall be located at the following address: 29201 Quinn Road Suite B, Tomball TX 77375..

Article IV – Membership

Any individual person, organization, corporation or agency may be admitted to membership in the organization by the Board of Directors. Membership, other than Officers and Directors of the organization, shall be non-voting. The membership must be approved by majority vote of the Board of Directors

Article V – Board of Directors

General Powers: Management of the affairs of the organization shall be vested in the Board of Directors, comprised of 9 Directors, and executed by the Officers as defined in Article VI of these Bylaws.

The Board of Directors: Upon approval of these Bylaws by a two-thirds vote of a quorum of the organization's Interim Board of Directors, the then sitting Interim Board members of the organization shall serve as the Board of Directors until new Directors are appointed. The Board of Directors shall elect from its members Officers to carry on the business of the organization until a new Board of Directors is appointed at the next Annual Meeting in December, 2012. Members of the Board shall be appointed by the respective governing bodies of the Cities of Tomball, Magnolia, and Navasota, with the goal of including both public (Cities and Counties) and private (companies, entities and individuals) representation in each City's appointments to the Board of Directors. Each City may appoint three (3) Directors. For the initial appointments in December, 2012, each City must appoint one Director for a term of one (1) year, one for two (2) years, and one for three (3) years, with the term of each Director specifically designated. As each of these terms expires, replacement appointments will be for three (3) years, as provided in these Bylaws. Each City may also appoint one (1) Alternate Director to attend and vote at Board meetings in place of a Director not present at the meeting. While acting for a Director not in attendance at the Board meeting, the Alternate Director shall have all the same rights, privileges and powers as the absent Director would have if at the meeting. The appointment and term for an Alternate Director, including filling vacancies, shall be the same as for a Director, except Alternate Directors need not serve staggered terms.

Terms and Term Limits for Directors: Terms for serving as a Director shall be three (3) years.

Annual Meeting: The annual meeting of the Board of Directors shall be held during the month of December at which time corporate business shall be conducted. In the event that the meeting cannot be held in December, the Chair shall schedule the annual meeting as close as possible to the December date.

Regular Meetings: The Board of Directors may provide for regular meetings. Notice of regular meetings of the Board is required. The Officers, by majority vote, shall set the schedule for regular meetings.

Special Meetings: Special meetings of the Board of Directors may be called by or at the request of the Chair, or any two Officers, or any four Directors.

Notice: Board members will be notified of all meetings in writing delivered personally or sent by mail, e-mail message, or facsimile transmittal (FAX) at least five (5) business days in advance of the annual and regular meetings and at least forty-eight (48) hours in advance of a special meeting. Such notice shall state the place, day, and time of the meeting as well as the general purpose for which the meeting is called.

Quorum and Action: At all meetings of the Board, the presence of a majority of the Directors shall be necessary and sufficient to constitute a quorum for the transaction of business, provided each of the regional areas of Tomball, Magnolia, and Navasota is represented by a Director in attendance at the meeting. The act of a majority of the Directors at any meeting at which a quorum is present shall be the act of the Board of Directors unless the act of a greater number is required by law or these Bylaws. If a quorum shall not be present at any meeting of

Directors, the Directors present may adjourn the meeting without notice other than announcement at the meeting until a quorum shall be present. Directors may designate ex-officio members to represent in their absence as they deem necessary.

Vacancies: Vacancies in the Board of Directors shall be filled, as soon as practical, for the balance of the term by the City that appointed the Director being replaced.

Compensation: Directors as such shall not receive any stated salaries for their services.

Article VI – Officers

The Officers of the Board shall consist of three (3) positions which will include a Chair, Vice Chair, and Secretary/Treasurer. The offices of Chair and Secretary/Treasurer may not be held simultaneously by the same person.

Meetings and Actions: The Officers should meet quarterly, unless special meetings are called by the majority of the Officers. Further, emergency meetings of the Officers can be held with notice sent by mail, e-mail message, or facsimile transmittal (FAX) at least eight (8) hours in advance of the scheduled meeting. At all Officer meetings, a quorum (a majority of the total Officers of the organization) of the Officers must be present to vote and the act of a majority of the Officers at any meeting at which a quorum is present shall be the act of the Officers.

Term: Officers will serve a term of two (2) years.

Vacancies: A vacancy in any office because of death, resignation, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term. In this event, the Officers shall call for nominations for the vacancy from the Board of Directors and schedule a special meeting of the Board of Directors to vote.

Chair: The Chair shall preside at all Board meetings, appoint committee members, and perform other duties as associated with the office. The Chair shall, by virtue of his office, be Chairman of the Board of Directors. The Chair or his/her designee shall present at each annual meeting of the organization an annual report of the work of the organization. The Chair shall see that all books, reports and certificates required by law are properly kept or filed. The Chair shall be one of the Officers who may sign the checks or drafts of the organization. The Chair shall have such powers as may be reasonably construed as belonging to the chief executive of any organization.

Vice Chair: The Vice Chair shall, in the event of the absence or inability of the Chair to exercise his/her office, become acting Chair of the organization with all the rights, privileges and powers as if he/she had been the duly elected Chair.

Secretary/Treasurer: It shall be the Secretary's duty to file any certificate required by any statute, federal or state. The Secretary/Treasurer shall give and serve all notices to members of this organization. The Secretary/Treasurer shall be the official custodian of the records and minutes of this organization. The Secretary/Treasurer may be one of the Officers required to sign the checks and drafts of the organization. The Secretary/Treasurer shall present to the membership at any meetings any communication addressed to him/her as Secretary/Treasurer of the organization. The Secretary/Treasurer shall attend to all correspondence of the organization and shall exercise all duties incident to the office of Secretary/Treasurer.

The Secretary/Treasurer shall have the care and custody of all monies belonging to the organization and shall be solely responsible for such monies or securities of the organization. The Secretary/Treasurer must be one of the Officers who shall sign checks or drafts of the organization. No special fund may be set aside that shall make it unnecessary for the Secretary/Treasurer to sign the checks issued upon it. The Secretary/Treasurer shall render at stated periods as the Board of Directors shall determine a written account of the finances of the organization and such report shall be physically affixed to the minutes of the Board of Directors of such meeting. The Secretary/Treasurer shall exercise all duties incident to the office of Secretary/Treasurer.

Advisory Board: An Advisory Board shall be formed to provide advice and guidance to the Officers of the Board of Directors. The Advisory Board shall consist of the County Judges (or his/her representative) of the respective counties represented by this organization. Additional members can be added to the Advisory Board by the majority vote of the Board of Directors. The Advisory Board shall be notified of all meetings of the Officers forty-eight (48) hours in advance of all meetings except for emergency meetings, in which the Advisory Board shall receive notice eight (8) hours before the emergency meeting. The Advisory Board is not a voting body of this organization.

Article VII – Committees

All committees of this organization shall be defined in scope and the members nominated to serve on the committee by the Officers and approved by the Board of Directors. Members of such committees may, but need not be, Directors. No committee shall have or exercise any authority of the Board of Directors in the management of the organization but only act in an advisory capacity to the Board of Directors. Committee chairs will be Directors but will not be Officers of the organization.

Article VIII – Staff, Contracts, Salaries and Compensation

The Board of Directors may hire and/or contract with and fix the compensation of any and all employees and contractors which they in their discretion may determine to be necessary for the conduct of the business of the organization.

Termination: Termination of employment and/or contract shall be at the by majority vote of the entire Board of Directors.

Article IX – Conflict of Interest

Any member of the Board who has a financial, personal, or official interest in, or conflict (or appearance of a conflict) with any matter pending before the Board, of such nature that it prevents or may prevent that member from acting on the matter in an impartial manner, will offer to the Board to voluntarily excuse him/herself and will vacate his seat and refrain from discussion and voting on said item.

Article X – Fiscal Policies

The fiscal year of the organization shall begin on the first day of January and end on the last day of December in each year.

Article XI – Prohibited Acts

As long as the organization is in existence, no member, Director, Officer, or committee member of the organization shall:

- (a) Do any act in violation of the Bylaws or a binding obligation of the organization.
- (b) Do any act with the intention of harming the organization or any of its operations.
- (c) Do any act that would make it impossible or unnecessarily difficult to carry on the intended or ordinary business of the organization.
- (d) Receive an improper personal benefit from the operation of the organization.

Article XII– Miscellaneous

Lobbying: The Board of Directors, by majority vote, may choose to endorse or lobby for any issue, project, and/or subject which is to be determined within the goals and objectives of the organization. However, the organization will not participate in lobbying for or endorse or contribute to any particular candidate and/or his/her campaign.

Removal: The Board of Directors may vote to remove a Director or Officer at any time with cause by a majority of the Board or without cause by a super majority vote of the Board (2/3rds vote).

Article XIII – Amendments

These bylaws may be amended by a super majority vote of the Board (2/3rds vote), on the condition that at least one Director from each of the 3 areas represented votes for the amendment(s), and a copy of the proposed amendment(s) are provided to each Board member at least one week prior to said meeting.

Adopted and Approved by the Interim Board of Directors June 12, 2012 in Navasota TX.

Regular City Council

Agenda Item

Meeting Date: January 6, 2014

Data Sheet

Topic:

Approve Resolution No. 2014-01, 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 10, 2014; 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. 2014-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 10 de mayo de 2014; 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 Desempeño de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.

Chấp thuận Nghị Quyết số 2014-01, 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 10 tháng Năm, 2014; 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2014-01，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2014年5月10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. 2014-01 orders the Regular City Officer's Election, which will be held on Saturday, May 10, 2014 for Council Position 1 and Council Position 5.

The first day to file an Application for Place on Ballot is Wednesday, January 29, 2014; the last day to file an Application for Place on Ballot is Friday, February 28, 2014 at 5:00 p.m. Early Voting will be held April 28-May 2 and May 5-6, 2014.

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 29, and Tuesday, May 6, 2014.

The 2012 City general election cost \$16,929.79, which included additional expenses due to the new requirement for ballots, election materials, and notices to be translated into Mandarin (because Tomball is located in Harris County, we are required to conduct our elections in English, Spanish, Vietnamese, and Mandarin), and the purchase of a backup JBC for additional protection of City elections. The 2013 general election was canceled when the candidates were unopposed. This year's general election will be held in conjunction with a Special Charter Amendment election; some of the costs for the general and special elections may be reduced as a result.

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 10, 2014 election are approximately \$15,000, including the contracted services with Hart Intercivic for programming and

Election Day support/finalizing the election. Expenses for the special Charter Amendment election will be approximately \$8,000-\$10,000, depending on the additional expenses involved in preparing the proposed amendments for the ballot. Additional expenses will be incurred for the general election if a runoff election is required; however, funds budgeted for elections in the FY 2013-2014 budget are sufficient to cover anticipated costs.

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. 2014-01

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. 2014-01 - English

Resolution No. 2014-02 - Spanish

Resolution No. 2014-03 - Vietnamese

Resolution No. 2014-04 - Mandarin

RESOLUTION NO. 2014-01

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 10, 2014; 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 second Saturday in May, the 10th day of May, 2014, 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

**COUNCIL POSITION 1
COUNCIL POSITION 5**

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

Mary Coats, Presiding Judge
Patsy Kinsey, 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 \$12.25; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.25 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 29, 2014 and Tuesday, May 6, 2014.

Said clerks shall not permit anyone to vote early by personal appearance on any day which 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 29, 2014. All candidates for election for the Office of City Council, Position 1 and City Council, Position 5 must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on February 28, 2014 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 14, 2014. Early voting for the Runoff Election will begin June 2, 2014 and end June 10, 2014. All terms, conditions, and provisions established for the May 10, 2014 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 6th day of January 2014.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2014-01

RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, ORDENANDO LA CELEBRACIÓN DE UNA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PARA EL SÁBADO 10 DE MAYO DE 2014; 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.

* * * * *

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

Sección 1: Por la presente se ordena que se celebre una Elección Regular en y en toda la Ciudad de Tomball el segundo sábado de mayo, es decir el 10 de mayo de 2014, elección en la cual los residentes votantes calificados de la mencionada Ciudad de Tomball elegirán a los siguientes funcionarios municipales, a saber:

CARGO

CONCEJAL, POSICIÓN 1

CONCEJAL, POSICIÓN 5

Sección 2: Los límites actuales de la Ciudad constituyen un precinto electoral, las casillas electorales abrirán desde las siete en punto (7:00) de la mañana hasta las siete en punto (7:00) de la tarde en el siguiente lugar de votación, y quienes figuran a continuación son por la presente designados oficiales a cargo de la conducción de la elección en el mencionado lugar de votación:

LUGAR DE VOTACIÓN

Tomball City Hall
401 Market Street
Tomball, Texas 77375

OFICIALES ELECTORALES

Mary Coats, Juez Presidente
Patsy Kinsey, Juez Presidente Alterno

Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione una copia de la RESOLUCIÓN a los jueces como aviso escrito de su nombramiento como lo requiere la Sección 32.009 del Código Electoral de Texas. Si el Juez Presidente o el Juez Presidente alterno no pueden desempeñar sus funciones asignadas, la secretaria de la ciudad está autorizada a seleccionar un Juez presidente Actuante o un Juez Alterno Actuante de entre los funcionarios electorales calificados, según sea necesario.

El Juez Presidente tendrá la autoridad de nombrar a no más de siete (7) funcionarios para que asistan en la conducción de tal elección, pero en ningún caso el Juez Presidente deberá nombrar menos de dos funcionarios. Tales oficiales electorales integrarán también el Consejo de Boletas de Votación Anticipada de tal elección; el Juez Presidente de tal precinto electoral cumplirá además la función de Oficial Presidente del Consejo de Boletas de Votación Anticipada.

El Juez Electoral debe ser remunerado a razón de \$12.25 por hora; los funcionarios de votación anticipada y los funcionarios electorales deben ser remunerados a razón de \$11.25 por horas según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado. El Juez Electoral debe recibir una remuneración de \$25 por hacer entrega del equipo y los suministros para la elección según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado, en el caso de que dicha entrega sea necesaria. La Ciudad pagará cualquier capacitación necesaria de los jueces y funcionarios electorales de la Ciudad. Además se reembolsará a los jueces y funcionarios por gastos de viaje y se les pagará a la tarifa por hora establecida para el tiempo de capacitación.

Sección 4: Por la presente se designa a la Secretaria de la Ciudad como Oficial de Votación Anticipada; el nombramiento de funcionarios de votación anticipada por parte de la Secretaria de la Ciudad deberá ser hacerse conformidad con la Sección 83.001 *et seq.* del Código Electoral de Texas. Por la presente se designa el lugar de votación anticipada para dicha elección de la siguiente manera:

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

Los funcionarios mencionados deberán mantener dicha oficina abierta durante el horario en que City Hall normalmente esta abierto, es decir, desde las siete y cuarenta y cinco (7:45) a.m. hasta las cinco en punto (5:00) p.m. los días lunes, miércoles y jueves; desde las siete y cuarenta y cinco (7:45) a.m. hasta las siete y cuarenta y cinco (7:45) p.m. los martes; y desde las siete y cuarenta y cinco (7:45) a.m. hasta las cuatro en punto (4:00) p.m. los viernes, todos los días de votación anticipada que no sean sábado, domingo ni día feriado oficial del estado, comenzando el décimo segundo (12vo) día anterior a la elección y culminando el cuarto (4to) día anterior a la fecha de tal elección. Según lo requiere la Sección 85.005 (d) del Código electoral, la votación anticipada en

persona en el lugar central de votación anticipada debe realizarse por al menos 12 horas dos días hábiles si el período de votación anticipada es de seis días hábiles o más; por lo tanto, la votación anticipada en persona se realizará por 12 horas el día martes 29 de abril de 2014 y el martes 6 de mayo de 2014.

Los funcionarios mencionados no deberán permitir a nadie votar por anticipado en persona en ningún día que no sea un día de trabajo normal de la oficina del oficial, y bajo ninguna circunstancia deberán permitir que nadie vote por anticipado en persona en cualquier hora en que tal ofician no esté abierta al público. El lugar de votación anticipada mencionado arriba es también la dirección postal del oficial a la cual pueden enviarse las solicitudes de boletas de votación por correo y los votos emitidos por correo. De acuerdo con las disposiciones del Código Electoral de Texas, el oficial de votación anticipada debe mantener una lista con los nombres de cada persona que vota por anticipado en persona y cada persona a quien se le envía una boleta de votación para votar por correo. Esta lista debe ser mantenida de una forma aprobada por el Secretario de Estado.

Sección 5: Todas las boletas de votación deberán ser preparadas de acuerdo con el Código Electoral de Texas. La votación anticipada por correo será mediante el uso de boletas de papel y para la votación anticipada en persona y para la votación el día de elección se usará el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate, siendo ambos parte del Sistema de Votación DRE eSlate. Por la presente el Consejo Municipal adopta el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate para ser usado durante la votación anticipada y durante el día de elección según éste fue aprobado por el Secretario de Estado. Por la presente se autorizan todos los gastos necesarios para la conducción de la elección, la compra de los materiales para la misma, y la contratación de todos los oficiales electorales.

Sección 6: Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione todos los suministros electorales necesarios para la conducción de tal elección.

Sección 7: Se deberá dar aviso de esta elección de acuerdo con lo dispuesto en el Código Electoral de Texas y la entrega de tal aviso deberá hacerse según lo dispuesto por dicho Código. La Alcaldesa deberá expedir todas las órdenes y escritos necesarios para tal elección y los resultados de tal elección deben ser entregados a la Secretaria de la Ciudad después que cierren las casillas de votación.

Sección 8: Dicha elección deberá ser celebrada de acuerdo con las disposiciones del Artículo XI, Sección 11 de la Constitución de Texas, la cual determina que una municipalidad con mandatos de más de dos (2) años debe llenar una vacante en un plazo de 120 días a partir de cuando se genera la vacante; deberá ser celebrada además de acuerdo con el Código Electoral de Texas y con la Ley Federal de Derechos de Votación de 1965, según enmendada. Solamente los votantes residentes debidamente calificados de la Ciudad de Tomball estarán calificados para votar.

Sección 9: El primer día para presentar una solicitud para un lugar en la boleta de votación es el 29 de enero de 2014. Todos los candidatos para el cargo de Concejal Municipal, Posición 1 y Concejal Municipal, Posición 5, deben presentar sus nombres ante la Secretaria de la Ciudad de Tomball para las 5:00 P.M. del 28 de febrero de 2014 para que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 10: En el caso de que sea necesaria una Elección de Desempate, la fecha de la Elección de Desempate será el sábado 14 de junio de 2014. La votación anticipada de la Elección de Desempate comenzará el 2 de junio de 2014 y terminará el 10 de junio de 2014. Todos los términos, condiciones y disposiciones establecidas para la Elección Regular de Funcionarios Municipales del 10 de mayo de 2014 se aplicarán a la Elección de Desempate.

Sección 11: Por la presente se instruye y autoriza a la Secretaria de la Ciudad a que haga la notificación de dicha elección según lo exige la ley.

PASADA, APROBADA y RESUELTA este día 6 de enero de 2014.

GRETCHEN FAGAN, Alcaldesa
Ciudad de Tomball

ATESTIGUA:

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2014-01

**MỘT NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ
THÀNH PHỐ TOMBALL, TEXAS, YÊU CẦU MỘT CUỘC BẦU
CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG LỆ TỔ CHỨC VÀO
THỨ BẢY, NGÀY 10 THÁNG NĂM, 2014; CHỈ ĐỊNH CÁC ĐỊA
ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC PHỤ TRÁCH
BẦU CỬ CHO CUỘC BẦU CỬ NÀY; HƯỚNG DẪN ĐƯA RA
THÔNG BÁO CỦA CUỘC BẦU CỬ; CHỈ ĐỊNH NGÀY CHO
CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ ĐƯA RA CÁC CHI
TIẾT CÓ LIÊN QUAN ĐẾN VIỆC TỔ CHỨC BẦU CỬ**

* * * * *

**HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS RA NGHỊ
QUYẾT:**

Mục 1: Theo đây ra yêu cầu một Cuộc Bầu Cử Thường Lệ được tổ chức trong
toàn Thành Phố Tomball, Texas vào ngày Thứ Bảy thứ hai trong tháng Năm, 10 tháng
Năm, 2014, để cử tri có đủ điều kiện đi bầu cho các chức vụ dưới đây trong và cho Thành
Phố Tomball nói trên, gồm có:

VỊ TRÍ

**NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 1
NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 5**

Mục 2: Các ranh giới hiện tại của Thành Phố lập nên một phân khu bầu cử,
phòng phiếu sẽ mở cửa cho cử tri đi bầu từ bảy giờ (7:00) sáng cho đến bảy giờ (7:00)
chiều tại địa điểm bỏ phiếu sau đây, và theo đó cũng là danh sách các viên chức được bổ
nhiệm phụ trách tiến hành cuộc bầu cử tại địa điểm bỏ phiếu đã chọn:

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC PHỤ TRÁCH CUỘC BẦU CỬ

Mary Coats, Trưởng Ban Điều Hành
Patsy Kinsey, Trưởng Ban Điều Hành Dự Khuyết

Thư Ký Thành Phố theo đây được cho phép và được chỉ thị giao một bản sao của
NGHỊ QUYẾT cho các trưởng ban điều hành như bản thông báo về việc bổ nhiệm của họ

như đã được yêu cầu trong Mục 32.009 của Bộ Luật Bầu Cử Texas. Nếu Trưởng Ban Điều Hành Bầu Cử hoặc Trưởng Ban Điều Hành Dự Khuyết đều không thể thực hiện các nhiệm vụ được chỉ định, Thư Ký Thành Phố được phép chọn ra một Quyền Trưởng Ban hoặc Quyền Trưởng Ban Dự Khuyết từ các Thư Ký Phụ Trách Cuộc Bầu Cử hội đủ điều kiện, nếu cần.

Trưởng Ban Điều Hành sẽ có quyền bổ nhiệm không quá bảy (7) thư ký để giúp việc tổ chức cuộc bầu cử nói trên, nhưng Trưởng Ban Điều Hành không được bổ nhiệm ít hơn hai thư ký. Các viên chức bầu cử nói trên cũng sẽ nằm trong Ban Thực Hiện Bỏ Phiếu Sớm cho cuộc bầu cử trên; Trưởng Ban Điều Hành của phân khu bầu cử cũng sẽ làm Viên Chức Điều Hành của Ban Thực Hiện Bỏ Phiếu Sớm.

Trưởng Ban Điều Hành sẽ được trả lương giờ ở mức \$12.25; các thư ký phụ trách bỏ phiếu sớm và các thư ký cuộc bầu cử sẽ được trả lương giờ ở mức \$11.25 như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thêm \$25 cho việc phân phối các dụng cụ và thiết bị cho cuộc bầu cử như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang, nếu cần. Thành Phố sẽ trả cho bất kỳ buổi huấn luyện cần thiết nào của các trưởng ban và thư ký phụ trách cuộc bầu cử của Thành Phố. Các trưởng ban và thư ký sẽ được hoàn lại tiền đi lại và sẽ được trả lương giờ cho thời gian huấn luyện.

Mục 4: Thư Ký Thành Phố theo đây được chỉ định làm Thư Ký cho Cuộc Bầu Cử bỏ phiếu sớm; việc bổ nhiệm một thư ký phụ tá hoặc các thư ký cho kỳ bỏ phiếu sớm của Thư Ký Thành Phố chiếu theo Mục 83.001 et seq. của Bộ Luật Bầu Cử Texas. Địa điểm thực hiện bỏ phiếu sớm cho cuộc bầu cử trên được thiết định ở:

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

Các thư ký nói trên sẽ mở cửa phòng phiếu trong thời gian Tòa Thị Chính mở cửa thường lệ, đó là từ bảy giờ bốn mươi lăm (7:45) sáng cho đến năm giờ (5:00) chiều ngày Thứ Hai, Thứ Tư, và Thứ Năm, từ bảy giờ bốn mươi lăm (7:45) sáng cho đến 7 giờ bốn mươi lăm (7:45) chiều vào ngày Thứ Ba, và từ bảy giờ bốn mươi lăm (7:45) sáng cho đến bốn giờ (4:00) chiều vào ngày Thứ Sáu, trừ ngày Thứ Bảy, Chủ Nhật, hoặc ngày lễ chính thức của Tiểu Bang, bắt đầu từ ngày thứ mười hai (12) cho đến ngày thứ tư (4) trước ngày bầu cử chính thức. Như đã được yêu cầu trong Mục 85.005 (d), Bộ Luật Bầu Cử, thủ tục đích thân đến bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành ít nhất 12 tiếng vào hai ngày trong tuần, nếu thời gian bỏ phiếu sớm từ sáu ngày trở lên; do đó, thủ tục đích thân đến bỏ phiếu sớm sẽ được tiến hành trong 12 tiếng vào Thứ Ba, ngày 29 tháng Tư, 2014 và Thứ Ba, ngày 6 tháng Năm, 2014.

Các thư ký đã nói ở trên sẽ không cho ai đích thân đến bỏ phiếu sớm vào các ngày khác ngày làm việc thường lệ của văn phòng thư ký, và trong bất kỳ trường hợp nào

không cho phép ai đích thân đến bỏ phiếu vào lúc văn phòng này không mở cửa cho công chúng. Địa điểm mô tả ở trên cho thủ tục bỏ phiếu sớm cũng là địa chỉ thư từ của thư ký để gửi các đơn xin lá phiếu và các lá phiếu bầu gửi bằng thư. Thư ký phụ trách bỏ phiếu sớm, chiếu theo các điều khoản trong Bộ Luật Bầu Cử Texas, sẽ giữ danh sách mỗi người đích thân đến bỏ phiếu sớm và mỗi cá nhân gửi lá phiếu bầu qua thư. Danh sách này sẽ được giữ theo mẫu đã được Tổng Thư Ký Tiểu Bang chấp thuận.

Mục 5: Tất cả các lá phiếu sẽ được chuẩn bị chiếu theo Bộ Luật Bầu Cử Texas. Các lá phiếu giấy sẽ được dùng cho thủ tục bỏ phiếu qua thư và Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) sẽ được sử dụng cho thủ tục đích thân đến bỏ phiếu sớm và bỏ phiếu ngày Bầu Cử, cả hai đều thuộc Hệ Thống Bỏ Phiếu DRE eSlate. Hội Đồng Thành Phố theo đây thông qua việc sử dụng Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) cho ngày bỏ phiếu sớm và bỏ phiếu chính thức như đã được Tổng Thư Ký Tiểu Bang chấp thuận. Tất cả các chi phí cần thiết cho việc tiến hành cuộc bầu cử, tiền mua các tài liệu theo đó, và việc mượn các viên chức phụ trách bầu cử tại đây được cấp phép.

Mục 6: Thư Ký Thành Phố theo đây được cấp phép và chỉ thị cung cấp các dụng cụ bầu cử cần thiết để tiến hành cuộc bầu cử trên.

Mục 7: Thông báo của cuộc bầu cử này sẽ được ban hành chiếu theo các điều khoản của Bộ Luật Bầu Cử Texas và việc thông báo kết quả này nên được làm theo chỉ thị của Bộ Luật nói trên. Thị trưởng sẽ ban hành tất cả các yêu cầu và lệnh cần thiết cho cuộc bầu cử, và kết quả của cuộc bầu cử sẽ được gửi cho Thư Ký Thành Phố sau khi đóng cửa phòng phiếu.

Mục 8: Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo quy định của Điều XI, Mục 11 của Hiến pháp Tiểu Bang Texas, trong đó quy định rằng viên chức cơ quan thành phố có đã làm việc nhiệm kỳ hơn hai (2) năm phải tìm người vào vị trí trống trong vòng 120 ngày sau khi có vị trí trống xảy ra, theo Bộ Luật Bầu Cử Texas và Đạo Luật Về Quyền Bầu Cử Liên Bang năm 1965, được sửa đổi. Chỉ có các cử tri thường trú hội đủ điều kiện của Thành Phố Tomball sẽ được bỏ phiếu.

Mục 9: Ngày đầu tiên nộp đơn cho vị trí trên lá phiếu là ngày 30 tháng Giêng, 2013. Tất cả các ứng cử viên cho cuộc bầu cử Văn Phòng Nghị Viên Hội Đồng Thành Phố, Vị Trí 1 và Vị Trí 5, phải đệ trình tên lên cho thư ký thành phố của Thành Phố Tomball, Texas, vào lúc 5 giờ chiều ngày 28 tháng Hai, 2014 để cho tên của họ được bao gồm trong Lá Phiếu Chính Thức.

Mục 10: Nếu cần thiết tổ chức một Bầu Cử Chung Cuộc, ngày Bầu Cử Chung Cuộc được chỉ định là Thứ Bảy 14 Tháng Sáu, 2014. Thủ tục Bỏ phiếu sớm cho cuộc Bầu Cử Chung Cuộc sẽ bắt đầu vào ngày 2 Tháng Sáu, 2014 và kết thúc ngày 10 tháng Sáu, 2014. Tất cả các điều khoản, điều kiện, và các quy định được đưa ra cho Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ ngày 10 tháng Năm, 2014 cũng sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

Mục 11: Thư Ký Thành Phố theo đây được cấp phép và hướng dẫn để ban hành Thông Báo về cuộc bầu cử trên theo yêu cầu của luật pháp.

THÔNG QUA, CHẤP THUẬN, và RA NGHỊ QUYẾT ngày 6 tháng Giêng, 2014.

GRETCHEN FAGAN, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:

DORIS SPEER, Thư Ký Thành Phố
Thành Phố Tomball

決議案編號 2014-01

**TOMBALL市市議會決議及指示將於2014年5月10日星期六召開市政府官員
普選 ;指定該選舉之投票地點及委派選舉工作官員 ;指揮該選舉公告之發佈 ;
指定如有需要的二次決選日期 ; 以及提供舉行該選舉的相關細節**

* * * * *

由德克薩斯州TOMBALL市議會決議的適用條款如下 :

第一條 : 特此指示德克薩斯州Tomball市在2014年5月10日 , 星期六舉行普選 , 在該項選舉中
將由符合資格的選民選舉Tomball市下列官員 , 即是 :

席位

市議會席位1

市議會席位5

第二條 : 構成一個選舉區目前的市政區界限 , 下列投票所開放投票的時間將為上午七時
(7:00)至下午七時(7:00),在此指派於指定之投票所辦理投票事宜的官員如下 :

投票所

Tomball市政廳
401 Market Street
Tomball, Texas 77375

執行選舉官員

Mary Coats, 主理法官
Patsy Kinsey, 替代主理法官

依照德克薩斯州選舉法32.009條規定，在此授權并指派市府秘書向法官們提交此**決議書**副本作為其任命之書面通知。如果主理法官或替代主理法官均無法執行其委派職責，在需要時授權市府秘書於符合資格的選舉書記中選擇一位代理主理或代理替代主理法官。

主理法官將有權委派不超過七名書記協助舉辦此項選舉，但在任何情況下主理法官不得委派兩名以下的書記。提述之選舉官員也將擔任此項選舉的提前投票選票委員會的工作；該選區的主理法官亦同時擔任提前投票選票委員會的主理法官。

依照州選舉條例第三綱領，第 32.091 (a) 條規定，選舉法官之酬薪為每小時\$12.25；提前投票書記及選舉書記之酬薪為每小時\$11.25。依照州選舉條例第三綱領，第 32.091 (a) 條規定，如送交工作是必要的，選舉法官在送交選舉設備及用品之酬薪為每小時\$25.00。市政府將支付市政府選舉法官及書記任何必要的培訓。法官及書記們出差參加培訓時將可按既定的鐘點計費報銷。

第四條： 市府秘書在此委派提前投票之選舉書記；市府秘書應將依照德克薩斯州選舉條例第 83.001條及該條款下列相關條款規定委派提前投票之代表書記或書記。此項選舉的提前投票地點在此指定於：

市政廳
德州Tomball市
401 Market Street
Tomball, Texas 77375

提述之書記在市政廳正常辦公時間保持該投票所之開放，開放時間即為：週一，週三及週四上午七時四十五分(7:45)至下午五時(5:00)、週二上午七時四十五分(7:45)至下午七時四十五分(7:45)、週五上午七時四十五分(7:45)至下午四時(4:00)，提前投票的每日開放時間將從此項選舉前的第12日起至選舉前的第四日止，週六，週日或國定假日除外。依照選舉條例第85.005 (d) 條規定，如果提前投票期間含6或6個以上的平常工作日，主要的提前投票所則需在2014年4月29日，星期二及2014年5月6日，星期二開放每日12小時供個人出席的提前投票；

提述之書記不得允許任何人在書記辦公室非正常工作日內進行個人出席提前投票，在該辦公室未對外開放時，在任何情況之下絕不允許任何人進行個人出席提前投票。上述提前投票地點亦為辦理選票申請及郵寄選票書記辦公室的通訊地址。依據德州選舉條例規定，提前投票書記應保存每位進行個人出席提前投票和寄發郵寄選民的名冊。名冊應保持州務卿批核之格式。

第五條： 所有選票均依照的州選舉條例進行準備。郵寄提前投票將使用紙張選票，個人出席提前投票和選舉日投票將使用eSlate 直接記錄電子 (DRE)投票系統，兩者均為eSlate DRE 投票系統之部分。州務卿已核準市議會在此通過提前投票及選舉日使用eSlate直接記錄電子 (DRE) 投票系統。所有舉辦選舉、材料採購、以及選舉人員的僱聘之必要支出在此業經授權。

第六條： 在此授權并指示市府秘書提供舉辦此次選舉的所有必要選舉用品。

第七條： 此項選舉公告的發佈依照德克薩斯州選舉條例之規章，公告回執亦應按上述條例進行。市長將開具所有有關此項選舉必要的命令及令狀，每項選舉回執在投票所關閉后應提交市府秘書。

第八條： 提述之選舉將依據德克薩斯州憲法第11章，第11條之規定辦理，德克薩斯州選舉條例及1965年聯邦投票權法案修正案規定市行政單位超過兩年的任期，必須在空缺發生的120日內填補該項空缺，唯有Tomball市正式合格的居民選民才能取得投票資格。

第九條： 開始申請參選選票席位的第一天為2014年1月29日。所有競選市議會席位1及市議員辦公室市議會席位5之候選人必須在2014年2月28日，下午5:00前提交申請候選人姓名才能將其姓名列於正式選票上。

第十條： 如果需要進行二次決選，二次決選定於2014年6月14日。二次決選的提前投票將於2014年6月2日開始并於2014年6月10日結束。2014年5月10日市府官員普選制定之所有的任期，條件及條款均將適用於二次決選。

第十一條： 在此依法授權及指示市府秘書發佈上述選舉公告。

於2014年1月__6__日通過，核準并決議。

GRETCHEN FAGAN, 市長
Tomall市

此證：

DORIS SPEER, 市府秘書
Tomall市

Regular City Council

Agenda Item

Meeting Date: January 6, 2014

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2014-01, 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

Adoptar, en primera lectura, la Ordenanza Nro. 2014-01, una Ordenanza de la Ciudad de Tomball, Texas, Pedido de una elección especial que se celebrará en la Ciudad de Tomball el 10 de mayo de 2014, para el propósito de someter a los votantes calificados de Tomball, Tejas Ciertas enmiendas propuestas a la Carta existente de la Ciudad; indicando las enmiendas propuestas a ser sometidas a votación en dicha elección; designación de Centro de Votación y nombramiento de Oficiales Electorales de dicha elección; entregar el formulario de la votación y que la Dirección Notificación de Elección será dado; se dictan otras disposiciones del Código Electoral del Estado; Publicación de la Leyenda de la presente Ordenanza Directivo; Al comprobar que las sesiones en que esta ordenanza se considera están abiertos al público según lo exige la ley; Prever Nulidad y Derogación del Conflicto de Ordenanzas, y proporcionar una fecha efectiva.

Thông qua, ngày đầu tiên của Reading, Pháp lệnh số 2014-01, một Pháp lệnh của thành phố Tomball, Texas, đặt hàng một cuộc bầu cử đặc biệt được tổ chức tại thành phố Tomball vào ngày 10 Tháng 5 năm 2014, cho các Mục đích của Trình bỏ phiếu Đạt Tiêu Chuẩn của Tomball, Texas Một số đề nghị sửa đổi Điều lệ hiện tại của thành phố; Phát biểu sửa đổi được đề xuất để được bình chọn khi ở Said bầu cử; Chỉ định Phòng Phiếu và bổ nhiệm các quan chức bầu cử bầu cử như vậy; Cung cấp mẫu của Lá Phiếu và chỉ đạo các thông báo về bầu cử được Given; Chứa Các quy định khác của Bộ luật bầu cử nhà nước; đạo Công bố các lời ghi chú của Pháp lệnh này; Tìm rằng cuộc họp tại đó Pháp lệnh này được coi là mở cửa để các hồ như bắt buộc của Luật; Cung cấp cho Tách và bãi bỏ của xung đột pháp lệnh; và Cung cấp một ngày hiệu quả.

採納，對首讀，編號2014-01條例，市湯波，得克薩斯州的一個條例，訂購一個特別選舉中市湯波的將於2014年5月10日，遞交給有選舉權的目的斥建議修訂在該次選舉進行表決;;投票站及委任該選舉的選舉官員的指定，湯波，德州的若干建議修訂城市現有憲章提供了選票的表格及導演的選舉通知發出;含其他規定向國家選舉守則;導演出版物本條例的標題中，找到了這個條例被認為是會議舉行的開放日按法律規定，提供可分割性和廢除的衝突條例，並提供了一個有效的日期

Background:

Ordinance No. 2014-01 will order a Special Charter Amendment election, to be held in conjunction with the May 10, 2014 general city election. The 2012 City general election cost \$16,929.79, which included additional expenses due to the new requirement for ballots, election materials, and notices to be translated into Mandarin (we are now required to conduct our elections in English, Spanish, Vietnamese, and Mandarin), and the purchase of a backup JBC for additional protection of City elections. The 2013 general election was canceled when the candidates were unopposed. By holding the special election in conjunction with this year's general election, some of the costs for the general and special elections may be reduced.

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 10, 2014 general election are approximately \$15,000, including the contracted services with Hart Intercivic for programming and Election Day support/finalizing the election. Expenses for the special Charter Amendment election will be approximately \$8,000-\$10,000, depending on the additional expenses involved in preparing the ballot for the proposed amendments. Additional expenses will be incurred for the general election if a runoff election is required; however, funds budgeted for elections in the FY 2013-2014 budget are sufficient to cover anticipated costs.

Ordinance No. 2014-01 is presented in English and Spanish; the Vietnamese and Mandarin translations will be ready for the January 20, 2014 second reading.

Origination:

City Secretary

Recommendation:

Adopt Ordinance No. 2014-01 on First 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. 2014-02

ORDINANCE NO. 2014-01

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 THE 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

* * * * *

WHEREAS, May 10, 2014, is the date provided for in the Texas Election Code for a regular election in the City of Tomball; and

WHEREAS, Section 3.02 of the Home-Rule Charter of the City of Tomball provides for amending the Charter and having the amendments submitted to the voters in accordance with Section 9.001 and 9.004 of the Local Government Code;

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

Section 1.0: That a special election shall be held in the CITY OF TOMBALL, TEXAS, on the 10th of May, 2014, at which election proposed amendments to the City of Tomball Home Rule Charter shall be voted upon by the resident qualified voters of the said CITY OF TOMBALL.

Section 2.0: That said election shall be held in the City Hall Building within the said City, and the entire City of Tomball shall constitute one election precinct. The following named persons are hereby appointed Election Officers to conduct said election, to-wit:

PRESIDING JUDGE: Mary Coats
ALTERNATE JUDGE: Patsy Kinsey.

Section 3.0: That said election shall be held in accordance with the provisions of the Constitution and the Laws of the State of Texas, and only duly qualified resident electors of the City of Tomball shall be qualified to vote.

Section 4.0: Notice of said election shall be given as provided by the Texas Election Law and the Local Government Code.

Section 5.0: The City Secretary is hereby authorized and instructed to give Notice of said election as required by law.

THERE SHALL BE PLACED ON THE OFFICIAL BALLOT THE FOLLOWING PROPOSED AMENDMENTS TO THE CITY CHARTER FOR THE CITY OF TOMBALL, TEXAS, AND THE BALLOT SHALL PROVIDE THAT THE VOTER SHALL APPROVE OR DISAPPROVE THE AMENDMENTS WHICH ARE STATED INDIVIDUALLY AS FOLLOWS:

PROPOSED AMENDMENTS:

“SECTION 2.03 - ANNEXATION
(SECCION 2.03 - ANEXION)

The Council may by ordinance annex territory lying adjacent to the City with or without the consent of the inhabitants in such territory or the owners thereof, not inconsistent with the procedural rules prescribed by law applicable to the cities operating under charters adopted or amended under State law. (El Consejo puede por territorio del anexo de la ordenanza acostarse adyacente a la Ciudad con o sin el consentimiento de los habitantes en territorio tal o el [thereof] de los dueños, no incoherente con las reglas del relativo a procedimiento prescribieron por ley aplicable a las ciudades operan debajo de carta constitucional adoptaron o enmendaron debajo de la ley del estado.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 3.02 - AMENDING THE CHARTER
(SECCION 3.02 - ENMIENDA EL CARTA CONSTITUCIONAL)

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by State law. (Se idean enmiendaduras a este carta constitucional y sometieron a los votantes de la Ciudad en la manera proveyó por la ley del estado.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 3.05 - PUBLIC RECORDS
(SECCION 3.05 - COPIA OFICIAL PUBLICO)

All public records of every office, department, agency or other entity of the City shall be open to inspection by any citizen at all reasonable times, except for those records exempted by the Texas Open Records Act or other law. (Todo copia oficial público de cada oficina, departamento, agencia u otra entidad de la Ciudad está abierto a inspección por cualquiera ciudadano a todos tiempos razonables, salvo esos copia oficial exentar por la Ley de Tejas del copia oficial Abierta o otra ley.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 3.06 - OFFICIAL NEWSPAPER
(SECCION 3.06 - PERIODICO OFICIAL)

The Council shall have power to contract with, and by ordinance or resolution, annually designate a public newspaper of general circulation in the City as the official newspaper thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matters required to be published by this Charter, by the ordinances of the City or by the Constitution or laws of the State of Texas. (El Consejo tiene poder acortar con, y por ordenanza o resolución, anualmente designa un periódico público de circulación general en la Ciudad como el [thereof] del periódico oficial y continuar como tal hasta que otro se designa, y causa se publica en eso todas ordenanzas, notificaciones y otras materias requirieron se publican por este carta constitucional, por las ordenanzas de la Ciudad o por la Constitución o las leyes del Estado de Texas.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 4.02 - GENERAL POWERS ADOPTED
(SECCION 4.02 - PODERES GENERALES ADOPTARON)

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. (La enumeración de los poderes particulares en este carta constitucional se tiene o juzgó ser exclusivo pero en adición a los poderes enumeró aquí dentro o implicó por este medio o apropiado al ejercicio de poderes tales, la Ciudad tiene y

debe ejercer todo poder de autonomía local y todos otros poderes que, debajo de la Constitución y leyes del Estado de Texas, sería competente por este carta constitucional específicamente enumerar.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

**SECTION 4.04 - REQUIRED NOTICE FOR CLAIMS AGAINST THE CITY
(SECCION 4.04 - REQUIERA NOTIFICACION POR DEMANDAS CONTRA LA
CIUDAD**

Before the City shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, the person injured, if living, or his representatives, if deceased, or the owner of the property damaged or destroyed, his agent or attorney shall give the City Manager or City Secretary notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within six (6) months after the damages were sustained, stating specifically in such written notice when, where, and how the death, injury, damage or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death, injury, damage or destruction and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. No action at law for damages shall be brought against the City for such death, injury, damage or destruction prior to the expiration of ninety (90) days after the notice herein described has been filed with the City Manager or City Secretary. (Antes la Ciudad está responsable por daños y perjuicios para la muerte o lesiones personales de cualquiera persona o por daños y perjuicios a o destrucción de propiedad de cualquiera género, la persona dañó, si viviente, o sus representantes, si difunto, o el dueño de la propiedad maltrecho o destruyó, su agente o abogado da al gerente de la Ciudad o notificación del secretario de la Ciudad en escribir de muerte tal, lesión, daño o destrucción, debidamente verificó por declaración jurada, dentro de seis (6) meses después del daños ha sostenido, declara específicamente en tal escribe notificación cuando, donde, y cómo la muerte, lesión, daño o destrucción ocurrió, y la magnitud aparente de cualquiera lesión tal, la suma de daños y perjuicios sostuvo, la residencia real del demandante por calle y número a la fecha se presenta la demanda, la residencia real de demandante tal por seis (6) meses inmediatamente preceda la ocurrencia de muerte tal, lesión, daño o destrucción y los nombres y direcciones de todo atestigua en quien fiarse de establecer la demanda por daños y perjuicios. Ningún acción a ley por daños y perjuicios se trae contra la Ciudad por muerte tal, lesión, daño o destrucción antes de a la expiración de noventa (90) días después de la notificación aquí dentro describieron han archivado con el gerente de la Ciudad o secretario de la Ciudad.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 5.03 - FILING FOR OFFICE
(SECCION 5.03 - ARCHIVA POR OFICINA)

Any qualified citizen as defined by Article 6.03 of this Charter, who resides within the City's jurisdiction may file for election to the Office of Mayor or Council Member. A signed application and loyalty oath shall be filed with the City Secretary not later than 5 P.M. of the forty-fifth (45) day prior to the regular election and thirty-one (31) days prior to a special election. (Cualquiera ciudadano calificado como definió por Artículo 6.03 de este carta constitucional, quien reside dentro de la jurisdicción de la Ciudad debe archivar por elección a la Oficina de Alcalde o Miembro del Consejo. Un solicitud de señalado y juramento de la lealtad se archivan con el secretario de la Ciudad no tarde que 5 P.M. del cuarenta quinto (45) prior del día a la elección regular y treinta uno (31) prior de los días a una elección especial.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 5.06 - CONDUCTING ELECTIONS
(SECCION 5.06 - CONDUCE ELECCIONES)

All residents who have complied with voter registration requirements as provided by the State Election Code shall be eligible to vote in the City elections. Election officials will be appointed by the Mayor, consistent with State laws, and compensation shall be set by the Mayor and the Council. Early voting shall be governed by the State Election Code of the State of Texas. (Todos residentes quien ha condescendido con requerimientos del registro del votante como proveyeron por el Código de la Elección del Estado es elegible votar en las elecciones de la Ciudad. Se designarán oficiales de la elección por el Alcalde, consistente con leyes del Estado, y compensación está salir por el Alcalde y el Consejo. Votación temprana se gobierna por el Código de la Elección del Estado del Estado de Texas.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 6.03 - QUALIFICATIONS
(SECCION 6.03 - CALIFICACIONES)

Each member of the Council shall be a resident citizen of the City, shall be a minimum of twenty-one (21) years of age and a qualified voter of the State of Texas, shall have been a resident citizen of Tomball for a period of not less than one (1) year immediately preceding his election. An incumbent seeking re-election must file for the same position number. Any person presently holding an elective office shall resign that office upon election to another elective office of profit or trust. No employee of the City shall continue in such position after election to an elective office. A citizen cannot file for an elective office if the candidate has a felony conviction except as provided by the State Election Code. The Mayor or Councilman shall, if convicted of a felony while in office, immediately upon conviction thereof, forfeit said office. If the Mayor or any Councilman fails to maintain the foregoing qualifications or shall be absent from two (2) regularly scheduled meetings within any six (6) month period without valid excuse, the Council must, at its next regular meeting, declare a vacancy as set forth in Section 6.09 of this Charter. (Cada miembro del Consejo es un ciudadano residente de la Ciudad, es un mínimo de veinte uno (21) años de edad y un votante calificado del Estado de Texas, ha sido un ciudadano residente de Tomball por un períodos de no menos que uno (1) año inmediatamente precede su elección. Un titular ambicionar elección del [re] debe de archivar por el número de la posición mismo. Cualquiera persona presentemente tiene una oficina electiva resigna esa oficina en elección a otra oficina electiva de ganancia o confianza. Ningún empleado de la Ciudad continúa en posición tal después de elección a una oficina electiva. Un ciudadano no puede archivar por una oficina electiva si el candidato tiene una convicción de la felonía exceptúa como proveyó por el Código de la Elección del Estado. El Alcalde o concejal, si declaró culpable de una felonía mientras en oficina, inmediatamente en [thereof] de la convicción, rinde dijo oficina. Si el Alcalde o cualquiera concejal falla mantener las calificaciones anteriores o está ausente de dos (2) regularmente sesiones del horario dentro de cualquiera seis (6) períodos del mes sin excusa válida, el Consejo tiene que, a su sesión próxima regular, declara un puesto vacante como salir adelante en Sección 6.09 de este carta constitucional.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 6.05 - NEPOTISM
(SECCION 6.05 - NEPOTISMO)

No officer of the City or officer of any City Board shall appoint, or vote for or confirm the appointment to any office, position, clerkship, employment or duty, of

any person related with the second-degree of affinity (by marriage) or within the third-degree by consanguinity (by blood) to the person so appointing or so voting, or related to any other member of the governing body or board of the City; provided that any person who has been continuously employed in any employment for a period of six (6) months prior to the election or thirty (30) days prior to the appointment of the officer or member of a board may be retained in such employment, as provided by state statutes. (Ningún persona que tiene cargo público de la Ciudad o persona que tiene cargo público de cualquiera Tabla de la Ciudad designa, o voto por o confirma la designación a cualquiera oficina, posición, escribanía, empleo o derecho, de cualquiera persona relacionado con el segundo grado de afinidad (por matrimonio) o dentro del tercer grado por [consanguinity] (por sangre) a la persona así designa o así votación, o relacionado a cualquiera otro miembro del gobierna cuerpo o tabla de la Ciudad; con tal de que cualquiera persona quien ha empleado continuamente en cualquiera empleo por un períodos de seis (6) prior de los meses a la elección o treinta (30) prior de los días a la designación del persona que tiene cargo público o se retiene miembro de una tabla en empleo tal, como proveyó por estatutos del estado.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 6.06 - HOLDING DUAL OFFICES
(SECCION 6.06 - TIENE OFICINAS DUALES)

The Mayor and City Councilmen are prohibited by the provision of Article XVI, Section 40, of the Texas Constitution and statutes of the State of Texas, from holding more than one civil office of emolument concurrently. Violation of this Section shall constitute malfeasance in office and any officer found guilty thereof shall be subject to removal from office. (Se prohíben el Alcalde y concejales de la Ciudad por la provisión de Artículo XVI, Sección 40, del Texas Constitución y estatutos del Estado de Texas, de tener más de una oficina civil del mismo tiempo del emolumento. Violación de esta Sección constituye mala conducta en oficina y cualquiera persona que tiene cargo público fundó [thereof] culpable está sujeto a quitar de oficina.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 6.07 - CONFLICT OF INTEREST IN CITY CONTRACTS
(SECCION 6.07 - CONFLICTO DE INTERÉS EN CONTRATOS de la CIUDAD)

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land materials, supplies or services except as provided by State law. Any violation of this Section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his office or position. Any violation of this Section, with the knowledge, expressed or implied, of the person or corporation contracting with the Council may invalidate the contract involved. (Ningún persona que tiene cargo público o empleado de la Ciudad tiene un interés financiero, directo o indirecto, en cualquiera contrato con la Ciudad, o está interesado de monetario, directamente o indirectamente, en la venta a la Ciudad de cualesquiera materiales de la tierra, suministros o servicios excepto como proveyó por las leyes del estado. Cualquiera violación voluntariosa de esta Sección constituye mala conducta en oficina, y cualquiera persona que tiene cargo público o empleado [thereof] culpable está sujeto a quitar de su oficina o posición. Cualquiera violación de esta Sección, con el saber, expresó o implícito, de la persona o corporación contrata con el Consejo debe invalidar el contrato envuelto.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 6.08 - MAYOR AND MAYOR PRO-TEM
(SECCION 6.08 - ALCALDE Y ALCALDE PRO-TEM)

The Mayor shall be the official head of the City government. The Mayor shall be the Chairman and shall preside at all meetings of the Council. The Mayor shall see that all ordinances, bylaws and resolutions of the Council are faithfully obeyed and enforced. The Mayor shall, when authorized by the Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. The Mayor shall appoint special committees as he deems advisable, subject to approval by Council, or as instructed by the Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him by Council.

The Council, at its first meeting after the election of Councilmen, shall elect one of its members Mayor Pro-Tem, and he shall perform all the duties of the Mayor in the absence or disability of the Mayor. The Mayor Pro-Tem shall retain his voting privileges when acting in the absence of the Mayor.

(El Alcalde es la autoridad del oficial del gobierno de la Ciudad. El Alcalde es el Presidente y preside a todas sesiones del Consejo. El Alcalde que todas ordenanzas, estatutos y se obedecen resoluciones del Consejo fielmente y pusieron en vigor. Cuando dio autoridad por el Consejo, el Alcalde firma todos documentos del oficial tal como ordenanzas, resoluciones, transmisiones, acuerdos de la concesión, planos del oficial, contratos y fiadores. El Alcalde designa comité especiales como juzga aconsejable, sujeto a aprobación por Consejo, o como instruyó por el Consejo. El Alcalde ejecuta otras funciones tales consistente con este carta constitucional o como se impone en él por Consejo.

El Consejo, a su primera sesión después del elección de concejales, elige uno de su Alcalde Pro-Tem de los miembros Pro-Tem, y ejecuta todo los derechos del Alcalde en la ausencia o inhabilidad del Alcalde. El Alcalde Pro-Tem retiene sus privilegios de la votación cuando actúa en la ausencia del Alcalde.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 6.09 - VACANCIES
(SECCION 6.09 - VACANTES)

When a vacancy occurs in the Council, the following provisions shall apply, to wit:

Any vacancy or vacancies occurring shall not be filled by appointment but must be filled by majority vote of the qualified voters voting in a special election called for such purpose on the next Uniform Election Date.

It is further provided that in a special or regular election: The person(s) elected to fill a vacancy or vacancies shall serve only the unexpired term for that particular position.

(Cuando un puesto vacante ocurre en el Consejo, las provisiones siguientes aplican, a ingenio:

Cualquiera vacante o vacantes ocurren se ocupan por designación pero debe de ocupar por voto de la mayoría de la votación de los votantes calificada en una elección especial invoca por propósito tal en la Fecha de la Elección próxima Uniforme.

Está más amplio con tal de que en un carta especial o elección regular: La persona eligió ocupar un puesto vacante o puesto vacante sirven sólo el semestre de la [unexpired] por esa posición del particular.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 6.10 - APPOINTMENTS AND REMOVALS
(SECCION 6.10 - DESIGNACIONES Y QUITARES)

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his subordinates are empowered to appoint. (See Section 7.01,C-1) (Ninguno el Consejo ni cualquiera de su miembros en cualquiera manera dicta la designación o quitar de cualquiera Ciudad persona que tiene cargo público administrativos o empleados quien el gerente de la Ciudad o cualquiera de se autorizan designar sus subordinados. (Ve Sección 7.01, C-1))

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 6.12 - MEETINGS OF COUNCIL
(SECCION 6.12 - SESIONES DE CONSEJO)

The Council shall schedule at least two (2) regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The Council shall fix, by ordinance, the days and time of the regular meetings. All regular meetings of the Council shall be held at the City of Tomball City Hall, unless the City Council votes to approve a location other than the City Hall in the event it is determined to be in the public interest. All meetings shall be open and accessible to the public; however, the Council may recess to an Executive Session only for the purposes provided by the Texas Open Meetings Act. Final action thereon shall not be taken by the Council until the matter is placed on the agenda and a vote taken in an open meeting.

The City Secretary, upon written request of the Mayor or any three (3) Council members, shall call special meetings of the Council, notice of such special meetings shall be given to each member of the Council, which said notice shall state the date for such meeting and the subject to be considered at such meeting, and no other subject shall be thereby considered. Said notice to the Council shall be sufficient if delivered to the Council members in person or in the event of the inability to locate said Council member within the City of Tomball, Texas, delivery of such notice to his or her home shall be sufficient.

(El Consejo programa por lo menos dos (2) sesiones regulares cada mes y tantas sesiones del adicional como juzga necesario llevar a cabo el negocio de la Ciudad

y su ciudadanos. El Consejo arregla, por ordenanza, los días y tiempo de las sesiones regulares. Todas sesiones regulares del Consejo se tienen a la Ciudad de Tomball edificio público de la Ciudad, a menos que los votos del Consejo de la Ciudad aprobar una localidad otra cosa que el edificio público de la Ciudad en el evento se determina estar en el interés público. Todas sesiones están abierto y accesible al público; sin embargo, el Consejo debe retirar a una Sesión ejecutiva solamente por los propósitos proveyeron por la Ley de Tejas de las Sesiones Abierta. [Thereon] de la acción final se toma por el Consejo hasta que se pone la materia en la agenda y un voto da en una sesión abierta.

El secretario de la Ciudad, en escribe demanda del Alcalde o cualquiera tres (3) miembros del Consejo, invoca sesiones especiales del Consejo, notificación de sesiones tales especiales se da a cada miembro del Consejo, que dijo que notificación declara la cita por sesión tal y se considera la tema a sesión tal, y ningún otra tema se considera en consecuencia de esto. Diga notificación al Consejo está suficiente si entregó a los miembros del Consejo en persona o en el evento de la inhabilidad localizar dijo miembro del Consejo dentro de la Ciudad de Tomball, Texas, rescate de notificación tal a su o ella hogar está suficiente.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 7.01 - CITY MANAGER
(SECCION 7.01 - GERENTE DE LA CIUDAD)

B. Term and Salary:

- (1) The City Manager shall be appointed for a term not to exceed two years by a majority vote of the Council. The appointment shall be secured through an explicit contractual agreement which shall protect the rights of both the Council and the City Manager.
- (2) The City Manager shall receive compensation as may be fixed by the Council.

(B. Semestre y Salario:

- (1) El gerente de la Ciudad se designa por un semestre no exceder dos años por un voto de la mayoría del Consejo. La designación se contrata a través de un acuerdo explícito contractual que proteja los derechos de ambos el Consejo y la Ciudad Gerente.
- (2) El gerente de la Ciudad recibe compensación como puede se arregle por el Consejo.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 7.06 - DEPARTMENT OF TAXATION
(SECCION 7.06 - DEPARTAMENTO DE IMPUESTOS)

There shall be established and maintained a Department of Taxation to collect taxes for the City. The City Manager shall appoint an Assessor/Collector to administer said department.

The Assessor/Collector shall perform all duties assigned by the City Manager. He shall, at the end of every business day, pay to the City Treasurer all monies collected. At the end of every month, he shall submit a written report to the City Manager of all monies so collected and paid. The duties of City Secretary, City Treasurer and City Tax Assessor/Collector may be performed by the same individual.

(Allí se establece y mantuvo un Departamento de Impuestos coleccionar impuestos por la Ciudad. El gerente de la Ciudad designa un Asesor/Collector administrar dicho departamento.

El Asesor/Collector ejecuta todos derechos asignaron por el gerente de la Ciudad. Al fin de cada día del negocio, paga al Tesorero de la Ciudad todos fondos cobró. Al fin de cada mes, somete un le escribe informe al gerente de la Ciudad de todo fondos así cobró y pagó. Los derechos de secretario de la Ciudad, Tesorero de la Ciudad y Asesor/Collector del Impuesto de la Ciudad se ejecuta por el mismo individual.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 7.07 - CITY FIRE DEPARTMENT
(SECCION 7.07 - DEPARTAMENTO DEL FUEGO DE LA CIUDAD)

A. Fire Marshal

A Fire Marshal shall be appointed by the City Manager and shall be responsible for the enforcement of ordinances pertaining to the City Building Fire Codes and for the general protection from fire for the residents of the City. He shall receive for his services such compensation

as may be fixed by the Council and shall hold his office at the pleasure of the City Manager.

C. Contractual Agreement

Approval of the by-laws and operating budget of the Volunteer Fire Department shall constitute an agreement between the City and members of the Tomball Volunteer Fire Department to provide protection to the City from fire and other disasters. The Council shall also cooperate with contiguous neighboring communities on problems of fire protection and other disasters.

(A. Mariscal del Fuego

Un Mariscal del Fuego se designa por el gerente de la Ciudad y es responsable por el entrada en vigor de ordenanzas pertenecer a los Códigos del Fuego de la edificación de la Ciudad y por el protección general de fuego por los residentes del Ciudad. Recibe por sus servicios tal compensación como se arregla por el Consejo y tenga su oficina al placer del gerente de la Ciudad.

C. Acuerdo contractual

Aprobación del por leyes y opera presupuesto del Departamento del Fuego voluntario constituye un acuerdo en medio la Ciudad y miembros del Tomball voluntario Departamento del fuego proveer la protección de la Ciudad de fuego y otros desastres. El Consejo coopera tambien con contiguo vecino comunidades en problemas de protección del fuego y otros desastres.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 7.08 - CITY ATTORNEY
(SECCION 7.08 - ABOGADO de la CIUDAD)

The Council shall appoint an attorney duly licensed in the State of Texas, who shall be the City Attorney. He shall receive for his services such compensation as may be fixed by the Council and shall hold his office at the pleasure of Council. The City Attorney, or such other attorneys selected by him with the approval of the Council shall represent the City in all litigation. He shall be the legal advisor of, attorney and counsel for, the City and all officers and departments thereof. A City Attorney shall hold no other City office or City employment during the term for which he is appointed by the Council. Should a person serving as City

Attorney become a candidate in a City election, he shall resign his position as City Attorney upon election to a City Office. (El Consejo designa un abogado debidamente autorizó en el Estado de Texas, quien es el Abogado de la Ciudad. Recibe por sus servicios compensación tal como se arregla por el Consejo y tiene su oficina al placer de Consejo. El Abogado de la Ciudad, u otros abogados tales seleccionaron por él con la aprobación del Consejo representa la Ciudad en litigación del total. Es el consejero legal de, abogado y consejo por, la Ciudad y todos persona que tiene cargo público y [thereof] de los departamentos. Un Abogado de la Ciudad tiene ningún otra oficina de la Ciudad o empleo de la Ciudad durante el semestre por que es designado por el Consejo. Una persona que sirve como Abogado de la Ciudad llega a ser un candidato en una elección de la Ciudad, resigna su posición como Abogado de la Ciudad en elección a una Oficina de la Ciudad.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 7.09 - MUNICIPAL COURT
(SECCION 7.09 - MUNICIPAL SALA DE JUSTICIAS)

E. A City Judge shall hold no other City office or City employment during the term for which he is appointed by the Council. Should a person serving as City Judge become a candidate in a City election, he shall resign his position as City Judge upon election to a City Office.

(E. Un Juez de la Ciudad tiene ningún otra oficina de la Ciudad o Ciudad empleo durante el semestre por que se designa por el Consejo. Una persona que sirve como Juez de la Ciudad llega a ser un candidato en una elección de la Ciudad, resigna su posición como Juez de la Ciudad en elección a una Ciudad Oficina.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 7.10 - HEALTH DEPARTMENT
(SECCION 7.10 - DEPARTAMENTO de la SALUD)

To assure a high quality of health and sanitation standards for the City, including the regulation of businesses in conflict with the City Health Code, the City shall utilize and adhere to all rules and regulations regarding health and sanitation

standards outlined, required, and governed by the Harris County Department of Health and the State Health Department. An official City Health Department will be established at such time that county and/or state supervision becomes inadequate.

A. City Health Officer

The City Council shall appoint a City Health Officer who is a licensed physician, qualified to practice medicine in the State of Texas. He shall receive for his services such compensation as may be fixed by the Council and shall hold his office at the pleasure of City Council.

B. Duties of City Health Officer

The City Health Officer advises the City Manager and City Council on a program of public health and in cases of life and health threatening situations. He shall be the official spokesperson for the City in the event of emergency health matters.

The City Health Officer cooperates with nearby cities and jurisdictions, the Commissioner's Court of Harris County, and the State Health Department on problems of health and sanitation that affect the City.

(Asegurar una calidad superior de salud y normas de la higienización por la Ciudad, incluso la regulación de comercios en conflicto con el Código de la Salud de la Ciudad, la Ciudad utiliza y adhiere a todas reglas y regulaciones respecto de salud y normas de la higienización delinearon, requirió, y gobernó por el Harris Departamento del Condado de Salud y el Departamento de la Salud del Estado. Se establecerá un Departamento de la Salud de la Ciudad oficial a tiempo tal que condado y/o vigilancia del estado hace inadecuado:

A. Persona que tiene cargo público de la Salud de la Ciudad

El Consejo de la Ciudad designa un persona que tiene cargo público de la Salud de la Ciudad quien sea un médico autorizado, calificado practicar medicina en el Estado de Texas. Recibe por sus servicios compensación tal como se arregla por el Consejo y tiene su oficina a el placer de Consejo de la Ciudad.

B. Derechos de persona que tiene cargo público de la Salud de la Ciudad

El persona que tiene cargo público de la Salud de la Ciudad aconseja al gerente de la Ciudad y Ciudad Consejo en un programa de salud público y en casos de vida y salud situaciones amenazantes. Es el representante del oficial por la Ciudad en el evento de materias de la salud de la emergencia.

El persona que tiene cargo público de la Salud de la Ciudad coopera con ciudades cercanas y jurisdicciones, el Comisionado sala de Harris Condado, y el Departamento de la Salud del Estado en problemas de salud y higienización que afecta la Ciudad.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 8.03 - PREPARATION AND SUBMISSION OF BUDGET
(SECCION 8.03 - PREPARACION Y SUMISION DE PRESUPUESTO)

The City Manager, between sixty (60) and one hundred twenty (120) days prior to the beginning of each fiscal year, shall submit to the Council a proposed budget, which shall provide a complete financial plan for the fiscal year and shall contain the following:

- N. The total monies in all reserves (designated, undesignated, and debt) shall not exceed the budgeted City expenditures for the fiscal year. Likewise, the total monies included in all reserves shall not be less than one quarter of the budgeted City expenditures for a fiscal year.

The total proposed expenditures shall not exceed the total of estimated resources.

(El gerente de la Ciudad, en medio sesenta (60) y uno centenar de veinte (120) prior de los días al comienzo de cada año fiscal, somete al Consejo un propuso presupuesto, que provee un diseño completo financiero por el año fiscal y contiene el siguiente:

- N. Los fondos del total en reservas del total (designó, no designe, y deuda) excede el presupuestó Gastos de la ciudad para el año fiscal. Igualmente, los fondos del total incluyó en reservas del total están menos de uno cuarto de los presupuestó gastos de la Ciudad para un fiscal año.

El total propuso gastos exceden el total de estimó recursos.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

**SECTION 11.09 - FAILURE OF CITY COUNCIL TO CALL AN ELECTION
(SECCION 11.09 - FRACASO DE CONSEJO de la CIUDAD INVOCAR UNA
ELECCION)**

In case all the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the recall petition, or to order such recall election or to discharge any other duties imposed upon the Council by the provisions of this Charter with reference to such recall, then the petitioner shall have the right to file an action in an appropriate court to obtain a writ of mandamus or other relief requiring the Council to call the election. (En caso de todo los requerimientos de este carta constitucional encontrarse con y el Consejo fallan o niegan a recibir la petición de la revocación, o hacer un pedido elección de la revocación tal o descargar cualquiera otros derechos impusieron en el Consejo por las provisiones de este carta constitucional con referencia a revocación tal, entonces el peticionario tiene que el archivo del derecho una acción en un apropiado sala de justicias obtener un escrito del [mandamus] u otro remedio requiere el Consejo invocar la elección.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

**SECTION 12.02 - INITIATIVE
(SECCION 12.02 - INICIATIVA)**

Qualified voters of the City may initiate legislation by submitting a petition addressed to the Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to thirty-percent (30%) of the average of the highest number of votes cast at the last three regular municipal elections for council place or Mayor of the City, or two hundred fifty (250) qualified voters whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. Each signer of such petition shall personally sign and print his name thereto in ink, and write his place of residence, giving name of street and number. He shall also write thereon his voter registration number and the day, month, and year his signature was affixed. The petition may consist of one (1) or more notarized copies as permitted in Section 11.05 of this Charter. Such petition shall be filed with the person performing the duties of City Secretary. Within five (5) business days after the filing of such petition, the person performing the duties of City Secretary shall certify such petition or return same to petitioners for corrections. After certification, the person performing the duties of City Secretary shall present said petition and proposed ordinance or resolution to the Council at the next regular meeting. Upon presentation to the Council of the petition and draft of the proposed ordinance or resolution, it shall become the duty of the Council, on or before the next regularly

scheduled meeting of the Council, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition and to call a special election on the next uniform election date as provided by the State Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. No ordinance shall be proposed by an initiative petition which is on the same question as an ordinance so submitted and defeated at an election held within the preceding twelve (12) months. (Votantes calificados de la Ciudad deben iniciar legislación para someter una petición envié al Consejo que demandas la sumisión de un propuso ordenanza o resolución a un voto de los votantes calificados de la Ciudad. Diga que petición debe de firmar por votantes calificados de la Ciudad igual en número a treinta porcentaje (30%) del promedio del número más alto de votos lanzaron a las tres elecciones regulares municipales pasadas para lugar del consejo o Alcalde de la Ciudad, o doscientos cincuenta (250) votantes calificados cualquiera está más grande, y cada copia de la petición le ha atado una copia del propuso legislación. Cada firmante de petición tal firma personalmente e imprime su [thereto] del nombre en tinta, y escribe su lugar de residencia, da nombre de calle y número. Escribe tambín [thereon] su número del registro del votante y el día, mes, y año se añadió su firma. La petición debe constar de uno (1) o más autorizó ante notario copias como permitieron en Sección 11.05 de este carta constitucional. Petición tal se archiva con la persona ejecuta los derechos de secretario de la Ciudad. Dentro de cinco (5) días del negocio después del archivo de petición tal, la persona ejecuta los derechos de secretario de la Ciudad certifican petición tal o vuelve mismo a peticionarios por correcciones. Después de certificación, la persona ejecuta los derechos de secretario de la Ciudad presentan dijeron petición y propuso ordenanza o resolución al Consejo a la sesión próxima regular. En presentación al Consejo de la petició y dibujo del propuso ordenanza o resolución, pasa con el derecho el Consejo, en o antes el próximo regularmente sesión de horario del Consejo, pasar y adopta ordenanza tal o resolución sin alteración como a querer decir o efecto en la opinión del archivo de las personas la petición y invocar una elección especial en la fecha de la elección del uniforme próxima como proveyó por el Código de la Elección del Estado, a que los votantes calificados de la Ciudad voto en la pregunta de adoptar o rechaza el propuso legislación. Ningún ordenanza se propone de una petición de la iniciativa que está en la pregunta misma como una ordenanza eso sometió y derrotó a una elección tuvo dentro del precede doce (12) meses.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)

SECTION 12.06 - PUBLICATION OF PROPOSED AND REFERRED ORDINANCES
(SECCION 12.06 - PUBLICACION DE PROPUSO Y REFIRIO ORDENANZAS)

The person performing the duties of City Secretary shall publish at least once in a newspaper of general circulation in the City, a caption of the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give other notices and do such things relative to such elections as are required in general municipal elections or by the ordinance or resolution calling said election. Entire and complete copies of the proposed or referred ordinance shall be made available to any citizen upon request. (La persona ejecuta los derechos de secretario de la Ciudad publican por lo menos una vez en un periódico de circulación general en la Ciudad, una inscripción del propuso o refirió ordenanza o resolución dentro de quince (15) días antes la fecha de la elección, y da otras notificaciones y hace relativo de las cosas tal a elecciones tales como se requiere en elecciones generales municipales o para la ordenanza o resolución invoca dijo elección. Entero y copias completas del propuso o refirió ordenanza se hace disponible a cualquiera ciudadano en demanda.)

___ FOR (A Favor De)

___ AGAINST (En Contra De)”

Section 6.0. Publication; Effective Date; Open Meetings.

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

It is hereby found and determined that the meetings at which this Ordinance was considered were open to the public, as required by Local Government Code 551, and that advance public notice of time, place, and purpose of said meeting was given.

Section 7.0 Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 8.0 Rights and Remedies; Repeal

All rights and remedies which have accrued in favor of the City shall be and are preserved for the benefit of the City. All ordinances in force when this Ordinance becomes effective and which ordinances are inconsistent or in conflict with this Ordinance are hereby repealed, insofar as said ordinances are inconsistent or in conflict with this Ordinance.

Section 9.0 The voting at such election shall be by paper ballot. Such paper ballot shall have printed upon it the propositions hereinabove stated, and the ballot shall be prepared so that a voter may approve or disapprove each such proposition.

Section 10.0 This ordinance shall constitute the election order for such charter amendment election, and it shall also constitute the notice of such election. The City Secretary is hereby authorized and directed to cause notice of said election to be given in accordance with the terms and provisions of the Election Code, as amended, and Section 9.004 of the Texas Local Government Code, as amended.

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 6TH DAY OF
JANUARY 2014.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

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 20TH DAY
JANUARY 2014

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

GRETCHEN FAGAN, MAYOR

ATTEST:

DORIS SPEER, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 6, 2014

Topic:

Adopt, on First 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

Background:

Recent state legislation provides for the establishment of a Juvenile Case Manager fund, which must be collected by municipalities and forwarded to the state.

Under Article 102.0174 of the Code of Criminal Procedures, a municipality may collect a Juvenile Case Manager fee, in the amount of \$5.00, upon conviction for a fine-only misdemeanor offense in the Municipal Court as a cost of court. The fee may be waived at the discretion of the Municipal Court Judge.

The funds collected shall be used only to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056 in the Municipal Court of the City of Tomball, Texas. Melissa Theiss is the juvenile case manager for our Municipal Court.

Origination:

City Secretary

Recommendation:

Adopt Ordinance No. 2014-02 on First 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. 2014-02

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.**

* * * * *

WHEREAS, Article 102.0174 of the Code of Criminal Procedure provides for the establishment of a Juvenile Case Manager Fund;

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

Section 1. Establishment of Juvenile Case Manager Fund.

1. There is hereby created and established a Juvenile Case Manager Fund, here-in-now known as the Juvenile Case Manager Fund, pursuant to Article 102.0174 of the Code of Criminal Procedure.
2. The Fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.

Section 2. Establishment of Amount of the Fee and Assessment and Collection.

1. The fee shall be in the amount of \$5.00.
2. The fee shall be assessed and collected from the defendant upon conviction for a fine-only misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if:
 - (1) a sentence is imposed on the defendant;
 - (2) the defendant receives deferred disposition, including deferred proceedings under Article 45.052 or 45.053, Code of Criminal Procedure; or
 - (3) the defendant receives deferred adjudication in county court.
3. The Municipal Court Judge is authorized to waive the fee in the case of financial hardship.
4. The fee shall be collected on conviction for an offense committed on or after January 31, 2014.

5. The clerk of the court shall collect the fee and pay the fee to the treasurer of the City of Tomball, who shall deposit the fee into the Juvenile Case Manager Fund.

Section 3. Designated Use of the Fund and Administration.

1. The Fund shall be used only to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056 in the Municipal Court of the City of Tomball, Texas. The fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.
2. The Fund shall be administered by or under the direction of the City Council of the City of Tomball.

Section 4. Severability.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Tomball, Texas in adopting this Ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

Section 5. Repealing Conflict.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of conflict with this Ordinance.

Section 6. Publishing and Effective Date.

This Ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effective in accordance with state law upon passage, but no earlier than January 31, 2014.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 6TH DAY OF JANUARY 2014.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 20TH DAY OF
JANUARY 2014.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

GRETCHEN FAGAN
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council Agenda Item Data Sheet

Meeting Date: January 6, 2014

Topic:

Approve the following Plats, as recommended by the Planning and Zoning Commission:

- **RALEIGH CREEK SECTION ONE PARTIAL REPLAT NUMBER ONE**; A subdivision of 0.2518 acres, being a Replat of Lot 6, Block 6 of Raleigh Creek Section One, as recorded in Film Code No. 656125 H.C.M.R., and situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas.
- **RALEIGH CREEK SECTION ONE REPLAT PARTIAL REPLAT NUMBER TWO**; A subdivision of 1.2774 acres, being a Replat of Reserve "A", Block 2 and Reserve "B", Block 1, of Raleigh Creek Section One, as recorded in Film Code No. 656125 H.C.M.R., and situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas.

Background:

The Planning and Zoning Commission approved the Raleigh Creek Section One Partial Replat Number One and Raleigh Creek Section One Partial Replat Number Two plats with contingencies on November 11, 2013. Comments have been addressed and the plats are now being presented to City Council for approval consideration.

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Raleigh Creek Section One Partial Replat Number One
Raleigh Creek Section One Partial Replat Number Two

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to as owners of the 0.2518 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION ONE, PARTIAL REPLAT NUMBER ONE, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

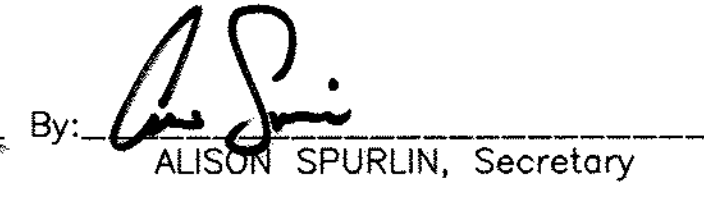
FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net opening area of sufficient size to permit the free flow of water without backwater and in no instance have drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

L S DEVELOPMENT, LLC.

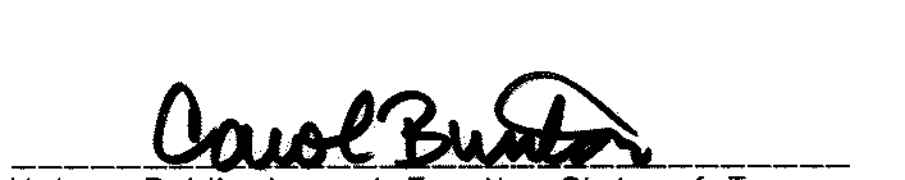
IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this _____ day of _____, 20____.

By:  JIM SPURLIN, President
By:  ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

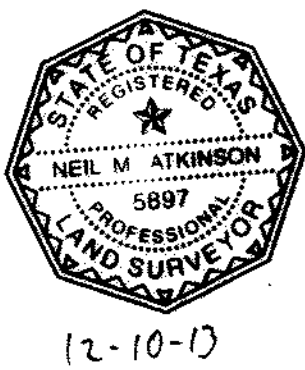
BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN and ALISON SPURLIN, President and Secretary respectively of L S Development, LLC., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this 11 day of December, 2013.

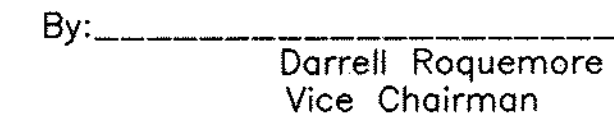

Notary Public In and For the State of Texas
My Commission Expires: 11-26-14

I, Neil M. Atkinson, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

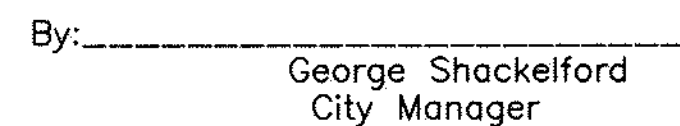

Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897



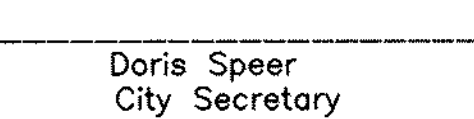
This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION ONE, PARTIAL REPLAT NUMBER ONE in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 20____.

By:  Barbara Tague
Chairman
By:  Darrell Raquemore
Vice Chairman

WE, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinance.

By:  George Shackelford
City Manager
By:  Lori Lakatos, P.E.
City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 20____.

By:  Gretchen Fagan
Mayor
By:  Doris Speer
City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 20____ at _____ o'clock_____, and duly recorded on _____, 20____, at _____ o'clock_____, and under film code number _____ of the map records of Harris County for said County.

Witness my hand and seal of office, at Houston, the day and date last above written.

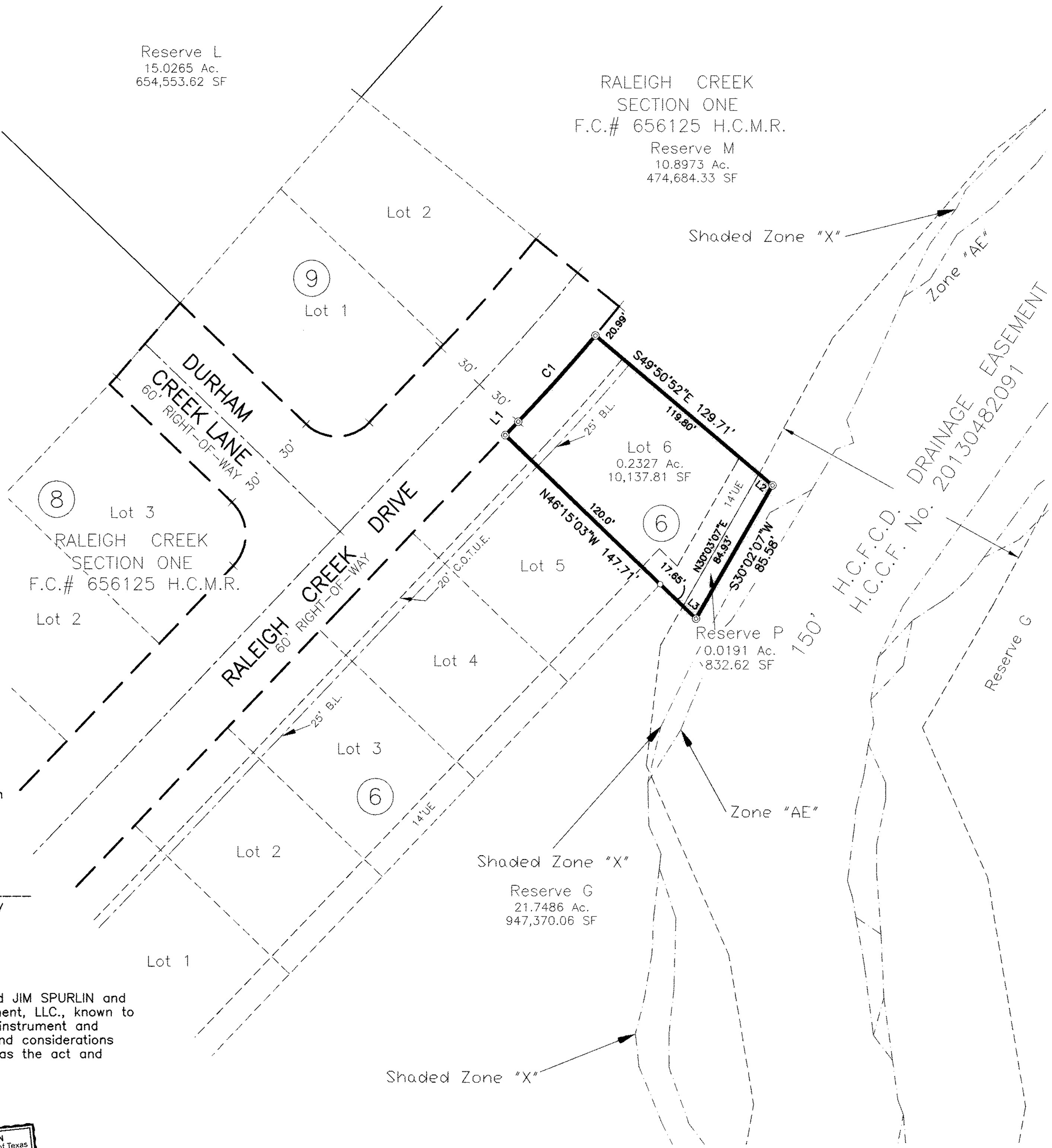
Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy

Reserve L
15.0265 Ac.
654,553.62 SF

RALEIGH CREEK
SECTION ONE
F.C.# 656125 H.C.M.R.

Reserve M
10.8973 Ac.
474,684.33 SF



Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:
According to FEMA Firm Panel Nos.48201C0065L & 48201C0230L (Effective Date 06/18/07), this property is in Zone "X" and is partially within the 0.2% Annual Chance Flood Plain and Zone "AE" within the 1% Annual Chance Flood Plain.

Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

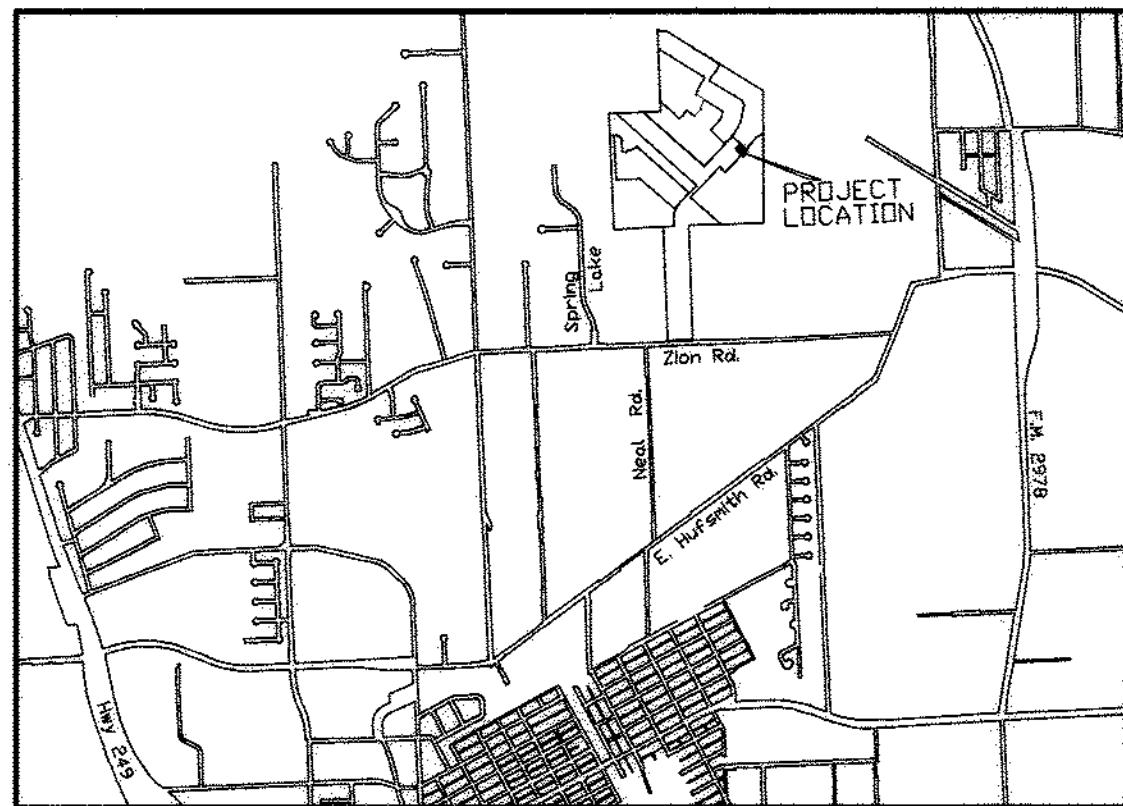
Note #3:
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:
This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5:
The building Lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

GENERAL NOTES

1. U.E. Indicates Utility Easement.
2. B.L. Indicates Building Line
3. W.L.E. Indicates Water Line Easement.
4. H.C.C.F. No. Indicates Harris County Clerk's File Number.
5. V. & P. Indicates Volume and Page.
6. "One foot reserve dedicated to the public as a buffer separation between the side or end of streets in subdivision plats where such streets abut adjacent acreage tracts, the conditions of such dedication being that when adjacent property is subdivided in a recorded plat the one foot reserve shall thereupon become vested in the public for street right of way purposes (and the fee title thereto shall revert to and revest in the dedicant, his heirs assigns, or successors)
7. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
8. H.C.M.R. Indicates Harris County Map Records.
9. Reserve "P" is hereby restricted to Drainage, and Detention.
10. No lots dedicated by this plat are within Zone "AE".
11. Building permits will not be issued for more than 30 single family homes, until an approved street or easement is constructed in accordance to city standards on this plat and the adjacent plat, "Reserve at Spring Lake, Section One."



Reserve Area Table		
Reserve	Acres	Square Feet
Reserve P	0.0191	832.62

Line Table		
LINE	BEARING	DISTANCE
L1	S43°44'57"W	10.38'
L2	S49°50'52"E	9.91'
L3	N46°15'03"W	10.06'

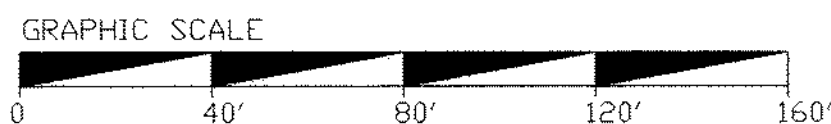
Curve Table				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1030'	64.66'	64.65'	N41°57'03"E

RALEIGH CREEK SECTION ONE, PARTIAL REPLAT NUMBER ONE

A SUBDIVISION OF 0.2518 ACRES, BEING A
REPLAT OF LOT 6, BLOCK 6 OF RALEIGH
CREEK SECTION ONE, AS RECORDED IN
FILM CODE NO. 656125 H.C.M.R., AND
SITUATED IN THE JOSEPH MILLER
SURVEY, ABSTRACT NUMBER 50, HARRIS
COUNTY, TEXAS

REASON FOR REPLAT: TO ACCOMMODATE THE DEDICATION
OF A HARRIS COUNTY FLOOD CONTROL DISTRICT DRAINAGE
EASEMENT ALONG THE SOUTHEAST PORTION OF THE
PROJECT.

All bearings shown hereon are based
on grid north of the U.S. State Plane
Coordinate System, Texas South Central
Zone, NAD 1983 Datum



BENCH MARK:

FLOODPLAIN REFERENCE MARK NUMBER 100340 IS A BRASS
DISK STAMPED 100340 ON BRIDGE AT ZION AND BOGGS
GULLY, LOCATED ON UP-STREAM CONCRETE WALK ON
SOUTHWEST CORNER OF BRIDGE, WEST OF STREAM
CENTERLINE. ELEVATION 169.27 FEET NAVD. 1988, 2001
ADJUSTED.

1 Block

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

December, 2013

1 Lot

Surveyor:
Atkinson Engineers
19575 Wied Road
Spring, Texas 77388
281-872-7600

1 Reserve

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to as owners of the 1.2774 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION ONE, PARTIAL REPLAT NUMBER TWO, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net opening area of sufficient size to permit the free flow of water without backwater and in no instance have drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

L S DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this ____ day of _____, 20____.

By: J. Spurlin JIM SPURLIN, President By: A. Spurlin ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS Montgomery

BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN and ALISON SPURLIN, President and Secretary respectively of L S Development, LLC., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this 11 day of December, 2013.

Carol Buntion
Notary Public In and For the State of Texas
My Commission Expires: Nov. 26, 2016

I, Neil M. Atkinson, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Neil M. Atkinson
Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897



This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION ONE, PARTIAL REPLAT NUMBER TWO in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 20____.

By: Barbara Tague Chairman By: Darrell Roquemore Vice Chairman

WE, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinance.

By: George Shackelford City Manager By: Kori Lakatos, P.E. City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 20____.

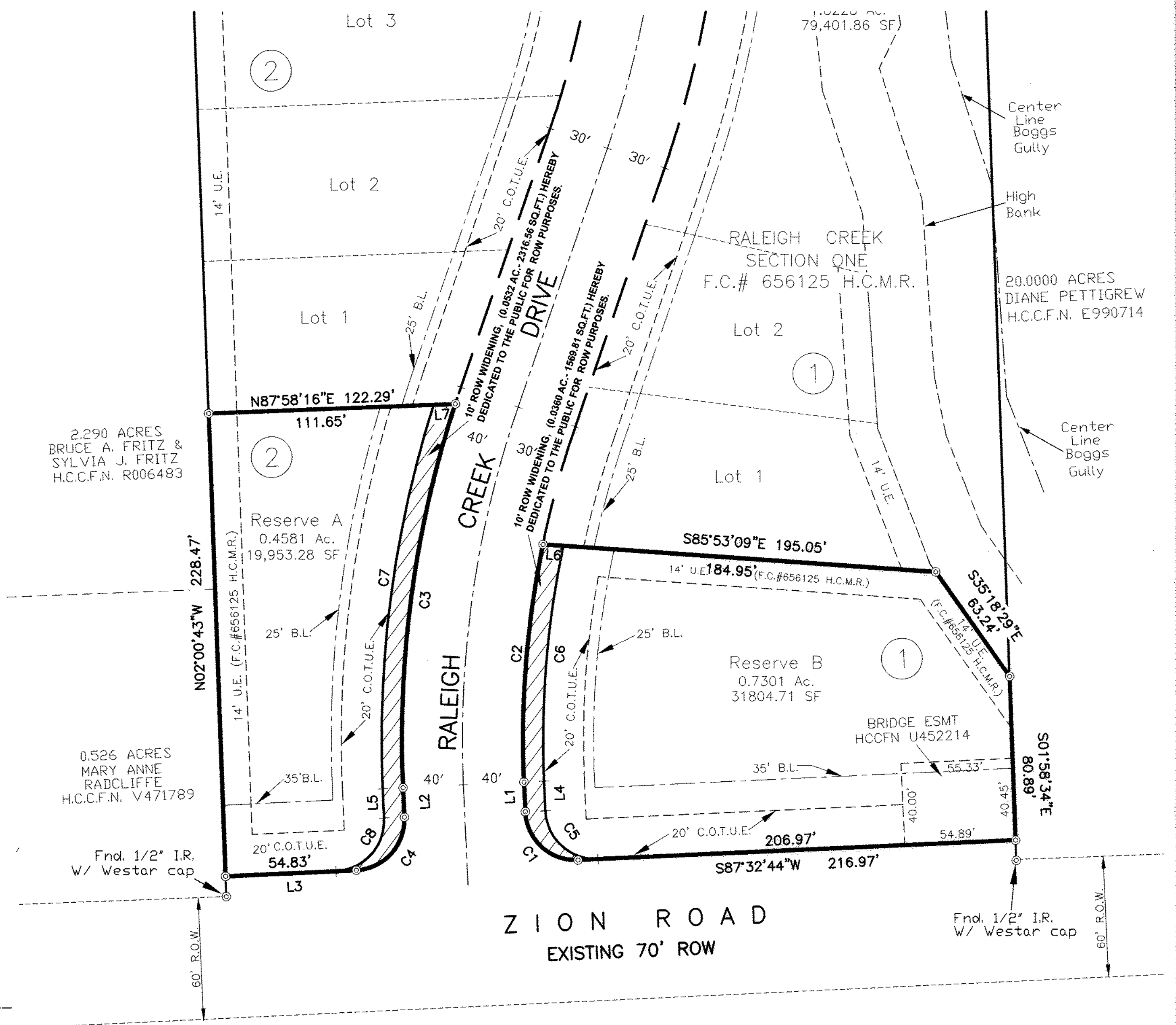
By: Gretchen Fagan Mayor By: Doris Speer City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 20____ at _____ o'clock _____, and duly recorded on _____, 20____, at _____ o'clock _____, and under film code number _____ of the map records of Harris County for said County.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk of
Harris County, Texas

By: _____ Deputy



Public Easements:
Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:
According to FEMA Firm Panel Nos. 48201C0065L & 48201C0230L (Effective Date 08/18/07), this property is in Zone "X" and is partially within the 0.2% Annual Chance Flood Plain and Zone "AE" within the 1% Annual Chance Flood Plain.

Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

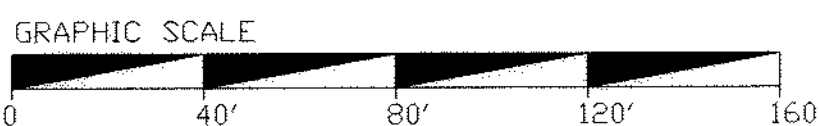
Note #4:
This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5:
The building Lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

GENERAL NOTES

1. U.E. Indicates Utility Easement.
2. B.L. Indicates Building Line
3. W.L.E. Indicates Water Line Easement.
4. H.C.C.F. No. Indicates Harris County Clerk's File Number.
5. V. & P. Indicates Volume and Page.
6. "One foot reserve dedicated to the public as a buffer separation between the side or end of streets in subdivision plats where such streets abut adjacent acreage tracts, the conditions of such dedication being that when adjacent property is subdivided in a recorded plat the one foot reserve shall thereupon become vested in the public for street right of way purposes (and the fee title thereto shall revert to and rest in the dedicating, his heirs assigns, or successors)
7. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
8. H.C.M.R. Indicates Harris County Map Records.
9. Reserves "A", and "B" are hereby restricted to Recreation.

All bearings shown hereon are based on grid north of the U.S. State Plane Coordinate System, Texas South Central Zone. NAD 1983 Datum



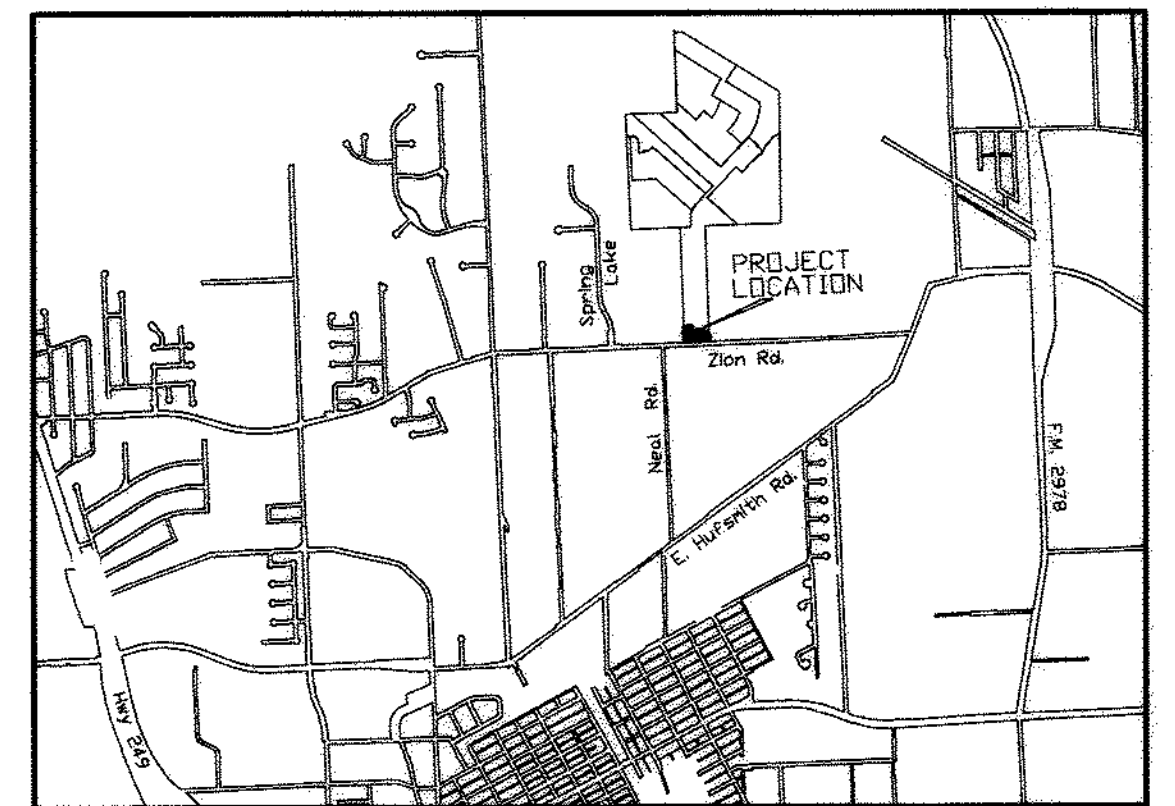
BENCH MARK:

FLOODPLAIN REFERENCE MARK NUMBER 100340 IS A BRASS DISK STAMPED 100340 ON BRIDGE AT ZION AND BOGGS GULLY, LOCATED ON UP-STREAM CONCRETE WALK ON SOUTHWEST CORNER OF BRIDGE, WEST OF STREAM CENTERLINE. ELEVATION 169.27 FEET NAVD. 1988, 2001 ADJUSTED.

Reserve Area Table		
Reserve	Acres	Square Feet
Reserve A	0.4581	19,953.28
Reserve B	0.7301	31,804.71

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25'	39.24'	35.34'	N47°29'10"W	89°56'13"
C2	470'	117.93'	117.68'	N04°40'14"E	14°22'33"
C3	530'	192.14'	191.09'	S07°52'09"W	30°46'16"
C4	25'	39.30'	35.37'	S42°30'50"W	90°03'47"
C5	25'	39.24'	35.34'	N47°29'10"W	89°56'13"
C6	460'	116.78'	116.46'	N04°40'19"E	14°32'43"
C7	540'	192.07'	191.06'	S07°40'29"W	29°25'46"
C8	25'	39.30'	35.37'	S42°30'50"W	90°03'47"

LINE	BEARING	DISTANCE
L1	N02°31'03"W	14.65'
L2	S02°31'03"E	14.65'
L3	S87°32'44"W	64.83'
L4	N02°31'03"W	14.66'
L5	S02°31'03"E	14.52'
L6	S85°15'09"E	10.93'
L7	N87°58'16"E	10.65'



Vicinity Map
Scale: 1" = 3000'

RALEIGH CREEK SECTION ONE, PARTIAL REPLAT NUMBER TWO

A SUBDIVISION OF 1.2774 ACRES, BEING A
REPLAT OF RESERVE "A", BLOCK 2 AND
RESERVE "B", BLOCK 1, OF RALEIGH
CREEK SECTION ONE, AS RECORDED IN
FILM CODE NO. 656125 H.C.M.R., AND
SITUATED IN THE JOSEPH MILLER
SURVEY, ABSTRACT NUMBER 50, HARRIS
COUNTY, TEXAS

REASON FOR REPLAT: TO PROVIDE ADDITIONAL
RIGHT-OF-WAY WIDENING FOR RALEIGH CREEK DRIVE.

December, 2013

2 Blocks

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

0 Lots

Surveyor:
Atkinson Engineers
19575 Wiled Road
Spring, Texas 77388
281-872-7600

2 Reserves

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

Regular City Council Agenda Item Data Sheet

Meeting Date: January 6, 2014

Topic:

Discuss and Take Possible Action on Raleigh Creek Electrical Distribution

Background:

LS Development desires to extend overhead primary electric distribution along the western boundary of Raleigh Creek in general accordance with the attached exhibit.

Section 70-46 of the Tomball Municipal Code states:

Adequate provision for all utilities shall be provided to the entire subdivision. All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below ground level. Where the underground placement of such facilities is not a standard practice of the utility involved, the subdivider or developer shall make arrangements with the applicable utility for payment of all costs associated with the non-standard installation. All utility installations shall comply with the "City of Tomball Minimum Construction Standards for Community Improvements."

Origination:

LS Development

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

Community Development Department

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

ATTACHMENTS:

LS Development Letter

Raleigh Creek Primary Distribution Layout

LS Development, LLC
10423 Huffsmith Road
Tomball, Texas 77375
Jim Spurlin, Owner

December 16, 2013

George Shackelford
City Manager
City of Tomball
401 Market Street
Tomball, Texas 77375
281-290-1006

Dear Mr. George Shackelford,

Raleigh Creek Subdivision is asking that the ordinance be reviewed with respect to the utility requirements for residential subdivisions. While we agree with the intent of the ordinance we request clarification of its intent and purpose. Below is the Ordinance per the City of Tomball Rules and Regulations.

Sec. 70-46. - Utilities.

Adequate provision for all utilities shall be provided to the entire subdivision. All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below ground level. Where the underground placement of such facilities is not a standard practice of the utility involved, the subdivider or developer shall make arrangements with the applicable utility for payment of all costs associated with the non-standard installation. All utility installations shall comply with the "City of Tomball Minimum Construction Standards for Community Improvements."

Basically the intent of this is to make sure that residential lots are not served by overhead power. We understand this issue and don't want the look of overhead power as well. We have consulted numerous times with the Centerpoint Engineering Department and they clarified what needed to be done in order to provide power to the subdivision. The issue is the interpretation of the distribution of power. Primary power must be fed to each individual loop. The Underground Loops can provide service to a limited amount of homes depending on the size of the homes served. Each loop can provide capacity for service up to 1500 KVA, so 2,500 sqft house pulling 12-15kva, we could serve up to maybe 100-120 or so homes. The individual loops are where each home gets its power from. It is underground power with ground level transformer boxes, like you see in Northstar and The Reserve at Spring Lake. This is typical of cities that require underground power.

The issue is you have to get power to each of these loops above ground with aerial power lines, like they have done in both Northstar and the Reserve at Spring Lake. There is not enough capacity for underground lines to be able to handle this much power to feed multiple loops. The reason this hasn't come up in the past is that the primary power (the aerial power) was considered primary power and the underground was considered the "distribution lines" like your ordinance reads. Also, there has not been

an abundance or the larger type developments in recent years. We feel that it is a misintreptation of the ordinance with regard to residential distribution versus primary power distribution. After speaking with Centerpoint further on this subject they say they never put primary power underground for both cost reasons and for the inability to pull more power for future demands when the community needs more power. What we are asking is to allow the primary power in aerial easements along a perimeter of the property to feed the underground loops like what has been done in the past and all throughout Texas.

Our challenge at this time is the subdivision cannot move forward without power. When this ordinance was originally brought up Centerpoint interpreted it meaning it was with respect to the loops and how the houses were served. They said it is always the case to bring overhead primary so that the proper power supply and future upgrades can be met. We assumed that was the case and continued to move forward. Recently we got confirmation from City staff that it's not the way the ordinance reads and that it would need to be brought to the City Manager for consideration. We understand the confusion as it stands. Millions have been put into this project and without power the subdivision cannot be developed. In addition, this will become an issue in the future as well as more larger master planned developments occur. Please advise us at your earliest convenience.

Yours Truly,

Jim Spurlin

LS Development LLC

