

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MAY 20, 2013
6:00 P.M.**

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend

Members absent:

Councilman Dodson - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Director of Public Works – David Kauffman
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Raul Reyes
Alternate Municipal Judge – Laryssa Korduba

2.0 Invocation

- Led by Reverend Tommy Lyles, Tomball United Methodist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Anna Liu, President, Alan Hernandez, and Gabriel Gach, Members of the Tomball High School Student Council.

4.0 Canvass of Elections:

4.1 Canvass of Election

Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử

拉票選舉

Resolution No. 2013-15, Canceling the Regular City Officer's Election Scheduled to be held on the 11th Day of May, 2013, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election as approved by City Council on March 18, 2013, at the Regular Council Meeting.

The following actions complete the canvass of the May 11, 2013 Election.

Resolución Nro. 2013-15, cancelando la Elección Regular de Funcionarios de la Ciudad programada para el 11 de mayo de 2013, de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y disponiendo los detalles relativos a la cancelación de tal elección como fue aprobada por el Consejo Municipal el 18 de marzo de 2013 en la asamblea ordinaria del Consejo. Las medidas indicadas a continuación completan el escrutinio de la Elección del 13 de mayo de 2013.

Nghị quyết số 2013-15, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ Dự Kiến sẽ được tổ chức vào ngày 11 tháng Năm, 2013 chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Tiểu Bang Texas; Chỉ thị việc Ban Hành Thông Báo Hủy Bỏ Cuộc Bầu Cử; và Cung Cấp Thông Tin Chi Tiết liên quan đến Hủy Bỏ Cuộc Bầu Cử theo phê chuẩn của Hội Đồng Thành Phố vào ngày 18 tháng Ba, 2013 tại Cuộc Họp Hội Đồng Thường Lệ. Các hành động sau đây hoàn tất việc kiểm phiếu ngày 11 tháng Năm, 2013.

決議案2013-15號，取消一般市府官員應於2013年5月11日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於由市政委員會於2013年3月18日，在一般是政會議通過取消該選舉的詳情。下列行動完成2013年5月11日選舉遊說

- 4.2 The Oath of Office was administered by Commissioner R. Jack Cagle, Precinct 4, Harris County to Gretchen Fagan, re-elected Mayor and Rick Brown, re-elected Councilman, Position 3.

Administrar el juramento al cargo de los funcionarios electos – Comisionado R. Jack Cagle, Precinto 4, Condado de Harris

Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn – Ủy Viên R. Jack Cagle, Phân Khu 4, Quận Harris

管理選舉官員宣誓就職 - 委員R. Jack Cagle, 選區4, Harris郡

Mayor Fagan and Commissioner Cagle presented bouquet to Doris Speer and expressed their congratulations, on behalf of the City Council, for earning her MBA.

- 4.3 Councilman Brown nominated Preston Dodson as Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter. Councilman Stoll nominated Derek Townsend as Mayor Pro-Tem; Councilman Townsend respectfully withdrew his name. Nominations ceased. Vote was as follows:

El Concejal Brown nominó a Preston Dodson como Alcalde interino y el Concejal Stoll nominó a Derek Townsend como Alcalde interino en conformidad con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball. El Concejal Stoll nominó a Derek Townsend como Alcalde interino; Concejal Townsend retiró respetuosamente su nombre. Las nominaciones cesaron. Los votos fueron los siguientes:

Nghị Viên Brown đề cử Preston Dodson làm Thị Trưởng Tạm Thời và Nghị, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball. Viên Stoll đề cử Derek Townsend làm Thị Trưởng Tạm Thời; Hội viên hội đồng Townsend Trân trọng rút tên của ông. Việc đề cử đã chấm dứt. Các phiếu bầu như sau:

委員Brown 提名Preston Dodson 為暫時市長及委員，根據 Tomball 市條例憲章6.08節。委員Stoll 提名Derek Townsend；委員Townsend 恭敬地取消了他的。如下投票：

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

<i>Concejal Hudgens</i>	<u>Preston Dodson</u>
<i>Concejal Stoll</i>	<u>Preston Dodson</u>
<i>Concejal Brown</i>	<u>Preston Dodson</u>
<i>Concejal Townsend</i>	<u>Preston Dodson</u>

<i>Concejal Dodson</i>	<u>Ausente</u>
Nghị Viên Hudgens	<u>Preston Dodson</u>
Nghị Viên Stoll	<u>Preston Dodson</u>
Nghị Viên Brown	<u>Preston Dodson</u>
Nghị Viên Townsend	<u>Preston Dodson</u>
Nghị Viên Dodson	<u>Vắng Mặt</u>
委員 Hudgens	<u>Preston Dodson</u>
委員 Stoll	<u>Preston Dodson</u>
委員 Brown	<u>Preston Dodson</u>
委員 Townsend	<u>Preston Dodson</u>
委員 Dodson	<u>缺席</u>

Councilman Preston Dodson was elected Mayor Pro-Tem.
El Concejal Preston Dodson fue elegido Alcalde interino.
Nghị Viên Preston Dodson được chọn làm Thị Trưởng Tam Thời.
委員 Preston Dodson 已當選為暫時市長。

5.0 The following public comments were received:

Bruce Hillegeist
Greater Tomball Area
Chamber of Commerce
20339 Telge, 77377

- Congratulated Mayor Fagan and Councilman Brown on being re-elected; congratulated City Secretary, Doris Speer, on receiving her MBA.

6.0 Presentations:

- Mayor Fagan presented the following Proclamations:
 - **National Public Works Week** – May 19-25, 2013
Since 1960, APWA has sponsored National Public Works Week. Across North America, more than 28,000 APWA members in the US and Canada use this week to energize and educate the public on the importance of the contributions of public works to their daily lives: planning, building, managing and operating the heart of our local communities and building the quality of life. APWA has selected “Because of Public Works...” as its theme for 2013’s National Public Works Week, which will be celebrated May 19-25, 2013 to highlight the quality of life brought to communities around the world through clean water, safe streets and neighborhoods, efficient traffic, and safe, clean communities “Because of Public Works...”.
 - **National Emergency Medical Services Week** – “**EMS: One Mission. One Team**” – May 19-25, 2013
 - **Hurricane Preparedness Week** – May 26-June 1, 2013

Councilman Hudgens left the meeting at 6:25 p.m.

7.0 Reports and Announcements:

- May 25, 2013 – **Memorial Day Weekend Chili Challenge at the Depot** – 10:00 a.m. to 5:00 p.m.
- May 27, 2013 – **"Oiltown USA Jamboree...80 Years in the Making"** – 11:00 a.m.-6:00 p.m.
- June 8, 2013 – **2nd Saturday at the Depot** – 6:30 p.m.
- June 21, 2013 – **Friday Night Creature Feature – *Creature from the Black Lagoon***
- July 4, 2013 – **City of Tomball July 4th Celebration** – 2:00 p.m.-10:30 p.m.
- July 13, 2013 – **2nd Saturday at the Depot** – 6:30 p.m.
- July 19, 2013 – **Friday Night Creature Feature – *Invasion of the Body Snatchers***
- August 16, 2013 – **Friday Night Creature Feature – *THEM!***
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- **Tomball Kids Club is Coming!** – TBA
- Reports by City staff and members of council about items of community interest on which no action will be taken

8.0 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Minutes of the May 6, 2013 Regular City Council Meeting.

Motion carried unanimously.

9.0 Old Business:

9.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2013-07, an Ordinance of the City Council of the City of Tomball, Texas, Authorizing the City of Tomball to Participate in the Texas Enterprise Zone Program Under The Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Defining Available Tax Incentives; Nominating Baker Hughes Oilfield Operations, Inc. to the Office of the Governor Economic Development and Tourism through the Economic Development Bank for Designation as an Enterprise Project under The Act; and Designating a Liaison for overseeing Enterprise Projects and Communicating with Interested Parties. Vote was as follows:

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

Motion carried unanimously.

- 9.2 Craig Meyer presented an Update from LS Development on the Progress of Acquiring Rights-of-Way and Easements for Water, Sanitary Sewer and Gas Main Extensions to the Raleigh Creek Subdivision. Park Patterson, representing LS Development, provided an update to the City Council regarding negotiations with property owners and advised Council that additional information would be provided in a couple of weeks.

No action taken.

10.0 New Business:

- 10.1 Mayor Fagan opened the Public Hearing at 6:39 p.m. to consider approval of **ZONING CASE P13-045**: Request by Kyle Phenix, on behalf of LAR Properties, LC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10.95 acres of land, legally described as Reserve E, Block 1, Leslies Park, within the City of Tomball, Harris County, Texas, generally located northerly of Brown Road, easterly of Quinn Road, from the Single-Family Residential-9 District to the Planned Development-4 District to facilitate a single-family subdivision.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:39 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-09 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2013-09, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance, by Approving a Planned Development District ("PDD") of Approximately 10.95 Acres of Land, Legally Described as Reserve E, Block 1, Leslies Park, Within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be known as Planned Development District #4 (PD-4); Adopting a Land Use Plan and Regulations Applicable to PD-4; 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 Dodson	<u>Absent</u>
Councilman Hudgens	<u>Absent</u>
Councilman Stoll	<u>Aye</u>

Councilman Brown Aye
Councilman Townsend Aye

Motion carried unanimously.

- 10.2 Motion was made by Councilman Brown, second by Councilman Stoll, to approve **PARKWAY OASIS REPLAT NO. 2**: A subdivision of a 7.8613 acre tract of land being all of Lot 5, Block 1, Parkway Oasis (Film Code No. 622219; H.C.M.R.) and all of Lot 1 and Lot 6, Block 1, Parkway Oasis Partial Replat No. 1 (Film Code No. 635087; H.C.M.R.) in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey Abstract No. 375, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 10.3 Motion was made by Councilman Stoll, second by Councilman Brown, to approve the terms of a Settlement Agreement for Pending Litigation through Texas Municipal League Intergovernmental Risk Pool.

Motion carried unanimously.

- 11.0 Motion was made by Councilman Townsend, second by Councilman Brown, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of June 2013.

Doris Speer
Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor