



City of League City, TX

300 West Walker
League City TX 77573

Meeting Minutes City Council

Tuesday, January 28, 2014

6:00 PM

Council Chambers - 200 West Walker Street

Regular Council Meeting

The City Council of the City of League City, Texas met in a regular meeting in the Council Chambers at 200 West Walker Street on the above date at 6:00 p.m.

Mayor: **Tim Paulissen**

City Council Members: **Dan Becker**
Dennis O'Keeffe
Heidi Thiess
Todd Kinsey
Geri Bentley
Andy Mann
Joanna S. Dawson

Acting City Manager: **John Baumgartner**
City Attorney: **Arnold Polanco**
City Secretary: **Diana M. Stapp**
Chief of Police: **Michael Kramm**
Director of Engineering: **Linc Wright**
Director of Finance: **Rebecca Underhill**
Director of Human Resources/Civil Service: **Queenell Fox**
Director of Parks & Cultural Services: **Chien Wei**
Director of Planning & Development: **Tony Allender**

1. CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Paulissen called the meeting to order at 6:03 p.m. and called the roll. All members of Council were present.

Present 8 - Mayor Tim Paulissen, Mr. Dan Becker, Mr. Dennis O'Keeffe, Ms. Heidi Thiess, Mr. Todd Kinsey, Ms. Geri Bentley, Mr. Andy Mann and Ms. Joanna Dawson

2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

Mayor Paulissen led in the pledges of allegiance to the flags.

3. **APPROVAL OF MINUTES**

4. **APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS**

4A. **14-0042** Presentation of a donation from the League City Citizens Police Academy Alumni Association for the purchase of a new K9 for the League City Police Department.
(Chief of Police)

4B. **14-0048** Consider and take action on appointments/reappointments to Boards and Commissions
(Mayor Paulissen)

PLANNING & ZONING COMMISSION

Mayor' Appointments: New Appointments with terms to expire 12/31/2015

Position 2. Kimberlee Prokhorov

A motion was made by Mr. Mann, seconded by Mr. OKeefe, to approve the appointment. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeefe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

Position 4. Hank Dugie

A motion was made by Mr. Mann, seconded by Ms. Dawson, to approve the appointment. The motion passed by the following vote:

For: 7 - Mayor Paulissen, Mr. OKeefe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

Opposed: 1 - Mr. Becker

Position 8. Ron Wicker

A motion was made by Mr. Mann, seconded by Mr. OKeefe, to approve the appointment. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeefe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

4C. **14-0047** Consider and take action on appointment of a member to the Board of Directors of the Harris-Galveston Subsidence District (Mayor Paulissen)

Mayor's recommendation for appointment to the board is Dan Brightwell; if nominated by a majority of Galveston County cities, Brightwell will serve a 2-year term.

A motion was made by Mr. Mann, seconded by Mr. Kinsey, to approve this nomination. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeefe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

5. COMMUNITY SPOTLIGHT**Junior League of Galveston County (Mayor Paulissen)**

In communities throughout the United States, Canada, Mexico, and Great Britain, the Junior League has been the driving force behind the kinds of initiatives and institutions that make communities healthier, more vital places to live: childhood immunization, family literacy, women’s shelters, children’s museums, historic preservation, leadership development and more. The 193,000 members of the Junior League reflect a wide range of backgrounds, interests and professional pursuits. Working together, they identify unmet needs, forge effective coalitions and work for change. It takes courage and commitment. Time and again, the Junior League is among the first organizations to step up to a community’s biggest challenges.(From www.jlgalveston.org)

Renee Bradshaw was present to speak regarding the Junior League of Galveston County and their upcoming Flashback 5K/10K Fun Run.

6. PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

- 6A. [14-0049](#)** Hold a public hearing on a Zoning Change Application, Z13-08 (CCISD), to rezone approximately 24.4 acres from “CM” (Commercial Mixed Use) to “PS” (Public Semi-Public), generally located east of West NASA Road and south of FM 528 in Harris County, legally described as Abstract 15 of J Dickinson Survey, Lot 9 & Tracts 1C, 3C, 4A, 5A, 10A, & Webster Outlot 9. (Director of Planning & Development)

Mayor Paulissen opened the public hearing 6:15 at p.m.

No one signed up to speak

Mayor Paulissen closed the public hearing at 6:15 p.m.

- 6B. [14-0050](#)** Consider and take action on an ordinance amending Ordinance No. 2005-24, to rezone approximately 24.4 acres (Z13-08) from “CM” (Commercial Mixed Use) to “PS” (Public Semi-Public) and amending Ordinance No. 2011-27 to revise future land use designation from Urban Low to Public/Institutional, generally located east of West NASA Road and south of FM 528 in Harris County, legally described as Abstract 15 of J Dickinson Survey, Lot 9 & Tracts 1C, 3C, 4A, 5A, 10A, & Webster Outlot 9. (Director of Planning & Development)

Planning and Zoning Commission recommended approval 6-0-0, on January 6, 2014.

A motion was made by Mr. OKeeffe, seconded by Ms. Dawson, to discuss.

A motion was made by Mr. OKeeffe, seconded by Mr. Mann, to deny the zone change request as presented.

A motion was made by Ms. Bentley, seconded by Mr. Becker, to call the vote. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

The motion to deny the zone change request passed by the following vote:

For: 7 - Mr. Becker, Mr. O’Keeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

Opposed: 1 - Mayor Paulissen

7. **CITIZENS REQUEST FOR HEARING BEFORE CITY COUNCIL**

The privilege of speaking at this time is limited to the following persons: residents, persons having an ownership interest in property or a business located within the City, or their attorneys.

A statement of no more than 3 minutes may be made on items of general relevance. There will be no yielding of time to another person. State law prohibits the Mayor and members of the City Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law. Comments should be directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign or slander any individual shall be cause for termination of time privileges and expulsion from Council Chambers.

NAME	ADDRESS	SUBJECT
Tom Dill	2392 Marina View Way	Beacon Island
Brad McGonagle	2390 Marina View Way	Vested Rights

8. **COUNCIL MEMBERS COMMENTS/REPORTS**

Announcements concerning items of community interest. No action will be taken or discussed.

Dennis O’Keeffe had no comments.

Joanna Dawson said Happy New Year everybody. I don’t have any big comments tonight. Keep doing the good stuff you’re doing and let us know what kind of things that we need to be working on. Some of the issues that you’ve recently brought to our attention, we are on top of and have solved a whole bunch of them. That’s real important.

Heidi Thiess said hello everyone. I want to give hearty congratulations to our Parks Planning Department. I was at H-GAC last week and I want to point out that the Clear Creek Paddle Trail was selected as the winner of the 2013 Houston-Galveston Area Council Parks and Natural Areas Award, in on the ground projects under \$500,000 category. The project serves as a model for other projects in H-GAC's thirteen-county region. H-GAC is the region wide voluntary association of local governments in the Gulf Coast Region of Texas and so on and so forth. Winning entries demonstrate best practices and collaboration between developers, local government, engineering and planning agencies, businesses, resources, environmental groups, and citizens. Did you know that we got that award? The entry was evaluated on innovation, merit, and regional impact and the project serves as a model for planning and project implementation for parks and natural areas in the region. John Orsag was there. He is the Parks Coordinator for Parks Planning for League City and I just want to send congratulations out to the Parks staff. I also want to point out that on February 18 early voting starts for the primaries and just make sure that you're aware that it's everyone's duty and privilege to vote. It's part of your civic responsibility and I would encourage you to get that on your calendar and you can refer to www.galvestonvotes.org for locations near you.

Andy Mann said I just wanted to talk for a moment to the Mag-Creek residents. There's going to be an informational meeting regarding the Denbury Pipeline Project. This meeting will be held on Thursday at the Magnolia Creek Clubhouse, 4751 League City Parkway. There will be representatives from the Pipeline Company there to try to get some of the information straight on that so that citizens are well-informed of the facts prior to that event.

Geri Bentley said I'm good news, bad news person today. The bad news is taxes are due at the end of the week if you haven't paid them yet. The good news is congratulations everybody that showed up today from the polar vortex that's out there, however, I'm from up north so it's kind of warm to me.

Dan Becker had no comments.

Todd Kinsey said thanks to everybody for coming out this evening and missing the President's State of the Union. I guess you'll have to rely on us for your vicissitudes platitudes. Over at the library, the Book Club is meeting on the third Monday of each month at 7:00 p.m. On February 17, *The Cider House Rules* by John Irving will be discussed and on March 17, *Zealot: The Life and Times of Jesus of Nazareth* by Reza Aslan will be discussed. Bring your toddler or preschooler to Story Time at the Helen Hall Library on Tuesdays or Wednesdays at 10:15 a.m. and 11:00 a.m. Free tickets are handed out fifteen minutes before each event and this event typically turns people away so get there early. Another popular event with the kids is Crazy Thursdays every Thursday from 4:30 p.m. to 5:15 p.m. This is for elementary age children. This Thursday they will be learning about printmaking and book arts and next Thursday is Lego day so bring your kids out and have some fun.

9. MAYOR COMMENTS/ REPORT

Announcements concerning items of community interest. No action will be taken or discussed.

Mayor Paulissen said we did have some representatives from the Houston Astros that came into town last week to our Hometown Heroes Park. It was basically an outreach from their organization. They go out to basically everybody in the Texas, Oklahoma and area states that have a pull for the Houston Astros. We had our League City's own Jarred Cosart, who is a Houston Astros player who went through the Clear Creek I.S.D. baseball program and athletics program, along with Ms. Thiess's son. It is our hometown team. We're hopeful that they can turn things around this year and have something for our kids to be proud of and maybe adults as well. At any rate, thanks to the Houston Astros for coming out and coming over to Hometown Heroes Park.

10. REPORTS FROM STAFF MEMBERS

Announcements concerning items of community interest. No action will be taken or discussed.

John Baumgartner, Acting City Manager, said first I have a couple of announcements to make. This afternoon we met with the developer of Autumn Lakes Phase 5 and I'm reasonably assured that we're going to get right-of-way dedicated, drainage issues and drainage improvements made to facilitate the runoff of water, whether it's from Autumn Lakes or Grissom Road or whatever, before it gets to Massengale and then down to the creek. Those plans will continue to come forward. It was a very productive meeting and the developer was more than willing to meet with us, so whether it's right-of-way or thirty-foot easement, but thirty foot dedicated to access runoff utilities and so I think that's a very positive outcome of that situation. That's great news for us. On another note, I know all the council knows that Tony submitted his resignation. We're going to miss his leadership, his wit, his ability to work with the neighborhoods, as he moves forward to go work for UTMB. I think his last day with us is February 21. Certainly we have an interim succession plan. Wes Morrison will step up as Interim Planning Director as we work through what we're going to do going forward past that. Congratulations to Tony. Wes, we appreciate you coming to this council meeting and the next fifty-two or however many it takes.

- 10A. 13-1517 Presentation of the 1st Quarter CIP Status Report for Fiscal Year 2014, as of December 2013 (Acting City Manager)**
- Mr. Baumgartner presented the CIP Status Report.**

11. CONSENT AGENDA

Approval of the Consent Agenda

Mr. OKeeffe pulled Items 11A, 11C, and 11F. Staff pulled Item 11D for no action.

A motion was made by Mr. Mann, seconded by Mayor Paulissen, to approve Consent Agenda Items 11B, 11E, and 11G. The motion passed by the following vote:

For: 7 - Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Ms. Bentley, Mr. Mann and Ms. Dawson

Opposed: 1 - Mr. Kinsey

11A. 14-0045 Consider and take action on approval for Office of Emergency Management to apply for the annual Emergency Management Performance Grant (EMPG) (Fire Chief)

A motion was made by Mayor Paulissen, seconded by Ms. Bentley, to give approval for the Office of Emergency Management to apply for the annual Emergency Management Performance Grant.

A motion was made by Mr. Becker, seconded by Ms. Bentley, to call the vote. The motion passed by the following vote:

For: 5 - Mayor Paulissen, Mr. Becker, Ms. Thiess, Ms. Bentley and Mr. Mann

Opposed: 2 - Mr. OKeeffe and Ms. Dawson

Out of Room: 1 - Mr. Kinsey

The motion to approve the item passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

11B. 14-0037 Consider and take action on a request by the League City Lions Club for a variance to Chapter 74, Article I, Section 74-1 of the Code of Ordinances of the City of League City entitled "Hours for use of city parks and boat ramps" for use of the Hometown Heroes Park on the first Sunday of each month from March 2014 to March 2015 (Director of Parks & Cultural Services)

Approved on the Consent Agenda

11C. 14-0044 Consider and take action on a resolution in support of the application for a continuation grant from the Office of the Governor of Texas, Criminal Justice Division for the League City Police Department Crime Victim Assistance Program. (Chief of Police)

A motion was made by Mayor Paulissen, seconded by Ms. Bentley, to approve Resolution No. 2014-04 in support of the application for a continuation grant from the Office of the Governor of Texas, Criminal Justice Division for the League City Police Department Crime Victim Assistance Program.

A motion was made by Mr. Becker, seconded by Mr. Kinsey, to call the question. The motion failed by the following vote:

For: 5 - Mayor Paulissen, Mr. Becker, Ms. Thiess, Mr. Kinsey and Ms. Bentley

Opposed: 3 - Mr. O'Keeffe, Mr. Mann and Ms. Dawson

The motion to approve the resolution passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. O'Keeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

- 11D. [14-0040](#) Consider and take action on approval of the third Amendment to the Mainland Water Project Customer Contract with Gulf Coast Water Authority for the improvements of the Texas City Industrial Reservoir (Acting City Manager)

Pulled for no action

- 11E. [14-0046](#) Consider and take action on acceptance of a Utility Conveyance and Security Agreement with Galveston County Municipal Utility District No. 46 for water, wastewater, and drainage facilities to serve Mar Bella, Section 12B (Acting City Manager)

Approved on the Consent Agenda

- 11F. [14-0039](#) Consider and take action on the approval of the resale of property resulting from a tax foreclosure for Lots 1 thru 4, Negro Addition and authorizing the Mayor to sign the Trustee's Deed on behalf of the City of League City (Director of Finance)

A motion was made by Mayor Paulissen, seconded by Ms. Bentley, to approve the resale of property resulting from a tax foreclosure for Lots 1 thru 4, Negro Addition and authorizing the Mayor to sign the Trustee's Deed on behalf of the City of League City.

A motion was made by Mr. Becker, seconded by Mr. Mann, to call the vote. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. O'Keeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

The motion to approve the item passed by the following vote:

For: 6 - Mayor Paulissen, Mr. Becker, Ms. Thiess, Mr. Kinsey, Ms. Bentley and Mr. Mann

Opposed: 2 - Mr. O'Keeffe and Ms. Dawson

- 11G. [14-0051](#) Consider and take action on Ordinance No. 2014-01 amending Ordinance No. 2005-24, to rezone approximately 2.07 acres (Z13-06 352 N. Gulf Freeway) from "CN" (Neighborhood Commercial) to "CM" (Mixed-Use Commercial), generally located at the southeast corner of I-45 and Wesley Dr., legally described as Abstract 3 of Clear Creek Crossing - Second Reading (Director of Planning & Development)

Planning & Zoning Commission recommended approval 7-0-0, on December 16, 2013. City Council approved first reading 8-0-0, on January 14, 2014.

Ordinance No. 2014-01 Second Reading was approved on the Consent Agenda

END OF CONSENT AGENDA

12. OLD BUSINESS

- 12A. [14-0054](#) Consider and take action on an ordinance amending Chapter 125, Article I, Section 125-8 of the Code of Ordinances of the City of League City entitled "Vested Rights - General" (Director of Planning and Development)

Planning & Zoning Commission recommended approval by a vote of 6-0-0 on October 7, 2013. Since that time, staff has made additional changes to address issues related to projects approved prior to adoption of zoning in 1999.

City Council postponed action to January 28 by a vote of 8-0-0 at the January 14, 2014 regular meeting. A prior action by Council at the December 17, 2013 regular meeting had postponed action to January 14, 2014.

A motion was made by Mr. Becker, seconded by Mr. Mann, to discuss.

A motion was made by Mr. Becker, seconded by Mayor Paulissen, to postpone the item to the next meeting, and to discuss the item at the Monday work session. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

13. NEW BUSINESS

- 13A. [14-0027](#) Consider and take action to name an official newspaper for the City of League City (Acting City Manager).

A motion was made by Mr. Becker, seconded by Mr. Mann, to select the Post as the official newspaper for the City of League City. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

- 13B. [14-0035](#) Consider and take action authorizing the City Manager to execute a contract for the Associate Municipal Court Judge (Director of Finance)

A motion was made by Mayor Paulissen, seconded by Mr. Becker, to approve authorizing the City Manager to execute a contract for the Associate Municipal Court Judge. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

14. FIRST READING OF ORDINANCES

- 14A. [14-0036](#) Consider and take action on an ordinance amending Chapter 2, Section 2-32 of the Code of Ordinances of the City of League City, Texas entitled "Conduct of Meetings" in order to adopt the most recent edition of Robert's Rules of Order (City Secretary)

A motion was made by Mayor Paulissen, seconded by Mr. Kinsey, to approve Ordinance No. 2014-02 amending Chapter 2, Section 2-32 of the Code of Ordinances of the City of League City, Texas entitled "Conduct of Meetings" in order to adopt the most recent edition of Robert's Rules of Order. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

15. TABLED ITEMS SUBJECT TO RECALL**16. ITEMS ADDED AFTER ELECTRONIC AGENDA COMPLETED****17. EXECUTIVE (CLOSED) SESSION (S)**

At 7:23 p.m. Mayor Paulissen announced the City Council will now go into executive session to discuss the following items:

- 17A. 14-0052** Texas Open Meetings Act, Section 551.072 Government Code - Deliberations about real property

Discuss potential purchase or sale of real property interests (Acting City Manager)
- 17B. 14-0041** Texas Open Meetings Act, Section 551.087 Government Code - Deliberations Concerning Economic Development Negotiations

Discussion of commercial information received from, and possible offers of incentives to, business prospects seeking location within the City of League City, Texas (Acting City Manager)
- 17C. 14-0057** Texas Open Meetings Act, Section 551.074 Government Code - Personnel Matters

Discuss employment or appointment of a public officer or employee, to-wit: City Manager (Mayor Paulissen)
- 17D. 14-0059** Texas Open Meetings Act, Section 551.071, Government Code - Consultation with City Attorney

Consultation with City Attorney regarding the following pending litigation:

City of League City, Texas v. Roger Stanley Crowther; Before the League City Building and Standards Commission, City of League City, Galveston County, Texas (City Attorney)

At 8:13 p.m. Mayor Paulissen reconvened the regular meeting and announced there was no final action, decision or vote with regard to any matter considered in the executive session just concluded.

18. ACTION ITEM(S) FROM EXECUTIVE SESSION(S)

- 18A. 14-0053** Consider and take action on discussion concerning potential purchase or sale of real property interests (Acting City Manager)

A motion was made by Mayor Paulissen, seconded by Mr. Mann, with respect to real property interests associated with WT105, Calder Road Pump Station project, to approve for the City to accept the negotiated purchase price of \$535,222 to purchase the 2.234 acre fee simple tract from Visual Design Manufacturing Company, Inc. and \$4271 to purchase the .0681 acre sewer easement tract from Patelis Family Partnership, Ltd and approve funding for the purchase price and closing costs. The motion passed by the following vote:

For: 7 - Mayor Paulissen, Mr. OKeefe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

Out of Room: 1 - Mr. Becker

A motion was made by Mayor Paulissen, seconded by Mr. Mann, with regard to the second parcel with respect to real property interests associated with the City's ST1002 Calder Road - Ervin to League City Parkway project, that the City accept the negotiated purchase prices of \$5,504 to purchase Parcel 12 and \$9,571 to purchase Parcel 14, both in fee, from Patelis Family Partnership, Ltd and approve funding for the purchase prices and closing costs associated with these purchases from Right-of-Way Fund 272. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. OKeefe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

18B. [14-0060](#) Consider and take action on consultations with City Attorney regarding the following pending litigation:

City of League City, Texas v. Roger Stanley Crowther; Before the League City Building and Standards Commission, City of League City, Galveston County, Texas (City Attorney)

A motion was made by Mayor Paulissen, seconded by Mr. Mann, to approve instructing staff to proceed with the recommendation of enforcement of the final orders of the Building and Standards Commission. The motion passed by the following vote:

For: 6 - Mayor Paulissen, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

Opposed: 2 - Mr. Becker and Mr. OKeefe

19. ADJOURNMENT

At 8:16 p.m. Mayor Paulissen said there being no further business this meeting is adjourned.

**TIMOTHY PAULISSEN
MAYOR**

**DIANA M. STAPP
CITY SECRETARY**

(SEAL)

MINUTES APPROVED: February 25, 2014