



Meeting Minutes
City Council

Tuesday, October 12, 2010

6:00 PM

Council Chambers - 200 West Walker Street

Regular 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:

Toni Randall

City Council Members:

Neil Baron
Mike Barber
Mick Phalen
Mike Lee
Phyllis Sanborn
Tim Paulissen
Joanna S. Dawson

City Manager:

S. Marcus Jahns

City Attorney:

Arnold Polanco

City Secretary:

Barbara F. Long

Assistant City Manager-Mgmt. Services:

Michael Loftin

Assistant City Manager-Public Safety:

Chief of Police Michael Jez

Assistant City Manager-Public Works:

Rich Oller

Director of Human Resources/Civil Service:

Brian Hayes

Director of Parks & Cultural Services:

Chien Wei

Director of Planning & Research:

Tony Allender (Absent)

Director of Information Technology:

Ryan Smith (Absent)

1. CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Randall called the meeting to order at 6:00 p.m. and called the roll.

Present 8 - Mayor Toni Randall, Mr. Neil Baron, Mr. Mike Barber, Mr. Mick Phalen, Mr. Mike Lee, Ms. Phyllis Sanborn, Mr. Tim Paulissen and Ms. Joanna

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

The invocation was given by Pastor Darren Tidwell of LifePoint Church. Mayor Randall led in the pledges of allegiance to the flags.

3. APPROVAL OF MINUTES**3A** **September 14, 2010 Workshop**

This item was approved.

3B **September 14, 2010 Regular Meeting**

This item was approved.

Mayor Randall asked if there were any corrections to the minutes. She said, hearing none, these minutes are approved.

4. APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS**5. PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING****6. 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.

Mayor Randall said no one has signed up to speak at this time.

7. COUNCIL MEMBERS COMMENTS/REPORTS

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

Mr. Phalen said just a reminder to everybody, Early Voting begins October 18th, 2010. This is a very important election. We have County, State, and National seats on this ballot. There are three places to Early Vote - Clear Creek Intermediate School, the Galveston County Annex on Calder, and Friendswood City Hall for those of you on the West side. Remember to vote next Monday.

Ms. Dawson said this past weekend was beautiful. The Bazaar and the Oak Tree Festival were full of people. The Historical Society is having the Ghost of the Past on October 30, 2010. Any organization having events in the Historic District should let me know and I will announce it.

Mr. Lee said I have no comments.

Mr. Paulissen said I have just a couple of things. On Tuesday, October 26, 2010, the Senior Citizen Fall Dance is being held at the Johnnie Arolfo Civic Center from 7:00 p.m. to 9:00 p.m. for \$7.00 per person. There will be some finger foods and a live band. I would like to thank the Human Resources Department and all of City staff who mobilized all the equipment and everything to make the City's Picnic at the Gun Range a great event. Thanks again.

Mr. Barber said I would like to say that I appreciate everyone involved, especially League City's finest Public Safety folks, for their part in National Night Out with special thanks to Officer Galyean, Officer Pena, and everyone who participated that night from the neighborhoods. I certainly enjoyed the neighborhoods I visited and the hot dogs. And, of course, thanks to Captain Wologo for being my tag team partner. It is a wonderful event. For those of you who were not able to participate in your neighborhood this year, it is time to start thinking about it for next year. Again thanks to all who participated in National Night Out. Finally, I have been on a very long road trip with very limited access to City email and I see I have a lot of unread messages in my inbox. I will be looking at those and trying to respond. I may actually send one response to many of you and then follow up after that. I just want to let you know that I am not ignoring you.

Mr. Baron said for those of you who have been hearing about the Boundless Playground, I understand the equipment is actually being installed right now. The Grand Opening is planned for October 30, 2010 at 10:00 a.m. For those of my colleagues who want to make suggestions as to potential participants in that event, please let staff know. I will have more details at our next Council Meeting and I am sure it will be on the City's website as well. With regard to our citizens in the Magnolia Creek Subdivision, I usually try to respond to emails but I have received about 100 so far. I want to organize them and try to make one response that will cover most of them and then perhaps a few individual responses. I am paying attention to the proposed item as it comes up for review by the Planning and Zoning Commission and I am reading your emails.

Ms. Sanborn said from the Library we have a notice for Teen Read Week which is October 17-23, 2010 with a variety of activities planned. On Tuesday, October 19, 2010, at 5:00 p.m., teens will craft old vinyl records into bowls. On Wednesday, October 20, 2010, the Teen Advisory Board will hold an Open House beginning at 7:30 p.m. On Saturday, October 23, 2010, at 2:00 p.m., teens can participate in a Rock Band Tournament. All these activities are open to local teenagers. Call the Library Youth Service Desk for more information. The Library finished FY2010 with over three quarters of a million items checked out for the year. This is a 9% increase over last year. Finally, I enjoyed National Night Out as well. We went to three communities. It was wonderful to see the camaraderie among the neighbors. Thank you to Police Officer Michael Kramm who was my driver. It was a pleasure getting to know him. I want to thank Officer Galyean and Officer Pena for organizing National Night Out. It was a great success again this year.

8. MAYOR COMMENTS/ REPORT

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

Mayor Randall said National Night Out was a huge success. I went to four neighborhoods. I appreciate Jack Owens for taking me around. We had a really good time. I want to thank the Chief and all of his staff, especially Officer Galyean, and Officer Pena. They did a fabulous job. I could not imagine all the people being out like that. It was really neat to see. I really enjoyed getting out and visiting with everyone. I attended a rally last night at Magnolia Creek. About a 150 people were there. It was very interesting. I just want to let everyone know we do hear you. I am taking a tour tomorrow with the applicant to see the particular site in question. Please know that this Council, the Planning & Zoning Commission and staff are doing their due diligence. We are looking into this. We will make the best decision for the residents and for the City as a whole. Please know that we are definitely paying attention.

9. REPORTS FROM STAFF MEMBERS

Staff Report

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

Mr. Jahns said I have three items. We are preparing to release our first customer service survey. Please be checking your mailboxes for that. Not all residents will receive it but a significant number will. I encourage everyone to return those surveys. It will assist us to address delivery of services to the public issues. So watch your mailboxes.

Mr. Jahns continued. The League City Police Department in partnership with the National Traffic Safety Academy is implementing a Collision Avoidance Training Program for teenage drivers. There is still space available. We are the first city in the State of Texas to actually implement this program. It is a really big deal. I want to thank Chief Jez for his help in bringing that here. I also want to thank our ladies in the Public Information Officer's office for the packages they prepared for the press to help get the word out. Again, there is still space available.

Mr. Jahns said you should have received an email this afternoon regarding a Staff/Council Retreat planned for October 23, 2010. We have received some questions from a number of you and we would like to delay that until February 2011. The purpose of the retreat is to update information from where we were last year as a Mayor/Council form of government to where we are today as a Council/Manager form of government. Staff would like to do some benchmarking with best practices in other cities and then schedule a workshop in January 2011 to work together to develop what the parameters of the retreat should be, what the agenda should be, what the deliverables of the retreat should be, and when the retreat should be. We want to make the best use of everyone's time.

10. CONSENT AGENDA

Approval of the Consent Agenda

Consent Agenda Item 10F was pulled by staff for no action. Mr. Phalen pulled Item 10C.

A motion was made by Mr. Paulissen, seconded by Mr. Phalen, to approve Consent Agenda Items 10A through 10G with the exception of 10C and 10F. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

10A Consider and take action on the acceptance of a proposal from Terracon Consultants, Inc. to provide professional construction materials testing services for the Southwest Wastewater Reclamation Facility (CIP WW 0103) (Assistant City Manager, Public Works)

Staff recommends approval.

Approved on the Consent Agenda.

10B Consider and take action on a resolution attesting an agreement granting consent for Galveston County Water Control & Improvement District No. 12 to supply water service to an area within the City of League City (Assistant City Manager, Public Works)

Staff recommends approval.

Resolution No. 2010-34 was approved on the Consent Agenda.

10C Consider and take action on the purchase of twenty one (21) replacement vehicles through the Motor Pool Capital Replacement Fund and five (5) new additional vehicles approved as part of the FY2011 Budget (Assistant City Manager, Management Services)

Staff recommends approval.

A motion was made by Ms. Sanborn, seconded by Mr. Paulissen, to approve the purchase of twenty one (21) replacement vehicles through the Motor Pool Capital Replacement Fund and five (5) new additional vehicles approved as part of the FY2011 Budget. The motion passed by the following vote:

For: 6 -

Mr. Baron, Mr. Barber, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

Opposed: 1 -

Mr. Phalen

10D Consider and take action authorizing the Chief of Police to make the annual ammunition purchase of \$55,520.95 on the State contract with Precision Delta Corporation (Assistant City Manager, Public Safety)

Staff recommends approval.

Approved on the Consent Agenda.

10E Consider and take action authorizing the City Manager to execute a contract for Associate Municipal Court Judge (Assistant City Manager, Management Services)

Staff recommends approval.

Approved on the Consent Agenda.

10F Consider and take action on a request to set a public hearing on October 26, 2010 to amend Chapter 90 of the Code of Ordinances of the City of League City entitled "Signs" (Director of Planning & Research)

This item was pulled by staff for no action.

10G Consider and take action on a request to set a public hearing on October 26, 2010 on Zoning Application Z10-07 (Boyd) to rezone approximately 15.5 acres from "RSF-20" (Single-family residential with a minimum lot size of 20,000 square feet) to "CG" (General Commercial), legally described as a portion of the Rodney Anthony Survey, Abstract No. 630, generally located north of Farm to Market Road 646 and east of Whispering Lakes Ranch Drive with the approximate address being in the 2500 Block of FM 646 (Director of Planning and Research)

Approved on the Consent Agenda.

END OF CONSENT AGENDA

11. OLD BUSINESS

- 11A Consider and take action on Ordinance No. 2010-33 adopting the FY 2011-2015 Capital Improvement Plan - Second Reading (Assistant City Manager, Management Services)

Council approved first reading 7-0-0 on September 14, 2010.
Staff recommends approval on second reading as amended.

A motion was made by Mr. Paulissen, seconded by Mr. Phalen, to approve Ordinance No. 2010-33 adopting the FY 2011-2015 Capital Improvement Plan as amended. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

12. NEW BUSINESS

- 12A Consider and take action to approve reimbursement to the County of Galveston for expenditures incurred for the relocation of city-owned utility lines required by the widening of FM646 in the amount of \$102,160.04 (Assistant City Manager, Public Works)

Staff recommends approval

A motion was made by Mr. Phalen, seconded by Mr. Paulissen, to approve the reimbursement to the County of Galveston for expenditures incurred for the relocation of City-owned utility lines required by the widening of FM646 in the amount of \$102,160.04. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

- 12B Consider and take action on a resolution approving the dates for conducting regular meetings during the months of November and December 2010 (City Secretary)

Staff makes no recommendation.

A motion was made by Mr. Barber, seconded by Ms. Sanborn, to approve Resolution No. 2010-35 setting the dates for conducting regular meetings during the months of November and December on Tuesday, November 9, 2010 and Tuesday, December 14, 2010

The motion was amended by Mr. Barber, seconded by Ms. Sanborn, to approve Resolution No. 2010-35 setting the dates for conducting regular meeting during the months of November and December on Tuesday, November 16, 2010 and Tuesday, December 14, 2010. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

- 12C Consider and take action on the approval of the purchase of a concrete plant and five (5) concrete trailer mixers for the Streets and Stormwater Department (Assistant City Manager, Management Services)

Staff recommends approval.

A motion was made by Mr. Paulissen, seconded by Mr. Phalen, to approve the purchase of a concrete plant and five (5) concrete trailer mixers for the Streets and Stormwater Department. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

13. FIRST READING OF ORDINANCES

- 13A Consider and take action on an ordinance amending the City of League City, Texas, Governmental and Proprietary Funds Budget for the fiscal year 2009-2010 by amending Ordinances No. 2009-33, No. 2010-06, and No. 2010-21 (Assistant City Manager, Management Services)

Staff recommends approval and requests first and final reading.

A motion was made by Mr. Barber, seconded by Mr. Baron, to approve first and final reading of this ordinance. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

A motion was made by Mr. Barber, seconded by Ms. Sanborn, to approve Ordinance No. 2010-35 amending the City of League City, Texas, Governmental and Proprietary Funds Budget for the fiscal year 2009-2010 by amending Ordinances No. 2009-33, No. 2010-06, and No. 2010-21. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

- 13B Consider and take action on an ordinance designating chairpersons of boards, committees, and commissions of the City of League City as Assistant Secretaries with the authority to administer oaths in their meetings in any manner pertaining to municipal affairs (City Secretary)

Staff makes no recommendation.

A motion was made by Mr. Paulissen, seconded by Mr. Lee, to approve Ordinance No. 2010-36 designating chairpersons of boards, committees, and commissions of the City of League City as Assistant Secretaries with the authority to administer oaths in their meetings in any manner pertaining to municipal affairs, with the City Attorney to edit for the second reading. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

13C Consider and take action on an ordinance abolishing South Shore Harbour Municipal Utility District Number Three (Assistant City Manager, Management Services)

Staff recommends approval..

A motion was made by Mr. Phalen, seconded by Mr. Paulissen, to approve Ordinance No. 2010-37 abolishing South Shore Harbour Municipal Utility District Number Three.

The motion was amended by Mr. Phalen, seconded by Mr. Paulissen, to add that the City Secretary would not publish the ordinance before November 15, 2010. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

13D Consider and take action on an ordinance establishing the City of League City Insurance Trust Fund, authorizing the trust agreement and appointing trustees (Director of Human Resources and Civil Services)

Staff recommends approval.

A motion was made by Ms. Sanborn, seconded by Mr. Barber, to approve Ordinance No. 2010-38 establishing the City of League City Insurance Trust Fund, authorizing the trust agreement and appointing trustees. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

13E Consider and take action on an ordinance approving the funding for Capital Improvement Plan (CIP) Project No. FM1101 entitled "City Hall Renovations" of which Phase 1 is the exterior recladding, structural upgrades, window installation, additional structural bracing, and other miscellaneous work items for City Hall and awarding the bid (Assistant City Manager, Management Services)

Staff recommends approval and requests first and final reading.

A motion was made by Mr. Paulissen, seconded by Mr. Phalen, to approve first and final reading of this ordinance. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

A motion was made by Mr. Paulissen, seconded by Mr. Phalen, to approve Ordinance No. 2010-39 approving the funding for Capital Improvement Plan (CIP) Project No. FM1101 entitled "City Hall Renovations" of which Phase 1 is the exterior recladding, structural upgrades, window installation, additional structural bracing, and other miscellaneous work items for City Hall and awarding the bid to R.L.H. Construction, Inc. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

14. TABLED ITEMS SUBJECT TO RECALL

15. ITEMS ADDED AFTER ELECTRONIC AGENDA COMPLETED**16. EXECUTIVE (CLOSED) SESSION (S)**

At 6:47 p.m. Mayor Randall announced an executive session would be held to discuss the following items:

16A Texas Open meetings Act, Section 551.072 government Code - Deliberations about real property

Discuss acquisitions relative to the Southwest Wastewater Reclamation Facility (Assistant City Manager, Public Works)

16B Texas Open Meetings Act, Section 551.071 Government Code - Consultation with City Attorney

Consultation with City Attorney regarding the following pending and threatened or contemplated litigation:

a. Appellate Cause No. 14-09-00386-CV; Cause No. 07-CV0817; Paul Smith, et al vs. City of League City, Texas; In the 212th Judicial District Court of Galveston County, Texas

**b. Threatened litigation by MB Harbour, Ltd.
(City Attorney)**

16C Texas Open Meetings Act, Section 551.072 Government Code - Deliberations about real property

Discussions concerning possible lease of office space for temporary municipal operations (Assistant City Manager, Public Works)

At 7:48 p.m. Mayor Randall reconvened the regular meeting and announced there was no final action, decision, or vote with regard to any matter considered in the executive session concluded.

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

17A Consider and take action on acquisitions relative to the Southwest Wastewater Reclamation Facility (Assistant City Manager, Public Works)

Recommendation: NA

A motion was made by Mr. Paulissen, seconded by Ms. Dawson, to direct staff to proceed as discussed in executive session. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

17B Consider and take action on consultation with City Attorney regarding the following pending and threatened or contemplated litigation:

a. Appellate Cause No. 14-09-00386-CV; Cause No. 07-CV0817; Paul Smith, et al vs. City of League City, Texas; In the 212th Judicial District Court of Galveston County, Texas

b. Threatened litigation by MB Harbour, Ltd.
(City Attorney)

No action was taken on this item.

17C Consider and take action on discussions concerning possible lease of office space for temporary municipal operations (Assistant City Manager, Public Works)

Recommendation: NA

A motion was made by Mr. Paulissen, seconded by Mr. Barber, to direct staff to proceed with leasing of office space for the relocation of City Hall. The motion passed by the following vote:

For: 7 -

Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Paulissen and Ms. Dawson

18. **ADJOURNMENT**

At 7:50 p.m. Mayor Randall said there being no further business this meeting is adjourned.

TONI RANDALL
MAYOR

BARBARA F. LONG
CITY SECRETARY

(SEAL)

MINUTES APPROVED: