



City of League City, TX

300 West Walker
League City TX 77573

Meeting Minutes City Council

Tuesday, August 24, 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 (Absent)

Director of Parks & Cultural Services:

Chien Wei

Director of Planning & Research:

Tony Allender

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 Dawson

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

The invocation was given by Pastor Daniel Diaz de Leon of Faith Assembly of God. Mayor Randall lead in the pledges of allegiance to the flag.

3. APPROVAL OF MINUTES

3A July 27, 2010 Regular Meeting

 This item was Approved

3B August 5, 2010 Workshop

 This item was Approved

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

4. APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS

4A Presentation of a proclamation declaring September 2010 as "CCISD Exemplary Month" (Mayor Randall)

 Mayor Randall read the proclamation in its entirety.

 Clear Creek Independent School District's Superintendent, Dr. Greg Smith, and Board of Trustees Member, Ms. Dee Scott, were present to accept the proclamation.

5. PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

5A Hold a public hearing to receive public input on the proposed use of municipal hotel occupancy tax revenue by Destination League City Convention and Visitor's Corporation (Director of Planning and Research)

Mayor Randall opened the public hearing at 6:07 p.m.

No one spoke for or against this issue.

Mayor Randall closed the public hearing at 6:08 p.m.

5B Consider and take action on the approval of the Fiscal Year 2010-2011 Destination League City Convention and Visitor's Corporation budget (Director of Planning and Research)

 Staff recommends approval.

 A motion was made by Mr. Paulissen, seconded by Mr. Lee, to approve the Fiscal Year 2010-2011 Destination League City Convention and Visitor's Corporation budget.

 The motion passed by the following vote:

For: 7 -

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

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.

Name	Address	Subject
Fred Hazel	McDonough, GA	Waste removal at apartment site
Hal Wixon	1814 Houston	Film festival financial support \$2,500-\$3,000
Shawn Gano	2249 Daroca Drive	CCISD Education Village buffer zones
Lisa Freudenburg	2108 Sierra	Glen Cove
Scott Freudenburg	2108 Sierra	Glen Cove
Dan Becker	2331 Leisure Lane	Glen Cove
Jeff Hagen	2133 Fenwood	Glen Cove

7. COUNCIL MEMBERS COMMENTS/REPORTS

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

Mr. Phalen said just as a reminder to those of you who have seen the signs, this Saturday morning there is going to be a Triathlon coming through town. FM2094, FM270 and FM646 will be blocked for probably 2 to 4 hours starting at 8:00 a.m. Pay attention and be prepared for some traffic jam problems. For those of you who like this sort of thing, our draft CIP for the next 5 years is on the City website now. Be forewarned. It is over 300 pages and will take quite a while to open. It is the detail of what we talked about last week. In September we will be working on the approval of the CIP. So here is your chance to have a look, see what you think and give us your ideas. The last thing, school is open. I will tell you from personal experience, you should not be driving 30 MPH through a 20 MPH school zone.

Ms. Dawson said at the last meeting we successfully decided on a location for the Boundless Playground and everybody is happy. We met our budget but Patron's of the Park are still seeking donations for that playground as there are bound to be unexpected things come up. Plus we still have the last section to buy. Address your donations to Patron's of the Park at City Hall, 300 West Walker Street.

Mr. Lee said I have no comments.

Mr. Paulissen said I have no comments.

Mr. Barber said all I will say is that I appreciate all the comments made tonight. I heard something I had not heard before that I am going to pursue. That and all other comments remind me of why my first term on Council is 3 years that I would love to forget. And why I ran for 3 more years and would like to try to do the best I can to correct some bad mistakes. Mistakes is probably not even the correct word. I think they are quite intentional.

Mr. Baron said congratulations to the Library for the grants on tonight's agenda. Good job. Certainly the timing is good with the budget workshops coming soon. For the folks still wondering about the Farmers Market, I am still working on it. Those of you who know me know exactly how stubborn and determined I am. I just had a meeting with some additional people last week. We hope to be approaching staff very soon to get that project on track for the Fall. It has been a long road but nothing good comes easy. Note from the agenda, we have the Boat Show, September 20-26, 2010. I attended that last year. Although I am not really a boat show kind of person, it was a phenomenal event from an entertainment stand point, from a boating stand point, and from a local festival stand point. Mark it on your calendars. Keep an eye on the banner that I am sure we will approve to be hung tonight. For those of you who are interested in being active in our local government, we have a Budget Workshop next Tuesday, August 31st. Those are probably the most important workshops we hold on an annual basis. So I recommend you join us. And finally, congratulations to the Police Department, a reporter did an article on the Police Department pointing out that, although we still have some problems with growth in League City as it relates to crime, serious crimes, such as assaults, murders, and things of that nature, are trending downwards. That is always good news. And that is always evidence of a job well done.

Ms. Sanborn said I would like to congratulate the Clear Creek Independent School District (CCISD) on their exemplary rating. If your child goes or has gone to school through CCISD, you certainly understand what a great education they received or are receiving and how blessed we are to live in an area with such a great school system. As everyone knows school started yesterday. There have been some traffic challenges the last couple of days. If you are traveling during school dismissal or arrival times, please make sure you leave early and be very cautious in the school zones. I have some notes from the Library. On August 12th, we were honored to have Congressman Ron Paul here in League City at the Library where a reception was held in recognition of the National Endowment of Humanities funded "We the People" grant which was awarded to the Library. We are very pleased that our Library is so proactive in pursuing grants. There are so many activities that take place in the Library. The Library is beginning a new series of Online Book Clubs for adults this Fall. The registration kickoff event will be held on Saturday, August 28, 2010, at 3:00 p.m. in the Library. Potential participants will have a chance to meet each other and learn how to access the discussions online. Everyone is invited. A couple of weeks ago on August 5, 2010, over 700 children and parents attended the Super Readers Party. This was a reward for the children who successfully completed at least one reading log in the Summer Reading Club. The children enjoyed riding the vehicle maintenance train, climbing in a fire truck, and dancing to a DJ, as well as other activities. I am your Library liaison so I try to keep you updated on happenings at the Library. For those of you who enjoy sports, we have our neighbors to the West, the Pearland Little League who are playing in the Little League World Series. They were scheduled to play tonight but were rained out. They are playing tomorrow night at 5:00 p.m. central on ESPN. They had to go through League City to get to the World Series. So let's support our fellow Texans.

8. MAYOR COMMENTS/ REPORT

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

Mayor Randall said I have no comments.

9. REPORTS FROM STAFF MEMBERS

Staff Report

Mr. Jahns said I just wanted to reiterate a couple things that Council Members have already mentioned. The CIP is on the City's website. Staff is continuing to refine that document based upon the comments we received last week. Next week we will have the workshop for the proposed budget. Council will receive the budget document tomorrow afternoon. Finally, I have requested Kristi Wyatt, our Public Information Officer, to present a report on the Triathlon. I want to thank Ms. Wyatt, Chief Jez and the Police Department for all their work on this event.

Ms. Wyatt said the Triathlon is this weekend on Saturday, August 28, 2010, beginning at 8:00 a.m. We are excited to be a co-sponsor of this event. Some roads will have to be closed. Everything is posted on our website. Briefly, the westbound outside lane of FM2094 from Lawrence Road to FM270 will be closed which involves some major intersections, SH96 at FM270, FM2094 at South Shore Boulevard, and FM518 at FM270. We will have Police Officers at all of those intersections to ensure everyone's safety and traffic moves as smoothly as possible. However, expect delays. There will be about 800 people participating in this portion of the race. While we have planned a 8:00 a.m. to 10:00 a.m. range for road closings, there could be some stragglers to keep the roads closed for a longer period. We want to ensure everyone is safe. If you can, avoid the area. If you do not want to avoid the area, come celebrate with us. We will have two cheering stations for people who want to watch the bicycle portion of the race going through League City. One will be at the LA Fitness Center on League City Parkway (SH96) and the other will be at the Runner's Link Store on Marina Bay Drive. Coffee will be provided by Starbucks. Other refreshments will be provided also. So avoid the area or come by and celebrate with us. Again, all the information is on our website at www.leaguecity.com. You can check out our Weekly Update on www.leaguecity.com/youtube where we talk about the Triathlon and going back to school.

10. CONSENT AGENDA

Approval of the Consent Agenda

Mr. Baron pulled Agenda Item 10E and Mr. Phalen pulled Agenda Item 10L. A motion was made by Mr. Paulissen, seconded by Ms. Sanborn, to approve Consent Agenda Items 10A through 10Q with the exception of 10E and 10L.

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 to grant a variance to Chapter 90 of the Code of Ordinances for the City of League City allowing Southwest International Boat Show to hang a banner across FM 518 (Assistant City Manager, Public Works)

The Special Events Committee supports the variance.

Approved on Consent Agenda

- 10B** Consider and take action to grant a variance to Chapter 90 of the Code of Ordinances to allow the Southwest International Boat Show to display banners and to allow directional bandit signs from all points of entry leading to South Shore Harbour Marina for the period of September 20-26, 2010 (Assistant City Manager, Public Works)

Staff recommends approval with conditions.

Approved on Consent Agenda

- 10C** Consider and take action on a request from LJA Engineering on behalf of Galveston County Municipal Utility District No. 46 (the “district”) to waive the district’s requirement for the pre-purchase inspection of certain facilities (Assistant City Manager, Public Works)

Staff recommends approval.

Approved on Consent Agenda

- 10D** Consider and take action on the approval of Amendment No. 1 to the proposal from Terracon Consultants, Inc. for construction material testing services for the Clear Creek Heights Drainage Channel Improvements Project (Assistant City Manager, Public Works)

Staff recommends approval.

Approved on Consent Agenda

- 10E** Consider and take action on acceptance of \$3,000 Texas Reads Grant and a \$4,000 TexTreasures Grant from the Texas State Library and Archives Commission (Director of Parks & Cultural Services)

Staff recommends approval.

A motion was made by Mr. Baron, seconded by Mr. Paulissen, to approve acceptance of a \$3,000 Texas Reads Grant and a \$4,000 TexTreasures Grant from the Texas State Library and Archives Commission.

The motion passed by the following vote:

For: 7 -

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

- 10F** Consider and take action on the renewal of the Emergency Notification System with Black Board Connect (Assistant City Manager, Management Services)

Staff recommends approval.

Approved on Consent Agenda

- 10G** Consider and take action on the renewal for the Uniform Rental Service Contract with Unifirst (Assistant City Manager, Management Services)

Staff recommends approval.

Approved on Consent Agenda

- 10H** Consider and take action on the approval of a resolution consenting to the sale and issuance of Waterworks and Sewer System Combination Unlimited Tax and Revenue Refunding Bonds, Series 2010 for South Shore Harbour Municipal Utility District No. 6 and authorizing and directing the Mayor to execute and the City Secretary to attest the same for and on behalf of the City (Assistant City Manager, Management Services)

Staff recommends approval.

Resolution No. 2010-29 Approved on Consent Agenda

- 10I** **Receive Tax Increment Reinvestment Zone Number One - Magnolia Creek, 2009 Annual Report for fiscal year ending December 31, 2009 (Assistant City Manager, Management Services)**

Approved on Consent Agenda

- 10J** **Receive Section 4B Industrial Development Corporation's Quarterly Investment Report for the period ending June 30, 2010 (Assistant City Manager, Management Services)**

Approved on Consent Agenda

- 10K** **Receive the City's Quarterly Investment Report for the period ending December 31, 2009 (Assistant City Manager, Management Services)**

Approved on Consent Agenda

- 10L** **Receive the City's Quarterly Investment Report for the period ending June 30, 2010 (Assistant City Manager, Management Services)**

A motion was made by Mr. Phalen, seconded by Mr. Baron, to receive the City's Quarterly Investment Report for the period ending June 30, 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

- 10M** **Consider and take action on the approval of the resale of property resulting from a tax foreclosure for Part of Lot 26 (26-3), Division "A", League City (Assistant City Manager, Management Services)**

Staff recommends approval.

Approved on Consent Agenda

- 10N** **Consider and take action on the approval of a resolution amending Resolution No. 2008-10 appointing officers who are authorized to sign on behalf of the City in banking and other monetary transactions. (Assistant City Manager, Management Services)**

Staff recommends approval.

Resolution No. 2010-30 Approved on Consent Agenda

- 10O** **Consider and take action on Ordinance No. 2010-27 for a Special Use Permit (SUP10-02 Donald's Donuts) for a "drive-through at an eating and drinking establishment" on approximately 1.0 acre zoned "CN" (Neighborhood Commercial), legally described as Unrestricted Reserve B of Bayridge, Section One, generally located south of League City Parkway (State Highway 96) and west of Bayridge Drive with the approximate address being 3003 League City Parkway (State Highway 96) - Second Reading (Director of Planning & Research)**

Planning & Zoning Commission recommended approval 8-0-0 subject to conditions on July 19, 2010.

Council approved first reading 7-0-0 on August 10, 2010.

Ordinance No. 2010-27 Second Reading Approved on Consent Agenda

- 10P** Consider and take action on Ordinance No. 2010-28 to amend Schedule 125-72.B of Chapter 125, City of League City Code of Ordinances entitled "Zoning" by amending the special use permit requirement in the Neighborhood Commercial zoning district for drive-through facilities at eating and drinking establishments adjoining non-residential zoning districts - Second Reading (Director of Planning & Research)

Planning and Zoning Commission recommended approval 8-0-0 on July 19, 2010.
Council approved first reading 7-0-0 on August 10, 2010.

Ordinance No. 2010-28 Second Reading Approved on Consent Agenda

- 10Q** Consider and take action on Ordinance No. 2010-29 on proposed amendments to Chapter 125, City of League City Code of Ordinances entitled "Zoning" regarding allowing large and small scale recreation and entertainment uses within certain zoning districts with an approved Special Use Permit - Second Reading (Director of Planning and Research)

Planning and Zoning Commission recommended approval 8-0-0 on July 19, 2010.
Council approved first reading 7-0-0 on August 10, 2010.

Ordinance No. 2010-29 Second Reading Approved on Consent Agenda

END OF CONSENT AGENDA

11. OLD BUSINESS

12. NEW BUSINESS

- 12A** Consider and take action on a Professional Services Agreement between the City of League City and Wasteline Engineering, Inc., for the Countryside Wastewater Treatment Plant & Westover Park FW11 Lift Station/Force Main Upgrade and Countryside Wastewater Treatment Plant Demolition (WW1002); and Magnolia Creek South FW10 Force Main to the Southwest Wastewater Reclamation Facility and Countryside #2 Lift Station/Force Main (WW1003) Diversion projects (Assistant City Manager, Public Works)

Staff recommends approval.

A motion was made by Mr. Phalen, seconded by Mr. Paulissen, to approve a Professional Services Agreement between the City of League City and Wasteline Engineering, Inc. for the Countryside Wastewater Treatment Plant & Westover Park FW11 Lift Station/Force Main Upgrade and Countryside Wastewater Treatment Plant Demolition (WW1002); and Magnolia Creek South FW10 Force Main to the Southwest Wastewater Reclamation Facility and Countryside #2 Lift Station/Force Main (WW1003) Diversion projects.

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 Chapter 22 of the Code of Ordinances for the City of League City, Texas, Article VII, entitled "Unsafe Buildings Dangerous Building Code" by deleting the subject Article VII in its entirety and substituting new provisions in place thereof under the same title to update the subject regulations pursuant to Chapters 54 and 214 of the Texas Local Government Code (Assistant City Manager, Public Works)

Staff recommends approval.

A motion was made by Mr. Paulissen, seconded by Mr. Phalen, to approve Ordinance No. 2010-30 amending Chapter 22 of the Code of Ordinances for the City of League City, Texas, Article VII, entitled "Unsafe Buildings Dangerous Building Code" by deleting the subject Article VII in its entirety and substituting new provisions in place thereof under the same title to update the subject regulations pursuant to Chapters 54 and 214 of the Texas Local Government Code.

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 providing for the termination of Tax Increment Zone Number One - Magnolia Creek, and approving agreements providing for the termination of the Interlocal Agreement with Galveston County, Texas and the Development and Financing Agreement thereto. (Assistant City Manager, Management Services)

Staff recommends approval on first and final reading.

A motion was made by Mr. Barber, seconded by Mr. Phalen, to approve first and final 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

A motion was made by Mr. Barber, seconded by Mr. Paulissen, to approve Ordinance No. 2010-31 providing for the termination of Tax Increment Zone Number One - Magnolia Creek, and approving agreements providing for the termination of the interlocal agreement with Galveston County, Texas and the development and financing agreement thereto.

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 7:02 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 acquisition of right-of-ways and easements to serve the Southwest Water 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 threatened or contemplated litigation by League City Glen Cove Home Owners Association, Inc. vs. City of League City, Texas (City Attorney)**
- 16C** **Texas Open Meetings Act, Section 551.072 Government Code - Deliberations concerning real property**
- Discussions concerning possible amendments to Interlocal Easement Agreement between City of League City and MB Harbour, Ltd. (Council Member Paulissen)**

At 8:29 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 acquisition of right-of-ways and easements to serve the Southwest Water Reclamation Facility (Assistant City Manager, Public Works)**
- A motion was made by Mr. Paulissen, seconded by Mr. Barber, to instruct staff to move forward with the right-of-way and property easement agreements and purchase 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 consultations with City Attorney regarding threatened or contemplated litigation by League City Glen Cove Home Owners Association, Inc. vs. City of League City, Texas (City Attorney)

A motion was made by Mr. Barber, seconded by Mr. Phalen, for the City to release the title opinion from Southland Title dated July 29, 2010, contingent upon the affirmative recommendation of Counsel Bill Helfand.

The motion passed by the following vote:

For: 7 -

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

- 17C** Consider and take action on discussions concerning possible amendments to Interlocal easement Agreement between City of League City and MB Harbour, Ltd. (Council Member Paulissen)

A motion was made by Mr. Paulissen, seconded by Mr. Barber, to rescind the interlocal easement agreement dated on or about March 20, 2007 in reference to the properties on the north and south abutments to the Seminole Bridge.

The motion passed by the following vote:

For: 4 -

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

Opposed: 3 -

Mr. Baron, Mr. Phalen and Ms. Sanborn

18. ADJOURNMENT

At 8:32 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: