



City of League City, TX

300 West Walker
League City TX 77573

Meeting Minutes City Council

Tuesday, May 12, 2015

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:

Tim Paulissen

City Council Members:

**Dan Becker
Tommy Cones
Heidi Hansing
Todd Kinsey
Geri Bentley
Keith Gross
Nick Long**

City Manager:

Mark Rohr

Deputy City Manager:

John Baumgartner

City Attorney:

Nghiem V. Doan

City Secretary:

Diana M. Stapp

Chief of Police:

Michael Kramm

Director of Engineering:

Earl Smith

Director of Finance:

Rebecca Underhill

Director of Human Resources/Civil Service:

Queenell Fox

Director of Parks & Cultural Services:

Chien Wei

Director of Planning & Development:

Paul Menzies

1. CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Paulissen called the meeting to order at 6:00 p.m. and called the roll. All members of Council were present. Nick Long arrived at 6:15 p.m.

Present 8 - Mayor Tim Paulissen, Mr. Dan Becker, Mr. Tommy Cones, Ms. Heidi Hansing, Mr. Todd Kinsey, Ms. Geri Bentley, Mr. Keith Gross and Mr. Nick Long

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

The invocation was given by Rabbi Yitzi Schmukler of Chabad of the Bay area. Mayor Paulissen led in the pledges of allegiance to the flags.

3. **APPROVAL OF MINUTES**

- 3A. 15-0317 March 23, 2015 Council Work Session
- 3B. 15-0295 April 14, 2015 Regular Meeting
- 3C. 15-0304 April 27, 2015 Council Work Session
- 3D. 15-0310 April 28, 2015 Regular Meeting

Mayor Paulissen asked if there were any corrections. He said hearing none, these minutes are approved.

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

- 4A. 15-0305 Presentation of awards to student participants for the 2015 National Drinking Water Week poster contest and essay contest (Mayor Paulissen)

Public Works Manager Jody Hooks presented the awards.
- 4B. 15-0307 National Society of the Sons of the American Revolution, Inc. recognition of League City Volunteer Firefighter Mike Rawls and League City Paramedic Price Blalock (Mayor Paulissen)

Jeff Smith, Interim Fire Chief, introduced Larry Tidwell and John Hamlin of the Bernardo de Galvez Chapter #1 Texas Society of the Sons of the American Revolution, who presented certificates of recognition and medals to the honorees.
- 4C. 15-0296 Consider and take action to confirm appointments to the Ethics Review Board (Mayor Paulissen)

Appointment to Ethics Review Board for term to expire 12/31/2015

Council Position 7 (Nick Long) nominee – Scott Presler

A motion was made by Mayor Paulissen, seconded by Mr. Long, to approve the appointment of Scott Presler to the Ethics Review Board. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

5. **COMMUNITY SPOTLIGHT**
6. **PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING**
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
Lisa Switoyus	2120 Emerald Cove Dr.	MarBella overhead electrical
Keith Hardcastle	4613 Miramar Drive	MarBella overhead electrical
Christine Mueller	4831 Palomar Lane	MarBella
Joy Yarbrough	4621 Miramar Dr.	MarBella overhead electrical
Allison McIntyre	2954 Rustic Pier Lane	Sidewalks SSH
Cindy Pratt	2960 Rustic Pier Lane	Sidewalks SSH
Codi Lucent	2451 Porto Way	MarBella
Kris Whittington	311 Indianmeadow Drive	MarBella power poles
Brian Scheffman	4639 Miramar Dr.	MarBella power poles
Brad Northcutt	4813 Palomar Lane	MarBella
Rachel Burnett	4859 Piores Lane	MarBella

8. **COUNCIL MEMBERS COMMENTS/REPORTS**

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

Tommy Cones had no comments.

Geri Bentley said thank you for coming. We appreciate all your comments. I've taken notes. My cohort is typing away like crazy here. We understand and we are working on your problem. On another note, some of you might have known that the composition of our council looks a little different tonight. I would like to welcome our new city attorney, Mr. Nghiem Doan. He started Monday but tonight is his first council meeting. We're happy to have him here. Also, our County Tax Assessor is going to have another class, How to Effectively Protest Your Taxes. It will be held on Thursday, May 28 at 6:00 p.m. right here in the Council Chambers. She'll be handing out this book and it's a very good class. I know everybody got that nasty little letter about our taxes going up. I also wanted to compliment all the people that went to the annual Boy Scout breakfast which the mayor hosted on April 29. A lot of money was raised for the Boy Scouts. That was a really good thing. On May 5 we had a grand opening of our Hometown Heroes swimming pool. We had a lot of people there. A couple of our council members jumped in that pool. On Thursday, May 7, was our first City Hall in the Park. We were doing chipping for the dogs and pet adoptions. The next one is going to be on Saturday, June 6, at the Nature Center and I would like to invite everybody to come. It's a one on one. It's casual. You can just come and talk to all of us. The staff is there, just come talk to us and let us know what your issues are.

Heidi Hansing said I want to thank you all for coming and engaging your government, letting us hear from you. We are going to be very proactive on this. I just wanted to thank you all for your time for coming. I wanted to back up what Geri said about the property taxes. There is a significant debate going on in your legislature right now as to whether they are going to, on the Senate side, reduce your property tax, or on the House side, reduce your retail sales tax. The majority of Texans would prefer a property tax reduction, as would I, because we've all probably just gotten that letter that your appraised value has gone up probably 10, 15 and upwards of 30 percent in some cases. Harris County has got it worse than Galveston County. They've had some properties go up 100 percent and more in the appraised value, so this is something that you have the opportunity to take a class and potentially reduce that appraisal. Cheryl Johnson has been teaching this class for years. I've taken it myself. I'm going to be taking it again this year, because I'm going to get out there and protest the values. Your deadline is June 1, so be aware of that, that if your property appraised value has gone up you have until June 1 to join that class and she said that there's one right here in League City on the 28th and if you can't make that date, there is one on the May 23 in Friendswood at the Amoco Building on FM 528. Also, I just wanted to welcome our new City Attorney, Nghiem Doan. Lastly, I would like to extend my congratulations to firefighter Mike Rawls, and our paramedic first responder, Price Blaylock. Having the Sons of the American Revolution here in full regalia was really exciting to see and also, congratulations to the children that won prizes for participating in the Water Conservation contest.

Keith Gross said good evening, thank you all for coming. I would like to begin today by saying thanks to Bridget Kramer, Diana Stapp, John Baumgartner, and Mark Rohr for preparing this week's agenda. I also want to note that I met an interesting man today by the name Jonathan Dowdell. He is a veteran of the Army. He lost both legs in Afghanistan and the reason I mention him is because there is an entity called Operation Finally Home. They're building this man a house here in League City for free. I want to commend Operation Finally Home for all they're doing for our veterans. We cannot give them enough gratitude for the things they do to protect our country. Clearly, Mr. Dowdell, sacrificed a whole lot so we can enjoy the freedoms and the liberties that we do. I also want to thank the people for showing up to voice their concerns about the power lines. I am deeply disappointed in the committee that approved that. I can tell you that I will make every effort to explore the options that are available to us at this juncture. I do want to welcome attorney, Nghiem Doan to council and lastly, I want to recognize my wife, today is her birthday. She's 21 years old, again.

Nick Long said I would like to thank everyone for coming out and expressing your concerns. I can tell you we are working on it and talking about it daily, the issue out in MarBella. I would also like to congratulate Jay Cunningham for the election at CCISD District 5. Not many votes, but he came out on top. I wish him all the luck. Also, I wanted to talk about an event that happened this weekend for Rory Grant out at the Butler Longhorn Museum. It was really well attended; really neat event for that young man and it looked like they raised a lot of money in that as well.

Dan Becker had no comments.

Todd Kinsey said thank everyone for coming out. Keith may not know since he wasn't on council at the time, but the Salute to Heroes concert last year paid for the house you went to this morning with Marine Sgt. Jonathan Dowdell. Over at the Helen Hall Library, they're accepting applications for junior volunteers through May 18. All teens wishing to volunteer at the library this summer must be received by May 18 or they can call 281-554-1106 for more information. The library will be closed on Sunday, May 24 and Monday, May 25, in observance of Memorial Day.

9. MAYOR COMMENTS/ REPORT

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

Mayor Paulissen said I just want to reiterate what everybody has said. Welcome, everybody from MarBella. I know that numerous council members have met with staff and some of the folks at Taylor Morrison, and Centerpoint and others in the last couple of days, and staff is engaged in this and so are your council members, so we're doing everything we can at this point to see if we can come up with a resolution. So your voices are being listened to, so I appreciate you all for coming out tonight. I want you all to join us at our Memorial Day Ceremony on Monday, May 25. It will be at the Fairview Cemetery off of Kansas Avenue. The event is free and open to the public and it begins at 10:00 a.m. Have you given any thought to your emergency weather plans this year? Hurricane season begins on June 1 and we want to invite you to attend our 5th Annual Hurricane Blow-Out Event hosted by League City Emergency Management. We will be serving hot dogs and giveaways, door prizes, games and hurricane photo booths. We also have local vendors and our Emergency Response Team on-site to offer advice and answer questions about how you and your family should prepare for hurricane season. This event will take place May 30 from 10:00 a.m. to 2:00 p.m. at the Home Depot at I-45 and FM 646. In just a few weeks, the Parks Department will be hosting its Second Annual National Trails Day Event and this year it's at the Clear Creek Nature Center off FM 270 from 9:00 a.m. to 11:00 a.m. There will be moonwalks for the kids, vendor booths along the trail, giveaways, and even a scavenger hunt. This event takes place Saturday, June 6. Parking is limited at the park, so there will be a shuttle service available from the Clear Creek Community Church and this event is free and open to the public. I also want to thank everyone who attended our City Hall in the Park event last Thursday. Over 120 residents attended the event and we were happy. Please join us for the next one on June 6, in conjunction it takes place on National Trails Day at the Clear Creek Nature Center. I want to recognize our EMS, Fire Department, and our Police Department. I had an incident about five houses down from my house today where a school bus actually ran into the front of the house and we had our EMS, our Fire Department, our Police Department, people from Clear Creek ISD and they were a well-oiled machine and I can assure you that all of these services are well-oiled and we are so lucky and blessed to have them. Welcome Nghiem.

10. REPORTS FROM STAFF MEMBERS

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

11. CONSENT AGENDA

Approval of the Consent Agenda

Item 11C was pulled by Ms. Bentley.

A motion was made by Mr. Kinsey, seconded by Mr. Becker, to approve Consent Agenda Items 11A and 11B. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

- 11A. 15-0309 Consider and take action to award Bid 15-005R for streets, sidewalk and concrete pavement repair with Teamwork Construction (Director of Finance)

Approved on the Consent Agenda

- 11B. 15-0308 Consider and take action to approve a one-year renewal of the award of Bid 14-022 for Polyacrylamide Cationic Emulsion Liquid Polymer to Fort Bend Services at a unit price of \$1.22 per pound and an estimated annual cost of \$61,000 (Director of Finance)

Approved on the Consent Agenda

- 11C. 15-0294 Consider and take action on the approval of the resale of property resulting from a tax foreclosure for Lot 11 Block 4, Nottingham Country Section 1 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 Ms. Bentley, seconded by Ms. Hansing, to approve the resale of property resulting from a tax foreclosure for Lot 11 Block 4, Nottingham Country Section 1 and authorizing the Mayor to sign the Trustee's Deed on behalf of the City of League City. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

END OF CONSENT AGENDA

12. OLD BUSINESS

- 12A. 15-0303 Consider and take action on adoption of the City of League City Governance Policy and Rules of Procedure (Mayor Paulissen)

Council postponed 7-0-0 with 1 absent on April 28, 2015.

A motion was made by Mayor Paulissen, seconded by Ms. Bentley, to approve adoption of the City of League City Governance Policy and Rules of Procedure. The motion passed by the following vote:

For: 7 - Mayor Paulissen, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

Opposed: 1 - Mr. Becker

13. NEW BUSINESS

- 13A. 15-0306 Consider and take action authorizing the City Manager to negotiate and execute an agreement with the Lakes of South Shore Harbor Homeowners Association to share costs for the construction of a sidewalk on the east side of South Shore Boulevard (Councilmember Kinsey and Mayor Paulissen)

A motion was made by Mr. Kinsey, seconded by Mayor Paulissen, to allow the City Manager to negotiate an agreement with the Lakes of South Shore Harbour subdivision to build a sidewalk on the east side of South Shore Boulevard with the Home Owners Association contributing \$50,000 of the estimated cost of the construction. The motion passed by the following vote:

For: 6 - Mayor Paulissen, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley and Mr. Long

Opposed: 2 - Mr. Becker and Mr. Gross

- 13B. 15-0311 Consider and take action on a resolution to support legislation and other actions that would provide for reduction in the property tax burden on homeowners caused by rapidly escalating appraisal values (Mayor Paulissen)

A motion was made by Mr. Long, seconded by Ms. Hansing, to approve Resolution No. 2015-24 to support legislation and other actions that would provide for reduction in the property tax burden on homeowners caused by rapidly escalating appraisal values. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

14. **FIRST READING OF ORDINANCES**

- 14A. 15-0276 Consider and take action on an ordinance abolishing South Shore Harbour Municipal Utility District No. 6 (Director of Finance)

A motion was made by Mr. Cones, seconded by Ms. Bentley, to approve Ordinance No. 2015-13 abolishing South Shore Harbour Municipal Utility District No. 6. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

15. **TABLED ITEMS SUBJECT TO RECALL**

16. **ITEMS ADDED AFTER ELECTRONIC AGENDA COMPLETED**

17. **EXECUTIVE (CLOSED) SESSION (S)**

At 7:21 p.m. Mayor Paulissen announced the City Council will now go into executive session to discuss the following items:

- 17A. 15-0297 Texas Open Meetings Act, Section 551.072 Government Code - Deliberations about real property

Discuss potential purchase or sale of real property interests (Deputy City Manager)

- 17B. 15-0300 Texas Open Meetings Act, Section 551.071 Government Code - Consultation with City Attorney

Consultation with the City Attorney regarding the following pending litigation:

Cause No. 14-CV-0340; City of League City, Texas v. Standard Pacific Homes, et al; In the 56th Judicial District Court of Galveston County, Texas (City Attorney)

- 17C. 15-0312 Texas Open Meetings Act, Section 551.074 Government Code - Personnel Matters

Discuss employment, appointment, or evaluation of a public officer or employee, to-wit: City Manager (Director of Human Resources and Civil Service)

- 17D. 15-0314 Texas Open Meetings Act, Section 551.071 Government Code - Consultation with City Attorney

Consultation with City Attorney to receive legal advice on issues affecting the City's extraterritorial jurisdiction (City Attorney)

- 17E. 15-0315 Texas Open Meetings Act, Section 551.071, Government Code - Consultation with City Attorney

Consultation with City Attorney to receive legal advice regarding the City's ordinance related to overhead power lines (City Attorney)

At 9:19 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. 15-0298 Consider and take action on discussion concerning potential purchase or sale of real property interests (Deputy City Manager)

A motion was made by Mayor Paulissen, seconded by Mr. Kinsey, to approve the offer to sell and purchase agreement for the purchase of Lots 1 through 12, Block 191, according to the map of Dickinson Subdivision, from Ramie and Dolly Ramirez for \$97,500 plus closing costs; acceptance of the right-of-entry agreement for the subject property; and authorization for the Deputy City Manager or his designate to execute both agreements and such documents as necessary to complete the conveyance. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

A motion was made by Mayor Paulissen, seconded by Mr. Kinsey, to authorize the city attorney to re-negotiate rights-of-entry agreements with the attorney for the subject property owners of blocks 189, 194, and 195, Dickinson Addition as discussed in executive session and that, if the re-negotiations are successful, the rights-of-entry agreements shall be brought to council for formal approval. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

A motion was made by Mayor Paulissen, seconded by Mr. Kinsey, to offer up to \$60,000 for property directly behind Helens Garden. The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

- 18B. 15-0301 Consider and take action on consultation with the City Attorney regarding the following pending litigation:

Cause No. 14-CV-0340; City of League City, Texas v. Standard Pacific Homes, et al; In the 56th Judicial District Court of Galveston County, Texas (City Attorney)

A motion was made by Mayor Paulissen, seconded by Ms. Bentley, to direct staff to deposit additional \$101,840.81 with the court regarding PID #1.

The motion passed by the following vote:

For: 8 - Mayor Paulissen, Mr. Becker, Mr. Cones, Ms. Hansing, Mr. Kinsey, Ms. Bentley, Mr. Gross and Mr. Long

18C. 15-0313 Consider and take action on the employment, appointment or evaluation of a public officer or employee, to-wit: City Manager (Director of Human Resources and Civil Service)

No Action

18D. 15-0316 Consider and take action on legal advice regarding the City's ordinance related to overhead power lines (City Attorney)

Nghiem Doan, City Attorney said what I would like to do is walk through my analysis of this issue. I am very sensitive to the fact that this is important to the residents and that the residents would like something done. Just an overview of the law that applies to the situation, a developer that wishes to develop and subdivide land in Texas is required by State law to file a plat and have that be approved. The City of League City as with most other cities has delegated the approval authority for plats to its Planning & Zoning Commission. So that delegation has occurred so the Planning & Zoning Commission is vested with full powers to review those plats and to approve them if those plats meet the City's regulations as are found in our subdivision ordinance. Within that ordinance is the requirement that power lines be placed underground but also within that very same ordinance is the provision that allows the Planning & Zoning Commission the power to consider a variance and pursuant to the very terms of that ordinance to grant that variance and vary or waive any provision of the subdivision ordinance. And so that is what in fact took place, so the action that Planning & Zoning Commission did it was in fact empowered to do pursuant to the very terms of our subdivision ordinance. So at this point given that it was a variance to those provisions that was validly granted and therefore allowed that plat to comply with all of the requirements, because one of them was varied, waived then that plat was also validly approved. And at this point the City does not have a legal argument to go back and try to invalidate that plat, to undo the otherwise valid approval of a final plat. So unfortunately that is the legal situation that we find ourselves in, and I cannot recommend that the City go and embark on litigation that I do not think we have a legal basis for and just expend tax dollars to no avail. That is my advice on the matter.

Mark Rohr, City Manager said I want to assure the citizens that Council is very concerned about this issue but given the limitation that we have legally as just described by the City Attorney, we have to figure out what we can and can't do based on those limitations. So we would recommend that we explore the option of cement poles being put in place of the wood poles and that the developer/builder and builder bear the cost for that transition between wood poles and cement poles. Secondly, that the City work to facilitate individual discussions of property owners that are interested and concerned and want that discussion to take place with the aforementioned developer/builder and builder in question. They have indicated to us a willingness to do so and we intend to take advantage of that and work with the citizens to enable those discussions to take place. Thirdly, and this is going forward in a proactive manner to make sure that we don't find ourselves in a similar situation in the future, is that effective immediately staff will put in place a policy where we recommend no variances be granted unless the Planning Director, the Deputy City Manager and myself discuss the matter ahead of time and consider all the options available to us and allow any variances to be considered on a staff basis to be discussed amongst that group, and approved by that group, before incorporating that into the recommendations of the Planning & Zoning Commission. And lastly, recommend to Council a change in the code to allow an appeal in similar situations going forward, to this body within a 30 day period and that is something that the City Attorney can draw up and present to Council as a whole so that we can alter the process so that we do have more recourse going forward

Paul Menzies, Director of Planning & Development said we requested of CenterPoint Energy yesterday a cost from them to replace the 41 wood poles along Isla Vista, just Isla Vista not including Meridian, but Isla Vista, with cement poles. This afternoon they got back with us with a proposed cost that would include removing the 41 wood poles and then replacing them with 25 cement poles. So there would be a reduction according to what they told us of 16 poles total. That cost, and that is a cost not borne CenterPoint. This would be a cost borne some other entity, the developer, the builder, whomever, was approximately \$152,500. That is what we heard this afternoon.

Mr. Rohr said I think it is important to point out that is not only the line in question, it goes back and includes the previously installed line.

Mr. Menzies said I think we've become familiar with the line that was existing along Meridian, turn the corner to the east and started up Isla Vista about half a block or a block, that was then based on the variance that was granted extended the remaining part of east side of Isla Vista. So this proposal would remove a portion of the poles that were subject to the 2011 installation earlier on Isla Vista, as well.

No action was taken.

19. ADJOURNMENT

At 9:31 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: