

City of League City, TX

300 West Walker League City TX 77573

Meeting Minutes City Council

Tuesday, September 13, 2016 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: Pat Hallisey

City Council Members: Dan Becker

Hank Dugie Heidi Hansing Todd Kinsey Geri Bentley Keith Gross Nick Long

City Manager: Mark Rohr

Deputy City Manager: John Baumgartner Asst. City Manager/Director of Finance: Rebecca Underhill **City Attorney:** Nghiem V. Doan **City Secretary:** Diana M. Stapp **Chief of Police: Michael Kramm Director of Engineering: Earl Smith Director of Human Resources/Civil Service: Queenell Fox Director of Parks & Cultural Services:** Chien Wei **Director of Planning & Development: Paul Menzies Director of Public Works Gabriel Menendez**

1. <u>CALL TO ORDER AND ROLL CALL OF MEMBERS</u>

Mayor Hallisey called the meeting to order at 6:00 p.m. and called the roll. All members of Council were present except Ms. Bentley.

Absent 1 - Ms. Geri Bentley

Present 7 - Mayor Pat Hallisey, Mr. Dan Becker, Mr. Hank Dugie, Ms. Heidi Hansing, Mr. Todd Kinsey, Mr. Keith Gross and Mr. Nick Long

2. <u>INVOCATION, PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG</u>

The invocation was given by Rev. Milton N. Guillory Jr. of Greater Mt. Carmel Baptist Church. Mayor Hallisey led in the pledges of allegiance to the flags.

A motion was made by Mr. Long, seconded by Mr. Becker to suspend the rules and move up Item 10A.

The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and

Mr. Long

Absent: 1 - **Ms. Bentley**

10A. 16-1222 Consider and take action to waive rental fees and profits from concessions for a non-profit event to be held by the League City Little League at the Chester L Davis Sportsplex (Council

Member Gross and Council Member Bentley)

A motion was made by Mr. Gross, seconded by Mr. Long to approve waiving rental fees and profits from concessions for a non-profit event to be held by the League City Little League at the Chester L. Davis Sportsplex. The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and

Mr. Long

Absent: 1 - Ms. Bentley

3. <u>APPROVAL OF MINUTES</u>

3A. 16-1250 July 25, 2016 Council Work Session

3B. 16-1210 July 26, 2016 Regular Meeting

3C. 16-1218 August 9, 2016 Regular Meeting

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

4. <u>APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS</u>

4A. 16-1249 Presentation of a proclamation honoring Bay Area Houston Economic Partnership for 40 years of service to the City of League City and the Clear Lake Area (Council Member Long and Mayor Pro Tem Kinsey)

Dan Seal, BAHEP Executive Director, was present to accept the proclamation.

4B. 16-1247 Presentation of a proclamation designating September 17-23, 2016 as "Constitution Week" (Mayor Pro Tem Kinsey and Council Member Bentley)

Representatives from the Daughters of the American Revolution were present to accept the proclamation.

4C. 16-1248 Presentation of a proclamation declaring October 2016 as "Breast Cancer Awareness Month" (Mayor Hallisey and Council Member Dugie)

Representatives from D'Feet Breast Cancer Inc. were present to accept the proclamation.

5. <u>COMMUNITY SPOTLIGHT</u>

6. PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

6A. 16-1233 Hold a public hearing on Special Use Permit Application, SUP16-02 (Duncan Sand Pit), for an excavation and mining use (sand pit) on a 418.8-acre tract of land zoned "RSF-7-PUD" (Single-Family Residential with a minimum lot size of 7,000 square feet within a Planned Unit Development Overlay), generally located north of FM 517, south of Ervin Street, and west of Calder Road with the approximate address being in the 7000 block of West FM 517, in League City, Texas (Director of Planning and Development)

Mayor Hallisey opened the public hearing at 6:17 p.m.

NAME ADDRESS

Bill Heins 1505 Lanier

Mayor Hallisev closed the public hearing at 6:19 p.m.

6B. 16-1234 Consider and take action on an ordinance amending Ordinance No. 2005-24 for a Special Use Permit, SUP16-02 (Duncan Sand Pit), for an excavation and mining use (sand pit) on a

Use Permit, SUP16-02 (Duncan Sand Pit), for an excavation and mining use (sand pit) on a 418.8-acre tract of land zoned "RSF-7-PUD" (Single-Family Residential with a minimum lot size of 7,000 square feet within a Planned Unit Development Overlay), generally located north of FM 517, south of Ervin Street, and west of Calder Road with the approximate address being in the 7000 block of West FM 517, in League City, Texas (Director of Planning

and Development)

Planning and Zoning Commission recommended approval, 4-1-1 with one member absent on August 29, 2016.

A motion was made by Mr. Becker, seconded by Mr. Long, to approve Ordinance No. 2016-32 amending Ordinance No. 2005-24 for a Special Use Permit, SUP16-02 (Duncan Sand Pit), for an excavation and mining use (sand pit) on a 418.8-acre tract of land zoned "RSF-7-PUD" (Single-Family Residential with a minimum lot size of 7,000 square feet within a Planned Unit Development Overlay). The motion passed by the following vote:

For: 6 - Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and Mr. Long

Opposed: 1 - Mayor Hallisey

Absent: 1 - Ms. Bentley

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. 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 Act. Comments should be directed to the entire Council, not individual members of Council or staff. If addressing a specific agenda item, speakers must keep their remarks specific to the item being considered by the City Council. Any speaker making personal attacks or using vulgar or profane language shall forfeit his/her remaining time and shall be seated.

NAME	ADDRESS	SUBJECT
Allison McIntyre	2954 Rustic Pier Ln.	South Shore MUD #7
Byram Lass	2305 Hampton	Bike Trails
Bill Heins	1505 Lanier	Ethics
Brian Brown	1313 Milazzo Ln	LCUMC
Mike Lee	3104 Bent Sail Court	South Shore MUD #7
Kim Harmon	5204 Cross Creek Court	Joseph Fleming
Greg Gripon	2060 Pecan Orchard Rd.	LCUMC
Annette Ramirez	877 Shoal Pointe Ct.	Item 10F
Lynn Watkins	P.O. Box 2328	LCUMC
Larry Millican	934 Plantation	LCUMC
Joe Watson		MUD 7 Annexation

8. COMMENTS/REPORTS FROM MEMBERS OF COUNCIL

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

Nick Long said thanks for everybody coming out tonight. Pretty good crowd and we're looking forward to addressing the United Methodist land later tonight and I know that's a big concern to most of you. I'd also like to talk about an upcoming event that's going to be at the Sportsplex or at the Hometown Heroes. It's going to be on Friday, September 16, and it's going to be a mother's day out or parents' night out. You can drop your kids off, they have games, they have sports, they have different things going on. You will be able to go on a little date night, come back pick up the kids. It's a low cost babysitting option provided by the City of League City.

Dan Becker said there seems to be some misunderstandings about some of our boards and how they function. Mr. Doan is probably much better qualified to speak about this matter, but this is not his opportunity to address council in this meeting. The Ethics Board is a quasi-judicial board. They act on matters somewhat akin to a judge and a jury. So for that board to consider anything but the facts as presented to them by the attorneys would fly in the face of the way our judicial system works. Many of you have been on juries and it is very typical for a judge to direct the jury to not even have discussions amongst themselves until the charge has been given to the jury by the judge. They're reminded not to listen to the news media, not to watch television, not to discuss things with their family or the media. So for us to have an ability for the public to address the jury essentially in the Ethics Board would fly in the face of proper judicial procedure.

Hank Dugie had no comments.

Heidi Hansing had no comments.

Todd Kinsey said I will be quick. I also live in MUD 7, the Lakes of South Shore Harbour and around 2:00 p.m. this afternoon my phone and Facebook just started absolutely blowing up, so I think it's prudent that we put this off and at least get the residents some information. Even I, being on council had to scramble to get information. Beyond that, I just wanted to again thank BAHEP. I've done two of their NASA trips and actually got to lobby for the Houston area, League City area, on one of those trips with Bob Mitchell, the president of BAHEP. The Salute to Heroes benefit that we put on once a year, partnered with their Veteran's Mentoring program and all the proceeds went to that program which I feel great passion about, giving back to the veteran community. Finally over at the library, Amelia Chow will teach a class on Basic Mouse Skills at 10:00 a.m. on Wednesday, September 14 in the second floor lab. On Thursday from 4:15 p.m. to 5:00 p.m. in the library theater, the Webkinz Club meets to celebrate Back To School. That's for children ages 4 to 11 and they are invited to bring their favorite Webkinz or stuffed animal for fun and crafts. Finally, Saturday, September 10 at 10:15 a.m. in the Board Room, the Teen Writing Club kicks off and that's for ages 6th grade through 12th. everybody have a blessed week.

Keith Gross said good evening and welcome. Up here we usually and almost always talk about issues facing League City as a whole, but I want to use a minute or two to deviate from that. I hope I keep my composure. A couple of weeks ago Ms. Harmon told me about a Joseph Fleming, a boy in 5th grade, who has an unforgiving form of cancer and we talked about this charity event going on October 1 and 2, but most of all I think this boy needs your prayers. Please say a prayer for him tonight. Thanks.

Mayor Hallisev said I do want to thank the League City Volunteer Fire Department. That was an impressive thing that happened there on Sunday morning when they climbed the stairs up at the drill tower, I think 28 times, each one, a lot of them in full gear. There were fire departments from all over the region who came. There were 346, I believe, firemen in New York City that lost their lives on 9/11 and they commemorated that. It was quite an There were a couple a hundred citizens out there and family members, so everybody, keep them in your prayers as well. I had a chance on Saturday to go to an Eagle Scout Court of Honor for Joey Cesarini. I'm never going to get that name right. A 17 year old that goes to Clear Springs High School. A fine young man who got 54 merit badges which is the absolute maximum that you can get. He's a robotics team member. I had the opportunity to meet such great young people, and I was privileged to be there with him. I also attended Dominion Church for two services on Sunday. I had an opportunity to speak on 9/11 and talk about the very moments that most of us will never forget where we were at the moment the news came across and what was going on in this country and we learned rather quickly that wars that were being fought overseas could get to us and it was a horrific thing. I want to thank Pastor Greg Thurstonson who invited me. He came to speak two weeks ago, to give our blessing and now we're praying for him because he's in the hospital with pneumonia and was not able to be there but his assistant pastor was magnificent. I attended the League City Chamber of Commerce Patriot's Luncheon on last Friday, where our police department, fire department, our EMS services, and the sheriff's department were all honored. Our first responders. I was really proud to be part of that. Each one of those groups acknowledged somebody within their department who had done an absolutely exceptional job and I was reminded, these people walk up on cars and they have no idea what's going to happen the next moment or they walk through a house they have no idea what's on the other side of the door. There are firefighters who put their lives at risk and in our city, volunteers, who stand up for us to protect our assets and to protect our lives. Emergency medical people who get us to the hospitals if we're hurt and as I was reminded the other day, the energy company Texas New Mexico Power was there and those are all first responders and those are the patriots and the champions of our community. If you would just join me in applauding those people and the great job that they do. I want to say one thing. I think Janice talked to Kim today and she wanted to make sure I gave Joseph Fleming a shout out but I want to give him a little more than a shout out and I want to amplify what Mr. Gross said. He's in our prayers every day. Who has a camera? If we can get everybody to stand up and give Joseph a shout out and you can take a video of that, we'll send it to him. We hope that lifts his spirits and that we pray for him every day.

9. REPORTS FROM STAFF MEMBERS

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

9A. 16-1215 Presentation of the 3rd Quarter FY 2016 financial report as of June 30, 2016 (Assistant City Manager)

The report was presented by Assistant City Manager Rebecca Underhill.

10. CONSENT AGENDA

10A. 16-1222

Consider and take action to waive rental fees and profits from concessions for a non-profit event to be held by the League City Little League at the Chester L Davis Sportsplex (Council Member Gross and Council Member Bentley)

Item 10A was moved up and addressed before Item 3.

Approval of the Consent Agenda

Item 10L was pulled by staff for no action.

Item 10B was pulled by Mayor Hallisey and 10F was pulled by Mr. Long

A motion was made by Mr. Long, seconded by Mr. Becker, to approve the remaining Consent Agenda items. The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and Mr. Long

Absent: 1 - **Ms. Bentley**

10C. 16-1224 Consider and take action on a resolution authorizing an agreement with American National Insurance Company for temporary emergency sheltering of public safety staff during a

hurricane (Fire Chief)

Resolution No. 2016-105 was approved on the Consent Agenda

10D. 16-1221 Consider and take action on a resolution authorizing an Interlocal Agreement between the

City of League City and Galveston County to provide congregate meal services for eligible clients from October 1, 2016 - September 30, 2017 (Director of Parks & Cultural Services)

Resolution No. 2016-106 was approved on the Consent Agenda

10E. 16-1236 Consider and take action on a resolution authorizing a professional services agreement with

Gateway Planning Group, Inc., for the development of a form-based code for the Downtown Redevelopment Plan in the amount not to exceed \$49,000 (Director of Planning and Downlopment)

Development)

Resolution No. 2016-107 was approved on the Consent Agenda

10G.	16-1227	Consider and take action on a resolution authorizing: 1) an agreement with AAA Asphalt Paving Inc., for the construction of the Beaumont Street, Dickinson Avenue to Texas Avenue, Asphalt Overlay Project (ST 1601), in the amount of \$343,118.26, 2) an expenditure of up to \$34,311.83 for construction work change directives and 3) an expenditure of up to \$10,293.55 for construction material testing services (Deputy City Manager)
		Resolution No. 2016-108 was approved on the Consent Agenda
10Н.	16-1231	Consider and take action on a resolution authorizing the continued purchase of Carrier air conditioning units in support of the Facilities Modernization and Energy Efficiency CIP through the Buyboard cooperative vendor, Carrier South Central, in an amount not to exceed \$249,673.52 (Deputy City Manager)
		Resolution No. 2016-109 was approved on the Consent Agenda
10I.	16-1230	Consider and take action on a resolution ratifying a two year contract with Envirodyne Laboratories, Inc. for laboratory testing services related to the City's wastewater in an amount not to exceed \$128,000 (Deputy City Manager)
		Resolution No. 2016-110 was approved on the Consent Agenda
10J.	16-1240	Consider and take action on a resolution approving an expenditure of an amount not to exceed \$133,750 to Galls through BuyBoard Contract #432-13 for League City Police Department uniforms and other items (Assistant City Manager)
		Resolution No. 2016-111 was approved on the Consent Agenda
10K.	16-1241	Consider and take action on a resolution to approve a one year agreement with Bay Area Houston Economic Partnership for regional economic development services in the amount

END OF CONSENT AGENDA

ITEMS REMOVED FROM CONSENT AGENDA

10B. 16-1245 Consider and take action on a resolution to authorize a Professional Services Agreement with Edison McDowell & Hetherington LLP for various legal services at a rate of \$200 per hour (City Attorney)

not to exceed \$30,000 (Director of Economic Development)

Resolution No. 2016-112 was approved on the Consent Agenda

A motion was made by Mr. Kinsey, seconded by Mr. Becker, to approve Resolution No. 2016-14 authorizing a professional services agreement with Edison McDowell & Hetherington LLP for various legal services at a rate of \$200 per hour. The motion passed by the following vote:

For: 5 - Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey and Mr. Gross

Opposed: 2 - Mayor Hallisey and Mr. Long

Absent: 1 - **Ms. Bentley**

11.

10F. 16-1235

Consider and take action on a resolution consenting to the annexation by South Shore Harbour Municipal Utility District # 7 of 37+ acres generally located east of Enterprise Drive, north of FM 2094 (Marina Bay Drive), and west of Lakeside Drive and West Drive (Director of Planning and Development)

A motion was made by Mr. Long, seconded by Mr. Gross, that this agenda item be postponed.

The motion was amended by Mr. Long, seconded by Mr. Dugie, to postpone to the second meeting in October. The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and Mr. Long

Absent: 1 - **Ms. Bentley**

10L. 16-1242

Consider and take action on a resolution authorizing a three-year contract with Bay Area Houston Convention and Visitors Bureau to assist in advertising, marketing and promotion of tourism and conventions for League City (Director of Communications)

Pulled for no action

12. OLD BUSINESS

12A. 16-1214

Consider and take action on Ordinance 2016-30 adopting the Annual Budget for Governmental and Proprietary Funds for Fiscal Year 2017 (Assistant City Manager)

City Council approved 6-0-0, with 2 absent on August 23, 2016.

A motion was made by Mr. Long, seconded by Mr. Becker, to approve the second reading of Ordinance No. 2016-30 adopting the Annual Budget for Governmental and Proprietary Funds for Fiscal Year 2017, with an amendment to move \$150,000 from Park Dedication Fund to the CIP for a dog park. The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and Mr. Long

Absent: 1 - **Ms. Bentley**

13. NEW BUSINESS

13A. 16-1211

Consider and take action on a resolution ratifying the property tax increase in the Fiscal Year 2016-2017 Operating Budget (Assistant City Manager)

A motion was made by Mr. Becker, seconded by Mr. Kinsey, to approve Resolution No. 2016-13 ratifying the property tax increase in the Fiscal Year 2016-2017 Operating Budget. The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and Mr. Long

Absent: 1 - **Ms. Bentley**

13B. 16-1229

Consider and take action on a resolution authorizing a construction contract with Texas Sterling Construction, Co., for the Calder Road Improvements Project (ST1002) in the amount of \$7,528,129.70, and the expenditure of an additional \$752,812.97 for construction work change directives for a total amount not to exceed \$8,280,942.67 (Deputy City Manager)

A motion was made by Mr. Kinsey, seconded by Mr. Becker, to approve Resolution No. 2016-114 authorizing a construction contract with Texas Sterling Construction Co. for the Calder Road Improvements Project (ST1002) in the amount of \$7,528,129.70, and the expenditure of an additional \$752,812.97 for construction work change directives for a total amount not to exceed \$8,280,942.67. The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and Mr. Long

Absent: 1 - Ms. Bentley

14. FIRST READING OF ORDINANCES

14A. 16-1223

Consider and take action on an ordinance amending the City of League City, Texas, Governmental, Proprietary, and Capital Funds Budget for Fiscal Year 2016 by amending Ordinance No. 2015-34, 2016-10, 2016-11 and 2016-15 to adjust the operating budget for actual and projected expenditures (Assistant City Manager)

Staff requests first and final reading.

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

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and Mr. Long

Absent: 1 - **Ms. Bentley**

A motion was made by Mr. Kinsey, seconded by Mr. Long, to approve Ordinance No. 2016-33 amending the City of League City, Texas, Governmental, Proprietary, and Capital Funds Budget for Fiscal Year 2016 by amending Ordinance No. 2015-34, 2016-10, 2016-11, and 2016-15 to adjust the operating budget for actual and projected expenditures. The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and Mr. Long

Absent: 1 - **Ms. Bentley**

15. TABLED ITEMS SUBJECT TO RECALL

16. ITEMS ADDED AFTER ELECTRONIC AGENDA COMPLETED

17. EXECUTIVE (CLOSED) SESSION (S)

At 7:50 p.m. Mayor Hallisey announced the City Council will now go into executive session to discuss the following items:

17A. 16-1225 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. 16-1244 Texas Open Meetings Act, Section 551.087 Government Code - Deliberations Concerning Economic Development Negotiations

Discuss or deliberate regarding commercial or financial information that the City of League City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of League City and with which the City is conducting economic development negotiations (Director of Economic Development)

17C. 16-1257 Texas Open Meetings Act, Section 551.071 Government Code - Consultation with City Attorney

Consultation with the City Attorney regarding the appeals by Butler Development, LLC and League City United Methodist Church of the rough proportionality of certain plat dedications required by the City of League City (City Attorney)

At 8:57 p.m. Mayor Hallisey 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. 16-1226 Consider and take action on discussion concerning potential purchase or sale of real property interests (Deputy City Manager)

A motion was made by Mr. Dugie, seconded by Mr. Kinsey, that staff act as directed. The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and Mr. Long

Absent: 1 - **Ms. Bentley**

18B. 16-1243 Consider and take action on deliberations regarding commercial or financial information the City of League City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of League City and with which the City is conducting economic development negotiations (Director of Economic Development)

No Action

18C. 16-1258

Consider and take action on the appeals by Butler Development, LLC and League City United Methodist Church of the rough proportionality of certain plat dedications required by the City of League City (City Attorney)

A motion was made by Mr. Long, seconded by Mr. Gross, tto direct staff to enter into negotiations with League City United Methodist Church in an effort to determine just compensation for the disputed right-of-way. The motion passed by the following vote:

For: 7 - Mayor Hallisey, Mr. Becker, Mr. Dugie, Ms. Hansing, Mr. Kinsey, Mr. Gross and

Mr. Long

Absent: 1 - **Ms. Bentley**

19. <u>ADJOURNMENT</u>

At 9:00 p.m. Mayor Hallisey said there being no further business, this meeting is adjourned.

PAT HALLISEY MAYOR

DIANA M. STAPP CITY SECRETARY

(SEAL)

MINUTES APPROVED: