



City of League City, TX

300 West Walker
League City TX 77573

Meeting Minutes City Council

Tuesday, September 28, 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 |
| Director of Information Technology: | Ryan Smith |

1. CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Randall called the meeting to order at 6:01 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 Ralph Bryant, Minister of League City Church of Christ. Mayor Randall led in the pledges of allegiance to the flags.

3. **APPROVAL OF MINUTES**

3A August 24, 2010 Regular Meeting

This item was Approved

3B August 31, 2010 Special Meeting

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 Consider and take action on appointments to the Zoning Board of Adjustment (Mayor Randall)

Mayor recommends Elaine Kosty, Alternate No. 2, for Position No. 1 Term expires December 31, 2010 and Richard Stephenson, Alternate No. 1, for Position No. 5 Term expires December 31, 2010.

A motion was made by Ms. Sanborn, seconded by Mr. Paulissen, to approve the appointment of Elaine Kosty to Position No. 1 and Richard Stephenson to Position No. 5 of the Zoning Board of Adjustment. The motion passed by the following vote:

For: 7 -

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

5. **PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING**

5A Hold a public hearing on Zoning Change Application Z10-05 (South Hammock #5) to rezone approximately 2.8 acres from "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) to "IL" (Limited Industrial), legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue (Director of Planning and Research)

Mayor Randall opened the public hearing at 6:05 p.m.

| Name | Address |
|--------------------------|-------------------------------|
| Jerry Dornak | 1013 Texas Avenue |
| Shirley DeVillier | 906 S. Illinois Avenue |

Mr. Allender said the applicant has been trying to address some of the issues raised at the Planning and Zoning Commission (P&Z) meeting in particular the issues related to traffic. He is prepared to present the amendments tonight. However, if possible, I would like to request you to send it back to P&Z where these changes should be addressed.

| | |
|--------------------------------|---------------------------------|
| Earl Thompson | 915 Texas Avenue |
| Jack Capps | 2740 Masters Drive |
| Jim DeVillier | 906 S. Illinois Avenue |
| Deborah Rhodes | 1213 Texas Avenue |
| Nancy Wood | 1306 Texas Avenue |
| Steven Scott | 1306 Texas Avenue |
| Lorna Langley Carpenter | 1928 Austin Street |
| C.N. Millican | 1307 Shorewood, Seabrook |
| Roland Buckner | 1928 Austin Street |
| Angela Gittens | 919 Texas Avenue |
| Ronald Richards | 122 Michigan Avenue |
| Vaness Hamilton | 950 Power Street |

Mayor Randall closed the public hearing at 6:40 p.m.

5B Consider and take action on an ordinance amending Ordinance No. 2005-24 to rezone approximately 2.8 acres (Z10-05 South Hammock #5) from "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) to "IL" (Limited Industrial), legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue (Director of Planning and Research)

Planning and Zoning Commission recommended denial 6-2-0 on September 13, 2010.

A motion was made by Mr. Paulissen, seconded by Ms. Dawson, to deny an ordinance amending Ordinance No. 2005-24 to rezone approximately 2.8 acres (Z10-05 South Hammock #5) from "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) to "IL" (Limited Industrial), legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue. The motion to deny failed by the following vote:

For: 2 -
Mr. Paulissen and Ms. Dawson

Opposed: 5 -
Mr. Baron, Mr. Barber, Mr. Phalen, Mr. Lee and Ms. Sanborn

A motion was made by Mr. Barber, seconded by Mr. Phalen, that this agenda item be referred back to the Planning & Zoning Commission. The motion passed by the following vote:

For: 6 -

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

Opposed: 1 -

Mr. Paulissen

5C

Hold a public hearing on Special Use Permit Application SUP10-04 (South Hammock #4) for an SUP on approximately 2.8 acres for a "mining and drilling" use [oil and gas] in the "IL" (Limited Industrial) zoning district, legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue (Director of Planning and Research)

Mayor Randall opened the public hearing at 6:50 p.m.

No one spoke for or against this issue.

Mayor Randall closed the public hearing at 6:50 p.m.

5D

Consider and take action on an ordinance amending Ordinance No. 2005-24 for a Special Use Permit (SUP) on approximately 2.8 acres (SUP10-04 South Hammock #4) for a "mining and drilling" use [oil and gas] in the "IL" (Limited Industrial) zoning district, legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue (Director of Planning and Research)

Planning and Zoning Commission recommended denial 5-3-0 on September 13, 2010.

A motion was made by Mr. Paulissen, seconded by Ms. Dawson, to deny an ordinance amending Ordinance No. 2005-24 for a Special Use Permit (SUP) on approximately 2.8 acres (SUP10-04 South Hammock #4) for a "mining and drilling" use [oil and gas] in the "IL" (Limited Industrial) zoning district, legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue. The motion to deny failed by the following vote:

For: 2 -

Mr. Paulissen and Ms. Dawson

Opposed: 5 -

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

A motion was made by Mr. Phalen, seconded by Mr. Baron, that this agenda item be referred back to the Planning & Zoning Commission for review. The motion passed by the following vote:

For: 6 -

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

Opposed: 1 -

Mr. Paulissen

- 5E Hold a public hearing on Special Use Permit Application SUP10-03 (South Hammock #3) for an SUP for a "minor utility" use [natural gas pipeline] within a 5-foot wide corridor being approximately 6,580 feet in length and containing approximately 0.8 acres on property zoned "OS" (Open Space), "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) and "RSF-10" (Single-family residential with a minimum lot size of 10,000 square feet), legally described as portions of Lots 24-2, 24-3, 24-6, 24-7, 24-8, 24-9, 31-4, 33-2, 33-6, 33-7, 34-2, 34-4 and 35-3 of League City Division B and also portions of Lots 26-6, 26-7, 26-8, 26-9, 27-2, 27-4, 27-5 and 27-6 of League City Division C, generally located north of Hewitt Street and east and west of Texas Avenue (Director of Planning and Research)

Mayor Randall opened the public hearing at 6:53 p.m.

No one spoke for or against this issue.

Mayor Randall closed the public hearing at 6:53 p.m.

- 5F Consider and take action on an ordinance amending Ordinance No. 2005-24 for a Special Use Permit (SUP) for a "minor utility" use [natural gas pipeline] within a 5-foot wide corridor being approximately 6,580 feet in length and containing approximately 0.8 acres (SUP10-03 South Hammock #3) on property zoned "OS" (Open Space), "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) and "RSF-10" (Single-family residential with a minimum lot size of 10,000 square feet), legally described as portions of Lots 24-2, 24-3, 24-6, 24-7, 24-8, 24-9, 31-4, 33-2, 33-6, 33-7, 34-2, 34-4 and 35-3 of League City Division B and also portions of Lots 26-6, 26-7, 26-8, 26-9, 27-2, 27-4, 27-5 and 27-6 of League City Division C, generally located north of Hewitt Street and east and west of Texas Avenue (Director of Planning and Research)

Planning and Zoning Commission motion to recommend denial failed 4-4-0 on September 13, 2010.

A motion was made by Mr. Paulissen, seconded by Ms. Dawson, to deny an ordinance amending Ordinance No. 2005-24 for a Special Use Permit (SUP) for a "minor utility" use [natural gas pipeline] within a 5-foot wide corridor being approximately 6,580 feet in length and containing approximately 0.8 acres (SUP10-03 South Hammock #3) on property zoned "OS" (Open Space), "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) and "RSF-10" (Single-family residential with a minimum lot size of 10,000 square feet), legally described as portions of Lots 24-2, 24-3, 24-6, 24-7, 24-8, 24-9, 31-4, 33-2, 33-6, 33-7, 34-2, 34-4 and 35-3 of League City Division B and also portions of Lots 26-6, 26-7, 26-8, 26-9, 27-2, 27-4, 27-5 and 27-6 of League City Division C, generally located north of Hewitt Street and east and west of Texas Avenue. The motion to deny failed by the following vote:

For: 2 -

Mr. Paulissen and Ms. Dawson

Opposed: 5 -

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

A motion was made by Mr. Phalen, seconded by Mr. Barber, that this agenda item be referred back to the Planning & Zoning Commission. The motion passed by the following vote:

For: 5 -

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

Opposed: 2 -

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 |
|-----------------|------------------------|------------------------------|
| Scott Shelton | 5202 Blue Cypress Lane | BLD Joans Brothers Event |
| Ronald Richards | 122 Michigan Avenue | LC Historical Society Events |

7. COUNCIL MEMBERS COMMENTS/REPORTS

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

Ms. Sanborn said I would like to thank everyone who came and spoke to us tonight. I just want to say you are not going to be treated like red-headed stepchildren. You are going to be treated with respect and your opinions are going to be heard. From the Library, the weekly "Friday Frolic" program is at 10:15 a.m. and is designed for pre-school children. The featured program this week is "Jazzmatazz" which combines aerobics and jazz dance for young children. It is open to all preschoolers and their parents. On Monday, October 4th, at 1:00 p.m. the topic for the Library's monthly "Art and Antiques Roundtable" is quilts and quilting. Everyone is invited to bring their quilts to share and discuss. On a personal note, I want to remind everyone, regardless of where you live, when you park your car make sure your doors are locked and make sure every window and every door in your house is locked. This gives me an opportunity to brag on our Police Department. Last Tuesday my home was burglarized. A neighbor saw someone jump over the fence and called the Police. They were able to apprehend the alleged criminal with some of my stuff. He had been in a couple of other houses and had attempted to get into others. Your home is your sanctuary and when someone invades it, every little bit of peace of mind is taken away. I have three watch dogs. They watched them come in, they watched them take things, and they watched them leave. Nothing is safe. Be careful. National Night is coming up on October 5, 2010. Make an opportunity to meet and get to know your neighbors. Let's look out for one another.

Mr. Baron said I want to follow up Ms. Sanborn's comments. We do have a "Lock, Take, and Hide" program in the City. Our Police Department has been involved with it. Some people are skeptical but the reality is the Number 1 deterrent to crime is your neighbors' eyes on the street. It is good timing as we sit here preparing for National Night Out next week. One of the concepts behind National Night Out is to create familiarity among neighbors. Other concepts are keep your eyes open, use common sense, lock your stuff up, take your keys with you, and hide anything valuable. The second thing I would like to comment briefly on is board appointments. We had a number of citizens speaking tonight about issues that are important to them and their neighborhoods. For people who want to be involved in City operations on a regular basis, we have board applications on our website. We have a number of boards and commissions that are involved in critical decisions that are made here at this table. You can help us by filling out those applications, serving on those boards and commissions, and giving us a broader spectrum of opinions. We all live in this fast growing City.

Mr. Barber said I was not really prepared to say anything. However, I endorse the whole idea of people going to National Night Out events in their neighborhoods. It is very important. Not only do you get to meet and greet your neighbors but you really get to be a part of the community partnership with the Police Department. Many neighborhoods participate. Some do not. You can probably find information through the League City website, www.leaguecity.com. If not, send me an email and I will find the information for you.

Mr. Paulissen said no comments.

Mr. Lee said no comments.

Ms. Dawson said two weeks ago I announced the Oak Tree Festival but it was rained out. On October 9th we have another opportunity when the weather is cooler. We will all be at National Night Out. Hope you to see you there.

Mr. Phalen said National Night Out is next Tuesday night, October 5th. Starts at dark I guess. The only other thing I have is the National, State and County Elections on November 2nd. If you are not registered to vote, you have until October 4th to do that. Early voting starts October 18th. It is very important that you vote. So if you have not registered to vote, do that and go out and vote.

8. MAYOR COMMENTS/ REPORT

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

Mayor Randall said no comments.

9. REPORTS FROM STAFF MEMBERS

Staff Report

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

Mr. Loftin said no comments.

10. CONSENT AGENDA

Approval of the Consent Agenda

Mr. Phalen pulled Agenda Item 10E for discussion.

A motion was made by Mr. Paulissen, seconded by Ms. Sanborn, to approve Consent Agenda Items 10A through 10F with the exception of 10E.

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 a resolution authorizing suspension of the effective date of the Texas-New Mexico Power Company's rate increase and the intervention in the Public Utility Commission Docket No. 38480, authorizing the City to join with the Alliance of Texas-New Mexico Power Municipalities (ATM), and authorizing provision of experts and legal representation (Assistant City Manager, Management Services)

Staff recommends approval.

Resolution No. 2010-31 approved on the Consent Agenda.

- 10B** Consider and take action on a resolution consenting to the sale and issuance of Unlimited Tax Bonds, Series 2010A for Galveston County Municipal Utility District No. 46 and authorizing and directing the Mayor to execute and the City Secretary to attest same for and on behalf of the City (Assistant City Manager, Management Services)

Staff recommends approval.

Resolution No. 2010-32 approved on the Consent Agenda.

- 10C** Consider and take action to grant a variance to Chapter 90 of the Code of Ordinances for the City of League City allowing the Bay Area Charter School to hang a banner across FM 518 advertising enrollment for Ed White Memorial High School (Assistant City Manager, Public Works)

The Special Events Committee supports the variance pending approval from TxDOT.

Approved on the Consent Agenda.

- 10D** Consider and take action to grant a variance to Chapter 90 of the Code of Ordinances for the City of League City allowing the Watershed Church to hang a banner across FM 518 advertising their community wide festival event being held on October 31, 2010 (Assistant City Manager, Public Works)

The Special Events Committee supports the variance pending approval from TxDOT.

Approved on the Consent Agenda.

- 10E** Consider and take action on a request from the Gilmore Elementary Parent Teachers Association (PTA) to grant a variance to Chapter 110, Article I, Section 110-5 of the Code of Ordinances for the City of League City entitled "Parades and Processions Generally" for their 5th Annual 1K Fun Run on October 16, 2010 (Assistant City Manager, Public Safety)

Staff has no recommendation.

A motion was made by Mr. Phalen, seconded by Mr. Lee, to approve a request from the Gilmore Elementary Parent Teachers Association (PTA) to grant a variance to Chapter 110, Article I, Section 110-5 of the Code of Ordinances for the City of League City entitled "Parades and Processions Generally" for their 5th Annual 1K Fun Run on October 16, 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

- 10F** Consider and take action to award the construction contract for the Emergency Generators at 12 Lift Stations project (City of League City Bid No. 10-0020) and provide funding (Director of Planning and Research)

Staff recommends award of construction project to McDonald Electric for the bid amount.

Approved on the Consent Agenda.

END OF CONSENT AGENDA

11. OLD BUSINESS

12. NEW BUSINESS

- 12A** Consider and take action on a request from League City Proud to waive costs incurred by the City associated with Holiday in the Park events and to approve a parade permit for Saturday, December 4, 2010 as required by Chapter 110, Section 110-5 (Council Member Baron)

A motion was made by Mr. Baron to approve a request from League City Proud to waive costs incurred by the City associated with Holiday in the Park events and to approve a parade permit for Saturday, December 4, 2010 as required by Chapter 110, Section 110-5. There was no second.

Consider and take action on a request from League City Proud to waive costs incurred by the City associated with Holiday in the Park events and to approve a parade permit for Saturday, December 4, 2010 as required by Chapter 110, Section 110-5 (Council Member Baron)

A motion was made by Mr. Paulissen, seconded by Ms. Dawson, to postpone indefinitely to allow staff and League City Proud to negotiate an agreement outlining operational, logistical and financial roles and responsibilities with regard to 2010 Holiday in the Park events post event with the stipulation that an initial post-event financial report will be delivered to the City by January 31, 2011 and all relevant financial records are to be delivered to the City no later than February 15, 2011.

Chief of Staff David Benson and Ms. Janice Hallisey of League City Proud were available to answer questions.

The motion passed by the following vote:

For: 5 -

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

Opposed: 2 -

Mr. Baron and Mr. Phalen

Mayor inadvertently skipped Item 12B and went to Item 13A. Item 12B was addressed after Item 13A.

12B

Consider and take action on a resolution amending Resolution No. 2010-26 regarding the placement of matters on agendas for City Council regular meetings, special meetings, workshops or other called meetings (Mayor Randall)

A motion was made by Mr. Barber, seconded by Mr. Paulissen, to approve Resolution No. 2010-33 amending Resolution No. 2010-26 regarding the placement of matters on agendas for City Council regular meetings, special meetings, workshops or other called meetings.

The motion was amended by Mr. Barber, seconded by Mr. Paulissen, to approve Resolution No. 2010-33 with a language change in Section C to be "It is provided, however, that the City Manager may, at his/her discretion, pull an item sponsored and placed on the agenda by either the City Secretary or City Attorney."

The motion passed by the following vote:

For: 4 -

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

Opposed: 3 -

Mr. Baron, Mr. Phalen and Mr. Lee

13. FIRST READING OF ORDINANCES

13A

Consider and take action on an ordinance approving an ad valorem tax rate for the City of League City, Texas, upon all taxable property within the corporate limits of the City for the Fiscal Year ending September 30, 2011; directing the assessment and collection thereof; providing for a severability clause; and providing for an effective date (Assistant City Manager, Management Services)

Staff recommends approval of ordinance on first and final reading with a tax rate of \$0.616.

A motion was made by Mr. Paulissen, 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. Phalen, seconded by Mr. Paulissen, to approve Ordinance No. 2010-34 approving an ad valorem tax rate of \$0.616 for the City of League City, Texas, upon all taxable property within the corporate limits of the City for the Fiscal Year ending September 30, 2011; directing the assessment and collection thereof; providing for a severability clause; and providing for an effective date.

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)**
- 17. **ACTION ITEM(S) FROM EXECUTIVE SESSION(S)**
- 18. **ADJOURNMENT**

At 8:15 p.m. Mayor Randall said there being no further business this meeting is adjourned.

TONI RANDALL
MAYOR

BARBARA F. LONG
CITY SECRETARY

(SEAL)

MINTUES APPROVED: October 26, 2010