



City of League City, TX

300 West Walker
League City TX 77573

Meeting Minutes City Council

Tuesday, April 24, 2012

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**
Dennis O'Keeffe
Mick Phalen
Mike Lee
Phyllis Sanborn
Andy Mann
Joanna S. Dawson

Acting City Manager: **Michael Loftin**
City Attorney: **Arnold Polanco**
City Secretary: **Diana M. Stapp**
Acting Chief of Police: **Doug Wologo**
Director of Human Resources/Civil Service: **Brian Hayes**
Director of Parks & Cultural Services: **Chien Wei**
Director of Planning & Research: **Tony Allender**

1. CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Paulissen called the meeting to order at 6:01 p.m. and called the roll. All members of Council were present.

Present 8 - Mayor Tim Paulissen, Mr. Dan Becker, Mr. Dennis O'Keeffe, Mr. Mick Phalen, Mr. Mike Lee, Ms. Phyllis Sanborn, Mr. Andy Mann 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 Mark Johnson of Life Fellowship. Mayor Paulissen led in the pledges of allegiance to the flags.

A motion was made by Mr. O'Keeffe, seconded by Mr. Phalen, to suspend the rules and move up Item 16A at this time. The motion passed by the following vote:

For: 6 -

Mr. O'Keeffe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

Opposed: 1 -

Mr. Becker

At 6:05 p.m. Mayor Paulissen announced the City Council will now go into executive session to discuss the following item:

16A. 12-0233 Texas Open Meetings Act, Section 551.074 Government Code - Personnel

Deliberate the employment, appointment, or evaluation of a public officer or employee, to-wit: City Manager (Mayor Paulissen)

At 6:54 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.

17A. 12-0234 Consider and take action on the employment, appointment or evaluation of a public officer or employee, to-wit: City Manager (Mayor Paulissen)

A motion was made by Mr. Mann, seconded by Ms. Sanborn, to elevate Mike Loftin to permanent City Manager, and to direct staff to perform a salary survey regarding future compensation. The motion passed by the following vote:

For: 6 -

Mr. O'Keeffe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

Opposed: 1 -

Mr. Becker

3. APPROVAL OF MINUTES

3A. [12-0235](#) February 14, 2012 Regular Meeting

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

4. APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS

4A. [12-0217](#) Presentation of a Proclamation declaring April 22-28, 2012 "Medical Laboratory Professionals Week" (Mayor Paulissen)

Ms. Linda Raven was present to receive the proclamation.

5. PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

- 5A. [12-0191](#) Hold a public hearing on a Special Use Permit Application SUP12-01(Enterprise Pipeline) for an SUP for installation of a 24 inch wide natural gas pipeline within an existing 200 foot wide Centerpoint Energy Easement being approximately 6.7 miles in length and containing approximately 1.52 acres of property zoned "OS" (Open Space) and RSF-7-PUD (Single-family residential with a minimum lot size of 7,000 square feet with a Planned Unit Development Overlay), legally described as portions of the J.Dickinson Survey, Abstract 9, and the I. & G.N. R.R. Survey Abstract 606 and 596, generally located north and south of Farm-to-Market Road 518, west of Landing Blvd, to the north of League City Parkway and the north and south of McFarland Road in the City of League City. (Director of Planning & Research)

Mayor Paulissen opened the public hearing at 7:00 p.m.

Name	Address
Marc Tausend, Enterprise Products	3020 San Felipe, Houston TX 77019

Mayor Paulissen closed the public hearing at 7:07p.m.

- 5B. [12-0196](#) Consider and take action on an ordinance regarding a Special use Permit Application SUP12-01(Enterprise Pipeline) for an SUP for installation of a 24 inch wide natural gas pipeline within an existing 200 foot wide Centerpoint Energy Easement being approximately 6.7 miles in length and containing approximately 1.52 acres of property zoned "OS" (Open Space) and RSF-7-PUD (Single-family residential with a minimum lot size of 7,000 square feet with a Planned Unit Development Overlay), legally described as portions of the J.Dickinson Survey, Abstract 9, and the I. & G.N. R.R. Survey Abstract 606 and 596, generally located north and south of Farm-to-Market Road 518, west of Landing Blvd, to the north of League City Parkway and the north and south of McFarland Road in the City of League City. (Director of Planning & Research)

Planning & Zoning Commission recommended approval 7-0 on April, 2, 2012.

A motion was made by Mr. Phalen, seconded by Ms. Sanborn, to approve Ordinance No. 2012-06 approving a Special use Permit Application SUP12-01(Enterprise Pipeline) for an SUP for installation of a 24 inch wide natural gas pipeline within an existing 200 foot wide Centerpoint Energy Easement being approximately 6.7 miles in length and containing approximately 1.52 acres of property zoned "OS" (Open Space) and RSF-7-PUD (Single-family residential with a minimum lot size of 7,000 square feet with a Planned Unit Development Overlay), legally described as portions of the J.Dickinson Survey, Abstract 9, and the I. & G.N. R.R. Survey Abstract 606 and 596, generally located north and south of Farm-to-Market Road 518, west of Landing Blvd, to the north of League City Parkway and the north and south of McFarland Road in the City of League City. The motion passed by the following vote:

- For:** 6 - Mr. Becker, Mr. OKeefe, Mr. Phalen, Mr. Lee, Ms. Sanborn and Ms. Dawson
- Opposed:** 1 - Mr. Mann

5C. [12-0221](#) Consider and take action on a request from Enterprise Pipeline for a variance from Chapter 42, Article V, Section 42-383 of the Code of Ordinances of the City of League City entitled "Pipeline Installation" regarding casing of pipelines under city right-of-ways. (Director of Planning & Research)

A motion was made by Mr. Phalen, seconded by Mr. OKeefe, to approve a request from Enterprise Pipeline for a variance from Chapter 42, Article V, Section 42-383 of the Code of Ordinances of the City of League City entitled "Pipeline Installation" regarding casing of pipelines under city right-of-ways. The motion passed by the following vote:

For: 7 -
 Mr. Becker, Mr. OKeefe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann 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
John Babcock	236 Rustic Oaks Dr.	City Manager
Rich Benoit	403 N. Kansas	City Manager
Geri Bentley	4411 Pebble Beach	City Manager

7. COUNCIL MEMBERS COMMENTS/REPORTS

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

Phyllis Sanborn said I am glad that so many people came out tonight. I appreciate those that have expressed concern about my health. I'm doing pretty good. Library happenings, Celebrate "National Drinking Water Week" at the library with Casey Curry of ABC 13, KTRK-TV Houston, as she shares a story with preschoolers on Wednesday, May 2nd at 10:15 a.m. and again at 11:00 a.m. A limited number of tickets will be handed out 15 minutes before each story time. This is sponsored by the League City Water Department in cooperation with Helen Hall Library. Check out the book display and information for children and families. For teens, make a Recycled Carton Wallet on Saturday, April 28th in the library theater. All supplies will be provided. Adults are invited to "Make your Skills Work for You: Web Pages for Freelancers" on April 28th in the library at 10:30 am. Registration required; call 281-554-1108. Also, this Saturday we have the Seniors Friends Walk and that begins at 9:00 a.m. and they are meeting at League Park so if you haven't registered for that call the League City Parks Department, it's lots of fun and it benefits our seniors.

Dan Becker said I want to say I'm thankful Phyllis is here with us tonight. We hope that she continues to get better. I have to agree with a couple of our citizens comments. This process that we went through to select a City Manager has been grievously flawed and tonight is just another example of continuing that flawed process.

Dennis O'Keeffe said I would like to welcome back our colleague Ms. Sanborn as well. Her participation on City Council is always highly regarded with respect. In response to some of the citizens' comments tonight, this process has been going on for quite a while. Unfortunately, we lost quorum at the last City Council meeting for an opportunity to make a decision or enter into discussions about the executive item that was discussed at a top of the meeting tonight. I think all the opinions of everyone that spoke earlier this evening, we appreciate those very much, we respect those, but there was an item of business that was paramount to not only you in the audience but 85,000 people in League City. We appreciate your comments and your concerns and I'm very proud to welcome Mr. Mike Loftin, as the permanent City Manager of the City of League City.

Andy Mann had no comments.

Mike Lee had no comments.

Joanna Dawson said first of all I'm glad to have my feminine partner on Council back. Hope you continue to get better. I'm the Council Liaison to the Historic District Committee and tonight I am just delighted that our new city manager Mr. Loftin made the decision today to pull the HDC stuff off the agenda so there could be further talk about it. We've gone several months with them pleading with us, but we haven't really gotten involved in responding to them so now we are going to do that. I'm very happy, the Historic District is very important to League City. A lot of towns don't have one, and we've got one, we just need to maximize it, make it better. As for Mr. Loftin, he has proved since Rich left what a calm personality, calm leader he is and I think all of staff will tell you that. He's going to be a good thing for League City.

Mick Phalen said this past Saturday morning we had a wet down ceremony, a dedication to four new fire engines that we brought into the City, plus a rehab truck. It was pretty neat to watch how they bring the old equipment out and bring the new in. You can probably see that ceremony on our website coming up in the next couple or three days. I suggest you do it. It was pretty neat. One other thing, UTMB this Saturday is going to have an old prescription drug collection at their Specialty Care facility on I-45. It's between 10:00 a.m. and 2:00 p.m. Make sure you scratch your name out of the thing but leave it in the original bottle. Here's a chance for all those old pills, you shouldn't be flushing down the toilet by the way, so take the time and take them over to UTMB and let them have them.

8. **MAYOR COMMENTS/ REPORT**

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

Mayor Paulissen said I'm going to reiterate the comments from my colleagues about welcoming Phyllis back, I'm glad to have her here. We hope that she is on the mend, so to speak, and things will be better from here on out and we wish you the best of health. One thing I would like to say is, we always have these issues in the city and in this situation I want to say thank you to Council. They all acted in the upmost of respect in the debate in this process and I send my great thanks out to them. We have a city of 85,000 people and a lot of you come to our meetings on a regular basis and they sometimes can go long in length. So we initiated a Monday night work session and last night we started at 6:00 p.m. and we finished at 10:30 p.m. We have two regular council meetings a month and we have 2 work sessions and usually have a lot of other meetings along the way. A lot of these members didn't sign up for four meetings a month when they ran for office, they only signed up for two. But I respect them and I also want to say kudos to staff because at those work sessions we have all of our department heads all there to provide information to your citizens and to your elected officials so they can make the best and most educated decision on the items that are put before you and from my standpoint and all of Council here I want to say thank you to all the staff. A couple of nights a week, every other week, away from their families and we appreciate that.

9. **REPORTS FROM STAFF MEMBERS**

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

- 9A. [12-0237](#) Update on Memorial Day Event (Director of Communications and Media Relations)

Kristi Wyatt, Director of Communications and Media Relations, said our citizens here in League City are very passionate about the service that our Veterans provide to us and every year we hold a ceremony to honor Veterans for Memorial Day and also Veteran's Day and there has been some concern in the past about the celebration or the observation. We do have a Veterans' Memorial and there's sometimes concern if we don't have the event there. We also have local groups who are very passionate about their events, the American Legion, and there's concern when we don't partner with them. So for full disclosure purposes and to let everyone know what the plans and to also let people know before everything is set in stone, I wanted to let everyone know that we are planning to partner again with the American Legion and have our ceremony at Fairview Cemetery. We had a very successful event last year and we're hoping to have another successful event. If anyone has any comments or concerns, if you will please let me know very soon so that we can go ahead and finalize our plans for Memorial Day.

- 9B. [12-0214](#) Discuss the zoning of properties located along 7th Street (Director of Planning & Research)

No discussion, related agenda item has been pulled by staff.

Mr. Loftin said first I would like to say to the Mayor and Council that I am humbled and honored by your decision tonight. I've told a number of you in the last few months that you are all elected by the same people and I intend to work for every one of you and I think we've got some real challenges ahead of us in this city, but there's nothing that we can't accomplish if we don't care who gets the credit. I'm certainly also honored to work with the finest staff, in the League City staff, that I've ever worked with in my career. They've made my last couple of months very smooth and easy in many ways. The people of League City really don't know how lucky they are to have the staff that they do and I salute them. Lastly I'd like to recognize my wife of 41 years and thank her for supporting me in this interesting career that I've had all this time.

- 9C. [12-0238](#) Presentation regarding growth management techniques, including summary of existing regulations controlling pace of residential development, update on possible revisions to park dedication and capital recovery fee ordinance requirements and regulations controlling future multi-family housing development (Director of Planning and Research)

Tony Allender said you had requested for us to come back to you and give you a report specifically relating to our pace of growth and dealing with a number of issues along the way including the tools that we have at our disposal that we're currently using, tools that we would hope to use in the future or the tools that are available and then also looking at some discussion of multi-family development as part of this larger discussion. You have before you a document for growth management strategies that accompanies this, slightly different from the presentation but much of the information is the same.

Mr. Allender said I think first and foremost, as we mentioned in the meeting last night, this is an extensive issue that impacts a number of very important items in terms of our rate of growth, that impact on our tax revenue, our tax rate, our ability to maintain our infrastructure and the level of service that we provide to our community and in the very core, public health safety and welfare issues, as well as casting out and insuring that we maintain a community that is not only desirable and marketable for this generation but is equally so for our children and their children. Looking at this is a very large issue, this is the beginning of this conversation, we'll have other discussions along the way, in terms of the pace of growth, the location and the type of growth we're going to see as well as the certain types of tools we can use as part of that process. We're doing this as part of our ongoing discussion of, in many ways, water conservation. We understand we have a number of water issues on the table and how to cope with those, at the same time realizing that water is our biggest limitation. So when we're talking about how fast, how far we can grow, really that is our constraint. So we talk about the pace of growth with that in mind. The comprehensive plan considered this in May of last year when you approved it and it looked at a number of things, first and foremost recognizing that our current zoning allows us to grow up to a population of 199,000 people and realizing that's more water than we can probably acquire, so looking at a level for reasonableness it does recommend ratcheting down total population to 178,000. Also, one of the recommendations that we would make is that because we have an item that limits our ability to expand in some way that we need to find a cap. Whatever that cap is, let's draw a line in the sand, whether it's our population, whether it's our water capacity, whether it's our total number of housing units, and let's stick to that. Let's make our plans based on how we grow to that limit and be done. Also, looking at the management of rate of growth, a lot of communities throughout the state of Texas need to do this, but it's hard to find that balance between what is the correct way to manage growth and to still maintain our property rights, something we hold in extremely high regard in this state and we're proud of that. The different growth patterns, there are a number of ways, it's not just about the rate of growth, it's the type of growth you bring in and the type of development patterns that can also help reduce our dependence on water consumption. Looking at our current obligations, roughly 47% of our city is already developed. That leaves 53% available for us, roughly 26% of that is accounted for in different planned unit developments or other obligations. Essentially we have 27% that's completely unobligated. Everything else is counted for. We have a list of the different planned unit developments or subdivisions that are essentially vested. These are folks that have the right to develop to a certain level outside of zoning and what we're presenting here is the list of remaining lots, remaining multi-family units, commercial units and their associated EDU's. As you can see 33,433 remaining estimated dwelling units as far as water capacity that we are already obligated to provide. There was a question related to multi-family, and multi-family comprises a small portion of our total housing in the community but it is probably one of the most obvious because it's so large. Looking at the different places where multi-family can go, and that can range from MF 1.2 which allows for density at 36 units per acre down to mixed commercial that quite frankly doesn't have a density limit, it looks at limiting by height.

Mr. Allender continued, in addition to that you do have a number of areas, for example, the southwest PUDs and other areas that as a result of planned unit development also have obligations that allow for multi-family development. One of the biggest questions is how fast do we grow, what is the rate that is considered to be acceptable. The comprehensive plan and several of our other documents anticipate a growth rate of 3.4%. If we look back at history, in some cases over one decade, for example, we grew at 6.3%, far faster than what we're anticipating. We suggest 3.4% not necessarily because we have a crystal ball, because I guarantee all projections are incorrect. But what we do anticipate is a continued softness in our market for home ownership, we're still looking at the fact that banks are making loans but the loan requirements are very much higher than they use to be. And quite frankly the public opinion on home ownership is evolving so we need to be able to respond to that. And the biggest limiter is the infrastructure on the west side. We're coming closer and closer to being built out on the east side. The next place is the west side. A lot of that development depends on the Grand Parkway and the state is in no hurry to construct that, so by nature it limits the growth we can have. One of the things I didn't get a chance to show you last night but is in the report, when we looked at this in the comprehensive plan we put forward a number of different policies that are already designed even as of May to help us recognize the need to grow differently and to manage our growth. Just looking at some of the policies, the development should run concurrent with the availability of infrastructure. Simply put, we should not allow population to outpace our ability to provide adequate service. It sounds like it's a common sense solution, not as easily done as said. Simple things like that, encouraging low impact design using water conservation practices as we can. Where we do see the opportunities for density, let's make them strategic and let's minimize them so certain areas we have high densities in other areas let's enjoy the lower density environment that we have and that our community appreciates. When we talk about multi-family development, there is a great deal of concern about even the concept of garden apartments, which is what most of them are, because they're so massive. There's been concern historically about the longevity of the quality of multi-family development. One of the policies that we've imposed is that the multi-family be limited to 24 units per structure. That seems like it wouldn't really matter except for the simple fact that only certain developers are geared towards being able to design multi-family development in such a way that it limits the amount per structure. It raises the cost and also raises the quality and it also creates an environment that looks a little more like the surrounding area as opposed to the massive apartment complexes. Exception to that is the urban areas where we are suggesting more of an urban footprint, more of a walkable type of concept. You want those to be a stronger density but that's why we're saying those should be fewer. Open space, we have a tremendous amount of open space. We value that so when we're incorporating open space into our developments let's think ahead on that and make sure that we design it in such a way that it can handle storm water. We talked about water conservation, but it's only a couple of years ago that the big hot topic was the fact that we flooded a little bit. We need to be able to account for that as well in new design.

Mr. Allender said, so a number of different policies are in place, that you have already adopted that are intended to make sure that we grow in a way that really assists the community in managing its water, managing its storm water situations and the other issues related to growth. As we're looking at different tools, what we're presenting to you tonight are some of the hit lists that we think are ones that could be used in League City and then we'll suggest that some of them shouldn't. One that we're already in the process of using is exactions, it's not us like the mafia beating somebody over the head, this is literally capital recovery fees, impact fees if you will, as well as our park dedication fees are probably our two best examples of exactions that we use so that we can continue to build the type of community that we expect to see and so that new development can help pay its way. So those are part of the exactions. Conservation development essentially, think of golf course communities without the golf course, instead you're keeping the natural spaces. Why do we do that? Just look at the amount of water consumption that's used in a number of our subdivisions that currently exists as a result of have huge lawns, huge H.O.A. lawns, larger open spaces when in fact you ask a number of folks, and we did through visual preference surveys, they come to League City for the natural aspects of it and many would like to get back to that. So not only does it help us with water conservation it turns out to be more highly marketable and that's been proven throughout the country. Adequate public facilities ordinance is essentially an ordinance that we put in place that literally does say that you cannot outgrow your infrastructure and it puts in place certain requirements so that we decide what our rate of growth should be and we decide how we're going to make our capital improvements to make sure that happens and as development comes in we either have the capacity and you're welcome to develop or we don't. There are several ways that developers can help us to build that infrastructure or they can wait. But simply put, it insures that you don't outgrow your capacity. There is discussion of down zoning. You can't say we're going to go from 199,000 down to 178,000 without taking it from somewhere. So there are certain areas throughout the community where we could cut some of the densities and I don't think folks would mind. I'll give you an example, in the far west side of League City where it's rural and it's been rural for a long time. It's probably going to stay rural for a long time and a lot of folks would prefer that. Here's an opportunity to reduce some of that density instead of the densities that are currently available which is basically the same that's available at Tuscan Lakes. So transfer development rights is another opportunity where we can actually create an area where individuals can, where you have certain areas where you want more density, certain areas where you want less, you make that density a marketable item so if somebody wants to have more density in a certain area they have to go to what's called the holding area or the reserve and they negotiate with these individuals to buy their rights to develop. And then they can take those development rights and add it to their site. It's something that's used in a couple of other places, urban growth boundaries is something we see in other areas that really are looking to constrain. They basically draw a line all around the urban area and they say this is where all the growth is going to be. Limitations on permits, we've seen this happen in a number of communities, usually for smaller communities, this is the solution they use, if you've got 100 permits a year or maybe less where they say we're going to draw the line at 75.

Mr. Allender said and then finally of course moratorium, and we've seen that used in the past, we used it ourselves when we needed a little bit of time to write our oil and gas ordinances. Just a little bit about each one of these, I've talked about each one in particular but to tell you where we are in a relation to each one of these, as it relates to exactions, we have a consultant that's currently in the process of looking at our CRF fees and they are going to be making some changes to those as in accordance with state law. I will point out as I pointed out last night that right now our impact fees are specific to water and wastewater but we also have the avenue to consider using those same impact fees for roads and for storm water. I'm not saying it's a good idea or a bad idea, I'm saying it's something we may want to discuss and consider adding that as part of our impact fee process. As far as conservation goes, this conservation development, we are currently in the process of updating our subdivision ordinances as per the approved comprehensive plans to incorporate conservation development standards into our development process. It will require some changes to our zoning ordinances in order to incorporate some open space standards and to allow for a little more flexibility in lot lines, etc. The question at the table is the City really prepared to push for this type of improved design as a means of conserving water. It's different. A lot of developers look at it exactly that way, it's different. So it's going to take some education, it's going to take a little bit of backbone to be able to say this what we prefer. Adequate public facilities is one that we'll be bringing forward for additional discussion to see if you're interested in it. We think it shows a lot of promise for the city. There is no city in the state of Texas to my knowledge that does this. So we may very well be the first. I could be wrong on that, but to my knowledge there is not one. It is used in other states basically to insure that the infrastructure is there in place before you allow development to occur. The hard questions for this is are we really ready to set a specific growth rate as our target? Are we willing to commit to capital improvements, because it does require the reciprocating part to this, is that we say we're going to accommodate a certain level of growth, and we stick to that as part of our CIP and part of our comprehensive plan. And then finally other questions, if a developer comes in and says we understand this is your rate of growth, if we come in and pay for the infrastructure, can we go ahead and accelerate it? That's a question that we need to consider. Are we willing to do that? And what if they say we'll do it but we need a MUD, we have historically decided that we're really not fans of that. What does that mean now? These are the hard questions as we get going in some of this. It's a fantastic tool, we just have to decide A, are we ready to be first in Texas to do it, and B, are we willing to commit to some of the hard questions. Down zoning is really a simple question. Are we ready to pull that trigger? It's never a popular thing. There's no way to make friends when you down zone property. Is it needed? You're way over zoned. It's a simple fact. The City in the last comprehensive plan talked about growing to 155,000, yet they zoned for 199,000. What we're suggesting is make your comprehensive plan and your zoning ordinance the same. Transfer of development rights is a specific thought that we'll put out and talk about a little more in terms of capacities. Right now the way we're set up with EDU's each parcel is assigned a certain number of EDU's. The question is rather than dealing with density could we turn those EDU's into marketable assets. An EDU is Estimated Dwelling Units essentially, so every house is essentially equal to one EDU.

That's how we assign the amount of water and wastewater that's available on a particular site or on a particular parcel is through EDU's. The question is can that become a tradable commodity, and I don't know. But it's something we can take a look at and that would allow for certain flexibility in our market and for certain areas to grow if other areas aren't using all their capacity. But again it's a way of trading an asset. Finally, urban growth boundaries limitations on permits, moratoriums, these are things we would probably not recommend. Urban growth boundary is usually something you use in much larger cities. Portland, Oregon is using that, for example. Limitations on permits we can do. I think we're a little big for that, to be quite honest. It does not necessarily guarantee you. It guarantees you a number, it doesn't guarantee you a certain level of quality and that's something we need to be watching for. And of course a moratorium is a short term fix and this is a long term problem. What I would hope to do is continue this dialogue, obviously this has been a 15 to 20 minute discussion, of what is a much, much larger conversation and I will be happy to answer any questions, but we'd like to bring some of these to you for obviously much further discussion and quite frankly, to hear if you're interested in growth management and if so, what tools you would like us to take a harder look at.

10. CONSENT AGENDA

Approval of the Consent Agenda

Mr. OKeefe pulled Item 10D. A motion was made by Mr. OKeefe, seconded by Mr. Lee, to approve Consent Agenda Items 10A through 10I with the exception of 10D. The motion passed by the following vote:

For: 7 -

Mr. Becker, Mr. OKeefe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

- 10A. [12-0224](#) Consider and take action on the renewal of the contract for Petroleum Products with Apache Oil. (Acting City Manager)
- Staff recommends approval.
- Approved on the Consent Agenda**
- 10B. [12-0227](#) Consider and take action on a resolution declaring property surplus and approve the method to be used to dispose of the property. (Acting City Manager)
- Staff recommends approval.
- Resolution No. 2012-18 was approved on the Consent Agenda**
- 10C. [12-0212](#) Consider and take action to approve the Interlocal Tax Collection Agreement with the County of Galveston to provide for the assessment and collection of property taxes for the City of League City (Acting City Manager)
- Staff recommends approval.
- Approved on the Consent Agenda**

- 10D. [12-0236](#) Consider and take action on the purchase of a Front End Wheel Loader for the Street and Stormwater Department utilizing the H-GAC Cooperative Purchasing Program. (Acting City Manager)

Staff recommends approval.

A motion was made by Mr. Lee, seconded by Ms. Dawson, to approve the purchase of a Front End Wheel Loader for the Street and Stormwater Department utilizing the H-GAC Cooperative Purchasing Program. The motion passed by the following vote:

For: 6 - Mr. Becker, Mr. O'Keeffe, Mr. Phalen, Mr. Lee, Ms. Sanborn and Ms. Dawson

Out of Room: 1 - Mr. Mann

- 10E. [12-0209](#) Consider and take action on a resolution creating, consolidating and adopting a schedule of fees pertaining to Buildings and Building Regulations - Chapter 22 of the Code of Ordinances of the City of League City (Acting City Manager)

Staff recommends approval.

Resolution No. 2012-19 was approved on the Consent Agenda

- 10F. [12-0226](#) Consider and take action on a resolution approving the use of the Construction Management at Risk (CMAR) procurement method for the construction of the State Highway 3 Pump Station Improvements Project (Director of Engineering)

Staff recommends approval.

Resolution No. 2012-20 was approved on the Consent Agenda

- 10G. [12-0225](#) Consider and take action to excuse absences (City Secretary)

Approved on the Consent Agenda

- 10H. [12-0229](#) Consider and take action on the renewal of the City's Windstorm and Hail Insurance coverage (Director of Human Resources and Civil Service)

Staff recommends approval

Approved on the Consent Agenda

- 10I. [12-0232](#) Consider and take action on Ordinance No. 2012-05 amending the City of League City, Texas, Governmental, Proprietary, and Capital Funds Budget for the Fiscal Year 2012 by amending Ordinance No. 2011-048 and No. 2011-066 to adjust the operating budget for actual and projected expenditures - second reading (Acting City Manager)

Council approved first reading 6-0-0 with 1 absent on March 27, 2012.

Ordinance No. 2012-05 - Second Reading was approved on the Consent Agenda

END OF CONSENT AGENDA

11. OLD BUSINESS

- 11A. [12-0215](#) Consider and take action on Ordinance 2012-04 amending Chapter 125 of the Code of Ordinances of the City of League City, Texas entitled "Zoning" by amending Section 125.81 entitled "-RNC Residential neighborhood Conservation Overlay District" - Second Reading (Director of Planning & Research)

Planning & Zoning Commission recommended approval with conditions 5-2-1 on March 19, 2012.

Council approved first reading 4-2-0 with 1 absent on March 27, 2012.

Pulled by Staff

- 11B. [12-0216](#) Consider and take action on Ordinance 2012-03 amending the boundaries of the Historic District - Second Reading (Director of Planning and Research)

Council approved first reading 5-1-0 with 1 absent on March 27, 2012.

Pulled by Staff

12. NEW BUSINESS

- 12A. [12-0220](#) Consider and take action to approve an interlocal agreement with Gulf Coast Center to provide Park and Ride services between the City of League City and Galveston Island and to provide the local share associated with the program for a period of three years (Director of Planning and Research)

Mr. Barry Goodman of the Goodman Corporation was available to answer questions.

A motion was made by Mr. Phalen, seconded by Ms. Dawson, to approve an interlocal agreement with Gulf Coast Center to provide Park and Ride services between the City of League City and Galveston Island and to provide the local share associated with the program for a period of three years. The motion passed by the following vote:

For: 4 -

Mr. O'Keeffe, Mr. Phalen, Ms. Sanborn and Ms. Dawson

Opposed: 3 -

Mr. Becker, Mr. Lee and Mr. Mann

- 12B. [12-0222](#) Consider and take action to approve an interlocal agreement with Gulf Coast Center to provide demand response transit service to qualifying citizens of League City to assist in access to jobs, medical facilities and other activity centers and to provide the local share associated with the program for a period of three years (Director of Planning and Research)

Mr. Goodman was available for questions.

A motion was made by Mr. O'Keeffe, seconded by Mr. Mann, to deny. The motion passed by the following vote:

For: 6 -

Mr. Becker, Mr. O'Keeffe, Mr. Phalen, Mr. Lee, Ms. Sanborn and Mr. Mann

Opposed: 1 -

Ms. Dawson

- 12C. [12-0230](#) Consider and take action to enter into a professional services agreement with Pierce Goodwin Alexander & Linville (PGAL) for architectural and engineering design of Fire Station #2 EMS Expansion and related site work (Fire Chief)

Staff recommends approval.

Mr. Chris Casey of Pierce Goodwin Alexander & Linville was available to address this item.

A motion was made by Mr. Phalen, seconded by Mr. Lee, to approve entering into a professional services agreement with Pierce Goodwin Alexander & Linville (PGAL) for architectural and engineering design of Fire Station #2 EMS Expansion and related site work. The motion passed by the following vote:

For: 7 -

Mr. Becker, Mr. OKeefe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

Mayor Paulissen called for a break at 8:42 p.m.

Mayor Paulissen reconvened the meeting at 8:51 p.m.

13. FIRST READING OF ORDINANCES

- 13A. [12-0219](#) Consider and take action on an ordinance revoking Ordinance 2011-34 and 2011-35 regarding a Specific Use Permit to allow on-premises consumption of alcoholic beverages and to allow eating and drinking establishments with live entertainment for the property located at 3612 West Main Street (FM518) commonly known as Dempsey's Sports Bar (Mayor Paulissen).

A motion was made by Mr. OKeefe, seconded by Mr. Phalen, to deny revoking this permit. The motion passed by the following vote:

For: 5 -

Mr. Becker, Mr. OKeefe, Mr. Phalen, Mr. Lee and Ms. Sanborn

Opposed: 2 -

Mr. Mann and Ms. Dawson

- 13B. [12-0208](#) Consider and take action on an ordinance amending the Code of Ordinances of the City of League City, Texas, Chapter 1, "General Provisions," Section 1-5, Entitled "General Penalty for Violations of Code," providing for culpable mental state, pursuant to Section 6.02 of the Texas Penal Code; repealing all ordinances or parts of ordinances inconsistent or in conflict hereinwith: providing for severability; and providing for penalties in accordance with law (Acting City Manager)

Staff recommends approval.

A motion was made by Mr. OKeefe, seconded by Mr. Phalen, to approve Ordinance No. 2012-07 amending the Code of Ordinances of the City of League City, Texas, Chapter 1, "General Provisions," Section 1-5, entitled "General Penalty for Violations of Code," providing for culpable mental state, pursuant to Section 6.02 of the Texas Penal Code; repealing all ordinances or parts of ordinances inconsistent or in conflict hereinwith; providing for severability; and providing for penalties in accordance with law.

The motion was amended by Mr. OKeefe, seconded by Mr. Phalen, to remove the provision that allows collection of fees associated with municipal fines (previous Sec. 1-5(3)).

Mr. Polanco requested clarification of the amendment, being to simply remove the authority that is given to the Municipal Court to assess the special expense of \$10.00. Mr. OKeefe said that is correct.

The amended motion passed by the following vote:

For: 7 -
Mr. Becker, Mr. OKeefe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

- 13C. [12-0231](#) Consider and take action on an ordinance amending the City of League City, Texas, Governmental, Proprietary, and Capital Funds Budget for the Fiscal Year 2012 by amending Ordinance No. 2011-48, No. 2011-66, and No. 2012-05 to adjust the operating budget for projected expenditures and the capital budget for added and deleted projects. (Acting City Manager)

Staff recommends approval and requests first and final reading.

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

For: 7 -
Mr. Becker, Mr. OKeefe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

A motion was made by Mr. Phalen, seconded by Ms. Dawson, to approve Ordinance No. 2012-08, amending the language of the ordinance to reduce the General Fund Balance by \$225,000 and increase the Non-Departmental Budget by \$225,000 to include the payment discussed in executive session on April 23, 2012, pertaining to the Paul Smith et al vs. the City of League City. The motion passed by the following vote:

For: 7 -
Mr. Becker, Mr. OKeefe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

14. TABLED ITEMS SUBJECT TO RECALL

15. ITEMS ADDED AFTER ELECTRONIC AGENDA COMPLETED

- 12-0241 Discussion and possible action concerning outstanding obligations to the City of League City by Rich Oller (Council Member Becker and Council Member Mann)

No Action

A motion was made by Ms. Sanborn, seconded by Mr. Mann, to suspend the rules and move to Item 18. The motion passed by the following vote:

For: 6 -
Mr. OKeefe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

Opposed: 1 -
Mr. Becker

12-0242 Review and discuss terms of the February 16, 2012 and March 20, 2012 City consulting agreements with Rich Oller (Council Member Becker and Council Member Mann)

No Action

16. EXECUTIVE (CLOSED) SESSION (S)

Following the invocation and pledges to the flags, a motion was made to suspend the rules and move Item 16A forward. Items 16A and 17A were addressed at that time.

16A. 12-0233 Texas Open Meetings Act, Section 551.074 Government Code - Personnel

Deliberate the employment, appointment, or evaluation of a public officer or employee, to-wit: City Manager (Mayor Paulissen)

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

17A. 12-0234 Consider and take action on the employment, appointment or evaluation of a public officer or employee, to-wit: City Manager (Mayor Paulissen)

18. ADJOURNMENT

At 9:51 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: June 12, 2012