



City of League City, TX

300 West Walker
League City TX 77573

Meeting Minutes City Council

Tuesday, August 28, 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

City Manager: **Michael Loftin**
City Attorney: **Arnold Polanco**
City Secretary: **Diana M. Stapp**
Assistant City Manager, Public Works: **John Baumgartner**
Acting Chief of Police: **Doug Wologo**
Director of Engineering: **Linc Wright**
Director of Human Resources/Civil Service: **Iisha Patterson**
Director of Parks & Cultural Services: **Chien Wei**
Director of Planning & Development: **Tony Allender**

1. CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Paulissen called the meeting to order at 6:02 p.m. and called the roll. All members of Council were present except Dan Becker who arrived at 6:11 p.m.

Absent 1 - Mr. Dan Becker
Present 7 - Mayor Tim Paulissen, 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 Jonathan Forte of Dominion Church. Mayor Paulissen led in the pledges of allegiance to the flags.

3. **APPROVAL OF MINUTES**

3A. [12-0462](#) June 6, 2012 Workshop

Approved

3B. [12-0478](#) June 12, 2012 Workshop

Approved

3C. [12-0463](#) June 19, 2012 Workshop

Approved

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. [12-0472](#) Presentation of a proclamation declaring August 30th of every year to be League City Volunteer Appreciation Day (Mayor Paulissen)

Mayor Paulissen read a proclamation honoring Art Hewitt and declaring August 30th of every year to be League City Volunteer Appreciation Day. He announced the establishment of the Arthur Hewitt Service Award.

Members of the League City Volunteer Fire Department were present to accept the proclamation

4B. [12-0474](#) Consider and take action on the scope and additional nominations to the Growth and Development Advisory Committee (Mayor Paulissen)

A motion was made by Mr. Phalen, seconded by Ms. Dawson, to approve Council Member Phalen's nomination of Laura Teatsworth to replace David Hake on the Growth and Development Advisory Committee. The motion passed by the following vote:

For: 6 -

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

Absent: 1 -

Mr. Becker

Mayor Paulissen announced that Dan Becker had arrived at 6:11 p.m.

Present 8 - Mayor Tim Paulissen, Mr. Dan Becker, Mr. Dennis OKeefe, Mr. Mick Phalen, Mr. Mike Lee, Ms. Phyllis Sanborn, Mr. Andy Mann and Ms. Joanna Dawson

5. PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

5A. 12-0460 Hold a public hearing on the City of League City’s FY2013 Annual Budget (City Manager)

Mayor Paulissen opened the public hearing at 6:12 p.m.

NAME	ADDRESS
Chuck DiFalco	2119 Eastland Court
Larry Millican	934 Plantation
Peggy Zahler	1802 Rampart

Mayor Paulissen closed the public hearing at 6: 20 p.m.

5B. 12-0475 Consider and take action on an ordinance adopting the Annual Budget for Governmental and Proprietary Funds, FY 2013 (City Manager)

Staff recommends approval

A motion was made by Mr. Mann, seconded by Ms. Dawson, to approve Ordinance No. 2012-21 and to amend the FY2013 Capital Budget to include \$180,000 for a skate park addition project to be funded from Section 4B Industrial Development Corporation funds.

A motion was made by Mr. Mann, seconded by Mr. Becker, to call the vote. The motion passed by the following vote:

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

Opposed: 1 - Mr. OKeefe

The motion to approve the ordinance passed by the following vote:

For: 5 - Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

Opposed: 2 - Mr. Becker and Mr. OKeefe

5C. 12-0405 Hold a public hearing on a Zoning Application (Z12-05 7th Street), a request to rezone approximately 7.4 acres from “CG” (General Commercial) to “CN” (Neighborhood Commercial), legally described as Lots 1 - 6 of the Corrected Sawyers Addition, generally located southwest of Kansas Avenue and north of 7th Street, with the approximate addresses being 102, 106, 108, 110, 112, and 114 7th Street in League City, Texas. (Director of Planning and Development)

Planning & Zoning Commission recommended approval 8-0-0 on August 6, 2012.

Mayor Paulissen opened the public hearing at 6:33 p.m.

NAME	ADDRESS
Dave Hake	820 3rd Street
Katie Benoit	820 3rd Street
Trey Schoellkopf	102 7th Street
Jim Weibling	605 Brunswick Street
Brent Fournet	804 Coryell Street
Bonnie Schoellkopf	102 7th Street

Mayor Paulissen closed the public hearing at 6:45 p.m.

- 5D. [12-0459](#) Consider and take action on an ordinance amending Ordinance No.2005-24, to rezone approximately 7.4 acres (Z12-05 7th Street) from “CG” (General Commercial) to “CN” (Neighborhood Commercial), legally described as Lots 1 - 6 of the Corrected Sawyers Addition, generally located southwest of Kansas Avenue and north of 7th Street, with the approximate addresses being 102, 106, 108, 110, 112, and 114 7th Street in League City, Texas. (Director of Planning and Development)

Planning & Zoning Commission recommended approval 8-0-0 on August 6, 2012

A motion was made by Mr. Phalen, seconded by Mr. O’Keeffe, to approve first and final reading. The motion passed by the following vote:

For: 7 -
Mr. Becker, Mr. O’Keeffe, Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

A motion was made by Mr. Phalen, seconded by Mr. O’Keeffe, to approve Ordinance No. 2012-22 amending Ordinance No.2005-24, to rezone approximately 7.4 acres (Z12-05 7th Street) from “CG” (General Commercial) to “CN” (Neighborhood Commercial), legally described as Lots 1 - 6 of the Corrected Sawyers Addition, generally located southwest of Kansas Avenue and north of 7th Street, with the approximate addresses being 102, 106, 108, 110, 112, and 114 7th Street in League City, Texas.

An amended motion was made by Ms. Dawson, seconded by Mr. Mann, to approve rezoning as residential instead of Neighborhood Commercial. The vote to accept the amended motion failed by the following vote:

For: 1 -
Ms. Dawson

Opposed: 6 -
Mr. Becker, Mr. O’Keeffe, Mr. Phalen, Mr. Lee, Ms. Sanborn and Mr. Mann

The motion to approve the ordinance passed by the following vote:

For: 7 -
Mr. Becker, Mr. O’Keeffe, 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
Joyce Williams	1356 E. Strawberry	Manna House
Monica Millican	934 Plantation	Appreciation of Council/Staff
Heidi Theiss	2220 Crossbrook Court	Redflex Lawsuit
Chuck DiFalco	2119 Eastland Court	Redflex Lawsuit

7. COUNCIL MEMBERS COMMENTS/REPORTS

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

Mick Phalen had no comments.

Joanna Dawson said I just want to say I'm in the market for a new computer printer. I have a lot of places where I can go to buy this computer printer. I can buy it online. I can go to Webster and buy it there, any kind of options, but I just want to say when we need to buy something big like that, and compared to a car, that's not very big, but shop League City. Put that sales tax in League City's coffers. That's what I intend to do. Everybody remember that.

Mike Lee had no comments.

Andy Mann had no comments.

Dennis OKeeffe had no comments.

Dan Becker said I came straight here off a job site, so I'm dressed appropriately for that job site. I don't usually take advantage of this time but I will tonight. You've already heard from one tax-paying resident here about a lawsuit and you may have read about it in the newspaper. There are lots of things that are wrong with this. I have to be very careful in what I say because we've been advised of impending litigation. So, whatever anyone says is a matter of public record. I need to be careful what I say so that I don't do any harm to the City's position in this lawsuit and that makes me even more hesitant to speak, but this program in this said contract is actually referred to as Safe Light League City. The word safe, that's their term, that's in the contract. In the recitals of the contract, which is also public record, it states the mutual objective of this contract is to reduce the incidents of vehicle collisions. The professed goal or intention of this contract is safety. The statistics will speak for themselves, it's a matter of fact, they're really not arguable one way or another. You can look at the statistics yourself on the City website. Think about something. In those \$5 million dollars or so that's been collected so far, guess what? You folks as tax payers and a few other people passing through town that got ticketed, have financed this lawsuit that this company has filed, essentially against you as the tax payers because this city is no more than the collective group of League City residents and tax payers. So this is your money that they're coming after. This is an outfit that we entered into a business agreement. They made certain representations, we made certain representations, but we financed this lawsuit. How about that? Essentially, what they're saying is and part of their claim, is that they don't think that you folks have a First Amendment right to speak and essentially you don't have a right to vote. How interesting. What I propose to do, we just found out about this, I think the City advised us by email on Friday. I think the suit may have been filed on Thursday so it's really too late for us sitting on City Council to amend the agenda unless in an emergency basis and this is not an emergency. So for next City Council what I propose to do is prepare a resolution with the help of our City Attorney, and the resolution will say something on the order of let's take on these folks straight on, let's cancel the contract on the basis that they haven't performed. They haven't made our streets safer, therefore they haven't performed under the contract. In way of how we got to here, this council tried hard to avoid litigation. That was the path we chose. We didn't really want to get into an expensive fight with these folks, but now we don't have any choice. They fired the first shot. So we tried that and it didn't work. They're suing us, well if they're going to sue us, they want to take on a fight, I'm prepared to take them on and we'll win. And I want to challenge everybody else that sits up here on this council bench. I can't put this on the agenda for consideration myself, I have to have a co-sponsor, so that means the rest of these folks sitting up here have been challenged herein tonight. I'll get the resolution prepared. I need a co-sponsor to put it on the agenda with me.

Phyllis Sanborn said Helen Hall Library will be working to promote the program, Readers make Leaders. I know our Mayor is a part of this program. The program is designed to give kids extra reading practice, one on one, and is in a partnership with the City of League City, the League City Chamber of Commerce and the Clear Creek Independent School District. You can check out the City's website or come to the library for more information. Story Time begins on Tuesday, September 4th and Wednesday, September 5th. Crazy Thursday, an interactive program for elementary age children resumes on Thursday, September 6th. If you have an e-reader, an e-book reader, or are considering purchasing one, be sure to attend the e-book workshop held at the library on Friday, September 7th at 10:00 a.m. You can find out more information at the library's website at www.leaguecitylibrary.org. The proclamation that was given to the League City Volunteer Appreciation Day, Mr. Hewitt, was very touching tonight. Like the Mayor said, this will be given out every year around Mr. Hewitt's birthday and we have so many deserving people in League City. Just looking out in the audience I can see people that do so much in League City and they volunteer their time. They're here for meetings. They offer opinions and advice and we appreciate all the volunteers. Everyone at home that has given 10 minutes to League City, it's appreciated. As you know, school is back in session. Today was the second day. It was my first day in 25 years not to be there and I will say yesterday was a rough day. Today was better but it's different being home. I wonder how I ever worked and served on City Council because it's like all I'm doing is reading. I know when I used to get off work, I would come home and start reading, but I have so much more time. It's just amazing how much work there is on City Council and I guess you don't notice it when you have a full time job and you're doing the work but you really notice it when you stay home. You can read it one more time. I too want to thank our financial staff and our other members of staff. There's three ladies sitting down here and we had a gentleman that was here that interned with them, that was hired. He's not down there anymore and Mr. Loftin, if I left anybody out I sincerely apologize, but they're the people who have put this together and they're the ones that have caused me to read since June 13th. Ladies, thank you so much. We know the work that was put into it. We know the hours you've sacrificed away from your family to be at all the meetings we have. It doesn't go unnoticed. It might go unsaid sometimes, but it doesn't go unnoticed and we appreciate it very much.

8. MAYOR COMMENTS/ REPORT

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

Mayor Paulissen said a couple weeks ago we had some issues with attendance at meetings and workshops and I think we had between 10 and 15 various workshops from April until now over this budget. True, yes it's a lot of money. One of the things when I first got elected back in 2007 we had, I believe, a sewer plant that had been designed back in 2001 to address our sewer needs over on the west side and at that time I think that sewer plant could have been built for about \$12 million dollars. And for whatever reason administrations in the past decided not to fund a lot of these capital improvements and consequently because we didn't take that jump back then, we had to make that jump in 2007 and 2008. When I first got elected in 2007 we had to raise water rates, it was going to be 3 consecutive years. An 8%, another 8% and a 9% raise just to pay for a new sewer plant on the west side and our expansion of our Dallas Salmon plant to the tune of about \$64 million dollars. It wasn't Council's actions that got us to the point where we had to spend this money. TCEQ came in and said once you get to a certain threshold on these plants you have to have plans in place to build new ones and build capacity. So I can say as far as my tenure here and the mayor before that initially instituted a paid capital improvement project that was able to be funded that we could address the issues and still keep your taxes the same. We did have a decrease in your rate. Yes, we may spend some more, we're pulling some money out of reserves to do one-time expenditures. Our bond rating is the highest it's ever been and you've got professional staff here that works tirelessly. All of the Finance girls, I know a lot of times you worked over the weekend away from your family. You were very responsive to all of the councilmen's requests up here. You did it in a timely manner. If any of them had questions you went above and beyond to give them that information, so from my standpoint, thank you. I also want to say thank you to all the Councilmen that are up here because I know it's a lot of time restraints. I put some extra restraints on them by adding a Monday meeting before our regular meetings to try to get a grasp, like Dennis and Dan have said, their packets are like 850 pages of information, so it's nothing that you can just glance over and get a gist of all the information. If there are 850 pages that's presented to us, just think of the amount of pages that our staff has to go through to get it to that point, to get it to 850 pages, so we're doing the things that you need to do. There are some things that some people may disagree with how they're being funded but they're being funded, we're being responsible with your money. We paid down a lot of debt. Now we've put on some more debt. We had numerous times on our capital improvement for Councilmen, all of these people up here, to look at every single project and decide as a group what we were going to fund and what we weren't going to fund. From my standpoint and staff I appreciate all your time.

9. REPORTS FROM STAFF MEMBERS

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

Presentation of the City's Quarterly Investment Report for the period ending June 30, 2012

This item was pulled and will be presented at the next meeting.

Kristi Wyatt, Director of Communications, said tomorrow night we invite everyone to come out to the Civic Center at 6:00 p.m. to join us for the water meter replacement project public meeting. We'll be sharing with you why we're replacing all the meters in the city and the process that we will take you through in order to get a new meter so that you'll know exactly what to expect when workers show up at your house. We'll also talk to you about how you'll be notified as to when that will happen. That information is available on our website at www.leaguecity.com if you want to find out a little bit more about that public meeting. If you cannot make the meeting we will have an information video on our website and Channel 16 as well as our Facebook and other social media sites so that you can also know a little bit more about the process if you're not able to attend the meeting but we do hope to see you all there.

John Baumgartner said Mr. Mayor, members of the Council, just a quick update on SH96. We've been in contact with TxDOT and have seen significant progress. As you may know, TxDOT went through a determination to resurface the roadway. They milled it several weeks ago. The contractor lost some interest in the project. We met with TxDOT Monday last week, talked to TxDOT again this week. I think we can all see significant progress out there. The middle of the roadway, most of it has been chip sealed. They started the first course of asphalt work this week. Hope to have the entire riding surface improved and complete the project by the middle of September. Much improved over last week.

Mike Loftin said I had two additional items. We have signed a contract with a firm that's going to be doing mosquito spraying for us, basically at the City's request. So monitor your back yards as I'll be doing and we'll look for citizen input calls, whatever, make that call as the mosquitoes get bad. I think we do have to give the sprayer a few days notice. Three days notice, I think is the period. But for \$1900 dollars for each complete spray of the City, we couldn't turn that down. Lastly, we are planning a public meeting on the budget and the CIP, so that if people want to come and ask questions of staff, next Thursday night and I think we've established that it's going to start at 6:00 p.m. or 7:00 p.m. I'm not sure. We'll have to get more information out on that

10. CONSENT AGENDA

Approval of the Consent Agenda

Mr. Becker pulled Items 10E and 10F and Mr. O'Keeffe pulled Item 10C. A motion was made by Ms. Sanborn, seconded by Mr. Lee, to approve Consent Agenda Items 10A through 10H with the exception of 10C, 10E and 10F. The motion passed by the following vote:

For: 7 -

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

- 10A. 12-0449** Consider and take action on the award of a contract for line repair materials to HD Supply. (City Manager)

Staff recommends approval.

Approved on the Consent Agenda

- 10B. 12-0457** Consider and take action on the renewal of a contract for uniform cleaning and rental service with Unifirst (City Manager)

Staff recommends approval.

Approved on the Consent Agenda

- 10C. 12-0450** Consider and take action on acceptance of the municipal infrastructure to serve Westover Park Section 13B, within Galveston County Municipal Utility District No. 30 (Assistant City Manager, Public Works)

Staff recommends approval.

A motion was made by Mr. Phalen, seconded by Mr. Lee, to approve acceptance of the municipal infrastructure to serve Westover Park Section 13B, within Galveston County Municipal Utility District No. 30. The motion passed by the following vote:

For: 7 -

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

- 10D. 12-0458** Consider and take action on acceptance of a Utility Conveyance and Security Agreement from/with Galveston County Municipal Utility District No. 14 for water, sanitary sewer, and drainage facilities to serve Bay View Section 1 (Assistant City Manager, Public Works)

Staff recommends approval.

Approved on the Consent Agenda

- 10E. [12-0461](#) Consider and take action on a request for a water well permit regarding the property located at 3073 Megan Lynn Lane (Assistant City Manager, Public Works)

Staff recommends approval.

A motion was made by Mr. Lee, seconded by Mr. Phalen, to approve a request for a water well permit regarding the property located at 3073 Megan Lynn Lane.

The motion was amended by Mr. O'Keeffe, seconded by Mr. Becker to instruct staff to address issues pertaining to this item and bring the item back at the September 11, 2012 regular meeting. The motion passed by the following vote:

For: 7 -

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

- 10F. [12-0470](#) Consider and take action on a resolution to authorize Red River Health Facilities Development Corporation to issue Retirement Facility Revenue Bonds for construction of the Methodist Retirement Community Clear Springs Continuing Care Retirement Community (Director of Planning and Development)

Pulled by Staff

City Engineer Jack Murphy was available to answer questions.

- 10G. [12-0452](#) Consider and take action on approval of the amended contract regarding contemplated windstorm litigation (Director of Human Resources and Civil Service)

Staff recommends approval.

Approved on the Consent Agenda

- 10H. [12-0445](#) Consider and take action on Ordinance No. 2012-16 for Special Use Permit Application SUP12-02 (Genesis Pipeline), for a SUP to construct a pipeline [oil and other hydrocarbons] within an existing 100 foot wide Centerpoint Energy / Interurban Right-of-Way easement being approximately 16,310 feet in length and containing approximately 32.4 acres on property zoned "OS" (Open Space) and "OS-CRC" (Open Space with a Commercial Revitalization Overlay), legally described as portions of Lots 1 thru 3 (1-14), Block A, of the Clear Creek Subdivision, Tract 106, 107, and 108 of the Stephen F Austin Survey and Tracts 1 and 132 of the Perry & Austin Survey, generally located north and south of Farm to Market Road 518, League City Parkway and Farm to Market Road 646, west of Highway 3 in the City of League City - Second Reading. (Director of Planning and Development)

The Planning and Zoning Commission recommended approval, with conditions, by a vote of 8-0-0 on August 6, 2012.

Council approved first reading 6-0-0 with 1 absent on August 14, 2012.

Ordinance No. 2012-26 Second Reading was approved on the Consent Agenda

END OF CONSENT AGENDA

11. OLD BUSINESS

- 11A. [12-0464](#) Consider and take action to approve an amended contract for election services between the Election Officer of the County of Galveston, the County of Galveston and the City of League City for the General-Special Election on November 6, 2012 (City Secretary)

A motion was made by Mr. OKeefe, seconded by Mr. Phalen, to discuss this item.

A motion was made by Mr. Phalen, seconded by Mr. Lee, to approve an amended contract for election services between the Election Officer of the County of Galveston, the County of Galveston and the City of League City for the General-Special Election on November 6, 2012. The motion passed by the following vote:

For: 7 -

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

- 11B. [12-0471](#) Consider and take action on a request for a water well permit regarding the property located at 2780 Webster Street (Council Member Lee and Council Member Phalen)

A motion was made by Mr. Lee, seconded by Mr. Phalen, to approve a request for a water well permit regarding the property located at 2780 Webster Street.

Ruth Morrison, property owner, and Shane Hamilton, applicant, were present to speak regarding this item.

A motion was made by Mr. Becker, seconded by Mr. Phalen, to call the question. The motion passed by the following vote:

For: 7 -

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

The motion to approve the request passed by the following vote:

For: 6 -

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

Opposed: 1 -

Mr. OKeefe

12. NEW BUSINESS

- 12A. [12-0467](#) Consider and take action to give direction to the City Attorney regarding amending the Code of Ordinances regarding City boards and commissions, including eligibility for membership (City Attorney)

A motion was made by Mr. OKeefe, seconded by Mr. Phalen, to approve this item for discussion. No action was taken.

13. FIRST READING OF ORDINANCES

- 13A. [12-0456](#) Consider and take action on an ordinance amending Chapter 106, Article III of the Code of Ordinances for the City of League City, Texas, entitled Tax Abatement Guidelines (Director of Planning and Development)

A motion was made by Mr. Phalen, seconded by Ms. Dawson, to approve Ordinance No. 2012-23 amending Chapter 106, Article III of the Code of Ordinances for the City of League City, Texas, entitled Tax Abatement Guidelines.

A motion was made by Mr. Mann, seconded by Mr. Becker, to call the question. The motion passed by the following vote:

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

The motion to approve the ordinance passed by the following vote:

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

Opposed: 1 -
Mr. OKeefe

- 13B. [12-0469](#) Consider and take action on an ordinance adopting the FY 2013-2017 Capital Improvement Plan. (City Manager)

Staff recommends approval and requests final reading.

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

For: 5 -
Mr. Phalen, Mr. Lee, Ms. Sanborn, Mr. Mann and Ms. Dawson

Opposed: 2 -
Mr. Becker and Mr. OKeefe

A motion was made by Mr. Mann, seconded by Mr. Phalen, to amend the proposed FY2013 CIP to include \$180,000 for the skate park addition project to be funded from 4B Corporation funds.

A motion was made by Mr. Phalen, seconded by Mr. Becker, to call the question. The motion passed by the following vote:

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

Opposed: 1 -
Mr. OKeefe

The motion by Mr. Mann to adopt the FY2013 Capital Improvement Plan with the addition of \$180,000 for the skate park project to be funded from 4B Corporation fund passed by the following vote:

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

Opposed: 1 -

Mr. Becker

14. **TABLED ITEMS SUBJECT TO RECALL**

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

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

At 8:39 p.m. Mayor Paulissen announced the City Council will now go into executive session to discuss the following items:

- 16A. 12-0465 Texas Open Meetings Act, Section 551.071, Government Code - Consultation with City Attorney
- Consultation with City Attorney to receive legal advice only regarding enforcement of the City's subdivision ordinance (City Attorney)
- 16B. 12-0477 Texas Open Meetings Act, Section 551.074, Government Code - Personnel
- Discuss the employment or appointment of a public officer or employee, to-wit: Municipal Court Associate Judge (Director of Human Resources and Civil Service)
- 16C. 12-0480 Texas Open Meetings Act, Section 551.071, Government Code - Consultation with City Attorney
- Consultation with City Attorney regarding the following pending litigation:
- Case NO. 12-cv-1847; Redflex Traffic Systems, Inc. and Joseph C. Wheeler v. City of League City, Texas, et al; In the 122nd Judicial District Court of Galveston County, Texas (City Attorney)

At 9:35 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.

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

- 17A. 12-0466 Consider and take action arising from consultations with City Attorney regarding enforcement of the City's subdivision ordinance (City Attorney)
- No Action**
- 17B. 12-0476 Consider and take action on the employment or appointment of a public officer or employee, to-wit: Municipal Court Associate Judge (Director of Human Resources and Civil Service)
- A motion was made by Mr. OKeeffe, seconded by Ms. Sanborn, to approve Kathleen McCumber as Municipal Court Associate Judge with salary and compensation commensurate with League City prosecutor's pay scale effective immediately. The motion passed by the following vote:**

For: 7 -

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

17C. **12-0481** Consider and take action on consultations with City Attorney regarding the following pending litigation:

Case No. 12-cv-1847; Redflex Traffic Systems, Inc. and Joseph C. Wheeler v. City of League City, Texas, et al; In the 122nd Judicial District Court of Galveston County, Texas (City Attorney)

No Action

18. ADJOURNMENT

At 9:36 p.m. Mayor Paulissen said there being no further business this meeting is adjourned.

**TIMOTHY PAULISSEN
MAYOR**

**JEANNE HAMMACK
DEPUTY CITY SECRETARY**

(SEAL)

MINUTES APPROVED: October 23, 2012