



City of League City, TX

300 West Walker
League City TX 77573

Meeting Minutes City Council

Tuesday, May 28, 2013

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
Heidi Thiess
Todd Kinsey
Geri Bentley
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**
Chief of Police: **Michael Kramm**
Director of Engineering: **Linc Wright**
Director of Finance: **Rebecca Underhill**
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 5:59 p.m. and called the roll. All members of Council were present.

Present 8 - Mayor Tim Paulissen, Mr. Dan Becker, Mr. Dennis O'Keeffe, Ms. Heidi Thiess, Mr. Todd Kinsey, Ms. Geri Bentley, 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 Rev. Dan Schepmann of Gloria Dei Lutheran Church. Mayor Paulissen led in the pledges of allegiance to the flags.

3. **APPROVAL OF MINUTES**

3A. [13-1026](#) April 16, 2013 Workshop

3B. [13-1033](#) April 17, 2013 Workshop

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

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

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

5A. [13-1024](#) Hold a public hearing on Special Use Permit Application, SUP13-02 (Mike & Jr. Food Store), for a Special Use Permit for a gas and service stations use [gas station with convenience store] on approximately 1.02 acres on property zoned "CM" (Commercial Mixed Use), legally described as a portion of Lots 4, 5 and 6 of the Webster Outlots 5 Subdivision, generally located south of FM 528 and east of West NASA Road, with the approximate address being 1595 FM 528 in League City, Texas. (Director of Planning and Development)

Mayor Paulissen opened the public hearing at 6:02 p.m.
No one was present to speak for or against this item.
Mayor Paulissen closed the public hearing at 6:02 p.m.

5B. [13-1025](#) Consider and take action on an ordinance amending Ordinance No.2005-24, for a Special Use Permit SUP13-02 (Mike & Jr. Food Store) for a gas and service stations use [gas station with convenience store] on approximately 1.02 acres on property zoned "CM" (Commercial Mixed Use), legally described as a portion of Lots 4, 5 and 6 of the Webster Outlots 5 Subdivision, generally located south of FM 528 and east of West NASA Road, with the approximate address being 1595 FM 528 in League City, Texas. (Director of Planning and Development)

Planning & Zoning Commission recommended approval by a vote of 6-0-0 on May 6, 2013.

A motion was made by Mr. O'Keeffe, seconded by Ms. Dawson, to approve Ordinance No. 2013-19 amending Ordinance No.2005 24, for a Special Use Permit SUP13 02 (Mike & Jr. Food Store) for a gas and service stations use [gas station with convenience store] on approximately 1.02 acres on property zoned "CM" (Commercial Mixed Use), legally described as a portion of Lots 4, 5 and 6 of the Webster Outlots 5 Subdivision, generally located south of FM 528 and east of West NASA Road, with the approximate address being 1595 FM 528 in League City, Texas, with the caveat that the number of ingress/egress accesses be limited to two (2) on W. NASA Road, and one (1) access on FM528. The motion passed by the following vote:

For: 8 -

Mayor Paulissen, Mr. Becker, Mr. OKeefe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

5C. [13-1021](#)

Hold a public hearing on approving updated land use assumptions and capital improvements plan for water and wastewater facilities, and amending impact fees pursuant to the Texas Local Government Code Section 395.052 (Assistant City Manager, Public Works)

Mayor Paulissen opened the public hearing at 6:07 p.m.

No one was present to speak for or against this item.

Mayor Paulissen closed the public hearing at 6:07 p.m.

5D. [13-1022](#)

Consider and take action on an ordinance amending Ordinance No. 2006-72 approving updated land use assumptions and capital improvements plan for water and wastewater facilities, and amending impact fees pursuant to the Texas Local Government Code Section 395.052 (Assistant City Manager, Public Works)

Staff recommends approval.

A motion was made by Mr. Becker, seconded by Mayor Paulissen, to approve Ordinance No. 2013-20 amending Ordinance No. 2006 72 approving updated land use assumptions and capital improvements plan for water and wastewater facilities, and amending impact fees pursuant to the Texas Local Government Code Section 395.052. The motion passed by the following vote:

For: 7 -

Mayor Paulissen, Mr. Becker, Mr. OKeefe, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

Opposed: 1 -

Ms. Thiess

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
Chris Richnow	2697 Calder	Calder Rd. expansion
Cesar Duran	316 Morningside	Internal Auditor
Kim Kitchen	2951 Marina Bay	Internal Auditor
Hobart Sibley	524 South Illinois	Calder Rd. expansion
Ray Stone	1750 E. League City Pkwy	Internal Auditor
Fay Dudley	708 W. Main	Historic District
Chris Kanyuck	2695 Calder	Calder Rd. expansion
Mark Turvey	2702 Calder	Calder Rd. expansion
Randy Brandt		Internal Auditor
John Bentley	4411 Pebble Beach	Internal Auditor

7. COUNCIL MEMBERS COMMENTS/REPORTS

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

Dennis OKeeffe said thank you everyone for attending tonight's meeting. I would like to recognize Mr. Baumgartner who tendered his resignation with the City this last week as our Director of Public Works and Assistant City Manager. Mr. Baumgartner, you have performed stellarly in your tenure with the City. I would like to wish you the best of your future career opportunities elsewhere. I'm personally going to miss you. You stepped in here, you rolled up your sleeves, you went to work, you made a difference, you made great progress and got the City pointed in the right direction. Unfortunately we have a tremendous amount of business that we're going to have to try and pull together in your absence, but nonetheless, Mr. Baumgartner, thank you so much for your service.

Joanna Dawson said John, you're going to stay through CIP, right? We can't do it without you. I want to tell this group and I've said it many times before but I want to remind everyone again. I have lived in League City longer than anybody up here and I have been to more council meetings than anybody in the history of League City. I've probably missed only five since 2003, so I've seen a lot of subjects come and go. I've seen a lot of people come and go. I've seen a lot of different forms of management in voting and until my memory fails me I feel like an oracle. I'm going to always vote what my heart and my brain knows from that experience. Sometimes it may not be the popular thing, but I want to be a team player with these people up here, so I would appreciate at least your consideration for what my experience has taught me and we are making a wonderful League City and that is the whole goal of it. Thank you for being here tonight.

Heidi Thiess said I want to add my goodbyes as well to Mr. Baumgartner. I spoke to you earlier tonight and I said that especially in the process of learning this job, there is a fairly steep learning curve because you're just kind of thrown into the deep end. I always knew that I could call John and just get the facts and he could bring me up to speed in a very short amount of time and he would be able to distill an issue which could be fairly complicated and pretty much just bring it down to brass tacks for me. For that I'm appreciative and I too will miss you after you go, but I know that you go to join family and friends that are already there and I am very happy for you in that respect. Best wishes and best of luck to you in your new endeavors and your family's endeavors as well. That being said, if you missed the Memorial Day Ceremony yesterday, you really missed something. I hope that you will consider bringing family, especially children and grandchildren, out to next year's Memorial Ceremony, but even before then you'll have an opportunity at Veteran's Day because we usually do something for Veteran's Day too. It was just really meaningful and I think that Memorial Day is really not supposed to be about an extra day of your weekend and it's not really about grilling out and hanging with family and friends, which most of us do, but it really is about remembering that you get to do those things because of the lives that were laid down on our behalf and that's what Memorial Day is. It's really not about those of us that served that are still alive. It's about those that gave the final full measure of sacrifice so that we could live free and happy and foot loose and fancy free. So as much as we celebrate Memorial Day I hope that, and this is for the people out there watching too, please take an hour out of your next Memorial Day to go out there and just pay your respects for those that have laid that sacrifice at your doorstep so that you can spend time with your family and friends, because one of the things that I always remember at a Memorial Day is that of the people that aren't there because their grandfathers or their fathers were lost in previous conflicts. So there are a lot of our fellow citizens that are not here today because their family members were lost. I just always remember that because I think of someone who lays down their life, it doesn't just affect their family, it affects all of us. It's a sacrifice that we should all take very dearly so I hope that next year many, many more people...every year this is growing, and I hope many more of you will come and find that one hour where you can come out and pay your respects and I want to thank Ray and Tess Stone who are here today. They have been very instrumental in jump starting our Hometown Heroes Banner Program. If you have a family member that is a League City resident that is currently serving or who has served you can apply to have their name and picture put on one of these banners that will go on Main Street and I would ask that you please see Ray Stone and Tess for that. He is our liaison to the American Legion. It's not appropriate really to say happy Memorial Day but I do hope that you had a meaningful Memorial Day.

Andy Mann said it's funny, that distinction, because a buddy of mine is being deployed on Thursday to Afghanistan and I took him out for a beer and he says this is very fitting on Memorial Day and I was like, it is not fitting, and as a matter of fact wear your helmet while you're there because I don't want to have to remember you on the next Memorial Day. Talked to the people that made comments about Calder Road, it sounds like not everyone is on the same page on this, so I'm going to ask publicly the City Manager that we try to get something together publicly again. I know you all have already had meetings, but I would like to attend because I live just a few blocks from you guys and I drive that road very often and as I've seen the plans, I know your lives are going to change, but at the same time I think it's inevitable and what we're trying to do is get ahead of it. We can wait and do nothing and then just have lines of cars when even a single big neighborhood gets punched through back there or we can start to address it now. What I would like to do is see if we can find something that everyone can be happy with. But I want you all to know that I'm one of your neighbors and I drive that road every day and I would be more than happy to try to balance out what you guys want with what the professional staff thinks we need. As for the auditor position, my position has been firm. It hasn't ever changed except for asking repeatedly for one small technical change. I would love to see the auditor, but if you already have an audit committee and you already have a process set up, I don't see any problem with using the committee first and if that doesn't work then we switch it over. So I'm all for having an auditor though, because I do believe we need more technical excellence in the accountability department.

Geri Bentley said I would like to thank everybody for coming out today and those who were brave enough to speak. I know it's very tough to do that. I've been in that place. Heidi read all my notes on Memorial Day. It was a very touching ceremony and I thank all of you who have served and all of you who have lost family members in the service. Our family has been touched that way. It was a very touching ceremony. Thank you for all coming out and hopefully it will be bigger next year. John, we're going to miss you a lot. You've been a real asset to the City. I've enjoyed working with you. Every time I've had a question you've also been very informative. You've caught on really quick so you're going to be really missed here and we thank you very much.

Dan Becker said Mr. Baumgartner, we will be keeping your phone number.

Todd Kinsey said let me knock out the library first. On Monday, June 3, at 1:00 p.m. the Antiques Roundtable will meet to discuss Cast Iron. The summer reading program begins on Monday, June 10. First reading logs may be picked up at Helen Hall Library or downloaded online at www.leaguecitylibrary.org. I will echo Councilman Mann's sentiment on Calder Road. He and I talk frequently about the growth of the city and trying to get in front of it so that we're not in the situation like we are over at Victory Lakes where we're doing construction ten years after the houses go in. I've said it up here a million times, I can't imagine after driving home for an hour in that traffic having to sit and wait a half hour to an hour just to cross the freeway to get to my house. We're trying to be proactive and get in front of some of the traffic problems. We're very limited in north/south options in the city so I hope that we can get the stakeholders together and make something work for everybody. With Memorial Day, I really can't say much more than my fellow veteran Heidi said, but having led troops in combat I remember I was out at Fort Irwin, California, when Saddam rolled into Iraq and immediately started having dreams about losing crewmates on my tank and they didn't subside until we got home. My biggest fear was losing one of my guys, and thank God, everybody came home and we didn't experience what those guys are going through in Iraq and Afghanistan. My favorite founding father is one that's a little bit less known than Washington, Adams, Franklin, but he might be the greatest statesman in our nation's history because he was able to bring two parties together to craft legislation that moves our country forward rather than grind it to a halt. Tonight we will be revisiting the position of the City Auditor. The ordinance is vastly different than the original proposal. It reflects a great deal of compromise on the part of Ms. Bentley. In deference to Councilman Mann, all the Audit Committee does is audit numbers that are given to them. They have no investigative power. They simply make sure two plus two, adds up to four. Madison said that politics is the art of give and take and I will remind everyone that it means while the legislation may not be exactly what both sides want, it's meeting in the middle and that both sides have to give. Any further changes to this position will compromise the integrity of the auditor. We boast about transparency awards so why than is everyone so scared to create a position whose sole purpose is to insure open government.

8. MAYOR COMMENTS/ REPORT

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

Mayor Paulissen said I have a couple of things to read here. The League City Volunteer Fire Department 2013 Academy class is graduating this evening at the Johnnie Arolfo Civic Center. Usually the graduation doesn't conflict with the council meeting but because we're unable to be with our fire cadets this evening as they are promoted to firefighters, I would like to recognize them by reading their names. Please join me in welcoming our new firefighters to the League City Volunteer Fire Department and thanking them for the willingness to serve. These are all for different fire stations. Fire Station #1 is Erin Cook, Roman Fanos, Robert Hart and Ryan Perna. Fire Station #3 is Daniel Parada, Russell Ramirez, and Joseph Ruesch. Fire Station #4 is Michael Darling. Fire Station #5 is Steven Packard. I just got in the mail today, I just opened right before the council meeting, this is from the Texas Controller of Public Accounts. Dear Mr. Paulissen, I'm pleased to inform you the City of League City has earned a 2013 Gold Leadership Circle Award. Your application scored 18 points out of 20 possible on our ratings criteria to earn this award. Your listing on our Texas Transparency website now displays the Gold Seal to indicate that you have received this award. Enclosed is your copy of a Leadership Circle Award certificate and you will also receive a digital seal that you may post on your website. Congratulations on this success in moving forward on financial transparency and joining our leadership circle. In reference to Calder, I think the current plans are the eight foot hike and bike trail was scratched in that project. I believe that was one of the things that came out of the public hearing. I think any roundabouts will be at Butler, but not at Calder. John Baumgartner, we've had a lot of turnover here in a while and John's been here since August and we were right in the middle of a major CIP program to update our water and wastewater programs and John jumped in with both feet and has done an admirable job and he surely will be missed. The Fairview Cemetery, I don't know who is supposed to do this during these little ceremonies, but I would like to thank the Fairview Cemetery Board. Without that Board and their efforts to keep that facility maintained and manicured, we wouldn't have that fine facility here. It's ironic if those listening tonight have ever been to League City, with a population of 90,000, can go down to the end of Kansas street and find this cemetery with graves dating back to the 1900's. It's just fantastic to have a nice, little place of paradise in League City. I did say a few words yesterday about the Memorial Day and right before I went to that ceremony yesterday I was watching television and first it was talking about Memorial Day and back at Omaha Beach during D-Day. Our forces were going up basically against point blank firing of machine guns and their probability of living through that day was not very high and the two things said that day were the people that have died and the people that were fixing to die. Then yesterday morning on the radio I heard a mother of a 17 year old son who had graduated from high school early and as soon as he graduated at 17 he told his mother he wanted to go into the Marines and he wanted to go in the Infantry Division. She said at first she was a little concerned about that, but her son told her that he had many friends in the Marines and those were his brothers and sisters, and he died by a mine that was entrapped in a little fruit wagon on the side of the road. So there have been a lot of parents of kids, especially in Iraq, that are anywhere from 18 to 23 years old, just mere babies. I have a son that is fixing to be 24 so I understand what can happen, the devastating effects of losing a loved one. But just

know that their suffering and their dying was not in vain and continued to allow us to enjoy our freedom.

A motion was made by Ms. Bentley, seconded by Mr. Becker, to suspend the rules and move up Agenda Item 13B.

The motion passed by the following vote:

For: 8 -

Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

13B. 13-1031

Consider and take action on an ordinance amending Chapter 2, Article IV of the Code of Ordinances of the City of League City to establish a position and job duties for a City Internal Auditor (Council Member Bentley and Council Member Kinsey)

A motion was made by Mayor Paulissen, seconded by Mr. Mann, to approve Ordinance No. 2013-22 with the addition to Section 2-231, Internal Auditor will work at the direction of City Council through the Finance Committee.

An amended motion was made by Mr. Becker, seconded by Ms. Thiess, to approve the ordinance as proposed on the agenda.

An amended motion was made by Mr. Becker, seconded by Mr. Mann, to approve the ordinance, reflecting the auditor will work at the direction of the City Council, with day to day reporting to the City Manager. The last sentence of Section 2-231 will be changed to read, "The internal auditor will work at the direction of the City Council, with day to day reporting to the City Manager."

Mr. OKeeffe addressed housekeeping matters in Sections 2-233 and 2-219. The City Attorney will work on clarifying language and grammatical issues and bring back for the second reading. The motion passed by the following vote:

For: 6 -

Mayor Paulissen, Mr. Becker, Ms. Thiess, Mr. Kinsey, Ms. Bentley and Mr. Mann

Opposed: 2 -

Mr. OKeeffe and Ms. Dawson

At 8:07 p.m. Mayor Paulissen called for a 10 minute break.

At 8:19 p.m. Mayor Paulissen reconvened the meeting.

9. REPORTS FROM STAFF MEMBERS

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

9A. 13-1027

Presentation of the FY2013 Midyear Report for the quarter ended March 31, 2013 (City Manager)

Mike Loftin said before I give this report, if I could touch on some housekeeping items with respect to our budget process, as you know the next two nights in this chamber we have workshops scheduled on the CIP. Tomorrow night I think the plan is to talk about the water and wastewater programs and attempt to get all the way through them tomorrow night and then cover tax supported programs on Thursday night. We had originally scheduled for next Tuesday and Wednesday to be meetings on the operating budget, however we will just have delivered to you the pre-budget that follows council's instructions given the lower target including the 3.5 percent cut that was the target number given to us. We want to give you time to absorb that and so we are suggesting that you not meet next Tuesday and Wednesday. We may not have that information to you until Monday, as a matter of fact, and we are instead now going to suggest that we would plan to meet the 12th and 13th which would be the Wednesday and Thursday after the next council meeting. And this presumes that there's not any follow up on the CIP sessions from the next two nights. Is there anybody that cannot do a Thursday night meeting on CIP? Wednesday night is intended to be the water and wastewater programs and I think Mr. Baumgartner has the intention of trying to cover the tax supported programs Thursday night. I do hope that everybody has Monday night, the 3rd, still on your calendar. That is the night for the suggested joint meeting between Council and the 4B Board to talk about the 4B sales tax budget for the next year and the next five years. If the majority of you can be there I would like to suggest that because of the timing and the budget process that that dialogue still would be helpful for who could be there if there is a majority of council. My idea of the agenda for that meeting is staff will start out with a presentation of our take of where we stand right now, with sales tax projections, current project costs, including the pool, including trails, and including the M & O costs for the next five years. Secondly, I would suggest that it would be appropriate to have open discussion between the Council and the Board regarding that information. Then as a third item to have an opportunity for the public to speak, and I believe the people that want to see a pool be constructed are interested in being there. I think there may very well be some people interested in the trail system. You could hear from them. And then as a final wrap up item, have a concluding discussion between the Council and the Board. So if that's amenable to you all, we will be getting a draft agenda out in the next few days.

The report I'm going to present to you quickly now is a report that we do quarterly during the year because once the budget is passed there's a full 18 months that elapses before you have final results on the budget, so what we attempt to do is present what we think our year end results will be as we go through the year. Overall, our general financial condition is good. Our estimated revenues for the current year are \$1.1 million more than anticipated in the adopted budget. That's largely due to the upsurge in growth and its impact on sales tax receipts and building permit revenue. The estimate of total spending is \$2.3 million less than the amended budget, primarily due to spending in the special revenue funds anticipated to be less. This graph shows you in the most recent months since January of 2013 how much our new home construction has jumped and our total water customer account has jumped, which we use as an indicator of growth. We have seen this cool off some in May, which follows the historical pattern,

but we don't have final information on May yet. By fund, the General Fund, we're projecting an ending balance of \$15.5 million, which is \$2.1 million greater than the anticipated fund balance in the adopted budget, again due to sales tax receipts and building permit revenues. The Utility Fund, our projected ending balance is \$19.6 million or 251 days of working capital and after we account for necessary reserves for debt service and working capital, that leaves \$10 million dollars cash available for use on other items. The debt service fund has a projected ending fund balance of \$2.74 million. We have drawn that balance down some this year because we've used over a million in refunding debt, but we did get gross future debt savings of \$3 million and we still have a reserve for next year's South Shore MUD No. 2 debt that was assumed when we dissolved the MUD. In the Special Revenue Funds, twelve are expected to end the year under budget with healthy ending balances. Our revenue sources we've mentioned, I've already mentioned sales tax is up. Basically sales tax is about ten percent ahead of last year, running consistently ahead of last year. Licenses and permits are up significantly reflecting the number of new homes that are being built and the fines and forfeits category is down and this is in the General Fund, not to be confused with the Safe Light Fund. Violations are down, revenue is down. This is simply a reflection of activity by the Police Department and not through any direction from my office or any other administrative office. It is a byproduct of law enforcement. From an expenditure standpoint, General Fund expenditures are projected to be \$622,000 less than the amended budget which is about where we try to end the year, a little over a percent under budget. I'll not go through all of these items but you will be seeing a budget amendment on the agenda on June 11 to address the things that we can anticipate now have to be adjusted as a result of these projections, including the increase in the solid waste budget which we talked about previously that results from the change in the residential charge for trash pickup. The Safe Light Fund reflects the recent settlement and the fact that we expect to basically phase out spending and income during the current fiscal year. The Technology Fund, the expenditures are anticipated to be \$368,000 dollars this year. The City Wide Management System, we will be coming to you to discuss options with that. The \$400,000 that we've set aside for that project is not expected to be an expense this fiscal year. We will be looking at that again during the budget process. The 4B M & O Fund is pretty much as it is. One of the things we will be covering with the Board Monday night is how the Eastern Regional Park is being operated and maintained through the funds in this fund as well as the General Fund. We do have some General Fund revenue that is being used to support on a limited basis some of the activities at Eastern Regional Park. Hotel/Motel Fund, we're expected to end the year again with a half million dollar balance. That includes after having expensed approximately \$365,000 dollars in supportive activities that promote tourism. As far as budgeted positions are concerned, we do have a number of vacancies right now. We have thirty-five positions vacant. Some of those are being eliminated in the cuts that you will see but a significant portion of them we've already anticipated savings from a certain number of positions being unfilled at all times. We have approximately a million dollars in this year's budget savings that we anticipate from that phenomenon. It's just simple cueing theory that you can't keep all these positions filled at the same time. There is an appendix in the back of your report that details by department where those positions are. That concludes this report.

- 9B. [13-1037](#) Presentation and discussion regarding proposed amendments to Chapter 125 (Zoning) of the Code of Ordinances and proposed amendments to the City's Zoning Map related to the League City Historic District (Director of Planning and Development)

Tony Allender said we had initially anticipated bringing this forward to you tonight for vote but given the fact that it's pretty expansive scope change or given the fact that it's a pretty broad change to our zoning, we wanted to give you a staff report on it and then we will come back in June with a request to move forward as an action item so this is the reason it's a staff report tonight. Just a little bit of clarification, as you know in December you were kind enough to grant us a moratorium for projects that would be asked to be added or removed from the historic district so we would have time to create a process that everyone could understand and follow. The Historic District Commission in coordination with a land use attorney specifically hired for this process and in coordination with staff has in fact done that. And in doing so, also took the three documents that guided any decision related to the Historic District, those being Chapter 56, titled Historic Preservation, the Preservation Plan, as well as Chapter 125 Zoning, merging those all into one cohesive document that being the zoning code. That was the solution that was made. The Historic District itself, the boundaries for that district, essentially now would become or propose to become a Historic District conservation overlay within the zoning ordinance. The map before you shows the existing boundaries of the Historic District after removal of certain properties on two different occasions, those being Township, those north of 7th Street, some properties along Coryell and then one property along Main Street. The remaining properties that are in the existing Historic District would essentially become properties in a historic conservation overlay as part of zoning. The nice thing about this is it really makes the process very simple because now if we're talking about amending the boundaries, it's an overlay of zoning, so essentially it becomes a zoning change. So if somebody wants in or wants out, they apply for a zoning change, just as anybody else would apply for a zoning change. So the process allows for recommendations by the Historic District Commission and the Planning and Zoning Commission and then ultimately, and most importantly, the only group that has approval and denial powers as in any rezoning classification is City Council. Another piece I want to point out, with the Historic District, when it was initially Historic District before these changes, a group could come in and if 65 percent of that group wanted a change to be made they could petition that request to be made. So if there were ten properties that wanted to be in the district, for example, or ten properties that were considered to be in the district, as long as seven of those property owners wanted to be in the other three kind of had to come along for the ride whether they wanted to or not. Zoning doesn't work that way. There are only two parties that can rezone property. That's the property owner or the municipality can bring forward a request to rezone so it's no longer 65 percent of property owners can rezone a property, it literally is 100 percent.

Finally, as far as a notification process, this process has to follow the traditional zoning process. So in doing so, the potential applicant has to go through the process of notifying the neighbors, conducting a neighborhood meeting. Once they apply there is a 21 day period where there is a sign posted in the yard. It's notified in the newspaper and then after that time it goes through a series of literally three different public hearings before the HDC that has recommendation powers, those recommendations would go to the Planning and Zoning Commission first. Then Planning and Zoning would have their public hearing and make recommendations and then ultimately those recommendations all come to you for City Council for a third public hearing at which time this body would make approval or denial of the application. It took a lot of time to get this together but at the same time it makes it a very standardized process and it's a process that we all already understand because it's rezoning, so it makes it simple there. What we're asking as far as next steps for implementation again since this is simply a report. When we come to you on June 11, we will have two items on the agenda. We will first have an item that will allow you to, if you choose, approve these changes on first and final reading so that they can immediately go into effect. At the same time we're also going to put an item on the agenda that would allow you to extend the moratorium. If for example, you want to go through the typical two readings, then we can extend the moratorium to make sure that that period is covered and of course at any time if you feel like it needs to go back for further discussion, you can remand it back to the other bodies for consideration and extend the moratorium. So there are a couple of options on the table come June 11, but we wanted to make sure that all potential scenarios were covered so you would have everything you needed come June 11.

10. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Mr. OKeeffe, seconded by Mr. Kinsey, to approve Consent Agenda Items 10A through 10E, pulling 10B for discussion. The motion passed by the following vote:

For: 8 -

Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

10A. 13-1016

Consider and take action approving \$58,608 payment to TxDOT in accordance with the advance funding agreement between the City and the State of Texas, approved by Council with Resolution 2007-35, for McFarland Road Bridge Replacement [CIP project ST0801] (Assistant City Manager Public Works)

Staff recommends approval.

Approved on the Consent Agenda

- 10B. [13-1015](#) Consider and take action approving \$53,730.40 payment to Galveston County in accordance with the inter-local agreement between the City and Galveston County, approved by Council on August 14, 2009 and reaffirmed by Resolution 2012-14 on March 27, 2012, for Calder Rd - Ervin to League City Parkway [CIP project ST1002] (Assistant City Manager Public Works)

Staff recommends approval.

A motion was made by Mr. O'Keeffe, seconded by Mr. Mann, to approve for discussion.

An amended motion was made by Mr. O'Keeffe, seconded by Mr. Mann, to postpone this item to the June 11, 2013 meeting and to instruct staff to update the information on the website pertaining to the Calder Road project. The motion passed by the following vote:

For: 8 -

Mayor Paulissen, Mr. Becker, Mr. O'Keeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

- 10C. [13-1017](#) Consider and take action on acceptance of the municipal infrastructure to serve Brittany Business Park Phase 2 and Phase 3 (Assistant City Manager, Public Works)

Staff recommends approval.

Approved on the Consent Agenda

- 10D. [13-1019](#) Consider and take action on a resolution consenting to the sale and issuance of "Unlimited Tax Bond, Series 2013" for the Galveston County MUD No. 46 in the amount of \$2,175,000, and authorizing the Mayor to execute and the City Secretary to attest same for and on behalf of the City of League City. (Director of Finance)

Staff recommends approval.

Resolution No. 2013-24 was approved on the Consent Agenda

- 10E. [13-1018](#) Consider and take action on Ordinance 2013-18 to provide for the continuation of Chapter 70, Article II, Section 70-41 to 70-47 of the League City Code of Ordinances entitled "Curfew for Minors" - Second Reading (Chief of Police)

Council approved First Reading 8-0-0 on May 14, 2013.

Staff recommends the continuation of this ordinance.

Ordinance No. 2013-18 Second Reading was approved on the Consent Agenda

END OF CONSENT AGENDA

11. **OLD BUSINESS**

12. **NEW BUSINESS**

13. FIRST READING OF ORDINANCES

- 13A. [13-1023](#) Consider and take action on an ordinance amending the City of League City, Texas, Governmental, Proprietary, and Capital Funds Budget for the Fiscal Year 2013 by amending Ordinance No. 2012-21, 2013-12, and 2013-15; making certain findings and containing certain provisions relating to the subject (Assistant City Manager, Public Works)

Staff recommends approval and requests first and final reading.

A motion was made by Mayor Paulissen, seconded by Mr. OKeeffe, to approve first and final reading of this item. The motion passed by the following vote:

For: 8 -

Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

A motion was made by Mr. Mann, seconded by Mr. Kinsey, to approve Ordinance No. 2013-21 amending the City of League City, Texas, Governmental, Proprietary, and Capital Funds Budget for the Fiscal Year 2013 by amending Ordinance No. 2012 21, 2013 12, and 2013 15; making certain findings and containing certain provisions relating to the subject. The motion passed by the following vote:

For: 8 -

Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

- 13B. [13-1031](#) Consider and take action on an ordinance amending Chapter 2, Article IV of the Code of Ordinances of the City of League City to establish a position and job duties for a City Internal Auditor (Council Member Bentley and Council Member Kinsey)

Item 13B was moved forward and addressed following Item 8. Mayor's Comments/Report.

- 13C. [13-0848](#) Consider and take action on an ordinance amending Chapter 46, Article III of the Code of Ordinances of the City of League City entitled "Codes" (Fire Chief)

Staff recommends approval

A motion was made by Mr. Mann, seconded by Ms. Dawson, to approve Ordinance No. 2013-23 amending Chapter 46, Article III of the Code of Ordinances of the City of League City entitled "Codes". The motion passed by the following vote:

For: 8 -

Mayor Paulissen, Mr. Becker, Mr. OKeeffe, Ms. Thiess, Mr. Kinsey, Ms. Bentley, Mr. Mann and Ms. Dawson

14. TABLED ITEMS SUBJECT TO RECALL**15. ITEMS ADDED AFTER ELECTRONIC AGENDA COMPLETED**

16. EXECUTIVE (CLOSED) SESSION (S)

At 9:03 p.m. Mayor Paulissen announced the City Council will now go into executive session to discuss the following items:

- 16A. [13-1034](#) Texas Open Meetings Act, Section 551.072 Government Code - Deliberations about real property
- Discuss potential purchase or sale of real property interests (City Manager)
- 16B. [13-1065](#) Texas Open Meetings Act, Section 551.087 Government Code - Deliberations Concerning Economic Development Negotiations
- Discussion of commercial information received from, and possible offers of incentives to, business prospects seeking location within the City of League City, Texas (City Manager)
- 16C. [13-1036](#) Texas Open Meetings Act, Section 551.071 Government Code - Consultation with City Attorney
- Consultation with City Attorney regarding the following pending litigation :
- Case No. 11-cv-02703; Jornaleros de Las Palmas v. City of League City, Texas, et al; In the United States District Court for the Southern District of Texas, Houston Division (City Attorney)

At 9:51 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)**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: July 9, 2013