



Meeting Minutes City Council

City of Clear Lake Shores City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 281-334-2799 or write to 1006 South Shore Drive, Clear Lake Shores, Texas 77565, at least 48 hours in advance of the meeting.

Tuesday, September 6, 2016 7:00 pm Clubhouse - 931 Cedar

Present: Mayor Pro-Tem Al Burns, Councilman Hoerner, Councilwoman Bailey, Councilwoman Fenwick, Councilman Solmonsson, City Administrator George Jones, Chief Kenneth Cook, City Secretary Christy Stroup, City Attorney Stephanie Kerian-Vaughn. **Late Arrival:** Mayor Johnson (7:30 pm)

1. CALL TO ORDER & DETERMINATION OF QUORUM

Mayor Pro-Tem Al Burns called meeting to order at 7:00 pm.

2. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND THE TEXAS FLAG

Mayor Pro-Tem Burns lead the Pledge of Allegiance to the Flag of the United States of America and the Texas Flag

3. PUBLIC HEARING FOR THE CITY OF CLEAR LAKE SHORES FISCAL YEAR 2016-2017 BUDGET

Mayor Pro-Tem Burns opened the floor for public comments:

Patrick Michaelski stated that he hopes the Council took into consideration the salaries for the Police Department and supplied adequate funds to give them competitive salaries.

City Attorney Stephanie Kerian-Vaughn stated that Council had to take action on the budget immediately following the Public Hearing. We move the agenda items k and l up in the meeting to take action.

k. Discussion on the Proposed 2016-17 Budget for the City of Clear Lake Shores.

City Administrator George Jones stated that there are three parts to the budget that had been changed from the original budget that Council received at last meeting. The differences occur in the City Secretary, Police Department and the Building Department salaries.

The Police Department salaries have been increased to match the City of Kemah including all officer positions and the Assistant Chief and the Chief of Police salary. The change also includes salaries for two additional police officers and overtime for water patrol during peak times of the year.

l. ORDINANCE 2016-09: AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF CLEAR LAKE SHORES, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017; APPROPRIATING MONEY TO THE VARIOUS FUNDS OF THE CITY, ADOPTING THE ANNUAL BUDGET FOR THE CITY OF CLEAR LAKE SHORES, TEXAS; AUTHORIZING CHANGES TO THE PAYROLL PLAN FOR THE EMPLOYEES OF THE CITY OF CLEAR LAKE SHORES AND AUTHORIZING THE CITY ADMINISTRATOR TO TAKE CERTAIN ADMINISTRATIVE ACTIONS REGARDING THE BUDGET.

Councilman Hoerner asked what the total impact on the budget with the changes would be. **George Jones** said that it is approximately \$17,000.00.

Councilwoman Fenwick asked about the overtime funds that were added into the police salaries if the agenda item was not approved later in the meeting? **George Jones** said that it would just go back into the General fund.

Councilwoman Fenwick inquired on the Rainy Day Fund estimate that last year it was \$1,758,614 and this year is \$10,000.00 more. **George Jones** said that is an error and should only be a \$5,000.00 difference.

Councilwoman Fenwick asked why the increase in contractual services? **George Jones** stated that is partially the increased income for the accountant and some for the landscape contract and a few other increases that generally take place as small contracts come up for renewal.

Councilwoman Fenwick inquired about the \$100,000.00 transfer to Roads and Drainage - was this an ordinance that was passed or just something that Council agreed to do each year? **George Jones** said that it initially started a few years ago and has just been a tradition to transfer each year.

Councilwoman Fenwick made a motion to accept the Ordinance 2016-09 as presented. **Councilman Hoerner** second the motion

MOTION PASSED UNANIMOUS

4. REPORTS OF COUNCIL:

Councilwoman Bailey - No report

Councilman Solmonsson - He got married last weekend; A friend that he works with makes "Back the Blue" survival bracelets and is going to forward them to Civic Club to see if they can sell them; Would like for the City to consider putting "Interpretive Signs" in Jarboe Park. He has been discussing with Roselyn Pierce and she will be getting with the Parks Committee.

Mayor Pro-Tem Burns - Councilwoman Fenwick, Ronnie Richards and himself attended a transportation meeting last week. Discussion concerned the Hwy 146 expansion.

Councilwoman Fenwick - Attended a Clear Lake Chamber luncheon last week with Congressman Webber in attendance and they discussed storm surge and the effects on Clear Lake Shores. Congressman Webber expressed an interest in discussing this topic. She will contact him when he returns from out of town and set up a meeting.

Councilman Hoerner - No report

Mayor - No Report

5. STAFF REPORTS:

City Administrator George Jones: Galveston County Mayor and Council Association dinner is next week; National Night Out is October 4, 2016 which is also the date of our scheduled Council meeting. Council will need to consider what other night or any other option and item will be on the agenda at the next meeting; The Learning Channel (TLC) has made an inquiry about doing some filming at the Clear Lake Shores Farmers Market for an upcoming series that includes a family from League City. He will get the word out so that the Farmers Market can hopefully be very active when film date comes.

Chief Cook: Introduced new patrol officer Peter Behler; the Police Department helped out the Louisiana flood victims along with other agencies and groups last Saturday by filling up 3 trucks with supplies to be transported to Louisiana; regular stats for the month of August 2016.

6. UNSCHEDULED VISITORS:

Richard Sowrey expressed that he does not want Council to approve the sale of the Right-of-way property to the property owner at 131 East Shore Drive. This property has already been before ZBOA and denied a variance because it does not qualify for undue hardship.

Rick Janicki, resident resides at 1012 Aspen Road and would like the property previously owned by Jackie Fuller to be addressed because of all the tall grass and rubbish. He also thanked the Police Department for all of their efforts.

7. SCHEDULED VISITOR:

David Feldman - Attorney for Warren Wester, 223 Blue Point Road

George Jones stated that he received an e-mail from Mr. Feldman that they were not going to be attending the meeting and would postpone for a later date.

8. CONSENT AGENDA:

- a. Check Register: 08/11/16 thru 08/31/16
- b. Minutes from Regular Meeting held August 18, 2016

Councilwoman Bailey made motion to approve consent agenda as stated
Councilwoman Fenwick second motion

MOTION PASSED UNANIMOUS

8. COUNCIL BUSINESS - Discussion and possible action may be taken on the following items:

- a. **Presentation and discussion regarding the issuance of Certificates of Obligation or Tax Anticipation Notes to finance a purchase.**

Bill Blicht with Blicht and Associates, Inc. ran through several options that the City would not be able to pursue to finance the purchase of a piece of property.

The City has one option and that is a tax exempt 10 year lease purchase agreement.

Ronnie Richards, President of EDC, inquired if EDC could possibly purchase the property through Sales Tax Revenue Bonds. Mr. Blicht said that may be an option but it was his understanding that the property owner wanted tax exempt income on the lease of the property.

Councilman Hoerner asked Mr. Blicht what the most straight forward course of action should the City pursue. Mr. Blicht said that a tax exempt lease agreement that gives us title to the property for the next 10 years is the best way to go.

- b. **Clear Lake Shores Police Department Marine Division**

1) Purchase two personal watercraft at the cost of \$25,714.00

Lt. Phil Gist expressed to the Mayor Pro-Tem and the City Council the need for the two watercraft units they are wishing to acquire. These units will provide more protection to the residents with the presence on the water. They have much more maneuverability and are able to get into smaller spaces which would increase coverage in the marinas.

The Police Department will be able to use the funds that have been donated by various citizens and funds raised through fundraisers and funds in the Restricted Funds from property forfeitures and seizures. They have enough in each account that the City will not need to be involved monetarily in the purchase of the watercraft units.

Councilman Hoerner made motion to purchase two personal watercraft units at \$25,714.00
Councilwoman Bailey second motion

MOTION PASSED - 4 yes and 1 nay - Councilwoman Fenwick

2) Use of overtime for presence on the water during main boating season

Councilman Hoerner stated the Police Department needs to keep active patrol on land at all times and with the two additional officers to be hired this should allow two officers per shift to patrol. The use of overtime pay or comp time could be used during boating season to fill the spaces needed on the water.

Chief Cook said that the two additional officers will allow for officers to be on the water with a little bit overtime costs.

Councilman Hoerner made motion to the use of overtime for presence on the water during main boating season
Councilwoman Bailey second the motion

MOTION PASSED - 4 yes and 1 nay - Councilwoman Fenwick

c. Approve Change Order No. 3 for the 2015 Multiple Street Improvements Project in the amount of \$46,836.00 for the additional excavation required on Birch Road due to the discovery of unsuitable base material.

Brad Matlock with Cobb Fendley spoke on the street project and the concerns of the base material. When contractor started cutting through the road to work on the drainage they found a substance that is not compatible with what the project entails. The material called GS100 and was used years ago to stabilize but it cannot be used with concrete because the concrete will not adhere to the GS100.

Two options were available: One option - Use asphalt bond breaker that would be put between the GS100 and the concrete. In order to do that they would have drill down a little bit more to get the right elevation then put the asphalt then the concrete on top. This option was more expensive so they decided to not go with this.

Second option which is the one that was chosen and is the one presented with the change order-Break out the material and excavated to 18 inches and then bring in extra material to fill and then go back to the original plan of layering lime and concrete.

Councilwoman Fenwick made motion to accept Change Order No. 3
Councilman Solmonsson second motion

MOTION PASSED UNANIMOUS

d. A request from Ann Sturrock to sell a portion of City street right of way to her to allow the construction of a home at 131 East Shore Drive in Clear Lake Shores.

Sam Weeke, architect for Ann Sturrock, spoke on the property. They are looking for the City to sell them a portion of the right-of-way so that Ms. Sturrock can build stairs and a portion of the corner of her home. The lot is pie shaped and in order for her to build a rectangle home she would need access to the portion of right-of-way.

She has gone before the variance board twice has been denied due to the fact that she does not qualify for a "hardship".

Quite a bit of discussion between Council and property owner concerning the area needed to build the stairs.

Mayor Pro-Tem Burns asked if Council wanted to go forward with proposing the sale of the right-of-way or not. If not interested then no need to pursue further.

City Attorney stated that if we wanted to entertain the sale of the right-of-way we would need to figure out an amount based on the fair market value and an ordinance would need to be drafted to sell whatever portion of the right-of-way was agreed to. Also, if Council decides to sell the right-of-way it must be in the interest of the public not for just one person.

Councilman Hoerner made motion - Agree to entertain an offer for the minimum amount required per their options and to communicate with **George Jones** and come back to next council meeting with an offer to consider that does not bind us to proceed with the sell.

Councilwoman Bailey second the motion

Motion carries with 3 yes - Councilman Hoerner, Councilwoman Bailey and Councilman Solmonsson
2 nays - Councilwoman Fenwick and Mayor Pro-Tem Burns

- e. **Re-appoint Craig Hervey and Steve Wirtes to the Planning and Zoning Committee for a 2 year term ending September 30, 2018.**

Councilman Hoerner made motion to accept as written
Councilman Solmonsson second the motion

MOTION PASSED UNANIMOUS

- f. **Re-appoint Pam Zuteck and Richard Sowrey to Zoning Board of Adjustments for a 2-year term ending September 30, 2018**

Councilman Hoerner made motion to accept as written
Councilwoman Fenwick second the motion

MOTION PASSED UNANIMOUS

- g. **Re-appoint Richard Sowrey, Mike McNamara, Ronnie Richards, Al Burns and Charles Jenkins to the Roads and Drainage Committee for a 2-year term ending September 30, 2018.**

Councilman Solmonsson made motion to accept as written
Councilwoman Fenwick second the motion

MOTION PASSED UNANIMOUS

- h. **Cast a ballot for Places 6 - 9 of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees and recommendations from City Administrator.**

Councilwoman Fenwick made motion to accept the City Administrator recommendations for Places 6 - 9 of the TMLIRP Board of Trustees
Councilwoman Bailey second the motion

MOTION PASSED UNANIMOUS

- j. **Appoint a representative to the Galveston County Transit Authority.**

Councilman Solmonsson volunteered to take the representative position.

Councilman Hoerner made motion to appoint *Councilman Solmonsson* as representative
Councilwoman Fenwick second the motion

MOTION PASSED UNANIMOUS

ITEMS K and L WERE MOVED TO THE BEGINNING OF THE MEETING AFTER THE PUBLIC HEARING

- k. **Determine the course of action of the Bridge and Boat Pier/Slips along Clear Lake Road**

George Jones stated that the pier is becoming a liability and we need to do something with it. He voiced two options: 1) Repair or replace it or 2) tear it down and let the leaseholders know they will need to find another place to store their boats. Current leaseholders are paid up through July 31, 2017.

City Engineer, Brad Matlock stated that it would cost anywhere from \$100,000.00 to \$150,000.00 to replace the pier and rebuild as is including the electrical.

Councilwoman Bailey inquired on the cost just to tear it down. Brad Matlock said he did not have the numbers and that is a specialty item that would need to be priced.

Mayor Pro-Tem Burns asked what it would cost to tear out the rip rap and bulkhead across the waters edge? Brad said that he did not have those numbers. He is not prepared to speak on that issue since it wasn't brought to his attention prior to him coming to the meeting.

Councilman Hoerner said that it has been talked about building a pedestrian bridge. This could be where we put that bridge and allow the slip holders to build finger piers off the pedestrian bridge.

Brad Matlock stated the vehicular bridge would need to be replaced eventually. It is coming to the end of its span and that the City might consider building an addition to the vehicular bridge like the one on Birch through Lazy Bend.

Councilman Hoerner asked the City Attorney to review the lease and see if there is anything stating that we can or cannot terminate the lease early.

Councilwoman Fenwick made motion to allow the City Attorney to review the Waterfront Lease Agreement for termination rules

Councilman Solmonsson second the motion

MOTION PASSED UNANIMOUS

- m. **Council interpretation of Section 18, Appendix A to the Clear Lake Shores Municipal Code (the Sign Ordinance), paragraphs D, E, F, and J and determine enforcement policy.**

George Jones stated that the current sign ordinance prohibits sign trailers. The business owner on FM 2094 has a trailer out front that has signs on it. The owner states that he has a trailer with signs and not a sign trailer. Owners definition of a sign trailer is the kind that are on wheels that you can replace the lettering and are lit up.

Also, this same business owner has feather flags out by the roadway and according to our sign ordinance they could possibly fall under the category of streamers or ribbon signs. *George Jones* would like for Council to determine which category these are and/or if we need to enforce a violation of the sign ordinance.

According to the City Attorney portions of our sign ordinance is out of compliance as of last summer. She advised Council to wait on making any decisions until she has had time to review the ordinance and can determine which regulations need to be restructured.

Mayor Pro-Tem Burns asked for a motion to postpone until next meeting
Councilman Solmonsson made 1st motion
Councilman Hoerner second the motion

MOTION PASSED UNANIMOUS

- n. **Council interpretation of Chapter 82-150 Uses C-1 commercial zoning district (referring to building premises in a C-1 commercial zoning district) and determine enforcement policy.**

George Jones stated that at Frank's Body Shop on FM 2094 there is a motor home being stored there that is not permissible in C-1 Commercial zone. The owner states that he does not live in it except for on occasion.

George Jones asked Council how far they wanted for him to go pursue rectifying the situation. Do they want to involve legal action?

Council stated to pursue like any other ordinance procedure.

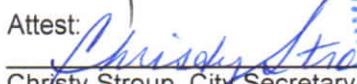
Councilwoman Fenwick made motion to follow normal procedure for enforcement of our ordinances
Councilwoman Bailey second the motion

MOTION PASSED - 4 yes - Councilwoman Fenwick, Councilwoman Bailey, Councilman Solmonsson, Mayor Pro-Tem Burns
1 nay - Councilman Hoerner

9. Adjournment: 9:19 pm

7-20-16
Date Approved

Al Burns, Mayor Pro-Tem

Attest:

Christy Stroup, City Secretary

