

Meeting 12 of 48 2010-2011 City Council of Galveston, Texas

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF GALVESTON HELD OCTOBER 28, 2010 - 4:00 PM

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present: Mayor Jaworski, CM Puccetti, CM Gonzales, CM Beeton, MPT Colbert, CM Greenberg, CM Legg
5. DECLARATION OF CONFLICT  
CM Greenberg filed a Declaration of Conflict on Agenda Item 9C.
6. APPROVAL OF MINUTES  
The Minutes of the Regular Meeting of October 14, 2010 were unanimously approved upon motion by CM Legg and second by CM Puccetti.
7. PRESENTATIONS  
None
8. COMMUNICATIONS AND PETITIONS  
A. Notices of Claim: 10080-Allen Herrera; 10081-Susan Kelso; 10082-Verizon; 10083-Mary Mason
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS  
A. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit for development excavation in conjunction with the construction of a navigable canal in a Planned Development (PD) Zoning District on property legally described as "a 185.833-acre tract, being a portion of lots 294, 295, 302, 303, 313, 314, 319, 332, 337, 345, 348, 349, 350, 357, 358, 367, 368, 374, 375, 385, 386, 390, 391, 403 and 406 and all of lots 320, 329, 330, 331, 338, 339, 340, 346 and 347 of the Trimble and Lindsey Survey, Section 2, in the City and County of Galveston, Texas;" commonly known as the Anchor Bay Subdivision and commonly described as 12540 Stewart Road - a parcel of land located north of Stewart Road, east of 11 Mile Road, and west of 10 Mile Road; Planning Case Number 09P-63.  
ORDINANCE NO. 10-083 was read by caption: GRANTING A SPECIFIC USE PERMIT FOR DEVELOPMENT EXCAVATION IN CONJUNCTION WITH THE CONSTRUCTION OF A NAVIGABLE CANAL IN A PLANNED DEVELOPMENT (PD) ZONING DISTRICT ON PROPERTY LEGALLY DESCRIBED AS A 185.833-ACRE TRACT, BEING A PORTION OF LOTS 294, 295, 302, 303, 313, 314, 319, 332, 337, 345, 348, 349, 350, 357, 358, 367, 368, 374, 375, 385, 386, 390, 391, 403 AND 406 AND ALL OF LOTS 320, 329, 330, 331, 338, 339, 340, 346 AND 347 OF THE TRIMBLE AND LINDSEY SURVEY, SECTION 2, IN

THE CITY AND COUNTY OF GALVESTON TEXAS; COMMONLY KNOWN AS THE ANCHOR BAY SUBDIVISION AND COMMONLY DESCRIBED AS 12540 STEWART ROAD - A PARCEL OF LAND LOCATED NORTH OF STEWART ROAD, EAST OF 11 MILE ROAD, AND WEST OF 10 MILE ROAD AT; PLANNING CASE NUMBER 09P-63; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request for the specific use permit.

Mayor Jaworski opened the PUBLIC HEARING.

Steve Schulz, Attorney representing the applicant, asked to approve the request.

Theresa Elliott, Spanish Grant, opposed.

John Thompson, Spanish Grant, opposed.

Alice Ann O'Donell, opposed.

Greg Harrington, representing Galveston Chamber of Commerce, read statement dated August 18, 2009 in support.

Jerry Mohn, West Galveston Island Property Owners Assn., opposed.

Ms. Gary Bruegger, Spanish Grant, opposed.

Bill Moll, Camino Real, opposed.

Marie Robb, 4101 Rum Bay, in support.

Judy Aronson, 12833 E. Toledo, Spanish Grant, opposed.

Bruce Reinhart, Austin, in support.

Dianna Kasper, Spanish Grant, opposed.

Chris Kasper, Spanish Grant, opposed.

Bill Broussard, 3310 Eckard, opposed.

Ken Diestler, Spanish Grant, opposed.

Allison Barker, Spanish Grant, opposed.

Karen Shattuck, Spanish Grant, opposed.

Jeff Sjostrom, Galveston Economic Development Partnership, in support. The GEDP passed a resolution in support of Anchor Bay.

There being no one else to speak, the Public Hearing was closed.

Motion to approve by CM Greenberg. Second by CM Puccetti. In favor: CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert, CM Greenberg, CM Legg. Opposed: CM Beeton. Motion carried.

- B. Consider for approval an Ordinance of the City of Galveston, Texas amending the Galveston Zoning Standards by amending the following Sections: Section 29-54: Sand Dune Area Definitions; Section 29-90: Development, Preservation and Protection of Sand Dunes, to add and modify definitions, establish Planning Commission and Administrative review process and criteria of beachfront construction certificates/dune protection permits within close proximity to the beach, modify the associated application review process, establish construction setbacks for new development, and move the dune protection line landward; rescinding Ordinance No. 10-035; Planning Case No. 10ZA-03; providing for an effective date.

ORDINANCE was read by caption: AMENDING THE GALVESTON ZONING STANDARDS BY AMENDING THE FOLLOWING SECTIONS: SECTION 29-54: SAND DUNE AREA DEFINITIONS; SECTION 29-90: DEVELOPMENT, PRESERVATION AND PROTECTION OF SAND DUNES, TO ADD AND MODIFY DEFINITIONS, ESTABLISH PLANNING COMMISSION AND ADMINISTRATIVE REVIEW

PROCESS AND CRITERIA OF BEACHFRONT CONSTRUCTION CERTIFICATES/DUNE PROTECTION PERMITS WITHIN CLOSE PROXIMITY TO THE BEACH, MODIFY THE ASSOCIATED APPLICATION REVIEW PROCESS, ESTABLISH CONSTRUCTION SETBACKS FOR NEW DEVELOPMENT, AND MOVE THE DUNE PROTECTION LINE LANDWARD; RESCINDING ORDINANCE NO. 10-035; PLANNING CASE NO. 10ZA-03; PROVIDING FOR AN EFFECTIVE DATE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the proposed ordinance.

Mayor Jaworski opened the PUBLIC HEARING.

Bennie Davis, 56 LeBrun Ct., stated his concerns regarding the proposed ordinance.

Marty Baker, in support of deferral

Peggy Sayler, 12520 E. Ventura, in support of deferral

Steve Schulz, One Moody Plaza, Attorney, in support of deferral.

Alice Ann O'Donell, more time is needed to work on ordinance.

Marie Robb, 4101 Rum Bay, has concerns pertaining to the proposed ordinance. In support of deferral.

Jerry Mohn, West Galveston Island Property Owners Assn., in support of deferral.

Bruce Reinhart, Austin, Tx. In support of deferral.

There being no one else to speak, the Public Hearing was closed.

**CM Puccetti moved to defer to first meeting in December (December 2, 2010) to give staff direction. Second by CM Greenberg. Unanimously approved.**

- C. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in a Resort, Seawall Development Zone, Zone Two, Zoning District (RES-SDZ-2) in conjunction with the development of an "Amusement, Commercial (outdoor)" use on property commonly known as the Flagship Pier and located at 2501 Seawall Boulevard; property is legally described as "abstract 628, M. Menard Survey, N.E. & S.E. Blocks 141 & adjacent acreage tract (141-3000-0), Galveston Outlots, in the City and County of Galveston, Texas; Planning Case Number 10P-85.

ORDINANCE NO. 10-084 was read by caption: GRANTING A SPECIFIC USE PERMIT IN A RESORT, SEAWALL DEVELOPMENT ZONE, ZONE TWO, ZONING DISTRICT (RES-SDZ-2) IN CONJUNCTION WITH THE DEVELOPMENT OF AN "AMUSEMENT, COMMERCIAL (OUTDOOR)" USE ON PROPERTY COMMONLY KNOWN AS THE FLAGSHIP PIER AND LOCATED AT 2501 SEAWALL BOULEVARD; PROPERTY IS LEGALLY DESCRIBED AS "ABSTRACT 628, M. MENARD SURVEY, N.E. & S.E. BLOCKS 141 & ADJACENT ACREAGE TRACT (141-3000-0), GALVESTON OUTLOTS, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 10P-85; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request.

Mayor Jaworski opened the PUBLIC HEARING.

Jeff Cantwell, Sr. Vice-President of Development for Landrys was present to answer questions.

There being no one else to speak, the Public Hearing was closed.

**CM Greenberg declared a conflict of interest on Item 9C.**

**CM Legg moved to approve. Second by CM Puccetti. In favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, CM Colbert, CM Legg. Abstaining: CM Greenberg. Motion approved.**

- D. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to operate a "Gasoline Service Station" and "Convenience Store" in the Retail, Seawall Development, Zone 4 and Height and Density Development Zone, Zone 5 (R-SDZ-4-HDDZ-5) zoning district; Property is commonly known as 8910 Seawall Boulevard and legally described as "part of Lots 7 and 8 (8-3), S.W. Sydnors, a subdivision in the City and County of Galveston, Texas"; Planning Case Number 10P-82.

ORDINANCE NO. 10-085 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A "GASOLINE SERVICE STATION" AND "CONVENIENCE STORE" IN A RETAIL, SEAWALL DEVELOPMENT, ZONE 4 AND HEIGHT AND DENSITY DEVELOPMENT ZONE, ZONE 5 ZONING DISTRICT (R-SDZ-4-HDDZ-5) AT 8910 SEAWALL BOULEVARD; PROPERTY IS LEGALLY DESCRIBED AS "PART OF LOTS 7 AND 8 (803), S.W. SYDNORS, A SUBDIVISION IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; PLANNING CASE NUMBER 10P-82, MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request. She stated the following conditions had been added by staff and the Planning Commission: Additional landscaping along the 89<sup>th</sup> St. Side as well as Seawall Blvd.; Canopy design, backup generator and there will be no coin operated machines at the existing convenience store. There are some specific requirements with regard to truck path refueling and insuring there is enough parking on the site.

Mayor Jaworski opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.

**CM Beeton moved approval with the conditions from staff and the Planning Commission. Second by MPT Colbert. Unanimously approved.**

- E. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to operate a "Gasoline Service Station" in the Retail, Seawall Development, Zone 3 and Height and Density Development Zone, Zone 4, (R-SDZ-3-HDDZ-4) zoning district; Property is commonly known as 5800 Seawall Boulevard and legally described as "Hall & Jones Survey, Reserve A (1-1), Block 1, Kroger-Seawall; Planning Case Number 10P-84.

ORDINANCE NO. 10-086 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A "GASOLINE SERVICE STATION" IN THE RETAIL ZONING DISTRICT AND THE SEAWALL DEVELOPMENT ZONE, ZONE 3 AND HEIGHT AND DENSITY DEVELOPMENT ZONE, ZONE 4, (R-SDZ-3-HDDZ-4) AT 5800 SEAWALL BOULEVARD, LEGALLY DESCRIBED AS HALL & JONES SURVEY, RESERVE A (1-1), BLOCK 1, KROGER-SEAWALL; PLANNING CASE NUMBER 10P-84, MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request. She stated the following changes: 1. Last Whereas on page 2 -typo with regard to the Seawall Development Zone 3 (not Zone 4); 2 and 3. On page 3 under Section 2: The applicant should be Linda Tomblin in the care of Kroger Inc. In Section 2 and then the specific conditions listed for Planning Commission: 1.

The delivery time shall be restricted to no delivery between the hours of midnight and 7:00 a.m.

2. The canopy design shall be shielded from the view of the neighborhood on top and exceed the existing wind load and be minimized in size and scale. New designs shall be submitted prior to the City Council meeting.

3. The twenty-two (22) parking spaces to the north of the fuel station shall be eliminated and replaced with a 10' landscape buffer.

4. An operational back-up generator shall be required. Additional conditions that are specific for this case are on page 4.

Additional comments with regard to trash receptacles, lighting fixtures and then specific conditions for this use. She made one note that the Planning Commission did ask that, along the neighborhood to the north, the spaces that are currently 90 degree that head in to the neighborhood to the north be eliminated and that a 10' landscaping buffer be presented. Kroger is requesting to install parallel parking places.

Mayor Jaworski opened the PUBLIC HEARING.

Linda Tomblin, Kroger, Ray Druer, Architect, explained the changes in the parking requirements.

There being no one else to speak, the Public Hearing was closed.

**CM Greenberg moved approval with parallel parking. Second by MPT Colbert. Unanimously approved.**

#### 10. PUBLIC COMMENT

Bill Broussard, on behalf of GAIN, the GHA is working in the direction of scattered housing. GAIN supports a wetlands ordinance.

David Stanowski, President of Galveston Open Government Project, fair housing concerns. Jacqueline Tarpey, 2211 Ave. P. Public housing concerns.

Fred Thomas, 1109 25<sup>th</sup> St., spoke in support of Action Item 12Q.

Jerry Mohn, West Galveston Island Property Owners Assn., Galveston County Beach Erosion Task Force, in support of Action Item 12T

Tom Hilton, 5405 Ave. K, in support of rebuilding public housing.

Sheila Bell, concerns regarding flooding.

Jonathon Tromm, in support of Action Item 12Q.

Marty Baker, in support of Action Item 12T

Cornelia Harris Banks, 3328 Ursuline, in support of public housing.

#### 11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas creating the Nuisance and Abatement Division under the Department of the City Manager.

ORDINANCE NO. 10-087 was read by caption: CREATING THE NUISANCE AND ABATEMENT DIVISION UNDER THE DEPARTMENT OF THE CITY MANAGER; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

**Motion to approve by CM Puccetti. Second by CM Gonzales. Unanimously approved.**

B. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 34, "Traffic" of "The City Code of Galveston, 1982, as amended," by amending Section 34-117.5, "Two-hour limited parking between 8:00 a.m. and 5:00 p.m.," to the hours of 9:00 a.m. and 6:00 p.m.; to provide for two-hour parking limits on Church

Street from 20<sup>th</sup> to 26<sup>th</sup> Streets on both sides; Postoffice Street from 25<sup>th</sup> Street to 26<sup>th</sup> Street on both sides; Postoffice Street from 20<sup>th</sup> Street to 19<sup>th</sup> Street on both sides; Market Street from 25<sup>th</sup> Street to 26<sup>th</sup> Street on both sides; Market Street from 20<sup>th</sup> Street to 19<sup>th</sup> Street on the South side; Mechanic Street from 25<sup>th</sup> Street to 26<sup>th</sup> Street on both sides; Mechanic Street from 20<sup>th</sup> Street to 19<sup>th</sup> Street on both sides; Santa Fe Place from 25<sup>th</sup> Street to 26<sup>th</sup> Street on both sides; 25<sup>th</sup> Street from Church Street to Mechanic Street on the East side; 25<sup>th</sup> Street from Church Street to Santa Fe Place on the West side; 20<sup>th</sup> Street from Church Street to Postoffice Street on both sides; 20<sup>th</sup> Street from Market Street to Harborside Drive on the West side; 20<sup>th</sup> Street from Mechanic Street to Harborside Drive on the East side; making various findings and provisions related to the subject.

(This item has been modified, clarified and/or extended from the Workshop Agenda item.)

ORDINANCE NO. 10-088 was read by caption: AMENDING CHAPTER 34, "TRAFFIC" OF "THE CITY CODE OF GALVESTON, 1982, AS AMENDED," BY AMENDING SECTION 34-117.5, "TWO-HOUR LIMITED PARKING BETWEEN 8:00 A.M. and 5:00 P.M.", TO THE HOURS OF 9:00 A.M. and 6:00 P.M.; TO PROVIDE FOR TWO-HOUR PARKING LIMITS ON CHURCH STREET FROM 20<sup>TH</sup> TO 26<sup>TH</sup> STREETS ON BOTH SIDES; POSTOFFICE STREET FROM 25<sup>TH</sup> STREET TO 26<sup>TH</sup> STREET ON BOTH SIDES; POSTOFFICE STREET FROM 20<sup>TH</sup> STREET TO 19<sup>TH</sup> STREET ON BOTH SIDES; MARKET STREET FROM 25<sup>TH</sup> STREET TO 26<sup>TH</sup> STREET ON BOTH SIDES; MARKET STREET FROM 20<sup>TH</sup> STREET TO 19<sup>TH</sup> STREET ON THE SOUTH SIDE; MECHANIC STREET FROM 25<sup>TH</sup> STREET TO 26<sup>TH</sup> STREET ON BOTH SIDES; MECHANIC STREET FROM 20<sup>TH</sup> STREET TO 19<sup>TH</sup> STREET ON BOTH SIDES; SANTA FE PLACE FROM 25<sup>TH</sup> STREET TO 26<sup>TH</sup> STREET ON BOTH SIDES; 25<sup>TH</sup> STREET FROM CHURCH STREET TO MECHANIC STREET ON THE EAST SIDE; 25<sup>TH</sup> STREET FROM CHURCH STREET TO SANTA FE PLACE ON THE WEST SIDE; 20<sup>TH</sup> STREET FROM CHURCH STREET TO POSTOFFICE STREET ON BOTH SIDES; 20<sup>TH</sup> STREET FROM MARKET STREET TO HARBORSIDE DRIVE ON THE WEST SIDE; 20<sup>TH</sup> STREET FROM MECHANIC STREET TO HARBORSIDE DRIVE ON THE EAST SIDE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

(This item has been modified, clarified and/or extended from the Workshop Agenda item.)

**CM Puccetti moved approval. Second by CM Gonzales.**

City Attorney Green said if AMPCO is going to be the entity that enforces the two hour parking and the perimeters and boundaries, she suggested adding the following language: Pursuant to this code, AMPCO will act as the authorized parking enforcement agent for the meter parking and the surrounding areas as defined in this section.

**Amendment accepted by CM Puccetti and CM Gonzales. Unanimously approved as amended.**

- C. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 1 "General Provisions" of "The Code of the City of Galveston, 1982, as amended", Section 1-2 "Terms Construed" by defining "citation" and "person"; adding Section 1.9 "Code Enforcement Citations in Criminal Enforcement" to permit and allow certified code compliance officers, certified building officials, certified building inspectors,

certified plumbing inspectors and certified animal control officers, to issue citations for alleged criminal violations of city ordinances; providing for rules, standards, and procedures; establishing a criminal penalty; providing for an effective date and making various findings and provisions related to the subject.

ORDINANCE NO. 10-089 was read by caption: AMENDING CHAPTER 1 "GENERAL PROVISIONS" OF "THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED? SECTION 1-2 "TERMS CONSTRUED" BY DEFINING "CITATION" AND "PERSON"; ADDING SECTION 1.9 "CODE ENFORCEMENT CITATIONS IN CRIMINAL ENFORCEMENT" TO PERMIT AND ALLOW CERTIFIED CODE COMPLIANCE OFFICERS, CERTIFIED BUILDING OFFICIALS, CERTIFIED BUILDING INSPECTORS, CERTIFIED PLUMBING INSPECTORS AND CERTIFIED ANIMAL CONTROL OFFICERS, TO ISSUE CITATIONS FOR ALLEGED CRIMINAL VIOLATIONS OF CITY ORDINANCES; PROVIDING FOR RULES, STANDARDS, AND PROCEDURES; ESTABLISHING A CRIMINAL PENALTY; PROVIDING FOR AN EFFECTIVE DATE AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

City Attorney Green stated this ordinance also includes sanitation officers.

**Motion to approve by CM Beeton. Second by MPT Colbert. Unanimously approved.**

- D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas directing the Galveston Housing Authority to submit to the City within 180 days detailed site plans to address the one-for-one replacement of public housing units.

RESOLUTION NO. 10-053 was read by caption: DIRECTING THE GALVESTON HOUSING AUTHORITY TO SUBMIT TO THE CITY WITHIN 180 DAYS DETAILED SITE PLANS TO ADDRESS THE ONE-FOR-ONE REPLACEMENT OF PUBLIC HOUSING UNITS; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED AND TRUE COPY OF THIS RESOLUTION TO THE GALVESTON HOUSING AUTHORITY, AND THE EXECUTIVE DIRECTORS FOR THE TEXAS DEPARTMENT OF RURAL AFFAIRS AND THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion to approve by Mayor Jaworski. Second by MPT Colbert. Vote in favor: Mayor Jaworski, CM Puccetti, CM Gonzales, MPT Colbert. Opposed: CM Beeton, CM Greenberg. Abstaining: CM Legg. Motion carried.**

## 12. ACTION ITEMS

The following items shall be considered for action as a whole, unless one or more Council Members objects:

- A. Consider for action and approval and authorizing the City Manager to execute a new letter of intent between the City of Galveston, Texas and Mitchell Historic Properties for the development and construction of a transportation terminal and parking facility on property located at the northeast corner of 25th and Strand.

**CM Puccetti moved approval. Second by CM Legg.**

**City Manager LeBlanc asked that the motion be amended to extend the ground lease approval date to December 31, 2010. CM Puccetti and CM Legg agreed to the amendment to the motion. Vote in favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert, CM Legg. Abstaining: CM Greenberg. Motion carried.**

- B. Consider for action entering into a contract with Robert J. Barfield for municipal prosecutorial services through September 30, 2011 and authorizing the City Manager to execute a contract in substantially the same as the attached agreement, subject to approval by the City Attorney.
  - C. Consider for action authorizing the City Manager to execute a twenty year lease with Bryan Fisher for 2,000 sq. ft. of ramp space at 2726 Terminal Drive for the construction of one hangar at the rate of \$30.00 per month with an escalation clause of the greater of CPI-U or 2.5% annually upon final approval by the City Attorney.
  - D. Consider for action authorizing the City Manager to execute a Participation Agreement for Phase 11 of the drainage project at Scholes International Airport (TxDOT) Project No.: AP Galveston 16) of which the total design and construction project costs are estimated to be \$3,400,000 after final approval by the City Attorney. \$300,000 will come from TIRZ 14 and \$40,000 will come from Capital Improvement Account.
  - E. Consider for action authorizing the City Manager to execute a Third Amendment of the lease between Jay Balentine and the City of Galveston, whose Assignment of Lease from Evergreen Helicopters, Inc., was approved on March 26, 2009, amending the liability insurance requirements on Exhibit B upon final approval by the City Attorney.
- Motion to approve by CM Puccetti. Second by CM Legg. Unanimously approved.**

- F. Consider for action authorizing the City Manager to make an expenditure of \$27,999.20 from Capital Outlay, which is the City's share of TxDOT Project No.: AP GALVESTON 11, TxDOT CSJ No.: 0712GLVST, for design services to construct a north and south hangar access taxiway at Scholes International Airport.
- G. Consider for action authorizing the City Manager to execute a Participation Agreement for a grant for Routine Airport Maintenance Program (RAMP) after final approval by the City Attorney.
- H. Consider for action authorizing the City Manager to execute two copies of Amendment No. 3 of the Airport Project Participation Agreement for TxDOT Project No.: AP GALVESTON 11, TxDOT CSJ No.: 0712GLVST, increasing the grant by \$279,990 for additional design and environmental fees for design services to construct a north and south hangar access taxiway at Scholes International Airport.
- I. Consider for approval purchase of Agenda Quick Software and training to electronically create agendas. The cost is \$17,450 and the funding source is General Contingency.
- J. Consider for action authorizing the purchase of sixty-five (65) Global Positioning Satellite (GPS) Vehicle Tracing Devices and annual cost associated with air-time service from VEHICLEPATH in the amount of \$35,485.55 (equipment and first year air-time) with an estimated annual air-time cost of \$18,688.80.

**Motion to approve by CM Puccetti. Second by CM Legg. Vote in favor: CM Puccetti, CM Beeton, Mayor Jaworski, MPT Colbert, CM Greenberg, CM Legg. Opposed: CM Gonzales. Motion carried.**

- K. Consider for action authorizing the purchase of annual maintenance contract for the police department's in-cars Recording Camera Systems from the L-3 Communication Mobile-Vision Inc. for a total price of \$15,073.75.
- L. Consider for approval the purchase of two new TYMCO 600 COMDEX Street Sweepers for the Clean Galveston Plan through HGAC Buy from TYMCO INC. for a total price of \$368,490. These vehicles will be funded from the Vehicle Replacement Account and will increase the Street Sweeper Fleet from one unit to three units.
- M. Consider for approval the purchase of one new 2011 Ford 250 Crew Cab Truck for the Clean Galveston Plan through HGAC Buy from Phillpott Motors for a total price of \$28,394.58. This vehicle will be funded from the Vehicle Replacement Account.
- N. Consider for approval a final change order (which includes credits) to Holiday Builders Inc. in the total amount of \$25,727 for the Island Transit Maintenance Facility Renovation/Expansion Project which was previously awarded under RFB#09-10-011. The change orders have changed the total contract amount from \$1,833,000 to \$1,800,273 equaling a negative balance of -\$32,269 (7.6%). Funding source is FTA and ARRA Accounts.
- O. Consider for approval authorizing the City Manager to enter into an interlocal agreement with H-GAC to provide temporary public sector jobs to unemployed individuals for a period of twelve months.
- P. Consider for action authorizing the City Manager to release funding to renew the contract with Van Scoyoc in the amount of \$18,423.50 for federal lobbying services, as part of an interlocal agreement between the City of Galveston, the Park Board of Trustees, the City of Jamaica Beach, and the County of Galveston. Total Contract amount is \$45,900.00. Funding source is Planning Other Contracts Account.

**Motion to approve by CM Puccetti. Second by CM Legg. Unanimously approved.**

- Q. Discuss and consider for action giving the City Manager and City Attorney direction regarding revisions to City ordinances so as to allow residents east of 103rd Street to keep chickens (hens only). (Beeton/Greenberg)

**CM Greenberg moved to remove the geographic area and allow city wide. Second by CM Legg. Unanimously approved.**

- R. Discuss and consider for action adopting measurable goals for evaluation of City Attorney. (Beeton/Greenberg)

DEFERRED

S. Discuss and consider for action giving the City Manager direction concerning Seawall parking project.

**CM Puccetti moved that in terms of the schedule for the paid parking, it would be 9:00 a.m. to 6:00 p.m. March 1 through September 30, seven days a week and weekends only from October 1 to February 28 (Leap year/February 29). Second by CM Legg. Unanimously approved.**

T. Consider for action authorizing the City Manager to enter into a professional services contract with Nick Kralj and Buster Brown for the purpose of providing lobbyist services at the state level relating to coastal planning and funding as part of an interlocal agreement between the city of Galveston, the Park Board of Trustees, the City of Jamaica Beach, and the County of Galveston. Total contract is \$48,000.00. Funding Source is Planning Other Contracts account. (Mayor)

**Motion to approve by CM Legg. Second by CM Puccetti. Unanimously approved.** CM Beeton requested that minutes of the Erosion Task Force be given to Council. Ms. O'Donohoe said she would email them.

U. Consider for action confirming the City Manager's appointment of Jeff Smith as Fire Chief for the City of Galveston.

Motion to approve by CM Puccetti. Second by CM Gonzales. Unanimously approved.

V. Discuss and consider for action revision of noise ordinance. (Legg/Greenberg)

After discussion, **CM Legg moved to defer to November 11, 2010 Workshop. Second by CM Greenberg. Unanimously approved.**

**CM Puccetti moved approval of Action Items B, C, D, F, G, H, I, K, L, M, N and O. Second by MPT Colbert. Unanimously approved.**

### 13. MAYOR AND COUNCIL APPOINTMENTS

A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:

Parks and Recreation Committee: Mayor Jaworski moved to reappoint Chris Keller to the At-Large position. Second by CM Legg. Unanimously approved.

Civilian Review Board MPT Colbert moved to reappoint Leon Phillips to the District 2 position. Second by CM Puccetti. Unanimously approved. CM Beeton moved to reappoint Dorothea Lewis. Second by MPT Colbert. Unanimously approved. CM Puccetti moved to appoint Mike Christenson. Second by CM Greenberg. Unanimously approved.

CM Greenberg moved to appoint Ross Polk to the District 5 position. Second by CM Puccetti. Unanimously approved.  
Mayor Jaworski moved to reappoint Eddie Janek, Sr. For the Mayor's appointment. Second by CM Greenberg. Unanimously approved.

RDA (Puccetti/Legg)

CM Legg moved to appoint Dianna Puccetti to replace Tarris Woods. Second by CM Greenberg. After discussion, motion was withdrawn.

H-GAC 2011 General Assembly and Board of Directors

CM Greenberg moved to reappoint Mayor Jaworski as the representative to the Board and reappoint CM Puccetti as the Alternate. Second by CM Puccetti. Unanimously approved.

Arts and Historic Preservation Advisory Board/No action

14. N/A

15. N/A

16. DISCUSSION ITEMS: DISCUSSION ONLY. NO ACTION TAKEN

A. N/A

B. City Council

1. Discuss Galveston Police Department. (Gonzales/Puccetti)

2. Discuss recording of Council Meetings. (Gonzales/Puccetti)

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 9:50 p.m.