

MEETING 36 OF 48 2010 – 2012
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING
THURSDAY– OCTOBER 27, 2011

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
Meeting called to order at 4:05 pm.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL
Present: Dianna Puccetti, Elizabeth Beeton, Chris Gonzales, Mayor Joe Jaworski, Linda Colbert, Steve Greenberg, Rusty Legg.
5. CONFLICTS OF INTEREST
None.
6. APPROVAL OF MINUTES
 - A. October 13, 2011 Regular Meeting
Motion to approve by CM Legg, second by CM Puccetti.
Unanimously approved.
7. PRESENTATIONS
Patrick Penrose Day received by Brian Hicks and Joyce Calvert
8. COMMUNICATIONS & PETITIONS
 - A. Alice Rodriguez Claim # 11-059 Notice of Claim
 - B. Sparkle Stephney Claim # 11-060 Notice of Claim
 - C. Amal Ahmed Claim # 11-061 Notice of Claim
 - D. Bruce Munden Claim # 11-062 Notice of Claim
 - E. Christopher Bell Claim # 11-063 Notice of Claim
 - F. Julia Hatcher Claim # 11-064 Notice of Claim
 - G. Texas Gas Service Purchase Gas Adjustment Clause for October, 2011
Notice of Adjustment
9. PUBLIC HEARINGS
 - A. **PUBLIC HEARING ON REALIGNING THE CITY COUNCIL MEMBER DISTRICTS AT 5:00 P.M. (REDISTRICTING)**
 - B. PUBLIC HEARING ON THE CITY’S INTENT TO CONTINUE TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT, WHICH WOULD OTHERWISE BE EXEMPT FROM TAXATION UNDER TEXAS TAX CODE SECTION 11.253, AS AMENDED BY SB 1 OF THE 82ND LEGISLATURE (*SUPER FREEPORT GOODS*).
No Public comment.
No action at this meeting.

- C. Consider for approval an Ordinance of the City of Galveston, Texas, adopting the 2011 Comprehensive Plan for the City of Galveston, Texas; repealing earlier comprehensive plans or amendments for the City of Galveston, Texas; repealing all ordinances in conflict; making various findings and provisions related to the subject.

The proposed Ordinance was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, ADOPTING THE 2011 COMPREHENSIVE PLAN FOR THE CITY OF GALVESTON, TEXAS; REPEALING EARLIER COMPREHENSIVE PLANS OR AMENDMENTS FOR THE CITY OF GALVESTON, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT.

Public Comment:

1. Betty Massey
2. Willie Gonzales
3. David Miller
4. Christopher Benson
5. Brax Easterwood

Motion to approve the Comprehensive Plan by CM Beeton, second by Mayor Jaworski to include staff recommendations and the recommendations by Eric Wilson, without Section T.1.2 and revising Section ED-1.4 to read consistently with the heading that reads “City should explore the establishment of....”

Voting in favor of the motion were CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert and CM Legg. Opposed was CM Greenberg. Motion passed.

Motion by Mayor Jaworski, second by CM Puccetti, to include Section T.1.2 in the Comprehensive Plan. After further discussion and agreement that Section T.1.2 of the Comprehensive Plan is to be reviewed further, Mayor Jaworski withdrew his Motion.

Motion to defer adding Section T.1.2 to the Comprehensive Plan to November 17th by Mayor Jaworski, second by CM Beeton & CM Puccetti. Unanimously approved.

Council congratulated Betty Massey and staff for all of their efforts on the Plan.

- D. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit for “Golf Carts, Sales and Service” and “Amusement, Commercial (Outdoor)” and “Auto Sales New and Used Car Lot (Open)” in a Retail (R) zoning district; property is commonly known as 17620 San Luis Pass Road and is legally described as Track 90 (.500) acres Hall and Jones Survey in the City and County of Galveston, Texas; Planning Case Number 11P-116; making various findings and provisions related to the subject.

Ordinance No. 11-072 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR “GOLF CARTS, SALES AND SERVICE” AND “AMUSEMENT,

COMMERCIAL (OUTDOOR)” AND “AUTO SALES NEW AND USED CAR LOT (OPEN)” IN A RETAIL (R) ZONING DISTRICT; PROPERTY IS COMMONLY KNOWN AS 17620 SAN LUIS PASS ROAD AND IS LEGALLY DESCRIBED AS TRACK 90 (.500) ACRES HALL AND JONES SURVEY IN THE CITY AND COUNTY OF GALVESTON, TEXAS.

No public comment. Motion to approve by CM Gonzales, second by CM Puccetti. Unanimously approved.

- E. Consider for approval an Ordinance of the City of Galveston, Texas, changing the zoning from “General Residence” zoning district (GR) to “Buffer” (BUF) zoning district on property located at 9711 Teichman Road and legally described as Part of Lot 530 (530-19), Trimble and Lindsey Survey Section 1, in the City and County of Galveston, Texas; Planning Case Number 11P-121; making various findings and provisions related to the subject.

Ordinance No. 11-073 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, CHANGING THE ZONING FROM “GENERAL RESIDENCE” ZONING DISTRICT (GR) TO “BUFFER” (BUF) ZONING DISTRICT ON PROPERTY LOCATED AT 9711 TEICHMAN ROAD AND LEGALLY DESCRIBED AS PART OF LOT 530 (530-19), TRIMBLE AND LINDSEY SURVEY SECTION 1, IN THE CITY AND COUNTY OF GALVESTON, TEXAS.

No public comment. Motion to approve by CM Puccetti, second by CM Legg. Unanimously approved.

- F. Consider for approval an Ordinance of the City Council of the City of Galveston, Texas, approving the Redistricting of the City’s Single-Member Council Districts and establishing new district boundary lines based on 2010 Census data for Galveston City Council elections; directing the City’s Redistricting Consultant to submit the adopted plan for preclearance under Section 5 of the federal Voting Rights Act; making various findings and provisions related to the subject and providing for an effective date.

Ordinance No. 11-074 was read by caption, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, APPROVING THE REDISTRICTING OF THE CITY’S SINGLE-MEMBER COUNCIL DISTRICTS AND ESTABLISHING NEW DISTRICT BOUNDARY LINES BASED ON 2010 CENSUS DATA FOR GALVESTON CITY COUNCIL ELECTIONS; DIRECTING THE CITY’S REDISTRICTING CONSULTANT TO SUBMIT THE ADOPTED PLAN FOR PRECLEARANCE UNDER SECTION 5 OF THE FEDERAL VOTING RIGHTS ACT.

The public comment portion of the hearing was opened at 5:05 pm and with no further public comment it was closed at 5:25 pm.

Public comment:

- 1. Marty Baker in favor of Plan R (Revised)**
- 2. Joe Compian on behalf of Gulf Coast Interfaith, LULAC, Coalition of Justice, NAACP, and the Northside Taskforce in favor of Plan R (Revised).**

3. Jackie Cole with the recommendation of taking Districts 5&6 from Plan O (Revised) and placing them in Plan R (Revised) and leaving the other districts in Plan O (Revised) intact.
4. Christopher Benson in favor of Plan R (Revised)

Discussion from CM Legg stating the District lines would be less confusing to the voters under Plan O (Revised).

CM Beeton recommended moving the North –South boundary of District 3 in Plan O (Revised) to follow 19th Street completely rather than move to 18th Street South of Broadway.

Motion to approve Plan R (Revised) by MPT Colbert, second by CM Puccetti. Voting in favor of the Motion were CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert. Voting against the Motion were CM Beeton, CM Greenberg and CM Legg. Motion passed.

10. REQUESTS TO ADDRESS COUNCIL ON AGENDA ITEMS

1. Will Wright – Park Board position
2. Neil Wilson – Recycling
3. Billy Sullivan – CDBG builder

11. ORDINANCES AND RESOLUTIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas, authorizing the issuance of City of Galveston, Texas, Wharves and Terminal Revenue Refunding Bonds, Series 2011; setting certain parameters for the bonds; authorizing the pricing officer to approve the amount, interest rate, price, and certain other terms thereof; authorizing the redemption prior to maturity and defeasance of certain outstanding bonds; authorizing the execution of a supplemental trust indenture; authorizing the execution and delivery of a bond purchase agreement relating to the bonds; approving the preparation and distribution of an official statement; making various findings and provisions related thereto; and providing for the effective date thereof.

Ordinance No. 11-075 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF GALVESTON, TEXAS, WHARVES AND TERMINAL REVENUE REFUNDING BONDS, SERIES 2011; SETTING CERTAIN PARAMETERS FOR THE BONDS; AUTHORIZING THE PRICING OFFICER TO APPROVE THE AMOUNT, INTEREST RATE, PRICE, AND CERTAIN OTHER TERMS THEREOF; AUTHORIZING THE REDEMPTION PRIOR TO MATURITY AND DEFEASANCE OF CERTAIN OUTSTANDING BONDS; AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL TRUST INDENTURE; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT RELATING TO THE BONDS; APPROVING THE PREPARATION AND DISTRIBUTION OF AN OFFICIAL STATEMENT.

Motion to approve by CM Puccetti, second by CM Legg. Unanimously approved.

- B. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 2, "Administration," Division 3, "Code of Ethics" of "The Code of the City of Galveston 1982, as amended" to reflect the City Charter quorum and majority vote provisions; making various findings and provisions related to the subject.

Ordinance No. 11-076 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 2, "ADMINISTRATION," DIVISION 3, "CODE OF ETHICS" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" TO REFLECT THE CITY CHARTER QUORUM AND MAJORITY VOTE PROVISIONS.

Motion to approve by CM Legg, second by CM Beeton. Unanimously approved.

- C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving a Memorandum of Understanding ("MOU") between the Texas Forest Service ("TFS") and the City of Galveston to purchase equipment and/or supplies for the Galveston Fire Department at discount rates available through the United States General Services Administration pricing schedule; authorizing the City Manager to execute the MOU and all associated documents; providing for findings of fact and providing for an effective date.

Resolution No. _____ was read by caption, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, APPROVING A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE TEXAS FOREST SERVICE ("TFS") AND THE CITY OF GALVESTON TO PURCHASE EQUIPMENT AND/OR SUPPLIES FOR THE GALVESTON FIRE DEPARTMENT AT DISCOUNT RATES AVAILABLE THROUGH THE UNITED STATES GENERAL SERVICES ADMINISTRATION PRICING SCHEDULE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE MOU AND ALL ASSOCIATED DOCUMENTS.

Motion to approve by CM Legg, second by CM Puccetti. Unanimously approved.

12. CONSENT ITEMS

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

- A. Consider for action approving and authorizing the City Manager to execute Amendment No. 3 to Texas General Land Office Contract No. 10-5051-000-5027 (formerly TDRA Contract No. DRS010051) for CDBG Disaster Recovery Alternative Entitlement Grant Program, Non-Housing Program Phase I.

Motion to approve by CM Puccetti, second by CM Gonzales. Unanimously approved.

13. ACTION ITEMS

- A. Consider for action authorizing a sub-recipient agreement related to the grant of Round 1 Community Development Block Grant Disaster

Recovery Funds in an amount not to exceed \$25,000,000 with the Galveston Housing Authority for eligible costs related to the development of the scattered sites initiative and the mixed income communities initiative and to the allocation and expenditure of such grant funds; authorizing the City Manager to execute a sub-recipient agreement with the Galveston Housing Authority and any other documents incident and related thereto.

Motion to defer to 10:00 am on November 10, 2011, by CM Legg, second by CM Greenberg. Unanimously approved.

- B. Consider for approval the partnership agreement/contract between the City of Galveston and Lone Star Rally Inc. for the planning, organizing, promoting and managing of the motorcycle event known as Lone Star motorcycle rally. The term is for three (3) years with an option to extend two (2) additional years.

Motion to approve by CM Puccetti, second by CM Legg. Unanimously approved.

- C. Consider for approval the City Manager entering into an Easement Encroachment License Agreement with University of Texas Medical Branch to construct the Clinical Service Wing and Jennie Sealy Replacement Hospital over the existing City of Galveston storm sewer box culvert.

Motion to approve by CM Legg, second by CM Puccetti. Unanimously approved.

- D. Discuss and consider for action the Disaster Housing/Galveston Recovers Program.

No action.

14. MAYOR AND COUNCIL APPOINTMENTS

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

1. Park Board of Trustees

Motion to appoint Will Wright by CM Beeton, second by CM Puccetti. Voting in favor of the motion were CM Puccetti and CM Beeton. Voting against were CM Gonzales, Mayor Jaworski, MPT Colbert, CM Legg, and CM Greenberg. Motion failed.

Mayor Jaworski discussed his preference to appoint Joyce Calver McLean.

Motion to appoint Buz Elton by CM Legg, second by CM Greenberg. Voting in favor of the motion were CM Gonzales, CM Beeton, MPT Colbert, CM Legg, CM Greenberg. Voting against the motion were Mayor Jaworski and CM Puccetti. Motion passed.

2. Building Board of Adjustments

Motion to appoint Joe Mellen by Mayor Jaworski, second by CM Legg. Unanimously approved.

3. Gulf Coast Waste Disposal Authority Board of Directors
Notice by the Mayor of the preference to appoint Ron Crowder. All Council Members were in agreement.

4. TIRZ 11
Motion to appoint Andy Odom by CM Puccetti, second by CM Beeton. Unanimously approved.

5. Parks and Recreation Advisory Board
Notice by the Mayor of his preference to appoint Dianna Davidson as his appointment to the Board. All Council Members were in agreement.

Notice by CM Puccetti of her preference to appoint Cheryl Green as her appointment to the Board. All Council Members were in agreement.

15. N/A

16. N/A

The Mayor and the City Manager had to leave at 5:55 pm for the County meeting at the County Justice Center.

17. REQUESTS TO ADDRESS COUNCIL ON NON-AGENDA ITEMS

1. Sheila Bell – disaster preparedness

18. ADJOURNMENT

Meeting adjourned by MPT Colbert at 6:00 pm.

Respectfully submitted,

Douglas Godinich
City Secretary