

**MEETING 35 OF 48 2010 – 2012
MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF GALVESTON
THURSDAY– OCTOBER 13, 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, Steve Greenberg, Rusty Legg, Linda Colbert arrived at 4:50 pm.
5. CONFLICTS OF INTEREST
None
6. APPROVAL OF MINUTES
 - A. September 8, 2011 Regular Meeting
Motion to approve by CM Beeton, second by CM Puccetti. Unanimously approved.
 - B. September 22, 2011 Regular Meeting
Motion to approved by CM Puccetti, second by CM Legg. Unanimously approved by those voting. CM Gonzales abstained.
 - C. September 23, 2011 Special Meeting
Motion to approve by CM Puccetti, second by CM Legg. Unanimously approved by those voting. Mayor Jaworski abstained.
 - D. September 29, 2011 Special Meeting
Motion to approve by CM Puccetti, second by CM Legg. Unanimously approved by those voting. CM Greenberg abstained.
7. PRESENTATIONS & PROCLAMATIONS
 - A. October Spinal Health Month
Received by Dr. Buik
8. COMMUNICATIONS & PETITIONS
None.
9. PUBLIC HEARINGS
 - A. Consider for approval an Ordinance of the City of Galveston, Texas, amending Ordinance Number 10-083, which granted 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 194.050 acres of assorted lots and adjacent abandoned roads, 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, in order to allow additional time to commence construction; Planning Case Number 11P-117; making various findings and provisions related to the subject.

Ordinance No. 11-066 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING ORDINANCE NUMBER 10-083, WHICH GRANTED 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 194.050 ACRES OF ASSORTED LOTS AND ADJACENT ABANDONED ROADS, 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, IN ORDER TO ALLOW ADDITIONAL TIME TO COMMENCE CONSTRUCTION.

NO PUBLIC COMMENT.

Motion to accept staff's recommendation with the inclusion that the additional allowable time allowed coincide with the Corp of Engineers schedule and the project be completed within two (2) years from the time it is begun by CM Puccetti, second by CM Legg. Voting in favor of the motion were CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert, CM Legg & CM Greenberg. Voting against the motion was CM Beeton. Motion passed.

- B. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to operate a "Tavern" in a Central Plaza, Historic District (CP-H) zoning district at 2411 Avenue B/Strand, Suite B; property is legally described as Lots 4 and 5, Block 624, in the City and County of Galveston, Texas; Planning Case Number 11P-118; making various findings and provisions related to the subject.

Ordinance No. 11-067, was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A "TAVERN" IN A CENTRAL PLAZA, HISTORIC DISTRICT (CP-H) ZONING DISTRICT AT 2411 AVENUE B/STRAND, SUITE B; PROPERTY IS LEGALLY DESCRIBED AS LOTS 4 AND 5, BLOCK 624, IN THE CITY AND COUNTY OF GALVESTON, TEXAS.

Public Comment:

Heath Lawler, owner

Mike Gaertner, architect for owner

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

10. REQUESTS TO ADDRESS COUNCIL ON AGENDA ITEMS
None

11. ORDINANCES AND RESOLUTIONS

- A. Consider for approval an Ordinance of the City of Galveston, amending Chapter 34, "Traffic", Section 34-110 "Parking Totally Prohibited" of The Code of the City of Galveston 1982, as amended, by extending the prohibition of parking along Boddeker Drive until September 30, 2012; making various findings and provisions related to the subject.

Ordinance No. 11-068 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, AMENDING CHAPTER 34, "TRAFFIC", SECTION 34-110 "PARKING TOTALLY PROHIBITED" OF THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED, BY EXTENDING THE PROHIBITION OF PARKING ALONG BODDEKER DRIVE UNTIL SEPTEMBER 30, 2012.

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 26, "Parks and Recreation", Article I, "In General" of "The Code of the City of Galveston 1982, as amended" by adding Section 26-17, "East End Lagoon Area"; prohibiting motorized vehicle traffic in the area commonly known as, "South of Seawall Boulevard, West of Boddeker Drive and North of Apffel Park/Apffel Park Drive"; providing for exceptions and a penalty clause; making various findings and provisions related to the subject.

Ordinance No. 11-069 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 26, "PARKS AND RECREATION", ARTICLE I, "IN GENERAL" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" BY ADDING SECTION 26-17, "EAST END LAGOON AREA"; PROHIBITING MOTORIZED VEHICLE TRAFFIC IN THE AREA COMMONLY KNOWN AS, "SOUTH OF SEAWALL BOULEVARD, WEST OF BODDEKER DRIVE AND NORTH OF APFFEL PARK/APFFEL PARK DRIVE"; PROVIDING FOR EXCEPTIONS AND A PENALTY CLAUSE.

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

- C. Consider for approval an Ordinance of the City of Galveston, Texas, amending "The 1999 Personnel Policies and Procedures, as amended" by amending Section 7, "On-Call Pay" of Chapter 10, "Additional Compensation"; providing for an effective date of October 14, 2011; making various findings and provisions related to the subject.

Ordinance No. 11-070 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING "THE 1999 PERSONNEL POLICIES AND PROCEDURES, AS AMENDED" BY AMENDING SECTION 7, "ON-CALL PAY" OF CHAPTER 10, "ADDITIONAL COMPENSATION"; PROVIDING FOR AN EFFECTIVE DATE OF OCTOBER 14, 2011.

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

- D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving and authorizing the Mayor to execute an

Agreement between the City of Galveston and Jim Schweitzer to serve as the Municipal Court Judge for a two-year term; providing for findings of fact and providing for an effective date.

Resolution No. 11-056 was read by caption, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF GALVESTON AND JIM SCHWEITZER TO SERVE AS THE MUNICIPAL COURT JUDGE FOR A TWO-YEAR TERM.

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

- E. Consider for action a Resolution of the City Council of the City of Galveston, Texas temporarily authorizing Overnight Camping at Stewart Beach and R.A. Apffel Park during the 2011 Lone Star Motorcycle Rally; providing for findings of fact and providing for an effective date.

Resolution No. 11-057 was read by caption, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS TEMPORARILY AUTHORIZING OVERNIGHT CAMPING AT R.A. APFFEL PARK DURING THE 2011 LONE STAR MOTORCYCLE RALLY.

Motion to approve striking Stewart Beach from the Resolution by CM Puccetti, second by CM Legg. 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 approval accepting the determined appraised value of \$195.00 for an abandoned 65 square-foot portion alley right-of-way adjacent to 2408 Bernardo De Galvez/Avenue P. Adjacent property is legally described as Lots 8 and 9 (2008-6) Southwest Block 67, of Galveston Outlots, in the City and County of Galveston, Texas. The applicant is John Eanes.
- B. Consider for action entering into and authorizing the City Manager to execute a Contract for Collection Services with Linebarger Goggan Blair & Sampson, LLP for three years to provide legal services and enforce the collection of delinquent court fees and fines, municipal liens securing payment of demolition and mowing expenses, past due utility charges for which liens have been perfected, and related actions in connection with the collection of receivables that are subject to this Agreement.
- C. Consider for approval the City Auditor's Amended Audit Plan.
- D. Consider for approval requesting that City Council authorize the City Manager to execute a Participation Agreement for a grant for Routine Airport Maintenance Program (RAMP) after final approval by the City Attorney.
- E. Consider for approval requesting that City Council authorize the City Manager to make an expenditure of the City's share in the amount of \$310,000.00 from our

Capital Outlay account for the construction phase of Phase II of our drainage improvements near Taxiway A storm lines 1,3 & 8; TXDOT CSJ NO. 1212 GLVST.

- F. Consider for action by City Council, 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 \$24,000.00. The funding source is the IDC account.

Motion to approve by CM Greenberg, second by CM Puccetti with the inclusion requiring the lobbyist service to present the annual legislative agenda of items for City Council's approval.

Unanimously approved.

- G. Consider for action authorizing the City Manager to release payment to Accela Inc. in the amount of \$43,542.07 for the maintenance and support services of the permitting, compliance, storm assessment and parcel management software. Funding source is Planning Software Licenses account, CDBG Disaster Recovery Computer Software Account, and CDBG 104 Computer Software Account.

- H. Consider for action the request to consider a waiver from all fees associated with the License to Use Request for the Rotary Club of Galveston Child Safety School sign installation project by Tom LaRue.

- I. Consider for action authorizing the purchase of annual maintenance contract for the police department's In-Car Recording Camera Systems from L-3 Communication Mobile-Version Inc. for a total price of \$21,947.00.

- J. Consider for approval an additional payment of \$3,850.00 to Wollack Testing Service for promotional exams for the Fire Department. Funding source is the Human Resources Training Materials Account.

Motion to approve Consent Items A – E and G – J by CM Puccetti, second by CM Greenberg. Unanimously approved.

13. ACTION ITEMS

- A. Consider for action authorizing the City Manager to terminate the contract between Agape Services and the City of Galveston, effective November 14, 2011.

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

- B. Consider for action approval for the Lone Star Rally to amend the footprint of the 2011 Rally by replacing all footage on 25th Street and Santa Fe Place with an extension of Strand Street from the east side of 20th Street to the west side of 16th Street, leaving 16th Street open to traffic. In addition, partial closures include 18th and 19th Streets, from the north side of Strand to the south side of Harborside, and leaving 17th Street open to traffic from Strand Street to Harborside. The purpose of this proposed extension is to allow for vehicular and motorcycle parking only.

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

- C. Discuss and consider for approval the request of the Lone Star Rally promoters to the lifting of the alcohol ban for the Stewart Beach location for the period of November 3 through 6, 2011, for the Lone Star Motorcycle Rally.

Withdrawn. No action.

- D. Consider for approval of the Partnership Agreement/Contract Draft between the City of Galveston and Lone Star Rally Inc. for the planning, organizing, promoting and managing of the motorcycle event known as the 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. Motion and second withdrawn. No action.

- E. Consider for approval extending BID# 10-11-032 which is listed as "Bid to Purchase Shearn Moody Parking Garage" for 30 days changing the ending date to November 26, 2011.

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

- F. Discuss and consider for action the United States Department of Justice failure to withdraw its objection the 4-2-1 District Plan for the City of Galveston.

No action.

- G. Discuss and consider for possible action regarding City Council redistricting.

Motion by CM Puccetti, second by CM Legg to have Revised Map O and Revised Map R available to the public over the next two (2) weeks and have a public hearing on October 27, 2011, at 5:00 pm to consider adoption of one of the plans after the public hearing by City Council for submission to the Department of Justice. Unanimously approved.

- H. Consider for approval allowing the Fleet Facility to purchase three new Century II trailer Restrooms for a total price of \$48,201.00 which will be funded by the Special Projects Fund, from Verde Inc. who was the lowest responsive bidder.

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

- I. Consider for approval of the completion of the Livable Communities Initiative Phase 2 and achieving preliminary engineering on Livable Communities Initiative Phase 3 on Market Street by TGC, and approve an amendment that will extend the completion time of this this particular task. (Work-shopped on Sept. 22nd)

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

14. MAYOR AND COUNCIL APPOINTMENTS

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

1. Board Members for the Police Pension Plan
Withdrawn until further research.
15. N/A
16. N/A
17. REQUEST TO ADDRESS COUNCIL ON NON-AGENDA ITEMS
 - a. Lisa Johnson CCI regarding CDM
 - b. Sheila Bell Disaster preparedness
18. ADJOURNMENT **Meeting adjourned at 5:25 pm.**

Respectfully submitted,

Douglas Godinich
City Secretary