MEETING 33 OF 48 2010 – 2012 CITY OF GALVESTON
MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF GALVESTON
THURSDAY– SEPTEMBER 8, 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

6. APPROVAL OF MINUTES
   A. August 25, 2011.
   Motion to approve by CM Puccetti, second by CM Legg. MPT Colbert abstained. Unanimously approved by all others.
   B. August 30, 2011.
   Motion to approve by CM Puccetti, second by CM Gonzales. Unanimously approved.

7. PRESENTATIONS & PROCLAMATIONS
   A. Save Your Eyes / Public Vision Health Awareness Month.
   Accepted by Debbie Goss and provided the number 800.363.7091 for eye care in Counties that have illustrated a need for eye care.
   B. Recognition of Communities in Schools / Central Middle School. **Accepted by students at Central Middle School.**

8. COMMUNICATIONS & PETITIONS
   A. Brian & Trudie Staffa Claim # 11-053 **Notice of Claim**

9. PUBLIC HEARINGS

   A. 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 2402-2408 Avenue B/Strand; property is legally described as Lots 8 and 9, Block 684, in the City and County of Galveston, Texas; Planning Case Number 11P-110; making various findings and provisions related to the subject.
   Ordinance No. 11-054 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 2402-2408 AVENUE B/STRAND; PROPERTY IS LEGALLY DESCRIBED AS LOTS

8 AND 9, BLOCK 684, IN THE CITY AND COUNTY OF GALVESTON, TEXAS.
No public comment.
Motion to approve by CM Legg, second by CM Gonzales. Unanimously approved.

B . Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in conjunction with a "Travel Trailer Park" land use in a Recreation (REC) zoning district at 12410 Stewart Road; property is legally described as "Hall and Jones Survey, Part of Lots 323, 324, and adjacent abandoned street (324-1), Trimble and Lindsey Section 2, in the City and County of Galveston, Texas"; Planning Case Number 11P-111; making various findings and provisions related to the subject.
Ordinance No. 11-055 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, GRANTING A SPECIFIC USE PERMIT IN CONJUNCTION WITH A "TRAVEL TRAILER PARK" LAND USE IN A RECREATION (REC) ZONING DISTRICT AT 12410 STEWART ROAD; PROPERTY IS LEGALLY DESCRIBED AS "HALL AND JONES SURVEY, PART OF LOTS 323, 324, AND ADJACENT ABANDONED STREET (324-1), TRIMBLE AND LINDSEY SECTION 2, IN THE CITY AND COUNTY OF GALVESTON, TEXAS.
No public comment.
Motion to approve by CM Puccetti, second by MPT Colbert. Unanimously approved.

C. Consider for approval an Ordinance of the City of Galveston, Texas, amending "The Zoning Standards-1991, City of Galveston", Section 29-90: "Development, Preservation and Protection of Sand Dunes", "(a) Requirement for a Dune Protection Permit and/or a Beachfront Construction Certificate" to clarify the review authority of beach maintenance, cleaning, and small scale construction activities; to amend Section 29-54: "Sand Dune Area Definitions" for existing definitions relating to dunes; Planning Case Number 11ZA-06; making various findings and provisions related to the subject.
Ordinance No. 11-056 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING "THE ZONING STANDARDS-1991, CITY OF GALVESTON", SECTION 29-90: "DEVELOPMENT, PRESERVATION AND PROTECTION OF SAND DUNES", "(A) REQUIREMENT FOR A DUNE PROTECTION PERMIT AND/OR A BEACHFRONT CONSTRUCTION CERTIFICATE" TO CLARIFY THE REVIEW AUTHORITY OF BEACH MAINTENANCE, CLEANING, AND SMALL SCALE CONSTRUCTION ACTIVITIES; TO AMEND SECTION 29-54: "SAND DUNE AREA DEFINITIONS" FOR EXISTING DEFINITIONS RELATING TO DUNES.
No public comment.
Motion to approve by CM Puccetti, second by MPT Colbert. Unanimously approved.

D. Consider for approval an Ordinance of the City of Galveston, Texas, to amend the Code of the City of Galveston, 1982 as Amended, Chapter 29,

"Planning and Development", to modify requirements for subdivision plats; to propose administrative review and approval for certain types of plats; to amend the provisions relating to boards and commissions; and to establish a review procedures section, for the City of Galveston; Planning Case Number 11ZA-09; making various findings and provisions related to the subject.
Ordinance No. 11-057 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, TO AMEND THE CODE OF THE CITY OF GALVESTON, 1982 AS AMENDED, CHAPTER 29, "PLANNING AND DEVELOPMENT", TO MODIFY REQUIREMENTS FOR SUBDIVISION PLATS; TO PROPOSE ADMINISTRATIVE REVIEW AND APPROVAL FOR CERTAIN TYPES OF PLATS; TO AMEND THE PROVISIONS RELATING TO BOARDS AND COMMISSIONS; AND TO ESTABLISH A REVIEW PROCEDURES SECTION, FOR THE CITY OF GALVESTON.
No public comment.
Motion to approve by CM Puccetti, second by CM Gonzales. Unanimously approved.

E. Public Hearing on the Fiscal Year 2011-2012 Operating Budget.
Comment from public:
1. **Roland Thomas spoke against rate increase for utilities.**
2. **Pricilla Files requested on Jackie Cole's behalf an infrastructure provision for $100,000.00, trees budget line item.**
3. **Craig Brown for Park Board of Trustees requesting additional Hotel Occupancy Tax funding.**
4. **Neil Wilson the budget needs a line item for culture and arts.**

F. Public Hearing on the proposed calendar year 2011 tax rate of 55.40 mills. (1st of 2 Public Hearings). Announcement of the date, time and place of the meeting at which the Council will vote on the proposed tax rate.
The City Manager announced September 22, 2011, at 4:00 pm in Council Chambers as the date, time and place at which Council will vote on the tax rate.
No public comment.

10. REQUESTS TO ADDRESS COUNCIL ON AGENDA ITEMS
A. Neil Wilson 13K
B. Bill Labyson 9E road repair to 9 mile road

11. ORDINANCES, RESOLUTIONS

A. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, submitting the names of five (5) nominees or less for election to the Galveston Central Appraisal District Board of Directors; directing the City Secretary to send a certified copy of this Resolution to the Galveston Central Appraisal District; providing for findings of fact and providing for an effective date.
Resolution No. 11-048 was read by caption, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS,

SUBMITTING THE NAMES OF FIVE (5) NOMINEES OR LESS FOR ELECTION TO THE GALVESTON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE GALVESTON CENTRAL APPRAISAL DISTRICT.
Motion to allocate all of the City's votes for Vic Pierson by CM Puccetti, second by CM Legg, CM Greenberg & MPT Colbert. Unanimously approved by those present. CM Gonzales had stepped out.

B. Consider for approval a Resolution of the City Council of the City of Galveston, Texas authorizing the City Manager to execute an Agreement with the Park Board of Trustees for distribution of proceeds from the Hotel Occupancy Tax for the 2011-2012 Fiscal Year.
Resolution No. 11-049 was read by caption, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE PARK BOARD OF TRUSTEES FOR DISTRIBUTION OF PROCEEDS FROM THE HOTEL OCCUPANCY TAX FOR THE 2011-2012 FISCAL YEAR.
Motion to approve by CM Legg, second by the Mayor. Unanimously approved by those present. CM Gonzales had stepped out.

C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, requesting the Texas Department of Transportation to undertake the steps necessary to expeditiously implement the recommendations and findings of its own FM 3005 Drainage Study Report; urging the Texas Department of Transportation to the elevate FM 3005 so as to permit for a more systematic and orderly evacuation; directing the City Secretary to send a certified copy of this Resolution to the Texas Department of Transportation, the County of Galveston, the City of Jamaica Beach, and the West Galveston Island Property Owners Association; providing for findings of fact and providing for an effective date.
Resolution No. 11-050 was read by caption, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, REQUESTING THE TEXAS DEPARTMENT OF TRANSPORTATION TO UNDERTAKE THE STEPS NECESSARY TO EXPEDITIOUSLY IMPLEMENT THE RECOMMENDATIONS AND FINDINGS OF ITS OWN FM 3005 DRAINAGE STUDY REPORT; URGING THE TEXAS DEPARTMENT OF TRANSPORTATION TO THE ELEVATE FM 3005 SO AS TO PERMIT FOR A MORE SYSTEMATIC AND ORDERLY EVACUATION; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE TEXAS DEPARTMENT OF TRANSPORTATION, THE COUNTY OF GALVESTON, THE CITY OF JAMAICA BEACH, AND THE WEST GALVESTON ISLAND PROPERTY OWNERS ASSOCIATION.

Motion to approve by CM Puccetti, second by CM Legg. All voted in favor of the motion except CM Beeton who voting against and CM Gonzales who had stepped out. Motion passed.

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 authorizing the continued representation by Chamberlain Hrdlicka Law Firm (William S. Helfand) for defense of City Claim #04-059, *Flagship Hotel, Ltd. v. City of Galveston, et al.* and provide additional funding authorization of $7,500.00.

B. Consider for action retaining Barry Abrams with the law firm of Blank Rome LLP for legal representation relating to Yogurt Technologies, LLC v. Galveston Economic Development Partnership, Inc. and Houston Business Development, Inc., Cause No. 11-CV-1328, in the 122nd Judicial District Court of Galveston County and matters related to the Galveston Business Recovery Loan Program.

C. Discuss and consider for action accepting the determined appraised value of $1,850.00 for an abandoned 1,615.3 square-foot portion of 59th Street and alley right-of-way, adjacent to 2725 59th Street. Adjacent property is legally described as Lots 27, 28, and 29, of Block 9, of the Kinkeads Addition, a subdivision in the City and County of Galveston, Texas. Applicants are Angelo and Maryann Mattia.

D. Consider for approval amending the 2010 Consolidated Plan and 2010 Consolidated Action Plan to facilitate a special US Department of Housing and Urban Development grant of $500,000.00 in Community Development Block Grant Funds to address planning and program design needs for housing and economic development recovery efforts resulting from Hurricane Ike.

Motion to approve Consent Items A through D by MPT Colbert, second by CM Legg. Unanimously approved.

13. ACTION ITEMS

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

A. Discuss and consider for action adopting the Economic Development Director's recommendations relating to:
   (1) The structure of the proposed Economic Development Department;
   (2) Business Retention Strategies;
   (3) Tourism Initiatives; and
   (4) The Port of Galveston.

Motion to accept the recommendations of the Economic Development Director by MPT Colbert, second by CM Puccetti.

CM Beeton raised the issue that the motion was too broad. The items each need to be discussed further. CM Beeton was not sure that a City Manager would want to assign certain responsibilities to an employee that the City Manager would hire.
MPT Colbert clarified that her motion was accepting the recommendations of the Economic Development Director not adopting the specific items. MPT Colbert stated the recommendations were good and further discussions were warranted regarding the objectives and goals for the position of Economic Development Director.
City Manager Muehlenbeck informed City Council that it was the intention of the recommendations that it is the structure of the topics being approved and the City Manager was seeking direction on whether it was City Council's intent to pursue these topics prior to retaining an Economic Development Director.
The Motion was unanimously approved with the clarification that the recommendations of the topics that the Economic Development Director would address is what was being approved and not the specific manner in which to address the topics.

B. Discuss and consider for action approving the Fire Chief's budget recommendation for a Traditional Squad Response vehicle in lieu of a Heavy Duty Rescue Truck for fiscal year 2012.
Motion to approve by CM Legg, second by MPT Colbert. Unanimously approved.

C. Discuss and receive the City's "Fair Housing Activity Statement-Texas" (FHAST) and the FHAST Work Group's finalization timeline.
Motion to receive the FHAST report by CM Beeton, second by CM Puccetti. Unanimously approved.

D. Discuss and consider for action giving the City Manager direction regarding the Seawall Parking Request for Proposals (RFP).
Motion to approve adding City Council's recommendations to the Request for Proposal and submit as soon as possible. Unanimously approved.

E. Discuss and consider for approval of the low responsive bidder (BID# 10-11-027) Crain Group LLC for the construction of Fire Station Number 4 in the amount of $3,791,923.40. The funding source is CDBG Disaster Recovery Grant Non-Housing Round 1.
Motion to approve by CM Gonzales, second by CM Puccetti. Voting in favor of the Motion were all members except MPT Colbert who abstained. Motion passed.

F. Discuss and consider for approval of the low responsive bidder (BID#10-11-026) James Construction for the Pelican Island 20" Waterline Project in the amount of $4,036,353.00. The funding source is CDBG Disaster Recovery Grant Non-Housing Program Round 1.

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

G. Discuss and consider for action giving the City Manager direction on the proposed Fiscal Year 2012 Budget.
Motion to direct the City Manager to provide in the budget an amount to give the Park Board based upon the Park Board's request for additional convention center surplus funds not to exceed $354,000.00 for a one year period by Mayor Jaworski, second by CM Legg.
Point of Order by CM Beeton, regarding the use of Robert's Rules of Order and desire to consistently use them.
CM Puccetti, CM Gonzales, Mayor Jaworski, CM Greenberg and CM Legg voted in favor of the Motion. CM Beeton voted against the Motion. Motion passed.

H. Discuss and consider for approval the City Auditor's audit plan.
Motion to approve the Plan with the inclusion of the Port of Galveston and the Park Board of Trustees parking lots by CM Greenberg, second by MPT Colbert. Unanimously approved.

I. Discuss and consider amending the City of Galveston's Rules of Ethics to require lobbyist registration. (CM Beeton, CM Greenberg)
No action. The City Attorney will continue research.

J. Discuss and consider for action the preservation of the interiors of historic homes in the Disaster Recovery Program. (CM Beeton, CM Greenberg)
No action.

K. Discuss and consider for action aid for the temporary storage of salvaged historic building materials from the Disaster Recovery Program. (CM Beeton, CM Greenberg)
No action. The City Manager will continue to research with staff.

L. Discuss and consider for action providing the City Manager direction regarding the Disaster Housing Recovery Program. (CM Legg, CM Greenberg)
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. Industrial Development Corporation (IDC)
Motion to appoint Craig Brown, Gina Spagnola and Bill Rider by CM Puccetti, second by CM Greenberg. Agreed Motion to Amend by CM Puccetti to appoint Craig Brown and Bill Rider, second by CM Greenberg. Unanimously approved.

After research Susie Green supplied additional information that confirms that the Chamber may appoint a designee. Motion to appoint Gina Spagnola by CM Puccetti, second by CM Legg. Unanimously approved.

15 N/A

16. N/A

17. REQUESTS TO ADDDRESS COUNCIL ON NON-AGENDA ITEMS

A.	Cornelia Banks	Family Children Youth Board
B.	Sheila Bell	Flooding
C.	Glenn Wenstrick	Sponsor for Future Engineers of America Carnival for October 1^{st} between 1:00 pm and 3:00 pm at Austin Middle School.
D.	Neil Wilson	Historic Rehabilitation time line

Meeting recessed at 6:45 pm and reconvened at 7:00 pm. CM Gonzales, CM Beeton, Mayor Jaworski, CM Greenberg, CM Legg and CM Puccetti were present when the meeting reconvened.

18. ADJOURNMENT
Meeting adjourned at 7:55 pm.

Respectfully submitted,

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Douglas Godinich
City Secretary