

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
GALVESTON HELD AUGUST 28, 2008- 5:30 P.M.

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL Present: Mayor Thomas, CM Mahoney, MPT Weber, CM Fennewald,
CM Woods
Absent: CM Beeton, CM Colbert
Staff: City Manager LeBlanc, City Attorney Green, City Secretary
Lawrence, Asst. City Secretary Rushing
5. DECLARATION OF CONFLICT
None
6. APPROVAL OF MINUTES
7. PRESENTATIONS
Proclamation - Galveston Island State Park Day
8. COMMUNICATIONS AND PETITIONS
N/A
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
 - A. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in conjunction with a "Miniwarehouse" in a Central Business (CB) Zoning District at 2121-2125 Church Street on property legally described as "Lots 1-3, Block 381 in the City and County of Galveston, Texas"(Planning Case Number 08P-63.)
ORDINANCE NO. 08-047 was read by caption: GRANTING A SPECIFIC USE PERMIT IN CONJUNCTION WITH A "MINIWAREHOUSE" IN A CENTRAL BUSINESS (CB) ZONING DISTRICT AT 2121-2125 CHURCH STREET ON PROPERTY LEGALLY DESCRIBED AS "LOTS 1-3, BLOCK 381 IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; PLANNING CASE NUMBER 08P-63; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.
Mayor Thomas opened the PUBLIC HEARING.
There being no one to speak, the Public Hearing was closed.
Motion to approve by CM Fennewald. Second by CM Woods. Unanimously approved.
 - B. Consider for approval an Ordinance of the City of Galveston, Texas Amending Section 29-100 (a)(5)(e)(3) "Traditional Neighborhood District" (TND) of the Zoning Standards 1991 of the City of Galveston regarding spacing between roof lines, and (a)(6) regarding minimum side yard requirements; Planning Case 08ZA-05.
ORDINANCE NO. 08-048 was read by caption: AMENDING SECTION 29-100 (A)(5)(E)(3) "TRADITIONAL NEIGHBORHOOD DISTRICT (TND)" OF THE ZONING STANDARDS 1991 OF THE CITY OF GALVESTON REGARDING SPACING BETWEEN

ROOF LINES, AND (A)(6) REGARDING MINIMUM SIDE YARD REQUIREMENTS; PLANNING CASE 08ZA-05; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Mayor Thomas opened the PUBLIC HEARING.

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

Motion to approve by MPT Weber. Second by CM Woods. Unanimously approved.

10. PUBLIC COMMENT

The Public shall be allowed to address one or more agenda or non-agenda items. Each person shall be limited to five (5) minutes, regardless of the number of items addressed.

John Oates, spoke in favor of pay raise.

Clay Burton, spoke regarding bicycle safety.

Rev. Michael Parker, spoke on behalf of the Sanitation Department in favor of pay raise.

Arthur Ouzenne, spoke in favor of pay raise.

MG Moore, spoke in favor of pay raise.

Charles Smith, spoke for the need of infrastructure not West-end beach renourishment.

Steve Greenberg, spoke in favor of pay raise, explained 3% raise should not be across the board, not fair to low-income employees.

Jackie Cole, said Council should delay vote regarding agenda items 12D and 12E.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City Council of the City of Galveston, amending Ordinance No. 08-044 calling for a Special Election to be held on November 4, 2008, by changing the polling locations provided by such ordinance to conform to those utilized by the County of Galveston; appointing the Galveston County Clerk as early voting clerk for mail-ballot applications and ballots voted by mail; appointing the early voting ballot board.

ORDINANCE NO. 08-049 was read by caption: AMENDING ORDINANCE NO. 08-044 CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 4, 2008, BY CHANGING THE POLLING LOCATIONS PROVIDED BY SUCH ORDINANCE TO CONFORM TO THOSE UTILIZED BY THE COUNTY OF GALVESTON; APPOINTING THE GALVESTON COUNTY CLERK AS EARLY VOTING CLERK FOR MAIL-BALLOT APPLICATIONS AND BALLOTS VOTED BY MAIL; APPOINTING THE EARLY VOTING BALLOT BOARD; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by MPT Weber. Second by CM Mahoney. Unanimously approved.

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 2008-2009 fiscal year.

RESOLUTION NO. 08-028 was read by caption: 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 2008-2009 FISCAL YEAR; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by MPT Weber. Second by CM Mahoney.
City Manager LeBlanc gave an explanation of Item 12.B. per the request of CM Mahoney.
Unanimously approved.

- C. Consider for approval an Ordinance of the City of Galveston, Texas, amending the General Operating Fund Budget for Fiscal Year Ending September 30, 2008, by transferring \$170,781.00 from various General Fund Accounts and to adjust and properly record unforeseen expenses in connection with emergency medical services operating loss for FY07, Police Department retirement pay, Central Appraisal District parcel fee, and to increase municipal garage revenue and expenditure line items.

ORDINANCE NO. 08-050 was read by caption: AMENDING THE GENERAL OPERATING FUND BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2008, BY TRANSFERRING \$170,781 FROM VARIOUS GENERAL FUND ACCOUNTS AND TO ADJUST AND PROPERLY RECORD UNFORESEEN EXPENSES IN CONNECTION WITH EMERGENCY MEDICAL SERVICES OPERATING LOSS FOR FY07, POLICE DEPARTMENT RETIREMENT PAY, CENTRAL APPRAISAL DISTRICT PARCEL FEE, AND TO INCREASE MUNICIPAL GARAGE REVENUE AND EXPENDITURE LINE ITEMS: MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT. **Motion to approve by CM Mahoney. Second by MPT Weber. Unanimously approved.**

12. ACTION ITEMS

- A. Consider for action approving an increase in the funding authorization to Camp Dresser McKee Engineering of Houston, Texas from \$30,680.00 to \$64,822.61 for expert testimony services associated with the contested Pirates Beach Wastewater Treatment Plant Contested Case Permit. Funding source is Sewer Improvement Account.
- B. Consider for action approving acceptance of low bid from Southern Crushed Concrete for the annual contract for black base material Bid #07-08-033B. Funding source is Public Works Concrete and Aggregate Account.
- C. Consider for action approving agreement with Randall-Porterfield Architects, Inc AIA to provide architectural services/reimbursable (approximately \$38,800.00) for the Band Shell renovation at Menard Park and authorizing the City Manager to execute the agreement.
- D. Consider for action approving the purchase of three new Ford Ranger pickups for the Planning Department to be purchased from Philpott Ford through Buy Board for a total price of \$39,128.71. Funding source is Vehicle Capital Outlay Account.

Motion to defer by CM Mahoney. Second by CM Fennewald.

After discussion, motion to defer failed.

Motion to approve by MPT Weber. Second by Woods. In favor: MPT Weber, Mayor Thomas, CM Fennewald, CM Woods. Opposed: CM Mahoney. Motioned carried.

- E. Consider for action approving the Transfer Station Operating Agreement with BFI for a term of five (5) years, which may be extended by mutual consent for an additional five

(5) years, and authorizing the City Manager to execute the Transfer Station Operating Agreement.

Motion to defer by CM Mahoney. Second by CM Fennewald.

After discussion, motion to defer failed.

Motion to approve by MPT Weber. Second by Woods. In favor: MPT Weber, Mayor Thomas, CM Fennewald, CM Woods. Opposed: CM Mahoney. Motion failed.

Susie Green explained that Item E. required 5 approved votes from Council so the motion had failed.

F. Discuss and consider for action giving City Manager direction regarding FY09 Budget. Motion to defer until the September 4, 2008 meeting by CM Woods. Second by CM Fennewald. Unanimously approved.

G. Discuss tax rate for FY2009, propose a 2008 tax rate, if proposed tax rate will exceed the effective tax, take record vote and schedule public hearings date, time and place.

MPT Weber moved that the tax rate for FY2009 be set at .494 per \$100.00

evaluation.

Vote: In favor: CM Mahoney, MPT Weber, Mayor Thomas, CM Fennewald, CM Woods. Motion unanimously approved by those present. CM Beeton and CM Colbert absent.

CM Weber moved to hold two Public Hearings to discuss the tax rate and the Budget. The first meeting to be held September 9, 2008 at 5:30 pm and the second meeting to be held on September 15, 2008 at 5:30 pm. Both hearings are to be held at Galveston City Hall Council Chambers. Second by CM Wood.

Unanimously approved by those present.

Motion to approve Action Agenda Items A, B and C by CM Mahoney. Second by CM Woods. Unanimously approved.

13. MAYOR AND COUNCIL APPOINTMENTS

Port Facilities Corporation

MPT Weber moved to re-appoint Robert Lynch.
Second by CM Mahoney. Mayor Thomas abstained.

City Secretary Lawrence read the following list of vacancies:

Building Board of Adjustments - Licensed Electrician position

Commission for the Arts - Visual Artist, Performing Artist, member from the Community at Large, Performing Arts Literary

Ethics Commission - one position available

Intermodal Transportation Committee - one position available

TIRZ 11, 12, 13 and 14 - two vacancies each

14. MAYOR, CITY COUNCIL AND CITY MANAGER REPORTS

Mayor Thomas Reported on the following:

* Update on Hurricane Gustav.

- * Stay tune to TV.
- * Be prepared.

CM Mahoney No Report

CM Beeton No Report/Absent

MPT Weber Reported on the following:
* Request for applications for TIRZ 14.
* Park Board Budget Update.
* Mullet Toss was a successful event.
* Announced the bulkhead on Beluche Street is being evaluated.

CM Colbert No Report/Absent

CM Fennewald No Report

CM Woods No Report

City Manager LeBlanc Reported on the following:
* Explained the proper procedures to file a complaint against the
Police Department.

15. N/A

16. N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 7:30 p.m.