Meeting 7 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 AUGUST 12, 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 Beeton, CM Gonzales, CM Greenberg, CM Legg
   Absent: MPT Colbert
   Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence

5. DECLARATION OF CONFLICT
   None

6. APPROVAL OF MINUTES
   Regular Meeting of Council July 8, 2010: Unanimously approved by those present upon motion by CM Legg and second by CM Puccetti.

7. PRESENTATIONS
   N/A

8. COMMUNICATIONS AND PETITIONS
   A. Notices of Claim: 10056 - Alicia Ortiz/Edith Ortiz; 10057 - Bettie R. Sallie; 10058 - Unique Food Mart; 10059 - Theresa Franks; 10060 -Sands of Kahala HOA; 10061 - Angel Robert Avila; 10062 - Frederick Lennen; 10063 - Melba R. Bliss; 10064 - Texas Gas Service/Jesse Wallis; 10065 - Vic J. Zachary

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
   A. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit for a "Parking Lot, Incidental to Main Use" land use in a neighborhood services, neighborhood conservation district 1 (NS-NCD-1) and multi-family one, neighborhood conservation district 1 (MF-1-NCD-1) zoning districts at property commonly known as 2002 Avenue P/Bernardo de Galvez and legally defined as Lot 1, Southwest outlot 69, in the City and County of Galveston, Texas; Planning Case Number 10P-68; making various findings and provisions related to the subject.

ORDINANCE NO. 10-062 was read by caption: GRANTING A SPECIFIC USE PERMIT FOR A "PARKING LOT, INCIDENTAL TO MAIN USE" LAND USE IN A NEIGHBORHOOD SERVICES, NEIGHBORHOOD CONSERVATION DISTRICT 1 (NS-NCD-1) AND MULTI-FAMILY ONE, NEIGHBORHOOD CONSERVATION DISTRICT 1

(NS-NCD-1) ZONING DISTRICTS AT PROPERTY COMMONLY KNOWN A 2002 AVENUE P/BERNARDO DE GALVEZ AND LEGALLY DEFINED AS LOT 1, SOUTHWEST OUTLOT 69, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 10P-68; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Planning Director Wendy O'Donohoe summarized the proposed ordinance.

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

Motion to approve by CM Greenberg. Second by CM Puccetti. Vote in favor: CM Puccetti, CM Gonzales, CM Beeton, CM Greenberg, Mayor Jaworski. Abstained: CM Legg. Absent: MPT Colbert. Motion approved.

B. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit to operate a "Resort" in a Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2) Zoning District at property commonly described as 201 Seawall Boulevard and legally described as a part of Lots 8 -11 and adjacent North ½ of Avenue G and adjacent West ½ of 1ST Street, Block 361; Block 301 and part of adjacent streets; and a proposed abandoned portion of 1ST Street, in the City and County of Galveston, Texas; Planning Case Number 10P-54; making various findings and provisions related to the subject.

ORDINANCE NO. 10-063 was read by caption: GRANTING A SPECIFIC USE PERMIT TO OPERATE A "RESORT" IN A RESORT, SEAWALL DEVELOPMENT ZONE, ZONE 2 (RES-SDZ-2) ZONING DISTRICT AT PROPERTY COMMONLY DESCRIBED AS 201 SEAWALL BOULEVARD AND LEGALLY DESCRIBED AS A PART OF LOTS 8 - 11 AND ADJACENT NORTH ½ OF AVENUE G AND ADJACENT WEST ½ OF 1ST STREET, BLOCK 361; BLOCK 301 AND PART OF ADJACENT STREETS; AND A PROPOSED ABANDONED PORTION OF 1ST STREET, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 10P-54; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Planning Director O'Donohoe summarized the proposed ordinance.

Mayor Jaworski opened the PUBLIC HEARING.

Motion to approve by CM Greenberg. Second by CM Puccetti. Vote in favor: CM Puccetti, CM Gonzales, CM Beeton, CM Greenberg, Mayor Jaworski. Abstained: CM Legg. Absent: MPT Colbert. Motion approved.

C. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit to operate a "Retail Lending Facility" in a Retail Seawall Development Zone, Zone 4, Height and Density and Development Zone, Zone 5 (R-SDZ-4-HDDZ-5) at property commonly described as 6600 Seawall Boulevard and legally described as Hall and Jones Survey, Part of Lots 89, 90 and abandoned road (89-1) Trimble and Lindsey, Section 1 and part of Lot 1, Mosley addition, in the City and County of Galveston, Texas; Planning Case Number 10P-69; making various findings and provisions related to the subject.

ORDINANCE was read by caption: GRANTING A SPECIFIC USE PERMIT TO OPERATE A "RETAIL LENDING FACILITY" IN A RETAIL SEAWALL DEVELOPMENT ZONE, ZONE 4, HEIGHT AND DENSITY AND DEVELOPMENT ZONE, ZONE 5 (R-SDZ-

4-HDDZ-5) AT PROPERTY COMMONLY DESCRIBED AS 6600 SEAWALL BOULEVARD AND LEGALLY DESCRIBED AS HALL AND JONES SURVEY, PART OF LOTS 89, 90 AND ABANDONED ROAD (89-1) TRIMBLE AND LINDSEY, SECTION 1 AND PART OF LOT 1, MOSLEY ADDITION, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 10P-69; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

CM Legg moved to defer to the August 26, 2010 meeting of Council at the request of the applicant. Second by CM Greenberg. Vote in favor of deferral: CM Puccetti, CM Beeton, Mayor Jaworski, CM Greenberg, CM Legg. Opposed: CM Gonzales. Absent: MPT Colbert. Motion to defer approved.

See Below for further action on Item 9.C.

D. Consider for approval an Ordinance of the City of Galveston, Texas, changing the zoning from "Multi Family-One" (MF-1) to "Commercial" (C) Zoning District on property located adjacent to 2101 45th street, South of Avenue Q, North of Avenue Q1/2 and legally described as "lot 5, Northwest block 107, in the City and County of Galveston, Texas; Planning Case Number 10P-63; making various findings and provisions related to the subject.

ORDINANCE NO: 10-064 was read by caption: CHANGING THE ZONING FROM "MULTI FAMILY-ONE" (MF-1) TO "COMMERCIAL" (C) ZONING DISTRICT ON PROPERTY LOCATED ADJACENT TO 2101 45TH STREET, SOUTH OF AVENUE Q, NORTH OF AVENUE Q1/2 AND LEGALLY DESCRIBED AS "LOT 5, NORTHWEST BLOCK 107, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE 10P-63; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Planning Director O'Donohoe summarized the proposed ordinance.

Mayor Jaworski opened the PUBLIC HEARING.

Steve Schulz, Attorney for the applicant, stated he was present for questions.

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

Motion to approve by CM Puccetti. K Second by CM Greenberg. Unanimously approved by those present. MPT Colbert absent.

10. PUBLIC COMMENT

Bob Moore, 2716 11 Mile Rd., opposed to Agenda Item 11A.

Herbert Turner, 215 Postoffice, spoke in support of police and fire departments. Stated he was opposed to proposed cuts in those departments.

Alice Ann O'Donell, 12337 Settergast Rd., opposed to Agenda Item 11A.

Jim Jolly, 12439 E. Ventura, Spanish Grant, spoke in support of Agenda Item 11A.

John Lightfoot, 4414 Pabst Rd., President of Bermuda Beach Improvement Committee, opposed to Agenda Item 11A.

Steve Everts, 4527 Ave. O ½, representing Galveston Bar and Tavern Assn., opposed to smoking ordinance.

Marie Garret/Raab, 13206 Bermuda Beach Dr., in support of Agenda Item 11A.

Steve Schulz, Attorney representing HOA, spoke in support of Agenda Item 11A.
Linda Burton, 13817 Cutlass Lane, opposed to Agenda Item 11A, supports modification of the smoking ordinance and supports installation of a gas station at Kroger's on the Seawall.
Marisa Rojas, 2102 Grover Ave., wife of firefighter, opposed to budget cuts in the fire department.
Tom Gillespie, 6480 Sea Isle, President of Sea Isle Property Owners Assn., in support of Agenda Item 11A.
Terry Ruggles, 137222 Pirates Beach Blvd., Jamaica Beach, opposed to setback.
Ryan Gordan, West End property owner, asked that previously platted subdivisions be exempted.
Karen Mahoney, 4010 Kiva, former Council Member District 6, opposed to Agenda Item 11A.
Rick McCuller, representing the Galveston Municipal Police Assn., opposed to reduction in the Police Department.
Richard Kirkpatrick, Texas City, Vice Chair Scenic Galveston, opposed to Agenda Item 11A.
Stan Smith, 21733 Quadalupe, opposed to Agenda Item 11B.
Lloyd Pepper, 23011 Martes, Terramar Beach, opposed to proposed trailer parking rules.
James Adam, 21725 Quadalupe, opposed to proposed trailer parking rules.
Ginger Robinson, Sea Isle Property Manager, opposed to Agenda Item 11A.
Al Tansionco, 17517 Bristow Rd. exempt previously platted property from Agenda Item 11A.
Howard Barman, Sand Hill Shores, exempt previously platted property from Agenda Item 11A.
Larry Dickirson, 1801 Seaside, exempt previously platted property from Agenda Item 11A.
Jane Chapin, 1814 Ave. K, Past President Clean Galveston, spoke in support of the new proposed program for cleaning the City and offered the assistance of Clean Galveston.
Don Jordan, 13402 Stewart, problems with the planning process. Opposed to Agenda Item 11A.
Marty Baker, 4095 Pirates Beach, in support of 11A but need to exempt previously platted property.
Pat Hazelwood, 3019 Ave. R ½, opposed to Agenda Item 11A.
Jerry Mohn, 4210 Silver Reef , West Galveston Island Property Owners Assn, in support of Agenda 11A but add exemption of previously platted property.
Sheila Bell, concerns pertaining to flooding of the island.
Fred Raschke, 13 Mariner Pass, representing Galveston Chamber of Commerce, smoking ordinance should be amended to establish reasonable rules that will allow outdoor smoking on sidewalks and patios, reinstate the 5 foot ban around the business as proposed in the original ordinance, provide rules controlling litter and community appearance where outdoor smoking occurs.
Randall Petit, 2108 Church, supported Mr. Raschke's statement.
Vince LePar, 2559 Costa Mesa, in support of Mr. Mohn's statement.
Dr. Jackie Cole, 2308 Sydnor, in support of smoking ordinance.
Wanda Greer, 23169 Gulf Dr., Terramar Beach, in support of Agenda Item 11A.
Alison Barker, 7162 Spanish Grant, opposed to Agenda Item 11A

Andrea Sunseri, 3 Cadena Driver, in support of Agenda Item 11A.
Bill Broussard, 3310 Eckert Dr., Lafittes Cove, opposed to Agenda Item 11A.
Dr. Elbert Whorton, 20 Colony Park Circle, opposed to Agenda Item 11A.
Lee Brown, Crows Cantina, spoke in favor of smoking in adult venues.
Theresa Everts, 4527 Ave. O ½, allow smoking in adult venues

CM Beeton moved to reconsider Agenda Item 9.C. Second by CM Gonzales. In favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski. Opposed: CM Greenberg, CM Legg. Motion to reconsider Agenda Item 9.C. carried.

CM Legg moved to defer Agenda Item 9.C. to the August 26 meeting at the request of the applicant. Second by CM Greenberg. In favor: CM Legg, CM Greenberg, Mayor Jaworski. Opposed CM Puccetti, CM Gonzales, CM Beeton. Motion failed.

CM Legg moved approval of Agenda Item 9.C. Second by CM Greenberg. In favor: Mayor Jaworski, CM Legg, CM Greenberg. Opposed: CM Puccetti, CM Gonzales, CM Beeton. Motion to approve failed.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas to formally withdraw from the General Land Office Certification Process the City's Beachfront Construction and Dune Protection amendments as adopted by Ordinance No. 10-035; directing the City Manager to notify the General Land Office; making various findings and provisions related to the subject.

ORDINANCE NO. 10-065 was read by caption: TO FORMALLY WITHDRAW FROM THE GENERAL LAND OFFICE IDENTIFICATION PROCESS THE CITY'S BEACHFRONT CONSTRUCTION AND DUNE PROTECTION AMENDMENTS AS ADOPTED BY ORDINANCE NO. 10-035; DIRECTING THE CITY MANAGER TO NOTIFY THE GENERAL LAND OFFICE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

CM Puccetti moved approval. Second by CM Gonzales. After discussion, CM Puccetti amended her motion to include the deadline of the second meeting in October. CM Gonzales agreed to the amendment. In favor: CM Legg, CM Greenberg, Mayor Jaworski, CM Puccetti, CM Gonzales. Opposed: CM Beeton. Motion carried.

B. Consider for approval an Ordinance of the City of Galveston, Texas amending Chapter 34, "Traffic", Section 34-119, "Parking on Private Property" to modify screening and parking surface requirements for motor vehicles, campers, trailers, motor homes, and boats on private residential property; providing that properties located west of 103rd are exempt from the screening and all-weather surface requirements Planning Case 10PA-50.

ORDINANCE NO. 10-066 was read by caption: AMENDING CHAPTER 34, "TRAFFIC", SECTION 34-119, "PARKING ON PRIVATE PROPERTY" TO MODIFY SCREENING AND PARKING SURFACE REQUIREMENTS FOR MOTOR VEHICLES, CAMPERS, TRAILERS, MOTOR HOMES, AND BOATS ON PRIVATE RESIDENTIAL PROPERTY; PROVIDING THAT PROPERTIES LOCATED WEST OF 103RD ARE EXEMPT

FROM THE SCREENING AND ALL-WEATHER SURFACE REQUIREMENTS; PLANNING CASE 10PA-50; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

CM Puccetti moved approval. Second by CM Legg. CM Puccetti moved to amend as follows: It shall be an offense for a person to park a motor vehicle, camper, trailer, motor home or boat on private residential property hereinafter described unless the vehicle is parked on a maintained side or rear yard, screened from public view with either fencing and/or landscaping as approved by the Director of Planning and Community Development or designee. CM Legg agreed to the amendment. Vote: Unanimously approved by those present.

C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving a Memorandum of Understanding (MOU) between the City of Galveston and the Texas Department of Transportation (TXDOT) to adopt TXDOT's Disadvantaged Business Enterprises (DBE) Program as approved by the Federal Highway Administration (FHWA) to achieve its DBE participation in FHWA federally assisted Construction and Design Projects; authorizing the City Manager to execute the MOU and documents required thereunder; providing for findings of fact and providing for an effective date.

RESOLUTION NO. 10-040 was read by caption: APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF GALVESTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO ADOPT TXDOT'S DISADVANTAGED BUSINESS ENTERPRISES (DBE) PROGRAM AS APPROVED BY THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) TO ACHIEVE ITS DBE PARTICIPATION IN FHWA FEDERALLY ASSISTED CONSTRUCTION AND DESIGN PROJECTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE MOU AND DOCUMENTS REQUIRED THEREUNDER; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Beeton. Second by CM Puccetti. Unanimously approved by those present.

D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving an Interlocal Agreement between the City of Galveston and Texas A&M University-Galveston for the Installation and monitoring of flow meters on the 24" water main serving pelican island; authorizing the City Manager to execute and implement the agreement; providing for findings of fact and providing for an effective date.

RESOLUTION NO. 10-041 was read by caption: APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF GALVESTON AND TEXAS A&M UNIVERSITY-GALVESTON FOR THE INSTALLATION AND MONITORING OF FLOW METERS ON THE 24" WATER MAIN SERVING PELICAN ISLAND; AUTHORIZING THE CITY MANAGER TO EXECUTE AND IMPLEMENT THE AGREEMENT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Beeton. Second by CM Gonzales. Unanimously approved by those present.

E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, affirming the membership of the City of Galveston in the Sustainable Communities Regional Planning Consortium; authorizing execution of a Memorandum of Agreement with the Houston-Galveston Area Council (H-GAC); declaring findings of fact and providing for an effective date.

RESOLUTION NO. 10-042 was read by caption: AFFIRMING THE MEMBERSHIP OF THE CITY OF GALVESTON IN THE SUSTAINABLE COMMUNITIES REGIONAL PLANNING CONSORTIUM; AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC); DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

F. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property referred to as Property Item #554b on the tax foreclosed property list; the property is legally described as "the West 59 feet of Lot Five (5), Block Twenty-Nine (29) in the city and county of Galveston, Texas, said property being more particularly described in the instrument recorded at Volume 459, Page 618 in the official deed records of Galveston County, Texas; authorizing Mayor Joe Jaworski to execute a deed to the purchaser.

RESOLUTION NO. 10-043 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY REFERRED TO AS PROPERTY ITEM #554b ON THE TAX FORECLOSED PROPERTY LIST; THE PROPERTY IS LEGALLY DESCRIBED AS "THE WEST 59 FEET OF LOT FIVE (5), BLOCK TWENTY-NINE (29) IN THE CITY AND COUNTY OF GALVESTON, TEXAS," SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED IN THE INSTRUMENT RECORDED AT VOLUME 459, PAGE 618 IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS; AUTHORIZING MAYOR JOE JAWORSKI TO EXECUTE A DEED TO THE PURCHASER; DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Legg. Second by CM Gonzales. Unanimously approved by those present.

G. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property referred to as property item #557 on the tax foreclosed list; property is legally described as the "South 40 feet of Lot Seven (7), Block Three Hundred Thirty Nine (339) in the City and County of Galveston, Texas to People Need People Non-Profit 501 (C)(3), said property more particularly described in the instrument recorded at Volume 1205, Page 9 in the official deed records of Galveston County, Texas; authorizing Mayor Joe Jaworski to execute a deed to the purchaser; declaring findings of fact and providing for an effective date.

RESOLUTION NO. 10-044 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY REFERRED TO AS PROPERTY ITEM #557 ON THE TAX FORECLOSED PROPERTY LIST; PROPERTY IS LEGALLY DESCRIBED AS "THE SOUTH 40 FEET OF LOT SEVEN (7), BLOCK THREE HUNDRED THIRTY NINE (339) IN THE CITY AND COUNTY OF GALVESTON, TEXAS TO PEOPLE NEED PEOPLE NON-PROFIT 501 (c)(3), SAID PROPERTY MORE PARTICULARLY

DESCRIBED IN THE INSTRUMENT RECORDED AT VOLUME 1205, PAGE 9 IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS"; AUTHORIZING MAYOR JOE JAWORSKI TO EXECUTE A DEED TO THE PURCHASER; DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Puccetti. Seconded by CM Gonzales. Unanimously approved by those present.

H. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property referred to as property item #561 on the tax foreclosed property list; the property is legally described as the "West 24.16 feet of Lot Three (3) and the East 5.83 feet of Lot Two (2), Block Three Hundred Forty-Three (343), Galveston County, Texas, said property described more particularly in the instrument recorded at Volume 369, Page 512 in the official deed records of Galveston County, Texas; authorizing Mayor Joe Jaworski to execute a deed to the purchaser; declaring findings of fact and providing for an effective date.

RESOLUTION NO. 10-045 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY REFERRED TO AS PROPERTY ITEM #561, THE WEST 24.16 FEET OF LOT THREE (3) AND THE EAST 5.83 FEET OF LOT TWO (2), BLOCK THREE HUNDRED FORTY THREE (343) GALVESTON COUNTY, TEXAS, DESCRIBED MORE PARTICULARLY IN THE INSTRUMENT RECORDED AT VOLUME 369, PAGE 512 IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS; AUTHORIZING MAYOR JOE JAWORSKI TO EXECUTE A DEED TO THE PURCHASER; DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Puccetti. Seconded by CM Gonzales. Unanimously approved by those present.

I. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property referred to as property item #564 on the tax foreclosed property list; the property is legally described as "the North 84 feet of the East 31 feet six inches of Lot Seven (7) of the Northwest Block of Outlot Thirteen (13) in the City and County of Galveston, Texas, said property described more particularly in the instrument recorded at Volume 1957, Page 185 in the official deed records of Galveston County, Texas; authorizing Mayor Joe Jaworski to execute a deed to the purchaser.

RESOLUTION NO. 10-046 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY REFERRED TO AS PROPERTY ITEM #564 ON THE TAX FORECLOSED PROPERTY LIST; THE PROPERTY IS LEGALLY DESCRIBED AS NORTH 84 FEET OF THE EAST 31 FEET SIX INCHES OF LOT SEVEN (7) OF THE NORTHWEST BLOCK OF OUTLOT THIRTEEN (13) IN THE CITY AND COUNTY OF GALVESTON, TEXAS, SAID PROPERTY DESCRIBED MORE PARTICULARLY IN THE INSTRUMENT RECORDED AT VOLUME 1957, PAGE 185 IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS; AUTHORIZING MAYOR JOE JAWORSKI TO EXECUTE A DEED TO THE PURCHASER; DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

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 approving renewal of maintenance agreement with Altura from a three-year to an annual contract. This contract covers the F9600 hardware, the AVST voice mail system and eight hours per month of remote MAC work for the total fixed cost of $33,021.00. Funding source is Technology Service Maintenance Contracts Account.

B. Consider for action approving three-year contract with low bidder Ideal Lumber Company to supply materials need for maintenance to City owned facilities in an amount not to exceed $35,000.00 annually. Funding source is individual department accounts.

C. Consider for action authorizing the City Manager to engage Public Finance Management to provide investment, depository and arbitrage services over a five-year term for a cost not to exceed $39,000.00 per fiscal year.

D. Consider for action approving acceptance of low bid #09-10-058 from Carus Corporation for a three-year contract for zinc orthophosphate. Estimated cost to be $100,500.00 over the three-year contract period. Funding source is Public Works Department Supply Division Chemical Account.

E. Consider for action authorizing the City Manager to submit the Draft Hazard Mitigation Plan to the Texas Department of Emergency Management and FEMA for review and comment.

F. Consider for action authorizing the City Manager to accept a revised grant proposal from the Texas Department of Public Safety's Division of Emergency Management for the development of a Local Mitigation Plan in the amount of $69,999.75 and authorizing the City Manager to execute the grant contract. The local match of $23,333.25 or 25% will be provided with in-kind services.

G. Consider for action approving three change orders to Holiday Builders Inc. for the Island Transit Maintenance Facility renovation/expansion project, which was previously awarded under RFB#09-10-011 in the total amount of $6,090.45. Funding source is FTA and Insurance Accounts.

H. Consider for action approving rejecting all bids for Bid #09-10-051 for the three-year maintenance contract for heating and cooling repairs and approve continuing with the current three-year contract with Standard Renewable Energy.

I. Consider for action authorizing the City Manager to execute an assignment of lease agreement assigning the lease located at 2021 Terminal Drive, commencing January 1, 2010, between the City of Galveston and Jack Robinson to FG&Z Holdings, LLC, upon final approval of the City Attorney.

J. Consider for action authorizing the City Manager to execute a twenty-year lease with Richard Krumholz for 4,000 square feet of ramp space at 2726 Terminal Drive for the construction of two hangars at the rate of $60.00 per month, with an escalation clause of the greater of CPI-U or 2.5% annually, upon final approval of the City Attorney.

K. Consider for action authorizing the City Manager to execute a twenty-year lease with two, ten-year options with Third Son Aviation, LLC for 2.5 acres of ramp space at 2726 Terminal Drive for the construction of concrete aircraft hangars at the rate of $1,633.50 per month, with an escalation clause of the greater of CPI-U or 2.5% annually upon final approval of the City Attorney.

L. Consider for action authorizing the City Manager to execute a first amendment to the lease between the City of Galveston and Galveston Rentals, Inc. extending the term of the lease for six-years ending May 31, 2014, at the rate of $1,874.18 per month, with an escalation clause of the greater of the CPI-U or 2.5% annually upon final approval of the City Attorney.

M. Consider for action approving cancellation of contract with Lamson Construction for demolition of two properties in the HMGP Buy Out Program and award single quote from Seaquest Recovery & Demolition for those properties in the amount of $3,000.00. Funding source is $2,250.00 - Hazard Mitigation Grant Program, $375.00 GLO Funded, $175.00 Homeowner and $200.00 from City Funds.

N. Consider for action approving change order to Pfeiffer & Sons, Ltd. for the Hurricane Ike Traffic Signal Repairs and Traffic Signal Installation Project, by adding $900.28 to the revised contract amount of $1,116,528.63 for a net cumulative addition of 0.81% over the original contract amount of $1,115,628.35.

O. Consider for action approving Revision No. 2 to the contract for the preliminary engineering report with Dannenbaum Engineering Corporation. The purpose of this revision is to complete and implement the third year of the TCEQ mandated Storm Water Management Plan. The amount of this contract revision is not to exceed $82,500.00 This brings the total contract to $674,102.98. Funding source is Drainage Improvement Fund.

P. Consider for action amending Task 6 which is described as the Galveston Downtown Transit Intermodal Project with the Goodman Corporation and extending the contract expiration date set to expire on February 14, 2011 to February 14, 2012 at no additional charge to the City.

WITHDRAWN

Q. Consider for action authorizing the City Manager to enter into an Animal Control Agreement with the Galveston Island Humane Society.

R. Consider for action authorizing the City Secretary to send the Galveston County Commissioners Court a letter recommending Eric Wilson for appointment to the Gulf Coast Water Authority Board of Directors.

S. Consider for action authorizing the City Manager to retain Jeffrey S. Ward & Associates to provide the City additional support to the buyout program to address additional TWIA funds receive by buyout participants as part of the TWIA settlement.

T. Consider for action approving the annual CDBG Sanitary Sewer Rehab Project for low to moderate income areas to sole responsive bidder Repipe of Texas, Bid #09-10-057 in an amount not to exceed $1,024,830.00. Funding source is 2010 CDBG account in the amount of $393,806.00 and reallocated CDBG in the amount of $631,024.00.

U. Consider for action approving lowest, most responsive, most responsible bid from East End Construction in the amount of $17,789.00 to provide lead remediation services at 1218 35th Street. Funding is from the Office of Healthy Homes and Lead Hazard Control Grant Lead Safe Environment Program.

V. Consider for action approving lowest, most responsive, most responsible bid from Excello Construction Company in the amount of $27,916.00 to provide lead remediation services at 4021 Avenue N. Funding is from the Office of Healthy Homes and Lead Hazard Control Grant Lead Safe Environment Program.

W. Consider for action approving lowest, most responsive, most responsible bid from East End Construction in the amount of $15,770.00 to provide lead remediation services at 308 17th Street. Funding is from the Office of Healthy Homes and Lead Hazard Control Grant Lead Safe Environment Program.

X. Consider for action approving lowest, most responsive, most responsible bid from ETOB Construction in the amount of $22,433.00 to provide lead remediation services at 3728 Avenue N. Funding is from the Office of Healthy Homes and Lead Hazard Control Grant Lead Safe Environment Program.

Y. Consider for action approving lowest, most responsive, most responsible bid from East End Construction in the amount of $20,775.60 to provide lead remediation services at 1109 29th Street. Funding is from the Office of Healthy Homes and Lead Hazard Control Grant Lead Safe Environment Program.

Z. Consider for action approving lowest, most responsive, most responsible bid from Mid City Remodeling in the amount of $20,403.00 to provide lead remediation services at 3428 Avenue M. Funding is from the Office of Healthy Homes and Lead Hazard Control Grant Lead Safe Environment Program.

AA. Consider for action approving lowest, most responsive, most responsible bid from East End Construction in the amount of $20,642.00 to provide lead remediation services at 2218 33rd Street. Funding is from the Office of Healthy Homes and Lead Hazard Control Grant Lead Safe Environment Program.

BB. Consider for action approving lowest, most responsive, most responsible bid from East End Construction in the amount of $26,990.70 to provide lead remediation services at 1823 Avenue M ½. Funding is from the Office of Healthy Homes and Lead Hazard Control Grant Lead Safe Environment Program.

CC. Consider for action approving lowest, most responsible bid from ETOB Construction in the amount of $44,081.00 to provide lead remediation services at 2205 33rd Street. Funding is from the Office of Healthy Homes and Lead Hazard Control Grant Lead Safe Environment Program.

DD. Consider for action approving lowest, most responsive, most responsible bids submitted by Lanterra, LLC meeting specifications in the amount of $521,886.00 for the construction of three new infill housing units for low-moderate income residents at 3123 Ursuline, 3811 Ball and 3915 Ursuline. Funding is provided under the Neighborhood Stabilization Program.

EE. Discuss and consider for action directing the City Attorney to draft amendments to the Smoking Ordinance including but not limited to permitting smoking in outdoor seating areas and adult venues. (Legg/Greenberg)

After discussion, **City Attorney Green stated the following changes: Bring back amendments to the current smoking ordinance to allow smoking in outdoor seating areas. An outdoor seating area means any patios, sidewalk cafes or similar unenclosed area in which contiquously situated restaurant or bar provides outdoor service to its patrons. To modify the limitation for the distance from the door to be 5 feet. So smoking will be prohibited within a reasonable distance and not less that 5 feet from outdoor entrances, operable windows and ventilation systems. To allow smoking at fraternal organizations. That means a non-profit organization that is chartered, tax-exempt, operates under a lodge system and is organized for the exclusive benefit of members. The creation of adult venues that would also include bars within restaurants if they are designated as an adult venue. CM Legg moved approval. Second by CM Gonzales. In favor: CM Puccetti, CM Gonzales, CM Greenberg, CM Legg. Opposed: Mayor Jaworski, CM Beeton. Motion carried.**

FF. Consider for action authorizing the City Manager to execute a pole attachment, for an initial term of five (5) years and for an amount not exceeding five thousand dollars ($5,000.00) per year, with Centerpoint Energy Houston Electric, LLC., in substantially the same form as exhibit one, after approval of the City Attorney, allowing the City to attach certain city-owned and Centerpoint-approved communications equipment for the provision of parking meter (traffic) management area Wi-Fi Coverage onto Centerpoint street light poles.

GG. Discuss and consider for action status of public housing rebuilding, role of council, and options for council. (Beeton/Greenberg)

DISCUSSION ONLY.

CM Beeton moved approval of Action Agenda Items A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD and FF. Second by CM Gonzales. Unanimously approved by those present.

13. MAYOR AND COUNCIL APPOINTMENTS
    A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:

Building Board of Adjustments:	CM Legg moved to appoint the following: Terry Fisher - Licensed Plumber; Ted Waterman - Licensed A/C; Tim Macon - Licensed Electrician and to reappoint the following: Pete Nanos - Master Plumber; Larry Ryan - Licensed A/C; David Franklin - Architect; Charles Staudt - Master Sign/Electrician. Second by CM Puccetti. Unanimously approved by those present.
Building and Standards Commission:	CM Legg moved to reappoint John R. McNatt to a term ending 7/31/2011. Second by CM Puccetti. Unanimously approved by those present. CM Legg moved to appoint J.T. Edwards to the Alternate No. 2 position. Second by CM Puccetti. Unanimously approved by those present.
Arts & Historic Preservation Advisory Board:	CM Greenberg moved to appoint Stacy Mitchell - Position 6. Second by CM Puccetti. Unanimously approved by those present.
Parks & Recreation Board	CM Greenberg moved to appoint George Player. Second by CM Legg. Unanimously approved by those present.
Civilian Review Board	CM Legg moved to appoint Frankie Rivera as District 1 representative. Second by CM Greenberg. Unanimously approved by those present.
TIRZ 14	CM Legg moved to appoint Brian Fisher as Chair. Second CM Puccetti. Unanimously approved by those present.

Galveston Housing Finance Corporation Board/Galveston Property Finance Authority:

CM Greenberg moved to reappoint Tom LaRue, William Buzz Elton, John Listowski. Second by CM Legg. Unanimously approved.

D. Council Ex-Officio:
Mayor Jaworski moved to appoint CM Gonzales as Ex-Officio representative to the Tree Conservancy Committee and Parks and Recreation Board. Second by CM Legg. Unanimously approved.
Animal Shelter
Arts & Historic Preservation Board

14. N/A
15. N/A
16. N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 8:15 p.m.