THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD JULY 22, 2010 - 4:00 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 Jaworski, CM Puccetti, CM Gonzales, CM Beeton, MPT Colbert, CM Greenberg, CM Legg

5. DECLARATIONS OF CONFLICT
None

6. APPROVAL OF MINUTES
Special Meeting held June 24, 2010: Motion to approve by CM Puccetti. Second by CM Gonzales. Unanimously approved.
Regular Meeting held June 24, 2010: Motion to approve by CM Legg. Second by CM Puccetti. Unanimously approved.
Regular Meeting held July 8, 2010: Motion to approve by CM Puccetti. Second by MPT Colbert. Unanimously approved.

7. PRESENTATIONS
   A. Proclamation: July 29, 2010 - Kiwanis 90th Anniversary Day

8. COMMUNICATIONS AND PETITIONS
   A. Notices of Claim: 10054-Michael Colon; 10055-Debra Bergland
   B. Texas Gas Service: Purchased Gas Adjustment Clause for July 2010

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
   A. Consider for approval an ordinance of the City of Galveston, Texas, granting a Specific Use Permit to install a wireless communication tower in a planned development (PD) zoning district on property legally described as "Lot 7, Seabird Acres, a subdivision, in the City and County of Galveston, Texas" and commonly known as 21430 San Luis Pass Road, Planning Case Number 09P-52; making various findings and provisions related to the subject.

ORDINANCE NO. 10-059 was read by caption: GRANTING A SPECIFIC USE PERMIT TO INSTALL A WIRELESS COMMUNICATION TOWER IN A PLANNED DEVELOPMENT (PD) ZONING DISTRICT ON PROPERTY LEGALLY DESCRIBED AS "LOT 7, SEABIRD ACRES, A SUBDIVISION, IN THE CITY AND COUNTY OF GALVESTON, TEXAS AND COMMONLY KNOWN AS 21430 SAN LUIS PASS ROAD; PLANNING CASE NUMBER 09P-52; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the requested ordinance.
Mayor Jaworski opened the PUBLIC HEARING.
Charles Goforth, 4131 San Jacinto, opposed to tower.
Marvin Davis, 4211 San Jacinto, opposed to tower

Alice Ann O'Donell, 13357 Sedagast Rd, Chair of Galveston Audubon Society and member of the Houston Audubon Board, opposed to tower.

Shep Poland, Verizon Wireless representative, asked Council to approve the proposed ordinance.

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

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

10. PUBLIC COMMENT

Becky Little, requested assistance regarding problems with the Galveston Housing Authority.

Harold Fattig, Catholic Charities, in support of SSBG Grant extension.

Herbert Turner, 215 Postoffice, opposed to paid parking on the Seawall

Alice Ann O'Donell, requested Council to take time to study the issue of setbacks for construction on the beach.

Peggy Zahler, asked Council to reconsider setback ordinance being submitted to GLO

Judy Wilkie, 1816 Postoffice, asked Council for appointment to the Landmark Commission.

Ben Harvie, Kemah resident, spoke in support of the creation of the Galveston Marathon.

Sheila Bell, spoke regarding flood prevention.

Jul Kamen, 1506 21st St., problems with housing market survey.

Jacqueline Tarpey, 2211 Ave. P, vacant housing issue.

Linda Burton, 13817 Cutlass Lane, problems with housing report.

David Miller, 3319 Ave. M, would like to have Ave. H (Ball) look like Broadway.

Janna Landry, Friendswood, wants to bring Galveston Marathon to Galveston, but it has been awarded to someone else.

Larry Crews, concerns regarding condition of city streets.

Linda White, Galveston Housing Authority not assisting with housing problems.

Charles Goforth, opposed to new water tower.

Ken Jencks, 190 San Marino, opposed to paid parking on the Seawall.

Cornelia Harris Banks, 3328 Ave. M, spoke in support of the housing study.

Laura Murrell, 4125 Fiddler Crab Lane, problem with negative comments pertaining to the housing study.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for action an Ordinance of the City of Galveston, Texas amending Chapter 21, "Mechanical and Air Conditioning Code" of the "Code of the City of Galveston, 1982, as amended" by adopting with amendments, the "2009 International Fuel Gas Code"; making various amendments to the "2009 International Fuel Gas Code"; establishing related permit fees and penalties; repealing all other ordinances or parts of ordinances in conflict herewith; making various findings and provisions related to the subject.

ORDINANCE NO. 10-060 was read by caption: AMENDING CHAPTER 21, "MECHANICAL AND AIR CONDITIONING CODE" OF "THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED" BY ADOPTING, WITH AMENDMENTS, THE "2009

INTERNATIONAL FUEL GAS CODE"; MAKING VARIOUS AMENDMENTS TO THE "20009 INTERNATIONAL FUEL GAS CODE"; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe summarized the ordinance.

Motion to approve by CM Legg. Second by CM Puccetti. Unanimously approved.

B. Consider for action an Ordinance of the City of Galveston, Texas amending chapter 18, "International Property Maintenance Code," of the "Code of the City of Galveston, 1982, as amended" by adopting the "2009 International Property Maintenance Code" with City of Galveston amendments; adding section 18-3 "license required", adding section 18-4 "annual inspection"; repealing all other ordinances or parts of ordinances in conflict herewith; making various findings and provisions related to the subject.

ORDINANCE NO. 10-061 was read by caption: AMENDING CHAPTER 18, "INTERNATIONAL PROPERTY MAINTENANCE CODE; OF THE "CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED" BY ADOPTING THE "2009 INTERNATIONAL PROPERTY MAINTENANCE CODE" WITH CITY OF GALVESTON AMENDMENTS; ADDING SECTION 18-3. "LICENSE REQUIRED"; ADDING SECTION 18-4. "ANNUAL INSPECTION"; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe stated changes as follows: appendix A - Section 101.1-add the title "City of Galveston"; Section 101.3 Intent - add in "or vacancies"; 102.3 Galveston Zoning Standards; 103.1 Responsibility of Staff; on next page, clarifying Section 304.14 dwelling units that do not have air conditioning services are required to have exterior screens. These are carried forward from previous years.

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

C. Consider for approval a Resolution of the City of Galveston in support of obtaining extension of the period for expending federal Social Services Block Grant (SSBG) funds for Hurricane Ike disaster recovery services.

RESOLUTION NO. 10-035 was read by caption: IN SUPPORT OF OBTAINING AN EXTENSION OF THE PERIOD FOR EXPENDING FEDERAL SOCIAL SERVICES BLOCK GRANT (SSBG) FUNDS FOR HURRICANE IKE DISASTER RECOVERY SERVICES; DIRECTING THE CITY SECRETARY TO SEND A COPY OF THIS RESOLUTION TO HON. SENATOR KAY BAILEY HUTCHISON, HON. SENATOR JOHN CORNYN, AND THE HON. CONGRESSMAN RON PAUL; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by Mayor Jaworski. Second by CM Puccetti. Unanimously approved.

D. Consider for action a Resolution of the City Council of the City of Galveston, Texas, respectfully requesting Galveston's Legislative Delegation to review and amend the "Texas Penal Code," Chapter 47 "Gambling", Section 47.01 "Definitions" as it pertains to gambling devices; urging the State Legislature to amend the definition of gambling device to that which was in place prior to 1993; directing the City Secretary to send a copy of this Resolution to Hon. Joan Huffman, Hon. Mike Jackson and the Hon. Craig Eiland; providing for findings of fact and providing for an effective date.

RESOLUTION NO. 10-036 was read by caption: RESPECTFULLY REQUESTING GALVESTON'S LEGISLATIVE DELEGATION TO REVIEW AND AMEND THE "TEXAS PENAL CODE," CHAPTER 47, "GAMBLING", SECTION 47.01 "DEFINITIONS", AS IT PERTAINS TO GAMBLING DEVICES; URGING THE STATE LEGISLATURE TO AMEND THE DEFINITION OF GAMBLING DEVICE TO THAT WHICH WAS IN PLACE PRIOR TO 1993; DIRECTING THE CITY SECRETARY TO SEND A COPY OF THIS RESOLUTION TO HON. JOAN HUFFMAN, HON. MIKE JACKSON AND THE HON. CRAIG EILAND; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

E. Consider for action a Resolution of the City of Galveston suspending the August 6, 2010 effective date of Centerpoint Energy Houston Electric LLC's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Gulf Coast Coalition of Cities; hiring Lloyd Gosselink attorneys and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel.

RESOLUTION NO. 10-037 was read by caption: SUSPENDING THE AUGUST 6, 2010 EFFECTIVE DATE OF CENTERPOINT ENERGY HOUSTON ELECTRIC LLC'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE GULF COAST COALITION OF CITIES; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Motion to approve by CM Legg. Second by CM Beeton. Unanimously approved.

F. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, authorizing the Mayor to apply for a Texas Department of Transportation (TxDOT) Aviation Division Grant for improvements to Scholes International Airport at Galveston for Fiscal Year 2011-2012; designating the City Manager as the authorized representative to execute all documents and receive all correspondence relating to such grant; appointing TxDOT as agent of the City for purposes of applying for, receiving, and disbursing all grant funds for airport improvements; directing the City Secretary to send a certified copy of the Resolution to the Texas Department of Transportation; providing for findings of fact and providing for an effective date.

RESOLUTION NO. 10-038 was read by caption: AUTHORIZING THE MAYOR TO APPLY FOR A TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) AVIATION DIVISION GRANT FOR IMPROVEMENTS TO SCHOLES INTERNATIONAL AIRPORT AT GALVESTON FOR FISCAL YEAR 2011-2012; DESIGNATING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE ALL DOCUMENTS AND RECEIVE ALL CORRESPONDENCE RELATING TO SUCH GRANT; APPOINTING TxDOT AS AGENT OF THE CITY FOR PURPOSES OF APPLYING FOR, RECEIVING, AND DISBURSING ALL FUNDS FOR THESE IMPROVEMENTS; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THE RESOLUTION TO THE TEXAS DEPARTMENT OF TRANSPORTATION; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Legg. Second by CM Puccetti. Unanimously approved.

G. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, urging the United States Department of Housing and Urban Development and the Texas Department of Housing and Community Affairs to expedite the Disaster Recovery Housing Program.

RESOLUTION NO. 10-39 was read by caption: URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO EXPEDITE THE DISASTER RECOVERY HOUSING PROGRAM.

CM Colbert requested language be added that does address the SBA Loans to say that it was just part of the application in and of itself. Not that a person would be eligible or income eligible to receive it. It was just part of the process and they wanted you to apply for the SBA Loan so that they could see if you qualified for it whether you did or not.

CM Gonzales moved approval with the change requested by CM Colbert. Second by CM Puccetti. Unanimously approved.

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 the purchase of ten USNV-PVS-14A Auto Gated Monocular Kits, $29,940.00 and MICH-NV Helmet Mounts ($5,460.00) from Pro-Tech for Galveston Police department Special Operations Division for a total amount of ($35,400.00). Funding source is Governor's Division of Emergency Management Office of Infrastructure Protection and 2008 Buffer Zone Protection Program.

B. Consider for action approving the purchase of eight NOPTIC PSV-100 Thermal Imagers ($29,200.00) & Eight RCA to USB Adapters ($600.00) from KERIF Night Vision for Galveston Police Department Special

Operations Division for a total amount of $29,800.00. Funding source is Governor's Division of Emergency Management Office of Infrastructure Protection and 2008 Buffer Zone Protection Program.

C. Consider for action approving inter local governmental agreement between the County of Galveston, the City of Texas City and the City of Galveston for the 2010 Byrne Justice Assistance Grant (JAG) Program Award.

D. Consider for action, accepting the submittal of the Comprehensive Housing Market Study of the Long-Term Community Recovery Plan.

E. Consider for approval authorizing the City Manager and City Attorney to retain Denton, Navarro, Rocha & Bernal as attorneys for the purpose of legal advice and representation for the City of Galveston in connection with the labor negotiation process between the City and Local 571, International Association of Fire Fighters and between the City and Galveston Municipal Association.

F. Consider for action authorizing Mike Hughes to submit a brief to the Attorney

General for an opinion as to whether the City's convention center surplus funds retain the State law restriction placed on hotel occupancy tax or have the restrictions lapsed and the City may place the funds in its general fund.

G. Discuss and consider for action giving the City Manager direction concerning the FY 2010-11 Budget and support on related processes such as collective bargaining.

CM Legg moved to recognize City Manager Steve LeBlanc as the sole negotiator in both the Police and Fire collective bargaining contract negotiations. Second by MPT Colbert. Unanimously approved.

H Discuss and consider giving the City Manager direction concerning the Chamber of Commerce Seawall Parking.

Mayor Jaworski moved to place the question of Seawall Parking and all of its specifics on a May 2011 ballot, that Council instruct staff, in this case Steve LeBlanc, with the assistance of the City Attorney to return back to Council for action beginning at the first meeting in September at the latest at proposed timeline of issues to address during the 12 meetings so Council can have a full and open discussion every workshop so language can be developed by the end of February. Second by CM Puccetti.

I. Consider for action authorizing the City Manager to enter into a Project Cooperation Agreement (PCA) *and any other necessary documents appurtenant thereto*, with the Texas General Land Office, in order to participate in the CEPRA Beach Nourishment Project No. 1391, West Galveston Island End of Seawall Beach Nourishment Project to be executed with the approval of the City Attorney, documents shall include an Interlocal Agreement relinquishing the City's PW no. 15155 and 15156 and all claims for damage caused by Hurricane Ike and any future disaster events and leaving the management and compliance of those PW's to the GLO. The PW money will be used by the GLO for this improved beach nourishment project, there will be no additional cost to the City.

Motion to approve Action Agenda Items A, B, C, D, E, F, G and I by CM Puccetti. Second by CM Gonzales. Unanimously approved.

13. MAYOR AND COUNCIL APPOINTMENTS

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

1. Finance and Fiscal Affairs Committee: CM Puccetti moved to reappoint Lewis Rosen to a 3 year term. Second by CM Greenberg. Unanimously approved.

   CM Greenberg moved to appoint Jeri Kinnear, Garrick Addison, Don Mafrige, Buddy Herz, Harry Maxwell and Ronald Pearrow. Second by CM Beeton. Unanimously approved.

2. Zoning Board of Adjustments: CM Beeton moved to move Rich Spethman from Alternate to a full position. Second by MPT Colbert. Unanimously approved.
   CM Greenberg moved to appoint Tony Brown. Second by CM Legg. Unanimously approved.
   CM Legg moved to appoint William Clement. Second by CM Greenberg. Unanimously approved.
   CM Legg moved to appoint Ray Truitt to Alternate Position No. 1. Second by CM Gonzales. Unanimously approved.

3. Landmark Commission: MPT Colbert moved to move Linda Strevell from Alternate No. 1 to Position No. 4 as an historic home owner. Second by CM Beeton. Unanimously approved.

Motion to move Nelson Smelker from Alternate No. 2 to Alternate No. 1 by CM Beeton. Second by CM Colbert. Unanimously approved.
Motion to appoint Charlotte O'Rourke to the Alternate No. 2 position. Second by CM Greenberg. Vote in favor: CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert, CM Greenberg, CM Legg. Opposed: CM Beeton. Motion carried.

4. Council ex-officios

Building Board of Adjustments:	Motion to appoint CM Legg by Mayor Jaworski. Second by CM Gonzales. Unanimously approved.
Commission for the Arts:	Motion to appoint CM Legg by CM Legg. CM Puccetti seconded. Unanimously approved.
Landmark Commission:	Motion to appoint CM Legg by CM Legg. Second by CM Puccetti. Unanimously approved.
Tax Foreclosure Committee	MPT Colbert moved to appoint CM Gonzales. Second by CM Puccetti. Unanimously approved.

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 7:22 p.m.