MEETING 29 OF 48 2010 – 2012 CITYOF GALVESTON
CITY COUNCIL OF THE CITY OF GALVESTON
MINUTES OF THE REGULAR MEETING AGENDA
THURSDAY– JULY 14, 2011 4:00 P.M.
COUNCIL CHAMBERS – CITY HALL

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
Meeting called to Order at 4:28 pm.

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL
Present: Dianna Puccetti, Elizabeth Beeton, Mayor Joe Jaworski, Linda Colbert, Steve Greenberg.
Absent: Chris Gonzales, Rusty Legg.

5. CONFLICTS OF INTEREST
None.

6. APPROVAL OF MINUTES
   A. Minutes of June 23, 2011.
   Motion to approve by CM Puccetti, second by Mayor Jaworski. Voting in favor CM Puccetti, Mayor Jaworski, CM Greenberg, CM Beeton. MPT Colbert abstained. Motion passed.
   B. Minutes of July 7, 2011.
   Motion to approve by CM Puccetti, second by Mayor Jaworski. Voting in favor CM Puccetti, Mayor Jaworski, CM Greenberg, CM Beeton. MPT Colbert abstained. Motion passed.

7. PRESENTATIONS & PROCLAMATIONS
None.

8. COMMUNICATIONS & PETITIONS

A. Timothy Day	Claim # 11-040	Notice of Claim
B. Chris Harris	Claim # 11-041	Notice of Claim

9. PUBLIC HEARINGS

   A. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit to operate a "Golf Cart Sales and Service" land use in a Commercial, Broadway Overlay Zone, Zone 3 (C-BOZ-3) zoning district; property is commonly known as 3524 and 3528 Broadway/Avenue J and is legally described as Lots 13 and 14, Block 215 in the City and County of Galveston, Texas; Planning Case Number 11P-75; making various findings and provisions related to the subject.

Ordinance No. 11-045 was read by caption: AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO OPERATE A "GOLF CART SALES AND SERVICE" LAND USE IN A COMMERCIAL, BROADWAY OVERLAY ZONE, ZONE 3 (C-BOZ-3) ZONING DISTRICT; PROPERTY IS COMMONLY KNOWN AS 3524 AND 3528 BROADWAY/AVENUE J AND IS LEGALLY DESCRIBED AS LOTS 13 AND 14, BLOCK 215 IN THE CITY AND COUNTY OF GALVESTON, TEXAS.
No public comment.
Motion to approve by CM Beeton, second by CM Colbert. Unanimously approved.

B. Consider for approval an Ordinance of the City of Galveston, Texas, to amend the Galveston Zoning Standards of 1991, as amended, Section 29-65(g) "Minimum Side Yard Setbacks for Residential Uses for one family dwelling, detached dwellings in the Light Industrial (LI) zoning district by Amending the table exhibits in 29-65(g) for the LI zoning district to correspond with setbacks found in other districts; to Amen Section 29-105: Gateway Development Zone Guidelines BY ADDING "One family dwelling, detached" to the list of Permitted Uses; for the Gateway Development Zone; and to amend 29-105(a)(1) Development Procedures from "Any proposed use" to "Any new construction, with the exception of residential construction on a single-family platted lot" (Planning Case No. 11ZA-07); making various findings and provisions related to the subject.

Ordinance No. 11-046 was read by caption: AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, TO AMEND THE GALVESTON ZONING STANDARDS OF 1991, AS AMENDED, SECTION 29-65(G) "MINIMUM SIDE YARD SETBACKS FOR RESIDENTIAL USES FOR ONE FAMILY DWELLING, DETACHED DWELLINGS IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT BY AMENDING THE TABLE EXHIBITS IN 29-65(G) FOR THE LI ZONING DISTRICT TO CORRESPOND WITH SETBACKS FOUND IN OTHER DISTRICTS; TO AMEN SECTION 29-105: GATEWAY DEVELOPMENT ZONE GUIDELINES BY ADDING "ONE FAMILY DWELLING, DETACHED" TO THE LIST OF PERMITTED USES; FOR THE GATEWAY DEVELOPMENT ZONE; AND TO AMEND 29-105(A)(1) DEVELOPMENT PROCEDURES FROM "ANY PROPOSED USE" TO "ANY NEW CONSTRUCTION, WITH THE EXCEPTION OF RESIDENTIAL CONSTRUCTION ON A SINGLE-FAMILY PLATTED LOT"
Public comment by Ray Reesby against the Ordinance.
Motion to approve by MPT Colbert second by CM Beeton. Unanimously approved.

10. REQUESTS TO ADDRESS COUNCIL ON AGENDA ITEMS

a. David Stanowsky, 13E
b. Joe Compian, 13E
c. Steve McIntyre, 13E

d. Anna Olivares, 13E
e. Laura Murrel, 13E
f. Leon Phillips, 13E
g. Teresa Grandson, 13E
h. Neil Wilson, 13H
i. Susan Fennewald, 13E

11. ORDINANCES, RESOLUTIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas, creating and providing for a Capital Development and Financing Fund; making various findings and provisions related to the subject and providing for an effective date. (Deferred from June 23, 2011)

The proposed Ordinance was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, CREATING AND PROVIDING FOR A CAPITAL DEVELOPMENT AND FINANCING FUND.
Motion to defer to July 28, 2011 by CM Greenberg, second by MPT Colbert. Unanimously approved.

B. Consider for approval an Ordinance of the City of Galveston, Texas, increasing future Public Works Department annual funding for the maintenance, operation, and improvement of city streets until the annual allocation reaches a minimum of 12% of the total General Fund Budget; making various findings and provisions related to the subject and providing for an effective date. (Deferred from June 23, 2011)

The proposed Ordinance was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, INCREASING FUTURE PUBLIC WORKS DEPARTMENT ANNUAL FUNDING FOR THE MAINTENANCE, OPERATION, AND IMPROVEMENT OF CITY STREETS UNTIL THE ANNUAL ALLOCATION REACHES A MINIMUM OF 12% OF THE TOTAL GENERAL FUND BUDGET.
Motion to defer to July 28, 2011, by CM Greenberg, second by MPT Colbert. Unanimously approved.

C. Consider for approval a Resolution of the City Council of the City Of Galveston, Texas, accepting the City's portion of a 2011 Byrne Justice Assistance Joint Grant from the Department Of Justice in a total joint amount of $80,215.00 to purchase laptop computers and computer components for use in law enforcement vehicles; authorizing the City Manager to execute an Interlocal Agreement with Galveston County and the City Of Texas City, appointing the County as fiscal agent for the grant; and equally dividing the total grant award between such parties; providing for findings of fact and providing for an effective date.

Resolution No. _______________was read by caption, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, ACCEPTING THE CITY'S PORTION OF A 2011 BYRNE JUSTICE ASSISTANCE JOINT GRANT FROM THE DEPARTMENT OF

JUSTICE IN A TOTAL JOINT AMOUNT OF $80,215.00 TO PURCHASE LAPTOP COMPUTERS AND COMPUTER COMPONENTS FOR USE IN LAW ENFORCEMENT VEHICLES; AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH GALVESTON COUNTY AND THE CITY OF TEXAS CITY, APPOINTING THE COUNTY AS FISCAL AGENT FOR THE GRANT; AND EQUALLY DIVIDING THE TOTAL GRANT AWARD BETWEEN SUCH PARTIES.
Motion to approve by CM Puccetti, second by MPT Colbert. 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, replacement of the 85.7 ton chiller for the annex building with an extended warranty. The funding source is the Building Repair Fund: 50108115535312304651OO.

B. Consider for approval, the renewal of the software maintenance contract for CIS Infinity in the amount of $60,114.00. The funding source will be the Waterworks, Sewer, Sanitation and Drainage Utility Billing Funds.

C. Consider for approval, the renewal of the maintenance contract from Altura for $32,502.00. The funding source will be the Technology Services Maintenance Contracts Account 5010-811551-531240-465100.

D. Consider for approval, the purchase of two fueling trailers for the streets division for a total cost of $29,000.00 from Rush Truck Center through Buy Board. The funding source will be the Vehicle Replacement Fund.

E. Consider for approval, the Annual Flood Insurance Premium to Galveston Insurance Associates (GIA) for the second year of a three year proposal RFP $09-10-007 for approximately $156,587.00 effective July 27, 2011 through July 27, 2012.

F. Consider for approval, Bid #10-11-019 for the Annual Street Materials Contracts from various vendors (Vulcan Construction Materials, Southern Crushed Concrete, Performance Grade Asphalt, Kelso Concrete Co. and Cherry Crushed Concrete).

G. Consider for approval, the purchase of six (6) Brazos Technology Mobile Citation Writers from Tyler Technology for the Motor Police Officers. Total cost of $36,626.00 and annual fees of $4,638.00. The funding source will be Municipal Court Technology Fund 1820-124308-535130.

H. Consider for approval, the lowest, most responsive proposal (RFP#10-11-015) for the rehabilitation of 19 owner occupied housing units in a base bid amount of $1,235,707.47, from Sullivan Land Services, LTD. The funding is provided under the CDBG Disaster Recovery Housing Program.

I. Consider for approval, the lowest, most responsive proposal (RFP#10-11-016) for the rehabilitation of 12 owner occupied housing units in a base bid amount of $831,718.81, from Sullivan Land Services, LTD. The funding is provided under the CDBG Disaster Recovery Housing Program.

J. Consider for approval the lowest, most responsive proposal (RFP#10-11-017) for the rehabilitation of 25 owner occupied housing units in a base bid amount of $2,184,710.81, from Sullivan Land Services, LTD. The funding is provided under the CDBG Disaster Recovery Housing Program.
Motion to approve Consent Items A through J by CM Puccetti, second by MPT Colbert. 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 approval selecting one (1) of the interviewed candidates as Interim City Manager. (Deferred from June 23rd and July 7th)
Withdrawn

B. Discuss and consider for approval a contract with Texas First Group and appointing an Interim City Manager and establishing an effective date. Funds available through the Reorganization Fund. (Deferred from June 23rd and July 7th)
Withdrawn

C. Discuss and consider for action the effects of Senate Bill 100 on local elections as well as a proposed City of Galveston Charter Amendment Election.
No action.

D. Discuss and consider for action directing staff to draft proposed charter amendments.
No action.

E. Discuss and consider for approval the Galveston Housing Authority's Request to use $5,000,000.00 of $25,000,000.00 in Round I CDBG Disaster Recovery Housing Funds for Pre-Development Costs and Real Property Acquisition Associated with rebuilding 569 units of public housing. (Deferred from June 23rd)
The requested amount has been updated from $5,000,000.00 to $3,490,390.00.
Motion to defer to July 28, 2011, by CM Greenberg, second by CM Beeton. Unanimously approved.

F. Discuss and consider for action authorizing the City Manager to proceed with the potential sale of the Shearn Moody parking garage follow up to the June 23, 2011, Goodman Presentation.
Motion to approve by CM Beeton, second by CM Puccetti. Unanimously approved.

G. Discuss and consider for action a hiring freeze for City of Galveston employees. (deferred from June 23rd)
Motion to defer until July 28, 2011, second by CM Beeton. Unanimously approved.

H. Discuss and consider taking action regarding the recycling and/or resale of materials recovered from homes demolished through the CDBG Disaster Recovery Housing Program.
No action.

I. Discuss and consider taking action on the process used by the City of Galveston for tax foreclosed property.
Presentation by Mark Ciavaligia. No action.

14. MAYOR AND COUNCIL APPOINTMENTS

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

1. Park Board of Trustees

Motion to reappoint Craig Brown by CM Greenberg, second by CM Puccetti. Unanimously approved.

Motion to reappoint Melvin Williams by CM Greenberg, second by MPT Colbert. Unanimously approved.

Motion to appoint Steve Kalbaugh by CM Greenberg, second by MPT Colbert. In favor of the motion were CM Greenberg and CM Colbert. Against the motion were Mayor Jaworski, CM Puccetti, & CM Beeton. Motion failed.

Motion to appoint Joyce McLean, Gary Barnes and Will Wright, by Mayor Jaworski, second by CM Beeton. In favor of the motion were CM Puccetti, CM Beeton and Mayor Jaworski. Against the motion were CM Greenberg and MPT Colbert. Motion failed.

Motion to appoint Joyce McLean by CM Puccetti, second by Jaworski. In favor of the motion CM Puccetti and Mayor Jaworski. Against the motion were MPT Colbert, CM Beeton and CM Greenberg. Motion failed.

Motion to appoint Gary Barnes by MPT Colbert, second by Jaworski. Unanimously approved.

Motion for Steve Kalbaugh by CM Greenberg, second by MPT Colbert. In favor of the motion were CM Beeton, Mayor Jaworski, MPT Colbert, CM Greenberg. CM Puccetti abstained. Motion passed.

Motion to appoint Rene Adame by CM Greenberg, second by CM Beeton. Unanimously approved.

2. Landmark Commission
Motion to reappoint Nelson Smelker by CM Beeton, second by Mayor Jaworski. Unanimously approved.

15 N/A

16. N/A

17. REQUESTS TO ADDRESS COUNCIL ON NON-AGENDA ITEMS UPON SUBMITTING A WRITTEN REQUEST
    a. Tarris Woods, tax foreclosed property
    b. Sheila Bell, flood rescue by boat
    c. Ralph McMorris business recovery loan program

18. ADJOURNMENT
Meeting adjourned at 6:50 pm.

Respectfully submitted,

Douglas Godinich
City Secretary