THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD JUNE 24, 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 Gonzales, CM Beeton, MPT Colbert, CM Greenberg, CM Woods
   Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence

5. DECLARATIONS OF CONFLICT
   None

6. APPROVAL OF MINUTES
   The Minutes of the Regular Meeting of June 10, 2010 were unanimously approved upon motion by MPT Colbert and second by CM Woods.

7. PRESENTATIONS
   A. Proclamations
      June 24, 2010: In Remembrance of Sidney McClendon III Day

8. COMMUNICATIONS AND PETITIONS
   A. Notices of Claim: 10038-Maria E. Trevino; 10039-Susie Green; 10040-Sonya Porretto; 10042-Edward E. Weyburn III; 10043-Lisa M. Ludwick; 10044-Michael McMahan; 10045-Michael Shave; 10046-Nicolas Cruz; 10047-Christopher Lynch; 10048-Kim Danesi; 10049-John B. Eidman

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

   A. Consider for approval an ordinance of the City of Galveston, Texas amending "The Zoning Standards", Section 29-51 "Use Regulations Definitions", by amending the definition of "Pawn Shop" and adding a new definition for "Retail Lending Facility"; amending the Zoning Standards, Section 29-102, "(l) Seawall Development Guidelines: Land Uses to add "Retail Lending Facility"; amending Section 29-37: Appendices-Zoning Districts, to include "Retail Lending Facility" as a permitted land use in Appendix U: "Heavy Industrial (HI); and in the following Appendices With a Specific Use Permit Only: in Appendix Q: "Central Business (CB)", Appendix R: "Central Plaza (CP)", Appendix S: "Commercial (C)", and Appendix T: "Light Industrial (LI)"; amending the Zoning Standards, Section 29-105(b): "Gateway Development Zone-Land Uses" Zone 3 to permit "Retail Lending Facility" With a Specific

Use Permit Only. Planning Case Number 10ZA-05; making various findings and provisions related to the subject.

ORDINANCE NO. 10-053 was read by caption: AMENDING "THE ZONING STANDARDS", SECTION 29-51 "USE REGULATIONS DEFINITIONS"' BY AMENDING THE DEFINITION OF "PAWN SHOP" AND ADDING A NEW DEFINITION FOR "RETAIL LENDING FACILITY"; AMENDING THE ZONING STANDARDS, SECTION 29-102, "(L) SEAWALL DEVELOPMENT GUIDELINES: LAND USES TO ADD "RETAIL LENDING FACILITY'; AMENDING SECTION 19-37: APPENDICES-ZONING DISTRICTS, TO IINCLUDE "RETAIL LENDING FACILITY" AS A PERMITTED LAND USE IN APPENDIX U: "HEAVY INDUSTRIAL (HI); AND IN THE FOLLOWING APPENDICES *WITH A SPECIFIC USE PERMIT ONLY*: IN APPENDIX Q: "CENTRAL BUSINESS (CB)", APPENDIX R: "CENTRAL PLAZA (CP)", APPENDIX S: "COMMERCIAL (C)", AND APPENDIX T: "LIGHT INDUSTRIAL (LI)"; AMENDING THE ZONING STANDARDS, SECTION 20-105(B): "GATEWAY DEVELOPMENT ZONE –LAND USES" ZONE 3 TO PERMIT "RETAIL LENDING FACILITY" *WITH A SPECIFIC USE PERMIT ONLY*, PLANNING CASE NUMBER 10ZA-05; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Lori Schwarz, Planning Department, summarized the proposed ordinance.

Mayor Jaworski opened the Public Hearing.

<u>Don Mafrige</u>, 1805 Bayou Shore Drive, asked Council to approve the proposed ordinance.

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

<u>Advance America</u> representative, spoke in support of the proposed zoning change.

CM Greenberg moved approval. Second by CM Woods. Vote in favor: Mayor Jaworski, CM Woods, CM Greenberg, MPT Colbert. Opposed: CM Puccetti, CM Gonzales, CM Beeton. Motion approved.

B. Consider for approval an ordinance of the City of Galveston, Texas. Changing the zoning from multi-family one (MF-1) to retail, Seawall Development Zone, Zone 2, Height and Density development zone, zone 3 (R-SDZ-2-HDDZ-3) for the property legally described as the North 150 feet of Lot 1, Fred E. Wyant subdivision (2006) and Lots 1-7, Southeast Block 23, Galveston Outlots, in the City and County of Galveston, Texas, commonly known as 1702 Seawall Boulevard, 1410 12th Street, and 1101, 1111, 1113 Avenue M ½ (Planning Case 10P-50; making various findings and provisions related to the subject.

ORDINANCE was read by caption: CHANGING THE ZONING FROM MULTI-FAMILY ONE (MF-1) TO RETAIN, SEAWALL DEVELOPMENT ZONE, ZONE 2, HEIGHT AND DENSITY DEVELOPMENT ZONE, ZONE 3 (R-SDZ-2-HDDZ-3) FOR THE PROPERTY LEGALLY DESCRIBED AS THE NORTH 150 FEET OF LOT 1, FRED E. WYANT SUBDIVISION (2006) AND LOTS 1-7, SOUTHEAST BLOCK 23, GALVESTON OUTLOTS, IN THE CITY AND COUNTY OF GALVESTON, TEXAS, COMMONLY KNOWN AS 1702 SEAWALL BOULEVARD, 1410 12TH STREET, AND 1101, 1111, 1113 AVENUE M ½ (PLANNING CASE 10P-50; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT).

Lori Schwarz, Planning Department, stated the applicant had requested deferral of this item.

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

CM Beeton moved deferral to the July 22, 2010 Council meeting. Second by MPT Colbert. Unanimously approved.

C. 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 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.

Lori Schwarz, Planning Department, requested deferral of this item.

Mayor Jaworski opened the Public Hearing.

Josephine Davis, 4211 San Jacinto, stated her opposition to the location of the tower.

Charles Goforth, 4131 San Jacinto, spoke opposing the location of the tower and requested deferral to the July 22, 2010 meeting of Council.

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

CM Puccetti moved deferral to the July 22, 2010 meeting of Council. Second by MPT Colbert. Unanimously approved.

10. PUBLIC COMMENT

Tony Bess, 25335 Intrepid Lane, spoke regarding complaints of driving on the beach.

Danny Hart, 3207 Dominique, asked if there was a plan being developed to handle tar balls on the beach.

Marvin Davis, 4211 San Jacinto, spoke opposing the location of a cell phone tower in his neighborhood.

Josephine Davis, 4211 San Jacinto, said there was no need for an additional cell phone tower on the west end of the island because there were no probems with reception.

Charles Goforth, 4131 San Jacinto, stated former Mayor Thomas had been opposed to the location of a new cell phone tower in his neighorhood.

Steve Everts, 4527 Ave. O ½, spoke in support of eight-liners.

Rusty Legg, 1927 Broadway, asked Council to delay appointing ex-officios to City boards, commissions and committees until all duly elected members are seated.

Ruama Camp, Live Oak Baptist Church, Grace Community Services Community Festival, gave information on the festival and invited people to attend.

J.T. Edwards, 902 22nd St. #3, asked Council to delay appointing ex-officios.

Sheila Bell, spoke regarding flood prevention and flood warnings.

Bill Broussard, 3310 Eckert, spoke regarding Comprehensive Plan problems pertaining to the West End of the Island.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas, authorizing the City Manager to execute a deed without warranty clearing title to part of 99th street, 50 foot right-of-way, lying south of Stewart Road and lying between lots 325, 326, 327 and 328, Section 1 in the Trimble and Lindsey Survey, in the City and County of Galveston; making various findings and provisions related to the subject.

ORDINANCE NO. 10-054 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY CLEARING TITLE TO PART OF 99TH STREET, 50 FOOT RIGHT-OF-WAY, LYING SOUTH OF STEWART ROAD AND LYING BETWEEN LOTS 325, 326, 327 AND 328, SECTION 1 IN THE TRIMBLE AND LINDSEY SURVEY, IN THE CITY AND COUNTY OF GALVESTON, MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Beeton. Second by MPT Colbert. Unanimously approved by those present. CM Greenberg out of the room.

B. Consider for approval a Resolution of the City Council of the City of Galveston, Texas accepting a gift of property legally described as approximately .389 acres out of Lot 110 in Section 1 of the Trimble and Lindsey survey and commonly known as 2226 71st Street in the City and County of Galveston, Texas described in the deed from Luther Goodrich Jones and Doris Goodrich Jones to William F. Cooper and wife, Thelma Lou Cooper recorded in book 3201, page 870 in the office of the County Clerk Deed Records of Galveston County, from William F. and Thelma L. Cooper for incorporation into Jones Park; authorizing the City Manager to acknowledge acceptance of the warranty deed for the property; providing for findings of fact and providing for an effective date.

RESOLUTION NO. 10-026 was read by caption: ACCEPTING A GIFT OF PROPERTY LEGALLY DESCRIBED AS APPROXIMATELY .389 ACRES OUT OF LOT 110 IN SECTION 1 OF THE TRIMBLE AND LINDSEY SURVEY AND COMMONLY KNOWN AS 2226 71ST STREET IN THE CITY AND COUNTY OF GALVESTON, TEXAS DESCRIBED IN THE DEED FROM LUTHER GOODRICH JONES AND DORIS GOODRICH JONES TO WILLIAM F. COOPER AND WIFE, THELMA, LOU COOPER RECORDED IN BOOK 3201, PAGE 870 IN THE OFFICE OF THE COUNTY CLERK DEED RECORDS OF GALVESTON COUNTY, FROM WILLIAM F. AND THELMA L. COOPER FOR INCORPORATION INTO JONES PARK; AUTHORIZING THE CITY MANAGER TO ACKNOWLEDGE ACCEPTANCE OF THE WARRANTY DEED FOR THE PROPERTY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

C. Consider for approval a Resolution distributing and awarding Fiscal Year 2011 hotel occupancy tax proceeds to eligible arts and historic preservation organizations under single-year contracts; distributing and awarding three-year hotel occupancy tax proceeds for fiscal years 2011, 2012, and 2013 to eligible arts and historic preservation organizations under multi-year contracts; approving the annual budgets of such recipients; authorizing the City Manager to execute contracts with such recipients; directing the City Secretary to send a certified copy of this Resolution to the Park Board of Trustees.

RESOLUTION NO. 10-027 was read by caption: DISTRIBUTING AND AWARDING
FISCAL YEAR 2011 HOTEL OCCUPANCY TAX REVENUES TO ELIGIBLE ARTS AND HISTORIC PRESERVATION ORGANIZATIONS UNDER SINGLE-YEAR CONTRACTS; DISTRIBUTING AND AWARDING THREE-YEAR HOTEL OCCUPANCY TAX REVENUES FOR FISCAL YEARS 2011, 2012, AND 2013 TO ELIGIBLE ARTS AND HISTORIC PRESERVATION ORGANIZATIONS UNDER MULTI-YEAR CONTRACTS; APPROVING THE ANNUAL BUDGETS OF SUCH RECIPIENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH SUCH RECIPIENTS; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE PARK BOARD OF TRUSTEES; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas temporarily allowing the Houston Trail Ride Collaboration to ride horses on the beach in the area of San Luis pass on the weekend of august 13-15, 2010; providing for finding of fact and providing for an effective date.

RESOLUTION NO: 10-028 was read by caption: TEMPORARILY ALLOWING THE HOUSING TRAIL RIDE COLLABORATION TO RIDE HORSES ON THE BEACH IN THE AREA OF SAN LUIS PASS ON THE WEEKEND OF AUGUST 13-15, 2010; PROVIDING FOR FINDING OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas temporarily designating an area for overnight camping by the Houston Trail Ride Collaboration; allowing the Houston Trail Ride Collaboration overnight camping on the beach, on the Galveston side of the San Luis pass bridge, on the weekend of August 13-15, 2010; providing for finding of fact and providing for an effective date.

RESOLUTION NO. 10-029 was read by caption: TEMPORARILY DESIGNATING AN AREA FOR OVERNIGHT CAMPING BY THE HOUSTON TRAIL RIDE COLLABORATION; ALLOWING THE HOUSTON TRAIL RIDE COLLABORATION OVERNIGHT CAMPING ON THE BEACH, ON THE GALVESTON SIDE OF THE SAN LUIS PASS BRIDGE, ON THE WEEKEND OF AUGUST 13-15, 2010; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

F. Consider for approval a Resolution of the City Council of the City of Galveston, Texas nominating the Artist Boat as a non-profit organization that is eligible to apply for grants awarded by the Texas Coastal Management Program through the General Land Office.

RESOLUTION NO. 10-030 was read by caption: NOMINATING THE ARTIST BOAT AS A NON-PROFIT ORGANIZATION THAT IS ELIGIBLE TO APPLY FOR GRANTS AWARDED BY THE TEXAS COASTAL MANAGEMENT PROGRAM THROUGH THE GENERAL LAND OFFICE; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

G. Consider for approval a Resolution of the City Council of the City of Galveston, Texas supporting House Bill 4899, relating to the funding of disaster and permanent project relief projects; urging the United States Congress to approve legislation that would appropriate funds for "category C through category G" relief; directing the City Secretary to send a copy of this Resolution to Hon. Senator Kay Bailey Hutchison, Hon. Senator John Cornyn, Hon. Congressmen Ron Paul.

RESOLUTION NO. 10-031 was red by caption: SUPPORTING HOUSE BILL 4899, RELATING TO THE FUNDING OF DISASTER AND PERMANENT PROJECT RELIEF PROJECTS; URGING THE UNITED STATED CONGRESS TO APPROVE LEGISLATION THAT WOULD APPROPRIATE FUNDS FOR "CATEGORY C THROUGH CATEGORY G"; DIRECTING THE CITY SECRETARY TO SEND A COPY OF THIS RESOLUTION TO HON. SENATOR KAY BAILEY HUTCHISON, HON. SENATOR JOHN CORNYN, HON. CONGRESSMAN RON PAUL; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Puccetti. Second by MPT Colbert. 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 a waiver from the license to use fees and building permit fees for Preston C. D'Albergo, property owner, located at 2311 38th Street in conjunction with the placement of an ADA accessible ramp within the 38th Street right-of-way.

B. Consider for action approving award of Bid #09-10-046 for a three-year contract to low bidder Huther & Associates, of Denton, Texas, to perform the TCEQ mandatory bio-monitoring testing for the Wastewater Treatment Plants in the amount of $19,920.00. Funding source is Wastewater Laboratory Testing Account.

C. Consider for action approving award of three-year contract to DXI Industries, Inc. for lowest complete bid on chlorine, sodium hypochlorite and aqua ammonia for Water Supply and Wastewater Treatment Divisions in the Public Works Department, Municipal Utilities Bid #09-10-045. Funding source is Public Works Municipal Utilities Chemical Account.

D. Consider for action approving acceptance of annual contract for pipe, parts and fittings Bid #09-10-049 from both H.D. Supply, total line item per unit listing $63,962.29 and MDN Enterprises, total line item per unit listing $70,047.61. Funding source is Public Works Pipe and Plumbing Supply Account.

E. Consider for action authorizing the City Manager to enter into a contract with Hardy-Heck-Moore (HHM) as the consultants for the GIS Integration of Historic Resource Surveys. Funding source is $8,500.00 in grant funds from the Texas Historical Commission and $8,500.00 from Planning Consultant Services Account. The contract shall be in substantially the form attached and approved by the City Attorney prior to City Manager signing.

F. Consider for action approving awarding RFP #09-10-019 liability and property insurance coverage to TMLIRP for a three-year period October 1, 2010 thru September 30, 2013 with first year October 1, 2010 - September 30, 2011 contribution being approximately $533,378.00 less a 3% discount, $16,001.34, for full prepayment. Funding source is various insurance accounts within the Internal Service Fund.

G. Consider for action approving renewal of annual support contract with Advanced Utility Systems for the period of July 1, 2010 to June 30, 2011 at a cost of $55,661.00. Funding source is Water, Sewer, Sanitation and Drainage Utility Billing Operating Budget.

H. Consider for action approving cancellation of contract with JTB Services and K$F Demolition for demolition of seven properties in the HMGP Buy Out Program and award single quote from Seaquest Recovery & Demolition for those properties in the amount of $24,154.00. Funding source is 75% Hazard Mitigation Grant Program and 25% Home Owner.

I. Consider for action approving acceptance of low bids from Forde Construction to provide labor, equipment and materials for the 21st Street Paving Project - $192,698.20 and the 23rd Street Paving Project -$192,698.20. Funding for these two projects will come from two American Recovery and Reinvestment Act (ARRA) Funds Bid #09-10-048.

J. Consider for action approving contract extension of Beck Disaster Services, Inc. for Hurricane Ike related monitoring services until the end of the Hurricane Ike Declaration. Funding source is 100% FEMA-Cat A.

K. Consider for action approving low bidder Bid #09-10-038 McDonald Electric, of Houston, Texas for the design and build of five emergency generators at Fire Station #2, Fire Station #7, Fire Station #8, City Hall and McGuire Dent Recreation Center. Total Cost is $997,469.00. Funding source is 75% $748,101.75 HMGP Grant and 25% $249,367.25 General Fund Match.

L. Consider for action approving nine change order to Holliday Builders, Inc. for Island Transit Maintenance Facility renovation/expansion previously awarded under RFB #09-10-011 in the total amount of reduction (credit) $110,829.92 and as herein noted in background information.

M. Consider for action authorizing the continued representation by the Chamberlain Hrdlicka Law Firm (William Helfand) for defense of City Claim #04-059, Flagship v. City of Galveston, et al. and providing for additional funding authorization of $25,000.

N. Discuss and consider for action scheduling special workshops on noise ordinance including all stakeholders. (Puccetti/Gonzales)

CM Puccetti moved to hold a Special Workshop in Council Chambers beginning at 10:00 a.m. on July 8, 2010 before the regularly scheduled workshop to discuss and receive public input regarding the noise ordinance. Second by MPT Colbert.

O. Discuss and consider for action all action necessary to preserve Broadway beautification. (Mayor)
No action taken

CM Beeton moved approval of Action Items A, B, C, D, E, F, G, H, I, J, K, L and M. Second by MPT Colbert. Unanimously approved.

13. MAYOR AND COUNCIL APPOINTMENTS

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

1. Ex-Officio appointments to the following boards, committees, commissions:
Wharves Board: CM Woods moved to appoint CM Puccetti. Second by CM

Gonzales. Vote in favor: CM Gonzales, Mayor Jaworski, MPT Colbert, CM greenbert, CM Woods. Opposed: CM Beeton. CM Beeton stated she thought ex-officio appointments should wait until the full Council was in place. Motion approved.

Park Board

Planning Commission — CM Greenberg moved to appoint CM Beeton. Second by MPT Colbert. Vote in favor: CM Puccetti, CM Beeton, CM Gonzales, Mayor Jaworski, MPT Colbert, CM Greenberg. Opposed: CM Woods. Motion carried.

Airport Advisory Committee

Animal Shelter Advisory Board

Art and Historic Preservation Board

Building and Standards Commission — CM Beeton moved to appoint MPT Colbert. Second by CM Woods. Unanimously approved.

Building Board of Adjustments

Commission for the Arts

Ethics Commission — Mayor Jaworski moved to appoint MPT Colbert. Second by CM Puccetti. Unanimously approved.

Finance and Fiscal Affairs Committee: CM Woods moved to appoint CM Greenberg. Second by CM Gonzales. Unanimously approved.

CM Greenberg moved to appoint CM Beeton. Second by CM Gonzales. Vote in favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert, CM Greenberg.

	Opposed: CM Woods. Motion approved.
Galveston Housing Authority	
Galveston Port Facilities Corporation	
Industrial Development Corporation	CM Greenberg moved to appoint CM Beeton. Second by CM Gonzales. Vote in favor: CM Puccetti, CM Beeton, CM Gonzales, Mayor Jaworski, MPT Colbert, CM Greenberg. Opposed: CM Woods. Motion approved. CM Woods moved to appoint CM Puccetti. Second by MPT Colbert. Unanimously approved.
Intermodal Transportation Committee	
Galveston Landmark Committee	
Parks and Recreation Board	
Tax Foreclosure Committee	

2. Discuss and consider for action method and timing of appointment of members of commissions, boards and committees. (Mayor)

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

17. ADJOURNMENT

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on ________________, 2010.__________.

____

Barbara Lawrence
City Secretary

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409 797-3510).