

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD MAY 28, 2009- 1:00 PM

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present: Mayor Thomas, CM Beeton, MPT Weber, CM Colbert, CM Fennewald, CM Woods
Absent: CM Mahoney (arrived at 3:45 p.m.)
Staff: City Manager LeBlanc; City Attorney Green; City Secretary Lawrence; Director of Grants and Housing Patrick; Asst. City Attorney Cross; Director of Planning and Community Services O'Donohoe
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
None
7. PRESENTATIONS
A. Proclamations: May, 2009 - Motorcycle Safety Awareness Month
8. COMMUNICATIONS AND PETITIONS

4:00 P.M.

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
 - A. Consider for approval an Ordinance of the City of Galveston, Texas, changing the zoning from "General Residence (GR) Zoning District" to "Neighborhood Services (NS) Zoning District" on property legally described as "Lots 8, 9 and 10, Block 136, in the City and County of Galveston, Texas," and commonly known as 1019 16th Street (Planning Case 09P-37); making various findings and provisions related to the subject.
ORDINANCE NO. 09-032 was read by caption: CHANGING THE ZONING FROM "GENERAL RESIDENCE (GR) ZONING DISTRICT" TO "NEIGHBORHOOD SERVICES (NS) ZONING DISTRICT" ON PROPERTY LEGALLY DESCRIBED AS "LOTS 8, 9 AND 10, BLOCK 136, IN THE CITY AND COUNTY OF GALVESTON, TEXAS," AND COMMONLY KNOWN AS 1019 16TH STREET (PLANNING CASE 09P-37); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.
Ms. O'Donohoe summarized the proposed ordinance.
Mayor Thomas opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.
Motion to approve by CM Beeton. Second by CM Woods. Unanimously approved.
 - B. Consider for approval an Ordinance of the City of Galveston, Texas, changing the

zoning from "One Family-Two (IF-2) Zoning District" to "Planned Development (PD) Zoning District" on property legally described as "Hall and Jones Survey, Reserve C (0-3), Pirates Beach Section 1, Replat (2008), in the City and County of Galveston, Texas," and commonly known as 4242 Marina Boulevard (Planning Case 09P-20); making various findings and provisions related to the subject.

ORDINANCE NO. 09-033 was read by caption: CHANGING THE ZONING FROM "ONE FAMILY-TWO (IF-2) ZONING DISTRICT" TO "PLANNED DEVELOPMENT (PD) ZONING DISTRICT" ON PROPERTY LEGALLY DESCRIBED AS "HALL AND JONES SURVEY, RESERVE C (0-3), PIRATES BEACH SECTION 1, REPLAT (2008), IN THE CITY AND COUNTY OF GALVESTON, TEXAS," AND COMMONLY KNOWN AS 4242 MARINA BOULEVARD (PLANNING CASE 09P-20); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe gave an explanation of the proposed ordinance.

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 Colbert. Unanimously approved.

- C. Consider for approval an Ordinance of the City of Galveston, Texas, changing the zoning from One Family-One (1F-1), One Family-Three (1F-3), Multi Family-One (MF-1), Planned Development (PD) and Water (W) zoning districts to One Family-One (1F-1) and Water (W) zoning districts for the property 23.01 Acres North of Stewart Road, South of Galveston Bay, West of Cove View Boulevard, and East of 7 1/8 Mile Road and legally described as the north half of Lot 418 (418-1), part of Lots 418 and 419 (418-2) and the adjacent 50-feet of abandoned road along with the north 100-feet of Lot 424 (424-2), all of Lot 425 (425-1 and 425-2) of Trimble and Lindsey Survey, Section 1, in the City and County of Galveston, Texas (Planning Case 09P-32); making various findings and provisions related to the subject.

ORDINANCE NO. 09-034 was read by caption: CHANGING THE ZONING FROM ONE FAMILY-ONE (1F-1), ONE FAMILY-THREE (1F-3), MULTI FAMILY-ONE (MF-1), PLANNED DEVELOPMENT (PD) AND WATER (W) ZONING DISTRICTS TO ONE FAMILY-ONE (1F-1) AND WATER (W) ZONING DISTRICTS FOR THE PROPERTY 23.01 ACRES NORTH OF STEWART ROAD, SOUTH OF GALVESTON BAY, WEST OF COVE VIEW BOULEVARD, AND EAST OF 7 1/8 MILE ROAD AND LEGALLY DESCRIBED AS THE NORTH HALF OF LOT 418 (418-1), PART OF LOTS 418 AND 419 (418-2) AND THE ADJACENT 50-FEET OF ABANDONED ROAD ALONG WITH THE NORTH 100-FEET OF LOT 424 (424-2), ALL OF LOT 425 (425-1 AND 425-2) OF TRIMBLE AND LINDSEY SURVEY, SECTION 1, IN THE CITY AND COUNTY OF GALVESTON, TEXAS (PLANNING CASE 09P-32); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe explained the proposed ordinance.

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

Motion approve by MPT Weber. Second by CM Colbert. Unanimously approved.

- D. Consider for approval an Ordinance of the City of Galveston, Texas, abandoning an approximate 2,000 square foot portion of right-of-way, north of Avenue O, south of

Offats Bayou. Adjacent property is a 20' x 100' portion of right-of way, adjacent to 7002 Avenue O and legally described as Lots 107, 108 and 110 of Trimble and Lindsey, Section 2 and Lots 10, 11, 12, 13, 14, 15, 16, and 17, in Block 1 of Pabsts' Bayview Addition, in the City and County of Galveston, Texas" (Planning Case 09P-38); retaining rights of owners of utility facilities easements; making various findings and provisions related to the subject

ORDINANCE NO. 09-035 was read by caption: ABANDONING AN APPROXIMATE 2,000 SQUARE FOOT PORTION OF RIGHT-OF-WAY, NORTH OF AVENUE O, SOUTH OF OFFATS BAYOU. ADJACENT PROPERTY IS A 20' X 100' PORTION OF RIGHT-OF-WAY, ADJACENT TO 7002 AVENUE O AND LEGALLY DESCRIBED AS LOTS 107,108 AND 110 OF TRIMBLE AND LINDSEY, SECTION 2 AND LOTS 10, 11, 12, 13, 14, 15, 16, AND 17, IN BLOCK 1 PABSTS' BAYVIEW ADDITION IN THE CITY AND COUNTY OF GALVESTON, TEXAS",,"; RETAINING RIGHTS OF OWNERS OF UTILITY FACILITIES EASEMENTS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT (PLANNING CASE 09P-38)

Lori Schwarz, Asst. Director of Planning, gave an explanation of the proposed ordinance.

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

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

E. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit to operate a "Place of Private Assembly" in a Neighborhood Service (NS) Zoning District for property located at 3302 and 3308 Avenue O and legally described as the south ½ of Lot 8 (3008-2) and Lot 9, southeast block 37, Galveston Outlots, in the City and County of Galveston, Texas" (Planning Case 09P-40); making various findings and provisions related to the subject.

ORDINANCE NO. 09-036 was read by caption: GRANTING A SPECIFIC USE PERMIT TO OPERATE A "PLACE OF PRIVATE ASSEMBLY" IN A NEIGHBORHOOD SERVICE (NS) ZONING DISTRICT FOR PROPERTY LOCATED AT 3302 AND 3308 AVENUE O AND LEGALLY DESCRIBED AS THE SOUTH ½ OF LOT 8 (3008-2) AND LOT 9, SOUTHEAST BLOCK 37, GALVESTON OUTLOTS, IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; PLANNING CASE NUMBER 09P-40; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe gave an explanation of the proposed ordinance.

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

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

10. PUBLIC COMMENT

Barbara Crews, 525 22nd St. Gulf Coast Interfaith, Galveston County Restore and Rebuild, Galveston Northside Task Force; spoke in support of proposed Housing Recovery Plan but stressed the need to invest more in the recovery of rental property as funds become available.

Barbara Tolivar, 5313 Ave. M, spoke in support of the \$25M allocation for the Galveston Housing Authority.

Joe Compian, Gulf Coast Interfaith, Galveston County Restore and Rebuild, Northside Task

Force, spoke in support of funds for the Galveston Housing Authority.

Gary Hoffman, 1818 35th St., spoke in support of the proposed housing study.

Laura Murrell, 2125 Fiddler Crab, spoke in support of the proposed plan by staff.

Betty Massey, 1602 Ave. O, spoke in support of the plan proposed by staff.

Sheila Bell, City needs a warning system.

Michael Gaertner, 5008 Denver, spoke in support of Item 12E.

Charles Smith, said he thought financial assistance for rental property should be limited.

More money should be provided for the rehabilitation of owner occupied houses.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas amending Chapter 8, "Beaches and Waterways" of the Code of the City of Galveston 1982, as amended, by amending Sections 8.1, 8-10, 8-20, - 8-20.4, 8-32, 8-35.1, 8-35.3, 8-36, 8-53 and 8-54 to reflect the change in legal responsibility from the Galveston County's Sheriff's Office upon having been certified as a separate law enforcement agency by the Texas Commission on Law Enforcement Officer Standards and Education and the change in name from "Galveston County Sheriff Department Beach Patrol (Galveston Beach Patrol)" to "Galveston Island Beach Patrol"; the control of beach concessionaires being subject to the Park Board of Trustees rules rather than the City Planning Department's permitting process and formally designate public launch sites.

ORDINANCE NO. 09-037 was read by caption: AMENDING CHAPTER 8, "BEACHES AND WATERWAYS" OF THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED, BY AMENDING SECTIONS 8.1, 8-10, 8-20 - 8-20.4, 8-32.1, 8-35.1, 8-35.3, 8-36, 8-53 AND 8-54 TO REFLECT THE CHANGE IN LEGAL RESPONSIBILITY FROM THE GALVESTON COUNTY'S SHERIFF'S OFFICE UPON HAVING BEEN CERTIFIED AS A SEPARATE LAW ENFORCEMENT AGENCY BY THE TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION AND THE CHANGE IN NAME FROM "GALVESTON COUNTY SHERIFF DEPARTMENT BEACH PATROL (GALVESTON BEACH PATROL)" TO "GALVESTON ISLAND BEACH PATROL"; THE CONTROL OF BEACH CONCESSIONAIRES BEING SUBJECT TO THE PARK BOARD OF TRUSTEES RULES RATHER THAN THE CITY PLANNING DEPARTMENT'S PERMITTING PROCESS., AND FORMALLY DESIGNATE PUBLIC LAUNCH SITES.

Asst. City Attorney Robin Cross presented the following changes to the proposed ordinance: The Life Guards will no longer be under the Sheriff's Department, multi-use sites are sites where there are both swimmers and non-motorized vehicles, launch sites are for motorized vehicles and are separated from the swimmers.

Motion to approve by MPT Weber. Second by CM Woods. Unanimously approved by those present. CM Mahoney absent.

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 highest bidder, Marty's City Wrecker, at \$40.00 per vehicle, for removal of junk vehicle abatement on private property.

- B. Consider for action approving American Recovery and Reinvestment Act of 2009 Community Development Block Grant Formula Allocation (CDBG-R) of \$382,800.00 Program of Project.

Mr. Patrick explained the request.

MPT Weber moved approval. Second by CM Colbert. Unanimously approved by those present. CM Mahoney absent.

- C. Consider for action approving primary windstorm property insurance to Galveston Insurance Associates (GIA) third year of three-year proposal RFP #06-07-007 for the premium of approximately \$319,604.00, to include increased cost of construction (ICC 25%) effective June 1, 2009 through June 1, 2010.

- D. Consider for action approving Memorandum of Understanding between City of Galveston and Texas Task Force as it relates to two Galveston firefighters being accepted as members of Texas Task Force 1.

- E. Consider for action approving staff's recommendation for CDBG Disaster Recovery Housing Program in the amount of \$160,432,233.00.

After discussion, Mr. LeBlanc made the following recommended adjustments:

Increase rental rehabilitation from \$6,045,365 to \$7,045,365 by taking the full amount from the acquisition and rehabilitation amount which would reduce that from \$5,000,000 to \$4,000,000.

Increase sustainable Neighborhoods Code Compliance Strategy to \$856,968 from acquisition and rehabilitation which would further reduce acquisition and rehabilitation to \$3,268,032.

All adjustments would be taken from acquisition and rehabilitation.

The maximum amount for owner-occupied rehabilitation be adjusted to \$75,000 which could be raised on a case by case basis by discretion of the Director of Grants and Housing.

Recommendation for qualification for rental rehabilitation would be:

Maximum of 4 units for any particular beneficial group. If the owner is low to moderate income and the rental unit is on owner occupied rental property, then they do not have to contribute the 50% match to qualify for the rental rehabilitation dollars. The owner must live on the island. Code compliance history will be considered.

Require the GHA to submit a complete plan which must be approved by Council before the \$25,000,000 is released to them.

MPT Weber moved to approve staff's recommendation with the changes as stated by Mr. LeBlanc and incorporate language about the finalized plan from the GHA. Seconded by CM Colbert.

Mr. LeBlanc stated the following:

Housing Market Study	\$ 160,000
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Owner occupied rehabilitation, reconstruction and/or elevation	\$103,900,000
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The adjustment to the allowable maximum for
Rehab will be adjusted to \$125,000

Neighborhood Master Plan for infill standards	\$ 125,000
Acquisition and Rehabilitation and/or New Construction	\$ 3,268,032
Homebuyer Assistance	\$ 625,000
Sustainable Neighborhoods Code Compliance Strategy	\$ 856,968
Rental Rehabilitation	\$ 7,045,365
Galveston Housing Authority	\$ 25,000,000
Project Management	\$ 16,043,223
Project Delivery	\$ 3,208,645
Total Allocation for Housing Programs	\$ 160,432,233

After further discussion, **CM Colbert called for the question. Seconded by CM Woods. In favor: MPT Weber, Mayor Thomas, CM Colbert, CM Mahoney, CM Woods**
Opposed: CM Beeton, CM Fennewald. Motion carried.

Vote on main motion: In favor: CM Mahoney, MPT Weber, Mayor Thomas, CM Colbert, CM Fennewald, CM Woods. Opposed: CM Beeton Motion carried.

CM Weber moved approve of Action Agenda Items A, C and D. Second by CM Colbert. Unanimously approved by those present. CM Mahoney absent.

13. MAYOR AND COUNCIL APPOINTMENTS

- A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions
 - 1. Discuss interview process for Park Board and Wharves Board appointments.
 (Mayor)
 Interviews and appointments for the Park Board and Wharves Board will be held at the June 11, 2009 meeting of Council. Applications will be accepted up to 5:00 p.m., Tuesday, June 9.

14. N/A

15. EXECUTIVE SESSION
 N/A

16. DISCUSSION ITEMS: Discussion only. No Action Taken.

A. City Manager

1. Discuss and Receive Update regarding Hurricane Ike Disaster Emergency Response and Recovery
2. Discuss requested rate increase from Texas Gas for both the annual cost of service adjustment and the surcharge for Ike damage adjustment that has been proposed by Texas Gas.
3. Discuss Center Point Ike related adjustment fees
4. Discuss CDBG non-housing programs

B. Finance Director

C. City Attorney

D. City Council

1. Discuss possible waiver of building permit fees for properties determined substantially damaged (red) that are being brought into compliance with NFIP requirements. (Woods/Beeton)

E. City Auditor

F. City Secretary

- A. Discuss 2010 Census process.

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 5:45. P.M.