

**THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD MAY 27, 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 May 13, 2010: Motion to approve by CM
Puccetti. Second by CM Woods. Unanimously approved.
7. PRESENTATIONS
Proclamations: Motorcycle Safety and Awareness Month, May 2010
Parkinsons Awareness Week, May 23, 2010
Presentation on East End Flats: City Manager LeBlanc
Col. Weston, Corp of Engineers
Mr. LeBlanc asked Col. Weston to clarify for the
record that the Corp would support a release of the
flats in 2046.
Preservation Awards: Joe Rozier, Landmark Commission and Lori Schwarz,
Planning Department:
1507 24th St., Noel and Donna Spencer, Residential Rehab - LC Review
1301 Church, James and Mary Gallagher-Residential Rehab-LC Review
1314 Church, Rachel Tecuanhuey-Residential Rehab-Administrative
Review
1510 Church, George and Ann Schaumberg-Residential Rehab-LC Review
1516 Church, Conway (Pete) Shim-Residential Rehab-Administrative
Review
Texas Forest Service: Pete Smith, Mickey Merritt, Matthew Weaver,
Special Historic Preservation Award for service
after Hurricane Ike in dealing with the historic trees
8. N/A
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

- A. Consider for approval an Ordinance of the City of Galveston, Texas granting a Specific Use Permit to operate an Auto Sales and Repair (Tire Shop) in the Commercial and Broadway Overlay Zoning Districts (C-BOX-3). Property is legally described as part of Lots 11 through 14, Block 225, Galveston Survey, in the City and County of Galveston, Texas and commonly known as 4520 Broadway. (Planning Case No. 10P-14).

ORDINANCE NO. 10-042 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE AN "AUTO SALES AND REPAIR (TIRE SHOP)" LAND USE IN A COMMERCIAL BROADWAY OVERLAY ZONE 3 (C-BOX-3) ZONING DISTRICT, PROPERTY IS LOCATED AT 4520 BROADWAY AND IS LEGALLY DESCRIBED AS "PART OF LOTS 11 THROUGH 14, BLOCK 225, GALVESTON SURVEY IN THE CITY AND COUNTY OF GALVESTON, TEXAS;" PLANNING CASE NUMBER 10P-14; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning Wendy O'Donohoe summarized the ordinance.

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

CM Colbert moved approval. Second by CM Woods.

After discussion, CM Colbert amended her motion to restrict the hours to six days a week, Monday through Saturday from 8:00 a.m. to 6:00 p.m. CM Woods accepted the amendment.

Motion unanimously approved.

- B. Consider for approval an Ordinance of the City of Galveston, Texas abandoning an approximate 686 square foot portion of right-of-way, north of Avenue O, south of Offats Bayou. Adjacent property is legally described as Lot 11 of the South Shore Subdivision in the City and County of Galveston, Texas and commonly described as an approximate 5.4' x 127' portion of right-of-way adjacent to 1 South Shore Drive. (Planning Case No. 10P-40).

ORDINANCE NO. 10-043 was read by caption: ABANDONING AN APPROXIMATE 686 SQUARE FOOT PORTION OF RIGHT-OF-WAY, NORTH OF AVENUE O, SOUTH OF OFFATS BAYOU. ADJACENT PROPERTY IS LEGALLY DESCRIBED AS "LOT 11 OF THE SOUTH SHORE SUBDIVISION IN THE CITY AND COUNTY OF GALVESTON, TEXAS" AND COMMONLY DESCRIBED AS AN APPROXIMATE 5.4' x 127' PORTION OF RIGHT-OF-WAY ADJACENT TO 1 SOUTH SHORE DRIVE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT (PLANNING CASE 10P-40).

Ms. O'Donohoe summarized the ordinance.

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

MPT Colbert moved approval. Second by CM Woods. Unanimously approved.

10. PUBLIC COMMENT

Leslie Sommer, Historic Downtown Strand Seaport Partnership, spoke in support of Item 12I and Item 12K.

Rusty Legg, 1927 Broadway, asked Council to defer appointment of a Council member to the Wharves and Parks Board until after the Runoff Election to be held June 19.

Angela Brown, 2019 Ave. N1/2, asked Council to defer appointment of a Council member to the Wharves and Parks Board until after the Runoff Election to be held June 19.

Al Fishera, owner of 1328 Church, stated the building is unsafe and needs to be demolished.

Frank Dryden, 500 Rosenberg, noise has gotten out of hand in the area. Need a better noise ordinance.

Sheila Bell, concerns regarding flooding issues.

John J. Menna, 4010 11 Mile Road, suggestions for permit process.

Charles Garcia, 4911 Ave. O, Chair of Clean Galveston, presented Council with tickets to the Back Garden Tour.

Jack McCoy, 202 Rosenberg #206, noise concerns.

Roberto Moreno, concerns regarding noise and complaint pertaining to the Humane Society.

Holly Hanson, Antique Warehouse, problems with noise.

Rick Legge, 2875 Doninique, complaints regarding excessive noise downtown.

Scott Hanson, Antique Warehouse, complaints regarding excessive noise near his business.

Roland Bassett, 2423 Market, encouraged Council to adopt a new noise ordinance.

Mary Colunga, 1404 Kirwin, needs extension for use of FEMA trailer.

Raymond Reesby, 3203 Dominique, said city planning and building departments should be separated.

Norene Horton, 1828 Ave. O, asked that Council appointments to boards be deferred until after the runoff election.

Julia Hatcher, 1622 Campbell Lane, spoke regarding permit problems.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City Council of the City of Galveston, Texas, amending Chapter 30 "Plumbing and Gas", Article I, "Administration", and Article IV, "Technical Provisions", by replacing the 2006 edition of "The International Plumbing Code" with the "2009 International Plumbing Code", with amendments; repealing all other ordinances or parts of ordinances in conflict; making various findings and provisions related to the subject and providing for an effective date of August 1, 2010.

ORDINANCE NO. 10-044 was read by caption: AMENDING CHAPTER 30 "PLUMBING AND GAS", ARTICLE I, "ADMINISTRATION", AND ARTICLE IV, "TECHNICAL PROVISIONS", BY REPLACING THE 2006 EDITION OF "THE INTERNATIONAL PLUMBING CODE" WITH THE "2009 INTERNATIONAL PLUMBING CODE", WITH AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE OF AUGUST 1, 2020; REPEALING ALL OTHER ORDINANCES OR PARTS

OF ORDINANCES IN CONFLICT HERewith; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Public Works Director Eric Wilson gave a summary of the proposed ordinance.

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

- B. Consider for approval an Ordinance of the City Council of the City of Galveston, Texas, amending Chapter 30 "Plumbing and Gas", of "The Code of the City of Galveston, 1982, as amended", by adopting Article VIII "Irrigation Systems", in order to establish the minimum standards for installation of irrigation systems within the corporate limits of the City and the extraterritorial jurisdiction; and providing for a criminal penalty, Class C misdemeanor not to exceed two thousand dollars (\$2,000.00) for violation of the code; making various findings and provisions related to the subject and providing for an effective date of August 1, 2010.

ORDINANCE NO. 10-045 was read by caption: AMENDING CHAPTER 30 "PLUMBING AND GAS", OF THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED", BY ADOPTING ARTICLE VIII "IRRIGATION SYSTEMS", IN ORDER TO ESTABLISH THE MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY AND THE EXTRATERRITORIAL JURISDICTION; AND PROVIDING FOR A CRIMINAL PENALTY CLASS C MISDEMEANOR NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATION OF THE CODE; PROVIDING FOR AN EFFECTIVE DATE OF AUGUST 1, 2010; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Public Works Director Wilson summarized the proposed ordinance.

MPT Colbert moved approval. Second by CM Woods. After discussion, MPT Colbert moved to amend the motion to limit the fine to not to exceed \$500.00. CM Woods accepted the amendment. Unanimously approved.

- C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the sale and acquisition of a certain tax foreclosed property located at 3811 Ball Street, Galveston, Texas; the property is legally described as Lot five (5) and the East one-half (E ½) of Lot Four(4), Block Two Hundred Seventy-Eight (278), in the City and County of Galveston, Texas, described more particularly in the instrument recorded at Film Code #006-19-0685, in the official deed records of Galveston County, Texas; authorizing Mayor Joe Jaworski to execute a deed to the property; declaring findings of fact and providing for an effective date.

RESOLUTION NO. 10-021 was read by caption: APPROVING THE SALE AND ACQUISITION OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 3811 BALL STREET, GALVESTON, TEXAS; THE PROPERTY IS LEGALLY DESCRIBED AS LOT FIVE (5) AND THE EAST ONE-HALF (E ½) OF LOT FOUR (4), BLOCK TWO HUNDRED SEVENTY-EIGHT (278), IN THE CITY AND COUNTY OF GALVESTON, TEXAS, DESCRIBED MORE PARTICULARLY IN

THE INSTRUMENT RECORDED AT FILM CODE #006-19-0685, IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS; AUTHORIZING MAYOR JOE JAWORSKI TO EXECUTE A DEED TO THE PROPERTY; DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Asst. City Manager Lloyd Rinderer summarized the Resolution.

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, approving the sale and acquisition of a certain tax foreclosed property located at 3915 Ursuline Street, Galveston, Texas; the property is legally described as the East 14.58 feet of Lot Three (3) and West one-half (W ½) of Lot Four (4), in N.E. Block Thirty-Four (34), in the City and County of Galveston, Texas, described more particularly in the instrument recorded at Book 939, Page 88, in the official deed records of Galveston County, Texas; authorizing Mayor Joe Jaworski to execute a deed to the property; declaring findings of fact and providing for an effective date.

RESOLUTION NO. 10-022 as read by caption: APPROVING THE SALE AND ACQUISITION OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 3915 URSULINE STREET, GALVESTON, TEXAS; THE PROPERTY IS LEGALLY DESCRIBED AS THE EAST 14.58 FEET OF LOT THREE (3) AND WEST ONE-HALF (W1/2) OF LOT FOUR (4) IN N.E. BLOCK THIRTY-FOUR (34), IN THE CITY AND COUNTY OF GALVESTON, TEXAS, DESCRIBED MORE PARTICULARLY IN THE INSTRUMENT RECORDED AT BOOK 939, PAGE 88, IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS; AUTHORIZING MAYOR JOE JAWORSKI TO EXECUTE A DEED TO THE PROPERTY; DECLARING FINDINGS 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, approving the sale and acquisition of a certain tax foreclosed property located at 3123 Ursuline Street, Galveston, Texas; the property is legally described as Lot Three (3) and part of Lots (2) and Four (4), Colby Subdivision, a subdivision in the City and County of Galveston, Texas, described more particularly in the instrument recorded at Book 1291, Page 202, in the official deed records of Galveston County, Texas; authorizing Mayor Joe Jaworski to execute a deed to the property; declaring findings of fact and providing for an effective date.

RESOLUTION NO. 10-023 was read by caption: APPROVING THE SALE AND ACQUISITION OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 3123 URSULINE STREET, GALVESTON, TEXAS; THE PROPERTY IS LEGALLY DESCRIBED AS LOT THREE (3) AND PART OF LOTS TWO (2) AND FOUR (4), COLBY SUBDIVISION, A SUBDIVISION IN THE CITY AND COUNTY OF GALVESTON, TEXAS, DESCRIBED MORE PARTICULARLY IN THE INSTRUMENT RECORDED AT BOOK 1291, PAGE 202, IN THE OFFICIAL DEED

RECORDS OF GALVESTON COUNTY, TEXAS; AUTHORIZING MAYOR JOE JAWORSKI TO EXECUTE A DEED TO THE PROPERTY; DECLARING 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 authorizing the City Manager to execute an application for a Fiscal Year 2011 General Victim Assistance-Direct Services (VX) Program Grant from the Office of the Governor's Criminal Justice Division; authorizing the City Manager to execute all necessary documents relating to the grant and to accept any funds distributed under the grant.

RESOLUTION NO. 10-024 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR A FISCAL YEAR 2011 GENERAL VICTIM ASSISTANCE - DIRECT SERVICES (VX) PROGRAM GRANT FROM THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATING TO THE GRANT AND TO ACCEPT ANY FUNDS DISTRIBUTED UNDER THE GRANT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Police Chief Wiley explained the grant.

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 acceptance of a gift from the Sasser Family in the amount of \$5,000.00. This gift will be matched by City funds to acquire digital audio recording equipment for Council Chambers.
- B. Consider for action approving the purchase of ammunition and firearms training supplies for the Galveston Police Department's Training Division and SWAT Team from GT Distributors for the price of \$25,536.45. Funding source is Police Seized Funds Account.
- C. Consider for action approving three change orders to Holliday Builders, Inc. for Island Transit maintenance facility renovation/expansion previously awarded under RFB #09-10-011 in the total amount of \$19,545.40. Funding source is FTA Project Funds and TWIA insurance proceeds.
- D. Consider for action approving the acquisition of two mortgage foreclosed properties in an amount not to exceed \$184,900.00 under the Neighborhood Stabilization Program. Addresses are 4818 Alamo Drive and 2012 31st Street.

- E. Consider for action approving the purchase of one new John Deere backhoe for the Parks Department to be purchased from C & CE/John Deere Equipment through HGAC Buy for a total price of \$20,443.31. The funding source is Vehicle Replacement Account.
- F. Consider for action approving the acceptance of three-year contract for water meter spare parts, Bid #09-10-044, from H.D. Supply, based on a grand total of single items bid in the amount of \$25,322.05. Funding source is Distribution and Collection Division Minor Equipment Account.
- G. Consider for action approving the purchase of security network equipment in the amount of \$25,744.58, to comply with TLETS security requirements. Funding source is Byrne Jag Grant.
- H. Consider for action authorizing the City Manager to execute a lease amendment, adopting and extending the lease between the City of Galveston Texas and the Galveston Island Humane Society, Inc, for the use of a portion of the 53rd Street PD substation facility to provide for a temporary animal shelter while the new Humane Society facility is being constructed at 6814 Broadway through November 30, 2010 to coincide with US Dept. of Army Corps of Engineers and Texas Army National Guard requirements.
- I. Consider for action approving and authorizing the City Manager to execute a Project Cooperation Agreement between the City of Galveston, Texas, the County of Galveston, Texas and the Historic Downtown Strand Seaport Partnership for the purpose of memorializing the Parties mutual agreement on the acceptance and implementation of the Community Development Block Grant-Disaster Recovery Supplemental funds economic development study project consisting of all areas along and within 19th Street to 26th Street, and along and within Winnie Street and travelling northerly thereafter to the waterfront.
- J. Consider for action engaging the law firm of Abrams, Scott & Bickley to represent the City in the matter Case No. 09-35324, In re Sonya M. Porretto, in the United States Bankruptcy Court for the Southern District of Texas, Houston Division-Emergency Motion of Debtor for Court to Issue Show Cause Order Against The City of Galveston and to assist the City with related matters pertaining to Porretto Beach.

Motion to approve by CM Beeton. Second by CM Woods. In Favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, CM Colbert, CM Woods. Abstained: CM Greenberg. Motion carried.

- K. Discuss and consider for action giving direction to the City Manager regarding revising the noise ordinance.

After discussion, staff was instructed to bring an ordinance back to Council for consideration.

- L. Consider for action approving and authorizing the City Manager to execute the First Amendment to Texas Department of Rural Affairs Contract No. DRS010051 for CDBG Disaster Recovery Alternative Entitlement Grant Program, Non-Housing Program Phase I.

Eric Wilson explained this is the first of several amendments to the recovery grant. This amendment adds two projects: The generator at the Airport pump station and a fire pumper truck. Item B is being rejected and replaced which adjusts the dollar amount. \$2,000,000 has been added.

- M. Consider for action rejecting all bids submitted for Bid #09-10-019/B and Bid #09-10-020/B for rehabilitation services and lead based paint remediation services at 2623 Avenue O ½ and 303-17th Street.

- N. Consider for action approving lowest, most responsive, responsible bid from Tradewind Custom Homes in the amount of \$14,700.00 to provide housing rehabilitation services at 4324 Avenue R. Funding source is HOME Program Funds.

WITHDRAWN

- O. Discuss and consider for action giving the City Manager direction concerning the permit process.

CM Colbert reported on a meeting she held to hear public comments regarding the permit process. Mayor Jaworski requested that Mr. LeBlanc work with Director of Planning O'Donohoe to bring Council a list of department needs aimed at increasing efficiency and streamlining the process and communicating better with the public. Also, provide the costs and the timeline. The City can then develop a fee structure to pay for these added costs. This will be added to the Council Retreat Agenda.

- P. Discuss and consider for action creation, format, date and time of Workshop and Regular Meeting Agendas. (Mayor)

CM Puccetti moved to begin Council Workshop meetings at 10:00 a.m on the second and fourth Thursdays of the month. Second by CM Woods. In favor: CM Puccetti, CM Beeton, Mayor Jaworski, MPT Colbert, CM Greenberg, CM Woods. Opposed: CM Gonzales. Motion carried.

CM Greenberg moved to begin Regular Council meeting at 2:00 p.m. Second by Mayor Jaworski. In favor: CM Greenberg Opposed: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert, CM Woods. Motion failed.

CM Beeton moved to begin Regular Council meeting at 4:00 p.m. Second by CM Woods. In favor: CM Puccetti, CM Beeton, CM Gonzales, Mayor

Jaworski, MPT Colbert, CM Woods. Opposed: CM Greenberg. Motion carried.

CM Woods moved to begin Council Workshop meeting at 12:00 p.m. Noon. Second by CM Colbert. In favor: CM Gonzales, CM Beeton, MPT Colbert, CM Woods. Opposed: CM Puccetti, CM Greenberg, Mayor Jaworski. Motion carried.

Q. Discuss and consider for action method of recording/filming Workshop Meetings. (Mayor)

CM Beeton moved that Workshop Meetings be filmed. Second by CM Woods. Unanimously approved.

R. Discuss and consider for action date, time and substance of Council Retreat. (Mayor)

After discussion, the Council Retreat will be held on July 6, 2010, Room 204, Galveston City Hall at 9:00 a.m.

S. Discuss and consider for action giving the City Manager direction concerning the East End Flats.

CM Beeton stated the Corp of Engineers is agreeing in a worst case scenario to see that the City takes possession of the flats at no cost to the City in 2046 but the Corps is amenable to working with the City to see if that could occur earlier. It can't occur before 2016 but she supports that recommendation.

CM Beeton moved to authorize the City Manager to work with the Corp of Engineer under the terms of the existing dredge material management plan to get the East End Flats released at the earliest possible date. Second by CM Woods.

After discussion, Mr. LeBlanc restated Option 1: To obtain the release of the East End Flats at no cost to the City within the period from 2016 to 2046 focusing on 2016 best case, 2046 worst case scenario. The Corps of Engineers would currently support, certainly the 2046 date but evaluate options to do it much sooner.

Vote: In favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert, CM Woods. Opposed: CM Greenberg. Motion passed.

T. Consider for action approving the payment of 5300 Ave. S Ike building insurance proceeds in the amount of \$91,857.22 to the US Department of Army Corp of Engineers acting on behalf of the Texas Army National Guard to satisfy the request submitted.

CM Puccetti moved approval of Action Agenda Items A, B, C, D, E, F, G, H, I, L, M and T. Second by CM Gonzales. Unanimously approved.

Council recess: 6:44 p.m. - 7:12 p.m.

13. MAYOR AND COUNCIL APPOINTMENTS

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

HGAC Board of Directors: CM Woods moved to appoint Mayor Jaworski to the Board of HGAC. Second by MPT Colbert.
Unanimously approved.

HGAC Transportation Board: CM Woods moved to appoint CM Puccetti. Second by MPT Colbert. Unanimously approved.

Industrial Development Board: CM Beeton moved to appoint Mayor Jaworski. Second by CM Colbert.
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 8:30 p.m.