

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD MAY 8, 2008 - 5:30 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 Thomas, CM Pena, CM Puccetti, MPT Weber, CM Bolton-Legg, CM Roberts
 Absent: CM Colbert
 Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence, Director of Planning and Community Services O'Donohoe
5. DECLARATION OF CONFLICT
None
6. APPROVAL OF MINUTES
CM Bolton-Legg moved approval of the Minutes of the Regular Meeting of April 17, 2008. Seconded by CM Puccetti. Unanimously approved by those present.
7. PRESENTATIONS
Proclamations: National Police Week - May 11-17, 2008
 Oncology Nursing Month - May, 2008
8. COMMUNICATIONS AND PETITIONS
Notices of Claim: 08034-Betty Chapman; 08035-Isaac Fanuiel; 08036-Patricia Gale Jones
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
 - A. Consider for approval an Ordinance granting a Specific Use Permit in order to operate a "Tavern" in a Central Plaza with Historic overlay (CP-H) Zoning District at 2404 Avenue B/Strand, property is legally described as "Lots 8 and 9, Block 684, In the City and County of Galveston, Texas"; Planning Case Number 08P-31.
ORDINANCE NO. 08-025 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A "TAVERN" IN A CENTRAL PLAZA WITH HISTORIC OVERLAY (CP-H) ZONING DISTRICT AT 2404 AVENUE B/STRAND, PROPERTY IS LEGALLY DESCRIBED AS "LOTS 8 AND 9, BLOCK 684, IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; PLANNING CASE NUMBER 08P-31; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.
Ms. O'Donohoe gave an explanation of the proposed Specific Use Permit. Ms. O'Donohoe stated the following change to the ordinance by the Planning Commission as follows: Section 3.1.c. Any live band may not perform after 11 p.m. on weeknights (Sunday through Thursday) or 1:30 a.m. on weekends (Friday and Saturday). Additionally, the business is subject to the City of Galveston's loud noise ordinance.
Mayor Thomas opened the PUBLIC HEARING

Rick Legge, owner of the tavern, stated there would not be any bands or loud music. There will be eclectic music such as violin and acoustic guitar.

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

CM Pena moved approval. Second by CM Bolton-Legg. Unanimously approved by those present.

- B. Consider for approval an Ordinance granting a Specific Use Permit in order to operate an "Auto Sales and Repair, In Building Related to Golf Carts Facility" Land Use in a Planned Development (PD) Zoning District. Property is located at 21430 San Luis Pass Road and legally described as "Lot 7 of Seabird Acres, a subdivision in the City and County of Galveston, Texas;" Planning Case Number 08P-25

Mayor Thomas opened the PUBLIC HEARING.

ORDINANCE NO. 08-026 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE AN "AUTO SALES AND REPAIR, IN BUILDING RELATED TO GOLF CARTS FACILITY" LAND USE IN A PLANNED DEVELOPMENT (PD) ZONING DISTRICT. PROPERTY IS LOCATED AT 21430 SAN LUIS PASS ROAD AND LEGALLY DESCRIBED AS "LOT 7 OF SEABIRD ACRES, A SUBDIVISION IN THE CITY AND COUNTY OF GALVESTON, TEXAS;" PLANNING CASE NUMBER 08P-25; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe gave a summary of the proposed Specific Use Permit. She stated the land use is specifically is noted as auto sales and repairs in building. This is specifically related to a golf cart business. This specific property was originally constructed for repair of boats so this is a similar proposed land use. Staff has no objection and did recommend approval as did the Planning Commission. Additional changes by the Planning Commission were: 1. The applicant shall install landscaping in accordance with Section 29-67g and additional landscaping along the entire fence line fronting FM 3005. This additional landscaping shall be consisting of continuous shrubs and palms at 25 feet spacing. 2. The applicant shall be required to construct a perimeter fence to match existing height and material in the event of damage or destruction due to storm.

Ms. O'Donohoe stated that, in workshop, Council had discussed possibly eliminating number 2 condition with regard to allowing the to display golf carts visible from the public right-of-way. She recommended the number of carts allowed to be displayed be stated and also if that is within business hours as well.

Mayor Thomas opened the PUBLIC HEARING.

Karen Mahoney, Attorney for the applicant Barry Shaneyfelt, requested that the applicant be allowed to have a maximum of three golf carts outside of the business during business hours. Mr. Shaneyfelt said the repair business would be kept inside the building and that he would also be selling golf carts.

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

CM Bolton-Legg moved approval with the Planning Commission's recommendations. Second by CM Roberts. Unanimously approved by those present.

- C. Consider for approval an Ordinance amending Section 29-84 "Advertising Signs (billboards)" of the Zoning Regulations 1991 of The City of Galveston regarding prohibition of new electronic billboards and conversion of existing billboard signs to

electronic billboards along any State Highway within The City of Galveston and within The City of Galveston's extraterritorial jurisdiction (ETJ); amending The Galveston Zoning Standards, Section 29-84 "Advertising Signs (Billboards)" regarding prohibition of conversion of existing legal, conforming or non-conforming, off-premise signs to electronic billboards within The City of Galveston and within The City of Galveston's extraterritorial jurisdiction (ETJ); Planning Case 08ZA-03

Mayor Thomas opened the PUBLIC HEARING.

ORDINANCE NO.08-027 was read by caption: AMENDING SECTION 29-84 "ADVERTISING SIGNS (BILLBOARDS)" OF THE ZONING REGULATIONS 1991 OF THE CITY OF GALVESTON REGARDING PROHIBITION OF NEW ELECTRONIC BILLBOARDS AND CONVERSION OF EXISTING BILLBOARD SIGNS TO ELECTRONIC BILLBOARDS ALONG ANY STATE HIGHWAY WITHIN THE CITY OF GALVESTON AND WITHIN THE CITY OF GALVESTON'S EXTRATERRITORIAL JURISDICTION (ETJ); AMENDING THE GALVESTON ZONING STANDARDS, SECTION 29-84 "ADVERTISING SIGNS (BILLBOARDS)" REGARDING PROHIBITION OF CONVERSION OF EXISTING LEGAL, CONFORMING OR NON-CONFORMING, OFF-PREMISE SIGNS TO ELECTRONIC BILLBOARDS WITHIN THE CITY OF GALVESTON AND WITHIN THE CITY OF GALVESTON'S EXTRATERRITORIAL JURISDICTION (ETJ); PLANNING CASE 08ZA-03; 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 to approve by CM Pena. Second by CM Bolton-Legg. Unanimously approved by those present.

10. PUBLIC COMMENT

Margaret Canavan, 3823 Avenue P, spoke in support of Item 11F. She submitted a petition with signatures in support of the Social Security Office remaining in Galveston.

Dr. Jackie Cole, 2308 Sydnor, spoke regarding concerns pertaining to Item 11B. She requested the following changes:

Article XIII: Section 13.02: Strike "and, if required by the City Council of the City,"

Article IX: Section 9.01: "Developer and the Authority (strike "or" and replace with "and") and the City, including without limitation....."

Article I: "MOU Expenses" (ii) Period at end of sentence.

Article IV: Section 4.01 (a) "Sections 2.3 should be Sections 2.03

Article IV: Section 4.02 The Developer shall deliver (add to RDA) on a quarterly basis an accounting of MOU Expenses....."

Article VIII: Section 8.03 add "legitimate exemption claims"

Dr. Cole stated the public should be involved in the process and, at some point, there should be some mechanism set up so there can be public input as to what the area is going to look like, etc.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas amending and restating the Ordinance authorizing the issuance of the City of Galveston, Texas Wharves and Terminal Revenue Bonds, Series 2008; authorizing the execution of a Third Supplemental Trust Indenture; making various findings and provisions relating to the subject.

ORDINANCE NO. 08-028 was read by caption: AMENDING AND RESTATING THE ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF GALVESTON, TEXAS WHARVES AND TERMINAL REVENUE BONDS, SERIES 2008; AUTHORIZING THE EXECUTION OF A THIRD SUPPLEMENTAL TRUST INDENTURE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

Motion to approve by CM Puccetti. Second by MPT Weber. Unanimously approved by those present: Mayor Thomas, CM Pena, CM Puccetti, MPT Weber, CM Bolton-Legg, CM Roberts. CM Colbert absent.

- B. Consider for approval a Resolution of the City Council of the City of Galveston, Texas approving the form of the Memorandum of Understanding relating to East End Flats; authorizing the Galveston Island Redevelopment Authority to take all necessary action relating thereto; and determine various matters relating to such memorandum of understanding.

RESOLUTION NO. 08-013 was read by caption: APPROVING THE FORM OF THE MEMORANDUM OF UNDERSTANDING RELATING TO EAST END FLATS; AUTHORIZING THE GALVESTON ISLAND REDEVELOPMENT AUTHORITY TO TAKE ALL NECESSARY ACTION RELATING THERETO; AND DETERMINE VARIOUS MATTERS RELATING TO SUCH MEMORANDUM OF UNDERSTANDING.

Motion to approve by MPT Weber. Second by CM Pena.

CM Roberts asked to amend the motion to include the following:

Article IV Section 4.01 (a) Change "Sections 2.3 and 9" to "Sections 2.03 and 9.01"

Article IV Section 4.02 The Developer shall deliver to RDA on a semi annual basis an accounting of MOU Expenses paid over the last period since the last report.

Article V Section 5.03 "(I)" Strike "(I)" and "and (ii) if there is an Event of Default under Section 5.01(a) hereof, pursue a claim for actual damages.

Article IX Section 9.01 (b) The potential transaction mentioned herein is subject to the final negotiation and execution of certain agreements between Developer and the Authority (Strike "or") insert "and" the City, including without limitation, a master development plan, statement of essential terms regarding development and a Master Development Agreement.

Article XII Section 13.02 last sentence: Execution of this MOU by the Authority is merely an agreement to enter into a period of exclusive negotiations according to the Statement of Essential Terms, the Master Feasibility Plan, (Strike "and, if required by the City Council or the City,) the Master Development Agreement and all proceedings and decisions in connection therewith.

MPT Weber and CM Pena accepted the amendment.

Motion, as amended, unanimously approved by those present.

Article I change of the word "or" to "and" in Article IX Section 13.02 and in Article XII Section 13.02 to delete the phrase "and, if required by the City Council for the City so the City

Council has the discretion to see those documents. Article IV Section 4.02 The Developer shall deliver to the RDA on a semi-annual basis

- C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving and authorizing the City Manager to execute an agreement with the County of Galveston, Texas, to construct and lease a Fire Station and Emergency Medical Services Facility and related amenities upon the Justice Administration Center and Jail Complex.

RESOLUTION NO. 08-014 was read by caption: APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE COUNTY OF GALVESTON, TEXAS, TO CONSTRUCT AND LEASE A FIRE STATION AND EMERGENCY MEDICAL SERVICES FACILITY AND RELATED AMENITIES UPON THE JUSTICE ADMINISTRATION CENTER AND JAIL COMPLEX LOCATED IN GALVESTON, TEXAS; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by MPT Weber. Second by CM Roberts.

Change the may to shall on page 12?

Unanimously approved by those present.

- D. Consider for approval a Resolution authorizing the City to accept a \$191,090.00 United States Department of Homeland Security 2005 Regional Security Grant for The City of Galveston to implement safety video equipment on the Island Transit Buses in the Fiscal Year 2008, directing the City Manager to execute all necessary documents relating to the Grant

RESOLUTION NO. 08-015 was read by caption: AUTHORIZING THE CITY TO ACCEPT A \$191,090,00 UNITED STATES DEPARTMENT OF HOMELAND SECURITY 2005 REGIONAL SECURITY GRANT FOR THE CITY OF GALVESTON TO IMPLEMENT SAFETY VIDEO EQUIPMENT ON THE ISLAND TRANSIT BUSES IN THE FISCAL YEAR 2008, DIRECTING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATING TO THE GRANT.

Motion to approve by MPT Puccetti. Second by CM Bolton-Legg. Unanimously approved by those present.

- E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, authorizing the City to apply for a Texas Department of Transportation (TxDOT) Division of Aviation Grant for Scholes International Airport improvements in the fiscal years 2008-2010; authorizing the Texas Department of Transportation as agent for the City of Galveston for the purposes of applying for, receiving and disbursing all funds for these improvements.

RESOLUTION NO. 08-016 was read by caption: AUTHORIZING THE CITY TO APPLY FOR A TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) DIVISION OF AVIATION GRANT FOR SCHOLES INTERNATIONAL AIRPORT IMPROVEMENTS IN THE FISCAL YEARS 2008-2010; AUTHORIZING THE TEXAS DEPARTMENT OF TRANSPORTATION AS AGENT FOR THE CITY OF GALVESTON FOR THE PURPOSES OF APPLYING FOR, RECEIVING AND DISBURSING ALL FUNDS FOR THESE IMPROVEMENTS; DIRECTING THE MAYOR TO EXECUTE ALL NECESSARY

DOCUMENTS RELATING TO THE GRANT; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE TEXAS DEPARTMENT OF TRANSPORTATION; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Puccetti. Second by MPT Weber. Unanimously approved by those present.

- F. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, urging the Social Security Administration and General Services Administration to delay closing the Galveston Office in 2009 and to maintain an office on Galveston Island; directing the City Secretary to send a certified copy of this Resolution to United States Senators Kay Bailey Hutchison and John Cornyn, United States Congressman Ron Paul, Galveston County Judge James Yarborough, the Social Security Administration, and the General Services Administration.

RESOLUTION NO. 08-01700 was read by caption: URGING THE SOCIAL SECURITY ADMINISTRATION AND GENERAL SERVICES ADMINISTRATION TO DELAY CLOSING THE GALVESTON OFFICE IN 2009 AND TO MAINTAIN AN OFFICE ON GALVESTON ISLAND; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO UNITED STATES SENATORS KAY BAILEY HUTCHISON AND JOHN CORNYN, UNITED STATES CONGRESSMAN RON PAUL, COUNTY JUDGE JAMES YARBOROUGH, THE SOCIAL SECURITY ADMINISTRATION, AND THE GENERAL SERVICES ADMINISTRATION; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Pena. Second by CM Bolton-Legg.

Ms. Lawrence read the Resolution.

Ms. Green said she would like to add a section stating that at the Council Meeting of May 8, City Council was presented with a petition containing over 700 signatures that "We, the undersigned, are opposed to moving the Galveston Social Security Office to League City. The lack of public transportation to that area will result in many senior and disabled persons, who must use that office, to be able to access services of the Social Security Administration and the General Services Administration must maintain offices in Galveston and Houston."

Motion unanimously approved by those present.

12. ACTION ITEMS

- A. Consider for action approving McGuire Dent Recreation Center Jamail-Smith, Inc. construction contract Change Order #1 and authorizing the City Manager to execute the Change Order.
- B. Consider for action approving Wollack Testing Services, LLC for all promotional testing for Fire and Police Departments for the current fiscal year in an amount not to exceed \$26,000.00. Funding source is Human Resource Training Materials.
- C. Consider for action approving the purchase of twenty security camera systems for Island Transit Bus Fleet to be purchased from Safety Vision for a total price of \$124,600.00. Funding source is Home Land Security Grant.

- D. Consider for action approving assistance to Galveston Housing Authority in the amount of \$500,000.00 for the construction of four/five single family housing units for low-moderate income residents in the Oaks Development. Funding source is HOME Investment Partnership Entitlement Funds.
- E. Consider for action approving funding to the Marine Corp League Galveston County Detachment #668 for the 2008 July 4th Parade in the amount of \$3,010.00 less the cost of City services leaving a total of \$2,350.00. Funding source is Special Event Fund.
- F. Consider for action approving funding to the Galveston Lions Club for a 2008 July 4th Free Patriotic Party & Program at the Railroad Museum in the amount \$5,000.00 less the cost of City services. Funding source is Special Event Fund.
- G. Consider for action approving appropriation of additional funding sources to the McGuire Dent Recreation Center Project to include allocation of interest earnings, 2001 GO Bond Funds Capital Projects \$11,138.05.
- H. Consider for approval and authorizing the City Manager to execute a Settlement Agreement between the City of Galveston, Texas and the Lafitte's Cove at Pirates' Beach Nature Society relating to the Application by Galveston County MUD No. 1/City of Galveston to amend TPDES Water Quality Permit No. WQ0011477-001 filed in the TCEQ Docket.
- I. Consider for action confirming appointments of Joe Garcia, Ennis Williams and Lynn Eanes to the Civil Service Commission.
- J. Consider for action approving the determined value of \$21,652.00 for a 7,500 square foot portion of Avenue P right-of-way for 05P-20 (A 50' x 150' portion of Avenue P, adjacent to 1917 61st Street) Request to abandon a 7,500 square foot portion of the right-of-way of Avenue P. Property is legally described as a 7,500 square foot portion of Avenue P right-of-way, adjacent to Lots 47-52, in block 2 of Trueheart's Addition and lots 106, in Block 1 of Trueheart's Addition, in the City and County of Galveston, Texas.

**Motion to approve Action Items A, B, C, D, E, F, G, H, I and J by CM Puccetti.
Second by CM Bolton-Legg. Unanimously approved by those present.**

13. MAYOR AND COUNCIL APPOINTMENTS

Landmark Commission

CM Pena moved to clarify the appointment of Beverly Rameriz to Alternate Position 1 and Nelson Smelker to Alternate Position 2. Second by CM Bolton-Legg. Unanimously approved by those present.

14. MAYOR, COUNCIL AND CITY MANAGER REPORTS

Mayor Thomas

Reported on the following:

- * Sidewalk Construction Plan
- * Hurricane Season/Be prepared
- * East End Flats
- * Good Luck to CM Bolton-Legg and CM Roberts

CM Pena

Reported on the following:

- * Ben & Jerrys Free Ice Cream Day
- * City of Galveston Parks Department Summer Programs
- * City's Recycling Center
- * Texas A & M Mitchell Campus/New Science Complex
- * Adopt-a-Beach Cleanup
- * Houston Dynamos/GISD Soccer Camp
- * Election May 10/Vote
- * National Police Week
- * Happy Birthday to Agnes Powell

CM Puccetti

Reported on the following:

- * Galveston Transportation Summit
- * Broadway Signal Upgrade
- * TxDot/Change in mowing schedule along state roads
- * Hike and Bike Master Plan
- * 2008 Hurricane Season/May 20-22/2008 State Hurricane Conference in Galveston
- * City Annual Hurricane Preparedness Meeting May 28
- * West End Annual Hurricane Meeting May 31.
- * A & A Tire/commended for their commitment to staying prepared for the storm season
- * WGIPOA Meeting/May 17
- * Congratulations to Galveston Island Nature Tourism Council
- * Best Wishes to CM Bolton-Legg and CM Roberts
- * VOTE
- * Myanmar tragedy

MPT Weber

Reported on the following:

- * Thank to citizens for improvements to property/thanks for making a difference in the appearance of the island
- * TIRZ 14 Report

- * EMS Advisory Committee/new software
- * Sale of Marina Walk and Bay Walk Apartments
- * Texas A & M New Marine Biology and Engineering Facility
- * Transportation Summit
- * Senior Citizens Advisory Committee
- * VOTE
- * Thank you to CM Roberts and CM Bolton-Legg

CM Bolton-Legg

Reported on the following:

- * Galveston Historical Foundation Annual Historic Homes Tour
- * Wild Game Cook-Off
- * Galveston Downtown Partnership Event “Uncorked”
- * Happy Birthday to Slim Farrington, brother and husband
- * Happy Mother’s Day
- * Farewell remarks
- * Thanked people of District 1

CM Roberts

Reported on the following:

- * Farewell remarks
- * Thanked the residents of District 4, colleagues and City staff. Thanks to husband, J.D.

CM Colbert

Absent/no report

City Manager LeBlanc

Reported on the following:

- * Happy Birthday to daughter
- * Thank to CM Roberts and CM Bolton-Legg

15. N/A

16. N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 7:05 p.m.