Meeting 24 of 48 2010-2012 City of Galveston, Texas

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GALVESTON REGULAR MEETING AGENDA HELD ON THURSDAY- APRIL 28, 2011 – 4:00 PM

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
   Meeting called to order at 4:10 pm.

2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: PRESENT: Mayor Jaworski, CM Puccetti, CM Beeton, MPT Colbert, CM Greenberg, CM Legg, CM Gonzales
   STAFF: City Attorney Green City Managers: Maxwell and Cox, and Public Works Wilson

5. CONFLICTS OF INTEREST: None

6. APPROVAL OF MINUTES: March 10, 2011, Minutes approved by Motion by CM Puccetti, second by MTN Colbert. Unanimously approved by those members present.

7. PRESENTATIONS & PROCLAMATIONS
   A. Bark in the Park. Not presented. Recipient did not appear.
   B. Galveston Education Fest. Presented by the Mayor.
   C. Presentation of 2011 Landmark Commission Awards. Presented by Lori Schwartz.
   D. Presentation from Joseph Rozier, Chairman of the Landmark Commission, summarizing the Commission's previous year's work was not presented, Joseph Rozier was unable to attend.

8. COMMUNICATIONS & PETITIONS
   A. Scott Cleland – 11-028. Notice of Claim.

9. PUBLIC HEARINGS
   A. Consider for approval an Ordinance of the City of Galveston, Texas, to add the Downtown Redevelopment Plan as an Appendix to the "2001 Galveston Comprehensive Plan," as amended, for the City of Galveston; Planning Case 11ZA-02.

   ORDINACE NO. 11-000 was read by caption: ADDING THE DOWNTOWN REDEVELOPMENT PLAN AS AN APPENDIX TO THE "2001 GALVESTON COMPREHENSIVE PLAN," AS AMENDED, FOR THE CITY OF GALVESTON; PLANNING CASE 11ZA-02.

   Motion to defer to the May 26, 2011, workshop by CM Legg second by MPT Colbert, unanimously approved by the members present.

10. REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS
    1. Dennis Miller – 11D
    2. Michael Gartner – 13C
    3. Cindy Roberts Grey – 13B

4. Mark Volk – 13A
5. Ken Jencks – 13B
6. Karen Volk – 13A
7. Kay Leipzig – 13A
8. Bob McDonald – 13A
9. Priscilla Files – National Arbor Day tree donation

11. ORDINANCES, RESOLUTIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas, Amending Chapter 37, "Wrecker, Tow Truck and Storage Facility Code", Sections 37-1 through 37-12 of "The Code of the City of Galveston of 1982, as amended," by Adding Definitions, Increasing the Maximum Tow Rates, Setting Rates for Exceptional Heavy Duty Tows, Eliminating Duplication of Tow Truck Driver Requirements Governed by State Law and Clarifying Zone Boundaries.
ORDINANCE NO. 11-029 was read by caption: AMENDING CHAPTER 37, "WRECKER, TOW TRUCK AND STORAGE FACILITY CODE", SECTIONS 37-1 THROUGH 37-12 OF "THE CODE OF THE CITY OF GALVESTON OF 1982, AS AMENDED," BY ADDING DEFINITIONS, INCREASING THE MAXIMUM TOW RATES, SETTING RATES FOR EXCEPTIONAL HEAVY DUTY TOWS, ELIMINATING DUPLICATION OF TOW TRUCK DRIVER REQUIREMENTS GOVERNED BY STATE LAW AND CLARIFYING ZONE BOUNDARIES.
Motion to approve by MPT Colbert and second by CM Beeton, unanimously approved by the members present.

B. Consider for approval an Ordinance of the City of Galveston, Texas, Amending Chapter 24 of the "The Code of the City of Galveston, 1982, as amended" entitled "Offenses-Miscellaneous," deleting Section 24-2, "Model Glue" in its entirety, as having been superseded by state law and reserving it, and further by deleting Section 24-12 "Smoking in Council Chambers" as having been superseded and reserving it; making findings of fact and providing for an effective date.
ORDINANCE NO. 11-030 was read by caption: AMENDING CHAPTER 24 OF THE "THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED" ENTITLED "OFFENSES-MISCELLANEOUS," DELETING SECTION 24-2, "MODEL GLUE" IN ITS ENTIRETY, AS HAVING BEEN SUPERSEDED BY STATE LAW AND RESERVING IT, AND FURTHER BY DELETING SECTION 24-12 "SMOKING IN COUNCIL CHAMBERS" AS HAVING BEEN SUPERSEDED AND RESERVING IT.
Motion to approve by CM Beeton and second by MPT Colbert, unanimously approved by the members present.

C. Consider for approval an Ordinance of the City of Galveston, Texas, Amending Chapter 26, "Parks and Recreation", Article I, "In General" of "The Code of the City of Galveston 1982, as amended" by adding Section 26-27, "Off Leash Area, Dog Park"; establishing an "Off Leash Area" or Dog Park at Lindale Park located at 600 Holiday Drive; providing for definitions, rules and regulations; providing for a penalty clause; authorizing signage; making various findings and provisions related to the subject.
ORDINANCE NO. 11-031 was read by caption: AMENDING CHAPTER 26, "PARKS AND RECREATION", ARTICLE I, "IN GENERAL" OF "THE CODE

OF THE CITY OF GALVESTON 1982, AS AMENDED" BY ADDING SECTION 26-27, "OFF LEASH AREA, DOG PARK"; ESTABLISHING AN "OFF LEASH AREA" OR DOG PARK AT LINDALE PARK LOCATED AT 600 HOLIDAY DRIVE; PROVIDING FOR DEFINITIONS, RULES AND REGULATIONS; PROVIDING FOR A PENALTY CLAUSE; AUTHORIZING SIGNAGE.
Motion to approve by MPT Colbert and second by CM Beeton, unanimously approved by the members present.

D. Consider for approval an Ordinance of the City of Galveston, Texas, Amending the "Criteria and Selection Procedures for Contributions of Hotel Occupancy Tax to Arts and Historical Preservation" by requiring that all applicants attend a scheduled presentation meeting to make a presentation to the Advisory Board as part of the application process; providing that any applicant that fails to attend such presentation meeting may be ineligible for consideration for funding in the given award year; making various findings and provisions related to the subject.
ORDINANCE NO. 11-032 was read by caption: AMENDING THE "CRITERIA AND SELECTION PROCEDURES FOR CONTRIBUTIONS OF HOTEL OCCUPANCY TAX TO ARTS AND HISTORICAL PRESERVATION" BY REQUIRING THAT ALL APPLICANTS ATTEND A SCHEDULED PRESENTATION MEETING TO MAKE A PRESENTATION TO THE ADVISORY BOARD AS PART OF THE APPLICATION PROCESS; PROVIDING THAT ANY APPLICANT THAT FAILS TO ATTEND SUCH PRESENTATION MEETING MAY BE INELIGIBLE FOR CONSIDERATION FOR FUNDING IN THE GIVEN AWARD YEAR.
Motion to approve by CM Gonzales and second by Mayor Jaworski, unanimously approved by the members present.

E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, recognizing May 2011 as "Preservation Month" in the City of Galveston, Texas; making various findings and provisions related to the subject.
RESOLUTION NO. 11-018 was read by caption: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, RECOGNIZING MAY 2011 AS "PRESERVATION MONTH" IN THE CITY OF GALVESTON, TEXAS.
Motion to approve by CM Puccetti and second by CM Gonzales, unanimously approved by the members present.

12. CONSENT ITEMS
The following items shall be considered for action as a whole, unless one or more Council Members objects:

A. Acceptance of bid proposal from Floors and Tops for the purchase and replacement of flooring. Funding shall be the building repairs funds. Estimated annual cost is $50,000.00.

B. Approval allowing the fleet facility to purchase one (1) Ford F550 flatbed truck for the recycling division which will be funded by the vehicle capital outlay account for a total price of $38,436.10 from Philpott Motors through Buy Board.

C. Approval allowing the fleet facility to purchase eleven newly dressed Ford police interceptors for the police department patrol division to be purchased from Philpott Motors through HGAC Buy for a total price $310,726.29. The Funding source shall be the vehicle replacement fund and GPD accident recovery account.

D. Approval of the purchase of one Spartan Fire Pumper for $496,670 for the Fire Department's Suppression Division from metro Fire Apparatus Specialist through HGAC. The funding Sources are FEMA, Vehicle Replacement and CDBG Disaster Recovery Non-Housing Round 1 Funds. The new pumper will replace pumper which was destroyed in Hurricane Ike.

E. Consider for approval the award of a Phase III performance contract to Johnson Controls, Inc. (JCI) and authorizing the City Manager to execute the contract. The Phase III performance contract is for the renovation to City Hall doors and windows that will result in energy savings for the City of Galveston. The funding source is the US Department of Energy Award DE-SC0003060 and various alternate FEMA project worksheets.

Motion to approve Consent Items A – E by CM Gonzales and second by MPT Colbert, unanimously approved by the members present.

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 action authorizing the City Manager to execute Releases of Restrictions and Grant of Open Spaces Easement with the Sands of Kahala Beach HOA, Inc. (HOA) pertaining to Lots 4, 5, 9, 10, 11 in the Sands of Kahala Subdivision, subject to and conditioned upon Bankruptcy Court authorization and approval of such releases on behalf of the HOA.
Motion to defer indefinitely by CM Puccetti and second by MPT Colbert, unanimously approved by the members present.

B. Discuss and consider for action restrooms and other enhancements for Seawall Boulevard.
Motion to install a minimum of two (2) restrooms with showers and/or other enhancements and direct staff to come up with a plan to pay for them prior to collecting any parking revenue by CM Greenberg and second MPT Colbert, unanimously approved by the members present.

C. Discuss and consider acceptance of the proposal from Dannebaum Engineering Corporation for the development of the Galveston Levee Study. The cost of these services will not exceed $453,405.00. Funding source is CDBG Disaster Recovery Grant Non-Housing Program Round I.
Motion to defer indefinitely by CM Gonzales and second by CM Puccetti, unanimously approved by the members present.

D. Discuss and consider for action giving the City Manager direction concerning the Two (2) hour parking ordinance in the downtown area.

No Action.

E. Consider for action authorizing additional legal fees in the amount of $10,000.00 to the law firm of Abram, Scott & Bickley for defense of City Claim # 10-041, In Re: Sonya M Porretto, Case No. 09-35324 in the United State Bankruptcy Court for the Southern District of Texas, Houston Division.
Motion to approve by CM Puccetti and second by CM Beeton, unanimously approved by the members present.

F. Discuss and consider for action giving direction to staff to prepare a letter to the U.S. Department of Housing and Urban Development asking if some number of the 569 public housing units to be replaced using federal funds may be located on the mainland.
Motion to Defer until May 12, 2011, by CM Beeton sand second by CM Gonzales, unanimously approved by the members present.

14. MAYOR AND COUNCIL APPOINTMENTS
Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:

A. Building Standards Commission
Motion to move JT Edwards and Doug McLean from alternate positions one (1) and two (2) to the open sitting positions and appoint Diana Bertini and John Graham to alternate positions one (1) and two (2) by CM Legg and second by MPT Colbert, unanimously approved by the members present.

15 N/A

16. N/A

17. REQUEST TO ADDRESS COUNCIL ON NON-AGENDA ITEMS UPON SUBMITTING A WRITTEN REQUEST.
1. Neil Wilson – home demolition
2. James Dennis – police harassment
3. Krisean Johnson – police harassment
4. Leon Phililips – police harassment
5. Sheila Bell – disaster assistance
6. Ken Jenks – police harassment, restrooms
7. Latoya Mills – police harassment

18. ADJOURNMENT
Meeting adjourned at 5:45 pm.