

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD MARCH 27, 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, CM Colbert
Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence
5. DECLARATIONS OF CONFLICT
CM Roberts declared a conflict on Action Item 12F
6. APPROVAL OF MINUTES
The Minutes of the Meeting of March 13, 2008 were approved upon motion by CM Colbert and second by CM Puccetti. CM Roberts and CM Bolton-Legg were not present at the March 13, 2008 meeting and did not vote. Those voting in favor: CM Pena, CM Puccetti, MPT Weber, Mayor Thomas, CM Colbert.
7. PRESENTATIONS
Proclamations: Darragh Park Day - April 11, 2008
Lone Star Triathlon Days - March 28-30, 2008
8. COMMUNICATIONS AND PETITIONS
A. Notices of Claim: 08025 - Joe and Sheryl Rozier; 08026 - Scott Cochran
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
A. Consider for approval an Ordinance of the City of Galveston, Texas, amending the Galveston Zoning Standards, Division 2: Section 29-41: Buffer District (b)(5) Signage and Section 29-42: Neighborhood Service District (b)(1)©) regarding signage, in order to clarify and create uniformity with other zoning categories.; making various findings and provisions related to the subject. Planning Case 08ZA-01.
ORDINANCE NO. 08-014 was read by caption: AMENDING THE GALVESTON ZONING STANDARDS, DIVISION 2: SECTION 29-41: BUFFER DISTRICT (B)(5) REGARDING SIGNAGE AND SECTION 29-42: NEIGHBORHOOD SERVICE DISTRICT (B)(1)(C) REGARDING SIGNAGE, IN ORDER TO CLARIFY AND CREATE UNIFORMITY WITH OTHER ZONING CATEGORIES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT. (PC 08ZA-01)
Mayor Thomas opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.
Motion to approve by CM Bolton-Legg. Second by MPT Weber. Unanimously approved.

- B. Consider for approval an Ordinance of the City of Galveston, Texas, amending the Galveston Zoning Standards, Division 4: Section 29-65: Area Requirements (h) (1) and (5), regarding rear yard setback requirements for primary structures and accessory structures. Planning Case 08ZA-02.

ORDINANCE NO. 08-015 was read by caption; AMENDING THE GALVESTON ZONING STANDARDS, DIVISION 4: SECTION 29-65: AREA REQUIREMENTS (h) (1) AND (5), REGARDING REAR YARD SETBACK REQUIREMENTS FOR PRIMARY RESIDENTIAL STRUCTURES AND ACCESSORY STRUCTURES IN THE CITY OF GALVESTON; ZONING CASE NUMBER 08ZA-02; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

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

10. PUBLIC COMMENT

Mike Mierzwa, Port of Galveston, asked Council to approve Item 11A.

Fletcher Harris, 7013 Weiss, spoke regarding traffic problems in the city.

Johnny Smecca, 6th and Seawall, spoke regarding traffic and behavior problems with an event held on March 16, 2008. He stated the need for additional law enforcement.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas 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 related to the subject.

ORDINANCE NO. 08-016 was read by caption: 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 Bolton-Legg. Second by CM Puccetti. Unanimously approved.

- B. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 6, Article II "Special Events" of "The Code of the City of Galveston, 1982, as amended" to provide that activities at properties under the management and operation of the Park Board of Trustees and the Board of Trustees of the Galveston Wharves are subject to the City Special Events Policy and Permit Application provisions; amending the Offense and Penalty Provisions to provide a maximum fine of \$2,000 per day per offense; making various findings and provisions related to the subject.

VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WITHDRAWN

- C. Consider for approval an Ordinance of the City of Galveston, Texas, authorizing the city manager to execute a deed clearing title to approximately 50' x 117.08' portion of

road right of way, being approximately .134 acres in area located between Lots 96 and 97 and Lots 100 and 101, north of the Stewart Road right of way, in Section 3 of the Trimble and Lindsey survey of Galveston Island, in the City and County of Galveston, Texas, lying within a tract of land owned by Galveston Harbour Properties, adjacent to property commonly known as 14302 Stewart Road.

ORDINANCE NO. 08-017 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED CLEARING TITLE TO APPROXIMATELY A 50' BY 117.08' PORTION OF ROAD RIGHT OF WAY, BEING APPROXIMATELY .134 ACRES IN AREA, LOCATED BETWEEN LOTS 96 AND 97 AND LOTS 100 AND 101 OF SECTION 3 OF THE TRIMBLE AND LINDSEY SURVEY OF GALVESTON ISLAND, NORTH OF THE STEWART ROAD RIGHT OF WAY, IN THE CITY AND COUNTY OF GALVESTON, TEXAS, LYING WITHIN A TRACT OF LAND OWNED BY GALVESTON HARBOUR PROPERTIES, ADJACENT TO PROPERTY COMMONLY KNOWN AS 14302 STEWART ROAD; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

- D. Consider for approval an Ordinance of the City of Galveston, Texas, authorizing the city manager to execute a new, amended, election services agreement, adding provisions to the original election services agreement as previously approved in ordinance 08-012 enacted on February 28, 2008, adding Galveston County as a party, and adding provisions to comply with a consent decree entered by the county and the United States government, making additional payment provisions, and providing for defense of the county in certain circumstances.

ORDINANCE NO. 08-018 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW, AMENDED, ELECTION SERVICES AGREEMENT, ADDING PROVISIONS TO THE ORIGINAL ELECTION SERVICES AGREEMENT AS PREVIOUSLY APPROVED IN ORDINANCE 08-012 ENACTED ON FEBRUARY 28, 2008, ADDING GALVESTON COUNTY AS A PARTY, AND ADDING PROVISIONS TO COMPLY WITH A CONSENT DECREE ENTERED BY THE COUNTY AND THE UNITED STATES GOVERNMENT, MAKING ADDITIONAL PAYMENT PROVISIONS, AND PROVIDING FOR DEFENSE OF THE COUNTY IN CERTAIN CIRCUMSTANCES; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING A SAVINGS CLAUSE; DECLARING FINDINGS OF FACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Bolton-Legg. Second by CM Colbert. Unanimously approved.

- E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, authorizing the City to accept a \$13,500.00 United States Department of Homeland Security 2007 Regional Security Grant for the City of Galveston to improve and enhance its Emergency Operations Center in the Fiscal Year 2008, authorizing the City Manager to receive and disburse all funds for these improvements: directing the City Manager to execute all necessary documents relating to the grant: directing the City Secretary to send a certified copy of this resolution to the Governor's Office of Emergency Management; providing for findings of fact and providing for an effective

date.

RESOLUTION NO. 08-005 was read by caption: AUTHORIZING THE CITY TO ACCEPT A \$13,500.00 UNITED STATES DEPARTMENT OF HOMELAND SECURITY 2007 REGIONAL SECURITY GRANT FOR THE CITY OF GALVESTON TO IMPROVE AND ENHANCE ITS EMERGENCY OPERATIONS CENTER IN THE FISCAL YEAR 2008, AUTHORIZING THE CITY MANAGER TO RECEIVE AND DISBURSE ALL FUNDS FOR THESE IMPROVEMENTS: DIRECTING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATING TO THE GRANT: DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE GOVERNOR'S OFFICE OF EMERGENCY MANAGEMENT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

12. ACTION ITEMS

- A. Consider for action authorizing the City Manager, upon final approval of the City Attorney, to execute a five-year lease (DTFASW-08-L-00141) with the US Government for terminal office space at Scholes International Airport to house the Automated Surface Observation System and their Section Field Unit, at the previous rental rate of \$4,827.75 annually with no escalation.
- B. Consider for action approving an easement agreement between the City of Galveston and Matthew C. Deal for a 5-foot drainage easement within the North 5 feet of the South 20 feet lot 1385 in Section 2 of the Sea Isle Subdivision.
- C. Consider for action approving an easement agreement between the City of Galveston and John H. Dawsey for a 5-foot drainage easement within the South 5 feet of the North 40 feet lot 1385 in Section 2 of the Sea Isle Subdivision.
- D. Consider for action approving award of Bid 07-08-025 to Fred Hartel, Co. for roof replacement on three equipment bays at Bersinger Building. Base bid \$45,492.00, the alternates of rotted decking \$3.75 linear feet (fixed cost \$16,530) and rotted rafters \$5.75 linear feet (minimal cost) and authorizing the City Manager to execute a construction contract. Funding source is Building Maintenance Fund Account.
- E. Consider for action approving using Texas Building and Procurement Commission Department of Information Resources Contract for all technology use with Xerox Corporation to provide a new W5638T copier for the Central Garage Department, for a lease term of sixty months at \$201.31 per month and authorizing the City Manager to execute the lease agreement.
- F. Consider for action authorizing an amendment to the contract between Dannenbaum Engineering Corporation and The Gulf Coast Water Authority construction phase services for the 30th Street Pump Station Replacement in an amount not to exceed \$377,678.00. Funding source is GCWA 2002 Galveston Bonds.

Motion to approve by CM Colbert. Second by CM Pena. In favor: CM Pena, CM

Puccetti, MPT Weber, Mayor Thomas, CM Bolton-Legg, CM Colbert. Abstained due to conflict of interest: CM Roberts. Motion carried.

- G. Consider for action approving the First Amendment to the GLO-Reliant electric sales agreement to provide for additional renewable (wind) electric energy for the McGuire-Dent Recreation Center for an additional fee of \$2,400 through the end of contract December 31, 2010 for renewable electric at an additional 40% of load and authorizing the City Manager to execute the contract amendment. Funding source is Parks Department Electric Account.

Motion to approve Action Items A, B, C, E, E and G by CM Bolton-Legg. Second by CM Colbert. Unanimously approved.

13. MAYOR AND COUNCIL APPOINTMENTS

Planning Commission

CM Bolton-Legg moved to appoint Joe Rozier to a term beginning April 8, 2008. Second by CM Roberts. Unanimously approved.

14. MAYOR, COUNCIL AND CITY MANAGER REPORTS

Mayor Thomas

Reported on the following:

- * Meetings regarding public safety on the island
- * Asked City Attorney Green to give dates for Height and Density meetings/Planning Commission Workshop April 15, 9:30 a.m., Special Council Workshop April 17, Noon, Special Council Meeting April 17, 4:00 p.m.
- * Condolences to family of Rose Bennett

CM Pena

Reported on the following:

- * Galveston Hornets Basketball Team/Winners of the 14 and under Division at the Texas Amateur Basketball Tournament
- * The Emeralds hosted visitors to view facility
- * Congratulations to UTMB Medical School Class
- * University Area Association Meeting

CM Puccetti

Reported on the following:

- * Transportation Summit, April 29, 2008
- * Intermodal Transportation Committee
- * Comprehensive Plan subcommittees to complete work in April
- * Coastal Planning Atlas
- * Meeting on Wetlands Protection at Rice University
- * Adopt-a-Beach Cleanup April 26, 2008
- * Galveston featured in various magazines
- * City wide cleanup April 4-5 and 10-11
- * Welcome to Featherfest

MPT Weber

Reported on the following:

- * Construction in Marshall's parking lot
- * Island Breeze Restaurant
- * Park Board tour of new Golf Course/Thank you to Moody Family and Buddy Herz
- * Traffic problems March 16
- * Park Board purchase of 601 Tremont/Park Board Plaza

CM Bolton-Legg

Reported on the following:

- * Natalie Robertson, Niigata Japan Sister City Committee Chair/need for families to host for Youth Exchange
- * City Spring Clean-up April 4-5 and 10-11
- * Welcome to Lone Star Triathlon and Featherfest participants
- * Congratulations to UTMB Medical School graduates
- * Farmers Market to open April 12
- * GHFC will have presentation for April 11 Council Meeting
- * Grand Kids Festival
- * Renaissance Center Hope Cookbook/St. Vincents House

CM Roberts

Reported on the following:

- * Height and Density Study
- * Crime Statistics for 2006 and 2007
- * Keep lawn trimmings out of the gutters
- * Excellent Planning Commission applicants

CM Colbert

Reported on the following:

- * Thank applicants for the Planning Commission
- * Congratulations to UTMB Medical School graduates
- * Thank Galveston Police Department for its efforts to address crime in District 2
- * Keep drains free of debris
- * Democratic Caucus
- * Condolences to family of Rose Bennett

City Manager LeBlanc

Reported on the following:

- * Emergency Management Meeting April 9
- * State Hurricane Conference May 19, 20, 21
- * Hurricane Town Meeting May 28

15. N/A

16. N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 6:40 p.m.