THE AMENDED MINUTES OF THE REGULAR MEETING OF CITY COUNCIL OF THE CITY OF GALVESTON HELD MARCH 10, 2011-4P.M.

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 Beeton, MPT Colbert, CM Greenberg, CM Legg
   ABSENT: CM Gonzales
   STAFF: City Manager Steve LeBlanc, City Attorney Green, Asst. City Secretary De La Fuente
5. APPROVAL OF MINUTES
   No minutes to approve.

6. N/A

7. PRESENTATIONS / PROCLAMATIONS
   A. Clean Galveston Presentation
   Presented City of Galveston a check in the amount of $10,396.26

8. COMMUNICATIONS AND PETITIONS
   A. Notices of Claim: 11-020 Charles Wiley

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
   A. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in a Retail Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (R-SDZ-2-HDDZ-3) Zoning District, in conjunction with an "Amusement, Commercial (outdoor)" land use regarding the operation of a surrey rental business; property is located at 3228 Seawall Boulevard and is legally described as "The west 14.17 feet of Lot 12, Lots 13 and 14 and south part of Lots 1 thru 3 and adjacent alley, north west block 163, Galveston Outlots, in the City and County of Galveston, Texas" and making findings related to the subject. (Planning Case 11P-12)

ORDINANCE NO. 11-000 was read by caption: GRANTING A SPECIFIC USE PERMIT IN A RETAIL SEAWALL DEVELOPMENT ZONE, ZONE 2, HEIGHT AND DENSITY DEVELOPMENT ZONE, ZONE 3 (R-SDZ-2-HDDZ-3) ZONING DISTRICT, IN CONJUNCTION WITH AN "AMUSEMENT, COMMERCIAL (OUTDOOR)" LAND USE REGARDING THE OPERATION OF A SURVEY RENTAL BUSINESS; PROPERTY IS LOCATED AT 3228 SEAWALL BOULEVARD AND IS LEGALLY DESCRIBED AS "THE WEST 14.17 FEET OF LOT 12, LOTS 13 AND 14 AND SOUTH PART OF LOTS 1 THRU 3 AND ADJACENT ALLEY, NORTH WEST BLOCK 163, GALVESTON, TEXAS" AND MAKING FINDINGS RELATED TO THE SUBJECT. (PLANNING CASE 11P-12)

Motion to approve by CM Legg. Second by CM Greenberg. Unanimously Approved by those present.

B. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to operate a "Tavern" in a Central Plaza with Historic overlay (CP-H) Zoning district at 2411 Avenue B/Strand, Suite A; property is legally described as "Lots 4 and 5, Block 624, in the City and County of Galveston, Texas"; making various findings and provisions related to the subject. (Planning Case 11P-21).

ORDINANCE NO. 11-000 was read by caption: GRANTING A SEPCIFIC USE PERMIT IN ORDER TO OPERATE A "TAVERN" IN A CENTRAL PLAZA WITH HISTORIC OVERLAY (CP-H) ZONING DISTRICT AT 2411 AVENUE B/STRAND, SUITE A; PROPERTY IS LEGALLY DESCRIBED AS "LOTS 4 AND 5, BLOCK 624, IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT. (PLANNING CASE 11P-21).

Motion to approve by CM Greenberg. Second by CM Legg. Unanimously Approved by those present.

C. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit for "Amusement, Commercial (Outdoor)" in a Retail, Seawall Development Zone 4, Height and Density Development Zone 5 (R-SDZ-4-HDDZ-5) zoning district; property is commonly known as 6602 Seawall Boulevard and is legally described as part of Lots 89, 90 and Abandoned Road (89-1), Trimble and Lindsey Survey, Section 1 and part of Lot 1, Moseley Addition, a Subdivision in the City and County of Galveston, Texas; (Planning Case Number 11P-20).

ORDINANCE NO. 11-00 was read by caption: GRANTING A SPECIFIC USE PERMIT FOR "AMUSEMENT, COMMERCIAL (OUTDOOR)" IN A RETAIL, SEAWALL DEVELOPMENT ZONE 4, HEIGHT AND DENSITY DEVELOP-MENT ZONE 5 (R-SDZ-4-HDDZ-5) ZONING DISTRICT; PROPERTY IS COMMONLY KNOWN AS 6602 SEAWALL BOULEVARD AND IS LEGALLY DESCRIBED AS PART OF LOTS 89, 90 AND ABANDONED ROAD (89-1), TRIMBLE AND LINDSEY SURVEY, SECTION 1 AND PART OF LOT 1, MOSELEY ADDITION, A SUBDIVISION IN THE CITY AND COUNTY OF GALVESTON, TEXAS; (PLANNING CASE NUMBER 11-P-20).

Motion to approve by CM Greenberg. Second by CM Legg. Unanimously Approved by those present.

10. PUBLIC COMMENT

The public shall be allowed to address one or more agenda or non-agenda items. Each person shall be limited to three (3) minutes, regardless of the number of items addressed.

Mary Jo Naschke – 202 Rosenberg #102; 9B and 12B
Dan Cote-29 Lakeview-Container Terminal
John Menna-4010 -11mile road; Restrooms on Seawall
Bill Kiene- 12 Park Lane- Galveston Levee Study
Ellen Morrison-1213 Sealy Street-SUP
Ralph MCMorris-1202 P.O. Box 77550
Neil Wilson-3421 Ball Street-Galveston Recovery Program
Don Clark-1804-25th Street-City Manager Removal
Frank Dryden- 202 25th Street- SUP for Tavern
Edger Bircher-1501 Harbor View-Container Terminal
Kathy Matteson-1409 Harborview-Port of Galveston

Valarie Jackson-2715 Postoffice-Relocation Funds
Terry Johnson-1808 Postoffice-Container Terminal
Johnathan Tromm-1315 Postoffice-Container Terminal
William Broussard-3310 Eckert-Port of Galveston
Ken Jencks-190 San Marino-Seawall Parking
Bill Clement-7507 Beluche-Seawall Parking
Leon Phillips II- No Show
Jeri Kinnear- Seawall Parking
Susan Peters- 28 N. Dansby- SUP for Container Port
Theresa Elliott- 7175 Spanish Grant-Seawall Parking
David Schuler- 1310- Port Sup
Steve Mataro-12714 Mario Ct-Linda Haywood thank you letter
Allison Brown-1027 Sealy-Container Terminal

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City Council of the City of Galveston, Texas, ordering and calling a Special Election to be held in the City on May 14, 2011, to determine whether the City should have the authority to charge a fee for parking a motor vehicle on Seawall Boulevard in the amount of $1.00 per hour not to exceed $8.00 per day, or an annual permit not to exceed $25.00, between the hours of 10:00 a.m. and 6:00 p.m. daily, which shall be collected by pay stations or annual permits issued at City Hall, the Park Board, or other designated locations, and such Seawall Parking Funds shall be restricted to the following: 75% for funding Seawall enhancements, including but not limited to lighting, bathrooms, showers, and litter control, which shall be funded through debt service or maintenance and operations; 15% being held in reserve for the replacement of capital improvements; and no more than 10% for administrative costs, all in accordance with a neighborhood parking and security plan and state law provisions governing the expenditure of beach user fees; and such authorization shall expire seven years from the date the fees are first collected unless otherwise renewed or amended by a majority of qualified voters; authorizing the City Manager to execute an Election Services Agreement with Galveston County to hold and conduct this election; designating the polling places; designating hours for voting; providing for publication of notice of the election; providing bilingual election requirements; and containing other provisions related thereto.

ORDINANCE NO. 11-015 was read by caption: ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY ON MAY 14, 2011, TO DETERMINE WHETHER THE CITY SHOULD HAVE THE AUTHORITY TO CHARGE A FEE FOR PARKING A MOTOR VEHICLE ON SEAWALL BOULEVARD IN THE AMOUNT OF $1.00 PER HOUR NOT TO EXCEED $8.00 PER DAY, OR AN ANNUAL PERMIT NOT TO EXCEED $25.00, BETWEEN THE HOURS OF 10:00 A.M. AND 6:00 P.M. DAILY, WHICH SHALL BE COLLECTED BY PAY STATIONS OR ANNUAL PERMITS ISSUED AT CITY HALL, THE PARK BOARD, OR OTHER DESIGNATED LOCATIONS, AND SUCH SEAWALL PARKING ENHANCEMENTS, INCLUDING BUT NOT LIMITED TO LIGHTING, BATHROOMS, SHOWERS, AND LITTER CONTROL, WHICH SHALL BE FUNDED THROUGH DEBT SERVICE OR MAINTENANCE AND OPERATIONS; 15%

BEING HELD IN RESERVE FOR THE REPLACEMENT OF CAPITAL IMPROVEMENTS; AND NO MORE THAN 10% FOR ADMINISTRATIVE COSTS, ALL IN ACCORDANCE WITH A NEIGHBORHOOD PARKING AND SECURITY PLAN AND STATE LAW PROVISIONS GOVERNING THE EXPENDITURE OF BEACH USER FEES; AND SUCH AUTHORIZATION SHALL EXPIRE SEVEN YEARS FROM THE DATE THE FEES ARE FIRST COLLECTED UNLESS OTHERWISE RENEWED OR AMENDED BY A MAJORITY OR OF QUALIFIED VOTERS; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICE AGREEMENT WITH GALVESTON COUNTY TO HOLD AND CONDUCT THIS ELECTION; DESINATING THE POLLING PLACES; DESIGNATING THE HOURS OF VOTING; PROVIDING FOR PUBLICATION OF NOTICE OF THE ELECTION; PROVIDING BILINGUAL ELECTION REQUIREMENTS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

CM Legg moved approval. Second by MPT Colbert.

Change the language to read: Between the hours of 10 a.m. and 6 p.m. daily which shall be collected by pay stations electronic means or annual permits issued at City Hall and Park Board or other designated locations except during special events. Vote in favor: CM Puccetti, CM Greenberg, CM Legg, Mayor Jaworski, MPT Colbert

Opposed: CM Beeton. **Motion Carried.**

CM Beeton stated the following in reason for opposition: CM Beeton stated that what the citizens want is the opportunity to vote for paid parking without meters or pay stations on the water side of the Seawall on the south side of the Seawall. She stated that this is very important to many people. There are many citizens who want to support paid parking but do not want meters and this proposition does not give them that option. The only way they can get paid parking is to give the City authorization to put meters or pay stations on the beach side of the Seawall.

And therefore she will not support it.

B. Consider for approval an Ordinance of the City Council of the City of Galveston, Texas amending "The Code of the City of Galveston 1982, as amended", Section 2-139, "Order of Business" by establishing separate agenda items for public comment relating to agenda and non-agenda requests to address Council; creating a new agenda subsection entitled "consent items" that will govern routine or ministerial matters; providing for miscellaneous amendments to the Section.

ORDINANCE NO. 11-016 was read by caption: CONSIDER FOR APPROVAL AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS AMENDING "THE CODE OF THE CITY OF GAVLESTON 1982, AS AMENDED", SECTION 2-139, "ORDER OF BUSINESS" BY ESTABLISHING SEPARATE AGENDA ITEMS FOR PUBLIC COMMENT RELATING TO AGENDA AND NON-AGENDA REQUESTS TO ADDRESS COUNCIL; CREATING A NEW AGENDA SUBSECITON ENTITLED "CONSENT ITEMS" THAT WILL GOVERN ROUTINE OR MINISTERIAL MATTERS; PROVIDING FOR MISCELLANEOUS AMENDMENTS TO THE SECTION.

MPT Colbert moved approval. Second by CM Legg. Vote in favor: CM Puccetti, CM Legg, Mayor Jaworski, MPT Colbert, CM Greenberg

Opposed: CM Beeton. Motion carried.

C. Consider for approval an Ordinance of the City of Galveston, Texas, amending the Code of the City of Galveston 1982, as amended, chapter 24, "Miscellaneous offenses", by providing for new regulations relating to noise within the City; deleting and reserving sections 24-3, 24-5 and 24-14; adding sections 24-20 through 24-28; making various findings and provisions related to the subject and providing for a penalty

ORDINANCE NO. 11-000 was read by caption: AMENDING THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED, CHAPTER 24, "MISCELLANEOUS OFFENSES", BY PROVIDING FOR NEW REGULATIONS RELATING TO NOISE WITHIN THE CITY; DELETING AND RESERVING SECTIONS 24-3, 24-5, AND 24-14; ADDING SECTIONS 24-20 THROUGH 24-28; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT AND PROVIDING FOR A PENALTY.

Motion to defer to March 24, 2011 meeting by CM Pucetti. Second by MPT Colbert. Unanimously approved by those present.

12. ACTION ITEMS

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

A. Consider for approval appointing the City Secretary or an Acting City Secretary.

Motion to approve by CM Legg. Second by CM Greenberg. Vote in favor: CM Pucetti, CM Beeton, CM Legg, CM Greenberg. Opposed: Mayor Jaworski, MPT Colbert. Motion carried to appoint Douglas Godinich as City Secretary with a salary of $67,900.

B. Discuss and consider giving the City Manager direction concerning development of a Specific Use Permit and/or an Ordinance to address the construction and operation of a Container facility on Pelican Island.

Motion to defer to the March 24, 2011 meeting by MPT Colbert. Second by CM Pucetti. Vote in favor: CM Puccetti, CM Legg, CM Greenberg, Mayor Jaworski, MPT Colbert. Opposed: CM Beeton.

C. Discuss and consider for action the performance and the contract for CDM.

CM Greenberg moved to withdraw. Second by MPT Colbert. Unanimously by those present. To be put on the March 24, 2011 Regular Meeting both regular and executive.

D. Consider for approval authorization/ratification of the Industrial Development Corporation annual budget for the F/Y 2010-2011.

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

E. Discuss and consider for action relocation expenses for recipients for Hurricane Ike Recovery.

Motion to defer by MPT Colbert. Second by CM Legg. To be placed on the March 24, 2011 Regular Meeting. Unanimously approved by those present.

F. Receive the Rosenberg Library audited financial report for the fiscal year ended September 30, 2010 and the operating budget summary for the fiscal year ended September 30, 2011.

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

G. Discuss and consider for action request for extension of Completion Date on Development and Facilities Agreement for Downtown Bus Terminal and Ground Lease.

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

H. Consider for approval the acceptance of the donation of $10,396.26 from clean Galveston to reimburse Island Transit for the purchase of new litter receptacles which were installed at Island Transit Bus Stops. The new trash receptacles are part of the "Clean Galveston" goal.

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

I. Consider for approval of most responsive proposal (RFP#10-11-006) for the Rehabilitation of 48 Owner Occupied Housing Units in a base bid amount of $2,983,725.28 from Consolidated Concepts, Inc. funding is provided under the CDBG Disaster Recovery Housing Program.

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

J. Discuss and consider giving staff direction regarding recently filed gaming bills before state Legislature.

No action taken.

K. Discuss and consider for action giving staff direction to investigate options to merge functions of City of Galveston and Park Board of Trustees.

Motion to approve by Mayor Jaworski. Second by CM Puccetti. Unanimously approved by those present to investigate other universal options.

13. MAYOR AND COUNCIL APPOINTMENTS
N/A
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 7:15 p.m.