

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD FEBRUARY 26, 2009- 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 Thomas, CM Beeton, MPT Weber, CM Colbert, CM Fennewald, CM Woods
Absent: CM Mahoney
Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence, Asst. City Manager Wade, Asst. City Manager Rinderer, Planning Division Head/HPO Schwarz
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
N/A
7. PRESENTATIONS
None
8. PUBLIC HEARING
 - A. Public hearing to receive citizen comments on the City of Galveston 2009 Consolidated Programs including the Community Development Block Grant (CDBG) in the estimated amount of \$1,410,021 and HOME Investment Partnerships Program (HOME) in the estimated amount of \$534,637.
Director of Housing Sterling Patrick stated the public hearing is required prior to allocation of CDBG and HOME funds. Staff has requested to only fund city department initiated projects that would aid in the recovery of the city. Those projects would focus on housing repair, infrastructure repair, and also projects and activities that would help the city to maintain services.
Mayor Thomas opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.
No action was taken.
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
 - A. Consider for approval an Ordinance of the City of Galveston, Texas, changing the zoning from "General Residence (GR) zoning district" to "Neighborhood Services (NS) zoning district" on property legally described as "the North 32 feet of Lot 36, Lots 37-39, Jones Subdivision, in the city and county of Galveston, Texas", and commonly known as 7201 Heard Lane, (Planning Case 08P-72).
ORDINANCE NO. 09-007 was read by caption: CHANGING THE ZONING FROM "GENERAL RESIDENCE (GR) ZONING DISTRICT" TO "NEIGHBORHOOD SERVICES

(NS) ZONING DISTRICT” ON PROPERTY LEGALLY DESCRIBED AS “THE NORTH 32 FEET OF LOT 36, LOTS 37-39, JONES SUBDIVISION, IN THE CITY AND COUNTY OF GALVESTON, TEXAS”, AND COMMONLY KNOWN AS 7201 HEARDS LANE, (PLANNING CASE 08P-72; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. Schwarz gave an explanation of the proposed ordinance.

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

Motion to approve by MPT Weber. Second by CM Beeton. Unanimously approved by those present. CM Mahoney absent.

- B. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to operate a "Convenience Store" in a Neighborhood Service (NS) zoning district located at 7201 Heards Lane; property is legally described as "the North 32-feet of Lot 36, Lots 37-39, Jones Subdivision, in the City and County of Galveston, Texas; Planning Case Number 08P-80.

ORDINANCE NO. 09-008 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A “CONVENIENCE STORE” IN A NEIGHBORHOOD SERVICE (NS) ZONING DISTRICT LOCATED AT 7201 HEARDS LANE; PROPERTY IS LEGALLY DESCRIBED AS “THE NORTH 32-FEET OF LOT 36, LOTS 37-39, JONES SUBDIVISION, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 08P-80; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. Schwarz gave an explanation of the proposed ordinance.

The applicant, Hoat K. Nguyen, spoke in support of the proposed specific use permit.

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

After discussion, **CM Beeton moved approval with the addition condition that, should the City adopt a lighting ordinance in the future, the property will come in compliance with the lighting ordinance; that the specific use permit be nontransferable and that any landscaping at the property will comply with the city’s landscaping ordinance and include a sprinkler system. Second by CM Colbert. Unanimously approved by those present. CM Mahoney absent.**

- C. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in conjunction with a "Bail Bonds Office" in a Light Industrial Zoning District within the Gateway Development Zone (LI-GDZ); property is legally described as "the west half of Block 233 in the City and County of Galveston, Texas," commonly known as 5316 Broadway (Planning Case Number 09P-13).

ORDINANCE NO. 09-009 was read by caption: GRANTING A SPECIFIC USE PERMIT IN CONJUNCTION WITH A ”BAIL BONDS OFFICE” IN A LIGHT INDUSTRIAL ZONING DISTRICT WITHIN THE GATEWAY DEVELOPMENT ZONE (LI-GDZ); PROPERTY IS LEGALLY DESCRIBED AS “WEST HALF OF BLOCK 233,” IN THE CITY AND COUNTY OF GALVESTON, TEXAS”; COMMONLY KNOWN AS 5316 BROADWAY; PLANNING CASE NUMBER 09P-13; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. Schwarz gave an explanation of the proposed ordinance. She corrected the square footage of the office from 6,250 sq. ft. to 100 sq. ft.

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

Motion to approve by MPT Weber. Second by CM Colbert. Unanimously approved by those present. CM Mahoney absent from meeting. CM Beeton out of the room and did not vote.

- D. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit to operate a "Convenience Store" in a Central Business (CB) zoning district; property is commonly known as 711 25th Street/Rosenberg and legally described as "Lots 5, 6, and 7, Block 325, in the City and County of Galveston, Texas.

ORDINANCE was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A "CONVENIENCE STORE" IN THE CENTRAL BUSINESS (CB) ZONING DISTRICT LOCATED AT 711 25TH STREET/ROSENBERG; PROPERTY IS LEGALLY DESCRIBED AS "LOTS 5, 6, AND 7, BLOCK 325, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 09P-12; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. Schwarz gave an explanation of the proposed ordinance.

Mayor Thomas opened the PUBLIC HEARING.

Deborah Conrad, 2218 Postoffice, stated her opposition to the specific use permit.

Kathy Gianno, said she was opposed to the convenience store.

Bryan Davis, Director of Preservation Services, Galveston Historical Foundation, spoke in opposition to the convenience store. The location is inappropriate.

Rev. Douglas Guthrie, First Lutheran Church, said the church members were opposed to the convenience store.

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

Motion to deny by CM Fennewald. Second by CM Colbert. Motion to deny unanimously approved by those present.

- E. Consider for approval an Ordinance of the City of Galveston, Texas, granting a two year extension for the following request: 07P-170, request for a Specific Use Permit for development excavation in conjunction with the construction of a navigable canal in a Planned Development (PD) zoning district; property is legally described as Tract 15 (112.251 acres), Section 13, Division 2, of Hall and Jones Survey, in the City and County of Galveston, Texas, property lies north of FM 3005, south of Galveston Bay, west of 6th Street and east of Laguna San Luis, commonly known as 23500 San Luis Pass Road; Planning Case Number 09P-15

ORDINANCE NO. 09-000 was read by caption: GRANTING A TWO YEAR EXTENSION FOR THE FOLLOWING REQUEST: 07P-170, REQUEST FOR A SPECIFIC USE PERMIT FOR DEVELOPMENT EXCAVATION IN CONJUNCTION WITH THE CONSTRUCTION OF A NAVIGABLE CANAL IN A PLANNED DEVELOPMENT (PD) ZONING DISTRICT. PROPERTY IS LEGALLY DESCRIBED AS TRACT 15 (112.251 ACRES), SECTION 13, DIVISION 2, OF HALL AND JONES SURVEY, IN THE CITY AND COUNTY OF GALVESTON, TEXAS, PROPERTY LIES NORTH OF FM 3005, SOUTH OF GALVESTON BAY, WEST OF 6TH STREET AND EAST OF LAGUNA SAN LUIS,

COMMONLY KNOWN AS 23500 SAN LUIS PASS ROAD; PLANNING CASE NUMBER 09P-15; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. Schwarz gave an explanation of the proposed ordinance.

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

**Motion to defer to March 12, 2009, by CM Fennewald. Second by CM Woods.
Unanimously approved by those present.**

10. PUBLIC COMMENT

Clay Burton, 1207 10th St., spoke in support of the Bicycle Corridor Project.

Dale Cooper, 21803 Matagorda, Sea Isle, spoke regarding a condemned building at 21806 Matagorda that needs to be cleaned up.

Jim Guidry, 1818 Church, spoke regarding streaming video of City Council Meetings.

Bob Johnson, 2111 Strand, spoke in support of the Lone Star Motorcycle Rally but said the City needs to request RFPs.

Johnny Smecca, Mario, 628 Seawall, said the Seawall should stay open during events.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

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 Yaga's Children Fund donation, in the amount of \$1,300.00 to the Fire Marshal's Office for the purchase of fire prevention materials.
- B. Consider for action approving the purchase of two type three class buses from Texas Bus Sales for \$119,770.00. The vehicles will be funded by The Texas Department of Transportation and will include a local share. The City share of \$10,180.45, to be supplied from the Transit Capital Outlay Account.
- C. Consider for action approving Change Order No. 2 to the Boyer, Inc. contract for the new 30th Street Pump Station Project adding \$266,758.20 and ninety calendar days to the revised contract amount of \$15,932,419.00 for a new contract amount of \$16,199,177.20 for a net cumulative addition of 2.7% over the original contract amount of \$15,775,394.00. Funding source is Water Improvement Fund.
- D. Consider for action approving acceptance of contract proposal from Klotz Associates for a lump sum fee of \$54,000.00 to provide professional engineering services on the engineering design of the Broadway Traffic Signal Interconnect Project. Funding source will come from an Interlocal Agreement (Resolution #08-012) between the City of Galveston and Galveston County.
- E. Consider for action authorizing the City Manager to execute the Fourth Amendment to Memorandum of Understanding Regarding Temporary Provision of Fire Protection

Services on Bolivar Peninsula

- F. Discuss the Lone Star Motorcycle Rally and consider for action providing the City Manager direction for the 2009 Rally and the request for proposals for future motorcycle rallies. (Beeton/Woods)

After discussion, **CM Beeton moved that City Council give Mr. LeBlanc direction to prepare an RFP for a motorcycle rally to be held on Galveston Island during the years 2010, 2011 and 2012. The RFP would be soliciting promoters who would be interested in entering into a three year contract with the city for such an event. Second by CM Woods.**

Vote: In Favor: CM Beeton, CM Woods. Opposed: MPT Weber, Mayor Thomas, CM Fennewald. Abstaining: CM Colbert. Absent and not voting: CM Mahoney. Motion failed for lack of four affirmative votes.

Recess 6:40 p.m. to 6:56 p.m.

- G. Consider for approval the purchase and installation of the clarifier drive unit for clarifier #4 at the main WWTP from H2 Systems of Friendswood, Texas. The cost of this drive shall not exceed \$79,700.00. The funding source is FEMA Reimbursement (75%) and sewer improvement (25%).

MPT Weber moved to approve Action Agenda Items A, B, C, D, E and G. Second by CM Colbert. Unanimously approved by those present.

13. MAYOR AND COUNCIL APPOINTMENTS

Building and Standards Commission

CM Colbert moved to reappoint David Watson and move Alternate John McNatt to replace Brian Davis and Alternate Norman Pappous to replace Rhonda Gregg. Second by CM Woods. Unanimously approved by those present.

14. N/A

15. EXECUTIVE SESSION

N/A

16. DISCUSSION ITEMS - No Action Taken - Discussion Only

A. City Manager

1. Discuss and Receive Update regarding Hurricane Ike Disaster Emergency Response and Recovery
Update from Jim Woodard of FEMA regarding community sites and the cluster sites.

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 8:00 p.m.