Meeting 20 of 48 2010-2012 City Council of Galveston, Texas

THE MINUTES OF THE REGULAR MEETING OF CITY COUNCIL
OF THE CITY OF GALVESTON HELD FEBRUARY 24, 2011 - 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 Jaworski, CM Puccetti, CM Gonzales, CM Beeton, MPT Colbert, CM Greenberg, CM Legg

   Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence

5. APPROVAL OF MINUTES:

Special Meeting January 10, 2011:	Motion to approve by MPT Colbert. Second by CM Puccetti. Unanimously approved by those present. CM Gonzales out of the room.
Regular Meeting January 13, 2011:	Motion to approve by MPT Colbert. Second by CM Puccetti. Unanimously approved.
Special Meeting January 24, 2011:	Motion to approve by MPT Colbert. Second by CM Puccetti. Vote in favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, CM Greenberg, MPT Colbert. Absent January 24 and abstaining: CM Legg. Motion approved.
Regular Meeting January 27, 2010:	Motion to approve by CM Puccetti. Second by MPT Colbert. Unanimously aprpoved.
Regular Meeting February 10, 2011:	Motion to approve by CM Puccetti. Second by CM Legg. Unanimously approved.

6. N/A

7. PRESENTATIONS

Proclamations:	March 1, 2011- IHOP National Pancake Day February 25, 2011 - George Mitchell Day March 4, 2011 - Krewe Babalu Day March 5, 2011 - Z Krewe Day
Certificate of Recognition:	Krewe of Bacchus Retirement - City Secretary Barbara Lawrence

Families, Children and Youth Annual Report: KathTiernan
East End Lagoon Master Plan: Jim Sipes, Ross Gordon
GEDP: Falstaff/Incinerator: Jeff Sjostrom
GEDP: Economic Development Reports: Jeff Sjostrom

8. COMMUNICATIONS AND PETITIONS
   A. Notices of Claim: 11011-Bennie Creamer; 10091-Alejandra Leal; 11012-Marie Volcy & Gary Guillame; 11014-Sabrina Stachowski; 11015–Almeta Stringfellow; 11016-Henry Cross; 1`1017-Olga M. Zamora; 11018-Chassidy Jones; 11019-Heidi Walker
   B. Texas Gas Service: Purchased Gas Adjustment Clause for February 2011

PUBLIC HEARING ON PROPOSED SEAWALL PARKING PLAN

Mayor Jaworski opened the PUBLIC HEARING:
Jim Little, 2215 Seawall, Murdocks Pier, opposed to $8 a day
V.J. Tramonte, 1802 Broadway #206, in support of Chamber of Commerce ballot language
Jessie Ann Bradshaw, Rt. 4, Box 190, in support of Chamber of Commerce ballot language
Buzz Elton, 2913 Beluche, in support of paid parking on Seawall, opposed to sunset clause
Rebecca Blaylock, 4907 Ave. P, opposed to paid parking on Seawall
Sheila Bell, P.O. Box 1001, opposed to paid parking on Seawall
Beau Yarbrough, 6608 Golf Crest, in support of paid parking on Seawa..
Shane McDermott, 1507 Church St., in support of paid parking on Seawall
David Colombo, 5109 Denver, in support of paid parking on Seawall
Nicole Ekstrom, 1015 Postoffice, Galveston Surfriders, needs to see plan
Theresa Elliott, 7175 Spanish Grant, in support of Chamber of Commerce plan, opposed to sunset clause
Tom Irwin, 3700 83rd, opposed to paid parking on the Seawall
Jerry Gies, 722 W. Broadway, in support of paid parking on Seawall
Allison Brown, 1027 Sealy, need to charge overnight parking for motor homes on Seawall
Gina Spagnola, 7407 Broadway, in support of paid parking
Ken Jencks, San Marino, opposed to paid parking on the Seawall

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
   A. Consider for approval an Ordinance of the City of Galveston, Texas, adopting, amending and renewing the provisions of Chapter 24, "Offenses - Miscellaneous", Section 24-6, "Curfew for Minors" of "The City Code of Galveston, 1982, as amended".

ORDINANCE NO. 11-010 was read by caption: ADOPTING, AMENDING AND RENEWING THE PROVISIONS OF CHAPTER 24, "OFFENSES–MISCELLANEOUS", SECTION 24-6, "CURFEW FOR MINORS" OF "THE CITY CODE OF GALVESTON, 1982, AS AMENDED"; PROVIDING FOR A PENALTY

CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Mayor Jaworski opened the PUBLIC HEARING:

Stacy Young, owner of Paint Ball Field, opposed to curfew.

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

CM Legg moved approval. Second by CM Puccetti. Vote in favor: CM Pucetti, CM Greenberg, Mayor Jaworski, CM Gonzales and CM Legg. Opposed: CM Beeton and MPT Colbert. Motion carried.

CM Greenberg moved to amend. Second by MPT Colbert. Vote in favor to amend: CM Beeton, MPT Colbert and CM Greenberg. Opposed to amend: CM Puccetti, CM Gonzales, Mayor Jaworski and CM Legg. Motion to amend fails.

B. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 34, "Traffic" of "The Code of the City of Galveston 1982, as amended" by changing the times of school zones in which it is unlawful for any person to drive in excess of twenty miles per hour; making various findings and provisions related to the subject.

ORDINANCE NO. 11-011 was read by caption: AMENDING CHAPTER 34, "TRAFFIC" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" BY CHANGING THE TIMES OF SCHOOL ZONES IN WHICH IT IS UNLAWFUL FOR ANY PERSON TO DRIVE IN EXCESS OF TWENTY MILES PER HOUR; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Mayor Jaworski opened the PUBLIC HEARING:

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

CM Puccetti moved approval. Second by MPT Colbert. Unanimously approved.

C. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit for a "Radio, Television, or Microwave Tower" in a Commercial (C) zoning district; property is commonly known as 3402 Avenue H/Ball and legally described as Lot 8, Block 334, in the City and County of Galveston, Texas; Planning Case Number 11P-11.

ORDINANCE NO. 11-000 was read by caption: GRANT A SPECIFIC USE PERMIT FOR A "RADIO, TELEVISION, OR MICROWAVE TOWER" IN A COMMERCIAL (C) ZONING DISTRICT; PROPERTY IS COMMONLY KNOWN AS 3402 AVENUE H/BALL AND LEGALLY DESCSRIBED AS LOT 8, BLOCK 334, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 11P-11; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Mayor Jaworski opened the PUBLIC HEARING:

Vince Hienberger applicant/owner spoke in favor of this ordinance.

Neil Wilson spoke against this ordinance.

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

CM Puccetti moved to deny. Second by MPT Colbert. Vote in Favor to deny: CM Pucetti, CM Beeton and MPT Colbert. Opposed to deny: CM Gonzales, CM Legg and CM Greenberg.

D. Consider for approval an Ordinance of the City of Galveston, Texas amending "The Zoning Standards", to create a new and unlisted land use "Golf Cart Sales and Service"; amending the Zoning Standards Section 29-51: "Use regulation definition" to add a definition for "Golf Cart Sales and Service"; amending the Zoning Standards to allow "Golf Cart Sales and Service" as a permitted land use in various zoning districts and overlay zones; Planning Case Number 11ZA-03; making various findings and provisions related to the subject.

ORDINANCE NO. 11-012 was read by caption: AMENDING "THE ZONING STANDARDS", TO CREATE A NEW AND UNLISTED LAND USE "GOLF CART SALES AND SERVICE'; AMENDING THE ZONING STANDARDS SECTION 29-51: USE REGULATION DEFINITION TO ADD A DEFINITION FOR 'GOLF CART SALES AND SERVICE"; AMENDING THE ZONING STANDARDS TO ALLOW "GOLF CART SALES AND SERVICE" AS A PERMITTED LAND USE IN VARIOUS ZONING DISTRICTS AND OVERLAY ZONES; PLANNING CASE NUMBER 11ZA-03; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Mayor Jaworski opened the PUBLIC HEARING:

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

CM Greenberg moved approval. Second by MPT Colbert. Unanimously approved.

10. PUBLIC COMMENT

Gina Spagnola – 7407 Broadway- Seawall Parking
Ken Jencks – Seawall Prking
Jerry Gies – 722 S Broadway – Seawall Parking
Allison Brown – 1027 Sealy- Container
Theresa Elliot – 7175 Spanish Grant
Tom Erwin – 3700 83rd –Seawall Parking
David Columbo – 5109 Denver – Seawall Parking
Nicole Ekstrom – 1015 Post Office – Seawall Parking
Beau Yarbrough – 6608 Golf Crest – Paid Parking
Shane McDermott – 1507 Church Street – Paid Parking
Rebecca Blaylock – 4907 Ave P. – Seawall Parking
Sheila Bell – P.O. Box 1001 – Seawall Parking
Jessie Ann Bradshaw – Rt. 4 Box 190 – Seawall Parking
Buzz Elton – 2913 Beluche- Seawall Parking
Jim Little – 2215 Seawall – Paid Parking
VJ Tramonte – 1802 Broadway – Paid Parking

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the annual aerial spraying for mosquito control; directing the City Secretary to forward a certified copy of this Resolution to the Galveston County Mosquito Control District.

RESOLUTION NO. 11-009 was read by caption: APPROVING THE ANNUAL AERIAL SPRAYING FOR MOSQUITO CONTROL; DIRECTING THE CITY SECRETARY TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION TO

GALVESTON COUNTY MOSQUITO CONTROL DISTRICT.

CM Puccetti moved for approval. Second by MPT Colbert. Unanimously approved.

B. Consider a Resolution of the City Council of the City of Galveston, Texas, approving and supporting the East End Lagoon Comprehensive Masterplan developed by Aecom and endorsing continued fund raising efforts; authorizing the City Council to convey the City's support and to permit Mayor Joe Jaworski to call upon City Council for appointment of an Ad Hoc Committee to continue the work that has been initiated through the original Steering Committee; providing findings of fact and providing for an effective date .

RESOLUTION NO. 11-010 was read by caption: APPROVING AND SUPPORTING THE EAST END LAGOON COMPREHENSIVE MASTERPLAN DEVELOPED BY AECOM AND ENDORSING CONTINUED FUND RAISING EFFORTS; AUTHORIZING THE CITY COUNCIL TO CONVEY THE CITY'S SUPPORT AND TO PERMITMAYOR JOE JAWORSKI TO CALL UPON CITY COUNCIL FOR APPOINTMENT OF AN AD HOC COMMITTEE TO CONTINUE THE WORK THAT HAS BEEN INITIATED THROUGH THE ORIGINAL STEERING COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

CM Puccetti moved for approval. Second by Mayor Jaworski. Vote in favor: CM Puccetti and Mayor Jaworski. Opposed: MPT Colbert, CM Greenberg, CM Beeton, CM Gonzales and CM Legg.

CM Beeton moved for a second motion to change language. Second by CM Legg. Unanimously approved for the revised language. (period after Nature Plan Project) In the second recital.

C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas establishing the East End Lagoon Ad-Hoc Committee; providing for the Committee's duties, term, membership, quorum, voting, meetings, and rules of procedure; providing for findings of fact and providing for an effective date.

RESOLUTION NO. 11-011 was read by caption: ESTABLISHING THE EAST END LAGOON AD HOC COMMITTTEE; PROVIDING FOR THE COMMITTEE'S DUTIES, TERM, MEMBERSHIP, QUORUM, VOTING, MEETINGS, AND RULES OF PROCEDURE; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

CM Puccetti moved for approval. Second by CM Gonzales. Unanimously approved to have the Resolution say "two three year terms"

D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, supporting legislation to establish a Recycling Refund System for Beverage Containers; directing the City Secretary to send a copy of this Resolution to State Representative Craig Eiland and to State Senators, Mike Jackson and Joan Huffman; and providing for findings of fact and providing for an effective date.

RESOLUTION NO. 11-012 was read by caption: SUPPORTING LEGISLATION TO ESTABLISH A RECYCLING REFUND SYSTEM FOR BEVERAGE CONTAINERS DIRECTING THE CITY SECRETARY TO SEND A COPY OF THIS RESOLUTION TO STATE REPRESENTATIVE CRAIG EILAND AND TO STATE SENATORS, MIKE JACKSON AND JOAN HUFFMAN; AND PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

CM Greenberg moved for approval. Second by CM Legg. Unanimously approved.

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 appointment of City Secretary.

Mayor Jaworski moved for approval to bring back Manuela "Nellie" De La Fuente and Douglas T. Godinich for a second interview. Second by MPT Colbert. Unanimously approved.

B. Consider for action requiring an advance payment of $100,000 from the Board of Trustees of the Galveston Wharves to cover the City's legal representation expenses relating to the proposed master lease of properties under the management and control of the Port of Galveston.

CM Puccetti moved for approval. Second by CM Gonzales. Unanimously approved with City Manager's explanation of the $100,000 being paid out in increments of $25,000 per month.

C. Consider for action authorizing the City to retain Garney Griggs with the law firm of Strasburger & Price, L.L.P. for legal representation relating to the proposed master lease of properties under the management and control of the Port of Galveston.

CM Puccetti moved for approval. Second by CM Gonzales. Unanimously approved.

D. Consider for action authorizing the City to retain Barry Abrams with the law firm of Abrams, Scott & Bickley for legal representation relating to the proposed master lease of properties under the management and control of the Port of Galveston.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

E. Consider for action authorizing the City to retain Barron Wallace with the law firm of Vinson & Elkins for legal representation relating to the proposed master lease of properties under the management and control of the Port of Galveston.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

F. Consider for action authorizing the City of Galveston to enter into a 2011 tri-party agreement with the Park Board of Trustees and World Triathlon for the Ironman 70.3 Pro Championship Triathlon.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

G. Consider for action request for a waiver from all building permit fees, contractor register fees, and contractor registration requirements through August 31, 2011 related to the remaining residential work to be performed on behalf of the Presbytery of New Covenant organization, a faith based group assisting property owners in response to damage sustained during Hurricane Ike.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

H. Discuss and consider for action accepting the East End Lagoon Master Plan.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

I. Discuss and consider for action awarding a three-year contract to Bosworth AC and Heat for the replacement or repairs to city owned air conditioning equipment

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

J. Discuss and consider for approval the purchase of one Demand Response Bus for Island Transit which will be funded 100% by the FTA and TXDOT utilizing TDC's for a total price of $71,946.20 from National Bus sales through HGAC. This bus will replace Bus IV601 which has been identified to be replaced by the vehicle replacement program.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

K. Discuss and consider for approval the purchase of two Kawasaki Teryx 750 All-Terrain Vehicles for the Galveston Police Department to be purchased from UV County Kawasaki through TXMAS for a total price of $20,000 which will be funded 100% by the Department's FY10JAG Grant 2010-H8587-TX-DJ Funds.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

L. Discuss and consider for action amending the Professional Consulting Services Contract with the Goodman Corporation (TGC). The amendment would reallocate $30,000 from Project Task 4 which is the annual rail trolley safety audit, to project Task 2 which is the NTD Database Management. There are no increased costs to the overall contract.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

M. Consider for approval a change order for the additional charge of $31,952 for the addition of passenger seatbelts on the eight new Gillig Transit Buses that were approved by City Council on January 13, 2011, Agenda Item 12.C)

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

N. Discuss and consider for action acceptance of a request by the City of Galveston to the Texas Department of Emergency Management for an alternate project relating to the damages of the Lassie League Locker Room, Storage Shed and Cinder Block Restroom located at 2830 83rd Street caused by Hurricane Ike. Staff is requesting the purchase of a mobile restroom trailer in the amount of $29,900.00. The funding source is FEMA $18,839.84 and Parks and Recreational General Fund Other Capital Purchases $11,060.16.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

O. Consider for approval acceptance of the program administrative guidelines and application forms for the Non-Housing Community Development block Grant

Round 1 Economic Development Partnership and Houston Business Development, Inc. to provide loan processing and administration for all loans.

CM Puccetti moved for approval. Second by CM Legg. Unanimously approved.

P. Discuss and consider for action giving the City Manager direction concerning Seawall parking project.

CM Legg moved for approval. Second by CM Legg. Unanimously approved. With having the City Attorney to fine tune the method of collection by pay station for the hourly and daily retail annual pass to be sold at the City of Galveston and Park Board and other designated locations.

Q. Discuss and consider for action giving staff direction relating to the Development Agreement with Intercontinental United Investors Corp. and TIRZ 13 dated April 2, 2004.

No Action Taken.

R. Discuss and consider for action giving the City Manager direction on the Galveston County Stewart Road Paving Project.

CM Legg moved approval. Second by CM Puccetti. Unanimously approved with two five foot bicycle lengths.

13. MAYOR AND COUNCIL APPOINTMENTS

A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:

1. Families, Children and Youth Board

CM Legg moved for appointment. Second by MPT Colbert. Unanimously approved to apppoint the following: Rebecca Castro, Connie Hebert, Juliann Karenko, Ella Lewis, John Prochaska as voting members and Sharon Lewis, Angela Brown, and Mary Lou Kelso as Alternate Members.

2. Landmark Commission

CM Beeton moved for appointment. Second by Mayor Jaworski
To appoint Linda Stravell to position 2
To appoint Nelson Smelker to position 4
To appoint Charlotte O'Rourke to Alt. #1.
To appoint Judy Wilkie to Alt. #2
Vote in favor: CM Beeton, Mayor Jaworski and MPT Colbert
Vote against: CM Puccetti, CM Gonzales, CM Legg and CM Greenberg: Motion fails.

CM Legg moved for appointment. Second by CM Puccetti.
Linda Stravell appointed from Position 4 to Position 2
Nelson Smelker appointed from Alt. #1 to Position 4
Charlotte O'Rourke appointed from Alt. #2 to Alt. #1
Russ Mertens appointed as a new member to Alt. #2
Motion Carries.

3. TIRZ 12
CM Puccetti moved for appointment. Second by CM Gonzales. To appoint Curtiss Brown to Position 9. In favor: CM Puccetti, CM Gonzales, Mayor Jaworski and CM Legg. Opposed: CM Beeton MPT Colbert, CM Greenberg. Motion Carries.

MPT Colbert moved for appointment. Second by CM Beeton. To appoint Kathleen Joel-Reich to Position 5. Unanimously approved.

CM Beeton moved for appointment. Second by CM Legg. To appoint Ken Shelton to Position 4. Unanimously approved.

4. TIRZ 14
Mayor Jaworski moved for appointment. Second by MPT Colbert. To appoint Sonny Vaiani to Position 8 and Dianna Puccetti to Position 4. Unanimously approved.

5. East End Lagoon Ad-Hoc Committee
CM Puccetti moved for appointment. Second by CM Gonzales. To appoint William Merrell, Mort Voller, Elise Stephens, Jerri Kinnear, Shirley Foster and Jackie Cole as voting members. CM Beeton and CM Puccetti appointed as ex-officios. Unanimously approved.

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 9:45 p.m.