

February 10, 2011

Meeting 19 of 48 2010-2012 City Council of Galveston, Texas

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD FEBRUARY 10, 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. N/A
6. N/A
7. PRESENTATIONS
Certificate of Recognition: Mark Abbruscato, AT&T Director of Network Services
and Kevin Hill AT&T Area Manager of Network Services
Proclamations: American Heart Month - February 2011
Region IV Family Career and Community Leaders of
America Days - February 18/19, 2011
Presentation: City Manager Steve LeBlanc - 15 year pin

PUBLIC HEARING ON PROPOSED SEAWALL PARKING PLAN

Mayor Jaworski opened the PUBLIC HEARING.
Roland Thomas, 3102 69th, opposed to parking fee
Mitchell Townsend, 5090 Weber, opposed to paid parking on the Seawall
Bill Love, 3 Cedar Lawn Circle, in support of beach user fee
Wanda Buttner, 4723 Ave. N, in support of paid parking on the Seawall
Willi Luthy, 4226 Pirates Beach, in support of paid parking on the Seawall
Byron Everts, 7606 Beluche Dr., Opposed to citizens of Galveston paying to park on the Seawall
Jonathan Tromm, 1315 Postoffice, in support of paid parking but need plan to deal with negative effects on the Seawall
Mike Orlando, 4504 Ave. R, in support of paid parking on the Seawall
David Schuler, 1310 Sealy, in support of paid parking on the Seawall but opposed to the pay stations.
Jesse Ann Bradshaw, 3707 Tidewater, Bay Harbor, in support of paid parking on the Seawall

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Rhonda Gregg, 1025 Commodore, Surfrider Foundation, in support of paid parking
Nicole Ekstrom, 1015 Postoffice, Surfrider Foundation, in support of paid parking on the Seawall but would like to see a written plan..
Ken Jencks, 190 San Marino Dr., opposed to paid parking on the Seawall
Cynthia Durrance, 9366 Jamaica Beach, in support of paid parking on the Seawall
Jeri Kinnear, in support of Chamber of Commerce Seawall Initiative
Phil Newton, 3002 Ave. O ½, Past President of Kempner Park Neighborhood Assn., stated there is a lack of trust with the City regarding the use of the funds from paid parking on the Seawall
Sheila Bell, opposed to paid parking on the Seawall
Herbert Thomas, 215 Postoffice #507, opposed to paid parking on the Seawall
There being no one else to speak, the Public Hearing was closed.

8. COMMUNICATIONS AND PETITIONS

A. Notices of Claim: 11009- Medina Bernsteine; 11010 - David Quiroga

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

A. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit to operate a "Multiple-family dwelling" complex in a Historical (HIST) zoning district; properties are commonly known as 1624 and 1628 Sealy / Avenue I and are legally described as Lot 13 (13-1), Block 256 and the north 43 feet of Lot 13 and Lot 14, Block 256, in the City and County of Galveston, Texas; Planning Case Number (11P-16).

ORDINANCE was read by caption: GRANTING A SPECIFIC USE PERMIT TO OPERATE A "MULTIPLE-FAMILY DWELLING" COMPLEX IN A HISTORICAL (HIST) ZONING DISTRICT; PROPERTIES ARE COMMONLY KNOWN AS 1624 AND 1628 SEALY/AVENUE I AND ARE LEGALLY DESCRIBED AS LOT 13 (13-1), BLOCK 256 AND THE NORTH 43 FEET OF LOT 13 AND LOT 14, BLOCK 256, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 11P-16; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request for a specific use permit.

Mayor Jaworski opened the PUBLIC HEARING.

Yoram Ben-Amram, applicant, spoke in support of the specific use permit.

Lance Gandy, 1620 Sealy, opposed to the specific use permit

Sara Gandy, 1620 Sealy, opposed to the specific use permit

John Cragar, 1702 Sealy, opposed to the specific use permit

Mike Gilbert, 1601 Ball, opposed to the specific use permit

Sylvia Szucs, 1708 Sealy, opposed to the specific use permit

Pam Gilbert, 1601 Ball, opposed to the specific use permit

Joe Rozier, 1601 Winnie, opposed to the specific use permit

Dave Schuler, 1310 Sealy, President EEHDA, opposed to the specific use permit. Mr.

Schuler also stated that GAIN is opposed as well

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Yoram Ben-Amram, applicant, answered questions from Council.

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

CM Beeton moved to deny the specific use permit. Second by CM Legg. Unanimously approved.

10. PUBLIC COMMENT

Jonathon Tromm, 1315 Postoffice, in support of the specific use process for the proposed container terminal on Pelican Island.

Neil Wilson, 3421 Ball, in support of local labor for housing recovery projects.

David Colombo, 51009 Denver, overview of the Seawall Plan process and results. In support of paid parking on the Seawall.

Bobby Baillio, 1909 Broadway, housing recovery program, use of local subcontractors

Terri Simpton, 4700 Broadway, E-100, Oceans of Opportunities Job Fair

Martha Livanec, 20 Campeche Estates Dr., in support of sidewalk on Stewart Rd.

Benny Davis, 56 LeBrun Court, Park Board "Maintenance application"

Jackie Cole, 2 Cadena Dr., in support of sidewalks on Stewart Rd.

Sharon Tirpak, 74 Campeche Circle, President of Campeche Cove Home Owners Assn., in support of sidewalks on Stewart Rd.

Ken Jencks, 190 San Marino, restrooms for Sandhill

Neil Wilson, problems with bids and quality of materials for housing recovery.

Scott Levine, Campeche Estates, in support of sidewalks on Stewart Road.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 34, "Traffic", section 34-110 "Parking totally prohibited" of "The Code of the City of Galveston 1982, as amended", by renewing the prohibition of parking along Boddecker Drive until September 30, 2011.

ORDINANCE NO. 11-009 was read by caption: AMENDING CHAPTER 34, "TRAFFIC", SECTION 34-110 "PARKING TOTALLY PROHIBITED" OF THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED, BY RENEWING THE PROHIBITION OF PARKING ALONG BODDECKER DRIVE UNTIL SEPTEMBER 30, 2011; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Beeton. Second by MPT Colbert. Unanimously approved.

12. ACTION ITEMS

A. Consider for approval rejection of low bid submitted by Apache Disposal in the amount of \$17,496.75 to demolish seven (7) properties located at 4009 Avenue M, 3107 Church, 3521 Ball, 621 Tremont, 4612 Avenue K (rear), 5519 Avenue P ½ and 1017 27th. Approve the next lowest bid submitted by Texas Green Contractors in the amount of \$21,600.00 to demolish seven (7) properties located 4009 Avenue M, 3107 Church, 3521 Ball, 621 Tremont, 4612 Avenue K (rear), 5519 Avenue P ½ and 1017 27th.

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Funding is from the Neighborhood Stabilization Program (NSP).

Motion to approve by CM Legg. Second by CM Gonzales. Unanimously approved.

- B. Consider for action requesting that City Council authorize the City Manager to approve a change order to the original contract for TxDOT Project No. AP GALVESTON 15, renovation of the Terminal Building, adding \$75,900 to include a landscaping and irrigation project, upon final approval by the City Attorney, along with approval of an expenditure of \$75,900 to the Texas Department of Transportation from our Capital Outlay account with 50% to be reimbursed by our RAMP grant.

Motion to approve Action Agenda Items B and C by CM Puccetti. Second by CM Legg. Unanimously approved.

- C. Consider for action requesting that City Council authorize the City Manager to reject all bids from Bid #10-11-006, for landscaping and irrigation at the Scholes International Airport Terminal Building.

Motion to approve Action Agenda Items B and C by CM Puccetti. Second by CM Legg. Unanimously approved.

- D. Discuss and consider for approval using the State of Texas (Texas Smart-Buy) Contract for various technology copiers, Copiers are being upgraded and/or replaced for various departments within the City for a lease term of 60 months and to authorize the City Manager to execute the individual lease agreements noted. Further detailed in the following staff report.

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

- E. Discuss and consider for action the purchase of a new time keeping software/hardware system for a total cost of \$163,416.88. Funding source will be GPD Computer Processing Account.

CM Gonzales

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

Deferred for two weeks.

- G. Discuss and consider for action appointment of City Secretary.

Deferred for two weeks.

- H. Discuss and consider for action providing staff direction regarding the conduct of the May 14, 2011 Election.

Motion to use the County Elections Administration Office for the May 14, 2011

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Election by Mayor Jaworski. Second by CM Gonzales. Unanimously approved.

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

Motion to use “Yes” and “No” on the ballot to replace “For” and “Against” by Mayor Jaworski. Second by CM Legg/MPT Colbert. Vote In favor: CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert, CM Greenberg, CM Legg. Abstaining: CM Beeton. Motion carried.

- J. Discuss and consider for action providing direction to the City Manager concerning the process to encourage local participation in the CDBG housing recovery program.

CM Beeton moved to change the process to provide points only for using a local city company and use the definition local that the Chamber of Commerce recommended and that 40% - 20% labor and 20% materials - is within the City of Galveston for maximum points going forward. Second by CM Puccetti. Unanimously approved.

- K. Discuss and consider for action giving direction to City Manager regarding the qualifications, job description and posting for the City Auditor’s position.

NO ACTION

- L. Discuss and consider for approval the acceptance of the awarded Texas Forest Service Grant for a fully equipped Type 6 Engine (Brush Truck) with equipment, with no local match, under the Mutual Aid agreement of the (TIFMAS) Texas Intrastate Fire Mutual Aid System.

Motion to approve Action Items L and M by CM Puccetti. Second by CM Gonzales. Unanimously approved.

- M. Discuss and consider for approval the acceptance of the Grant Award of \$12,500 from the Fireman’s Fund to be used as local match for the Assistance to Firefighters Grant EMW-2009-FO-05858, with the awarded value of \$86,750.

Motion to approve Action Items L and M by CM Puccetti. Second by CM Gonzales. Unanimously approved.

- N. Discuss and consider for action setting date for economic development retreat. Economic Development Retreats for City Council will be: March 28 at 1:30 p.m. and April 4 at 9:00 a.m in Council Workshop Room 204.

- O. Discuss and consider for action retaining Attorney Barbara T. Baruch to handle general legal matters for the City Attorney’s Office in an amount not to exceed \$25,000. Funding source is payroll salary savings and/or Attorney Fees.

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

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13. MAYOR AND COUNCIL APPOINTMENTS

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

1. TIRZ 11 - Galveston County Position
2. TIRZ 12 : CM Beeton moved to appoint Kevin Walsh to Position 7 and TIRZ 12 to replace Curtiss Brown and that Council recognize that the County Commissioners have appointed Kevin Walsh to serve TIRZ Boards 11, 13 and 14 as the County's statutory representative. Second by MPT Colbert. Unanimously approved.

CM Puccetti moved to appoint Curtiss Brown as a representative on TIRZ 12 and also appoint Council member Rusty Legg. Second by CM Gonzales. After discussion, motion was withdrawn.

CM Puccetti moved to appoint Councilmember Legg to Position 3 on TIRZ 12 . Second by CM Gonzales. Unanimously approved.

3. TIRZ 13 - Galveston County Position
4. TIRZ 14 - Galveston County Position
5. Zoning Board of Adjustments: CM Beeton moved to appoint Lyssa Graham Reynolds to the Alternate No.2 Position. Second by CM Puccetti. Unanimously approved.
6. Arts & Historic Commission CM Legg moved to appoint Steve Kalbaugh to Position 6 (Hotel/Motel). Second by CM Puccetti. In favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert, CM Legg. Abstaining: CM Greenberg. Motion passed.
7. Subsidence District Board - Mayor's appointment: Mayor Jaworski stated he was appointing Paul Maaz

14. N/A

15. N/A

16. DISCUSSION ITEMS - NO ACTION TAKEN

A. City Council

1. Discuss financial affairs of the City. (Gonzales/Puccetti)

17. ADJOURNMENT

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There being no further business to come before the assembly, the meeting was adjourned at 10:45 p.m.