

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD JANUARY 27, 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
Absent: CM Legg
Staff: City Manager LeBlanc, City Attorney Green, City Secretary
Lawrence, Director of Planning and Community Services
O'Donohoe, Finance Director Miller, Director of Grants and
Housing Patrick
5. DECLARATION OF CONFLICT
None
6. APPROVAL OF MINUTES
Special Meeting January 11, 2011: Motion to approve by CM Puccetti. Second by CM
Gonzales. Unanimously approved.
7. PRESENTATIONS
Presentation of proposed Seawall Improvement Plan: Barry Goodman/John Carrara
8. COMMUNICATIONS AND PETITIONS
A. Notices of Claim: 11004-Dean Beard; 11005-Michael Gray; 11006-Alan Laferriere;
11007-Linda White; 11008-Julie Richmond
B. Texas Gas Service: Purchased Gas Adjustment Clause for January 2011.

PUBLIC HEARING ON PROPOSED SEAWALL PARKING PLAN

Mayor Jaworski opened the PUBLIC HEARING.

Nicole Elkstrom, Galveston Surfriders Assn., stated the need for basic amenities on the Seawall and the need for an overflow parking plan.

Sheila Bell; residents should not have to pay a fee to park on the Seawall.

Roland Thomas, 3102 69th St., paid parking would have negative effect on tourism.

Jerry Mohn, Galveston Chamber of Commerce, read Chamber's recommended ballot language in to the record: Shall the City have the authority to utilize pay stations to collect and charge a fee not to exceed \$8.00 per day or \$25.00 annually for parking a motor vehicle on Seawall Boulevard between the hours of 9:00 A.M. and 6:00 P.M. daily, and restrict the use of such Seawall Parking Funds to the following: 75% for funding Seawall Enhancements 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, in accordance with state law and regulations governing the expenditure of beach user fees. Susan Fennewald, opposed to parking fee for Seawall.

John Menna, 61st Street Pier, businesses along the Seawall were not consulted.
 Russ Mertens, 1402 Ave. N ½, spoke in support of the Galveston Alliance of Island Neighborhoods' plan for parking on the Seawall.
 Laura Hughes, 1507 Church, supports paid parking system.
 J. Fellman Seinsheimer IV, Surfriders Assn, in favor of paid parking on the Seawall.
 Ben Peterek, in support of paid parking on the Seawall.
 Steve Cabaugh, in support of paid parking on the Seawall.
 Jesse Ann Bradshaw, Bay Harbor, in support of Chamber of Commerce ballot language.
 Gerard Coleman, opposed to paid parking on the Seawall.
 V.J. Tramonte, Chair, Chamber of Commerce, in support of Chamber ballot language.
 Steve Matera, DSW Homes, in support of paid parking.
 Susie Wiggins, in support Chamber ballot language.
 Dan Cote, 29 Lakeview, in support of paid parking on the Seawall.
 Raymond Reesby, 3203 Dominique, gave Council a copy of the 1997 Seawall Master Plan.
 Craig Brown, worked on the Chamber parking plan. Thanked Council for working on the Seawall parking issue.
 Cindy Roberts Gray, 3002 Ave. O ½, need written plan before the election.
 Herbert Turner, 215 Postoffice, opposed to paid parking on the Seawall. Park Board should pay for restrooms.
 Andy Reddy, Chamber of Commerce member, in support of the Chamber's proposed ballot language.
 Ken Jencks, 118 San Marino, opposed to paid parking on the Seawall. Improvements should be paid for with grants.

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

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

- A. Consider for approval an Ordinance of the City of Galveston, Texas, designating the property located at 3101 Avenue Q as a "Galveston Landmark"; property is legally described as "the North 99.5 feet of Lot 7 (1007-2), Northeast Block 113, Galveston Outlots, in the City and County of Galveston, Texas"; requesting the Historic Preservation Officer to record the property's landmark designation in the official public records of real property in Galveston County, the tax records of the City of Galveston and the Central Appraisal District, as well as the official zoning maps of the City of Galveston; making various findings and provisions related to the subject. (Planning Case No. 11P-01)

ORDINANCE NO. 11-007 was read by caption: DESIGNATING THE PROPERTY LOCATED AT 3101 AVENUE Q AS A "GALVESTON LANDMARK"; PROPERTY IS LEGALLY DESCRIBED AS "THE NORTH 99.5 FEET OF LOT 7 (1007-2), NORTHEAST BLOCK 113, GALVESTON OUTLOTS, IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; REQUESTING THE HISTORIC PRESERVATION OFFICER TO RECORD THE PROPERTY'S LANDMARK DESIGNATION IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY IN GALVESTON COUNTY, THE TAX RECORDS OF THE CITY OF GALVESTON AND THE CENTRAL APPRAISAL DISTRICT, AS WELL AS THE OFFICIAL ZONING MAPS OF THE CITY OF GALVESTON; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT. (PLANNING CASE NO. 11P-01)

Director of Planning O'Donohoe summarized the proposed ordinance. Brian Davis, Galveston Historical Foundation gave a presentation regarding the history of the house.

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

Motion to approve by MPT Colbert. Second by CM Greenberg. Unanimously approved by those present. CM Legg absent.

- B. 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"; providing for a penalty clause; making various findings and provisions related to the subject.

ORDINANCE was read by caption: 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. There being no one to speak, the Public Hearing was closed.

Motion to defer to February 24, 2011 meeting by CM Greenberg. Second by MPT Colbert. Unanimously approved by those present. CM Legg absent.

10. PUBLIC COMMENT

Dan Cote, 29 Lakeview Drive, concerns pertaining to the proposed container terminal facility on Pelican Island.

Patsy Gillam, spoke in support of placing a 5 to 10 cent deposit on all beverage containers sold in the State of Texas. She asked for Council's support.

Neil Wilson, 3421 Ball, frustrated with the housing recovery program.

Sheila Bell, announced singing lesson being offered at the Boys and Girls Club. Encouraged preparation for hurricane season.

Anthony Rios, Aguirre Tile, 1005 Harborview Dr., CDM has not yet contacted the company.

Ken Jencks, supports curfew, opposed to pay stations on the Seawall. Asked Council to appoint sunset commission for the Park Board of Trustees.

Ralph McMorris, President of GAIN, read resolution supporting a Specific Use Permit for the proposed container terminal on Pelican Island.

Raymond Reesby, various subjects. Bill Broussard, problems with container terminal. In support of SUP.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas amending Chapter 32, "Streets, Sidewalks and Public Places", Article I, "In General", Section 32-5, "Placement of items within the city right-of-way" of "The Code of the City of Galveston, Texas 1982", to exempt tree sculptures from the annual license-to use permit renewal fee; Planning Administration Case 11PA-02; making various findings and provisions related to the subject.

ORDINANCE NO. 11-008 was read by caption: AMENDING CHAPTER 32, "STREETS, SIDEWALKS AND PUBLIC PLACES", ARTICLE I. "IN GENERAL", SECTION 32-5, "PLACEMENT OF ITEMS WITHIN THE CITY RIGHT-OF-WAY" OF "THE CODE OF THE CITY OF GALVESTON, TEXAS 1982, TO EXEMPT TREE SCULPTURES FROM THE

ANNUAL LICENSE-TO USE PERMIT RENEWAL FEE; PLANNING ADMINISTRATION CASE 11PA-02; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

12. ACTION ITEMS

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

A. Discuss and give the City Manager Direction regarding Round 1 CDBG-DR Levee Study Project.

NO ACTION - DISCUSSION ONLY

B. Discuss and consider for action appointing a committee to compile a "green" report for Galveston. (Mayor)

Mayor Jaworski moved to appoint to appoint the following to the ad hoc Green Report Committee: CM Puccetti (Council representative), Justin Owen, Tom Schwenk, Jackie Cole. Second by CM Greenberg. Unanimously approved by those present. CM Legg absent.

C. Consider for approval acceptance of the proposal from Toter Incorporated for the purchase of 500 EVR 1 Series Automated Rollout Garbage Carts, and 300 extra lids, in the amount of \$28,580.00. Funding source is the Sanitation Other Contracts Account.

Motion to approve by CM Beeton. Second by CM Gonzales. Unanimously approved by those present. CM Legg absent.

D. Consider for approval the a rate increase with BFI Waste Systems, Inc./Republic Services, Inc. At the Refuse Transfer Station. The increase will be 1.45%, or \$0.51 per ton. The estimated annual cost is \$51,000.00. Funding source is the Sanitation Division Refuse Disposal Account.

Motion to approve by CM Beeton. Second by CM Gonzales. Unanimously approved by those present. CM Legg absent.

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

Mayor Jaworski moved to include the clause regarding neighborhood parking and security plans including but not limited to lighting, bathrooms, showers and litter control. Second by CM Puccetti. In favor: CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert, CM Greenberg. Abstaining: CM Beeton Absent: CM Legg Motion carried.

F. Consider for action confirmation of Fire Fighters and Police Officers Civil Service Commissioner Patrick McGuffey.

Motion to approve by CM Greenberg. Second by CM Beeton. Unanimously approved by those present. CM Legg absent.

G. Discuss and consider for action interview process for City Secretary applicants.

Mayor Jaworski moved to interview the four qualified applicants at the February 10, 2011 Council Workshop Meeting at 12:00 p.m. Second by CM Puccetti. Unanimously

approved by those present. CM Legg absent.

- H. Discuss and consider giving the City Manager authorization to move forward with filling the position of Economic Development Officer with interim funding from the General Fund, reorganization line-item to be reimbursed once requisites are met, by a budgeted line-item and as a separate action item by the Industrial Development Corporation.

Motion to approve with reimbursement in the amount of up to \$80,000 for the remainder of 2011 and \$10,000 per month increments to fund as a 1099 (Contract) employee and Economic Development Officer - Jim Yarbrough by CM Beeton. Second by CM Greenberg and CM Puccetti. Unanimously approved by those present. CM Legg absent.

13. MAYOR AND COUNCIL APPOINTMENTS

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

14. N/A

15. N/A

16. DISCUSSION ITEMS

- A. Discuss fees for special events. (Greenberg/Beeton)
DISCUSSION ONLY

SUPPLEMENT TO

CITY OF GALVESTON COUNCIL MEETING JANUARY 27, 2011 - 7:00 P.M.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- B. CONSIDER FOR APPROVAL a Resolution of the City Council of the City of Galveston, Texas expressing the urgent need for residents to return to their homes and urging the Texas Historical Commission to expedite the Historic 106 Review for CDBG-DR properties damaged by Hurricane Ike located in the City of Galveston.

RESOLUTION NO. 11-000 was read by caption: EXPRESSING THE URGENT NEED FOR RESIDENTS TO RETURN TO THEIR HOMES AND URGING THE TEXAS HISTORICAL COMMISSION TO EXPEDITE THE HISTORIC SECTION 106 REVIEW FOR COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY)"CDBG-DR") PROPERTIES DAMAGED BY HURRICANE IKE LOCATED IN THE CITY OF GALVESTON; DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Greenberg. Second by CM Puccetti and MPT Colbert. Unanimously approved by those present. CM Leg. absent.

17. ADJOURNMENT

There being no other business to come before the assembly, the meeting was adjourned at