

THE MINUTES THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD JANUARY 10, 2008; 5:30 P.M

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL Present: Mayor Thomas, MPT Weber, CM Pena, CM Puccetti, CM
 Bolton-Legg, CM Roberts
 Absent: CM Colbert
 Staff: City Manager LeBlanc, City Attorney Green, City
 Secretary Lawrence
5. DECLARATION OF CONFLICT
None
6. APPROVAL OF MINUTES
The Minutes of the Regular Meeting of December 20, 2007 were unanimously approved by those present upon motion by CM Roberts and second by MPT Weber.
7. PRESENTATIONS
Proclamations: January 24-26, 2008 - Joseph and the Amazing Technicolor Dream Coat Week

January 15-21, 2008 - Martin Luther King, Jr. Week

West Galveston Island Greenprint Presentation - Linda Sheed, Trust for Public Land
8. COMMUNICATIONS AND PETITIONS
N/A
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
 - A. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to construct a "Parking lot, incidental to main use" in a Multi-Family-One (MF-1) Zoning District at 801 and 809 Avenue K; property is legally described as "the East half of Lot 5 (5-1), Lots 6, 7, Block 68, in the City and County of Galveston, Texas" (Planning Case 07P-150)
ORDINANCE NO. 08-001 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO CONSTRUCT A "PARKING LOT, INCIDENTAL TO MAIN USE" IN A MULTI-FAMILY-ONE (MF-1) ZONING DISTRICT AT 801 AND 809 AVENUE K; PROPERTY IS LEGALLY DESCRIBED AS "THE EAST HALF OF LOT 5 (5-1), LOTS 6, 7, BLOCK 68, IN THE CITY AND COUNTY OF GALVESTON, TEXAS" (PLANNING CASE NUMBER 07P-150; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Mayor Thomas opened the PUBLIC HEARING.

Dr. Jackie Cole, 2308 Sydnor, stated her concerns about the landscaping, fencing and lighting of the parking lot.

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

Ms. O'Donohoe read the following changes:

Add to Section 3.

No. 13. Lighting fixtures shall not exceed 10 feet height from grade and shall utilize low intensity lights; and,

No. 14. In conjunction with the annual payment, the City will perform necessary inspections to ensure compliance with conditions of the Specific Use Permit, such as, but not limited to lighting and site conditions.

Motion to approve by CM Bolton-Legg with changes as stated by Ms. O'Donohoe.

Second by MPT

Weber.

**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 construct a nine (9) story "Mid-rise structure", in conjunction with "Hotel/Motel" development in a Retail with Seawall Development Zone Overlay (R-SDZ) Zoning District. Property is located at and commonly known as 802, 810, and 812 Avenue L and is legally described as "Lots 8, 9, 10 and 11, Block 68, in the City and County of Galveston, Texas" (Planning Case 07P-151).

ORDINANCE NO. 08-002 was read by caption: GRANT A SPECIFIC USE PERMIT IN ORDER TO CONSTRUCT A NINE (9) STORY "MID-RISE STRUCTURE", IN CONJUNCTION WITH "HOTEL/MOTEL" DEVELOPMENT IN A RETAIL WITH SEAWALL DEVELOPMENT ZONE OVERLAY (R-SDZ) ZONING DISTRICT. PROPERTY IS LOCATED AT AND COMMONLY KNOWN AS 802, 810, AND 812 AVENUE L AND IS LEGALLY DESCRIBED AS "LOTS 8, 9, 10 AND 11, BLOCK 68, IN THE CITY AND COUNTY OF GALVESTON, TEXAS" (PLANNING CASE 07P-151); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

City Attorney Green read the following changes to the proposed ordinance:

Page 1, second recital - The proposed project is a 108 room hotel/motel development. The building consists of one ground floor combination parking and retail space, a second story of parking, and seven habitable stories of Hotel use, for a total of nine stories.

Page 2, fourth recital - Whereas, the project will be a nationally branded, mid-priced boutique Hotel and will be operated by an experienced 3rd party hotel management company; and

Page 2, fifth recital - The applicant indicated the intention to donate the three (3) existing structures to the Galveston Housing Finance corporation

(GF) for affordable housing;
Page 2, sixth recital - Whereas, the proposed building will be designed as a LEED compliant building. The Leadership in Energy and Environmental Design (LEED) rating system is nationally recognized, third-party verification of environmentally responsible construction. If approved, the proposed building will be the first privately owned LEED building in Galveston;

Section 3.

Specific Conditions to Case 07P-151:

2. - The proposed “Mid-Rise Structure” shall conform to the design as described in Staff Report 07P-151, and attached applicant’s narrative/notebook (Attachment “B”).

City Council conditions to Case 07P-151:

11. The applicant shall construct the hotel utilizing LEED compliant methods, including, but not limited to the following items:
 1. Roof: Light reflected roof with r-30 insulation,
 2. Lighting: Use natural light as much as possible,
 3. Kitchen Cabinet: No formaldehyde resin added material,
 4. Appliances: Use all star energy products,
 5. HVAC System: Use most efficient HVAC system, and
 6. Courtyard Pavers: Use echo friendly pavers;
12. This SUP is conditioned upon construction commencing no later than January 1, 2010, and the payment of the renewal application and fee set forth in Sec. 29-79 of the City Code. Commencement of construction requires meaningful site development activities, not simply issuance of a building permit or clearing and grubbing of site.
13. Upon issuance, the applicant shall provide the City of Galveston with a copy of the franchise agreement for the project.

Director of Planning and Community Services O’Donohoe explained the proposed ordinance.

Mayor Thomas opened the PUBLIC HEARING.

Alison Brown, 1027 Sealy, asked Council to deny the request or defer its decision because she felt there hadn’t been adequate communication on the issue.

Norman Pappous, 22 Cedar Lawn Dr. N, asked Council to defer until the Height and Density Study is completed. He asked if the impact on traffic and taxes had been considered.

Bernd Budelmann, 1823 Bayou Shore Drive, stated he was opposed to the proposal.

Ralph McMorris, 1202 Postoffice, stated he was opposed to the request and Density Study by the Winter Group is completed.

Tommy Hicks, 1211 9th St., said he was opposed to the proposed ordinance. He expressed his concerns about crime in the area.

Rev. David Everson, 1027 Ave. K, said he would like to see the East End grow just like the West End and he will work to better the City.

Diane Harden, 815 Ave. K, asked Council to deny the specific use permit.

Stan Brown, 7501 Antilles, spoke in favor of the specific use permit because he thinks the new hotel will improve the neighborhood.

Louie Conrad, 12708 Bermuda Beach Drive, spoke in support of the proposed specific use permit.

Albert Johnson, 822 Ave. L, spoke in support of the proposed specific use permit. He said the neighbors are in favor of the project.

Fletcher Harris, stated he was opposed to agenda items 9A and 9B

Ted Hammel, 1001 10th St., said he was opposed to the project.

Betty Castleberry Baker, 4518 Ave. Q, said she was in favor of the new hotel.

Danny Ngvyen, 728 Seawall, spoke in support of the project.

Bob Chapin, 1814 Ave. K, said he was opposed to the project. He asked Council to wait for the completion of the height study.

Ahmed Ahmed, 921 Broadway, Islamic Center, spoke in support of the project.

Russ Mertens, 1402 Ave. M ½, San Jacinto Neighborhood Assn. Board Member, spoke in support of the project.

Joan Mertens, 1402 Ave. M ½, spoke in support of the project.

Jul Kamen, 1506 21st St., spoke in support of the project.

Alan Kamen, 1506 21st St., spoke in support of the project.

Patrick Geary, 2018 Ave. M, spoke in support of the project.

Peaches Kempner, 1507 Driftwood, owner of property in East End, stated she was opposed to the project. She asked Council to wait for the height study.

Lisa Graham Reynolds, 2023 Ave. O ½, member of San Jacinto Neighborhood Assn. Board, spoke in favor of the project.

Tom Schwenk, 1502 Ave. L, member of San Jacinto Neighborhood Assn. Board, spoke in support of the project.

Brenda Donoloio Lee, 2202 Ave. P, said she has concerns pertaining to height and setback and asked Council to wait for the height and density study.

Bill Hand, 3815 Tradewinds, said he did not think the Fire Department is not capable of fighting a high rise fire and, therefore, he is opposed to the project.

Danny Hart, 3207 Dominique, said he was in favor of the project.

Jeff Sjostrum, GEDP, spoke in favor of the project.

Dr. Jackie Cole, 2308 Sydnor, said she opposed the project.

Elizabeth Beeton, 1416 Ball, said she was opposed to the project.

Johnny Smecca, Mario's Restaurant, spoke in favor of the project.

There being no one else to speak, the PUBLIC HEARING was closed.

Presentation by the Shan Siddiqui, applicant. He explained the process he had followed with the neighborhood and the resulting changes to the original plan.

After discussion, **CM Pena moved approval. Second by CM Bolton-Legg. Unanimously approved by those present.**

- C. Consider for approval an Ordinance of the City of Galveston, Texas, changing the zoning from a "One Family-One (1F-1) Zoning District" to a "Planned Development (PD) Zoning District" on property legally described as "Lots 1, 2, and 3 of Anderson Ways, Addition No. 1, a subdivision in the City and County of Galveston, Texas and the Southwest part of Lot 49 (49-1) in section 2 of the Trimble and Lindsey Survey and, being part of the Mosley subdivision, in the City and County of Galveston, Texas," commonly known as "11011 Sportsman Road, Galveston, Texas" (Planning Case 07P-214).

ORDINANCE NO. 08-003 was read by caption: CHANGING THE ZONING FROM A "ONE FAMILY-ONE (1F-1) ZONING DISTRICT" TO A "PLANNING DEVELOPMENT (PD) ZONING DISTRICT" ON PROPERTY LEGALLY DESCRIBED AS "LOTS 1, 2, AND 3 OF ANDERSON WAYS, ADDITION NO. 1, A SUBDIVISION IN THE CITY AND COUNTY OF GALVESTON, TEXAS AND THE SOUTHWEST PART OF LOT 49 (49-1) IN SECTION 2 OF THE TRIMBLE AND LINDSEY SURVEY AND, BEING PART OF THE MOSLEY SUBDIVISION, IN THE CITY AND COUNTY OF GALVESTON, TEXAS," COMMONLY KNOWN AS "11011 SPORTSMAN ROAD, GALVESTON, TEXAS"; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT (PLANNING CASE 07P-214).

Ms. O'Donohoe gave an explanation of the zoning change request.

Mayor Thomas opened the PUBLIC HEARING.

Dr. Jackie Cole, 2308 Sydnor, stated she was opposed to the zoning change.

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

Wade Kilpatrick, applicant, gave an explanation of his request for the zoning change.

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

10. PUBLIC COMMENT

Fletcher Harris, spoke regarding problems with the Texas Historical Commission.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 10, "Building Code", of "The Code of the City of Galveston 1982, as amended" by amending Section 10-31 "Additional fees", subsections (4), (5), and (6) to clarify that a homeowner constructing or repairing his own property, is not considered to be a contractor and is exempt from complying with the fee and surety bond/insurance requirements of Section 10-31 (4), (5), and (6); clarifying that a property owner of an apartment/hotel or other commercial property who employs an on-site maintenance

staff is not considered to be a contractor and is exempt from complying with the fee and surety bond/insurance requirements of Section 10-31 (4),(5), and (6) if the property owner's on-site maintenance crew is used on the project; making various findings and provisions related to the subject.

ORDINANCE NO. 08-004 was read by caption: AMENDING CHAPTER 10, "BUILDING CODE", OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" BY AMENDING SECTION 10-31 "ADDITIONAL FEES", SUBSECTIONS (4), (5), AND (6) TO CLARIFY THAT A HOMEOWNER CONSTRUCTING OR REPAIRING HIS OWN PROPERTY, IS NOT CONSIDERED TO BE A CONTRACTOR AND IS EXEMPT FROM COMPLYING WITH THE FEE AND SURETY BOND/INSURANCE REQUIREMENTS OF SECTION 10-31 (4), (5) AND (6); CLARIFYING THAT A PROPERTY OWNER OF AN APARTMENT/HOTEL OR OTHER COMMERCIAL PROPERTY WHO EMPLOYS AN ON-SITE MAINTENANCE STAFF IS NOT CONSIDERED TO BE A CONTRACTOR AND IS EXEMPT FROM COMPLYING WITH THE FEE AND SURETY BOND/INSURANCE REQUIREMENTS OF SECTION 10-31 (4), (5), AND (6) IF THE PROPERTY OWNERS'S ON-SITE MAINTENANCE CREW IS USED ON THE PROJECT; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. Green read the following change: the reference to a homeowner constructing or repairing his own property should be changed to property owner.

Mayor Thomas out of the room. Meeting chaired by MPT Weber

Motion to approve by CM Bolton-Legg. Second by CM Puccetti. Unanimously approved by those present.

- B. Consider for approval a Resolution of the City Council of the City of Galveston, Texas supporting the nomination of the USS Cavalla, a Gato Class Submarine located in the East End of Seawolf Park, to the National Register of Historic Places.

RESOLUTION NO. 08-001 was read by caption: SUPPORTING THE NOMINATION OF THE USS CAVALLA, A GATO CLASS SUBMARINE, LOCATED AT THE EAST END OF SEAWOLF PARK, TO THE NATIONAL REGISTER OF HISTORIC PLACES; AUTHORIZING THE MAYOR TO SIGN A LETTER OF SUPPORT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Thomas returned to meeting.

Motion to approve by CM Puccetti. Second by CM Bolton-Legg. Unanimously approved by those present.

CM Puccetti stated for the record that both the USS Cavalla and the USS Stewart are property of the US Navy and are under the management authority of the Cavalla Historical Foundation and the Texas Navy group so they are federal property. The listing on the National Register of Historic Places is an honorary designation and does not make any requirements on

the ship.

12. ACTION ITEMS

- A. Consider for action approving complete replacement of the rear vacuum turbine on Unit #1586 in an estimated amount of \$18,846.76 by Underground. Funding source is Garage Outside Vehicle Repairs Account.
- B. Consider for action approving acceptance of a donation to the Galveston Fire Marshal's Office from Yaga's Children Fund of Galveston in the amount of \$2,000.00 to be used for fire prevention materials.
- C. Consider for action approving the reallocation of 1999-2006 Community Development Block Grant (CDBG) funds in the amount of \$70,058.34 from completed and inactive projects to the construction of the skateboard facility at Menard Park.
- D. Consider for action approving the annual new tire contract to the lowest bidders Grays Wholesale Tires and Southern Tire Mart, for the Municipal Fleet Facility. Funding source is Garage Parts Account.
- E. Consider for action approving annual auto filter bid to NAPA and Standard Auto Parts, who were the lowest bidders that met specifications, for the Municipal Fleet Facility. Funding source is Garage Parts Account.
- F. Consider for action approving annual auto bulk lubricants contract to Houston Pasadena Apache Oil Co. and ADA Resources Inc., for the Municipal Fleet Facility. Funding source is Garage Fuel and Lubricants Account.
- G. Consider for action approving annual auto battery bid to Standard and NAPA Auto Parts, who were the lowest bidders, for the Municipal Fleet Facility. Funding source is Garage Parts Account.
- H. Consider for action approving annual supplementary towing contract for after hours, evidence, long distance and heavy duty towing to the lowest bidder, A&A Wrecker Service. Funding source is Garage Outside Vehicle Repairs Account.
- I. Consider for action approving annual fuel supply contract to Oil Patch Brazos Valley Inc. and Houston Pasadena Apache Oil Co., who were the lowest bidders, for the Municipal Fleet Facility. Funding source is Garage Fuel and Lubricants Account.
- J. Consider for action approving awarding the auto wash bid to Ritz Car Wash for the Municipal Garage Facility. Funding source is Garage Outside Vehicle Repairs Account.

K. Consider for action approving annual automotive parts contracts to O'Reilly and Car Parts. Standard, NAPA and Galveston Battery will be utilized as backups. Surplus parts will be removed for proper credit as stated in paragraph H of the staff report. Funding source is Garage parts and Outside Vehicle Repairs Account.

L. Consider for action approving the purchase of one Type III bus for Island Transit Operations from National Bus Sales in the amount of \$57,947.00. Funding is 80% TXDOT, with a 20% local match.

M. Consider for action approving proposal from Moffatt & Nichol Engineers of Houston, Texas in an amount not to exceed \$65,484.00 to prepare a Hydrodynamic and Constituent Transport Model of Eckert Bayou and Laffitte's Landing Canal System. Funding source is Sewer Improvement Account.

N. Consider for approval re-appointing Barbara Baruch as Assistant City Attorney.

CM Puccetti moved approval of Action Agenda Items A, B, C, D, E, F, G, H, I, J, K, L, M and N. Second by MPT Weber. Unanimously approved by those present.

13. MAYOR AND COUNCIL APPOINTMENTS

14. MAYOR, COUNCIL AND CITY MANAGER REPORTS

Mayor Thomas

Reported on the following:

- * Middle-income housing
- * Asked CM Bolton-Legg for an update on Galveston Housing Finance Corp. Projects

CM Pena

Reported on the following:

- * Seaborne Graduation
- * DWI Task Force
- * University Area Assn. Meeting
- * Galveston Reads
- * Rotary Youth Leadership Awards
- * Animal Shelter Committee
- * Gay and Lesbians Visitor Center Ribbon Cutting

CM Puccetti

Reported on the following:

- * Comprehensive Plan Committee
- * West Galveston Island Property Owners Assn. Meeting
- * Island named in honor Bob Moore
- * Beach Erosion Task Force
- * Transportation Summit
- * Wetlands ordinance

- * Beach nourishment
- * Welcome to Voyager of the Seas
- * Mardi Gras "08"

MPT Danny Weber

Reported on the following:

- * PBS documentary on Galveston
- * Financial report from Park Board
- * Local vendor bids

CM Roberts and CM Bolton-Legg left the meeting at this time

- * Mardi Gras "08"
- * TIRZ 14 board position available
- * Fire department examination
- * Police department examination

CM Bolton-Legg

Reported on the following:

- * Daughter Meloni's wedding
- * Happy New Year
- * Letter from Mayor of Niigata, Japan

CM Roberts

Reported on the following:

- * Applicants needed for Zoning Board of Adjustments
- * Citizens Police Academy
- * Police and Fire examinations
- * Congratulations to Meloni Bolton and Bradley Smith on their marriage
- * Happy Birthday to husband J.D.

CM Colbert

No report/absent

City Manager LeBlanc

Reported on the following:

- * Eight days to get application to City for Mardi Gras booths in front of businesses on the Strand

15. N/A

16. N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 10:15 p.m.