

Meeting 14 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 NOVEMBER 18, 2010 - 4:00 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 Jaworski, CM Puccetti, CM Gonzales, CM Beeton, MPT  
Colbert, CM Greenberg, CM Legg  
Staff: City Manager LeBlanc, City Attorney Green, City Secretary  
Lawrence
5. DECLARATION OF CONFLICT  
None
6. APPROVAL OF MINUTES  
None
7. PRESENTATIONS  
A. Proclamations: Del Papa Distributing Week/ Third Week of November  
Anti Bullying Week/November 14-20, 2010  
National Hospice Month/November, 2010
8. COMMUNICATIONS AND PETITIONS  
A. Notices of Claim: 10089-Galveston Municipal Police Assn.; 10090-Marisol Martinez;  
10091-Alejandra Leal

Public Hearing to receive citizen comments on the City of Galveston CDBG Disaster Recovery Housing Program Round 2 Phase 1 Application to the State of Texas in the amount of \$200,000.00 for the required development of a Needs Assessment & Marketing plan for Round 2 Project Funds.

Director of Grants Sterling Patrick summarized the Needs Assessment & Marketing Plan for Round 2 Project Funds.

Mayor Jaworski opened the PUBLIC HEARING. There being no one 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, granting a Specific Use Permit to operate a "Bail Bonds Office" in a Light Industrial Zoning District within the Gateway Development Zone, Zone 1 (LI-GDZ-1); property is commonly known as 5316 Broadway and is legally described as the west half of Block 233 (233-0-1) in the City and County of Galveston, Texas; Planning Case Number 10P-92.  
ORDINANCE NO. 10-094 was read by caption: GRANT A SPECIFIC USE PERMIT TO OPERATE A "BAIL BONDS OFFICE" IN A LIGHT INDUSTRIAL ZONING DISTRICT WITHIN THE GATEWAY DEVELOPMENT ZONE, ZONE 1, (LI-GDZ-1); PROPERTY IS

COMMONLY KNOWN AS 5316 BROADWAY AND IS LEGALLY DESCRIBED AS THE WEST HALF OF BLOCK 233 (233-0-1) IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 10P-92; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the proposed Specific Use Permit.

Ms. O'Donohoe read the following change: top of page 3, the Whereas related to Planning Commission "The Planning Commission, at their regular meeting on November 16, 2010 voted to recommend approval of the Specific Use Permit request.

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

Director of Planning O'Donohoe summarized the proposed Specific Use Permit.

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

- B. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to operate a "Gasoline Service Station" and "Convenience Store" in a Retail, Seawall Development, Zone 4 and Height and Density Development Zone, Zone 5 Zoning District (R-SDZ-4-HDDZ-5) at 8227 Stewart Road; property is legally described as part of Lot 198 (198-2) Trimble and Lindsey Survey, Section 1, in the City and City of Galveston, Texas; Planning Case Number 10P-83.

ORDINANCE NO. 10-095 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A "GASOLINE SERVICE STATION" AND "CONVENIENCE STORE" IN A RETAIL, SEAWALL DEVELOPMENT, ZONE 4 AND HEIGHT AND DENSITY DEVELOPMENT ZONE, ZONE 5 ZONING DISTRICT (R-SDZ-4-HDDZ-5) AT 8227 STEWART ROAD; PROPERTY IS LEGALLY DESCRIBED AS PART OF LOT 198 (198-2) TRIMBLE AND LINDSEY SURVEY, SECTION 1, IN THE CITY AND CITY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 10P-83, MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe summarized the proposed Specific Use Permit. She read the following changes: Bottom of page 2: specific Conditions to Case 10P-83 recommended by Planning commission: 7. Substitute Staff's recommendation providing "Fuel delivery times shall be limited to the times the convenience store is non-operational" with Condition #8. 8. Fuel delivery times shall be restricted to no deliveries between the hours of 7:00 a.m. and 8:00 a.m.; and 2:00 p.m. and 4:00 p.m. 9. The fuel service pumps and other associated equipment shall be installed at Base Flood elevation or flood-proofed to meet FEMA floodplain requirements.

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

**CM Puccetti moved approval. Second by CM Greenberg. Unanimously approved.**

- C. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Change of Zoning from One Family-One Dwelling District (1F-1) to Recreation (REC) Zoning District at 12410 Stewart Road; property is legally described as Part of Lots 3, 323, and 328 and adjacent abandoned street (324-1), Hall and Jones Survey, in the City and county of Galveston, Texas. Planning Case No. 10P-90.

ORDINANCE NO. 10-096 was read by caption: CHANGING THE ZONING FROM ONE-FAMILY ONE (1F-1) TO RECREATION (REC) ZONE FOR THE PROPERTY LEGALLY DESCRIBED AS PART OF LOTS 3, 323, AND 328 AND ADJACENT

ABANDONED STREET (324-1), HALL AND JONES SURVEY, IN THE CITY AND COUNTY OF GALVESTON, TEXAS, COMMONLY KNOWN AS 12410 STEWART ROAD, GALVESTON, TEXAS (PLANNING CASE 10P-90; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe summarized the proposed zoning change. She read the following change. Page 2 Third Whereas: Whereas, at its regular meeting of November 16<sup>th</sup>, 2010, the Galveston Planning Commission unanimously voted to recommend approval of the requested zoning change from One-Family One (1F-1) to Recreation (REC);

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

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

10. PUBLIC COMMENT

The public shall be allowed to address one or more agenda or non-agenda items. Each person shall be limited to three (3) minutes, regardless of the number of items addressed.

Prescilla Files, Tree Planting Coordinator, Second Annual Fall Great Galveston Tree Giveaway.

Emily Giffin, Little Miss Cupcake, requested the her permit fee be prorated.

Michaela Anderwald, clarified wrecker tow fee charged by her father.

Ken Jencks, 197 San Marino, conduct election pertaining to paid parking on the Seawall on a regular election date.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

N/A

12. ACTION ITEMS

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

A. Discuss and consider for action approving the continued purchase of Dell servers for Fiscal Year 2011.

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

B. Discuss and consider for action acceptance of the proposal for additional services from Dannenbaum Engineering Corporation for environmental services for the two ground storage tanks at 30th Street and the 24 inch water line from 59th Street to 30th Street projects that were not included in the original scope of work. The cost of these additional services will not exceed \$34,045.00. Funding source is CDBG Disaster Recovery Grants Non-Housing Program Round 1.

C. Discuss and consider for action acceptance of the proposal from HDR/Claunch & Miller, Inc. for the engineering services for the development of standard construction specifications and details. The cost of these services will not exceed \$215,000.00.

Funding source is CDBG Disaster Recovery Grant Non-Housing Program Round 1.

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

- D. Discuss and consider for action acceptance of the proposal for additional services from HDR Engineering, Inc. for environmental services for the Fire Station No. 4 that were not included in the original scope of work. The cost of these additional services will not exceed \$11,300.00. funding source is CDBG Disaster Recovery Grants Non-Housing Program Round 1.
- E. Discuss and consider for action acceptance of the proposal for additional services from Camp, Dresser & McKee, Inc. for environmental services for the main waste water treatment plant that were not included in the original scope of work. The cost of these additional services will not exceed \$260,990.00. Funding source is CDBG Disaster Recovery Grants Non-Housing Program Round 1.

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

- F. Discuss and consider for action approval of the lowest, most responsive proposal meeting specifications from Mid-City Remodeling in the amount of \$152,000.00 to provide substantial rehabilitation services to a property located at 3916 Ball by the Galveston Historical Foundation (GHF). Funding is from HOME CHDO funds.
- G. Discuss and consider for action approval of the CDBG Disaster Recovery Housing Program Round 2 Phase 1 Application in the amount of \$200,000.00 for the development of a Needs Assessment.
- H.. Consider for approval authorizing the City Manager to expand the existing contract with Swagit Productions, LLC to include remotely operated broadcast system hardware /software and play-out and bulletin board system hardware/software in an amount not to exceed \$37,923.00. Funding source is Media Services Account.
- I. Consider for approval the City of Galveston entering into a contract with Yaga's Entertainment, Inc., to plan, organize, promote and manage the City's annual Mardi Gras Galveston in the downtown area.

**CM Gonzales moved approval. Second by CM Legg. Unanimously approved.**

**CM Legg left the meeting after the vote on Item 12 I.**

- J. Discuss and consider for approval Municipal H2O Company to create a new and updated Hazard Assessment and Prevention Program Documents, perform compliance audit and filing the RMP Program with the EPA for five locations. The amount will not exceed \$17,700.00 and the funding source will be the Water Improvement Fund.
- K. Discuss and consider for approval of emergency purchase and installation of a retrofit clarifier for existing 71' - 8" clarifier at the Airport WWTP in an amount not to exceed \$278,000.00. Funding source is the Sewer Improvement Fund.
- L. Discuss and consider for approval award of City Facility Electric Provider, RFP #09-10-021, for a Three (3) Year period to GLO-Cavallo Energy Texas LLC for the time

period January 1, 2011 through December 31, 2013 and authorizing the City Manager to execute the contract.

M. Discuss and consider for action adopting measurable goals for evaluation of City Manager.

**CM Puccetti moved to accept the City Manager Evaluation Form as presented and to conduct the evaluation the first council meeting in April 1. Second by CM Beeton. Unanimously approved by those present. CM Legg absent.**

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

No action.

O. Discuss and consider for action approval of the Galveston Economic Business Loan Plan and to submit that plan to the Texas Department of Rural Affairs for approval.

**CM Puccetti moved approval. Second by MPT Colbert. Unanimously approved by those present. CM Legg absent.**

P. Consider for action approving and authorizing the City Manager to execute an agreement between the City of Galveston and Boulder Electric to be considered for a TCEQ grant which will allow the city to utilize three electric service trucks for a period of one year at no cost to the city. This usage will allow the city to reduce its carbon foot print and will give the city the opportunity to examine operation costs on “all electric” service vehicles.

**CM Puccetti moved to approve Action Agenda Items B, D, F, G, H, J, K, L and P. Second by MPT Colbert. Unanimously approved.**

### 13. MAYOR AND COUNCIL APPOINTMENTS

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

Industrial Development Corporation:

Mayor Jaworski moved to appoint CM Greenberg. Second by .  
Unanimously approved by those present.  
CM Legg absent.

CM Puccetti moved to appoint Sheryl Rozier as the Park Board Representative. Second by CM Gonzales. Unanimously approved by those present. CM Legg absent.

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 6:05 p.m.