CITY COUNCIL OF THE CITY OF GALVESTON
MINUTES OF THE REGULAR MEETING
THURSDAY– DECEMBER 1, 2011

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
   Meeting called to order a 4:01 pm.

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL
   Present: Dianna Puccetti, Elizabeth Beeton, Chris Gonzales, Mayor Joe Jaworski, Linda Colbert, Steve Greenberg, Rusty Legg.

5. CONFLICTS OF INTEREST
   Conflict declared by CM Greenberg on Item 9B.

6. APPROVAL OF MINUTES
   A. Minutes of November 17, 2011
      No action.

7. PRESENTATIONS & PROCLAMATIONS
   None

8. COMMUNICATIONS & PETITIONS

A.	Calmetta R. Lundy	Claim #11-067	**Notice of Claim**
B.	Adam Beardsley	Claim #11-068	**Notice of Claim**
C.	Estate of Bernardino Salinas	Claim #11-069	**Notice of Claim**

9. PUBLIC HEARINGS
   A. Consider for approval an Ordinance of the City Council of the City of Galveston, Texas, granting to Cool Tours, LLC, the right, privilege, and franchise to use all streets, avenues, and other public highways in the City of Galveston for and during the period of ten (10) years for the purpose of operating and maintaining a sightseeing and tour franchise for transporting passengers for compensation in said City; providing compensation to the City; requiring indemnity and insurance; requiring payment of ad valorem taxes; providing for forfeiture of this franchise; requiring written acceptance by grantee; finding the public convenience and necessity requires such transportation service; providing a savings clause; providing a severability clause; declaring findings of fact; providing an effective date.
      Ordinance No. 11-080 was read by caption, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, GRANTING TO COOL TOURS, LLC, THE RIGHT, PRIVILEGE, AND FRANCHISE TO USE ALL STREETS, AVENUES, AND OTHER PUBLIC HIGHWAYS IN THE CITY OF GALVESTON FOR AND DURING THE

PERIOD OF TEN (10) YEARS FOR THE PURPOSE OF OPERATING AND MAINTAINING A SIGHTSEEING AND TOUR FRANCHISE FOR TRANSPORTING PASSENGERS FOR COMPENSATION IN SAID CITY; PROVIDING COMPENSATION TO THE CITY; REQUIRING INDEMNITY AND INSURANCE; REQUIRING PAYMENT OF AD VALOREM TAXES; PROVIDING FOR FORFEITURE OF THIS FRANCHISE; REQUIRING WRITTEN ACCEPTANCE BY GRANTEE; FINDING THE PUBLIC CONVENIENCE AND NECESSITY REQUIRES SUCH TRANSPORTATION SERVICE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE.

No public comment.

Motion to approve by CM Legg, second by CM Puccetti. Unanimously approved.

B. Consider for approval an Ordinance of the City of Galveston, Texas, abandoning an approximate 4,800 square-foot portion of 26th Street right-of-way and an approximate 2,140 square-foot portion of alley right-of-way; adjacent properties are 2502 Seawall, 2202–26th Street, 2523 Avenue Q ½, and 2620 Seawall and legally described as "all of the Southeast and Southwest Blocks 116, Galveston Outlots and adjacent alley; adjacent abandoned 26th Street; and part of Northwest Block 141 and adjacent streets, Galveston Outlots, in the City and County of Galveston, Texas"; authorizing the City Manager to execute the necessary deed in form and content approved by the City Attorney; Planning Case Number 11P-26; making various findings and provisions related to the subject.

Ordinance No. 11-081 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, ABANDONING AN APPROXIMATE 4,800 SQUARE-FOOT PORTION OF 26TH STREET RIGHT-OF-WAY AND AN APPROXIMATE 2,140 SQUARE-FOOT PORTION OF ALLEY RIGHT-OF-WAY; ADJACENT PROPERTIES ARE 2502 SEAWALL, 2202–26TH STREET, 2523 AVENUE Q ½, AND 2620 SEAWALL AND LEGALLY DESCRIBED AS "ALL OF THE SOUTHEAST AND SOUTHWEST BLOCKS 116, GALVESTON OUTLOTS AND ADJACENT ALLEY; ADJACENT ABANDONED 26TH STREET; AND PART OF NORTHWEST BLOCK 141 AND ADJACENT STREETS, GALVESTON OUTLOTS, IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DEED IN FORM AND CONTENT APPROVED BY THE CITY ATTORNEY.

Public Comment: **John McCole concern over impeding the sidewalk**

Conflict of interest declared by CM Greenberg.

Motion to approve by CM Legg, second by CM Puccetti. Unanimously approved by those voting. CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert & CM Legg all voted in favor of the motion.

C. Public Hearing to receive citizen comments on the City of Galveston CDBG Disaster Recovery Housing Program Round 2 Phase 2 Application to the State of Texas in the amount of $122,612,652.00 for the housing recovery projects.

Public Comment:

Michael Lahar: **Spoke in favor of expanding the eligibility of the rental assistance program to include those who live off of the island and to small corporations.**

Neil Wilson: **Spoke in favor of expanding the eligibility of the rental assistance program to beautify the island.**

10. REQUESTS TO ADDRESS COUNCIL ON AGENDA ITEMS

A.	Bill Keen:	Item 13B, the Levy Study should be included in the proposed projects.
B.	Gay Studebaker:	Item 13B, a subcontractor who had not been paid by Sullivan Builders.
C.	John McCole	Item 13B, an application should be included regarding for a flood control structure
D.	Ron Nichols	Item 13B, a representative from Consolidated Concepts, a builder in program raised multiple concerns about lead paint and direction in the program
E.	Neil Wilson	Item 13B, discussed contractor problems and local

11. ORDINANCES, RESOLUTIONS

A. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, casting the City's 225 votes for Victor Pierson to the Galveston Central Appraisal District Board of Directors; directing the City Secretary to send a certified copy of this Resolution to the Galveston Central Appraisal District before December 15, 2011; providing for findings of fact and providing for an effective date.

Resolution No.11-061 was read by caption, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, CASTING THE CITY'S 225 VOTES FOR VICTOR PIERSON TO THE GALVESTON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE GALVESTON CENTRAL APPRAISAL DISTRICT BEFORE DECEMBER 15, 2011.

Motion to approve by CM Puccetti, second by CM Legg. Unanimously approved.

B. Consider for approval a Resolution of the City of Galveston, Texas, endorsing the implementation of a continuing Pretreatment Program as required by 40 CFR 403 for the Galveston Wastewater System; providing for findings of fact and providing for an effective date.

Resolution No.11-062, was read by caption, A RESOLUTION OF THE CITY OF GALVESTON, TEXAS, ENDORSING THE IMPLEMENTATION OF A CONTINUING PRETREATMENT

PROGRAM AS REQUIRED BY 40 CFR 403 FOR THE GALVESTON WASTEWATER SYSTEM.
MOTION TO APPROVE BY CM Puccetti, second by CM Gonzales. Unanimously approved.

C. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 36 "Water, Sewers, and Sewage Disposal" of "The Code of the City of Galveston 1982, as amended," providing regulations for the disposal of sewage and the use of public sewers; regulating the discharge of industrial wastes into the sanitary sewer of the City; regulating sewer and miscellaneous discharges; providing for a permit system with denial, suspension, revocation, and an appeals process; providing for a penalty clause; making various findings and provisions related to the subject.
Ordinance No. 11-082 was read by caption, AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 36 "WATER, SEWERS, AND SEWAGE DISPOSAL" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED," PROVIDING REGULATIONS FOR THE DISPOSAL OF SEWAGE AND THE USE OF PUBLIC SEWERS; REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE SANITARY SEWER OF THE CITY; REGULATING SEWER AND MISCELLANEOUS DISCHARGES; PROVIDING FOR A PERMIT SYSTEM WITH DENIAL, SUSPENSION, REVOCATION, AND AN APPEALS PROCESS; PROVIDING FOR A PENALTY CLAUSE.
Motion to approve by CM Puccetti, second by CM Gonzales. Motion was tabled regarding questions for Eric Wilson. The Motion was taken up at 6:05 pm and approved unanimously by Council.

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

A. Consider for approval accepting a bid from Howard Beaman for the purchase of City owned property located at 600-51st Street, Galveston, Texas, in the amount of $151,000 ($75,500 shall be placed in escrow and applied toward remediation of the property), subject to the conditions delineated in the bid solicitation and upon final approval by the City Manager or designee.

B. Consider for approval the sole source purchase from Badger Meter for various water meters and Orion Transmitter Combinations that currently work with the meter system installed with the City through-out the fiscal year in an amount not to exceed $300,000.00. The funding source is the Municipal Utilities Distribution and Collection Minor Equipment Account.

C. Consider for approval the Lowest Bid (BID#10-11-023) from T. Construction LLC for an annual sanitary Sewer Rehabilitation Contract.

D. Consider acceptance of the proposal from Terracon Consultants Inc. for materials testing services for the Airport Pump Station Generator Project. The cost of these services will not exceed $23,122.50. Funding source is CDBG Disaster Recovery Grant Non-Housing Program Phase I.

E. Consider acceptance of the proposal from Terracon Consultants Inc. for materials testing services for the 30th Street Ground Storage Tank Project. The cost of these services will not exceed $126,971.00. The funding source is CDBG Disaster Recovery Grant Non-Housing Program Phase I.

F. Consider acceptance of the proposal from Fugro Consultants Inc. for materials testing services for the 30th Street to 59th Street Waterline Distribution Main Project. The cost of these services will not exceed $50,156.00. The funding source is CDBG Disaster Recovery Grant Non-Housing Program Phase I.

G. Consider for action awarding a three year (36 month) contract to source HOV for outside printing of forms for the City of Galveston's Department of Customer Service / Utility Billing. Annual Expenditure is approximately $60,000.00. The funding sources are Waterworks, Sewer, Drainage, Sanitation and Printed Materials Accounts.

H. Consider for action awarding a three year (36 month) contract to Gorman Uniform for weekly employee uniform rental and cleaning in an estimated amount of $80,000.00 annually. The funding source is various accounts.

I. Consider acceptance of the proposal from Aviles Engineering corporation for materials testing services for the historic building front preservation Project. The cost of these services will not exceed $11,361.50. Funding source is CDBG Disaster Recovery Grant Non-Housing Program Phase I.

Motion to approve Consent Items A through I by CM Puccetti, second by CM Gonzales. Unanimously approved.

13. ACTION ITEMS

A. Discuss and consider for action authorizing the City Manager to execute an Agreement between the City of Galveston, Texas and Long Pond Media, LLC, to record and produce a casting tape highlighting several female detectives of the Galveston Police Department, contingent upon approval by the Galveston County Commissioners' Court and in a final form to be approved by the City Attorney.
Motion to approve by CM Legg, second by CM Puccetti. Unanimously approved.

B. Consider and approve Staff's recommendation for the CDBG Disaster Recovery Housing Program Round 2 in the amount of $122,612,652.00 and authorize the City Manager to file a grant application with the state of

Texas and execute all necessary certifications, documents and contracts for the CDBG Disaster Recovery Program Round 2.

Motion to accept staff's recommendation but altering the single family rental program additional funding category to provide that property owners with as many as twenty (20) units may apply by CM Beeton, second by CM Legg.

CM Legg asked for an amendment to lower the amount to twelve (12) units which was accepted by the Movant.

Voting in favor of the motion were CM Beeton and CM Legg. Voting against the motion were CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert, and CM Greenberg. Motion failed.

Motion by MPT Colbert to accept staff's recommendation as written with the clarification that people who live and work on the island have the opportunity to participate.

CM Greenberg asked if this could be deferred until more information is obtained.

Sterling Patrick reminded Council that the application must be submitted by the deadline of December 9, 2011.

MPT Colbert amended the motion to accept staff's recommendation as presented and submitted in the supporting materials.

Mayor Jaworski clarified the motion in that the motion is only accepting the funding recommendation without the Administrator recommendation since that issue will be addressed at the next Council meeting.

After the clarification the motion Second by CM Puccetti. The motion was unanimously approved.

C. Consider for action approving Staff's recommendation for the CDBG Disaster Recovery Non-Housing Round 2.2 Program in the amount of $87,854,043.00.

Motion to approve the recommendation by CM Legg, second by MPT Colbert with the clarification that the terms will be revisited in January.

CM Beeton raised the issue that she was opposed to the loan program and questioned the necessity of the $500,000.00 in technical assistance which could be used elsewhere in the program.

MPT Colbert raised the issue of revisiting the requirements to ensure the proper people are assisted in the loan program.

CM Legg raised the concern of assisting the mom and pop, small businesses on the island.

The motion was unanimously approved.

D. Discuss and consider approval entering into an Election Services Contract with the County of Galveston for the May 12, 2012, Uniform Election Date.
Motion to approve by CM Puccetti, second by CM Legg. Unanimously approved.

E. Discuss and consider for action the Disaster Housing Recovery Program.
No action.

F. Discuss and consider for action budget planning and its status.
No action.

14. MAYOR AND COUNCIL APPOINTMENTS
   A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:
      1. Children, Family and Youth Board
      Motion to approve Family, Children and Youth Board's recommendation to appoint Rev. David Green as a voting member and Patricia Broussard as an alternate member by CM Puccetti, second by MPT Colbert. Unanimously approved.

      2. Police Pension Board
      Motion to appoint John Kelso by CM Beeton, second by CM Puccetti for the Council appointment. Unanimously approved.

      The Mayor chose to defer his appointment to the Board to a later date.

15 N/A

16. N/A

17. REQUEST TO ADDRESS COUNCIL ON NON-AGENDA ITEMS
   A. Neil Wilson discussed his concerns that progress was not being made in the CDBG rebuilding program.
   B. Susan Fennewald discussed that the seawall parking contracts must ensure some amount of money to the City first. She also discussed low to moderate housing issues on the Island.
   C. Laura Morrell asked for the supporting CDBG documents and was informed the packets are online
   D. Gay Studebaker asked for suggestions on how to proceed with the program and the City Manager said that he would set up a meeting.

18. ADJOURNMENT
Meeting adjourned at 6:00 pm.

Respectfully submitted,

Douglas Godinich
City Secretary