

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD NOVEMBER 13, 2008- 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 Thomas, CM Mahoney, CM Beeton, MPT Weber, CM Colbert, CM Fennewald, CM Woods
Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence, Finance Director Miller, Director of Planning and Community Services O'Donohoe, Asst. City Manager Rinderer, Asst. City Manager Wade
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
Regular Meeting October 9, 2008: Motion to approve by MPT Weber. Second by CM Colbert. Unanimously approved.
Special Meeting October 16, 2008: Motion to approve by MPT Weber. Second by CM Colbert. Unanimously approved.
Regular Meeting October 23, 2008: Motion to approve by CM Colbert. Second by MPT Weber. Unanimously approved.
7. PRESENTATIONS
A. Recovery update from Planning Department: Wendy O'Donohoe
8. N/A
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
N/A
10. PUBLIC COMMENT
John Giovannini, 2609 Gerol Dr., difficulty getting a building permit.
Marty Beleck, 19703 Shores Dr., West End Revetment Project.
Bob Johnson, 2111 Strand/3128 Ave. Q, Strand Street cleaning, gas lights and parking meters.
Denny Cooley, still "yellow" after two weeks.
Chris Peele, FEMA Buyout Program.
Richard Bell, 4231 Ghost Crab Lane, FEMA Buyout Program.
Lorenza S. Lopez, 4626 Ave. O ½, problem with building permits.
Melinda Rogue, 1615 Mechanic, RSDE's
Bill Broussard, 3310 Eckert Dr., disaster mitigation

Marie Garrett, 13206 Bermuda Beach Dr., West End/Bermuda Beach issues.
Deborah Conrad, Strand Merchants Assn., 2218 Postoffice, parking meter system.
Jerry Mohn, West Galveston Island Property Owners Assn., Seawall revetment program.
Patricia A. Toliver, 5313 Ave. M, concerns pertaining to house being classified as “red.”
Ken Diestler, 701 Broadway, City has done a good job but needs to do more.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City Council of the City of Galveston, Texas, canvassing the returns of a Special Election held on the 4th Day of November 2008 to determine whether the City's existing one-half of one percent sales and use tax, collectively authorized at elections held on November 2, 1993 and December 6, 1994, under section 4B of Article 5190.6, Rev. Civ. Stat. Ann., should be extended for 20 years, to expire on April 1, 2029, for the following expanded list of projects to be funded with the sales and use tax as apportioned and provided below, one-eighth of one percent for beach remediation projects (including beach renourishment) along the Gulf of Mexico, one-eighth of one percent for parks and park facilities, one-eighth of one percent for drainage and street improvements, and sanitary sewer improvements, and one-eighth of one percent for projects that promote or develop new or expanded business enterprises that create or retain primary jobs, including the maintenance and operation of such projects, and with such apportionment and use of the sales and use tax being subordinate to the current pledge and use of the existing sales and use tax for payment of debt service associated with currently outstanding bonds, all as authorized by section 4B of Article 5190.6; officially declaring the results of the election; declaring the regularity and legality of the election; directing the City Secretary to prepare the election register and to preserve the election records; providing for findings of fact and providing for an effective date.

WITHDRAWN

- B. Consider for approval an Ordinance of the City of Galveston, Texas, temporarily waiving through December 31, 2008 all building permitting fees for the repair and reconstruction of residential and commercial properties damaged by the impact of Hurricane Ike and to waive specific regulations regarding permits for temporary use of the city right-of-way and the associated license fees for placement of such temporary structures in the city right-of-way.

ORDINANCE NO. 08-069 was read by caption: TEMPORARILY WAIVING THROUGH DECEMBER 31, 2008 ALL BUILDING PERMITTING FEES FOR THE REPAIR AND RECONSTRUCTION OF RESIDENTIAL AND COMMERCIAL PROPERTIES DAMAGED BY THE IMPACT OF HURRICANE IKE AND TO WAIVE SPECIFIC REGULATIONS REGARDING PERMITS FOR TEMPORARY USE OF THE CITY RIGHT-OF-WAY AND THE ASSOCIATED LICENSE FEES FOR PLACEMENT OF SUCH TEMPORARY STRUCTURES IN THE CITY RIGHT-OF-WAY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by MPT Weber. Second by CM Woods. Unanimously approved.

- C. Consider for approval amending an Ordinance of the City of Galveston, Texas, to add

appointment procedures for applicants desirous of being appointed to the Civilian Review Board.

ORDINANCE NO. 08-070 was read by caption: AMENDING CHAPTER 2, DIVISION 7, SECTION 2-221, "ADMINISTRATION", ARTICLE IV, "BOARDS, COMMISSIONS AND COMMITTEES" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" BY CLARIFYING AND PROVIDING FOR APPOINTMENT PROCEDURES FOR THE CIVILIAN REVIEW BOARD; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Mahoney. Second by CM Colbert.

City Attorney Green gave an explanation of the proposed ordinance.

After discussion, **CM Mahoney amended her motion to remove paragraph (c) "Board members shall possess a reputation for personal integrity, independence, judgment, and diligence."** Amendment accepted by CM Colbert.

Motion unanimously approved as amended.

D. Consider for approval an Ordinance of the City of Galveston, Texas, temporarily suspending through December 31, 2008 the gypsum board (sheetrock) installation permit process to expedite the repair and reconstruction of residential and commercial properties damaged by Hurricane Ike; Enforcing the International Building Code and other adopted International Code requirements regulating gypsum board installation.

ORDINANCE was read by caption: TEMPORARILY SUSPENDING THROUGH DECEMBER 31, 2008 THE GYPSUM BOARD (SHEETROCK) INSTALLATION PERMIT PROCESS TO EXPEDITE THE REPAIR AND RECONSTRUCTION OF RESIDENTIAL AND COMMERCIAL PROPERTIES DAMAGED BY HURRICANE IKE; ENFORCING THE INTERNATIONAL BUILDING CODE AND OTHER ADOPTED INTERNATIONAL CODE REQUIREMENTS REGULATING GYPSUM BOARD INSTALLATION; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by MPT Weber. Second by CM Woods.

Ms. O'Donohoe, Director of Planning and Community Services, told Council that staff did not recommend approval of the proposed ordinance.

Vote: In favor: MPT Weber, CM Woods Opposed: CM Mahoney, CM Beeton, Mayor Thomas, CM Colbert, CM Fennewald. Motion failed.

E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, supporting the restoration and rebuilding of the University of Texas Medical Branch at Galveston to its full pre-disaster capacity in furtherance of its stated mission as a public hospital, for the betterment of the Galveston community.

RESOLUTION NO. 08-029 was read by caption: SUPPORTING THE RESTORATION AND REBUILDING OF THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON TO ITS FULL PRE-DISASTER CAPACITY IN FURTHERANCE OF ITS STATED MISSION AS A PUBLIC HOSPITAL, FOR THE BETTERMENT OF THE GALVESTON COMMUNITY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Thomas read the following Resolution into the record:

WHEREAS, the University of Texas Medical Branch was established in Galveston in

1891 in response to an earlier popular vote of the citizens of Texas in 1881; and

WHEREAS, the John Sealy Hospital was built to become inextricably bound by arrangements with the City of Galveston to provide indigent health care and a patient base for the University of Texas Medical Branch; and

WHEREAS, the background is provided in the *Galveston Community Book* (pp 133-135) published in 1945, liberty is taken to quote the following:

“In 1890 the great charity that was to be so far-reaching and substantial and to contribute so much to medical science in its incorporation with the State Medical College was established in the will of John Sealy.

In Accordance with provisions made by Mrs. Sealy, the title of the hospital could be vested in the State of Texas provided the Medical Branch of the University of Texas be located in Galveston. On July 30th, 1889, the City of Galveston deeded to the state the block of land on which the hospital now stands. The state acquired adjacent land upon which to erect buildings for the medical branch. In order to maintain the hospital as a Galveston charity, the University of Texas leased it to the City of Galveston at a nominal rental... The lease provides that the John Sealy Hospital be used in connection with the Medical Branch of the University, and that the wards and clinics of the institution be used by the staff for giving clinical instruction to medical students.

The facilities of the hospital were greatly augmented through the generosity of members of their family. The Sealy and Smith Foundation for John Sealy Hospital was established to provide funds for hospital expansion. ...

The operation of John Sealy Hospital since March 1941, has been under the direct supervision of the University of Texas, which has an agreement with the City of Galveston for the treatment of city patients.” and

WHEREAS, until Hurricane Ike wrought its devastation, UTMB was providing vital medical and psychiatric care to the citizens of Galveston and to Texans from throughout the state, with over 41,000 Texans receiving inpatient care; and

WHEREAS, UTMB is the major economic engine for the City of Galveston, employing 12,500 full time employees throughout Galveston and Texas, generating approximately \$110 million annually in federal grants, and millions more in endowments, enrolling approximately 2500 students in nursing, medical school and allied health fields; and

WHEREAS, its Level-one Trauma Center serving a 9-county region, including Houston, which depends upon its services, has been ranked Number One in the nation; and

WHEREAS, UTMB, through its own efforts and those of Galvestonians, including the City Council by Resolution of support, is home to the new Galveston National Laboratory where critical national security research is conducted, so

THEREFORE BE IT RESOLVED:

That the Mayor and City Council of the City of Galveston call upon the Regents of the University and the members of the State Legislature to renew their commitment to the University of Texas Medical Branch by continuing to support its stated mission and core values as approved by the Regents, to “have a burning commitment to serve the health care needs of all Texans, regardless of their ability to pay”, and “to making our community a better place to live and work” by restoring the hospital and clinics as quickly as possible to their former capacity; thereby honoring the history and furthering the work of Texas’ premier hospital and medical school.

Motion to approve by MPT Weber. Second by CM Woods. Unanimously approved.

- F. Consider for approval an Ordinance of the City of Galveston authorizing the Federal Emergency Management Agency to re-utilize occupancy of manufactured homes and readily fabricated dwellings, primarily mobile homes and park model mobile homes, at cluster and community sites in accordance with the variance granted thru April 30, 2010.

ORDINANCE NO. 08-071 was read by caption: AUTHORIZING THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO RE-UTILIZE OCCUPANCY OF MANUFACTURED HOMES AND READILY FABRICATED DWELLINGS, PRIMARILY MOBILE HOMES AND PARK MODEL MOBILE HOMES, AT CLUSTER AND COMMUNITY SITES IN ACCORDANCE WITH THE VARIANCE GRANTED THRU APRIL 30, 2010; REQUIRING MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Beeton. Second by CM Fennewald. Unanimously approved.

12. ACTION ITEMS

- A. Consider for action approving utilizing existing McGuire Dent construction contingency account to permit Jamail-Smith, Inc. to install waterline service \$3,850.00, vanity metal wall bracing \$560.00 and install additional gutters mechanical yard \$3,190.00 for a total of \$7,600.00. There is no adjustment to the existing construction contract award of \$3,653,325.00.
- B. Consider for action approving utilization of Munters Corporation for special document moisture control and restoration under master contract RFP #07-08-016 and as determined necessary by city staff, in the amount of approximately \$388,000.00, and directing staff to seek immediate FEMA reimbursement consideration and authorizing the City Manager to execute the Scope of Work.
- C. Consider for action approving contract proposal from Graphic Solutions Group in an amount not to exceed \$36,418.46 to purchase traffic signage equipment for the Public Works Traffic Division that was destroyed by Hurricane Ike. Funding source is FEMA/Insurance Reimbursement.
- D. Consider for action approving acceptance of proposal from Toter Incorporated for the purchase of 1,500 EVR I series automated rollout garbage carts and extra lids, hinges and miscellaneous fittings for repairs in the amount of \$97,572.00.
- E. Consider for action approving contract proposal from Klotz Associates, Inc. Consulting Engineers in an amount not to exceed \$26,800.00 for professional engineering services to provide a damage assessment of the City of Galveston traffic signal system caused by Hurricane Ike.
- F. Consider for action approving acceptance of low bidder (Bid#07-08-037) from Deep South Construction, Alvin, Texas, low bidder of six for the 12" emergency water line along Teichman Road, in the amount of \$600,000.00. Funding source is Water

Improvement Fund.

- G. Consider for action approving contract proposal from Naztec Incorporated in an amount not to exceed \$1,530,750.00 for the purchase of traffic signal controller/cabinet systems that were damaged by Hurricane Ike.

**CM Fennewald moved to approve Action Agenda Items A, B, C, D, E, F and G.
Second by CM Woods. Unanimously approved.**

13. MAYOR AND COUNCIL APPOINTMENTS

Galveston Island Redevelopment Authority MPT Weber moved to appoint Curtis Brown to replace Andy Odom who resigned. Second by Mayor Thomas. CM Beeton moved to amend the motion to make the appointment effective upon Mr. Brown's resignation from the TIRZ Boards. Second by CM Woods. Vote on the amendment: In favor: CM Beeton, CM Colbert, CM Woods. Opposed: MPT Weber, Mayor Thomas, CM Woods. Abstained: CM Mahoney Motion to amend the motion failed. Vote on main motion: In favor: MPT Weber, Mayor Thomas. Opposed: CM Mahoney, CM Beeton, CM Colbert, CM Fennewald, CM Woods. Motion failed. CM Mahoney moved to defer further action to November 20, 2008 meeting. Seconded by CM Woods Motion to defer unanimously approved.

14. N/A

15. EXECUTIVE SESSION

16. DISCUSSION ITEMS - No action taken

A. City Manager

1. Discuss and Receive Update regarding Hurricane Ike Disaster Emergency Response and Recovery
2. Discuss FEMA Long-Term Planning Division (ESF14)
3. Discuss Long Term Recovery Committee

B. Finance Director

1. Discuss and review monthly financial statements for September, 2008.
2. Discuss and review fiscal impact to budgeted service levels, deterioration of fund balance, cash flow projections, appropriation of fund balance, reserves, and other sources including disaster loans for recovery.

C. City Council

1. Discuss Disaster Recovery Fund
2. Discuss Mardi Gras 2009 and receive update on Park Board Mardi Gras Committee report.
3. Receive following updates from Mayor Thomas:
 - a. UTMB
 - b. Recovery Funds including but not limited to Citizens Recovery Fund, Business Recovery Funds
 - c. FEMA, Legislative, and Local Recovery Efforts

17. ADJOURNMENT

There being no other business to come before the assembly, the meeting was adjourned at 6:40 p.m.