

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD SEPTEMBER 10, 2009 4PM

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 Beeton, MPT Weber, CM Colbert, CM Fennewald, CM Woods (4:25pm)
Absent: CM Mahoney
Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence, Deputy City Manager Wade, Asst. City Manager Rinderer, Finance Director Miller, Director of Grants and Housing Patrick
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
The Minutes of the Regular Meeting of August 27, 2009 were unanimously approved by those present. CM Mahoney and CM Woods absent.
7. PRESENTATIONS
 - A. Proclamation: Ann Simmons
 - B. Receive information and discuss Tax Foreclosed Property Resale Committee

CM Woods present

8. COMMUNICATIONS AND PETITIONS
 - A. Notices of Claim: 09022-Paul Booth; 09023-Daniel Neikirk; 09024 Mr. Bult's Inc.; 09025-Yasmin Aguirre; 09026-Glenn Watts; 09027-Shirley Alviza; 09028-Catherine Smith; 09029 Gene Greenless; 09030-Carlisha Sinegaure/Edward Smith; 09031-George Wood; 09032-Vance Ready; 09033-Carolyn; Cox; 09034-Bonnie Leras; 09035-Johnny Mary Verochoyle; 09036-Norwood J. Ruiz; 09037-Benard Curtis; 09038- David Steward Lindsey; 09039-Julia Hatcher; 09040-Diana Lane; 09041-Leovardo Mendez; 09042-Randall Sullivan; 09043-Veronica Contreras; 09044 Laura Beebe, 09045-Mike Wisko; 09046-Jeff Smith; 09047-Lesley Sommer; 09048-Marcelle Parker; 09049-Jerry Thomas; 09050-Beverly Bacon; 09051-Jim Knebel; 09052-Kaye Berlin; 09053-Roman Rama III; 09054-Kenneth Chide; 09055-Tish Montemayor; 09056- Philett Carter; 09057-Dave Davis; 09058-Walter Kelso III; 09059-Allen Coleman; 09060-Lynette Lister; 09061-Rosa Espinoza; 09062-Barry McDonley; 09063-AT&T Gulfway & Lakeview; 09064-Kimberly Berrian; 09065-Trenton Morgan; 09066-William

Sherwood; 09067-AT&T

- B. Texas Gas Service: Weather Normalization Clause Tariff Annual Report for September 2008 through May 2009.

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 operate a tavern in a Central Plaza with Historic Overlay (CP-H) Zoning District on property commonly known as "101 21st Street, Suite 103, Galveston, Texas"; property is legally described as "Lot 6 and 7, Block 681, in the City and County of Galveston, Texas"; Planning Case Number 09P-77; making various findings and provisions related to the subject.

ORDINANCE NO. 09-056 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A TAVERN IN A CENTRAL PLAZA WITH HISTORIC OVERLAY (CP-H) ZONING DISTRICT ON PROPERTY COMMONLY KNOWN AS "101 21ST STREET, GALVESTON, TEXAS"; PROPERTY IS LEGALLY DESCRIBED AS "LOT 6 AND 7, BLOCK 681, IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; PLANNING CASE NUMBER 09P-77; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Housing and Community Services Wendy O'Donohoe reviewed the proposed ordinance.

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

Motion to approve by CM Colbert. Second by MPT Weber. Unanimously approved by those present. CM Mahoney absent.

10. PUBLIC COMMENT

The public shall be allowed to address one or more agenda or non-agenda items. Each person shall be limited to five (5) minutes, regardless of the number of items addressed.

Barbara Crews, 525 22nd St., spoke regarding Round 2 of CDBG funding.

Bruce Reinhart, 3312 Thousand Oaks Cove, Austin, Tx., stated Council should look into the FEMA Buyout Program. CM Beeton and CM Woods requested this issue be placed on the September 24, 2009 Regular Council Agenda.

Jackie Cole, 2308 Sydnor, asked Council to place a line item in the FY 2009-2010 Budget for money to replace trees lost during Hurricane Ike.

Donna Leibbert, 1717 Ball, stated the need to expedite directions to the Planning Department regarding tree art in the public right of way.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas amending Chapter 30, "Plumbing and Gas" of "The Code of the City of Galveston 1982, as amended," by amending Section 30-5 "Application for Permit," to authorize application and issuance of a permit by fax; and by amending Section 30-10 "Licensing" to update legal references, and to comply with Senate Bill 1354 effective September 1, 2009; making

various findings and provisions related to the subject.

ORDINANCE NO. 09-057 was read by caption: AMENDING CHAPTER 30, "PLUMBING AND GAS" OF THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED, BY AMENDING SECTION 30-5 "APPLICATION FOR PERMIT," TO AUTHORIZE APPLICATION AND ISSUANCE OF A PERMIT BY FAX; AND BY AMENDING SECTION 30-10 "LICENSING" TO UPDATE LEGAL REFERENCES, AND TO COMPLY WITH SENATE BILL 1354 EFFECTIVE SEPTEMBER 1, 2009; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Deputy City Manager Wade gave an explanation of the proposed ordinance.

Motion to approve by CM Fennewald. Second by CM Colbert. Unanimously approved by those present. CM Mahoney absent.

B. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, submitting the names of five (5) nominees or less for election to the Galveston Central Appraisal District Board.

RESOLUTION was read by caption: SUBMITTING THE NAMES OF FIVE (5) NOMINEES OR LESS FOR ELECTION TO THE GALVESTON CENTRAL APPRAISAL DISTRICT BOARD; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE CENTRAL APPRAISAL DISTRICT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to defer to September 24, 2009 Council Meeting by CM Colbert. Second by MPT Weber. Unanimously approved by those present. CM Mahoney absent.

C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, authorizing the City Manager to execute documents accepting a "Tobacco Compliance Enforcement Grant" for Fiscal Year 2010 from the Texas Comptroller's Office.

RESOLUTION NO. 09-062 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS ACCEPTING A TOBACCO COMPLIANCE ENFORCEMENT GRANT FOR FISCAL YEAR 2010 FROM THE TEXAS COMPTROLLER'S OFFICE; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Police Chief gave an explanation of the proposed resolution.

Motion to approve by MPT Weber. Second by CM Woods. Unanimously approved by those present. CM Mahoney absent.

D. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 22, "Municipal Court" of "The Code of the City of Galveston 1982, as amended" by eliminating provisions referring to Peer Court, providing for the appointment of a Municipal Prosecutor and making other amendments to accord with state law, making various findings and provisions related to the subject.

ORDINANCE NO. 09-058 was read by caption: AMENDING CHAPTER 22, "MUNICIPAL COURT" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" BY ELIMINATING PROVISIONS REFERRING TO PEER COURT, PROVIDING FOR THE APPOINTMENT OF A MUNICIPAL PROSECUTOR AND MAKING OTHER AMENDMENTS TO ACCORD WITH STATE LAW; PROVIDING FOR AN

EFFECTIVE DATE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

City Attorney Green gave Council an amended copy of the proposed ordinance.

CM Fennewald moved approval of the amended ordinance. Second by CM Woods. Unanimously approved by those present. CM Mahoney absent.

- E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, supporting the Galveston County Commissioners Court decisions to provide medical care for indigent Galveston County Families, and to raise and provide funds required under the Texas Education Code to finance improvements and renovations for the recovery of the University of Texas Medical Branch in Galveston; directing the City Secretary to send certified copies of this resolution to certain public officials; providing for findings of fact and an effective date.

RESOLUTION NO. 09-063 was read by caption: SUPPORTING THE GALVESTON COUNTY COMMISSIONERS COURT DECISIONS TO PROVIDE MEDICAL CARE FOR INDIGENT GALVESTON COUNTY FAMILIES, AND TO RAISE AND PROVIDE FUNDS REQUIRED UNDER THE TEXAS EDUCATION CODE TO FINANCE IMPROVEMENTS AND RENOVATIONS FOR THE RECOVERY OF THE UNIVERSITY OF TEXAS MEDICAL BRANCH IN GALVESTON; DIRECTING THE CITY SECRETARY TO SEND CERTIFIED COPIES OF THIS RESOLUTION TO CERTAIN PUBLIC OFFICIALS AND PROVIDING FOR FINDINGS OF FACT AND AN EFFECTIVE DATE.

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

CM Fennewald spoke in support of the proposed resolution.

CM Beeton spoke in support of the proposed resolution.

Motion was unanimously approved by those present. CM Mahoney absent.

12. ACTION ITEMS

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

- A. Consider for action approving a change order request from DXI Industries Inc. for the current three-year contract, which expires June 2010, for chlorine and aqua ammonia for water supply and wastewater treatment divisions in the Public Works Department to increase the cost of chlorine by \$0.0875/LB. Funding source is Water and Wastewater Chemical Accounts.
- B. Consider for action approving a three-year contract with Sprint Logistics for transportation of processed municipal Wastewater Treatment Plant sludge at a total three-year cost estimate of \$94,500.00. Funding source is Wastewater Treatment Plant Sludge Removal Account (6118117-531110).
- C. Consider for action approving purchase of two new Ford Rangers for the Planning Department to be purchased from Philpott Motors through HGAC Buy for a total price of \$27,105.56, which will be funded 100% from a Department of Justice Grant.

- D. Consider for action approving the purchase of one new Mobile Command Center for the Police Department to be purchased from Matthews Specialty Vehicles Inc. through HGAC Buy for a total price of \$364,858.14, which will be funded 100% from a Department of Justice Grant.
- E. Consider for action authorizing the City Manager to execute Seventh Amendment to Memorandum of Understanding with Galveston County regarding temporary provision of fire protection services on Bolivar Peninsula.
- F. Consider for action approving TXDOT grant agreement in the amount of \$122,000.00 for the purchase of two new Type 3 Handi-Van vehicles, which will be funded 100% from Texas Department of Transportation and authorizing the City Manager to execute the agreement.

- G. Discuss and consider for action establishing the scope of economic development services to be provided by GEDP for fiscal year 2009-2010.

CM Fennewald suggested pulling back on residential development in new areas and focusing on infill residential and business development.

CM Colbert asked that focusing and attracting development in Districts 1 and 2 be a priority.

MPT Weber said he did not believe there should be an Attachment A.

CM Beeton agreed with MPT Weber but that neighborhood revitalization including neighborhood services was a priority for her.

Jeff Sjostrum, Executive Director of the GEDP, asked for some specific projects.

CM Woods expressed his concerns pertaining to the North of Broadway area and stated he would work with Mr. Sjostrum.

Mayor Thomas said she did not think it necessary to have an attachment but that Mr. LeBlanc and Mr. Sjostrum took the discussion and came back with a plan, a development plan for various sections of the City, and what Council can do to help bring people into town who may be interested in one part of the city or the other.

Mr. LeBlanc agreed with the Mayor's suggestion.

After discussion, Steve LeBlanc and Jeff Sjostrum were asked to develop a plan based on what Council discussed and bring that plan to Council's first meeting in October.

CM Woods said he wants to know what the City is going to do regarding clean up.

CM Woods moved to defer to first meeting in October. CM Fennewald seconded. Unanimously approved by those present. CM Mahoney absent.

- H. Discuss and consider for action amending the housing plan, specifically for rental rehabilitation, to resubmit to TDHCA funded by CDBG.

Director of Grants and Housing Sterling Patrick gave a review of the item.

After discussion, **CM Colbert moved approval of Option 2 as submitted. Second by CM Woods.**

Unanimously approved by those present. CM Mahoney absent.

- I. Consider for action amending requirements for eligibility to participate in Rental

rehabilitation program of the CDBG Disaster Recovery Housing Program.
WITHDRAWN

CM Colbert moved approval of Action Agenda Items A, B, C, D, E and F. Second by CM Woods. Unanimously approved by those present. CM Mahoney absent.

Recess: 7:00 p.m.

Reconvene: 7:22 p.m.

13. MAYOR AND COUNCIL APPOINTMENTS

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

14. N/A

15. N/A

16. DISCUSSION ITEMS: Discussion only/No action taken

A. City Manager

1. Discuss and Receive Update regarding Hurricane Ike Disaster Emergency Response and Recovery
2. Discuss the FY 2010 Budget

B. City Council

1. Discuss update on Falstaff Building and want copies of all Correspondence sent to the owner and all code enforcement reports as well as any court papers filed. (Woods/Colbert)
2. Discuss the Old Incinerator located on Lennox. (Woods/Colbert)
3. Discuss the Community Development Block Grant Application (Woods/Colbert)
4. Discuss FY 2009-2010 Budget (Beeton/Mahoney)
5. Discuss actions necessary to improve cleanliness of city (Beeton/Mahoney)

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 9:50 p.m.