THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD AUGUST 27, 2009 – 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 Thomas, MPT Weber, CM Mahoney, CM Colbert, CM Fennewald, CM Woods and CM Beeton (4:06 p.m.)
   Staff: Sr. Asst. City Secretary De La Fuente, City Attorney Green, Finance Director Jeff Miller, City Manager Steve LeBlanc

5. DECLARATIONS OF CONFLICT
   CM Beeton declared a conflict on Item 11 H

6. APPROVAL OF MINUTES
   The minutes of the Emergency Meeting of August 7, 2009: Motion to approve by CM Colbert. Second by CM Woods. Unanimously approved.

   The minutes of the Regular Meeting of August 13, 2009: Motion to approve by CM Colbert. Second by CM Woods. Unanimously approved.

7. PRESENTATIONS
   None.

8. 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 for a "Recreational vehicle/boat storage facility" to be located within a Planned Development (PD) Zoning District on property legally described as Lots 1, 2, 3, and 22 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 a part of the Mosley Subdivision, a subdivision in the City and County of Galveston, Texas and commonly known as "11011 Sportsman Road"; Planning Case Number 09P-64; Making various findings and provisions related to the subject.

   ORDINANCE NO. 09-049 was read by caption: GRANTING A SPECIFIC USE PERMIT FOR A “RECREATIONAL VEHICLE/BOAT STORAGE FACILITY” TO BE LOCATED WITHIN A PLANNED DEVELOPMENT (PD) ZONING DISTRICT ON PROPERTY LEGALLY DESCRIBED AS LOTS 1, 2, 3, AND 22 OF ANDERSON WAYS ADDITION NO, 1 A SUBDIVISIONH 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 BEINB A PART OF THE MOSLEY SUBDIVISION, A SUBDIVISION IN THE CITY AND COUNTY OF GALVESTON, TEXAS AND COMMONLY KNOWN AS "11011 SPORTSMAN ROAD," PLANNING CASE NUMBER 09P-064; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

10. PUBLIC COMMENT

Casey Cutler, 1628 Market, wants Jack Johnson resolution on the agenda next time.
Jackie Cole, 2308 Sydnor, gave update on tree committee.
Charles Smith, 7606 Beluche, spoke on taxes.
Fredrick Fuhr, representing Sammy & Priti Virant, 12428 East Buena Vista, spoke on how their property is seaward of 200ft line.
Mary Ann Wosenitz, 12416 E. Ventura Drive, spoke on FEMA Buyout Program.
Kris Hall, 3762, Notham Street, spoke on Housing Mitigation Grant Plan.
Dan Barnhart, 13127 Bermuda, spoke on Housing Mitigation Grant Plan.
George Prill, 20 Adler Circle, spoke on Item J.
Susan & James Graham, 21914 Lampasas, spoke on disability access with golf carts.
Teresa Everts, 4527 Ave. O1/2, spoke on revisiting the smoking ordinance.
Steve Everts, 4527, Ave O1/2, spoke on revisiting the smoking ordinance.
Cindy Roberts, 3002 Ave O1/2, spoke on car-free challenge and world car free day.
Willie Backman, 405 Main Street Suite 455, Houston, Texas spoke on naming a park Jack Johnson Memorial Park.
Mike T., P.O. Box 1181, Santa Fe, a current street performer spoke on letting the public know that he is not a homeless individual but a street performer only.
Allison Brown, 1027 Sealy, spoke on parking meters.
Doug Guthier, 2415 Avenue G, spoke on parking meter charges on Sunday.
Baron Everts, Galveston, spoke on taxes.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the city of Galveston, Texas, amending "The Code of the City of Galveston 1982, as amended", Chapter 34, "Traffic," by amending various subsections of Section 34-58 "Increasing State speed limits in certain zones", and Section 34-59 "Decrease of State Law maximum speed" pertaining to IH 45; adopting speed limit changes and speed limit boundary changes suggested by the Texas Department of Transportation for various portions of IH 45, from 59th Street to the north Galveston City limits; making various findings and provisions related to the subject.

ORDINANCE NO. 09-050 was read by caption: AMENDING "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED," CHAPTER 34, "TRAFFIC, BY AMENDING VARIOUS SUBSECTIONS OF SECTION 34-58 " INCREASING STATE SPEED LIMITS IN CERTAIN ZONES," AND SECTION 34-59

“DECREASE OF STATE LAW MAXIMUM SPEED” PERTAINING TO IH 45, ADOPTING SPEED LIMIT CHANGES AND SPEED LIMIT BOUNDARY CHANGES SUGGESTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR VARIOUS PORTIONSS OF IH45, FROM 59^{TH} STREET TO THE NORTH GALVESTON CITY LIMITS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

B. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 34, "Traffic" of "The Code of the City of Galveston 1982, as amended" to increase the hourly rate for all parking meters to $1.25 per hour and begin charging for all metered parking on Sundays.

ORDINANCE NO. 09-051 was read by caption: AMENDING CHAPTER 34, “TRAFFIC”OF “THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED” TO INCREASE THE HOURLY RATE FOR ALL PARKING METERS TO $1.25 PER HOUR AND BEGIN CHARGING FOR ALL METERED PARKING ON SUNDAYS.

Motion to approve by CM Mahoney. Second by CM Woods. After discussion the vote was as follows: **In favor: CM Mahoney, CM Woods, CM Beeton, Mayor Thomas and CM Colbert. Opposed: CM Fennewald and MPT Weber. Motion carried.**

C. Consider for approval an Ordinance approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Eleven, City of Galveston, Texas; authorizing the City Secretary to distribute such plans; providing for the disbursement of Disaster Relief Funds for emergency costs incurred in the Zone; containing various provisions related to the foregoing subject.

ORDINANCE NO. 09-052 was read by caption: APPROVING AN AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER ELEVEN, CITY OF GALVESTON, TEXAS; AUTHORIZING THE CITY SECRETARY TO DISTRIBUTE SUCH PLANS; PROVIDING FOR THE DISBURSEMENT OF DISASTER RELIEF FUNDS FOR EMERGENCY COSTS INCURRED IN THE ZONE; CONTAINING VARIOUS PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Mahoney with the language in Section 4A specifying that the final version of which shall be approved by the City Manager, City Attorney and RDA. Section 10 should be revised with language saying with RDA approval. Second by CM Woods. CM Mahoney called the question. Second by CM Colbert. In favor of calling the question: Unanimously approved. In favor of the motion: Unanimously approved.

D. Consider for approval an Ordinance approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen, City of Galveston, Texas; authorizing the City Secretary to distribute such plans; providing for the disbursement of Disaster Relief Funds for emergency costs incurred in the Zone; containing various provisions related to the foregoing subject.

ORDINANCE NO.09-053 was read by caption: CONSIDER FOR APPROVAL AN ORDINANCE APPROVING AN AMENDED PROJECT PLAN AND REIN-VESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF GALVESTON, TEXAS; AUTHORIZING THE CITY SECRETARY TO DISTRIBUTE SUCH PLANS; PROVIDING FOR THE DISBURSEMENT OF DISASTER RELIEF FUNDS FOR EMERGENCY COSTS INCURRED IN THE ZONE; CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT.

Motion to approve by CM Fennewald with incorporating the same changes that were made in Item 11C into 11 D. Second by CM Beeton. Unanimously approved.

E. Consider for approval an Ordinance of the City of Galveston, Texas, authorizing the City Manager to execute a deed clearing title to a 1.3 foot by 42 foot portion of the south half of the alley abutting lots 13 and 14, Block 377 in the City and County of Galveston, Texas, commonly known as 614 18th Street, currently located on the subject lots with 1724, 1726 and 1728 Avenue G/Winnie.

ORDINANCE NO. 09-054 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED CLEARING TITLE TO A 1.3 FOOT BY 42 PORTION OF THE SOUTH HALF OF THE ALLEY ABUTTING LOTS 13 AND 14, BLOCK 377 IN THE CITY AND COUNTY OF GALVESTON, TEXAS, COMMONLY KNOWN AS 614 18TH STREET, CURRENTLY LOCATED ON THE SUBJECT LOTS WITH 1724, 1726, AND 1728 AVENUE G/WINNIE.

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

F. Consider for approval an Ordinance of the City of Galveston, Texas, amending the Code of the City of Galveston 1982, Chapter 19, "Licenses, Permits and Business Regulations," Article III, "Peddlers and Temporary concessions, Section 19-51 and 19-53 to amend the regulations with regard to temporary concessions during recovery from a declared natural disaster; Planning Case Number 09PA-112.

ORDINANCE NO. 09-055 was read by caption: AMENDING THE CODE OF THE CITY OF GALVESTON 1982, CHAPTER 19, “LICENSES, PERMITS AND BUSINESS REGULATIONS,” ARTICLE III, “PEDDLERS AND TEMPORARY CONCESSIONS, SECTION 19-51 AND 19-53 TO AMEND THE REGULATIONS WITH REGARD TO TEMPORARY CONCESSIONS DURING RECOVERY FROM A DECLARED NATURAL DISASTER, PLANNING CASE NUMBER 09PA-112.

Motion to approve CM Colbert. Second CM Woods. Unanimously approved.

G. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, requesting financial assistance from the Texas Water Development Board, and authorizing the City Manager to execute necessary and required forms in connection therewith; providing for findings of fact and providing for an effective date.

RESOLUTION NO. 09-055 was read by caption: REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY AND REQUIRED FORMS IN CONNECTION THEREWITH, PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

H. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, authorizing the City Manager to execute an agreement with the Park Board of Trustees for distribution of proceeds from the Hotel Occupancy Tax for the 2009-2010 Fiscal Year.

RESOLUTION NO. 09-056 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE PARK BOARD OF TRUSTEES FOR DISTRIBUTION OF PROCEEDS FROM THE HOTEL OCCUPANCY TAX FOR THE 2009-2010 FISCAL YEAR.

Motion to approve MPT Weber. Second CM Woods. CM Beeton abstains due to declaration of conflict. Motion carried.

I. Consider for approval a Resolution of the City Council of the City of Galveston, Texas approving an Inter-local Agreement authorizing distribution of revenue generated from downtown metered parking after recapture of associated costs to the Park Board of Trustees for the Convention and Visitors Bureau to advertise and market the downtown business area, subject to appropriation; authorizing the City Manager to execute the Inter-local Agreement.

RESOLUTION NO. 09-057 was read by caption: APPROVING AN INTER-LOCAL AGRREEMENT AUTHORIZING DISTRIBUTION OF REVENUE GENERATED FROM DOWNTOWN METERED PARKING AFTER RECAP-TURE OF ASSOCIATED COSTS TO THE PARK BOARD OF TRSUSTEES FOR THE CONVENTION AND VISITORS BUREAU TO ADVERTISE AND MARKET THE DOWNTOWN AREA, SUBJECT TO APPROPRIATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTER-LOCAL AGREEMENT.

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

J. Consider for approval a Resolution approving a Memorandum of Understanding between Reinvestment Zone Fourteen, the Galveston Island Redevelopment Authority, and the City of Galveston, Texas relating to funding Airport projects including the design and installation of an updated radar flight tracking system, runway improvements, and various other Airport improvements.

RESOLUTION NO. 09-058 was read by caption: APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN REINVESTMENT ZONE FOURTEEN, THE GALVESTON ISLAND REDEVELOPMENT AUTHORITY, AND THE CITY OF GALVESTON, TEXAS RELATING TO FUNDING AIRPORT PROJECTS INCLUDING THE DESIGN AND INSTALLATION OF AN UP-DATED RADAR FLIGHT TRACKING SYSTEM, RUNWAY IMPROVEMENTS, AND VARIOUS OTHER AIRPORT IMPROVEMENTS.

Motion to approve MPT Weber. Second by CM Woods. CM Colbert and Mayor Thomas approve. CM Beeton ,CM Fennewald and CM Mahoney oppose.

K. Consider for approval a Resolution approving an Advanced Funding Agreement between the City of Galveston and the Texas Department of Transportation for the repair and replacement of various traffic signal systems damaged by Hurricane Ike and authorizing the City Manager to execute the agreement with an attached copy of the Resolution.

RESOLUTION NO. 09-059 was read by caption: APPROVING AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF GALVESTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE REPAIR AND RE-PLACEMENT OF VARIOUS TRAFFIC SIGNAL SYSTEMS DAMAGED BY HURRICAN IKE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH AN ATTACHED COPY OF THE RESOLUTION.

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

L. Consider for approval a Resolution of the City Council of the City of Galveston, Texas approving an Inter-local Agreement with the Galveston Independent School District for the operation of Ball High School as a temporary refuge of last resort during a local state of emergency or disaster.

RESOLUTION NO. 09-060 was read by caption: APPROVING AN INTER-LOCAL AGREEMENT WITH THE GALVESTON INDEPENDENT SCHOOL DISTRICT FOR THE OPERATION OF BALL HIGH SCHOOL AS A TEMPORARY REFUGE OF LAST RESORT DURING A LOCAL STATE OF EMERGENCY OR DISASTER.

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

M. Consider for approval a Resolution of the City Council of the City of Galveston, Texas opposing the Office of Rural Community Affairs' funding formula for Ike CDBG Round Two and endorsing the Houston-Galveston Area Council's recommended revisions.

RESOLUTION NO. 09-061 was read by caption: OPPOSING THE OFFICE OF RURAL COMMUNITY AFFAIRS' FUNDING FORMULA FOR IKE CDBG ROUND TWO AND ENDORSING THE HOUSON-GALVESTON AREA COUNCIL'S RECOMMENDED REVISIONS.

Motion to approve MPT Weber. Second CM Woods. Unanimously

approved.

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 award of Bid #08-09-046 to Standard Renewable Energy in the amount of $28,750.00 for the installation of a temporary interior space temperature control system at Garten Verein facility under FEMA PW PK 118 and authorizing the City Manager to execute the contract.

Motion to approve CM Colbert. Second by CM Woods. Mayor Thomas abstains. In favor: CM Colbert, CM Woods, CM Beeton, CM Mahoney, CM Fennewald, MPT Weber. Motion carried.

B. Consider for action approving renewal of annual support contract with Advanced Utility Systems for the period of July 1, 2009 to June 30, 2010, at a cost of $53,962.00. Funding source is Water, Sewer, Sanitation and Drainage Utility Billing Operating Budget.

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

C. Consider for action approving three-year contract to American Welding & Fabrication for lowest bid on welding services for the Department of Public Works and Municipal Utilities Bid # 08-09-036. Funding source is Public Works Equipment Repairs Account.

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

D. Consider for action approving authorizing the City Manager to execute an assignment of lease agreement assigning the lease commencing December 1, 2006, between the City of Galveston and Galveston Aviation General Partnership to Alta Vista Development, L.L.C., upon final approval of the City Attorney.

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

E. Consider for action approving City using HGAC Plan Source procurement process to complete the previously approved amended contract to The Goodman Corporation dated December 12, 2008, for the Island Transit & Gulf Coast Connect Consolidation Study and authorizing the City Manager to execute any documents with HGAC, as it relates to Plan Source.

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

F. Consider for action authorizing the First Amendment to the Lease Agreement between the City of Galveston and the Galveston Historical Foundation, Inc. for the management and operation of Garten Verein.

Motion to approve CM Colbert. Second CM Woods. Mayor Thomas abstains. In favor: CM Colbert, CM Woods, CM Beeton, CM Mahoney, MPT Weber, CM Fennewald. Motion approved.

G. Consider for action authorizing the City Manager to proceed with application for an improved project for removal and replacement of City parking meters under terms of 44 CFR 206.203(D)(1), Policy Digest page 71 and Public Assistance Guide pages 79,110-111.

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

H. Consider for approval authorizing the City Manager to engage AMPCO System Parking for purchase, finance, install, maintain, manage and provide enforcement for parking meters subject to review and acceptance of final terms by the City Attorney and certification of funds by the Director of Finance.

Motion to approve MPT Weber. Second CM Colbert. Unanimously approved.

I. Consider for action approving the purchase of one new Ford crew cab service Truck (DRW) for the Street Division to be purchased from Philpott Motors through HGAC for a total price of $29,496.28. Funding source is TML Ike Insurance Settlement Fund.

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

J. Consider for action approving the purchase of one new wheel pneumatic roller For the Street Division to be purchased from R.B. Everett & Company through HGAC for a total price of $69,635.00. Funding source is TML Ike Insurance Settlement Fund. Local vendors were considered.

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

K. Consider for action authorizing the City Manager to execute a First Amendment Of the lease between Jay Balentine an the City of Galveston, whose assignment Of lease from Evergreen Helicopters Inc. was approved on March 26, 2009, amending Article 2 Leased Premises, to 41,430 square feet of land adjacent to the apron and Article 3 Rental to $689.00 per month upon final approval of the City Attorney.

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

L. Consider for action authorizing the First Amendment to the Lease Agreement Between the City of Galveston and the Galveston Historical Foundation, Inc.

For the management and operation of the Garten Verein.

Motion to approve CM Colbert. Second by CM Woods. Mayor Thomas abstains. In favor: CM Colbert, CM Woods, CM Beeton, CM Mahoney, MPT Weber, CM Fennewald. Motion approved.

M. Consider for action authorizing the City Manager to proceed with application For an improved project for removal and replacement of City parking meters Under terms of 44 CFR 206.203 (D)(1), Policy Digest page 71 and Public Assistance Guide pages 79,110-111.

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

N. Consider for approval authorizing the City Manager to engage AMPCO System Parking for purchase, finance, install, maintain, manage and provide enforcement for parking meters subject to review and acceptance of final terms by the City Attorney and certification of funds by the Director of Finance.

Motion to approve CM Fennewald. Second by CM Woods. Motion approved.

Break 6:30 p.m. – 7:05 p.m.

O. Discuss tax rate for Fiscal Year 2010, propose and vote on the 2009 tax rate, if Proposed tax rate will exceed the effective tax, take record vote and schedule Date, time and place of public hearings.

No Vote/No Action Taken.

13. MAYOR AND COUNCIL APPOINTMENTS

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

<u>FCYB:</u> CM Colbert moved to approve the following applicants: Kathy Tiernan, BJ Herz, Bob Strevell, Holly McManus, Latoya Mills-Thomas, Pat Renick to replace Tommie Love, Jeff Temple to replace Marilyn Haupt and to re-appoint Diana Davison, Jennifer Hart, Gail Rider, Charna Graber, Christine Hopkins, Arnold Proctor, Annette Scott and Brenae Hardeman. CM Fennewald Second. Unanimously approved.

14. N/A

15. EXECUTIVE SESSION

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 status of recovery activities in Bermuda Beach and Spanish Grant Beachside Subdivisions
3. Discuss the status of the Hazard Mitigation Grant Program Buyout Program

B. City Council
1. Discuss staff resignation from RDA Board. (Woods/Colbert)
2. Update on grant applications From Sterling Patrick and discuss grant application form. (Woods/Colbert)

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 10:38 p.m.