

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF GALVESTON HELD AUGUST 13, 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, CM Mahoney, CM Beeton, MPT  
Weber, CM Fennewald, CM Colbert, CM Woods (4:10 p.m.)  
Staff: City Manager Le Blanc, City Attorney Green, Sr. Asst.  
City Secretary De La Fuente
5. DECLARATIONS OF CONFLICT  
None.
6. APPROVAL OF MINUTES  
The minutes of the Regular Meeting of July 9, 2009: Motion to approve by CM Beeton. Second by CM Colbert. Unanimously approved by those present. CM Woods was not present and did not vote.  
  
The Minutes of the Regular Meeting of July 23, 2009: Motion to approve by MPT Weber. Second by CM Beeton. CM Colbert abstained was absent on July 23, 2009. Unanimously approved by those present. CM Woods was not present and did not vote.  
  
The Minutes of the Regular Meeting of July 29, 2009: Motion to approve by CM Colbert. Second by CM Beeton. Unanimously approved by those present. CM Woods was not present and did not vote.
7. PRESENTATIONS
  - A. Park Board of Trustees
  - B. Commission for the Arts
  - C. Ike Commemoration Events
8. COMMUNICATIONS AND PETITIONS
  - A. Notices of Claim: 09011-Leo Martinez; 09012-Leo Martinez; 09013-Ron Gogle, 09014-Abigail Palmer; 09015-Kavin Dumes, 09016-Theresa O'Connell, 09017-Kay Tinker, 09018-Monica Lynn Eaton, 09019 Patco Contractors, Inc., 09020-John Escamilla, 09021-Ricky Charles Fontenot
  - B. Texas Gas Service: Weather Normalization Clause for May, 2009  
Purchased Gas Adjustment Clause for August 2009
  - C. Galveston County Emergency Communication District: FY 2008 Annual Audit
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

N/A

10. PUBLIC COMMENT

Bill Broussard, 3310 Eckert Drive, thanked CM Beeton for serving the City well and apologized to CM Woods for thinking he was being stubborn and single minded; he thanked CM Woods for what he is doing.

Harold Thomas, P.O. Box 8075, spoke against Smoking Ban.

Casey Cutler, 1628 Market, spoke on Jack Johnson Proclamation.

Ted O'Rourke, 1123 Church Street, spoke on the Port.

Cindy Roberts, 3002 Ave O 1/2 spoke on the Car Free Challenge.

Mark Saxton, 3204 Ivory Pointe Drive, League City, spoke on the Smoking Ban.

Charles Head, 415 21<sup>st</sup> Street, spoke on Smoking Ban.

Ric Legge, 2875 Dominique, spoke on Smoking Ban.

Theresa Everts, 4527 Ave O 1/2, spoke on revisiting the Smoking Ban.

Steve Everts, 4527 Ave O 1/2, spoke on revisiting the Smoking Ban.

Jack Haire, 2406 Post Office, spoke on Smoking Ban.

Lesley Sommer, 2326 Strand Suite 220, spoke on Smoking Ban.

Dennis Byrd, 103 Island Passage, spoke on Smoking Ban.

Randall Pettit, 2108 Church, spoke on Smoking Ban.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Resolution of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at 3725 Church Street and referred to as Property Item 545 on the Tax Foreclosed Property List to Janice R. Coggeshall; the property is legally described as the East 15 feet 10 inches of North 70 feet of Lot One (1) and the West 7 feet 4 inches of the North 70 feet of Lot Two (2), Block Three Hundred Ninety-Seven (397), and improvements, in the City and County of Galveston, Texas, more fully described in the Official Deed Records of Galveston County, Texas; authorizing Mayor Lyda Ann Thomas to execute a deed to the purchaser, declaring findings of fact and providing for an effective date.

RESOLUTION NO. 09-046 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 3725 CHURCH STREET AND REFERRED TO AS PROPERTY ITEM 545 ON THE TAX FORECLOSED PROPERTY LIST TO JANICE R. COGGESHALL; THE PROPERTY IS LEGALLY DESCRIBED AT THE EAST 15 FEET 10 INCHES OF NORTH 70 FEET OF LOT ONE (1) AND WEST 7 FEET 4 INCHES OF THE NORTH 70 FEET OF LOT TWO (2), BLOCK THREE HUNDRED NINETY SEVEN (397) AND IMPROVEMENTS, IN THE CITY AND COUNTY OF GALVESTON, TEXAS, MORE FULLY DESCRIBED IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY , TEXAS; AUTHORIZING MAYOR LYDA ANN THOMAS TO EXECUTE A DEED TO THE PURCHASER, DELACLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

- B. Consider for approval an Resolution of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at 612 44th Street and referred to as Property Item 544 on the Tax Foreclosed Property List to Sylvia Anderwald; the property is legally described as part of Lots One (1) and Two (2), in Block Four Hundred Three (403), Galveston described more particularly by metes and bounds in the Deed Recorded at Film Code 003-06-2250 in the Official Deed Records of Galveston County, Texas; authorizing Mayor Lyda Ann Thomas to execute a deed to the purchaser, declaring findings of fact and providing for an effective date.

RESOLUTION NO. 09-047 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 612 44<sup>TH</sup> STREET AND REFERRED TO AS PROPERTY ITEM 544 ON THE TAX FORECLOSED PROPERTY LIST TO SYLVIA ANDERWALD; THE PROPERTY IS LEGALLY DESCRIBED AS PART OF LOTS ONE (1) AND TWO (2), IN BLOCK FOUR HUNDRED THREE (3), GALVESTON DESCRIBED MORE PARTICULARLY BNY METES AND BOUNDS IN THE DEED RECORDED AT FILM CODE 003-06-2250 IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS; AUTHORIZING MAYOR LYDA ANN THOMAS TO EXECUTE A DEED TO THE PURCHASER, DECLARING FNDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

- C. Consider for approval an Resolution of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property referred to as Property Item 553 on the Tax Foreclosed Property List to Armando Jimenez; the property is legally described as Tract 1: Lot Twelve (12), Thirteen (13) and Fourteen (14) in Block Four Hundred One (401), in the City and County of Galveston, Texas. Tract II: Lots Eight (8), Nine (9) and the East One Half (E ½) of Lot Ten (10) Block Four Hundred and Two (402) in the City and County of Galveston, Texas; authorizing Mayor Lyda Ann Thomas to execute a deed to the purchaser, making various findings and provisions related to the subject, declaring findings of fact and providing for an effective date.

RESOLUTION NO. 09-048 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY REFERRED TO AS PROPERTY ITEM 553 ON THE TAX FORECLOSED PROPERTY LIST TO ARMANDO JIMENEZ;THE PROPERTY IS LEGALLY DESCRIBED AS TRACT 1: LOT TWELVE (12), THIRTEEN (13) AND FOURTEEN (14) IN BLOCK FOUR HUNDRED ONE (401), IN THE CITY AND COUNTY OF GALVESTON, TEXAS. TRACT II: LOTS EIGHT (8), NINE (9) AND THE EAST ONE HALF (E1/2) OF LOT TEN (10) BLOCK FOUR HUNDRED AND TWO (402) IN THE CITY AND COUNTY OF GALVESTON, TEXAS; AUTHORIZING MAYOR LYDA ANN THOMAS TO EXECUTE A DEED TO THE PURCHASER, MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE

SUBJECT, DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

- D. Consider for approval an Resolution of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at Miramar Dr. @ Las Palmas and referred to as Property Item 546 on the Tax Foreclosed Property list to Perry Allen and Judy Ellen Decker; the property is legally described as the East One-Half (E ½) of Lot Fifty-Five (55), in Block One (1) of Palm Beach Subdivision, Galveston County, Texas, Described in the Deed/Instrument Recorded at Book 1373, Page 593 in the Official Deed Records of Galveston County, Texas; authorizing Mayor Lyda Ann Thomas to execute a deed to the purchaser, declaring findings of fact and providing for an effective date.

RESOLUTION NO.09-049 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORCLOSED PROPERTY LOCATED AT MIRAMAR DR. @ LAS PALMAS AND REFERRED TO A S PROPERTY ITEM 546 ON THE TAX FORECLOSED PROPERTY LIST TO PERRY ALLEN AND JUDY ELLEN DECKER; THE PROPERTY IS LEGALLY DESCRIBED AS THE EAST ONE-HALF (E1/2) OF LOT FIFTY-FIVE (55), IN BLOCK ONE (1) OF PALM BEACH SUBDIVISION, GALVESTON COUNTY, TEXAS, DESCRIBED IN THE DEED/ISTRUMENT RECORDED AT BOOK 1373, PAGE 593 IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS: AUTHORIZING MAYOR LYDA ANN THOMAS TO EXECUTE A DEED TO THE PURCHASER, DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

- E. Consider for approval an Resolution of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at 608 43rd Street and referred to as Property Item 548 on the Tax Foreclosed Property List to Sylvia Anderwald; the property is legally described as he North Twenty (20) Feet Ten (10) Inches of the South Fifty-Nine (59) Feet Eleven (11) Inches of Lot One (1), Block Four Hundred Two (402), in the City and County of Galveston, Texas also known as 608 43rd Street, Galveston County, Texas; authorizing Mayor Lyda Ann Thomas to execute a deed to the purchaser, declaring findings of fact and providing for an effective date.

RESOLUTION NO. 09-050 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 608 43<sup>RD</sup> STREET AND REFERRED TO AS PROPERTY ITEM 548 ON THE TAX FORCLOSED PROPERTY LIST TO SYLVIA ANDERWALD; THE PROPERTY IS LEGALLY DESCRIBED AS THE NORTH TWENTY (20) FEET TEN (10) INCHES OF THE SOUTH FIFTY-NINE (59) FEET ELEVEN (11) INCHES OF LOT ONE (1), BLOCK FOUR HUNDRED TWO (402), IN THE CITY AND COUNTY OF GALVESTON, TEXAS ALSO KNOWN AS 608 43<sup>RD</sup> STREET, GALVESTON

COUNTY, TEXAS; AUTHORIZING MAYOR LYDA ANN THOMAS TO EXECUTE A DEED TO THE PURCHASER, DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

- F. 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. 09-051 was read by caption: REQUESTING FINANCIAL ASSISTANCE FROM THE WATER DEPARTMENT 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 CM Mahoney. Second by CM Colbert. Unanimously approved.**

- G. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving and authorizing the City Manager to accept the donation of real property: The North Part of Lot Seven (7-0), Block Five Hundred Fifty-Seven (557), Galveston Townsite, Galveston County, Texas, Said Property being More Particularly Described in the Instrument Recorded at Clerk's File Number 2004077079 in the Official Deed Records of Galveston County, Texas," commonly known as 303 17th Street; and, The Southeast Part Of Lot Five (5) And The South 40 Feet Of Lots Six & Seven (3005-1), Southeast Block Thirty-Four (34), Galveston Outlots, In the City And County of Galveston, Texas, said Property Being More Particularly Described in the Instrument Recorded at Clerk's File Number 2004083137 in the Official Deed Records of Galveston County, Texas," commonly known as 1611 39th Street (Mike Gaido Boulevard), and executing all necessary documents for such acceptance.

RESOLUTION NO. 09-052 was read by caption: APPROVING AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF REAL PROPERTY: THE NORTH PART OF LOT SEVEN (7-0), BLOCK FIVE HUNDRED FIFTY SEVEN (557), GALVESTON TOWNSITE, GALVESTON COUNTY, TEXAS, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED IN THE INSTRUMENT RECORDED AT CLERK'S FILE NUMBER 2004077079 IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS, "COMMONLY KNOWN AS 303 17<sup>TH</sup> STREET, AND THE SOUTHEAST BLOCK THIRTY-FOUR (34), GALVESTON OUTLOTS, IN THE CITY AND COUNTY OF GALVESTON, TEXAS, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED IN THE INSTRUMENT RECORDED AT CLERK'S FILE NUMBER 200483137 IN THE OFFICIAL DEED OF RECORDS OF GALVESTON COUNTY, TEXAS," COMMONLY KNOWN AS 1611 39<sup>TH</sup>

STREET (MIKE GAIDO BOULEVARD), AND EXECUTING ALL NECESSARY DOCUMENTS FOR SUCH ACCEPTANCE.

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

- H. Consider for approval a Resolution of the City Council of the City of Galveston, Texas authorizing the acceptance of a \$1,053,259.00 grant from the Texas Department of Housing and Community Affairs, Texas Neighborhood Stabilization Program for the City of Galveston.

RESOLUTION NO.09-053 was read by caption: AUTHORIZING THE ACCEPTANCE OF A \$1,053,259.00 GRANT FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, TEXAS NEIGHBORHOOD STABILIZATION PROGRAM FOR THE CITY OF GALVESTON.

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

- I. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, authorizing the City to accept a \$1,670,464.00 grant from the U.S. Department of Justice Office of Community Oriented Policing Services, (COPS) for the base cost of employment of eight (8) police officers in fiscal years 2010 through 2013.

RESOLUTION NO. 09-054 was read by caption: AUTHORIZING THE CITY TO ACCEPT A \$1,670,464.00 GRANT FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF THE COMMUNITY ORIENTED POLICING SERVICES, (COPS) FOP THE BASE COST OF EMPLOYMENT OF EIGHT (8) POLICE OFFICERS IN FISCAL YEARS 2010 THROUGH 2013.

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

- J. Consider for approval an Ordinance of the City of Galveston, Texas, creating a Water Conservation Plan for the City of Galveston 2009 that includes and incorporates the prior City of Galveston Drought Contingency Plan, and adds introduction and objectives, Texas Commission on Environmental Quality Rules, sets out the water utility profile, gives specifications of water conservation goals, discusses metering, water use records, control of unaccounted water and leak detection and repair, provides for continuing education and information campaign, sets out the water rates structure, lists other water conservation measures, and provides for the implementation and enforcement of the Water Conservation Plan.

ORDINANCE NO. 09-048 was read by caption: CREATING A WATER CONSERVATION PLAN FOR THE CITY OF GALVESTON 2009 THAT INCLUDES AND INCORPORATES THE PRIOR CITY OF GALVESTON DROUGHT CONTINGENCY PLAN, AND ADDS INTRODUCTION AND OBJECTIVES, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES, SETS OUT THE WATER UTILITY PROFILE, GIVES

SPECIFICATIONS OF WATER CONSERVATION GOALS, DISCUSSES METERING, WATER USE RECORDS, CONTROL OF UNACCOUNTED WATER AND LEAK DETECTION AND REPAIR, PROVIDES FOR CONTINUING EDUCATION AND INFORMATION CAMPAIGN, SETS OUT THE WATER RATES STRUCTURE, LISTS OTHER WATER CONSERVATION MEASURES, AND PROVIDES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE WATER CONSERVATION PLAN.

**Motion to approve CM Beeton. Second by 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 acceptance of annual contract for pipe, parts and fittings Bid #08-09-035 from both H.D. Supply, total line item per unit listing \$53,611.45 and MDN Enterprises, total line item per unit listing \$69,901.91. Funding source is Pubic Works Pipe and Plumbing Supply Account.

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

- B. Consider for action approving authorizing the City Manager to enter into a contract with Hardy-Heck-Moore (HHM) as the consultants for the architectural survey of Phase II of the Old Central/Carver Park Neighborhood. Funding source is \$10,000 in grant funds from the Texas Historical Commission and \$10,000 from Planning Department Consultant Services Account.

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

- C. Consider for action approving authorizing the City Manager to enter into a Project Cooperation Agreement (PCA) with the Texas General Land Office, in order to participate in the CEPRA Erosion Response Project to repair damage from Hurricane Rita. The purpose of the revised PCA agreement is to extend the expiration of the original contract terms from January 12, 2007 to December 31, 2009. The local match requirement will be paid by the following affected subdivisions: Spanish Grant, Sands of Kahala, West Beach Grand, Rivera I and II, Hershey Beach and Sunny Beach.

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

- D. Consider for action approving the continuing rentals of numerous by-pass pumps from Godwin Pump and Equipment for the operation of lift stations, the Main and Airport Waste Water Treatment Plants for the protection of human safety and welfare for emergency recovery following Hurricane Ike. The

estimated cost of the additional rental time is \$250,000.00. Funding source is FEMA Reimbursement.

**Motion to approve CM Colbert. Second CM Beeton. Unanimously approved.**

- E. Consider for action approving the recapture of \$95,929.44 in HOME Funds from the Galveston Community Development Corporation to facilitate the rehabilitation of a single-family housing unit to be made available for purchase by an eligible low-moderate income homebuyer.

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

- F. Consider for action approving rejection of all bids submitted for Bid #08-09-043 and approval of lowest, most responsive bid #08-09-43B from Galveston Paint Company in the amount of \$84,637.00 to provide substantial housing rehabilitation services at 1611 39th Street. Funding source is HOME Entitlement Account.

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

- G. Consider for action approving acceptance of proposal from Dannenbaum Engineering, Inc. for the construction phase services for the Texas Water Development Board (TWDB) American Reinvestment and Recovery Act (ARRA) Grant Projects, which include the construction of Jamaica Beach elevated storage tank and pump station, Isla Del Sol elevated storage tank, rehabilitation of the White Sands elevated storage tank, waterline from 13-Mile Road to Jamaica Beach and West End pressure sustaining valves. The cost for these services will not exceed \$984,985.00. Funding source is TWDB ARRA funds. This contract is contingent on the City receiving the grant of approximately \$17.16 million dollars.

**Motion to approve CM Fennewald. Second by MPT Weber. Unanimously approved.**

- H. Consider for action approving the purchase of two Genie RL-4000 diesel trailer mounted portable light towers and one Wacker G-14 diesel trailer mounted portable generator for Galveston Police Department at a total of \$26,719.00. There will be no cost to the City budget. Funding source is Governor's Division of Emergency Management, office of Infrastructure Protection and 2008 Buffer Zone Protection Program. **Deferred.**

- I. Consider for action approving using HGAC Plan Source procurement process to complete the previously approved Amended Contract to the Goodman Corporation dated December 12, 2008, the Island Transit & Gulf Coast Connect Consolidation Study and authorizing the City Manager to execute any documents with HGAC, as they relate to Plan Source. **Deferred.**

- I. Discuss and take action to request Patton Boggs to provide detailed invoices of services performed on behalf of the City. (Beeton/Mahoney)

**No action/Discussion only.**

13. MAYOR AND COUNCIL APPOINTMENTS

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

TIRZ 12: CM Woods waived until he met with City Attorney Susie Green.

Tree Committee: CM Mahoney moved to approve the following applicants: Marcy Hanson, Cathy Conlon-Townsend, Dave Schuler, Janet Hassinger, Steve Conway, Ed Sulzberger, Dancie Ware, Jackie Cole, Donna Leibbert, Mary Jo Singleton, Kat Joel-Reich and Susanne Sullivan. Second by CM Woods. Unanimously approved.

Galveston Port Improvement Project Committee: CM Fennwald moved to approve Bill Mc Mullen to Chair. Second by CM Colbert. 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 RDA

B. City Council

1. Discuss McGuire Dent Summer Programs. (Colbert/Woods)
2. Discuss action necessary to improve cleanliness of city. (Beeton/Mahoney)
3. Update on Falstaff Building. (Woods/Colbert)
4. Receive and discuss Civilian Review Board Quarterly Report. (Woods/Colbert)

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 9:51 p.m.