THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD JULY 24, 2008- 5:30 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 Colbert, CM Fennewald, CM Woods
   Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence

5. DECLARATION OF CONFLICT
   None

6. APPROVAL OF MINUTES
   The Minutes of the Regular Meeting of June 26, 2008 were unanimously approved upon motion by MPT Weber and second by CM Colbert.
   The Minutes of the Regular Meeting of July 10, 2008 were unanimously approved upon motion by MPT Weber and second by CM Colbert.

7. PRESENTATIONS
   A. HUD Lead Remediation Program Application
   B. Certification of Recognition presented to Dr. Ronald Lavoy

8. COMMUNICATIONS AND PETITIONS
   A. Notices of Claim: 08063-John Leon; 08064-Billie Lambert; 08065-Robert Hardisty
   B. Texas Gas Service: Weather Normalization Clause for May, 2008

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
   None

10. PUBLIC COMMENT
   Larry Spasic, said he was opposed to moving the Battleship Texas to Galveston.
   Steven Howell, Executive Director of Battleship Texas Foundation, stated the Battleship Texas will not be moved.
   Steve Greenberg, 4800 Seawall, spoke opposing the proposed use of bonds to construct a new fire station. He also stated his concerns with the proposed charter amendments.
   Clay Burton, 1010 63rd St., stated his concerns pertaining to bicycle safety.
   Russ Mertens, 1402 Ave. N ½, stated the Ethics Commission could perform the duties of a Police Review Board, said Council should give local contractors a break, said it was an act of futility to televise meetings and stated he is in favor of the Certificates of Obligation.
   Linda Strevell, 1213 25th St., spoke in support of Council meetings beginning at 5:30 p.m. and of having separate workshop and regular council meetings.
   Mark Muhich, 11 Williamsburg Circle, spoke in support of lead abatement.
   Charlotte O'Roarke, 1123 Church, spoke regarding the RDA standards and criteria.
   Mike Varela, Galveston Fire Chief, spoke in support of Item 11A. He stated that Fire Station #5 needs to be replaced.
   James Fleener, 3428 Cove View Blvd., spoke in support of the proposed new fire station.
   Beau Rawlins, 11841 Ostermayer, spoke in support of the City's use of local contractors.
   Fletcher Harris, 7013 Weis Dr., said the Battleship Texas should not be moved. He also

stated the City needs a Traffic Engineer.

Charles Smith, 3014 Kleimann, stated concerns pertaining to the Certificates of Obligation, the Police Review Board, beach replenishment.

Johnny Smecca, 2605 Gerol Dr., spoke in support of Items 12J and 11A.

Jeff Sjostrum, Executive Director of the Galveston Economic Development Partnership, spoke in support of the 4B Sales Tax and economic development.

Keith Palmer, 713 Blum St., spoke in support of the 4B Sales Tax.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas, authorizing the issuance of Combination Tax and Revenue Certificates of Obligation, Series 2008; prescribing the terms and conditions thereof; providing for the payment of principal and interest thereon; ratifying a preliminary official statement and authorizing an official statement; approving a purchase agreement relating to such certificates; approving related agreements.

ORDINANCE NO. 08-037 was read by caption: AUTHORIZING THE ISSUANCE OF COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008; PRESCRIBING THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR THE PAYMENT OF PRINCIPAL AND INTEREST THEREON; RATIFYING A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING AN OFFICIAL STATEMENT; APPROVING A PURCHASE AGREEMENT RELATING TO SUCH CERTIFICATES; APPROVING RELATED AGREEMENTS; MAKING FINDINGS AND PROVISIONS RELATED TO SUCH CERTIFICATES AND PROVIDING AN EFFECTIVE DATE.

City Manager LeBlanc recommended approval and stated a super majority vote in favor of the ordinance is required.

Terrell Palmer, First Southwest Co., discussed the rating upgrade for the city. He recommended Council accept the offer from the underwriters and allow the transaction to move forward to closing the latter part of August.

Also present: Kim Nederly of the Oppenheimer Group, Louis Pauls, BarronWallace of Vincent & Elkins.

MPT Weber moved approval of the ordinance. Second by CM Colbert.

MPT Weber spoke in support of the proposed ordinance.

CM Beeton stated her opposition to the ordinance.

CM Colbert said she supports the building of the new fire station.

CM Fennewald reminded Council of the importance of approval of the ordinance due to the fact that Council had approved moving ahead at the last meeting.

CM Mahoney clarified that the money to pay the bonds was already budgeted.

After discussion, the vote was as follows: In favor: Mayor Thomas, CM Mahoney, MPT Weber, CM Colbert, CM Fennewald, CM Woods. Opposed: CM Beeton. Motion passed.

B. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 2, "Administration", Article IV, "Boards, Commissions and Committees" of the Code of the City of Galveston 1982, as amended" by creating the Civilian Review Board; providing for the Board's terms, powers, qualifications, quorum, voting, meetings, and rules of procedure.

ORDINANCE NO. 08-038 was read by caption: AMENDING CHAPTER 2, “ADMINISTRATION”, ARTICLE IV, “BOARDS, COMMISSIONS AND COMMITTEES” OF “THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED” BY CREATING THE CIVILIAN REVIEW BOARD; PROVIDING FOR THE BOARD’S TERMS, POWERS,

QUALIFICATIONS, QUORUM, VOTING, MEETINGS, AND RULES OF PROCEDURE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Asst. City Attorney Cross read the following changes:

Pg. 3 Section 2-221, vi.: Reside in or own a business with its principal office in the district from which they are appointed; if a business-owner, the member must still meet the City residency requirement in Section 2-221(a)

Pg. 4 Section 2-225. Meetings: (c) The meeting shall be held at the City of Galveston Police Department.

Pg. 4 Section 2-228 Responsibilities: (a)ii. Reviewing GPD operational policies, at the request of the Chief of Police. iii. Writing a recommendation regarding the adequacy of the investigation or the operational policy to the Chief of Police on every case it reviews.

Pg. 5 Section 2-228 (b) v. Present the Board's findings, as in (d)vii below, to City Council quarterly. (d)vii Provide quarterly reports to the City Manager and City Council regarding the status of all citizen complaints about the GPD or its officers received by the GPD. Such report shall include the characterization/type of the complaint, the date the case was referred to the Board, the recommendation of the Board regarding the investigation and whether the recommendations were accepted, the dates the complaint was received, date of referral to the Office of Professional Standards, and the date the Board and the Complainant were notified as to status or disposition.

Pg. 3 Section 2-221 Qualifications (a) iii Have no misdemeanor convictions three years prior to appointment (Includes Class "C" offenses but does not include violations of the City Traffic Code or the Texas Transportation Code) and no felony convictions; and,

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

MPT Weber stated he felt the ordinance was a good one but he believes all of the mechanisms to review police actions are in place and this is an additional layer so he will vote against the motion. In favor: CM Mahoney, CM Beeton, Mayor Thomas, CM Colbert, CM Woods. Opposed: MPT Weber. Motion passed.

CM Woods thanked the Council for creating the Civilian Review Board. He believes it is a step in the right direction of giving the Galveston Police Department back to the public.

C. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 23, "Nuisances," Division 4 "Graffiti" of The Code of the City of Galveston, 1982, as amended; providing for abatement by the City at the property owner's expense under certain circumstances, providing for paint materials for owners, providing an affirmative defense for noncompliance; renaming, renumbering and rearranging Division 4.

ORDINANCE NO. 08-039 was read by caption: AMENDING CHAPTER 23, "NUISANCES," DIVISION 4 "GRAFFITI" OF THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED; PROVIDING FOR ABATEMENT BY THE CITY AT THE PROPERTY OWNER'S EXPENSE UNDER CERTAIN CIRCUMSTANCES, PROVIDING FOR PAINT MATERIALS FOR OWNERS, PROVIDING AN AFFIRMATIVE DEFENSE FOR NONCOMPLIANCE; RENAMING, RENUMBERING AND REARRANGING DIVISION 4; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR PUBLICATION.

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

D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas temporarily authorizing overnight camping during the 2008 Lone Star Motorcycle Rally at all of the Beach Pocket Parks and Beach Park Areas under the management and control of the Galveston Park Board of Trustees; subject to Park Board approval and regulations.

ORDINANCE NO. 08-025 was read by caption: TEMPORARILY AUTHORIZING OVERNIGHT CAMPING DURING THE 2008 LONE STAR MOTORCYCLE RALLY AT ALL OF THE BEACH POCKET PARKS AND BEACH PARK AREAS UNDER THE MANAGEMENT AND CONTROL OF THE GALVESTON PARK BOARD OF TRUSTEES; SUBJECT TO PARK BOARD APPROVAL AND REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

E. Consider for approval a Resolution of the City of Galveston, Texas, supporting the consideration of relocating the Battleship Texas to Galveston Island, without cost to the City of Galveston, and contingent upon a decision to move the ship from its present location.

WITHDRAWN

12. ACTION ITEMS

A. Consider for action approving funding request from LULAC to host Fiesta Family Day in Galveston, in an amount of $5,000.00 less the cost of City services. Funding source is Special Event Fund.

B. Consider for action approving a sole source agreement with Florida Traffic Control Devices for electric connection work on the trolley system switches located at 21st & 25th and Strand in the amount of $23,066.00 (21st-$6,123.00, 25th-$16,943.00) and authorizing the City Manager to execute the agreement. Authorizing the City Manager to execute an agreement with Center Point to provide electric service to the 21st & Strand location and make payment in the amount of $3,770.00.Funding source is FTA Grants.

C. Consider for action accepting grant from Galveston County Fire Fighter's Association in the amount of $9,000.00 for the purchase of firefighting equipment and training and authorizing the City Manager to sign the agreement with the Galveston County Firefighter's Association.

D. Consider for action authorizing the City Manager to execute a three-year contract with Westlaw for online legal research services and a fifty percent reduction off the current price of the City's new and existing printed materials subscriptions for a total cost of $18,980.09. Funding source is City Attorney's Printed Materials Account.

E. Consider for action approving the purchase of two sewer vacuum trucks for the Municipal Utilities Division through HGAC for a total price of $626,396.00. Funding sources are Sewer Improvement and Drainage Improvement Accounts.

F. Consider for action approving an increase in the contract proposal of Shelmark Engineering, LLC Consulting Firm in the amount of $4,250.00, bringing the total to an amount not to exceed $17,250.00 for professional engineering services on the Sportsman Road Bridge. Funding source is Drainage Improvement Account.

G. Consider for action approving the purchase of one 2008 Ford F250 pickup truck for Public Works Recycling Division for a total price of $21,745.76 to be purchased from

Philpott Ford through HGAC. Funding source is Vehicle Capital Outlay Account.

H. Consider for action approving the purchase of one John Deere 544K Loader for Public Works Recycling Division for a total price of $132,399.00 to be purchased from Rush Equipment Center through HGAC. Funding source is Vehicle Capital Outlay Account.

I. Consider for action approving entering into a Memorandum of Understanding with Center Point Energy-CLEAResult, Inc for the City's participation in the Texas Score Program (non binding) to assist the City in lowering the electric demand (KW) cost at appropriate city facilities and authorizing the City Manager to execute the Memorandum of Understanding.

J. Discuss and consider for action giving the City Manager direction on setting policy concerning awarding any City bid to a local contractor or vendor if they are within 5% of the lowest bid as allowed by state law

K. Discuss and consider for action giving City Manager direction concerning the Order of the Agenda on the following items (as further provided by the sample agenda provided):

1. Eliminate workshop meetings and hold regular business meetings of the City twice a month
2. Consider setting the start time of each meeting between 9:00 am and noon depending on length of agenda
3. Consider order of agenda as shown in the sample agenda provided
    a. Consider public comment on agenda items at the beginning each business meeting
    b. Consider executive session at noon
    c. Consider required public hearings at 4:00 pm
    d. Consider elimination of City Manager Report
    e. Consider elimination of Mayor and Council Reports
    f. Consider public comment on non agenda items at end of meeting

MPT Weber moved to continue with the present order of business starting Workshop at noon and Regular business meeting at 5:30 p.m. Second by CM Woods. Unanimously approved.

L. Discuss and consider for action giving City Manager direction for process for Grants Department to follow in selecting homes for housing rehabilitation projects.

WITHDRAWN

M. Discuss and consider for action giving City Manager direction regarding no left turn at 23rd & Broadway

CM Fennewald moved to revoke the left turn sign and put in stop bars, a "Stop Here on Red" sign and other signs that were approved by the Traffic Engineer. Second by CM Woods. Unanimously approved.

N. Discuss and consider referring to the Planning Department the possibility of adding "educational facility - private" as a permitted use with a specific use permit in a Neighborhood Services zone. (Beeton/Woods)

CM Beeton moved approval of Action Agenda Items A, B, D, D, E, F, G, H, I, J and N.

Second by CM Woods. Unanimously approved.

13. MAYOR AND COUNCIL APPOINTMENTS

HGAC Board of Directors	Motion to appoint CM Fennewald by Mayor Thomas. Second by CM Colbert. Unanimously approved.
Port Facilities Committee	Mayor Thomas moved to appoint Marc Cuenod to replace Fredell Rosen. Second by CM Fennewald. Unanimously approved.
Landmark Commission - Ex-Officio	Mayor Thomas moved to appoint herself. Second by MPT Weber. Unanimously approved.
Building and Standards Commission - Ex-Officio	CM Colbert moved to appoint herself. Mayor Thomas seconded. Unanimously approved.

14. MAYOR, COUNCIL AND CITY MANAGER REPORTS

Mayor Thomas	No report
CM Mahoney	Reported on the following: * West Galveston Island Property Owners Assn.
CM Beeton	No report
MPT Weber	Reported on the following: * First annual mullet toss to be held on East Beach
CM Colbert	No report
CM Fennewald	Reported on the following: * Meeting on 4B Sales Tax to receive public input.
CM Woods	No report
City Manager LeBlanc	No report

15 N/A

16. N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 8:20 p.m.