THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON JULY 23, 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 Woods (4:45 p.m.)
   Absent: CM Colbert
   Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence, Asst. City Manager Wade, Asst. City Manager Rinderer, Finance Director Miller, Planning Director O'Donohoe

5. DECLARATIONS OF CONFLICT
   None

6. APPROVAL OF MINUTES
   The Minutes of the Regular Meeting of June 25, 2009 were unanimously approved upon motion by CM Beeton and second by MPT Weber.

7. PRESENTATIONS
   West Isle Little League

8. COMMUNICATIONS AND PETITIONS
   A. Notices of Claims: 09001- Tera Hunter, 09002-Jayson Hairrell, 09003-Mary Martin, 09004-Ruben Wesley Knowles, 09005-Ethel Smith, 09006-Joel Henderson, 09007-Richard Vaughn, 09008-Leroy Williams, 09009- Silva Vela, 09010-William Shea.
   B. Texas Gas Service-Purchased gas adjustment clause for July 2009.

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
   A. Consider for approval an Ordinance of the City of Galveston, Texas designating the structure located at 2125 Avenue F/Church, as a "Galveston Landmark"; Property is legally described as "Lots 2 and 3, Block 381, In the City and County of Galveston, Texas" Requesting The Historic Preservation Officer to Record the Property's Landmark Designation in the Official Public Records of Real Property of Galveston County, The Tax Records of the City of Galveston, and the Central Appraisal District, as well as the Official Zoning Maps of the City of Galveston. (Planning Case 09P-56).

ORDINANCE NO. 09-040 was read by caption: DESIGNATING THE STRUCTURE LOCATED AT 2125 AVENUE F/CHURCH, AS A "GALVESTON LANDMARK"; PROPERTY IS LEGALLY DESCRIBED AS "LOTS 2 AND 3, BLOCK 381, IN THE CITY AND COUNTY OF GALVESTON, TEXAS" (PLANNING CASE 09P-56); REQUESTING THE HISTORIC PRESERVATION OFFICER TO RECORD THE PROPERTY'S LANDMARK DESIGNATION IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF GALVESTON COUNTY, THE TAX RECORDS OF THE CITY OF

GALVESTON, AND THE CENTRAL APPRAISAL DISTRICT, AS WELL AS THE OFFICIAL ZONING MAPS OF THE CITY OF GALVESTON; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

Motion to approve by CM Beeton. Second by MPT Weber. Unanimously approved by those present. CM Colbert and CM Woods absent.

B. Consider for approval an Ordinance of the City of Galveston, Texas, changing the zoning from "General Residence Historic (GR-H) Zoning District" to "Neighborhood Services Historic (NS-H) Zoning District" on property legally described as "Lots 6 and 7 Block 135 in the City and County of Galveston, Texas", and commonly known as 1501 Broadway (Planning Case 09P-58).

ORDINANCE NO. 09-041 was read by caption: CHANGING THE ZONING FROM "GENERAL RESIDENCE HISTORIC (GR-H) ZONING DISTRICT" TO "NEIGHBORHOOD SERVICES HISTORIC (NS-H) ZONING DISTRICT" ON PROPERTY LEGALLY DESCRIBED AS "LOTS 6 AND 7, BLOCK 135 IN THE CITY AND COUNTY OF GALVESTON, TEXAS", AND COMMONLY KNOWN AS 1501 BROADWAY (PLANNING CASE 09P-58); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

Motion to approve by CM Beeton. Second by CM Mahoney. Unanimously approved by those present. CM Colbert and CM Woods absent.

C. Consider for approval an Ordinance of the City of Galveston, Texas amending the Galveston Zoning Standards, Division 4: Section 29-65 (f): Special Front Yard Regulations to create provisions for existing buildings that are elevating to meet current Floodplain Regulations; and amending Section 29-50: Special Definitions and Explanations to add Definitions for "Porch" and "Stairway"; (Zoning Case Number 09ZA-08).

ORDINANCE NO. 09-042 was read by caption: AMENDING THE GALVESTON ZONING STANDARDS, DIVISION 4; SECTION 29-65 (f): SPECIAL FRONT YARD REGULATIONS TO CREATE PROVISIONS FOR EXISTING BUILDINGS THAT ARE ELEVATING TO MEET CURRENT FLOODPLAIN REGULATIONS; AND AMENDING SECTION 29-50: SPECIAL DEFINITIONS AND EXPLANATIONS TO ADD DEFINITIONS FOR "PORCH" AND "STAIRWAY"; ZONING CASE NUMBER 09ZA-08; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Planning Director Wendy O'Donohoe reviewed the proposed ordinance.

Mayor Thomas opened the PUBLIC HEARING.

Julie Hatcher, 1622 Campbell Lane, asked that the allowed height of elevation be raised.

There being no one else to speak, the Public Hearing was closed.

Motion to approve by MPT Weber. Second by CM Fennewald. Unanimously approved by those present. CM Colbert and CM Woods absent.

D. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to operate a "Cleaning or Laundry Self Service Shop" in A Commercial, Broadway Overlay Zone, Zone 3 (C-BOZ-3) zoning district. Property is legally described as "Lots 9 and 10 and west 60 feet of Lot 8 (8-1), Block 212, of M Menard Survey, in the City and County of Galveston, Texas," and commonly described as 3200 Broadway/911 32nd Rear; (Planning Case Number 09P-65).

ORDINANCE NO. 09-043 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A "CLEANING OR LAUNDRY SELF SERVICE SHOP" IN A COMMERCIAL, BROADWAY OVERLAY ZONE, ZONE 3 (C-BOX-3) ZONING DISTRICT. PROPERTY IS LEGALLY DESCRIBED AS "LOTS 9 AND 10 AND WEST 60 FEET OF LOT 8 (8-1), BLOCK 212, OF M MENARD SURVEY, IN THE CITY AND COUNTY OF GALVESTON, TEXAS," AND COMMONLY DESCRIBED AS 3200 BROADWAY/911 32ND REAR; PLANNING CASE NUMBER 09P-65; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

Motion to approve by CM Beeton. Second by MPT Weber. Unanimously approved by those present. CM Colbert and CM Woods absent.

10. PUBLIC COMMENT

Harold Thomas, 3108 Market, stated his opposition to the proposed smoking ban. He stated the decision should be made by the business owner.

Fred Rashke, 2228 Mechanic, representing the Chamber of Commerce Board, spoke in support of the smoking ordinance provided no exceptions will be permitted.

Betty Massey, 1602 Ave. O, Long Term Recovery Committee spoke regarding the Clean, Green and Smart Galveston Initiative. She announced a meeting of the Initiative to held on July 30, 2009 at 8:00 a.m. at the Moody Mansion.

Sheryl Rozier, 1601 Winnie, Clean, Green and Smart Galveston Initiative.

Julie McKee, 54 Cedar Lawn Circle, spoke in support of a smoke-free Galveston.

Augustus Williams, 3523 Ave. M., stated the companies cutting down the damaged trees should be hiring local labor.

Marie Hyer, 815 21st St., stated she supported to the smoking ban.

Brandon Parker, 5606 Fraser, opposed to the smoking ban.

Christopher Aleman, 3527 9 Mile Road, opposed to the smoking ban.

Raymond Smith, 4302 Ave. S, opposed to the smoking ban.

CM Woods present: 4:45 p.m.

Leah Fanuil representing Dr. Barbara Thompson, 1013 Harborview, read a letter in support of the smoking ban.

Jack Haire, 2406 Postoffice, stated the timing for the smoking ban is not good.

Fred Schlemmer, in support of the smoking ban.

Lisa Velasuez, 1119 Ball, Cancer Relay for Life, in support of the smoking ban.

Chuck Wooldridge, 6000 Church, opposed to the smoking ban.

Teresa Everts, 4527 Ave. O ½, opposed to the smoking ban.

Steve Everts, 4527 Ave. O ½, opposed to the smoking ban.

Charles Brust, 600 19th St., #15, opposed to the smoking ban.

Pat Trevisani, 2205 Oaklawn, LaMarque, American Cancer Society, in support of the smoking ban.

Donna Leibbert, 1717 Ball, asked for permission to carve more trees and include some trees in the city right-of-way.

Alice Ann O'Donell, 13357 Settegast Rd., in support of the smoking ban.

David Miller, 3319 Ave. M, opposed to agenda item 11.B

James Payne, Jenkins Construction, 1505 29th St., spoke regarding construction sheetrock.

Edward Stanza, Club Groove, 2906 Ave. Q, opposed to the smoking ban.

Dr. Cassandra Arceneaux, on behalf of Dr. Guidry of the County Health Dept., spoke in support of Smoke Free Galveston.

Billy Sullivan, 7 Evia Main, spoke regarding RDA comments made at the last Council meeting.

Bob Mahan, Smoke Free Galveston, in support of the smoking ban.

Ruth Finkelstein, 215 Barracuda Ave., in support of the smoking ban.

Renee Adame, 3328 Ave. O, Chair of Smoke Free Galveston, in support of smoking ban.

Claudia Rodas, American Heart Assn., in favor of the smoking ban.

David Patterson, 4806 Ave. Q ½, opposed to the smoking ban.

Joel Romo, American Heart Assn., in support of the smoking ban.

Jackie Cole, 2308 Sydnor, stated the City should do an RFP for economic development, the Evia development was being build when the application for TIRZ 14 was made and spoke in support of the smoking ban.

Benny Davis, 56 LeBrun Court, spoke in support of the tree sculptures

Joe Jaworski, 1028 Winnie, spoke the Right of Entry Form required for tree removal on private property. He also spoke in support of the smoking ban.

Nick Viater, Crisis Program serving Galveston after Hurricane Ike.

Janet Hassinger, 3526 Ave. S ½, stated the need for a designated location for artists to get wood from the damaged trees.

Charles Smith, 3014 Kleinman, opposed to the smoking ban.

Casey Cutler, 1628 Market, spoke regarding living trees on the East End of the Island.

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" by repealing Chapter 11.5 " Clean Indoor Air" in its entirety to adopt a new Chapter 11.5, entitled "Clean Air: Smoking in Public Places" to further restrict smoking in public places and areas where the public is invited; prohibiting smoking in enclosed public places including restaurants, bars, and places of employment; prohibiting smoking within a reasonable distance outside an enclosed area where smoking is prohibited; providing definitions; providing general exceptions; providing for a penalty; providing for the posting of signs; providing for public education; providing for an effective date of October 1, 2009; making various findings and provisions related to the subject.
ORDINANCE NO. 09-044 was read by caption: AMENDING "THE CODE OF THE

CITY OF GALVESTON 1982, AS AMENDED" BY REPEALING CHAPTER 11.5 "CLEAN INDOOR AIR" IN ITS ENTIRETY TO ADOPT A NEW CHAPTER 11.5, ENTITLED "CLEAN AIR: SMOKING IN PUBLIC PLACES" TO FURTHER RESTRICT SMOKING IN PUBLIC PLACES AND AREAS WHERE THE PUBLIC IS INVITED; PROHIBITING SMOKING IN ENCLOSED PUBLIC PLACES INCLUDING RESTAURANTS, BARS, AND PLACES OF EMPLOYMENT; PROHIBITING SMOKING WITHIN A REASONABLE DISTANCE OUTSIDE AN ENCLOSED AREA WHERE SMOKING IS PROHIBITED; PROVIDING DEFINITIONS; PROVIDING GENERAL EXCEPTIONS; PROVIDING FOR A PENALTY; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING FOR PUBLIC EDUCATION; PROVIDING FOR AN EFFECTIVE DATE OF OCTOBER 1, 2009; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

CM Beeton moved approval of the ordinance with the elimination of the exemption of private clubs and outdoor seating and that we require a distance of 15 feet from an entrance to a restricted smoking facility and include hotels, motels and Bed and Breakfasts in Section P so that all common areas in those facilities are included and on retail tobacco stores, I would include in that definition of a retail tobacco store that they shall not sell alcohol or permit the consumption of alcohol on the premises. Second by CM Mahoney.

MPT Weber said he would not support the proposed ordinance. He will vote against the motion.
CM Fennewald said she would not vote for the proposed ordinance.
CM Woods said he was in favor of the smoking ordinance.
CM Mahoney said it was time to pass this ordinance.
Mayor Thomas said it is time to pass the proposed smoking ordinance. She asked CM Beeton to consider the stipulation that the ordinance will not go into effect until January 1, 2010. CM Beeton and CM Mahoney agreed to amend the motion to move to give people until January 1, 2010 to comply.

CM Beeton clarified her motion would not exempt private clubs or outdoor seating. That we would require people to smoke no closer than 15 feet to the entrance or windows of an establishment and that we would move hotels into this Section P on page 6 so that it wouldn't just be the lobbies for hotels. It would actually be any common area. And then for tobacco shops I did move that we allow tobacco shops to allow smoking provided that they do not sell alcohol or allow the consumption of alcohol on the premises.
CM Woods stated the ban needs to be across the board. He asked that CM Beeton amend her motion to not exempt tobacco stores.
City Manager LeBlanc stated he was concerned about enforcement. Make it easy to enforce.
CM Beeton amended her motion to eliminate the exception for retail tobacco stores. CM Mahoney agreed.

Eliminate the exemption for retail tobacco stores.

City Attorney Green clarified the motion:

This chapter does not apply to the home, private vehicles except when used in the course of employment

Hotels or motels will now be reduced to 20%. It is currently at 30%.

No. 4 would be struck through

No. 5 would remain - semi-private rooms would remain

No. 6 Private clubs would be struck through

No. 7 Outdoor seating or serving areas of restaurants or bars would be struck so it would read:

This chapter does not apply to residences, private vehicles, hotel/motel rooms 20%, and private or semi-private rooms in retirement homes. That would be the exceptions.

The next one 11.5-8 Outdoor Distance exceptions would be changed to fifteen feet.

The 11.5-5 reasonable distance will read: Smoking is prohibited within a reasonable distance of not less than 15 feet outside entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited.

The effective date would change to January 1, 2010

And in the laundry list which is not an exhaustive list, I would pull what is now No. N into Section P. I would move hotel/motel and bed and breakfast lobbies into Section P which is Lobbies, Hallways and Other Common Areas
Vote: In favor: CM Mahoney, CM Beeton, Mayor Thomas, CM Woods. Opposed: MPT Weber, CM Fennewald. Absent: CM Colbert. Motion passed.

Break: 7:15 p.m. - 7:40 p.m.

B. Consider for approval an Ordinance of the City of Galveston, Texas, amending "The Code of the City of Galveston 1982, as amended" to increase the minimum surety bond amounts for all types of registered contractors required to provide proof of bond found in City Code Sections 10-31(c)6(a) General Contractors; 12-101 Electrical Contractors, 12-186 Electric Sign Contractors and 30-10(h) Plumbing Contractors; providing for a penalty for violation.

ORDINANCE NO. 09-045 was read by caption: AMENDING "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" TO INCREASE THE MINIMUM SURETY BOND AMOUNTS FOR ALL TYPES OF REGISTERED CONTRACTORS REQUIRED TO PROVIDE PROOF OF BOND FOUND IN CITY CODE SECTIONS 10-31(c)6(a) GENERAL CONTRACTORS; 12-101 ELECTRICAL CONTRACTORS, 12-186 ELECTRIC SIGN CONTRACTORS AND 30-10(h) PLUMBING CONTRACTORS; PROVIDING FOR A PENALTY FOR VIOLATION; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT AND PROVIDING FOR AN EFFECTIVE DATE.

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

approved by those present.

C. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 2 "Administration" of the Code of the City of Galveston, 1982, as Amended, to create the Galveston Tree Committee: providing for the Board's terms, powers, qualifications, quorum, voting, meetings, and rules of procedure.

ORDINANCE NO. 09-046 was read by caption: AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED, TO CREATE THE GALVESTON TREE COMMITTEE: PROVIDING FOR THE BOARD'S TERMS, POWERS, QUALIFICATIONS, QUORUM, VOTING, MEETINGS, AND RULES OF PROCEDURE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Fennewald. Second by MPT Weber. Unanimously approved by those present. CM Woods out of the room. CM Colbert absent.

D. Consider for approval an Ordinance of the City of Galveston, Texas, amending the drainage utility fund budget for fiscal year ending September 30, 2009, by transferring $33,988 from various suspended drainage utility fund accounts, $43,250 from various suspended waterworks accounts and to adjust and properly record unforeseen expenses: making various findings and provisions related to the subject.

ORDINANCE NO. 09-000 was read by caption: AMENDING THE DRAINAGE UTILITY FUND BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2009, BY TRANSFERRING $33,988 FROM VARIOUS SUSPENDED DRAINAGE UTILITY FUND ACCOUNTS, $43,250 FROM VARIOUS SUSPENDED WATERWORKS ACCOUNTS AND TO ADJUST AND PROPERLY RECORD UNFORESEEN EXPENSES: MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Fennewald. Second by MPT Weber. Unanimously approved by those present. CM Woods out of the room. CM Colbert absent.

E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas ("The City"), approving an Interlocal Agreement with the Galveston College ("The College") providing for the improvement, usage, upkeep and expenses of Bernard Davis Pony/Colt Stadium; authorizing the City Manager to execute the Interlocal Agreement.

RESOLUTION NO. 09-038 was read by caption: APPROVING AN INTERLOCAL AGREEMENT WITH THE GALVESTON COLLEGE ("THE COLLEGE") PROVIDING FOR THE IMPROVEMENT, USAGE, UPKEEP AND EXPENSES OF BERNARD DAVIS PONY/COLT STADIUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

F. Consider for approval a Resolution of the City Council of the City of Galveston, Texas temporarily designating an area for overnight camping on the beach on the Galveston side of the San Luis Pass Bridge on the weekend of August 7-9, 2009.

RESOLUTION NO. 09-039 was read by caption: TEMPORARILY DESIGNATING AN AREA FOR OVERNIGHT CAMPING ON THE BEACH ON THE GALVESTON SIDE OF THE SAN LUIS PASS BRIDGE ON THE WEEKEND OF AUGUST 7-9, 2009; PROVIDING FOR FINDING OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

This item was taken out of order. The public was given an opportunity to speak before action was taken.

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

G. Consider for approval a Resolution of the City Council of the City of Galveston, Texas temporarily allowing riding horses on the beach in the area of San Luis Pass.

RESOLUTION NO. 09-040 was read by caption: TEMPORARILY ALLOWING RIDING HORSES ON THE BEACH IN THE AREA OF SAN LUIS PASS; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

This item was taken out of order. The public was given an opportunity to speak before action was taken.

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

H. Consider for approval a Resolution of the City Council of the City of Galveston, Texas approving and authorizing the City Manager to execute an Economic Development Contract with the Galveston Economic Development Partnership to provide economic development services to the City until September 30, 2011 subject to appropriation.

RESOLUTION NO. 09-041 was read by caption; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ECONOMIC DEVELOPMENT CONTRACT WITH THE GALVESTON ECONOMIC DEVELOPMENT PARTNERSHIP TO PROVIDE ECONOMIC DEVELOPMENT SERVICES TO THE CITY UNTIL SEPTEMBER 30, 2011; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

MPT Weber moved to approve a resolution authorizing the City Manager to execute an economic development contract with the GEDP to provide economic services to the City until September 30, 2011 subject to appropriation and subject to the policy to be established in the contract at next week's special meeting. Second by CM Woods.

CM Mahoney asked MPT Weber to amend his motion to ratify the contract for this year and then fine tune the one for the next year, 2009-2010. MPT Weber said he would let his motion stand as it is.

After discussion, **CM Fennewald moved to amend the motion to change the date from 2011 to 2010. Second by CM Mahoney.**

In favor: CM Mahoney, CM Beeton, CM Fennewald, CM Woods, Mayor Thomas. Opposed: MPT Weber. CM Colbert absent. Motion to amend carried.

City Attorney Green read the amended motion: **The motion is to approve the resolution approving and authorizing the City Manager to execute an economic development contract with the Galveston Economic Development Partnership to provide economic development services to the City until September 30, 2010 subject to appropriation. At the next regular meeting, there will be an addendum to the agreement to spell out the scope of services for**

the next fiscal year. In favor: CM Mahoney, MPT Weber, Mayor Thomas, CM Fennewald, CM Woods. Opposed: CM Beeton Absent: CM Colbert

I. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, authorizing the Mayor to apply for a Texas Department of Transportation (TxDOT), Aviation Division Grant for improvements to Scholes International Airport at Galveston for Fiscal Year 2009; appointing TxDOT as agent of the City for purposes of applying for, receiving, and disbursing all grant funds for airport improvements; directing the Mayor to execute all necessary documents relating to the grant.

RESOLUTION NO. 09-042 was read by caption: AUTHORIZING THE MAYOR TO APPLY FOR A TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT), AVIATION DIVISION GRANT FOR IMPROVEMENTS TO SCHOLES INTERNATIONAL AIRPORT AT GALVESTON FOR FISCAL YEAR 2009; APPOINTING TxDOT AS AGENT OF THE CITY FOR PURPOSES OF APPLYING FOR, RECEIVING, AND DISBURSING ALL GRANT FUNDS FOR AIRPORT IMPROVEMENTS; DIRECTING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS RELATING TO THE GRANT; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THE RESOLUTION TO THE TEXAS DEPARTMENT OF TRANSPORTATION; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Fennewald. Second by CM Mahoney. Unanimously approved by those present. CM Woods out of the room. CM Colbert 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 an Interlocal Mutual Aid Law Enforcement Agreement between the City of Galveston and the Village of Tiki Island and authorizing the City Manager to execute the Interlocal Agreement.

B. Consider for action approving the purchase of one service truck and two fifteen passenger support vans for Island Transit from Philpott Ford through HGAC for a total price of $63,266.10 and to reject bid #08-09-041. Funding source is TML insurance proceeds.

C. Consider for action approving awarding of emergency tire repair service contracts to Steve's Warehouse Tires, Big Brothers Tires and Southern Tire Mart. Funding source is Municipal Garage. This service will also be utilized after storm events with funding source being FEMA.

D. Consider for action approving Bid #08-09-034 for the annual street materials contracts from various vendors: Vulcan Construction Materials, Southern Crushed Concrete, Performance Grade Asphalt, Dorsett Brothers Concrete Supply, JDB Services and Cherry Crushed Concrete. Funding source is Street Division Operating Budget.

E. Consider for action approving accepting a grant from the Texas Historical Commission in the amount of $8,500.00 for GIS integration of the City's Historic Resource Surveys and authorizing the City Manager to execute the grant contract.

F. Consider for action approving accepting a grant from the Texas Historical Commission in the amount of $1,500.00 for training of the Galveston Landmark Commission and authorizing the City Manager to execute the grant contract.

G. Consider for action authorizing the City Manager to execute a first amendment of the lease between Jay Balentine and the City of Galveston, whose assignment of lease from Evergreen Helicopters, Inc. was approved on March 26, 2009, amending Article 2 - Lease Premises to 59,610 square feet of land adjacent to the apron and Article 3 - Rental to $993.50 per month, upon final approval of the City Attorney.

H. Consider for action approving a three-year contract to CSSUSA RFP 08-09-007B for the provision of post catastrophic event emergency public complex to include sheltering, food service, security and ancillary services as determined by the declared emergency event and authorizing the City Manager to execute the agreement.

I. Consider for action approving acceptance of proposal from Deep South Construction for Change Order #1 for the 12-inch Emergency Water Line Along Teichman Road Project in an amount not to exceed $41,584.50. This Change Order will bring the total price to $641,584.50. Funding source is Water Improvement Fund.

J. Discuss and consider for action requesting an attorney general's opinion on whether the city's share of convention center surplus funds are restricted as HOT taxes or unrestricted and to issue an RFQ or RFP for lawyers to prepare the request for the opinion for the city. (Beeton/Mahoney)

CM Beeton moved to authorize City Attorney Green to issue a request for proposals to law firms to prepare a legal argument to the Attorney General with the intention and with their effort to get an answer that the City can use the convention center surplus funds for general purposes and that the City would like for these law firms to preferably give the City some proposals to do it on a contingency basis. Second by CM Mahoney.

CM Fennewald left the meeting.

Motion was unanimously approved by those present. CM Woods, CM Fennewald and CM Colbert absent.

K. Discuss and take action on trees, including status of tree removal program, right of entry form required of property owners who want to have trees removed from private property, and support for state Forest Service application for stimulus funds. (Beeton/Mahoney) DISCUSSION ONLY. NO ACTION TAKEN.

MPT Weber moved to approve Action Agenda Items A, B, C, D, E, F, G, H and I. Second by CM Fennewald. Unanimously approved by those present. CM Woods out of the room. CM Colbert absent.

13. MAYOR AND COUNCIL APPOINTMENTS
    A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:

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 trees.

    B. City Council
        1. Receive update on recycling facility
        2. Receive and discuss Civilian Review Board Quarterly Report. (Woods/Colbert)
        3. Update on Falstaff Building.
        4. Discuss formation of Tree Committee.
        5. Discuss action necessary to improve cleanliness of city. (Beeton/Mahoney)

17. ADJOURNMENT
    CM Mahoney moved to adjourn. Second by MPT Weber. Unanimously approved by those present. CM Woods, CM Fennewald and CM Colbert absent.
    Meeting adjourned at 10:15 p.m.