THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD JULY 8, 2010 - 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 Jaworski, CM Puccetti, CM Gonzales, CM Beeton, MPT Colbert, CM Greenberg, CM Legg
   Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence

5. DECLARATIONS OF CONFLICT
   None

6. N/A

7. PRESENTATIONS
   A. GPD Citizens Police Academy graduation ceremony: Police Chief Wiley presented the members of the class with certificates.
   B. Certificate of Recognition
      City Manager LeBlanc read Certificate of Recognition in honor of Fire Chief Mike Varella for his 30 years and 9 months of outstanding service.
      City Manager LeBlanc read Certificate of Recognition in honor of Asst. City Manager Lloyd Rinderer in honor of his outstanding service
      Police Officer Christopher Michael Sanderson recognized for his actions in saving the life of a swimmer at San Luis Pass

8. COMMUNICATIONS AND PETITIONS
   A. Notices of Claim: 10050-Darren Miller; 08055-Dominique Bartholet; 10051-Elizabeth Jefferson; 10052-Roger Marroquin; 10053-Betty Irons
   B. Texas Gas Service: Purchased Gas Adjustment Clause for June 2010

Mayor Jaworski stated that MPT Colbert needed to leave the meeting early and, therefore, the appointments to the Wharves Board and the Park Board were being moved forward. He requested Public Comment on these appointments. There were no public comments on the appointments. The appointments were made at this time. See below.

4:45 p.m. MPT Colbert left the meeting.

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

A. Consider for action an Ordinance of the City of Galveston, Texas, abandoning an approximately 22,215 square foot portion of 1st Street right-of-way. Adjacent property is legally described as "Part of Lots 8-11 and adjacent North ½ of Avenue G and Adjacent West ½ of 1st Street, Block 361; and Block 301 and Part of Adjacent Streets, in the City and county of Galveston, Texas". This property is more commonly described as "A 40' x 573.77' portion of 1st Street right-of-way, adjacent to 201 Seawall Boulevard; retaining rights of owners of utility facilities easements; making various findings and provisions related to the subject (PLANNING CASE 10P-53).

ORDINANCE NO. 10-055 was read by caption: ABANDONING AN APPROXIMATELY 22, 215 SQUARE FOOT PORTION OF 1ST STREET RIGHT-OF-WAY. ADJACENT PROPERTY IS LEGALLY DESCRIBED AS “PART OF LOTS 8-11 AND ADJACENT NORTH ½ OF AVENUE G AND ADJACENT WEST ½ OF 1ST STREET, BLOCK 361; AND BLOCK 301 AND PART OF ADJACENT STREETS, IN THE CITY AND COUNTY OF GALVESTON, TEXAS”. THIS PROPERTY IS MORE COMMONLY DESCRIBED AS “A 40' X 573.77' PORTION OF 1ST STREET RIGHT-OF-WAY, ADJACENT TO 201 SEAWALL BOULEVARD; RETAINING RIGHTS OF OWNERS OF UTILITY FACILITIES EASEMENTS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT (PLANNING CASE 10P-53).

Director of Planning O’Donohoe summarized the ordinance.

Motion to approve by CM Puccetti. Second by CM Greenberg. Vote in favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, CM Greenberg. Abstained: CM Legg. CM Colbert absent. Motion carried.

10. PUBLIC COMMENT

The public shall be allowed to address one or more agenda or non-agenda items. Each person shall be limited to three (3) minutes, regardless of the number of items addressed.

Sheila Bell, 5326 Broadway, concerns pertaining to flooding on the island.

Mike Gaertner, in support of Items 11. A, b, c; in support of Item 12A, in support of Item 11F

Corey Minor, Galveston Development Corp, in support of Item 11F

Jim Schweitzer, urged Council to attend press conferences regarding the oil spill in the Gulf.

Kelley Ellison, 2111 31st St., complaint regarding trench dug in her front yard by the Public Works Department.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for action an Ordinance of the City of Galveston, Texas, amending Chapter 10, "Building Code," of the "Code of the City of Galveston, 1982; as amended", by adopting with amendments, the "2009 International Residential Code"; making various amendments to the "2009 International Residential Code"; establishing related permit fees and penalties; repealing all other ordinances or parts of ordinances in conflict herewith; making various findings and provisions related to the subject.

ORDINANCE NO. 10-056 was read by caption: AMENDING CHAPTER 10, "BUILDING CODE," OF "THE CODE OF THE CITY OF GALVESTON, 1982; AS AMENDED", BY ADOPTING WITH AMENDMENTS, THE "2009 INTERNATIONAL RESIDENTIAL CODE"; MAKING VARIOUS AMENDMENTS TO THE "2009 INTERNATIONAL RESIDENTIAL CODE"; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve with the effective date of August 1, 2010 by CM Puccetti. Second by CM Legg. Unanimously approved by those present. MPT Colbert absent.

B. Consider for action an Ordinance of the City of Galveston, Texas, amending Chapter 21, "Mechanical and Air Conditioning Code" of the "Code of the City of Galveston, 1982, as amended", by adopting, the "2009 International Mechanical Code"; making various amendments to the "2009 International Mechanical Code"; establishing related permit fees and penalties; repealing all other ordinances or parts of ordinances in conflict herewith; making various findings and provisions related to the subject.

ORDINANCE NO. 10-057 was read by caption: AMENDING CHAPTER 21, "MECHANICAL AND AIR CONDITIONING CODE" OF "THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED", BY ADOPTING, THE "2009 INTERNATIONAL MECHANICAL CODE'; MAKING VARIOUS AMENDMENTS TO THE "2009 INTERNATIONAL MECHANICAL CODE"; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Legg with the effective date of August 1, 2010. Second by CM Beeton. Unanimously approved by those present. MPT Colbert absent.

C. Consider for action an Ordinance of the City of Galveston, Texas, amending Chapter 10, "Building Code" of the "Code of the City of Galveston, 1982, as amended", by adopting the "2009 International Energy Conservation Code"; providing for local amendments to the "Climate Zone 2 Exterior Design Conditions", Table 402.1.1, Table 402.1.3; repealing all other ordinances or parts of ordinances in conflict herewith; making various findings and provisions related to the subject.

ORDINANCE NO. 10-058 was read by caption: AMENDING CHAPTER 10, "BUILDING CODE" OF "THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED", BY ADOPTING THE 2009 EDITION OF THE "INTERNATIONAL ENERGY CONSERVATION CODE"; PROVIDING FOR LOCAL AMENDMENTS TO "CLIMATE ZONE 2 EXTERIOR DESIGN CONDITIONS", TABLE 402.1.1, TABLE 402.1.2; REPEALING ALL OTHER ORDINANCES OR PARTS OF

ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Puccetti with the effective date of August 1, 2010. Second by CM Beeton. Vote in favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, Cm Legg. Opposed: CM Greenberg. Absent: CM Colbert. Motion carried.

D. Consider for action a Resolution of the City Council of the City of Galveston, Texas, Supporting President Obama's signature on Legislation Extending the National Flood Insurance Program until September 30, 2010, Directing the City Secretary to send a certified copy of this Resolution to President Obama, Governor Rick Perry, United States Senators Kay Bailey Hutchison and John Cornyn, United States Representatives Ron Paul, Sheila Jackson Lee and Al Green, State Senator Mike Jackson and State Representative Craig Eiland.

RESOLUTION NO. 10-032 was read by caption: SUPPORTING PRESIDENT OBAMA'S SIGNATURE ON LEGISLATION EXTENDING THE NATIONAL FLOOD INSURANCE PROGRAM UNTIL SEPTEMBER 30, 2010, DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO PRESIDENT OBAMA, GOVERNOR RICK PERRY, UNITED STATES SENATORS KAY BAILEY HUTCHISON AND JOHN CORNYN, UNITED STATES REPRESENTATIVES RON PAUL, SHEILA JACKSON LEE AND AL GREEN, STATE SENATOR JACKSON AND STATE REPRESENTATIVE EILAND; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve with the extension of the date to September 30, 2012 by CM Legg. Second by CM Gonzales. Unanimously approved by those present. CM Colbert absent.

E. Consider for action a Resolution of the City Council of the City of Galveston, Texas, affirming the membership of the City of Galveston in the Galveston County Transit District; appointing a member to the governing board of the District; declaring findings of fact and providing for an effective date.

RESOLUTION NO. 10-033 was read by caption: AFFIRMING THE MEMBERSHIP OF THE CITY OF GALVESTON IN THE GALVESTON COUNTY TRANSIT DISTRICT; APPOINTING A MEMBER TO THE GOVERNING BOARD OF THE DISTRICT; DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

CM Greenberg moved approval with the appointment of CM Dianna Puccetti. Second by CM Beeton. Unanimously approved by those present.

F. Consider for action a Resolution of the City Council of the City of Galveston, Texas, Urging the United States Department of Housing and Urban Development to consider development of property located in the VE flood zone that is in compliance with City regulations on a case by case basis.

RESOLUTION NO. 10-034 was read by caption: URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO

CONSIDER DEVELOPMENT OF PROPERTY LOCATED IN THE VE FLOOD ZONE THAT IS IN COMPLIANCE WITH CITY REGULATIONS ON A CASE BY CASE BASIS; DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve subject to review by Legal and Grants and Housing that it does not interfere with existing projects the City has with HUD currently. Vote in favor: CM Puccetti, CM Gonzales, Mayor Jaworski, CM Greenberg, CM Legg. Opposed: CM Beeton. Absent: CM Colbert. Motion carried.

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 authorizing the City Manager to release payment to Accela Inc. in the amount of $31,987.00 for the maintenance and support services of the permitting/compliance/storm assessment software. Funding source is Technology Services Maintenance Contracts Account.

B. Consider for action approving the acceptance of a donation of $25,000.00 from the Galveston Island Tree Conservancy to serve as matching funds for the development of the Broadway Boulevard Cultural Landscape and Maintenance Plan.

   An explanation of the donation was given by Cathy Conlon Townsend.
   Motion to approve by CM Gonzales. Second by CM Greenberg. Unanimously approved by those present. MPT Colbert absent.

C. Consider for action approving Bid #09-10-050 for annual street materials contracts from various vendors: Vulcan Construction Materials, Southern Crushed Concrete, Century Asphalt Materials, Performance Grade Asphalt, Kelso Concrete Co. and Cherry Crushed Concrete. Funding source is Street Division Operating Budget.

D. Consider for action authorizing the City Manager to make an expenditure of $934,820.00 being advanced from insurance proceeds, which is the City's share of TXDOT Project No. AP Galveston 15, TXDOT CSJ No. 09 TBGALVN, with TXDOT's share being approximately $600,000.00, with 90% of $621,730.36 to be reimbursed by FEM AP-128,for renovation of the Scholes International Airport Terminal Building.

E. Consider for action approving repair of #2 influent pump for Main Waste Water Treatment Plant by K2 Services, LLC for the Wastewater Treatment Division in the amount of $17,737.00. Funding source is Wastewater Treatment Plant Equipment Repairs Account.

F. Consider for action approving acceptance of a request by the City of Galveston to the Texas Department of Emergency Management for an alternate project relating to the damages of the construction trailer located at the Main Waste

Water Treatment Plant caused by Hurricane Ike. Staff is requesting the purchase of a portable light tower in the amount of $7,464.55. Funding source is FEMA $5,099.55 and Sewer collections Minor Tools $2,365.00.

G. Consider for action approving lowest most responsive bid from Excello Construction in the amount of $16,204.67 to provide housing rehabilitation services at 2623 Avenue O ½. Funding source is Lead Safe Environment Program.

H. Consider for action approving lowest most responsive bid submitted by Lanterra, LLC meeting specifications in the amount of $106,803.95 for rehabilitation services at 303 17th Street. Funding source is HOME Program Funds.

I. Consider for action amending Task 8 (B) with Amendment #2 Seawall Boulevard, of the City's existing agreement with The Goodman Corporation, originally dated February 14, 2002 and subsequently amended several times with current expiration of February 14, 2012 to continue performing detailed planning and engineering on the Seawall Beautification and Transit Access Plan, including an urban park at Ft. Crockett. Federal funding source will be derived from the FTA with local match from Island Transit Accounts.

J. Discuss and consider for action providing City Manager direction on FY 2010-2011 Budget.
CM Greenberg asked City Manager LeBlanc to check into going paperless.

K. Discuss and consider for action implementing litter patrol program.
N/A

CM Puccetti moved approval of Action Agenda Items A, C, D, E, F, G, H and I. Second by CM Beeton. Unanimously approved.

13. MAYOR AND COUNCIL APPOINTMENTS

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

Wharves Board of Trustees
Motion to reappoint Roland Bassett by CM Beeton. Second by CM Greenberg. Unanimously approved.
CM Legg moved to appoint Richard Devries. Second by CM Gonzales. Vote in favor: CM Gonzales, CM Greenberg, CM Legg Opposed: CM Puccetti, CM Beeton, Mayor Jaworski, MPT Colbert . Motion failed.
MPT Colbert moved to appoint Eddie Walsh. Second by CM Greenberg. Vote in favor: CM Puccetti, CM Beeton, Mayor Jaworski, MPT Colbert, CM Greenberg. Abstained: CM Gonzales, CM Legg. Motion approved.

Park Board of Trustees
CM Beeton moved to appoint Sheryl Rozier to complete the unexpired term ending July 30, 2011. Second by CM Puccetti. Unanimously approved.
MPT Colbert moved to appoint James "Beau" Yarbrough. Second by CM Legg. Unanimously approved.

CM Legg moved to appoint J.T. Edwards. Second by CM Gonzales. Vote in favor: CM Gonzales, Mayor Jaworski, CM Legg. Opposed: CM Puccetti, CM Beeton, CM Greenberg. Abstained: MPT Colbert. Motion failed.
CM Greenberg moved to appoint Miguel Aleman. Second by CM Puccetti. Unanimously approved.
CM Beeton moved to appoint Brax Easterwood. Motion failed for lack of a second. CM Legg moved to appoint Shane McDermott. Second by CM Puccetti. Vote in favor: CM Puccetti, CM Beeton, Mayor Jaworski, CM Greenberg, CM Legg. Abstained: CM Gonzales, MPT Colbert. Motion passed.

Council Ex-Officio appointments to the following:

Park Board of Trustees:	CM Greenberg moved to appoint CM Legg. Second by CM Beeton. Unanimously approved.
Airport Advisory Committee:	CM Greenberg moved to appoint CM Legg. Second by CM Beeton. Unanimously approved.
Galveston Housing Authority	Motion to appoint Mayor Jaworski by CM Greenberg. Second by CM Puccetti. Unanimously approved.
Intermodal Transportation Committee:	Motion to appoint CM Puccetti by CM Gonzales. Second by CM Greenberg. Unanimously approved.
Parks and Recreation Board:	Motion to appoint CM Gonzales by CM Greenberg. Second by CM Puccetti. Unanimously approved.
Zoning Board of Adjustments:	Motion to appoint CM Legg by CM Greenberg. Second by CM Beeton. Unanimously approved.

Council requested the Broadway Beautification Committee and the Tree Conservancy Committee be placed on the next agenda for ex-officio appointments.

14. N/A
15. N/A
16. N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 6:40 p.m.