THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD JUNE 25, 2009- **2:00 P.M.**

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.

2. MOMENT OF SILENCE: In memory of former Councilman Fletcher Harris.

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, Finance Director Miller, Asst. City Manager Rinderer

5. DECLARATIONS OF CONFLICT
   None

6. APPROVAL OF MINUTES
   The Minutes of the Regular Meeting of May 28, 2009 were deferred upon motion by CM Mahoney and second by CM Colbert.

2:00 P.M. Interview Planning Commission applicants
   Brenda Lee
   Bonnie White
   Lyssa Reynolds
   Martha Bilek
   Don Davidson
   Willy Gonzales
   Nathaniel Wilson
   Lorre Cusick
   Patricia Tolliver
   Carol Hollaway

7. PRESENTATIONS
   A. July 4th Committee
   B. Tree Recovery Committee

8. COMMUNICATIONS AND PETITIONS
   A. Galveston Central Appraisal District Proposed Operating Budget for the year 2010
   B. Texas Gas Service: Weather Normalization Clause for April, 2009
      Purchased Gas Adjustment Clause for June 2009

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

N/A

10. PUBLIC COMMENT

Alice Ann O'Donnel, Senegast Road, asked Council to support the Hazard Mitigation Grant that was submitted by Artists Boat.

Kristopher Benson, 4919 Austin, spoke in support of the Hazard Mitigation Grant for Artist Boat.

Karla Klay, 4919 Austin, Artists Boat, spoke in support of the Hazard Mitigation Grant for Artists Boat.

Nick Viator, Texas Pride Crisis Counseling Program, urged people to use the program.

Betty Massey, 1602 Ave. O, Executive Director of Mary Moody Northen Endowment, spoke in support of the Community Police Grant. As Chair of the Long Term Recovery Committee, Ms. Massey spoke in support of the Hazard Mitigation Grant. As Vice Chair of the Park Board of Trustees, Ms. Massey spoke in support of the use of Convention Center funds for use by the Park Board.

Jeri Kinnear, 4207 Rum Bay, stated Convention Center funds should be consider Hotel Tax and would like Council to have a workshop with the Park Board to discuss the issue.

Joe Jaworski, 1028 Winnie, spoke in support of a City wide smoking ordinance prohibiting smoking in public places.

Garvin O'Neil, General Manager of Moody Gardens Hotel, representing the Galveston Hotel and Lodging Assn., spoke in support of the Park Board receiving funding from the Convention Center.

Charles Smith,3014 Kleinman, spoke in honor of Fletcher Harris. Mr. Smith spoke on the following items 11.B - do not make proposed change permanent; 12.E - concerned about the effect of salt water on parking meters; 12.F - opposed to current system; 16.B.1 - opposed to smoking ban.

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

Pat Trevisani, 2205 Oaklawn, LaMarque, Smoke Free Galveston, spoke in support of smoking ordinance.

Bob Mahan, 16215 Diamond Rock, Cypress, spoke in support of smoke free ordinance.

Larry Landry,, 12828 John Reynolds Circle, Bermuda Beach, spoke regarding with road, water, sewer and trees since Hurricane Ike.

Tom Brown, 3906 Anascosa Key, 12.M - expand control of parking to all West End subdivisions.

Break: 5:55 p.m. - 6:20 p.m.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval a Resolution of the City Council of the City of Galveston, Texas suspending the June 30, 2009 effective date of Texas Gas Service Company's Statement of Intent to increase rates, impose a Hurricane Ike Surcharge, and revisions to its Cost of Gas Clause to permit the City time to study the requests and to establish reasonable rates; authorizing the City Manager to hire consulting services to evaluate the filings and negotiate with Texas Gas Service Company.

RESOLUTION NO. 09-029 was read by caption: SUSPENDING THE JUNE 30, 2009 EFFECTIVE DATE OF TEXAS GAS SERVICE COMPANY'S STATEMENT OF INTENT TO INCREASE RATES, IMPOSE A HURRICANE IKE SURCHARGE, AND REVISIONS TO ITS COST OF GAS CLAUSE TO PERMIT THE CITY TIME TO STUDY THE REQUESTS AND TO ESTABLISH REASONABLE RATES; AUTHORIZING THE CITY MANAGER TO HIRE CONSULTING SERVICES TO EVALUATE THE FILINGS AND NEGOTIATE WITH TEXAS GAS SERVICE COMPANY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

B. Consider for approval a Resolution of the City of Galveston, Texas making available from the City's San Luis Convention Center Surplus Hotel Occupancy Tax Funds in an amount not to exceed $300,000 for Mardi Gras 2010 expenditures that enhance and promote tourism and the convention and hotel industry.

RESOLUTION NO. 09-030 was read by caption: MAKING AVAILABLE FROM THE CITY'S SAN LUIS CONVENTION CENTER SURPLUS HOTEL OCCUPANCY TAX FUNDS IN AN AMOUNT NOT TO EXCEED $300,000 FOR MARDI GRAS 2010 EXPENDITURES THAT ENHANCE AND PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving an Interlocal Agreement with the city of Jamaica Beach permitting Jamaica Beach to utilize the City's debris contracts.

RESOLUTION NO. 09-031 was read by caption: APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF JAMAICA BEACH PERMITTING JAMAICA BEACH TO UTILIZE THE CITY'S DEBRIS CONTRACTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT WITH THE CITY OF JAMAICA BEACH; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving an Interlocal Agreement with the Park Board of Trustees permitting the Park Board to utilize the City's debris contracts.

RESOLUTION NO. 09-032 was read by caption: APPROVING AN INTERLOCAL AGREEMENT WITH THE PARK BOARD OF TRUSTEES PERMITTING THE PARK BOARD TO UTILIZE THE CITY'S DEBRIS CONTRACTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT WITH THE PARK BOARD OF TRUSTEES; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN

EFFECTIVE DATE.

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

Mayor Thomas out of the room. Meeting chaired by MPT Weber.

E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving an Interlocal Agreement with the Gulf Coast Center providing two Center-owned handicap accessible vehicles and drivers for the use of the City in the event of a formal mandatory evacuation.

RESOLUTION NO. 09-033 was read by caption: APPROVING AN INTERLOCAL AGREEMENT WITH THE GULF COAST CENTER ("THE CENTER") PROVIDING TWO CENTER-OWNED HANDICAP ACCESSIBLE VEHICLES AND DRIVERS FOR THE USE OF THE CITY IN THE EVENT OF A FORMAL MANDATORY EVACUATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Beeton. Second by CM Colbert. Unanimously approved by those present. Mayor Thomas out of the room.

F. Consider for approval a Resolution of the City Council of the city of Galveston, Texas, authorizing the city to accept a $30,000.00 grant from Mary Moody Northern Endowment for the City of Galveston Police Department to implement community policing CAMStat training in the fiscal year 2009.

RESOLUTION NO. 09-034 was read by caption: AUTHORIZING THE CITY TO ACCEPT A $30,000.00 GRANT FROM MARY MOODY NORTHERN ENDOWMENT FOR THE CITY OF GALVESTON POLICE DEPARTMENT TO IMPLEMENT COMMUNITY POLICING CAMSTAT TRAINING IN THE FISCAL YEAR 2009; DIRECTING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATING TO THE GRANT.

Motion to approve by CM Beeton. Second by CM Mahoney.
Police Chief Wiley spoke in favor of Council approving the proposed Resolution.
Unanimously approved by those present. Mayor Thomas out of the room.

G. Consider for approval a Resolution of the City Council of the city of Galveston, Texas, authorizing the City to accept a $392,000.00 grant from the Criminal Justice Division of the Governor's Office for the purchase of a police department CAMStat mobile command vehicle and two code enforcement vehicles in the fiscal year 2009.

RESOLUTION NO. 09-035 was read by caption: AUTHORIZING THE CITY TO ACCEPT A $392,000.00 GRANT FROM THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE FOR THE PURCHASE OF A POLICE DEPARTMENT CAMSTAT MOBILE COMMAND VEHICLE AND TWO CODE ENFORCEMENT VEHICLES IN THE FISCAL YEAR 2009; DIRECTING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATING TO THE GRANT.

Motion to approve by MPT Weber. Second by CM Colbert. 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 repairs to the main engine on the Fire Department's ladder truck 1813, which was damaged during Hurricane Ike, for an estimated cost of $22,422.60 by Stewart & Stevenson. Funding source is Garage Outside Vehicle Repairs Account and FEMA. (PW130)

B. Consider for action approving the purchase of one new 23' Boom Slope Mower for the Street Division, to be purchased from John Deere Company and Tiger Mower Company through TASB/Buy Board, delivering vendor will be Brookside Equipment, for a total price of $85,110.84. Funding source is Texas Municipal League Insurance Settlements. Local vendors were considered and consulted.

C. Consider for action approving and authorizing the City Manager to engage Null-Lairson for audit of the City's Fiscal Year 2009 year-end financial statements of governmental activities, business type activities, aggregate discretely presented component units, each major fund and remaining aggregate fund information for a cost not to exceed $158,000.00.

D. Consider for action approving flood insurance property insurance to Galveston Insurance Associates (GIA) third year of three year proposal RFP #06-07-008 for the premium of approximately $117,036.00 for the period of July 27,2009 - July 27, 2010.

E. 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 PA Guide Pages 79, 110-111.

Motion to defer for two weeks by CM Colbert. Second by CM Fennewald. Unanimously approved.

F. Consider for action authorizing the City Manager to engage AMPCO System Parking to 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 defer to July 9, 2009 CM Fennewald. Second by CM Colbert. Unanimously approved.

G. Consider for action approving and authorizing the City Manager to execute a Sixth Amendment to the Memorandum of Understanding Regarding Temporary Provision of Fire Protection Services on Bolivar Peninsula with the County of Galveston.

H. Consider for action approving the sole source purchase from Badger Meter of 150 5/8" x ¾" bronze recordall M25 7 ½" lay strength RTR Orion pit data transmitter, cubic feet wireless pit intergral and 150 5/8" RTR and Orion pit data profile transmitters used for new service installations in the amount of $36,969.00. Funding source is Municipal Utilities Distribution and collection Minor Equipment Account.

I. Consider for action approving a three year contract to the sole bid (Bid #08-09-038) from Allied Waste/BFI in the amount of $143,000.00 for wastewater treatment plant sludge disposal for the Public Works Department, Waste Water Treatment Division. Funding source is Sludge Removal Account.

J. Consider for action approving sole bid (Bid #08-09-036) from DXI Industries for a three year contract for sulfur dioxide. Estimated cost to be $75,000.00 over the three year contract period. Funding source is Public Works Department, Wastewater Treatment Division Chemical Account.

K. Consider for action approving awarding a contract to Beck Disaster Recovery, Inc. for emergency management debris removal monitoring services using the HGAC Contract EN 11-04 as extended through December 31, 2009 and authorizing the City Manager to execute the service agreement.

L. Consider for action renewing lease agreement with Satori Elementary School for rental of office space for the City Grants and Housing Department in the amount of $1,900.00 per month for twelve month term and renewable annually for no more than three years. total.

M. Discuss and consider for action providing the City Manager direction to control parking at Pirates Beach, Bermuda Beach and Spanish Grant due to public access and safety concerns. (Mahoney/Thomas)

DISCUSSION ONLY. NO ACTION TAKEN.

MPT Weber moved approval of Action Agenda Items A, B, C, D, G, H, I, J, K and L. Second by CM Colbert. Unanimously approved.

13. MAYOR AND COUNCIL APPOINTMENTS

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

Planning Commission	MPT Weber moved to reappoint Willie Gonzales and to appoint Nathaniel Wilson. Second by CM Colbert. In favor: MPT Weber, Mayor Thomas, CM Colbert, CM Woods. Opposed: CM Mahoney, CM Beeton, CM Fennewald. Motion carried.
Port Facilities Committee	CM Beeton moved to appoint Craig Marsten. Second by MPT Weber. In favor: CM Mahoney, CM Beeton, MPT Weber, CM Colbert, CM Fennewald, CM Woods. Abstaining: Mayor Thomas. Motion carried.

Zoning Board of Adjustments Deferred

14. N/A

15. EXECUTIVE SESSION (Closed Session)

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 plans and process for trees damaged by Hurricane Ike
        3. Discuss date for Council Budget Retreat
        4. Discuss Convention Center surplus funds, including the Park Boards proposed use of these funds

    B. City Council
        1. Discuss City wide No Smoking ordinance. (Mayor)
        2. Discuss contractor bonds (Woods/Colbert)

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 10:05 p.m.