

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD THURSDAY- JUNE 11, 2009- 2:00 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 Colbert, CM Fennewald, CM Woods
Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence, Director of Grants and Housing Patrick, Asst. City Manager Rinderer, Asst. City Manager Wade
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
The Minutes of the Regular Meeting of May 14, 1009 were approved upon motion by MPT Weber and second by CM Colbert.
The Minutes of the Special Meeting of May 21, 2009 were approved upon motion by CM Fennewald and second by MPT Weber. CM Mahoney was not present for part of the May 21, 2009 meeting and abstained.

2:00 P.M. Interview applicants for Park Board of Trustees
LauraLeigh Gorley-Vogel
Ernest Connor
Sheryl Rozier
Wayne Lynch
Craig Brown
Melvin Williams
Leon Phillips
Nathan Kennie, Jr.
Raymond Reesby
Interview applicants for Wharves Board of Trustees
Craig Marston
Robert Lynch
Bill McMullen
William Taylor, III
John Tindel
Doug Godinich
Robert Hoskins

Break: 4:15 p.m. - 4:35 p.m.

7. PRESENTATIONS

- A. Texas City Management Association Administrator of the Year Award to Galveston City Manager Steve LeBlanc.
- B. 2009 Landmark Commission Awards: Residential Award - 1426 Sealy/Charles and Deborah Morris; 1605 Ave. K - Jeffrey Kahler/Galveston Historical Foundation; 1724 Ball - Arch and Susan Divilla. Commercial Rehabilitation: 112 Tremont/Strand Development Corporation. Galveston Historical Foundation for work done after Hurricane Ike.
- C. Certificates of Appreciation for generosity and contributions toward the restoration of Galveston City Parks after Hurricane Ike: Timberland Pro; Academy Sports and Outdoors; Fibertech; Timberwolf; Epicenter; Oleander Society

8. Public hearing on proposed non-housing disaster recovery program - 3:00 P.M.

Betty Massey, 1602 Avenue O, Chair of the Long Term Recovery Committee spoke in support of the program.

Greg Roof, Galveston Community College District Board of Regents spoke in support of vocational funding.

Marie Garrett, 13206 Bermuda Beach Dr., member of the Infrastructure Committee, requested the sewer system be extended to the West End in Phase I instead of Phase II.

Alice Ann O'Donnell, spoke in support of the feasibility study for the "Ike Dike."

Bill Broussard, spoke in support of water/sewer and vocational training.

Dr. Miles Shelton, President, Galveston College, spoke in support the vocational technical center at Galveston College.

Tino Gonzales, Chair of the Board of Regents of Galveston College, spoke in support of the vocational technical center.

Dr. Jackie Cole, 2308 Sydnor, stated money for the replacement of trees should be included in Phase I.

David Miller, said money should be used to leverage projects.

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

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

N/A

10. PUBLIC COMMENT

Donna Leibbert, 1717 Ball, suggested some of the trees that must be cut down could be made into public sculptures.

Ronnie Kraft, Realtor, 2526 46th St., spoke regarding problems with the grinder system in Bermuda Beach.

Jackie Cole, encouraged Council to develop a plan for debris removal on private property. She also stated she strongly supports the money set aside for revising the city codes.

Betty Massey, Vice Chair Park Board, spoke regarding the creation of an independence fund for Mardi Gras.

Jeri Kinnear, Chair Park Board; asked Council to reappoint three members to the board. She also spoke in support of the establishment of an independence fund for Mardi Gras.

Marie Garrett, 13206 Bermuda Beach Dr., asked for a study as to how to protect the West

End Beaches and the Bay side. She also spoke in support of money for business loans.
Bill Broussard, 3310 Eckert Dr., spoke regarding ULI Plan and GRC Plan.
Julie Hatcher, spoke regarding fee waivers for elevation permits.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas, amending a mandatory curfew imposed after Hurricane Ike.

ORDINANCE NO. 09-038 was read by caption: AMENDING A MANDATORY CURFEW IMPOSED AFTER HURRICANE IKE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- B. Consider for approval an Ordinance of the City of Galveston, Texas adopting the homestead, elderly, and disabled ad valorem tax exemptions for tax year 2009 pursuant to chapter 33, section 33-24 of the Code of the City of Galveston 1982, as amended.

ORDINANCE NO. 09-039 was read by caption: ADOPTING THE HOMESTEAD, ELDERLY, AND DISABLED AD VALOREM TAX EXEMPTIONS FOR TAX YEAR 2009 PURSUANT TO CHAPTER 33, SECTION 33-24 OF THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

- C. Consider for approval a resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at Avenue R and 73rd Street and referred to as property item #541 on the Tax Foreclosed Property List, to Scanlon 1998 Family Trust; the property is legally described as "Lots 9 and 10, in Block 3, Magnolia Park Addition, and ½ of the alley adjoining on the north of said lots in the City and County of Galveston, Texas together with any improvement thereon," described more particularly in the instrument recorded 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. 09-022 was read by caption: APPROVING THE SALE OF CERTAIN TAX FORECLOSED PROPERTY LOCATED AT AVE. R & 73RD STREET AND REFERRED TO AS PROPERTY ITEM #541 ON THE TAX FORECLOSED PROPERTY LIST TO SCANLON 1998 FAMILY TRUST. THE PROPERTY IS LEGALLY DESCRIBED AS PART OF LOTS NINE (9) AND TEN (10), BLOCK THREE (3), MAGNOLIA PARK ADDITION AND ½ OF THE ALLEY ADJOINING ON THE NORTH OF SAID LOTS, IN THE CITY OF GALVESTON, AND MORE PARTICULARLY IN THE INSTRUMENT RECORDED IN THE OFFICIAL DEED RECORDS OF GALVESTON COUNTY, TEXAS; AUTHORIZING MAYOR LYDA ANN THOMAS TO EXECUTE A DEED TO PURCHASERS; DECLARING FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

See Below

- D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at 2203 71st Street and referred to as property item #540 on the Tax Foreclosed Property List, to Marco Antonio Rios; the property is legally described as “Part of Lot 8, in Jones Garden Homes Subdivision, in the City and County of Galveston, Texas” described more particularly in the instrument recorded at Book 1487, Page 197 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. 09-023 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 2203 71ST STREET AND REFERRED TO AS PROPERTY ITEM #540 ON THE TAX FORECLOSED PROPERTY LIST, TO MARCO ANTONIO RIOS; THE PROPERTY IS LEGALLY DESCRIBED AS “PART OF LOT 8, IN JONES GARDEN HOMES SUBDIVISION, IN THE CITY AND COUNTY OF GALVESTON, TEXAS” DESCRIBED MORE PARTICULARLY IN THE INSTRUMENT RECORDED AT BOOK 1487, PAGE 197 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.

See Below

- E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at 1411 20th Street, and referred to as property item #536 on the Tax Foreclosed Property List, to Evelyn Johnson and Joe Johnson; the property is legally described as “Party of Lot 7 (2007-3), Southwest Block 19, in the City and County of Galveston, Texas” as more fully described by metes and bounds in the instrument filed at Clerk’s file number 9627780 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. 09-024 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 1411-20TH STREET AND REFERRED TO AS PROPERTY ITEM #536 ON THE TAX FORECLOSED PROPERTY LIST TO EVELYN JOHNSON AND JOE JOHNSON; THE PROPERTY IS LEGALLY DESCRIBED AS PART OF LOT SEVEN (2007-3), SOUTHWEST BLOCK NINETEEN (19), IN THE CITY AND COUNTY OF GALVESTON, TEXAS, MORE FULLY DESCRIBED BY METES AND BOUNDS IN THE INSTRUMENT FILED AT CLERK’S FILE NUMBER 9627780 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.

See Below

- F. Consider for approval a Resolution of the City Council of the City of Galveston, Texas,

approving the sale of a certain tax foreclosed property located at 1121 Martin Luther King Boulevard and referred to as property item #531 on the Tax Foreclosed Property List, to Harold Bennett; the property is legally described as "Part of Lots 9 and 10, in Block 89, in the City and County of Galveston, Texas, described more particularly in the deed recorded in Volume 3087, 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. 09-025 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 1121 MARTIN LUTHER KING BOULEVARD AND REFERRED TO AS PROPERTY ITEM #531 ON THE TAX FORECLOSED PROPERTY LIST, TO HAROLD BENNETT; THE PROPERTY IS LEGALLY DESCRIBED AS "PART OF LOTS 9 AND 10, IN BLOCK 89, IN THE CITY AND COUNTY OF GALVESTON, TEXAS, DESCRIBED MORE PARTICULARLY IN THE DEED RECORDED IN VOLUME 3087, 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.

See Below

- G. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at 5015 Avenue R ½ and referred to as property item #523 on the Tax Foreclosed Property List, to Michael Beland; the property is legally described as "lot 6, Block 167, Denver Resurvey, Galveston County, Texas," described more particularly in the deed/instrument recorded at Book 379, Page 34, 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. 09-026 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 5015 AVENUE R ½ AND REFERRED TO AS PROPERTY ITEM #523 ON THE TAX FORECLOSED PROPERTY LIST, TO MICHAEL BELAND; THE PROPERTY IS LEGALLY DESCRIBED AS "LOT 6, BLOCK 167, DENVER RESURVEY, GALVESTON COUNTY, TEXAS," DESCRIBED MORE PARTICULARLY IN THE DEED/INSTRUMENT RECORDED AT BOOK 379, PAGE 34, 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.

See Below

- H. Consider for approval a resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at 2718 Avenue L and referred to as property item #521 on the Tax Foreclosed Property List, to Guy Investments, LLC; the property is legally described as "the North 60 feet of Lot 12, in Block 87, in the City and County of Galveston, Texas," also described in the deed recorded at Film Code 013-90-0871 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. 09-027 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 2718 AVENUE L AND REFERRED TO AS PROPERTY ITEM #521 ON THE TAX FORECLOSED PROPERTY LIST, TO GUY INVESTMENTS, L.L.C.; THE PROPERTY IS LEGALLY DESCRIBED AS "THE NORTH 60 FEET OF LOT 12, IN BLOCK 87, IN THE CITY AND COUNTY OF GALVESTON, TEXAS," ALSO DESCRIBED IN THE DEED RECORDED AT FILM CODE 013-90-0871 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.

See Below

- I. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the sale of a certain tax foreclosed property located at 611 31st Street (rear) and referred to as property item #543 on the Tax Foreclosed Property List, to Harold Bennett; the property is legally described as "the West ½ (W ½) of Lot 9, in Block 391, in the City and County of Galveston, Texas," authorizing Mayor Lyda Ann Thomas to execute a deed to the purchaser; declaring finding of fact and providing for an effective date.

RESOLUTION NO. 09-028 was read by caption: APPROVING THE SALE OF A CERTAIN TAX FORECLOSED PROPERTY LOCATED AT 611 31ST STREET (REAR) AND REFERRED TO AS PROPERTY ITEM #543 ON THE TAX FORECLOSED PROPERTY LIST, TO HAROLD BENNETT; THE PROPERTY IS LEGALLY DESCRIBED AS "THE WEST ONE HALF (W ½) OF LOT 9, IN BLOCK 391, IN THE CITY AND COUNTY OF GALVESTON, 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 Items C, D, E, F, G, H, I 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 the purchase of a 32 foot trailer from low bidder, Mize RV and Trailer, in the amount of \$20,858.77. Funding source is a State Homeland Security Grant and Texas Municipal Insurance Ike Settlement.
- B. Consider for action accepting proposal from Vehiclepath for the annual maintenance plan for 84 GPS units in the amount of \$24,151.68. Funding source is various Public Works Maintenance Accounts.
- C. Consider for action approving renewal of Banner software maintenance contract for

\$62,691.09 for 2009 and an additional two-year contract for maintenance. Funding source is Technology Services Maintenance Contracts Account.

- D. Consider for action approving accepting, as a secondary recipient, the Department of Commerce's Economic Development Administration (EDA) Financial Assistance Award in the amount of \$10,000,000.00 to the Board of Trustees of the Galveston Wharves for Port of Galveston harbor development and authorizing the City Manager to execute all award documents.

Port Director Steve Cernak and GEDP Director Jeff Sjostrum explained the grant.

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

- E. Consider for action approving staff's recommendation for CDBG Disaster Recovery Non-Housing Program in the amount of \$106,954,823.00.

CM Mahoney moved to discuss this issue in a special workshop. Second by CM Woods. In favor: CM Mahoney Opposed: CM Beeton, MPT Weber, Mayor Thomas, CM Colbert, CM Fennewald CM Woods. Motion failed.

CM Colbert moved to accept staff recommended programs for CDBG Disaster Recovery for Non-Housing Programs to include the revision of \$300,000 for the trees and \$9.7m for the 30th Street Pump Station Water Storage including development ordinance would be \$1.75m with separate engineering specifications at \$250,000 as recommended by Mr. Wade. Second by CM Fennewald. Unanimously approved.

- F. Consider for action approving confirmation of Dan Buckley as a Civil Service Commissioner for a term of three-years beginning June 2009.

- G. Consider for action approving an interlocal agreement between the City of Galveston and the Gulf Coast Center (Center) for the provision of City Island Transit equipment (\$60.00) per hour and driver (\$20.00 per hour) to be furnished to assist the Center's delivery of morning transportation services from Mall of the Mainland to various employer points of disembarkation within the City of Galveston with afternoon return. The term of the agreement shall be thirty-six months and authorizing the City Manager to execute the interlocal agreement.

- H. Discuss and consider for action funding an event plan for Mardi Gras 2010.

MPT Weber, Council Park Board representatives, explained the proposed plan. After discussion, CM Fennewald moved to ask that City Manager LeBlanc bring back to Council an interlocal agreement to address the issue. Second by CM Woods. After discussion, the motion was withdrawn.

MPT Weber moved to give the City Manager direction to fund Mardi Gras 2010 out of the excess from the Convention Center revenues in an amount not to exceed \$300,000 and that the event plan for Mardi Gras 2010 duplicate that of 2009. Second by CM Woods. Unanimously approved.

- I. Discuss and consider for action providing the City Manager direction regarding the

Texas Gas Service 2009 Cost of Service Adjustment, Statement of Intent to Increase Rates by implementation of a Hurricane Ike Surcharge, and revisions to the Cost of Gas clause.

Bobby Enriquez, Texas Gas Service, stated the cost of service adjustment is \$.26 per month and has nothing to do with Hurricane Ike recovery.

After discussion, **CM Beeton moved to suspend the Statement of Intent to Increase Rates by implementation of a Hurricane Ike Surcharge and revisions to the Cost of Gas clause so that the expert firm that has been retained by the City to investigate matters such as this can do so and advise Council as to whether the City can get the surcharge reduced for the City's customers. She is not addressing the Cost of Service adjustment because she has no objection to that taking effect by operation of law at the end of this month. Second by CM Woods. Unanimously approved by those present. CM Fennewald was out of the room and did not vote.**

J. Discuss and consider for action providing the City Manager direction regarding debris clean-up including but not limited tree debris and yard waste. (Mahoney/Beeton)

Peter Smith, Texas Forest Service Coordinator, answered questions.

CM Beeton moved to authorize City Manager to remove the trees that have been identified by Mr. Smith of the Texas Forest Service from the City Parks and public rights of way and use best efforts to identify uses that would maximize the beneficial use of the trees. Second by CM Woods. Unanimously approved.

CM Beeton moved to defer the discussion regarding removal of trees from private property for two weeks so that the City Manager can consult with his staff and other experts and come back with a recommendation. Second by CM Woods. Unanimously approved by those present. CM Fennewald was out of the room and did not vote.

CM Colbert moved approval of Action Agenda Items A, B, C, F, G. Second by CM Woods. 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

CM Fennewald moved to reappoint John Tindel. Second by MPT Weber. Unanimously approved. CM Woods moved to appoint Robert Hoskins Second by CM Colbert. In favor: MPT Weber, Mayor Thomas, CM Colbert, CM Woods. Opposed: CM Mahoney, CM Fennewald. Abstaining: CM Beeton. Motion carried.

Park Board of Trustees

CM Beeton moved to reappoint Laura Leigh-Gorley Vogel, Ernest Connor, Sheryl Rozier and appoint Craig Brown and Melvin Williams. Second by MPT

Weber. Unanimously approved.

14. N/A
15. EXECUTIVE 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
 - B. Finance Director
N/A
 - C. City Attorney
N/A
 - D. City Council
 1. Discuss interviewing applicants for Planning Commission. (Mayor)
 2. Discuss City-wide No Smoking Ordinance. (Mayor)
17. ADJOURNMENT
There being no further business to come before the assembly, the meeting was adjourned at 10:15 p.m.