

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE
OF THE CITY OF GALVESTON HELD JUNE 10, 2010- 4:00 PM

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, MPT Colbert, CM Greenberg, CM Woods
Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
Regular Minutes May 27, 2010: Motion to approve with correction of spelling of name of Legg by Mayor Jaworski. Second by CM Puccetti. Unanimously approved.
7. PRESENTATIONS
A. Proclamations
B. Landmark Commission report: Joe Rozier, Chair
8. COMMUNICATIONS AND PETITIONS
A. Notices of Claim: 10030-Delois Fuller; 10031-Symanthia Brown; 10032-Charles H. Crum, Jr.; 09001-Andrew Bernard Hunter; 10033-Seth Jones; 10034-Enrique Nava; 10035-Allen Martin; 10036-Holley Coon; 10037-Kelly Morrison
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
N/A
10. PUBLIC COMMENT
Kelly Sullivan, 4 Evia Main, spoke in support of sidewalks and bike trails for the Stewart Road Expansion and Improvement Project.
Raymond Reesby, 3203 Dominique, spoke regarding windstorm insurance.
Jackie Cole, 3208 Sydnor, stated sidewalks and bike paths are needed on Stewart Road. She requested Council to asked the City Manager to bring back a plan that provides for safe travel in her neighborhood.
Bob Young, 1202 Ostermayer Road, President of Galveston County Golf Assn., spoke in opposition to Item 12K.
Sheila Bell, P.O. Box 1001, suggested Galveston have a live news program and a flood warning system.
Cindy Roberts-Gray, 3002 Ave. O ½, said she will not participate in the neighborhood master plan because she has problems with the plan.

Judge Jim Schweitzer, 1922 Sealy, Justice of the Peace, stated his concerns about the Coast Guard Plans for the current oil spill in the Gulf of Mexico.

Dr. Larry Stanley, 1517 Postoffice, spoke regarding problems with his business repairing and selling golf carts.

Steve Everts, 4527 Ave. O ½, Galveston Bar and Tavern Assn, asked for workshop including anyone that could be affected by the noise ordinance.

Karen Mahoney, 4010 Kiva, spoke in support of sidewalks and bike trails on Stewart Road.

Al Fichera, Fichera Builders, 12 Campeche Estate,

Willie Payne, 42 Quintana, spoke in support of sidewalks and bike trails on Stewart Road. He also stated taxes are too high.

Chuck Falkenhagen, 1228 103rd St., spoke in support of sidewalks and bike trails on Stewart Road.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas adopting the homestead, elderly, and disabled ad valorem tax exemptions for tax year 2010 pursuant to Chapter 33, Section 33-24 of The Code of the City of Galveston 1982, as amended.

ORDINANCE NO. 10-046 was read by caption: ADOPTING THE HOMESTEAD, ELDERLY, AND DISABLED AD VALOREM TAX EXEMPTIONS FOR TAX YEAR 2010 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 CM Puccetti. Second by MPT Colbert. Unanimously approved.

- B. Consider for approval an Ordinance of the City of Galveston, Texas, extending the July 9, 2010 deadline authorizing the conditional placement of trailers and recreational vehicles located on trailer parks temporarily created for volunteer agency sites in response to widespread damage caused by Hurricane Ike subject to temporary rules and regulations.

ORDINANCE NO. 10-047 was read by caption: EXTENDING THE JULY 9, 2010 DEADLINE TO JANUARY 7, 2011, AUTHORIZING THE CONDITIONAL PLACEMENT OF TRAILERS AND RECREATIONAL VEHICLES LOCATED ON TRAILER PARKS TEMPORARILY CREATED FOR VOLUNTEER AGENCY SITES IN RESPONSE TO WIDESPREAD DAMAGE CAUSED BY HURRICANE IKE SUBJECT TO TEMPORARY RULES AND REGULATIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

City Attorney Green stated she needed to make a change in the recitals on Items 11.B; 11.C; 11.D; 11.E: Change "the State's request for a six month extension of the temporary housing unit program has been granted and extended to January 7, 2011" to "the State has requested a six month extension" "has been granted" "will be struck."

Motion to approve 11B with change as stated by the City Attorney by MPT Colbert. Second by CM Woods.

- C. Consider for approval an Ordinance of the City of Galveston, Texas, extending the July 9, 2010 deadline variance from flood elevation requirements for manufactured homes in floodplains for the limited purpose to allow the federal emergency management agency to provide temporary direct housing assistance in the form of manufactured homes and readily fabricated dwellings, primarily mobile homes and park model mobile homes, in response to widespread damage caused by Hurricane Ike; making various findings and provisions related to the subject.

ORDINANCE NO. 10-048 was read by caption: EXTENDING THE JULY 9, 2010 DEADLINE VARIANCE FROM FLOOD ELEVATION REQUIREMENTS TO JANUARY 7, 2011, FOR MANUFACTURED HOMES IN FLOODPLAINS FOR THE LIMITED PURPOSE TO ALLOW THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO PROVIDE TEMPORARY DIRECT HOUSING ASSISTANCE IN THE FORM OF MANUFACTURED HOMES AND READILY FABRICATED DWELLINGS, PRIMARILY MOBILE HOMES AND PARK MODEL MOBILE HOMES, IN RESPONSE TO WIDESPREAD DAMAGE CAUSED BY HURRICANE IKE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

**Motion to approve with change as stated by the City Attorney by MPT Colbert.
Second by CM Woods. Unanimously approved.**

- D. Consider for approval an Ordinance of the City of Galveston, Texas, to extend the July 9, 2010 deadline authorizing the conditional placement and use of privately owned trailers and recreational vehicles at damaged residential or commercial locations during construction, subject to temporary rules and regulations.

ORDINANCE NO. 10-049 was read by caption: TO EXTEND THE JULY 9, 2010 DEADLINE TO JANUARY 7, 2011, AUTHORIZING THE CONDITIONAL PLACEMENT AND USE OF PRIVATELY OWNED TRAILERS AND RECREATIONAL VEHICLES AT DAMAGED RESIDENTIAL OR COMMERCIAL LOCATIONS DURING CONSTRUCTION, SUBJECT TO TEMPORARY RULES AND REGULATIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

**Motion to approve with change as stated by the City Attorney by MPT Colbert.
Second by CM Woods. Unanimously approved.**

- E. Consider for approval an Ordinance of the City of Galveston, Texas, to extend the July 9, 2010 deadline authorizing the conditional placement of temporary storage units located at damaged residential and commercial properties, during construction, subject to temporary rules and regulations.

ORDINANCE NO. 10-050 was read by caption: TO EXTEND THE JULY 9, 2010 DEADLINE, TO JANUARY 7, 2011, AUTHORIZING THE CONDITIONAL PLACEMENT OF TEMPORARY STORAGE UNITS LOCATED AT DAMAGED RESIDENTIAL AND COMMERCIAL PROPERTIES, DURING CONSTRUCTION, SUBJECT TO TEMPORARY RULES AND REGULATIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

**Motion to approve with change as stated by the City Attorney by MPT Colbert.
Second by CM Woods. Unanimously approved.**

- F. Consider for approval a Resolution of the City Council of Galveston, Texas approving an interlocal agreement between the City of Galveston and the Galveston Independent School District to provide the City of Galveston with a dedicated space in Scott Elementary School, for police officer training and preparation, for its sworn municipal peace officers to maintain and/or enhance their physical fitness; authorizing the city manager to execute an interlocal agreement with the Galveston Independent School District; providing for findings of fact and providing for an effective date.

RESOLUTION NO. 10-025 was read by caption: APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF GALVESTON AND THE GALVESTON INDEPENDENT SCHOOL DISTRICT TO PROVIDE THE CITY OF GALVESTON WITH A DEDICATED SPACE IN SCOTT ELEMENTARY SCHOOL FOR POLICE OFFICER TRAINING AND PREPARATION FOR ITS SWORN MUNICIPAL PEACE OFFICERS TO MAINTAIN AND/OR ENHANCE THEIR PHYSICAL FITNESS; AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE GALVESTON INDEPENDENT SCHOOL DISTRICT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

- G. Consider for approval an Ordinance of the City of Galveston, Texas, ratifying the initiation of legal action in cause no. 10CV1526, the City of Galveston, Texas vs. Christopher Columbus Street Market LLC, Alfio Fichera and Edwin A. Eubanks, in the 56th Judicial District Court of Galveston County, Texas, and authorizing the City Attorney and the law firm of McLeod, Alexander, Powel and Apffel to seek any and all lawful remedies available at law or in equity as necessary to prosecute such action and cause the property at 1328 Church Street, Galveston, Texas to comply with all laws applicable to such property; including an appropriations clause and making various findings and provisions related to the subject.

ORDINANCE NO. 10-051 was read by caption: RATIFYING THE INITIATION OF LEGAL ACTION IN CAUSE NO. 10CV1526, THE CITY OF GALVESTON, TEXAS VS. CHRISTOPHER COLUMBUS STREET MARKET LLC, ALFIO FICHERA AND EDWIN A EUBANKS, IN THE 56TH JUDICIAL DISTRICT COURT OF GALVESTON COUNTY, TEXAS, AND AUTHORIZING THE CITY ATTORNEY AND THE LAW FIRM OF MCLEOD, ALEXANDER, POWEL, AND APFFEL TO SEEK ANY AND ALL LAWFUL REMEDIES AVAILABLE AT LAW OR IN EQUITY AS NECESSARY TO PROSECUTE SUCH ACTION AND CAUSE THE PROPERTY AT 1328 CHURCH STREET, GALVESTON, TEXAS TO COMPLY WITH ALL LAWS APPLICABLE TO SUCH PROPERTY; INCLUDING AN APPROPRIATIONS CLAUSE AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

CM Beeton moved approval. Second by CM Puccetti.

Attorney David Salyer summarized the proposed ordinance.

After discussion, the **Motion was approved. In Favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPTColbert, CM Woods. Abstaining: CM Greenberg**

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 one new 8,100 lbs capacity telehandler for the Municipal Utilities Division to be purchased from Mustang CAT through Buy Board for a total price of \$63,000.00. Funding source is Vehicle Replacement Account.
- B. Consider for action approving the purchase of one new 18 cubic yard dump truck for the Municipal Utilities Division to be purchased from Rush Truck Center through HGAC BUY for a total price of \$125,028.00. Funding source is Vehicle Replacement Account.
- C. Consider for action approving the purchase of one new 75,000 lbs capacity roll off truck for the Municipal Utilities Division to be purchased from Rush Truck Center through HGAC BUY for a total price of \$166,831.00. Funding source is Vehicle Replacement Account.
- D. Consider for action approving the purchase of one new service truck for the Municipal Utilities Division to be purchased from Philpott Motors through Buy Board for a total price of \$91,166.68. Funding source is Vehicle Replacement Account.
- E. Consider for action approving a lease agreement with Bay Area Auto and Truck Rental for the rental of thirteen vehicles for the CDBG Disaster Recovery Housing Program staff in the amount of \$7,475.00 per month. Funding source is Texas Department of Housing and Community Affairs - CDBG Disaster Recovery Housing Program.
- F. Consider for action approving the award of RFP 09-10-003 to Johnson Controls Inc. (JCI) to perform an Energy Savings Performance Contract First Phase Project Development Agreement to be funded by the Department of Energy, Energy Efficiency Award DE-SC 0003060 and authorizing the City Manager to execute the project development agreement.
- G. Consider for action approving proposal from Miracle Recreation Equipment Company for new playground equipment in the amount of \$79,300.00 to be installed in Lasker Park located at 2014 43rd Street. Funding source is CDBG Funds.
- H. Consider for action approving a supplemental agreement No. 1 to the lease agreement No. DACA 64-1-95-01 for National Guard Facility at 5300 Avenue S and authorizing the City Manager to execute the supplemental agreement.
- I. Consider for action authorizing the City Attorney to retain the law firm of Olson & Olson to provide legal services in an amount not to exceed \$40,000 for consultation and representation in arbitration appeals regarding disciplinary actions issued to Galveston Police Officers and Firefighters. Funding source is risk manager uninsured legal claims.

- J. Consider for action approval to authorize the City Manager to engage Null-Lairson for audit of the City's F/Y 2010 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.

- K. Discuss and consider for action approving increasing residential green fees at the Galveston Island Municipal Golf Course.
Attorney Buddy Herz, representing the golf course, explained the request to increase the fees.

Motion to approve by CM Greenberg. Second by CM Woods.

After discussion, **Mayor Jaworski asked CM Greenberg if he would be willing to amend his motion to include it being contingent ... that is, Galvestonians only annual passes whether it be \$1500, \$1000 or \$850, broken down into quarterly payments.**

CM Greenberg and CM Woods agreed to the amendment.

Mr. Herz stated that, if someone pays quarterly, their total payment may be \$100 more than if they paid a lump sum of \$1500, because there will be extra bookkeeping

Vote on the amended motion: In Favor: CM Greenberg, Mayor Jaworski, MPT Colbert, CM Woods, CM Gonzales. Opposed: CM Puccetti, CM Beeton. Motion approved.

- L Discuss and consider for action Update on Downtown Redevelopment Plan – Next Steps. (Mayor)
No action.

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

13. MAYOR AND COUNCIL APPOINTMENTS

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

14. N/A

15. N/A

16. DISCUSSION ITEMS
N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 5:45 p.m.