MINUTES OF THE
CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING
THURSDAY– MAY 26, 2011

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
   Meeting called to order at 4:05 pm.

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL:
   Present: Mayor Jaworski, MPT Colbert, CM Greenberg, CM Legg, CM Gonzales, CM Puccetti, CM Beeton stepped out and returned at 4:15 pm.

5. CONFLICTS OF INTEREST
   None.

6. APPROVAL OF MINUTES
   Motion to approve March 28, 2011, minutes by CM Puccetti, second by CM Legg, unanimously approved.
   Motion to approve April 14, 2011, minutes by CM Legg, second by CM Puccetti, unanimously approved.
   Motion to approve May 12, 2011, minutes by CM Legg, second by Mayor Jaworski, unanimously approved.
   Motion to approve May 19, 2011, minutes by CM Gonzales, second by CM Legg, approved by CM Gonzales, CM Legg, CM Puccetti and CM Beeton. Mayor Jaworski, MPT Colbert and CM Greenberg abstained from voting.

7. PRESENTATIONS & PROCLAMATIONS
   A. Satori School received by Satori School students and teacher.
   B. Coastal Conservation Association STAR Tournament Day received by Billy Kerny
   C. Motorcycle Safety & Awareness Month received by BAVT members.

8. COMMUNICATIONS & PETITIONS
   A. Gary Guillaume Clam # 11 – 031, notice of claim

9. PUBLIC HEARINGS
   A. Consider for approval an Ordinance of the City of Galveston, Texas, amending "The Zoning Standards", Section 29-90 "Development, Preservation and Protection of Sand Dunes", "Appendix A: Beach Access and Parking Plan" to formally recognize parking areas for beach access in Areas AP 1(A) (Beachtown Development), AP 1(B) (Palisade Palms), AP 1(C) (Area West of the Islander East to the Eastern Boundary of Stewart

Beach Park); Planning Case Number 11ZA-05; making various findings and provisions related to the subject.

ORDINANCE NO. 11-037, was read by caption: AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING "THE ZONING STANDARDS", SECTION 29-90 "DEVELOPMENT, PRESERVATION AND PROTECTION OF SAND DUNES", "APPENDIX A: BEACH ACCESS AND PARKING PLAN" TO FORMALLY RECOGNIZE PARKING AREAS FOR BEACH ACCESS IN AREAS AP 1(A) (BEACHTOWN DEVELOPMENT), AP 1(B) (PALISADE PALMS), AP 1(C) (AREA WEST OF THE ISLANDER EAST TO THE EASTERN BOUNDARY OF STEWART BEACH PARK); PLANNING CASE NUMBER 11ZA-05.

No public comment.

Motion to approve by CM Legg, second by MPT Colbert, unanimously approved.

B. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 32, "Streets, Sidewalks and Public Places" of the Code of the City of Galveston, 1982 as amended," by amending Article VI, "Street Closures" Section, 32-121, "Streets closed" by adding the street closure of Nautilus Drive at the intersection of FM 3005; providing for the closure of the public street to through vehicular traffic in the Beachside Village Subdivision at Nautilus Drive and the intersection of FM 3005; making various findings and provisions related to the subject.

ORDINANCE NO. 11-038, was read by caption: AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 32, "STREETS, SIDEWALKS AND PUBLIC PLACES" OF THE CODE OF THE CITY OF GALVESTON, 1982 AS AMENDED," BY AMENDING ARTICLE VI, "STREET CLOSURES" SECTION, 32-121, "STREETS CLOSED" BY ADDING THE STREET CLOSURE OF NAUTILUS DRIVE AT THE INTERSECTION OF FM 3005; PROVIDING FOR THE CLOSURE OF THE PUBLIC STREET TO THROUGH VEHICULAR TRAFFIC IN THE BEACHSIDE VILLAGE SUBDIVISION AT NAUTILUS DRIVE AND THE INTERSECTION OF FM 3005.

Nicole Esktrom – opposed

Vince Lapar, president of the HOA - in favor

Lisa Reznicek - opposed

Motion to approve by CM Puccetti, second by CM Gonzales. In favor were CM Puccetti, Mayor Jaworski, CM Gonzales & CM Legg, opposed were CM Beeton, MPT Colbert & CM Greenberg. Motion carried.

10. REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS

1. Betty Massey, 13I
2. Leon Phillips, 13I, 13J
3. Dana Simms, 13I
4. Delon Kibbe, 13J
5. Richard Smith, 13J

6. Sheila Bell, 13A
7. Rene Ochoa, 13E
8. Kreshon Johnson, 13I, 13J
9. Pastor Colbert, Macedonia Church, 13J
10. James Dennis, 13J
11. Rosyln Jackson, 13I, 13J

11. ORDINANCES, RESOLUTIONS

A. Consider for approval a Resolution of the City of Galveston, Texas, urging the Social Security Administration and U. S. General Services Administration to maintain an office on Galveston Island; directing the City Secretary to send a certified copy of this Resolution to United States Senators John Cornyn and Kay Bailey Hutchison, United States Congressman Ron Paul, County Judge Mark Henry, the Social Security Administration, and the U. S. General Services Administration; providing for findings of fact and providing for an effective date.
RESOLUTION NO. 11-024, was read by caption: A RESOLUTION OF THE CITY OF GALVESTON, TEXAS, URGING THE SOCIAL SECURITY ADMINISTRATION AND U. S. GENERAL SERVICES ADMINISTRATION TO MAINTAIN AN OFFICE ON GALVESTON ISLAND; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO UNITED STATES SENATORS JOHN CORNYN AND KAY BAILEY HUTCHISON, UNITED STATES CONGRESSMAN RON PAUL, COUNTY JUDGE MARK HENRY, THE SOCIAL SECURITY ADMINISTRATION, AND THE U. S. GENERAL SERVICES ADMINISTRATION.
Motion to approve by CM Puccetti, second by CM Gonzales, unanimously approved.

B. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, endorsing the appointments of certain individuals to the "Galveston County United Board of Health"; directing the City Secretary to send a certified copy of this Resolution to the Galveston County Health District; providing for findings of fact and providing for an effective date.
RESOLUTION NO. 11-025, was read by caption: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, ENDORSING THE APPOINTMENTS OF CERTAIN INDIVIDUALS TO THE "GALVESTON COUNTY UNITED BOARD OF HEALTH"; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE GALVESTON COUNTY HEALTH DISTRICT.
Motion to approve Ben Raimer, Paulette Roberson, Charles Scruggs, John Zendt, Patricia Rogers and Andy Mann, to the Board of Health by CM Puccetti, second by MPT Colbert, unanimously approved by those members present, CM Greenberg had stepped out.

C. Consider for approval a Resolution of the City of Galveston, Texas, naming Fire Station Number 5 in Honor and Memory of Danny Weber, Sr.; authorizing the City Manager to take the necessary means to obtain

Galveston County Commissioners' Court approval to name Fire Station Number 5 located at 5728 Avenue H, the Galveston County Justice Center; directing the City Secretary to send a certified copy of this Resolution to County Judge Mark Henry.

RESOLUTION NO. 11-026, was read by caption: A RESOLUTION OF THE CITY OF GALVESTON, TEXAS, NAMING FIRE STATION NUMBER 5 IN HONOR AND MEMORY OF DANNY WEBER, SR.; AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY MEANS TO OBTAIN GALVESTON COUNTY COMMISSIONERS' COURT APPROVAL TO NAME FIRE STATION NUMBER 5 LOCATED AT 5728 AVENUE H, THE GALVESTON COUNTY JUSTICE CENTER; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO COUNTY JUDGE MARK HENRY.

Motion to approve by CM Legg, second by all. Unanimously approved.

12. CONSENT ITEMS

The following items shall be considered for action as a whole, unless one or more Council Members objects:

A. Consider for approval authorizing the City Manager to execute the First Amendment to the Interlocal Agreement between UTMB at Galveston and the City of Galveston for Temporary Shelter for City of Galveston Essential Personnel and Emergency Equipment (Agreement) to extend the Agreement term allowing for automatic annual renewal; allowing for all other terms and conditions to remain in full force and effect.

B. Consider for approval authorizing the City Manager to execute the First Amendment to the Interlocal Agreement between the UTMB at Galveston and the City of Galveston for "Emergency Services During A Mandatory Evacuation" (Agreement) wherein UTMB agreed to provide medical personnel at City sponsored evacuation sites and at City sponsored shelters; to extend the Agreement term allowing for automatic annual renewal; allowing for all other terms and conditions to remain in full force and effect.

C. Consider for approval authorizing the City Manager to execute the First Amendment to the Interlocal Agreement between the Metropolitan Transit Authority of Harris County, Texas (METRO) and the City of Galveston for Emergency Transportation Services (Agreement) to extend the Agreement term allowing for automatic annual renewal; allowing for all other terms and conditions to remain in full force and effect.

D. Consider for approval the purchase of two (2) new 6/8 yard dump trucks for the streets division which will be funded by the vehicle replacement program for a total price of $152,358.00, from Rush Truck Center through HGAC Buy.

E. Consider for approval the acceptance of the project cost increase of $40,960.00 to Cox Construction for adjustments to the Sail Footing

Foundation and the concrete PSI mixture as requested by USA Shades and the Corps. of Engineers through Galveston County for the Hampton Battery Project. Account Number 511488-1830-451100-564005 / Frito-Lay Donation. The total cost of the project is $992,534.00.

F. Consider for acceptance Texas Gas Service Quarterly Report with the customer fee increase in conformity with City of Galveston Ordinance 09-062.

G. Consider for approval of Primary Windstorm Property Insurance to Galveston Insurance Associates (GIA) for the second year of a three (3) year proposal for RFP#09-10-008 for the annual premium of approximately $335,149.00 effective June 1, 2011 through June 1, 2012.

Motion to approve Consent Items A through G by CM Puccetti, second by CM Legg. Unanimously approved.

13. ACTION ITEMS

The following items shall be considered for action as a whole, unless one or more Council Members objects:

A. Discuss and consider for action accepting an award from the Texas Division of Emergency management's Hazardous Mitigation Grant Program in the amount of $2,176,125.00 for the design of a safe room to protect first responders and essential personnel who remain on Galveston Island during an evacuation of the public. This is a collaborative project with UTMB. This award will fund 75% of the design cost. The remaining 25% will be funded by the City and UTMB with each entity responsible for $362,687.50. The total project is $2,901,500.00.
Motion to table the Item 13A by CM Legg, second by CM Puccetti. Unanimously approved.

B. Discuss and consider for action giving the City Manager direction concerning the interview and hiring process for the City Auditor, as recommended by the Finance and Fiscal Affairs Committee.
No Action.

C. Discuss and consider for approval a contract with Texas First Group for an Interim City Manager. Funding Source is the City Manager's Payroll account.
Motion to defer Item 13C until the June 9, 2011, meeting, by Mayor Jaworski, second by MPT Colbert. Unanimously approved.

D. Discuss and consider for approval authorizing the City Manager to execute a Memorandum of Understanding between the City of Galveston, Galveston Economic Development Partnership, and Houston Business Development to establish the rights and responsibilities of and outline the working relationship to administer the Galveston Business Recovery Loan Program authorized by Council.

Motion to approve by CM Legg, second by CM Puccetti. Unanimously approved.

E. Discuss and consider for action a request for a six month extension of worker's compensation injury status for Police Officer Richard McCullor in accordance with Chapter 143.073b. "At the end of the one year period, the municipality's governing body may extend the line of duty illness or injury leave at full or reduced pay."
Motion to approve by CM Puccetti, second by CM Legg. Unanimously approved.

F. Discuss and consider Change Order Number 3 to Forde Construction Company, Inc. for the 21st & 23rd Street Improvement Project. The Change Order authorized additional paving outside the original project limits to fully utilize federal ARRA funds assigned to the project. Fifteen additional calendar days are added to the contract to complete the work within the original contract amount of $385,396.40.
Motion to extend the two (2) streets by CM Legg, second by CM Gonzales. Unanimously approved.

G. Discuss and give direction to the City Manager regarding the development of Temporary Housing Assistance for the Disaster Recovery Housing Program.
Motion to defer until the June 9, 2011, meeting to address the Program options, by MPT Colbert, second by CM Legg. Unanimously approved.

H. Discuss and give direction to the City Manager regarding increasing the level of assistance provided under the Disaster Recovery Rental Rehabilitation Program.
Motion to defer until the June 9, 2011, meeting, by MPT Colbert, second by CM Legg. Unanimously approved.

I. Discuss and consider for action giving direction to staff to prepare a letter to the US Department of housing and Urban Development asking if some number of the 569 public housing units to be replaced using federal funds may be locate on the mainland.
Motion to defer until the June 9, 2011. Meeting by CM Beeton, second by MPT Colbert. Unanimously approved.

J. Discuss and consider action based upon receipt of the requested information from Staff concerning certain misdemeanor charges and arrests made by the Galveston Police Department.
No Action.

K. Discuss and consider for action implantation of temporary restrooms and other enhancements on the seawall.
No Action.

14. MAYOR AND COUNCIL APPOINTMENTS

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

1. TIRZ 14 Position 10

Myrna Reingold from Galveston County spoke. Motion to appoint Fred Rashke by CM Puccetti, second by CM Beeton & CM Legg. Unanimously approved.

2. Harborside Management District

Motion to approve recommendations by HMD Board to appoint John L. Sullivan, John Kelso, Rick Ryan and Jim Hayes by CM Puccetti, second by CM Legg. Unanimously approved.

3. Ethics Commission

Motion to appoint Beth Anderson by CM Beeton, second by CM Legg. Unanimously approved.
Motion to appoint James Dallas by CM Legg, second by CM Beeton. Unanimously approved.

15 N/A

16. N/A

17. REQUEST TO ADDRESS COUNCIL ON NON-AGENDA ITEMS UPON SUBMITTING A WRITTEN REQUEST

1. Jim Jolley, Spanich Grant crime
2. Sheila Bell, tsunami prevention
3. Chris Uriguez, Five Star Wrestling on the Island.
4. Michael Galvan, water bill issues
5. Leon Phillips, no minorities in administration

18. ADJOURNMENT

Motion to adjourn at 5:55 pm by CM Legg. Unanimously approved.