

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD APRIL 23, 2009- 1:00 PM

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present: MPT Weber, CM Mahoney, CM Beeton, CM Colbert, CM Fennewald, CM Woods
Absent: Mayor Thomas
Staff: City Manager LeBlanc, City Attorney Green, Asst. City Secretary Rushing, City Secretary Lawrence

5. DECLARATIONS OF CONFLICT
None

6. APPROVAL OF MINUTES

The Minutes of the Regular Meeting of April 9, 2009 were approved upon motion by CM Fennewald and second by CM Colbert. The Minutes of the Regular Meeting of April 17, 2009 were approved upon motion by CM Fennewald and second by CM Colbert.

- 1:00 p.m. Item 16.A.3 Discuss Galveston Community Recovery Plan: Discussion only. No action taken

7. PRESENTATIONS

- A. Maritime Task Force (Mayor/Weber) - DEFERRED
- B. Certificate of Recognition/Air Traffic Controllers
- C. Niigata Sister City Committee – Presentation by Mr. Kazunori Yoda, Chairperson of Niigata-Galveston Sister Committee and Rieko Ishizuka, Foreign Affairs Division for the City of Niigata, to the Recovery Fund in the amount of \$30,849.96 to be spent on replacing trees lost due to the storm.

8. N/A

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS: **4:00 PM**

- A. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in a One Family-Two (IF-2) Zoning District, in conjunction with the development of a "Day Nursery or Kindergarten"; at 6910 Yucca, property is legally described as "Lots 6 through 8, Block 8, of the Gulf Village Addition, in the City and County of Galveston, Texas"; Planning Case Number 09P-26.

ORDINANCE NO. 09-022 was read by caption: GRANTING A SPECIFIC USE PERMIT IN A ONE FAMILY-TWO (IF-2) ZONING DISTRICT, IN CONJUNCTION WITH THE DEVELOPMENT OF A "DAY NURSERY OR KINDERGARTEN"; AT 6910 YUCCA; PROPERTY IS LEGALLY DESCRIBED AS "LOTS 6 THROUGH 8K, BLOCK 8, OF THE GULF VILLAGE ADDITION, IN THE CITY AND COUNTY OF GALVESTON, TEXAS";

PLANNING CASE NUMBER 09P-26; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Wendy O'Donohoe gave an explanation of the proposed Specific Use Permit.

MPT Weber opened the PUBLIC HEARING.

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

Motion to approve by CM Beeton. Second by CM Mahoney. Unanimously approved by those present. Mayor Thomas absent.

B. Consider for approval an Ordinance of the City of Galveston, Texas, amending the Galveston Zoning Standards, Section 29-37: "Appendices-Zoning Districts", Appendix Q: CB-Central Business, permitted uses, and Appendix R: CP-Central Plaza, permitted uses to adjust the permitted uses; Planning Case 09ZA-06.

ORDINANCE NO. 09-023 was read by caption: AMENDING THE GALVESTON ZONING STANDARDS, SECTION 19-37: "APPENDICES-ZONING DISTRICTS", APPENDIX Q: CB-CENTRAL BUSINESS, PERMITTED USES, AND APPENDIX R: CP-CENTRAL PLAZA, PERMITTED USES TO ADJUST THE PERMITTED USES; PLANNING CASE 09ZA-06; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Wendy O'Donohoe gave an explanation of the proposed amendment.

MPT Weber opened the PUBLIC HEARING.

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

Motion to approve by CM Colbert. Second by CM Woods. Unanimously approved by those present. Mayor Thomas absent.

C. Consider for approval an Ordinance of the City of Galveston, Texas, amending the Galveston Zoning Standards by amending Section 29-106, "Development Standards" to add regulation of outdoor lighting requirements for development located in the City of Galveston; Planning Case No. 09ZA-02.

ORDINANCE NO. 09-024 was read by caption: AMENDING THE GALVESTON ZONING STANDARDS BY AMENDING SECTION 29-106, "DEVELOPMENT STANDARDS" TO ADD REGULATION OF OUTDOOR LIGHTING REQUIREMENTS FOR DEVELOPMENT LOCATED IN THE CITY OF GALVESTON; PLANNING CASE NO. 09ZA-02; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Wendy O'Donohoe gave an explanation of the proposed amendment.

MPT Weber opened the PUBLIC HEARING.

Michael John Smith, spoke in favor of amendment.

Jackie Cole, spoke in favor of amendment.

Carla Clay, spoke in favor of amendment.

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

Motion to approve by CM Beeton. Second by CM Woods. In favor: CM Mahoney, CM Beeton, CM Colbert, CM Fennewald, CM Woods. Opposed: MPT Weber. Absent: Mayor Thomas. Motioned 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 five (5) minutes, regardless of the number of items addressed.

Laura Marie Bernard, thank you.

David Miller, spoke on behalf of public housing.

Jackie Cole, update on tree assessment.

Christopher Benson, 4919 Austin, mentioned that he has been doing research on the city's flood elevation.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, setting forth single year and seed funding recipients and distributions of 2009-2010 fiscal year Hotel Occupancy Tax Revenues; approving the annual budgets of such recipients; authorizing the City Manager to execute contracts with such recipients.

RESOLUTION NO. 09-013 was read by caption: SETTING FORTH SINGLE YEAR AND SEED FUNDING RECIPIENTS AND DISTRIBUTIONS OF 2009-2010 FISCAL YEAR HOTEL OCCUPANCY TAX REVENUES; APPROVING THE ANNUAL BUDGETS OF SUCH RECIPIENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH SUCH RECIPIENTS; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Beeton. Second by CM Woods. Unanimously approved by those present.

- B. Consider for approval a Resolution of the City Council of the City of Galveston, Texas authorizing the City Manager to execute documents accepting a STEP-Click It or Ticket Enforcement Grant for Fiscal Year 2009 from the Texas Department of Transportation.

RESOLUTION NO. 09-014 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS ACCEPTING A STEP - CLICK IT OR TICKET ENFORCEMENT GRANT FOR FISCAL YEAR 1009 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Colbert. Second by CM Beeton. Unanimously approved by those present.

- C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving the execution of an interlocal contract with the Texas Department of Transportation (TxDOT) whereby the City of Galveston will provide Galveston Police Officers for law enforcement and traffic control operations at the Galveston Ferry Landing; authorizing the City Manager to sign the interlocal agreement; directing the City Secretary to send a certified copy of this resolution to the Texas Department of Transportation.

RESOLUTION NO. 09-015 was read by caption: APPROVING THE EXECUTION OF AN INTERLOCAL CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) WHEREBY THE CITY OF GALVESTON WILL PROVIDE GALVESTON POLICE OFFICERS FOR LAW ENFORCEMENT AND TRAFFIC CONTROL

OPERATIONS AT THE GALVESTON FERRY LANDING; AUTHORIZING THE CITY MANAGER TO SIGN THE INTERLOCAL AGREEMENT; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE TEAS DEPARTMENT OF TRANSPORTATION; 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.

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 three-year contract from low bidder, Bid #08-09-024, CIBA Specialty Chemicals of Suffolk, Virginia, for sludge dewatering chemicals in an estimated annual amount of \$15,290.00. Funding source is Wastewater Treatment Chemicals Account.
- B. Consider for action approving authorizing the City Manager to execute a five-year air monitoring site agreement with The Texas Commission on Environmental Quality for the leased premises located at the southwest area of airport property at the end of Avenue V ½, upon final approval by the City Attorney.
- C. Consider for action approving three-year contract for supplementary towing contract for after hours, evidence, long distance and heavy duty towing to the lowest bidder, A&A Wrecker Service. Funding source is Garage Outside Vehicle Repairs Account.
- D. Consider for action approving authorizing City Manager to accept the lowest and most responsive bid, thereby authorizing him to enter into a contract, upon final approval by the City Attorney, and authorizing an expenditure in the amount of \$64,774.00 to Commercial Fence Company, Inc. Bid #08-09-25, for the replacement of security gates at Scholes International Airport, with 75% of the cost \$48,580.50 to reimbursed by FEMA and 25% \$16,193.50 by insurance proceeds.
- E. Consider for action approving authorizing City Manager to execute a First Amendment of the leases between L.M.C.G. Company, L.L.C. and the City of Galveston amending the use of leased premises of the leases, which were assigned to L.M.C.G. Company, L.L.C. from Prida Construction, Ltd. effective November 7, 2008, to state that lessee has the right to store aviation fuel as long as it is not sold to a third party and rental by adding a fuel flowage fee, upon final approval of the City Attorney.
- F. Consider for action approving acceptance or denial of RFB #08-09-027 sale of city property at 2601 Winnie Lot six (6) and seven (7) in Block 326 Galveston CADR 102688 to Separation Systems Consultants, Inc. in the amount of \$14,500.00. If approved, authorizing the City Manager to execute the property sale contract. If denied, Council providing direction to City staff to remove building structure.

G. Consider for action approving the purchase of one street sweeper through HGAC from TYMCO Inc-IDS Inc for \$145,568.38. Funding source is Texas Municipal League Insurance Settlement Account.

H. Discuss and consider giving direction to the City Manager for recycling services. (Mahoney and Beeton).

CM Fennewald moved to give Steve Leblanc direction to work with city staff to adjust our ordinances to allow for private-owned recycling services then bring it back to Council. Second by CM Mahoney. Unanimously approved by those present.

CM Beeton moved approval of Action Agenda Items A, B, C, D, E, F and G. Second by CM Fennewald.

CM Beeton motion to amend approval of Action Agenda Item F and vote separately. Second by CM Colbert. Unanimously approved by those present.

Action Agenda Item F was re-read by Asst. City Secretary Rushing.

Asst. City Manager, Lloyd Rinderer gave explanation as to why City Council should deny Action Agenda Item F. After discussion, **CM Fennewald motioned denial of Action Agenda Item F and direct the city to have the structure removed from lot. Second by CM Beeton. Unanimously approved by those present.**

CM Beeton moved approval of Action Agenda Items A, B, C, D, E, and G. Second by CM Fennewald. Unanimously approved by those present.

13. MAYOR AND COUNCIL APPOINTMENTS

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

1. Animal Shelter Advisory Committee:

CM Beeton motioned to re-appoint Kyle Knupple, Caroline Dorsett and Joel Caldwell; appoint Capt. Thomas Karlock to replace Michael Riedel; and appoint Trish McDaniel to the open position. Second by CM Fennewald. Unanimously approved by those present.

14. N/A

15. EXECUTIVE SESSION

N/A

16. DISCUSSION ITEMS: DISCUSSION ONLY - NO ACTION TAKEN **CM Fennewald left meeting at 7:45 p.m. CM Mahoney left meeting at 7:55 p.m.**

A. City Manager

1. Discuss and Receive Update regarding Hurricane Ike Disaster Emergency Response and Recovery
2. Discuss Community Development Block Grant Recovery Funding for future projects.

1:00 PM

3. Discuss Galveston Community Recovery Plan:
 - a. Human Service Projects (Health & Education)
 - b. Housing and Community Character Projects (Housing, Historic Preservation, Gateway Beautification and Sustainable Neighborhoods)
 - c. Environmental Projects
 - d. Economic Development Projects
 - e. Infrastructure, Transportation and Hazard Mitigation Projects

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 9:09 p.m.