THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD MARCH 26, 2009- 4:00 PM

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL
5. DECLARATIONS OF CONFLICT
6. APPROVAL OF MINUTES

7. PRESENTATIONS
   A. Proclamation: Featherfest
      Child Abuse Prevention Month

8. N/A

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
   A. Consider for approval an Ordinance of the City of Galveston, Texas, amending "The Zoning Standards", section 29-51 "Use Regulations Definitions", by adding or modifying definitions for "Accessory Building-Residential," "Bank or Savings and Loan Office," "Drug Store or Pharmacy," "Hardware Store," "Light Manufacturing Process," "Marina," "Mini-Warehouse," "Multi-Family Dwelling," "One Family Dwelling Attached," "Pawn Shop," "Ship Yard" and "Variety Store" land uses; Planning Case Number 09ZA-03.

ORDINANCE NO. 09-011 was read by caption: AMENDING “THE ZONING STANDARDS”, SECTION 29-51 “USE REGULATIONS DEFINITIONS”, BY ADDING OR MODIFYING DEFINITIONS FOR “ACCESSORY BUILDING -RESIDENTIAL,” “BANK OR SAVINGS AND LOAN OFFICE,” “DRUG STORE OR PHARMACY,” “HARDWARE STORE,” “LIGHT MANUFACTURING PROCESS,” “MARINA,” “MINI-WAREHOUSE,” “MULTI-FAMILY DWELLING,” “ONE FAMILY DWELLING ATTACHED,” “PAWN SHOP,” “SHIP YARD” AND “VARIETY STORE” LAND USES; PLANNING CASE NUMBER 09ZA-03; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning and Community Services O’Donohoe gave an explanation of the proposed zoning changes.

Mayor Thomas opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.

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

   B. Consider for approval an Ordinance of the City of Galveston, Texas, amending the City Code by adding the name "Alfreda Houston Place" to the current designation of Post Office Street/Avenue E from 27th Street to 30th Street, honoring Alfreda Houston for her civic contributions to the City of Galveston; Planning Case 09P-18.

ORDINANCE NO. 09-012 was read by caption: AMENDING THE CITY CODE BY ADDING THE NAME “ALFREDA HOUSTON PLACE” TO THE CURRENT

DESIGNATION OF POST OFFICE STREET/AVENUE E FROM 27TH STREET TO 30TH STREET, HONORING ALFREDA HOUSTON FOR HER CIVIC CONTRIBUTIONS TO THE CITY OF GALVESTON; PLANNING CASE 09P-18; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe gave an explanation of the proposed ordinance.

Mayor Thomas opened the PUBLIC HEARING.

Marsha Rappaport, Grants Manager of St. Vincent's House, spoke in support of the proposed ordinance.

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

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

C. Consider for approval an Ordinance of the City of Galveston, Texas, amending "The "Zoning Standards 1991" Chapter 29 "Planning and Development", Section 29-99, "Broadway Overlay Zone", subsection (e), "Landscaping and Screening," modifying the landscaping requirements to be consistent with section 29-67(g) of the Galveston Zoning Standards; and amending section 29-99, "Broadway Overlay Zone", subsection (f), "Signage", to add landscaping requirements for detached signs within the Broadway Overlay Zone; Planning Case No. 09ZA-05.

ORDINANCE NO. 09-013 was read by caption: AMENDING "THE ZONING STANDARDS 1991, CITY OF GALVESTON", CHAPTER 29 "PLANNING AND DEVELOPMENT", SECTION 29-99, "BROADWAY OVERLAY ZONE", SUBSECTION (e), "LANDSCAPING AND SCREENING," MODIFYING THE LANDSCAPING REQUIREMENTS TO BE CONSISTENT WITH SECTION 29-67(g) OF THE GALVESTON ZONING STANDARDS; AND AMENDING SECTION 29-99, "BROADWAY OVERLAY ZONE", SUBSECTION (f), "SIGNAGE", TO ADD LANDSCAPING REQUIREMENTS FOR DETACHED SIGNS WITHIN THE BROADWAY OVERLAY ZONE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PLANNING CASE NO. 09ZA-05.

Ms. O'Donohoe explained the proposed zoning change.

Mayor Thomas 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.

D. Consider for approval an Ordinance of the City of Galveston, Texas, amending "The "Zoning Standards 1991" section 29-68, "Fence Regulations"; by adding design and landscaping requirements for retaining walls located in the City; (Planning Case: 09ZA-01);

ORDINANCE NO. 09-014 was read by caption: AMENDING THE GALVESTON ZONING STANDARDS, SECTION 29-68, "FENCE REGULATIONS"; BY ADDING DESIGN AND LANDSCAPING REQUIREMENTS FOR RETAINING WALLS LOCATED IN THE CITY; (PLANNING CASE: 09ZA-01); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Ms. O'Donohoe gave an explanation of the proposed zoning change.

Mayor Thomas opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.

Motion to approve by CM Beeton. Second by CM Colbert. Vote: In favor: CM Mahoney, CM Beeton, Mayor Thomas, CM Colbert, CM Fennewald, CM Woods. Opposed: MPT Weber. Motion carried.

10. PUBLIC COMMENT

Ryan Beason, Attorney representing Gulf Coast Limestone, explained the need to increase rates as stated in item 12.A. He asked Council's approval.

Shrub Kempner, 5220 Seawall, member of Finance Committee, spoke in support of item 12.J.

Rhonda and Rebecca Gregg, 1025 Commodore, spoke in support of naming the Skate Park in honor of Johnny Romano.

Brax Easterwood, 4620 Sherman, spoke in support of naming the Skate Park in honor of Johnny Romano.

Julie Romano, 5344 Jamaica Beach, mother of Johnny Romano, spoke in support of naming the Skate Park in honor of her son.

Aimie Meister, 7817 Emerald Oak Dr., Texas City, spoke in support of naming the Skate Park in honor of Johnny Romano.

Alice Ann O'Donnell, 13357 Sennagast Road, Galveston Recovery Committee, stated the committee would be making presentations to the community at Ball High School on Saturday from 10:00 a.m. to 1:00 p.m.

Latonia Minix, 7909 S. Sam Houston Parkway #126, Houston, spoke regarding a speeding ticket.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas, naming the skate park at Menard Park the "Johnny Romano Skate Park"; approving the installation of certain signage.

ORDINANCE NO. 09-015 was read by caption: NAMING THE SKATE PARK AT MENARD PARK THE "JOHNNY RAMANO SKATE PARK"; APPROVING THE INSTALLATION OF CERTAIN SIGNAGE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

B. Consider for approval an Ordinance of the City of Galveston, Texas, naming the conference room at the McGuire-Dent Recreation Center in honor of Greg Willoughby; approving the installation of certain signage.

ORDINANCE NO. 09-016 was read by caption: NAMING THE CONFERENCE ROOM AT THE McGUIRE-DENT RECREATION CENTER IN HONOR OF GREG WILLOUGHBY; APPROVING THE INSTALLATION OF CERTAIN SIGNAGE; 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 an Ordinance of the City of Galveston, Texas, amending

Chapter 2, Division 7, Sections 2-220 and 2-228, Article IV, "Civilian Review Board," of the Code of the City of Galveston 1982, as amended" by defining terms, clarifying responsibility for providing, developing, administering & evaluating board training, and other related matters.

ORDINANCE NO. 09-017 was read by caption: AMENDING CHAPTER 2, DIVISION 7, SECTIONS 20220 AND 2-228, "ADMINISTRATION", ARTICLE IV, "CIVILIAN REVIEW BOARD,' OF THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" BY DEFINING TERMS, CLARIFYING RESPONSIBILITY FOR PROVIDING, DEVELOPING, ADMINISTERING AND EVALUATING BOARD TRAINING, AND OTHER RELATED MATTERS, MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

After discussion, CM Woods moved deferral. Second for purposes of discussion by CM Beeton. After further discussion, CM Woods withdrew his motion. CM Beeton agreed to the withdrawal. Motion to defer withdrawn.

MPT Weber moved to approve. Second by CM Fennewald.

CM Green stated the ordinance would be amended to clarify the approval of review by the Chief of Police and Section will be numbered.

CM Woods moved to amend the motion to include 30.5 hours or less of training. Second by CM Mahoney. Vote: In Favor of the amendment: Mayor Thomas, CM Mahoney, CM Beeton, CM Colbert, CM Woods. Opposed: MPT Weber. Out of the room: CM Fennewald. Motion to amend approved.

Motion to approve the proposed ordinance as amended to include clarification of the review by the Chief of Police; to number the types of complaints that may be heard and to limit the training to less than 30.5 hours was unanimously approved.

D. Consider for approval a Resolution of the City of Galveston, Texas to transfer trust funds, donated to assist City employees who have been impacted by Hurricane Ike, to the Galveston County Recovery Fund in a designated account and to designate case management with United Way to assist employees with eligibility and needs assessment.

RESOLUTION NO. 09-009 was read by caption: TO TRANSFER TRUST FUNDS, DONATED TO ASSIST CITY EMPLOYEES WHO HAVE BEEN IMPACTED BY HURRICANE IKE, TO THE GALVESTON COUNTY RECOVERY FUND IN A DESIGNATED ACCOUNT AND TO DESIGNATE CASE MANAGEMENT WITH UNITED WAY TO ASSIST EMPLOYEES WITH ELIGIBILITY AND NEEDS ASSESSMENT; PROVIDING FOR FINDINGS OF FACT.

Motion to approve by MPT Weber. Second by CM Woods. Unanimously approved by those present. CM Beeton out of the room and did not vote.

E. Consider for approval a Resolution of the City of Galveston, Texas, designating March 28, 2009, as Galveston Arbor Day 2009 within the City of Galveston.

RESOLUTION NO. 09-010 was read by caption: DESIGNATING MARCH 28, 2009, AS GALVESTON ARBOR DAY 2009 WITHIN THE CITY OF GALVESTON; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

F. Consider for approval a Resolution of the City of Galveston, Texas, approving the execution of an Interlocal Agreement 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.
WITHDRAWN

G. Consider for approval a Resolution of the City of Galveston, Texas, authorizing the City Manager to enter into an interlocal agreement with H-GAC to provide temporary public sector jobs to unemployed individuals for a period of six months, subject to City Attorney review.

RESOLUTION NO. 09-011 was read by caption: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH H-GAC TO PROVIDE TEMPORARY PUBLIC SECTOR JOBS TO UNEMPLOYED INDIVIDUALS FOR A PERIOD OF SIX MONTHS, PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

H. Consider for approval a Resolution of the City of Galveston, Texas, opposing a House Bill proposed by State Representative John Smithee, H.B. 911, relating to adoption of a temporary program for the operation and funding of the Texas Windstorm Insurance Association that as proposed would make vacation and second residential properties ineligible for windstorm insurance coverage, limit windstorm coverage on all properties, and increase premium costs; directing the City Secretary to send a certified copy of this Resolution to Governor Rick Perry, State Senators Joan Huffman and Mike Jackson, and State Representatives Craig Eiland and Larry Taylor

RESOLUTION NO. 09-012 was read by caption: OPPOSING A HOUSE BILL PROPOSED BY STATE REPRESENTATIVE JOHN SMITHEE, H.B. 911 RELATING TO ADOPTION OF A TEMPORARY PROGRAM FOR THE OPERATION AND FUNDING OF THE TEXAS WINDSTORM INSURANCE ASSOCIATION THAT AS PROPOSED WOULD MAKE VACATION AND SECOND RESIDENTIAL PROPERTIES INELIGIBLE FOR WINDSTORM INSURANCE COVERAGE, LIMIT WINDSTORM COVERAGE ON ALL PROPERTIES, AND INCREASE PREMIUM COSTS; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO GOVERNOR RICK PERRY, STATE SENATORS JOAN HUFFMAN AND MIKE JACKSON, AND STATE REPRESENTATIVES CRAIG EILAND AND LARRY TAYLOR; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Mahoney. Second by CM Colbert. Vote: In Favor: CM Mahoney, CM Beeton, MPT Weber, Mayor Thomas, CM Colbert, CM Woods. Opposed: CM Fennewald. Motion carried.

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 change order request from Gulf Coast Limestone, Inc., on the annual contract bid for limestone base material, to increase the cost of Grade I and II limestone material from $22.97 per ton to $24.35 per ton. Funding source is Public Works and Municipal Utilities Concrete and Aggregate Account.

B. Consider for action approving proposal from Leap Engineering, LLC of Galveston, Texas, in an amount not to exceed $50,000.00 to provide Kemp Ridley Turtle monitoring at proposed beach access bollard installations or roadway construction improvements on Galveston City beaches. Funding for the project will come from 75%-FEMA ($37,500.00) and 25% to come from the Streets Division Beach Access Implementation Account ($12,500.00).
Withdrawn

C. Consider for action approving award to low bidder (Bid#08-09-22) Brazos M&E of Clute, Texas, to provide approximately 4,000 6" x 10" treated bollards at a unit price of $13.12 per bollard ($52,480.00) for the Beach Access Plan. Funding source is 75% FEMA ($39,360.00) and 25% ($13,120.00) to come from the Streets Division Beach Access Implementation Account.

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

D. Consider for action approving authorizing the City Manager to execute an assignment of lease agreement assigning the lease commencing June 1, 1998, between the City of Galveston and Evergreen Helicopter, Inc. to Jay Balentine, upon final approval by the City Attorney.

E. Consider for action approving Change Order #2, for McGuire Dent Recreation Center, (final) reduction of contract amount by $3,636.27 new total $3,649,688.80 and authorizing final payment of the retainage (5%) to Jamail-Smith, Inc. Original contract was $3,653,325.00.

F. Consider for action authorizing the City Manager to execute the Fifth Amendment to Memorandum of Understanding with Galveston County Regarding Temporary Provision of Fire Protection Services on Bolivar Peninsula.

G. Consider for action approving the purchase of one street sweeper through HGAC from Kinloch Equipment, Inc. for $166,410.00. Funding source is Texas Municipal League Insurance Settlement Account.

H. Consider for action approving the purchase of one asphalt steel wheel roller through HGAC from R.B. Everett & Co. for $18,000.00. Funding source is Texas Municipal League Insurance Settlement Account.

I. Consider for action receiving Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2008.

Motion to receive the Comprehensive Annual Financial Report by MPT Weber.

Second by CM Beeton. Unanimously approved by those present. CM Fennewald and CM Colbert were not present and did not vote.

J. Consider for approval retaining Patton Boggs LLP to represent the City of Galveston in connection with identifying opportunities in the Federal Stimulus legislation and to assist with the application process to obtain funding.

Motion to approve by MPT Weber. Second by CM Woods.
After discussion, Mr. LeBlanc said he would bring the contract back to council in three months. The expenses are not to exceed 10% of the monthly retainer of $10,000.
CM Beeton requested to see the true billing for the City of Galveston each month.
Unanimously approved by those present. CM Fennewald out of room and did not vote.

K. Consider for action approving purchase of additional Police Department property room shelving from previous vendor, Southwest Solution Group, as sole source vendor and using TXMAS 2-711030 pricing, in the amount of $5,554.21. Funding source is Police Department seized funds 1810-211426-535215-421000.

Motion to approve Action Agenda Items A, D, E, F, G, H and K by CM Beeton. 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:

14. N/A

15. EXECUTIVE SESSION
    N/A

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 recovery efforts for infrastructure in Bermuda Beach and Spanish Grant Beachside.
        3. Discuss 2009 Lone Star Rally
        4. Discuss Lone Star Triathlon

    B. Finance Director

    C. City Attorney

    D. City Council
        1. Discuss Charter Review and Charter Amendments. (Woods/Colbert)

E. City Auditor

17. ADJOURNMENT
There being no further business to come before the assembly, the meeting was adjourned at 9:50 p.m.