THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GALVESTON HELD MARCH 25, 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 Thomas, CM Mahoney, CM Beeton, MPT Weber, CM Colbert, CM Woods
   Absent: CM Fennewald
   Staff: City Manager LeBlanc, City Secretary Lawrence, Asst. City Attorney Barbara Barruch

5. DECLARATIONS OF CONFLICT
   CM Mahoney declared a conflict on agenda items 9B and 9C

6. APPROVAL OF MINUTES
   Regular Meeting of February 25, 2010: MPT Weber moved approval. Second by CM Colbert. Unanimously approved.
   Regular Meeting of March 11, 2010: MPT Weber moved approval. Second by CM Colbert. Unanimously approved.

7. PRESENTATIONS
   A. Census Presentation: Assistant City Manager Lloyd Rinderer
   B. Wood Turners Group/Tree Conservancy: Kathy Townsend

8. PUBLIC HEARING
   A. Public Hearing to receive public comment on the CDBG Disaster Recovery Housing Program amendments to be submitted to the Texas Department of Housing and Community Affairs.

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

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

   A. Public hearing and consider for approval an ordinance of the City of Galveston, Texas, changing the zoning from "General Residence (GR) Zoning District" to "Neighborhood Services (NS) Zoning District" on property legally described as "Lots 13 and 14, Block 104 in the City and County of Galveston, Texas", and commonly known as 1122 45th Street (Planning Case 10P-20).

ORDINANCE NO. 10-029 was read by caption: CHANGING THE ZONING FROM "GENERAL RESIDENCE (GR) ZONING DISTRICT" TO "NEIGHBORHOOD SERVICES (NS) ZONING DISTRICT" ON PROPERTY LEGALLY DESCRIBED AS "LOTS 13 AND 14, BLOCK 104 IN THE CITY AND COUNTY OF GALVESTON, TEXAS", AND COMMONLY KNOWN AS 1122 45TH STREET (PLANNING CASE

10P-20); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request.

Lori Schwarz, Planning Department, summarized the request.

Mayor Thomas opened the PUBLIC HEARING

Nelda, Ingstrom, representing her mother, the owner, spoke in support of approval.

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

CM Beeton moved approval. Second by CM Colbert. Unanimously approved by those present. CM Fennewald absent.

B. Public hearing and consider for action appeal of the City of Galveston Planning Commission's denial of Case 09P-50 Request for a General Land Use Plan in order to construct a Wireless Communication Tower in a Planned Development (PD) zoning district. Property is legally described as "Lot 7, of Seabird Acres, a subdivision in the City and County of Galveston, Texas" and commonly known as 21430 San Luis Pass Road. (Planning Case 10PA-01) Appellants: GTE Mobilnet of South Texas LP dba Verizon Wireless % Shep Poland.

Lori Schwarz, Planning Department, summarized the request.

Shep Poland, consultant for Verizon was present to answer questions.

Mayor Thomas opened the PUBLIC HEARING.

Scott Essex, contractor, stated Verizon customers can't receive calls on the West End.

Charles Goforth, spoke in opposition to the tower.

Alice Ann O'Donell, stated towers are dangerous for birds.

Marvin Davis, 4211 San Jacinto, spoke in opposition to the tower.

Josephone Davis, 4211 San Jacinto, spoke in opposition to the tower.

Mary Poland, consultant for Verizon, spoke in support of the tower.

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

Mayor Thomas absent.

MPT Weber chaired the meeting during Mayor Thomas' absence.

After discussion, **CM Colbert moved to deny the appeal. Second by CM Woods.**

After further discussion, CM Colbert withdrew her motion and moved to remand the request back to the Planning Commission with the stipulation that the City will get expert testimony from an independent communications specialist to be selected by the City and paid for by Verizon. Seconded by CM Beeton.

Shep Poland, Verizon representative, agreed to pay for an independent study arranged by the City to determine if there is a gap in coverage.

Vote: In favor: CM Beeton, MPT Weber, CM Colbert, CM Woods. Absent: CM Fennewald, Mayor Thomas. CM Mahoney abstained due to conflict of interest:. Motion approved.

C. Public hearing and consider for approval an Ordinance of the City of Galveston, Texas granting a Specific Use Permit to install a Wireless Communication

Tower in a Planned Development (PD) zoning district on property legally described as "Lot 7, of Seabird Acres, a subdivision in the City and County of Galveston, Texas" and commonly known as 21430 San Luis Pass Road. (Planning Case 09P-52).

ORDINANCE NO. 10-000 was read by caption: GRANTING A SPECIFIC USE PERMIT TO INSTALL A WIRELESS COMMUNICATION TOWER IN A PLANNED DEVELOPMENT (PD) ZONING DISTRICT ON PROPERTY LEGALLY DESCRIBED AS "LOT 7, SEABIRD ACRES, A SUBDIVISION, IN THE CITY AND COUNTY OF GALVESTON, TEXAS" AND COMMONLY KNOWN AS 21430 SAN LUIS PASS ROAD; PLANNING CASE NUMBER 09P-52; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

MPT Weber opened the PUBLIC HEARING.

Alice Ann O'Donell stated she supported Council's decision on Item 9B.

Josephine Davis, 4211 San Jacinto, asked who was going to select the independent expert.

Charles Goforth, said he was disappointed in the decision.

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

CM Colbert moved to defer to the June 24, 2010 meeting. Second by CM Woods. Unanimously approved by those present. CM Fennewald absent.

Mayor Thomas returned to the meeting

D. Conduct a second public hearing and consider for approval an Ordinance of the City of Galveston, Texas adopting, amending and renewing the provisions of Chapter 24 "Offenses-Miscellaneous", Section 24-6, "Curfew for Minors" of "The Code of the City of Galveston 1982 as amended"; providing for a penalty clause.

ORDINANCE NO. 10-030 was read by caption: AMENDING AND RENEWING THE PROVISIONS OF CHAPTER 24, "OFFENSES-MISCELLANEOUS", SECTION 24-6, "CURFEW FOR MINORS" OF "THE CITY CODE OF GALVESTON, 1982, AS AMENDED"; PROVIDING FOR A PENALTY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

After discussion, CM Woods moved to defer. Second by CM Colbert. Police Chief Wiley spoke in support of the ordinance. After further discussion, CM Woods and CM Colbert withdrew the motion to defer.

CM Woods moved to approve the ordinance with the stipulation that it expire in six months and that Sec. 24.6 (c) (6) The minor was on an errand directed by the minor's parent or guardian; be put back in the proposed ordinance. Second by MPT Weber. Unanimously approved by those present. CM Fennewald absent.

10. PUBLIC COMMENT

Boyd Carr, 22602 Bay Point Dr., opposed to Isla Del Sol water tower.

Kay Langley, 22406 Vista Del Mar, opposed to Isla Del Sol water tower.
Sharon Calkins, opposed to Isla Del Sol water tower.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas, amending the May 8, 2010, General Election Order by approving an Election Services Contract and Joint Election Agreement with Galveston Independent School District and the Galveston County Elections Officer; repealing the prior Joint Election Agreement and Election Services Contract with Galveston College and Galveston County due to the cancellation of the College's Election.

ORDINANCE NO. 10-031 was read by caption: AMENDING THE MAY 8, 2010 GENERAL ELECTION ORDER BY APPROVING AN ELECTION SERVICES CONTRACT AND JOINT ELECTION AGREEMENT WITH GALVESTON INDEPENDENT SCHOOL DISTRICT AND THE GALVESTON COUNTY ELECTIONS OFFICER; REPEALING THE JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH GALVESTON COLLEGE AND GALVESTON COUNTY DUE TO THE CANCELLATION OF THE COLLEGE'S ELECTION; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by MPT Weber. Second by CM Woods. Unanimously approved by those present. CM Fennewald absent.

B. Consider for approval an Ordinance of the City of Galveston, Texas, amending the total operating fund budget for fiscal year ending September 30, 2010, by suspending $1,072,153 from the General Fund and recognition of designated funds from Hotel-Motel Occupancy Tax for East End Lagoon Master Plan Development for $134,820 for a total of $1,206,973.

ORDINANCE NO. 10-032 was read by caption: AMENDING THE TOTAL OPERATING FUND BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010, BY SUSPENDING $1,072,153 FROM THE GENERAL FUND AND RECOGNITION OF DESIGNATED FUNDS FROM HOTEL-MOTEL OCCUPANCY TAX FOR THE EAST END LAGOON MASTER PLAN DEVELOPMENT FOR $134,820 FOR A TOTAL OF $1,206,973: MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by MPT Weber. Second by CM Colbert.

Recess: 8:00 p.m. - 8:20 p.m.

Mayor Thomas left the meeting. 8:20 p.m.

Vote: In favor: CM Mahoney, MPT Weber, CM Colbert, CM Woods, Opposed: CM Beeton. Absent: CM Fennewald, Mayor Thomas. Motion approved.

CM Beeton stated for the record she was opposed due to the fact that $23,000 is being suspended out of the Parks and Recreation Budget and she would like to see that remain in that budget so the parks could be kept open more often.

C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas approving and authorizing the City Manager to execute an Interlocal Cooperation Agreement with the City of Brownsville, Texas to purchase two Gillig Buses from a Cooperative Bus Purchase Contract for Island Transit.

RESOLUTION NO. 10-015 was read by caption: APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF BROWNSVILLE, TEXAS TO PURCHASE TWO GILLIG BUSSES FROM A COOPERATIVE BUS PURCHASE CONTRACT FOR ISLAND TRANSIT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Mahoney. Second by CM Colbert. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas

D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas approving and authorizing the City Manager to execute an Interlocal Cooperation Agreement with the Galveston County Health District for Emergency Medical Services (EMS) for a term of five years; approving and authorizing the City Manager to execute a Memorandum of Understanding for Emergency Medical Services during a declared state of emergency or disaster.

RESOLUTION NO. 10-016 was read by caption: APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE GALVESTON COUNTY HEALTH DISTRICT FOR EMERGENCY MEDICAL SERVICES (EMS) FOR A TERM OF FIVE YEARS; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR EMERGENCY MEDICAL SERVICES DURING A DECLARED STATE OF EMERGENCY OR DISASTER; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

After discussion, due to a lack of a super majority being present to vote, **CM Woods amended his motion to change the term of the agreement from five years to three years. CM Colbert accepted the amendment. Motion, as amended, was unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas.**

E. Consider for approval a Resolution of The City Council of The City of Galveston, Texas Approving and Authorizing the City Manager To Execute An Interlocal Cooperation Agreement with the County Of Galveston, Texas to Provide Refueling And Maintenance Services, as well as Administration, for Galveston County Fleet Vehicles; Providing for Findings of Fact and Providing for an Effective Date.

RESOLUTION NO. 10-017 was read by caption: APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE COUNTY OF GALVESTON, TEXAS TO PROVIDE REFUELING AND MAINTENANCE SERVICES, AS WELL AS ADMINISTRATION, FOR GALVESTON COUNTY FLEET VEHICLES;

PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Colbert. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas.

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 purchase from Scanna for one portable x-ray unit Scantrak Basic for $15,500.00 and one portable x-ray unit Scantrak Golden XRS-3 Generator for $6,000.00 and shipping cost of $950.00 for a total price of $22,450.00 for the Police Department. Funding source is Governor's Division of Emergency Management, Office of Infrastructure Protection and 2008 Buffer Zone Protection Program.

Motion to approve by CM Colbert. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas

B. Consider for action approving the purchase of a 23' Sea Hunt, center console, medium range boat from Gulf Coast Marine for use by the Galveston Police Department Marine Division. Funding source is Bureau of Justice Stimulus Grant, Byrne Grant, 100% no match.

Motion to approve by CM Woods. Second by CM Colbert. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas

C. Consider for action approving the purchase package of seven service trucks for the Municipal Utilities Department to be purchased from Philpott Motors through HGAC BUY for a total price of $150,540.52. Funding source is Fiscal Year 2009-2010 Sewer Improvement Fund.

Motion to approve by CM Woods. Second by CM Colbert. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas

D. Consider for action approving purchase package of two service vehicles for the Airport to be purchased from Philpott Motors HGAC BUY for a total price of $38,330.44. Funding source is Airport Capital Improvement Account.

Motion to approve by CM Mahoney. Second by CM Colbert. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas

10:00 p.m. CM Mahoney left the meeting

E. Consider for action approving bid from Tri-Point Construction Services for concession building located at the Lassie League Complex in the amount of $45,000.00 for repair of Hurricane Ike damage. Funding source is 90% FEMA and 10% Parks Capital Improvement Account.

F. Consider for action approving bid from Tri-Point Construction Services for Watson Field located at the Lassie League Complex in the amount of $65,000.00 for repair of Hurricane Ike damage. Funding source is 90% FEMA and 10% Parks Capital Improvement Account.

G. Consider for action approving bid from Tri-Point Construction Services for Godinich Field located at the Lassie League Complex in the amount of $52,500.00 for repair of Hurricane Ike damage. Funding source is 90% FEMA and 10% Parks Capital Improvement Account.

H. Consider for action approving bid from Tri-Point Construction Services for Carter Field located at the Lassie League Complex in the amount of $47,130.00 for repair of Hurricane Ike damage. Funding source is 90% FEMA and 10% Parks Capital Improvement Account.

I. Consider for action approving bid from Flamingo Gardens in the amount of $73,000.00 for the reforestation of Rosenberg Esplanade (25th Street) from Broadway to Harborside to replace the salt water killed trees from Hurricane Ike. Funding source is $30,000.00 donation from our Sister City Niiagata and a $43,000.00 donation from the Galveston Tree Conservancy.

Motion to approve by CM Colbert. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, CM Mahoney

Kathy Conlen-Townsend representing the Galveston Tree Conservancy presented a check in the amount of $43,000 to Council.

J. Consider for action approving the 2010 Community Development Block Grant and HOME Investment Partnership Consolidated Program Objectives and Program of Projects in the amount of $2,105,810.00.

Motion to approve by CM Woods. Second by CM Beeton. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas

K. Consider for action approving the CDBG Disaster Recovery Housing Program Amendments for submission to the Texas Department of Housing and Community Affairs.

Motion to approve by CM Colbert. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas, CM Mahoney

L. Consider for action approving a sub-recipient agreement between the City of Galveston and the Galveston Housing Authority (GHA) in the amount of $1,204.00 for homebuyer counseling services and approve a sub-recipient agreement between the City of Galveston and Galveston Redevelopment and Community Enterprise (GRACE) in the amount of $1,805.00 for assistance in the sale of six rehabilitated or reconstructed housing units to eligible program participants under the Neighborhood Stabilization Program.

Motion to approve by CM Beeton. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas.

Remove 2805 Church $7,900 $70,110

M. Consider for action approving the acquisition of six tax foreclosed properties located at 3123 Ursuline, 3915 Ursuline, 2415 41st St., 3811 Ball, 5508 Ave. K, 2805 Church in the amount of $78,010.00 to rehabilitate or reconstruct under the Neighborhood Stabilization Program.

Motion to approve by CM Woods. Second by CM Colbert. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas

N. Consider for action approving purchase of two Dell Latitude E6400XFR lap tops in the amount of $9,749.80 and eighteen Dell E6500 lap tops in the amount of $27,167.40 for a total of $36,917.20 for the Police Department. Funding source is Governor's Division of Emergency Management, Office of Infrastructure Protection and 2008 Buffer Zone Protection Program.

Motion to approve by CM Colbert. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas, CM Mahoney.

O. Discuss and consider for action providing the City Manager and City Attorney direction for City Code amendments to regulate inter-and intrastate bus passenger locations within the City. (Woods/Colbert)

No action.

Staff is to develop an ordinance for allowing buses to safely pick up and drop off passengers.

P. Discuss and consider for action giving the City Manager direction regarding code update and revision to beach access plan. (Beeton/Fennewald)

No action.

All aspects of the beach access plan will be reviewed.

Q. Discuss changing the order of business for Council Meetings to take Public Comment before Public Hearings. (Beeton/Fennewald)

CM Beeton moved that the order of business for Council meetings be amended to allow public comment before the Public Hearings. There was no second. CM Beeton requested this item be placed on the next meeting agenda.

No action.

R. Consider for action engaging the law firm of Mills, Shirley to continue representing the City in litigation styled as George Wood v. City (09-CV-2390; 09 CV-0761) in an amount not to exceed $25,000.

CM Woods moved approval. Second by CM Colbert. Unanimously approved by those present. Absent: CM Fennewald, Mayor Thomas, CM Mahoney

S. Discuss and consider for action establishing a process for evaluating and give performance reviews to Council appointees. (Beeton/Mahoney)

CM Beeton stated Council needs a procedure for evaluating its appointees annually. She requested this item be placed on the next Council meeting agenda.

CM Mahoney moved to approve Action Agenda Items E, F, G and H. Second by CM Colbert. Unanimously approved by those present. Absent: CM Fennewald

13. MAYOR AND COUNCIL APPOINTMENTS
    A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:
        1. Zoning Board of Adjustments
        2. Civilian Review Board

    No action taken

14. N/A

15. EXECUTIVE SESSION (Closed Session)

16. DISCUSSION ITEMS
    N/A

17. ADJOURNMENT
    There being no further business to come before the assembly, the meeting was adjourned at 11:25 p.m.