THE MINUTES OF THE MEETING OF THE CITY COUNCIL OF THE CITY OF GALVESTON HELD FEBRUARY 11, 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 Fennewald, CM Woods
   Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence

5. DECLARATIONS OF CONFLICT
   None

6. APPROVAL OF MINUTES
   The Minutes of the Regular Meeting held January 14, 2010 were unanimously approved upon motion by MPT Weber and second by CM Colbert.

7. PRESENTATIONS
   A. Census Presentation
   B. Proclamations/Certificate of Appreciation
      Del Papa Distributing 100TH Anniversary
      Edward Clack Recognition/Appreciation

8. COMMUNICATIONS AND PETITIONS
   Texas Gas Service: Purchased Gas Adjustment Clause for February,2010

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
   A. Consider for approval a Resolution dissolving City of Galveston Public Improvement District No. 5 (The Preserve at Sweetwater Lake); making certain findings related thereto; and providing that this Resolution shall become effective from and after its passage and adoption.

RESOLUTION NO. 10-005 was read by caption: DISSOLVING CITY OF GALVESTON PUBLIC IMPROVEMENT DISTRICT NO. 5 (THE PRESERVE AT SWEETWATER LAKE); MAKING CERTAIN FINDINGS RELATED THERETO; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

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

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

10. PUBLIC COMMENT

The public shall be allowed to address one or more agenda or non-agenda items. Each person

Walt Parsons, 4411 Fox Meadow, Pasadena, Tx., spoke regarding procedural problems with HMGP.

Herbert Turner, 215 Postoffice, said the City should get a legal op0inion on the Charter change being proposed pertaining to housing funds.

Lisa Miller Marshall, Webster, Galveston Bay Foundation, announced a Stakeholder Meeting.

Willy Gonzales, 1801 32nd St, stated his opposition to the proposed parking plan for Boddeker Drive.

Steve Greenberg, 4800 Seawall #F2, spoke about infrastructure and the General Fund Budget.

Blu Shields, 22 9th Ave. N, Texas City, Tx., spoke about building green with the CDBG Housing Recovery Program.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas, ordering and calling an election to be held in the City of Galveston on the Eighth (8th) Day of May 2010, for the purpose of electing a Mayor at-large and six (6) Council Members from districts, each for two year terms; providing for such election to be held jointly with the Galveston Community College District for the purpose of electing persons to serve on its Board of Regents in Positions #7, #8, and #9 for a term of six years; making provision for the conduct and giving notice of the election; authorizing the City Manager to execute an Election Services Agreement with Galveston County to hold and conduct this election; authorizing the City Manager to execute a Joint Election Agreement with the Galveston Community College District to proportionately share certain costs; designating the polling places; designating hours for voting; providing for publication of notice of the election; providing bilingual election requirements; providing for a severability clause; providing an open meetings clause; providing a savings clause.

ORDINANCE NO. 10-011 was read by caption: ORDERING AND CALLING AN ELECTION TO BE HELD IN THE CITY OF GALVESTON ON THE EIGHTH DAY OF MAY, 2010, FOR THE PURPOSE OF ELECTING A MAYOR AT-LARGE AND SIX COUNCIL MEMBERS FROM DISTRICTS, EACH FOR TWO YEAR TERMS; PROVIDING FOR SUCH ELECTION TO BE HELD JOINTLY WITH THE GALVESTON COMMUNITY COLLEGE DISTRICT FOR THE PURPOSE OF ELECTING PERSONS TO SERVE ON ITS BOARD OF REGENTS IN POSITIONS #7, #8, AND #9 FOR A TERM OF SIX YEARS; MAKING PROVISION FOR THE CONDUCT AND GIVING NOTICE OF THE ELECTION; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICES AGREEMENT WITH GALVESTON COUNTY TO HOLD AND CONDUCT THIS ELECTION; AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT ELECTION AGREEMENT WITH THE GALVESTON COMMUNITY COLLEGE DISTRICT TO PROPORTIONATELY SHARE CERTAIN COSTS; DESIGNATING THE POLLING PLACES; DESIGNATING HOURS FOR VOTING; PROVIDING FOR PUBLICATION OF NOTICE OF THE ELECTION; PROVIDING BILINGUAL ELECTION REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE;

PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING A SAVINGS CLAUSE; DECLARING FINDINGS OF FACT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

City Secretary Lawrence will check on the availability of Gulf Breeze Apartments for use as a polling site and bring the change back to Council if it is available.

B. Consider for approval an Ordinance of the City of Galveston, Texas amending Chapter 34, "Traffic" of "The Code of the City of Galveston 1982, as amended" to prohibit charging for metered parking on Sundays.

ORDINANCE NO. 10-012 was read by caption: AMENDING CHAPTER 34, "TRAFFIC" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" TO PROHIBIT CHARGING FOR METERED PARKING ON SUNDAYS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

C. Consider for approval a Resolution of the City of Galveston, Texas establishing a date for a public hearing on the proposed assessments for the Beachside Village Public Improvement District; authorizing and directing the publication and mailing of notice of such public hearing.

RESOLUTION NO. 10-006 was read by caption: ESTABLISHING A DATE FOR A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS FOR THE BEACHSIDE VILLAGE PUBLIC IMPROVEMENT DISTRICT; AUTHORIZING AND DIRECTING THE PUBLICATION AND MAILING OF NOTICE OF SUCH PUBLIC HEARING; AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

City Attorney Green said staff is requesting the public hearing be set for February 25, the Regular Council Meeting, at 4:00 pm.

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

D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas decreasing the percentage of hotel occupancy tax revenues provided to Island Star Performances in Resolution 09-013 by .077% to correct for a rounding error contained therein; authorizing the City Manager to execute a new contract with the recipient.

RESOLUTION No. 10-007 was read by caption: DECREASING THE PERCENTAGE OF HOTEL OCCUPANCY TAX REVENUES PROVIDED TO ISLAND STAR PERFORMANCES IN RESOLUTION 09-013 BY .077% TO CORRECT FOR A ROUNDING ERROR CONTAINED THEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW CONTRACT WITH THE RECIPIENT; 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. CM Fennewald out of the room.

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 continuing rentals of numerous bypass pumps from Godwin Pump and Equipment for the operation of lift stations, the Main and Airport Wastewater Treatment Plants for the protection of human safety and welfare for emergency recovery following Hurricane Ike. The estimated cost of the additional rental time is $500,000.00. Funding source is FEMA Reimbursement.

Motion to approve by CM Mahoney. Second by CM Fennewald. Unanimously approved by those present. Mayor Thomas out of the room.

B. Consider for action approving the purchase of two Ford Expeditions for the Police Department to be purchased from Philpott Motors through HGAC Buy for a total price of $72,401.18. Funding source is 100% from a 2009 Byrne Justice Assistance Grant.

C. Consider for action approving the purchase of four newly dressed Ford Police Interceptors for the Police Departments Patrol Division to be purchased from Philpott Ford through HGAC Buy for a total price of $141,009.56. Funding source is Vehicle Replacement Account.

D. Consider for action approving the purchase of two new dressed Ford Crew Cab Pickups for the Parks Department to be purchased from Philpott Ford through HGAC for a total price of $49,064.72. Funding source is Vehicle Replacement Account.

E. Consider for action approving the purchase of one Swat Command Center for the Police Department to be purchased from Matthews Specialty Vehicles, Inc. through HGAC for a total price of $153,418.00. Funding source is 100% from a 2009 Bryne Justice Assistance Grant.

F. Consider for action rejecting all bids for Bid #09-10-017 for a portable X-ray machine for the Police Department and instead approve the purchase of a portable X-ray machine from Scanna for the price of $22,450.00. Funding source is Governor's Division of Emergency Management Office of Infrastructure Protection and 2008 Buffer Zone Protection Program.

CM Colbert moved to reject all bids. Second by MPT Weber. Unanimously approved.

G. Consider for action approving the purchase of 30 SCBAs, 10 voice amplifiers, and 103 cylinders from Municipal Emergency Services, Inc. for a total price of $201,376.00 and voiding the previous award of April 9, 2009. Funding source is

90% FEMA - $181,239.00 10% Local Share - $20,137.00 from General Fund, Fund Balance Account 0100-170100-553004-419000.

H. Consider for action approving three-year maintenance contract with Tyler Technologies for Municipal Court in the amount of $60,188.00. Funding source is Courts Special Revenue Fund Account.

I. Consider for action authorizing the City Manger to accept a grant from the Texas Department of Public Safety's Division of Emergency Management for the development of a Local Mitigation Plan in the amount of $199,500.00 and authorizing the City Manager to execute the grant contract. The local match of $49,875.00 or 25% will be provided with in-kind services.

J. Consider for action approving an Interlocal contract agreement and authorizing the City Manager to execute the agreement with the Port authorizing the City's contractor to clean those Port drainage pipes connecting with the City's drainage outflow pipes to remove Hurricane Ike related debris that would otherwise flow into City pipes preventing proper drainage, and thereby threatening the health safety and welfare of the residents of the City.

K. Discuss and consider for action providing direction to the City Manager concerning the process to encourage local participation in the CDBG housing recovery program.

CM Beeton moved that the City give the City Manager direction to move forward with the RFQ process subject to review by the Legal Department as proposed by the Chamber of Commerce and City Staff subject to a possible amendment to apply Davis Bacon upon further deliberation by this Council. Second by MPT Weber. Unanimously approved.

L. Discuss and consider for action requesting a legal opinion on the effect of the petition currently circulating regarding expenditure of funds for public housing, should it become law. (Beeton/Mahoney)

MPT Weber moved that no action be taken. Second by CM Woods. Unanimously approved.

M. Discuss and consider for action allowing contractors to move properties in the Buyout Program. (Colbert/Woods)

Motion to approve Action Agenda Items B, C, D, E, G, H, I and J by MPT Weber. 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:

None

14. N/A

15. EXECUTIVE SESSION (Closed Session)
    N/A

16. DISCUSSION ITEMS
    A. City Manager
    B. City Council

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 7:50 p.m.