

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD - JANUARY 28, 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 Attorney Green, City
Secretary Lawrence
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
None
7. PRESENTATIONS
Z Krewe Mardi Gras presentation
West End Golf Cart Committee
Family, Children and Youth Committee
8. COMMUNICATIONS AND PETITIONS
A. Notices of Claim: 10001-George Woods; 10002-Manuel Garcia/Rina
Johnson; 10003-John Kusnerik; 10004-Kelly Chambers;
10005-Carol McClary; 10006-Charish Babin; 10007-Juan
Carlos Rodriguez; 08007A-Barbara McCourt; 09-081-
Randall F. Smith
B. Texas Gas Service: Purchased Gas Adjustment Clause for billings in January
2010
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
N/A
10. PUBLIC COMMENT
The public shall be allowed to address one or more agenda or non-agenda items.
Each person shall be limited to three (3) minutes, regardless of the number of items
addressed.
Steve Pack, Ampco, stated there would not be a charge to park on Sundays.
Greg Roof, 7700 Seawall, stated he would withdraw his petition if the City would
proceed with its agreement with Ampco to not enforce Sunday parking.
Craig Brown, Downtown Oversight Committee, spoke in support of paid parking and
asked that the installation of the meters and the Ampco Contract with free parking on

Sundays move forward as soon as possible. He thanked CM Woods, Finance Director Jeff Miller and Mayor Thomas for their help.

Trey Click, 2423 Market, spoke in support of paid parking in the downtown area.

Craig Brown, 201 Ave. N ½, spoke in support of paid parking in the downtown area.

Terry Cnrad, 2218 Postoffice, spoke in support of paid parking in the downtown area.

(Mayor Thomas left the meeting at 5:00 p.m.

Guy Taylor, 501 21st St., spoke in support of paid parking and stated his concerns regarding the Jean Lafitte Hotel property.

Janis Bell, 4231 Ghost Crab, stated golf carts on the beach are dangerous.

Angela Brown, 2019 Ave. N ½, Mod Coffee House, spoke in support of paid parking in the downtown area.

Ernest Connor, 2421 Gerol Drive, spoke in support of paid parking in the downtown area.

Miquel Lopez, 511 20th St., Apache Restaurant, spoke in support of paid parking in front of his restaurant.

Charles Azar, 2219 Postoffice, spoke in support of paid parking in the downtown area.

Joyce Calver, 1010 Winner, spoke in support of paid parking in the downtown area.

Frank Dryden, 513 25th St., spoke in support of paid parking in the downtown area and asked that there be a two hour only limit and that it be strongly enforced.

Marty Baker, 4095 Pirates Beach, spoke in support of paid parking in the downtown area.

Lyn Jones, 4240 Spoonbill, spoke in support of Item 12.L.

Sydney McClendon, 5409 Fieldwood, Houston, spoke in support of Item 12.L.

Maggie Hindman, thanked Council for supporting her appointment as Alternate Municipal Court Judge.

Richard Bell, 4231 Ghost Crab Lane, spoke in support of Item 12.L

Al Fichera, 16511 FM 3005, stated concerns pertaining to the bid packages for the buyouts.

Gary Denny, 23117 Camino, Terramar Beach, spoke regarding moving houses on the beach.

Cathy Winsor, 3814 Port Trinidad, spoke in support of West End Golf Committee's recommendations.

Ted and Brenda Ginsberg, 4230 Ghost Crab, spoke in support of Pirate's Beach Proposal pertaining to the BuyOut.

Stacy Young, 4607 Ave. S, spoke in support of paid parking in the downtown area.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of The City Of Galveston, Texas, Adopting And Renewing The Provisions Of Chapter 24, "Offenses-Miscellaneous",

Section 24-6, "Curfew For Minors" of "The Galveston City Code of 1982, As Amended"; Providing For A Penalty Clause.

ORDINANCE was read by caption: ADOPTING AND RENEWING THE PROVISIONS OF CHAPTER 24, "OFFENSES-MISCELLANEOUS", SECTION 24-6, "CURFEW FOR MINORS" OF "THE GALVESTON CITY CODE OF 1982, AS AMENDED"; PROVIDING FOR A PENALTY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

After discussion, **CM Colbert moved to defer to next Council meeting. Second by CM Woods seconded. Unanimously approved by those present.**

- B. Consider for approval a Resolution of The City Council of the City Of Galveston, Texas, Approving and Authorizing The City Manager To Execute An Agreement Between The City Of Galveston And Margaret Hindman In Which The Parties Agree Margaret Hindman Shall Serve As Alternate Municipal Court Judge

RESOLUTION NO.. 10-001 was read by caption: APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF GALVESTON AND MARGARET HINDMAN IN WHICH THE PARTIES AGREE MARGARET HINDMAN SHALL SERVE AS ALTERNATE MUNICIPAL COURT JUDGE; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

- C. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 2, "Administration", Article IV, "Boards, Commissions and Committees" of "The Code of the City of Galveston 1982, as Amended" by reducing the number of regular members of the Airport Advisory Committee from nine (9) to seven (7), reducing the number of members necessary to make a quorum, and eliminating alternate members; making various findings and provisions related to the subject.

ORDINANCE 10-005 was read by caption: AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE IV, "BOARDS, COMMISSIONS AND COMMITTEES" OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED" BY REDUCING THE NUMBER OF REGULAR MEMBERS OF THE AIRPORT ADVISORY COMMITTEE FROM NINE (9) TO SEVEN (7), REDUCING THE NUMBER OF MEMBERS NECESSARY TO MAKE A QUORUM, AND ELIMINATING ALTERNATE MEMBERS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

- D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving and authorizing the City Manager to execute a Supplemental Agreement extending the term (until May 30, 2015) of a License To Use granted by the Department of the Army for the use of the slope/sidewalk and

maintenance of traffic control devices on the East Seawall Boulevard Area between Ferry Road and the Boddecker Drive East End Terminus of Seawall Boulevard.

RESOLUTION NO. 10-002 was read by caption: APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT EXTENDING THE TERM (UNTIL MAY 3, 2015) OF A LICENSE TO USE GRANTED BY THE DEPARTMENT OF THE ARMY FOR THE USE OF THE SLOPE/SIDEWALK AND MAINTENANCE OF TRAFFIC CONTROL DEVICES ON THE EAST SEAWALL BOULEVARD AREA BETWEEN FERRY ROAD AND THE BODDECKER DRIVE EAST END TERMINUS OF SEAWALL BOULEVARD; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

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

- E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, amending Resolution 09-036, by adding state-required language to reimburse the State any misappropriated grant funds, authorizing the City Manager to execute an application for a Fiscal Year 2010 Justice Assistance Grant from The Office Of The Governor's Criminal Justice Division.

RESOLUTION NO. 10-003 was read by caption: AMENDING RESOLUTION 09-036, BY ADDING STATE-REQUIRED LANGUAGE TO REIMBURSE THE STATE ANY MISAPPROPRIATED GRANT FUNDS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR A FISCAL YEAR 2010 JUSTICE ASSISTANCE GRANT FROM THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION; 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.

- F. Consider for approval a Resolution Of The City Council Of The City Of Galveston, Texas, Supporting The City Of Galveston's Pursuit Of Federal Funding For The Purchase Of Transit Vehicles, Authorizing The City Manager To Execute The Requisite Documents To Submit A Federal Transit Administration Grant; Providing For Findings Of Fact And Providing For An Effective Date

RESOLUTION NO. 10-004 was read by caption: SUPPORTING THE CITY OF GALVESTON'S PURSUIT OF FEDERAL FUNDING FOR THE PURCHASE OF TRANSIT VEHICLES, AUTHORIZING THE CITY MANAGER TO EXECUTE THE REQUISITE DOCUMENTS TO SUBMIT A FEDERAL TRANSIT ADMINISTRATION GRANT; 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.

- G. Consider for approval an Ordinance of the City of Galveston, Texas extending the April 30, 2010 variance from flood elevation requirements for manufactured homes in floodplains for the limited purpose to allow the Federal Emergency Management Agency to provide temporary direct housing assistance in the form of manufactured homes and readily fabricated dwellings, primarily mobile homes and park model mobile homes, in response to widespread damage caused by Hurricane Ike.

ORDINANCE NO. 10-006 was read by caption: EXTENDING THE APRIL 30, 2010 VARIANCE FROM FLOOD ELEVATION REQUIREMENTS FOR MANUFACTURED HOMES IN FLOODPLAINS FOR THE LIMITED PURPOSE TO ALLOW THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO PROVIDE TEMPORARY DIRECT HOUSING ASSISTANCE IN THE FORM OF MANUFACTURED HOMES AND READILY FABRICATED DWELLINGS, PRIMARILY MOBILE HOMES AND PARK MODEL MOBIL HOMES, IN RESPONSE TO WIDESPREAD DAMAGE CAUSED BY HURRICANE IKE; REQUIRING MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve with the extended deadline of July 9, 2010 by CM Beeton. Second by CM Woods. Unanimously approved by those present.

- H. Consider for approval an Ordinance of the City of Galveston, Texas to extend the March 1, 2010 deadline authorizing the conditional placement and use of privately owned trailers and recreational vehicles at damaged residential or commercial locations during construction, subject to temporary rules and regulations.

ORDINANCE NO. 10-007 was read by caption: TO EXTEND THE MARCH 1, 2010 DEADLINE AUTHORIZING THE CONDITIONAL PLACEMENT AND USE OF PRIVATELY OWNED TRAILERS AND RECREATIONAL VEHICLES AT DAMAGED RESIDENTIAL OR COMMERCIAL LOCATIONS DURING CONSTRUCTION, SUBJECT TO TEMPORARY RULES AND REGULATIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve with the extended deadline of July 9, 2010 by CM Beeton. Second by CM Woods. Unanimously approved by those present.

- I. Consider for approval an Ordinance of the City of Galveston, Texas extending the April 30, 2010 deadline authorizing the conditional placement of trailers and recreational vehicles located on trailer parks temporarily created for volunteer agency sites in response to widespread damage caused by Hurricane Ike subject to temporary rules and regulations.

ORDINANCE NO. 10-008 was read by caption: EXTENDING THE APRIL 30, 2010 DEADLINE AUTHORIZING THE CONDITIONAL PLACEMENT OF TRAILERS AND RECREATIONAL VEHICLES LOCATED ON TRAILER PARKS TEMPORARILY CREATED FOR VOLUNTEER AGENCY SITES IN RESPONSE TO WIDESPREAD DAMAGE CAUSED BY HURRICANE IKE SUBJECT TO TEMPORARY RULES AND REGULATIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve with the extended deadline of July 9, 2010 by CM Beeton. Second by CM Woods. Unanimously approved by those present.

- J. Consider for approval an Ordinance of the City of Galveston, Texas to extend the March 1, 2010 deadline authorizing the conditional placement of temporary storage units located at damaged residential and commercial properties, during construction, subject to temporary rules and regulations.

ORDINANCE NO. 10-009 was read by caption: TO EXTEND THE MARCH 1, 2010 DEADLINE AUTHORIZING THE CONDITIONAL PLACEMENT OF TEMPORARY STORAGE UNITS LOCATED AT DAMAGED RESIDENTIAL AND COMMERCIAL PROPERTIES, DURING CONSTRUCTION, SUBJECT TO TEMPORARY RULES AND REGULATIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve with the extended deadline of July 9, 2010 by CM Beeton. Second by CM Woods. Unanimously approved by those present.

- K. Consider for approval an Ordinance of the City of Galveston, Texas, adopting City wide notification that the City will utilize Chapter 23, "Nuisances" of the Code of the City of Galveston 1982, as amended, to remove dangerous trees from private property in compliance with rules established by the Federal Emergency Management Agency (FEMA); making various findings and provisions related to the subject.

ORDINANCE NO. 10-010 was read by caption: ADOPTING CITY WIDE NOTIFICATION THAT THE CITY WILL UTILIZE CHAPTER 23, "NUISANCES" OF THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED, TO REMOVE DANGEROUS TREES FROM PRIVATE PROPERTY IN COMPLIANCE WITH RULES ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Woods. 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 contract for Employee Assistance Program with Deer Oaks EAP Services at a rate of \$1.32 per employee per month for three years with a 5% increase for the second and third year beginning March 1, 2010.

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

- B. Consider for action approving bid from Pfeifer & Sons, Ltd. on Bid # 09-10-013 for the Hurricane Ike traffic signal repairs and traffic signal installation project

in the amount of \$1,115,628.35 The City of Galveston will be responsible for 20% of the FHWA Project cost (\$223,125.67).

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

- C. Consider for action approving the reallocation of 2006 and 2007 Community Development Block Grant (CDBG) funds in the amount of \$37,233.72 from completed projects to fund the Lennox Street Sidewalk Installation.

WITHDRAWN

- D. Consider for action approving the lowest, most responsive bid from Galveston Paint Company in the amount of \$39,068.00 to provide housing rehabilitation services at 2623 Avenue O ½. Funding source is HOME Program Funds.

WITHDRAWN

- E. Consider for action approving lowest, most responsive bid from Tradewind Custom Homes in the amount of \$115,670.00 to provide housing rehabilitation services at 303 17th Street. Funding source is HOME Program Funds.

WITHDRAWN

- F. Consider for action approving award of low bidders (Bid#09-10-022, #09-10-023, #09-10-024, #09-10-025, #09-10-026, #09-10-027, #09-10-028, #09-10-029) for demolition of residential structures and vacant lot(s) on the HMGP Buy Out Program in two parts: (1) Homes without asbestos and (2) homes with asbestos, final determination to be done once asbestos survey has been completed. Funding source is 75% Hazard Mitigation Grant Program and 25% Homeowner.

Motion to approve by CM Mahoney. Second by CM Woods. In favor: MPT Weber, CM Colbert, CM Woods, CM Mahoney. Abstaining: CM Beeton. Absent: Mayor Thomas, CM Fennwald. Motion carried.

- G Discuss and consider for action giving the City Manager direction on moving forward with the AMPCO parking meter contract. (Woods/Colbert)

Steve Pack of Ampco was present.

Mr. LeBlanc stated a compromise has been reached regarding the parking meters and the operational days. Sundays will be taken off the table as far as charging, the rate will still be \$1.25 per hour on all other days (Monday through Saturday), Ampco will provide a wifi service to downtown through these meters and that any profit that comes out of the operation after payment of any and all necessary payments will go to the Park Board to market the downtown and lastly, that at the end of the five year term, if Ampco loses money in this deal, Ampco will not come back to the City and ask to be made whole. If Ampco can accept this on the record, then the City is willing to go forward and Greg Roof would be willing to withdraw his petition.

Mr. Pack stated Ampco would concede to what Mr. LeBlanc had said.

Greg Roof, 7700 Seawall Blvd., said he would publicly say that, if the City progresses with the contract with Ampco that gives free parking on Sundays, he will withdraw his petition. He will put that in writing.

Craig Brown, Downtown Oversight Committee, spoke in support of the compromise.

CM Woods moved to give the City Manager direction to move forward with the parking meters with Ampco and to amend the contract to prohibit parking on Sundays. Second by CM Colbert. Unanimously approved by those present: Mayor Thomas, CM Mahoney, CM Beeton, MPT Weber, CM Colbert, CM Woods. CM Fennewald absent.

- H. Discuss actions necessary to improve the cleanliness of the City including receiving a report on the status of new code enforcement hires and consider for action providing the City Manager direction. (Beeton/Mahoney)

DISCUSSION ONLY

- I. Consider for approval an Interlocal Cooperation Contract between the General Land Office and the City to pool public assistance funds received from FEMA for repairing damage to shore protection projects caused by Hurricane Ike to help fund the West Galveston Project and authorizing the City Manager to execute the contract. (GLO Contract No. 09-234-000-3778).

DISCUSSION ONLY

- J. Discuss and consider for action the number of hours per day the parking meters will be turned on. (Woods/Colbert)

WITHDRAWN

- K. Discuss and consider for action cutting the trees down on Lennard Street. (Woods/Colbert)

WITHDRAWN

- L. Discuss and consider for action release of restrictions and grant open space easement for the Pirates Property Owners Assn.

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

- M. Consider for action authorizing the City Manager to enter into a three-year contract with Swagit for the purpose of providing streaming video of the City of Galveston's Municipal Channel 16, archiving services, and audio services, as well as associated software and hardware. Total three-year contract range, depending on services authorized: \$42,932-\$53,732.

CM Beeton moved to approve for 60 meetings annually which would be \$21,332 for the first year. Provided the City Manager can find the funding. Second by CM Mahoney. Unanimously approved by those present.

N. Discuss and consider for action providing City Staff with direction pertaining to the West End Golf Cart regulations.

CM Mahoney moved to take action on the ordinance developed by the West End Golf Cart Committee at the next Council meeting. Second by CM Woods.

After discussion, CM Mahoney amended her motion to bring the golf cart ordinance to

Council on February 25. CM Woods accepted the amendment.

Motion, as amended, was unanimously approved by those present. Mayor Thomas, CM Fennewald absent.

13. MAYOR AND COUNCIL APPOINTMENTS
N/A

14. N/A

15. EXECUTIVE SESSION (closed session)

16. DISCUSSION ITEMS

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 8:05 p.m.