Meeting 17 of 48 2010-2012 City Council of Galveston, Texas

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GALVESTON HELD JANUARY 13, 2011- 4:00 PM

AGENDA

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present: Mayor Jaworski, CM Puccetti, CM Gonzales, CM Beeton, MPT Colbert, CM Greenberg, CM Legg
   Staff: City Manager LeBlanc, City Attorney Green, City Secretary Lawrence

5. DECLARATION OF CONFLICT
   CM Legg declared a conflict on Action Agenda Item 12. U.

6. APPROVAL OF MINUTES

Regular Meeting of November 11, 2010:	Unanimously approved upon motion by CM Puccetti and second by CM Legg.
Regular Meeting of November 18, 2010:	Unanimously approved upon motion by MPT Colbert and second by CM Legg.
Special Meeting of November 19, 2010:	Approved upon motion by CM Puccetti and second by CM Gonzales. Vote to approve by CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, CM Greenberg. Abstaining due to absence at the meeting: MPT Colbert, CM Legg.
Regular Meeting of December 2, 2010:	Unanimously approved motion by MPT Colbert and second by CM Legg.
Regular Meeting of December 9, 2010:	Approved upon motion by MPT Colbert and second CM Legg. Vote to approve by CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert, CM Greenberg. Abstaining due to absence at the meeting: CM Legg.

7. PRESENTATIONS
   A. Proclamations: Martin Luther King, Jr. Week: January 15-17, 2011
   Ann N. O'Donnell Day: March 25, 2011

B. RDA Quarterly Report: Joe Wristers

8. COMMUNICATIONS AND PETITIONS
   A. Notices of Claim: 10093-Terrie Walker Granbery; 10094-Richard G. Geiberg; 10087A-AT&T; 11001-Charlie Reed' 11002-James Manlove; 11003-Patti Browning/Todd Slaughter

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

   A. Consider for approval an Ordinance of the City of Galveston, Texas, granting a specific use permit for "Auto Sales and Repair in Building" relating to Golf Carts in a Commercial, Broadway Overlay Zone, Zone 3 (C-BOZ-3) Zoning District; property is commonly known as 3607 Broadway/Avenue J and legally described as east half of Lot 5, and west 10.71 feet of Lot 6 and north half of the adjacent alley in Block 156, in the City and County of Galveston, Texas; Planning Case Number 10P-99.

ORDINANCE NO. 11-001 was read by caption: GRANTING A SPECIFIC USE PERMIT FOR "AUTO SALES AND REPAIR IN BUILDING" RELATING TO GOLF CARTS IN A COMMERCIAL, BROADWAY OVERLAY ZONE, ZONE 3 (C-BOZ-3) ZONING DISTRICT; PROPERTY IS COMMONLY KNOWN A 3607 BROADWAY/AVENUE J AND LEGALLY DESCRIBED AS EAST HALF OF LOT 5, AND WEST 10.71 FEET OF LOT 6 AND NORTH HALF OF THE ADJACENT ALLEY IN BLOCK 156, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 10P-99; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the proposed ordinance.

Doug Smith, part owner of Coastal Cruisers, answered questions from Council.

Motion to approve by CM Legg. Second by MPT Colbert. Unanimously approved.

   B. Consider for approval an Ordinance of the City of Galveston, Texas designating the property located at 1207 Avenue E /Postoffice, as a "Galveston Landmark"; property is legally described as "lot 6, Block 432," in the City and County of Galveston, Texas"; requesting the Historic Preservation Officer to record the property's landmark designation in the official public records of real property of Galveston County, the tax records of the City of Galveston, and the central appraisal district, as well as the official zoning maps of the City of Galveston. Planning Case Number 10P-96.

ORDINANCE NO. 11-002 was read by caption: DESIGNATING THE PROPERTY LOCATED AT 1207 AVENUE E/POSTOFFICE, AS A "GALVESTON LANDMARK"; PROPERTY IS LEGALLY DESCRIBED AS "LOT 6, BLOCK 432," IN THE CITY AND COUNTY OF GALVESTON, TEXAS" (PLANNING CASE 10P-96); REQUESTING THE HISTORIC PRESERVATION OFFICER TO RECORD THE PROPERTY'S LANDMARK DESIGNATION IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF GALVESTON COUNTY, THE TAX RECORDS OF THE CITY OF GALVESTON, AND THE CENTRAL APPRAISAL DISTRICT, AS WELL AS THE OFFICIAL ZONING MAPS OF THE CITY OF GALVESTON; MAKING VARIOUS FINDINGS AND PROVISIONS

RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the proposed ordinance.

Mayor Jaworski opened the PUBLIC HEARING.

Jane Chance, applicant, asked Council to approve the ordinance.

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

Motion to approve by CM Legg. Second by CM Puccetti. Unanimously approved.

C. Consider for approval an Ordinance of the City of Galveston, Texas amending "The Zoning Standards", Section 29-99 "Broadway Overlay Zone", by adding "Hotel or Motel" land use to the list of permitted uses With a Specific Use Permit for the Broadway Overlay Zone of the zoning standards section 29-99; Planning Case Number 10ZA-07.

ORDINANCE NO. 11-003 was read by caption: AMENDING "THE ZONING STANDARDS", SECTION 29-99 "BROADWAY OVERLAY ZONE', BY ADDING "HOTEL OR MOTEL" LAND USE TO THE LIST OF PERMITTED USES WITH A SPECIFIC USE PERMIT FOR THE BROADWAY OVERLAY ZONE OF THE ZONING STANDARDS SECTION 29-99; PLANNING CASE NUMBER 10ZA-07; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the proposed ordinance.

Mayor Jaworski opened the PUBLIC HEARING.

V.J. Tramonte, Realtor representing the Salvation Army, asked Council to approve the ordinance.

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

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

D. Consider for approval an Ordinance of the City of Galveston, Texas amending "the City of Galveston Zoning standards, 1991", to create a new and unlisted land use "Container terminal"; to amend the Galveston Zoning standards "Appendix U: HI - Heavy Industrial" regarding container terminal related land uses; to amend certain permitted land uses to require a specific use permit; to amend section: 29-51: "Use Regulation Definitions", to define "Container terminal", "Docks, port facility and similar shipping activity", and "Transfer storage and baggage terminal"; (Planning Case Number, 11ZA-01).

ORDINANCE was read by caption: AMENDING "THE CITY OF GALVESTON ZONING STANDARDS, 1991", TO CREATE A NEW AND UNLISTED LAND USE "CONTAINER TERMINAL"; TO AMEND THE GALVESTON ZONING STANDARDS "APPENDIX U: HI - HEAVY INDUSTRIAL" REGARDING CONTAINER TERMINAL RELATED LAND USES; TO AMEND CERTAIN PERMITTED LAND USES TO REQUIRE A SPECIFIC USE PERMIT; TO AMEND SECTION: 29-51: "USE REGULATION DEFINITIONS", TO DEFINE "CONTAINER TERMINAL", "DOCKS, PORT FACILITY AND SIMILAR SHIPPING ACTIVITY", AND "TRANSFER STORAGE AND BAGGAGE TERMINAL"; (PLANNING CASE NUMBER, 11ZA-01); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the proposed ordinance.
Mayor Jaworski opened the PUBLIC HEARING.
Tricia Morrision, 25th Street, urged Council to support the Specifuc Use Permit.

Steve Cernak, Port Director, asked to work with Council and staff on this item. Mr. Cernak presented the Port's annual payment to the City in the amount of $182,000.
John Sullivan, said Council needs to encourage the Port to develop and grow.
Bill Broussard, said traffic, pollution and noise abatement concerns should be addressed in the ordinance.
There being no one else to speak, the Public Hearing was closed.
CM Legg moved to defer to a date to be determined. Second by CM Gonzales. Unanimously approved.

E. Consider for approval an Ordinance of the City of Galveston, Texas, amending the "Galveston Zoning Standards", Section 29-90, "Development, Preservation And Protection Of Sand Dunes", Subsection (o)(6); Beach Maintenance Activities, to exempt the Park Board from the annual beach maintenance permit requirement for all beaches on Galveston Island for the limited purpose of cleaning and removing debris; amending Section 29-90 "Development, Preservation And Protection Of Sand Dunes", Subsection (o)(7)(f) Beach User Fees, to clarify Beach User Fees at Dellanera Park and east and west areas of the island are maximum fees; amending Section 29-90 "Development, Preservation And Protection Of Sand Dunes", Subsection (O)(7)(F), Beach User Fees, to increase the maximum Beach User Fee at R. A. Apffel Park, Stewart Beach, Dellanera Park, And Pocket Parks #1, #2, and #3 from $8.00 to $15.00 and increasing the maximum Annual Parking Fee from $25.00 to $50.00; Planning Case 10ZA-06; making various findings and provisions related to the subject.

ORDINANCE NO. 11-004 was read by caption: AMENDING THE "GALVESTON ZONING STANDARDS", SECTION 29-90, "DEVELOPMENT, PRESERVATION AND PROTECTION OF SAND DUNES", SUBSECTION (o)(6); BEACH MAINTENANCE ACTIVITIES, TO EXEMPT THE PARK BOARD FROM THE ANNUAL BEACH MAINTENANCE PERMIT REQUIREMENT FOR ALL BEACHES ON GALVESTON ISLAND FOR THE LIMITED PURPOSE OF CLEANING AND REMOVING DEBRIS; AMENDING SECTION 29-90 "DEVELOPMENT, PRESERVATION AND PROTECTION OF SAND DUNES", SUBSECTION (O)(7)(F) BEACH USER FEES, TO CLARIFY BEACH USER FEES AT DELLANERA PARK AND EAST AND WEST AREAS OF THE ISLAND ARE MAXIMUM FEES; ;AMENDING SECTION 29-90 "DEVELOPMENT, PRESERVATION AND PROTECTION OF SAND DUNES", SUBSECTION (O)(7)(F), BEACH USER FEES, TO INCREASE THE MAXIMUM BEACH USER FEE AT R.A. APFFEL PARK, STEWART BEACH, DELLANERA PARK, AND POCKET PARTS #1, #2 AND #3 FROM $8.00 TO $15.00 AND INCREASING THE MAXIMUM ANNUAL PARKING FEE FROM $25.00 TO $50.00; PLANNING CASE 10ZA-06; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Planning Director O'Donohoe summarized the proposed ordinance.

Mayor Jaworski opened the PUBLIC HEARING.

Bennie Davis, 56 LeBrun Ct., problems with debris and seaweed removal. Rules should be monitored and enforced.

Lou Muller, 38 Colony Park Circle, Director of Park Board, stated the board is not intending to increase fee to the maximum at this time. Need the flexibility to increase fees as the need arises in the future.

Ellis Pickett, problems with trash on the beach.

Bill Broussard, opposed to raising fees.

Ken Jencks, time to cut rates - not increase

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

Motion to approve the waiver of the permit and deny the fee increase by CM Greenberg. Second by CM Puccetti. After discussion, CM Greenberg and CM Puccetti withdrew the motion.

CM Beeton moved to deny the request to raise fees. Second by CM Greenberg. Unanimously approved.

CM Puccetti moved to exempt the Park Board from the annual beach maintenance permit for all beaches for the limited purpose of cleaning and removing debris and the following clarification be included in Article III on page 6: The City's part in the maintenance is maintaining the new structures above ground. Second by CM Legg. In favor: CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert, CM Greenberg, CM Legg. Opposed: CM Beeton. Motion passed.

Planning Director O'Donohoe stated the need for clarification in the current dune regulations that the $8:00 fee is a maximum fee in Items No. 3 and No. 5 on page 5 of the ordinance. CM Legg moved approval. Second by CM Puccetti. Unanimously approved.

F. PUBLIC HEARING ON PROPOSED SEAWALL PARKING PLAN

Jonathon Tromm, need to know what amenities will be provided.

Nichole Eckstrom, Chair, Galveston Surfriders, in support of a plan with amenities. Need to review plan.

Jim Jolly, Spanish Grant, encouraged Council to carry through with paid parking on the Seawall. Stated concerns about complex meters on the Strand. Need better system for the Seawall.

Ken Jencks, 190 San Marino, opposed to paid parking on the seawall. Process needs to be transparent.

Bill Broussard, GAIN report. GAIN wants to know what the City intends to do to protect the three to four streets adjoining the beach.

Bennie Davis, various suggestions regarding paid parking.

Danny McDonald, Secretary, Surfriders Foundation, concerns regarding how the funds from paid parking will be used.

Ellis Pickett, Surfrider Foundation, opposed to shuttle service. Need parking on both sides of the Seawall.

Cody Hales, Surfriders Foundation, opposed to taking parking off of south side of Seawall. His organization would like to do their own beach users survey.
Herbert Turner, 215 Postoffice, opposed to paid parking on the Seawall.
There being no one else to speak, the Public Hearing was closed.

10. PUBLIC COMMENT

David Delo, Louisiana Pacific Building Products, in support of OSB.
Bruce Cordova, APA representative, in support of OSB.
Peggy Zahler, 12520 E. Ventura, in support of Action Agenda Item 12Y.
Jim Jolly, 12439 E. Ventura Dr., in support of Action Agenda Item 12Y.
Tom Kositzky, American Plywood Assn., in support of OSB.
Patricia Morrison, 1706 25th St., in support of Specific Use Permit for container terminal operations.
Benny Davis, 56 LeBrun Court, problems with free parking provided by the Park Board.
Barbara Crews, 525 22nd St., incentives for downtown development.
Donna Leibert, 1717 Ball, City should use common sense regarding rules and regulations.
Brax Easterwood, 4620 Sherman, opposing the use of OSB.
Bill Broussard, 3310 Eckert Dr., opposed to OSB
Sheila Bell, flood concerns.
Chula Ross Sanchez, 9111 Teichman Rd., representing Green Guidelines Committee, opposed to OSB.
Jonathon Tromm, 1315 Postoffice St., in support of requiring specific use permit for container terminal on Pelican Island.
Ken Jencks, 190 San Marino, requested formation of an ad hoc committee to consider sunsetting the Park Board of Trustees.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 10, "Building Code," of "the Code of the City of Galveston, 1982; as amended", by amending, the 2009 International Building Code Amendments, "Attachment A", "Appendix M", to allow the use of Oriented Strand Board (OSB) for roof decking and exterior wall sheathing.

ORDINANCE NO. 11-005 was read by caption: AMENDING CHAPTER 10, "BUILDING CODE," OF "THE CODE OF THE CITY OF GALVESTON, 1982; AS AMENDED", BY AMENDING, THE 2009 INTERNATIONAL BUILDING CODE AMENDMENTS, "ATTACHMENT A", "APPENDIX M", TO ALLOW THE USE OF ORIENTED STRAND BOARD (OSB) FOR ROOF DECKING AND EXTERIOR WALL SHEATHING; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Legg. Second by CM Greenberg and CM Puccetti.

Unanimously approved.

B. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 10, "Building Code," of "the Code of the City of Galveston, 1982; as amended", by amending, "the 2009 International Residential Code Amendments", "Attachment A", "Appendix V", to allow the use of Oriented Strand Board (OSB) for roof decking and exterior wall sheathing.

ORDINANCE NO. 11-006 was read by caption: AMENDING CHAPTER 10, "BUILDING CODE," OF "THE CODE OF THE CITY OF GALVESTON, 1982; AS AMENDED", BY AMENDING, "THE 2009 INTERNATIONAL RESIDENTIAL CODE AMENDMENTS', "ATTACHMENT A", "APPENDIX V", TO ALLOW THE USE ORIENTED STRAND BOARD (OSB) FOR ROOF DECKING AND EXTERIOR WALL SHEATHING; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Legg. Second by CM Puccetti. Unanimously approved.

C. Consider for approval a Resolution of the City of Galveston, Texas consenting to the redemption prior to maturity of certain Gulf Coast Water Authority Water System Contract revenue Bonds (South Project); approving a continuing disclosure agreement; and, containing matters related thereto.

RESOLUTION NO. 11-007 was read by caption: CONSENTING TO THE REDEMPTION PRIOR TO MATURITY OF CERTAIN GULF COAST WATER AUTHORITY WATER SYSTEM CONTRACT REVENUE BONDS (SOUTH PROJECT); APPROVING A CONTINUING DISCLOSURE AGREEMENT; AND CONTAINING MATTERS RELATED THERETO.

Motion to approve by CM Puccetti. Second by MPT Colbert. Unanimously approved.

D. Consider for approval a Resolution of the City of Galveston, Texas authorizing amendment to Water Facilities Financing Agreement with Gulf Coast Water Authority; consenting to the redemption prior to maturity of certain Gulf Coast Water Authority Water System Contract Revenue Bonds, Series 1997; approving a continuing disclosure agreement; and, containing matters related thereto.

RESOLUTION NO. 11-006 was read by caption: AUTHORIZING AMENDMENT TO WATER FACILITIES FINANCING AGREEMENT WITH GULF COAST WATER AUTHORITY; CONSENTING TO THE REDEMPTION PRIOR TO MATURITY OF CERTAIN GULF COAST WATER AUTHORITY WATER SYSTEM CONTRACT REVENUE BONDS, SERIES 1997; APPROVING A CONTINUING DISCLOSURE AGREEMENT; AND CONTAINING MATTERS RELATED THERETO.

Motion to approve by CM Puccetti. Second by MPT Colbert. Unanimously approved.

E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, urging its legislative delegation to sponsor and support legislation allowing the City to continue to receive direct state and federal transit program funding.

RESOLUTION NO. 11-001 was read by caption: URGING ITS LEGISLATIVE DELEGATION TO SPONSOR AND SUPPORT LEGISLATION ALLOWING THE CITY TO CONTINUE TO RECEIVE DIRECT STATE AND FEDERAL TRANSIT PROGRAM FUNDING; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO SENATOR MIKE JACKSON, SENATOR JOAN HUFFMAN AND REPRESENTATIVE CRAIG EILAND; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Puccetti. Second by CM Legg. Unanimously approved.

F. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, supporting no less than $4 billion in fiscal year 2012 funding for the Community Development Block Grant program; directing the City Secretary to send a certified and true copy of this resolution to United States Senators Kay Bailey Hutchison and John Cornyn and United States Congressman Ron Paul; providing for findings of fact and providing for an effective date.

RESOLUTION NO. 11-002 was read by caption: SUPPORTING NO LESS THAN $4 BILLION IN FISCAL YEAR 2012 FUNDING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED AND TRUE COPY OF THIS RESOLUTION TO UNITED STATES SENATORS KAY BAILEY HUTCHISON AND JOHN CORNYN AND UNITED STATES CONGRESSMAN RON PAUL PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Puccetti. Second by MPT Colbert. Unanimously approved.

G. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving an interlocal agreement between the City and the University of Texas Medical Branch at Galveston (UTMB) for the purchase of four (4) transit vehicles to serve the UTMB/Victory Lakes Park and Ride Facility.

RESOLUTION NO. 11-004 was read by caption: APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF GALVESTON AND THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON (UTMB) FOR THE PURCHASE OF FOUR (4) TRANSIT VEHICLES TO SERVE THE UTMB/VICTORY LAKES PARK AND RIDE FACILITY; AUTHORIZING THE CITY MANAGER TO EXECUTE AND IMPLEMENT THE AGREEMENT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Puccetti. Second by MPT Colbert. In favor: CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert. Opposed by CM Greenberg, CM Beeton, CM Legg. Motion carried.

H. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving a five-year interlocal agreement between the City and the Board of Trustees of the Galveston Wharves for Transportation Shuttle Services to be provided by Island Transit.

RESOLUTION NO. 11-005 was read by caption: APPROVING A FIVE-YEAR INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES FOR TRANSPORTATION SHUTTLE SERVICES TO BE PROVIDED BY ISLAND TRANSIT; AUTHORIZING THE CITY MANAGER TO EXECUTE AND IMPLEMENT THE AGREEMENT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Puccetti. Second by CM Legg. Unanimously approved.

I. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, approving an Interlocal Contract Three Party Agreement between the City, the Park Board of Trustees of the City of Galveston, Texas and Galveston County, Texas for the construction and maintenance of beautification improvements and pedestrian amenities upon the Hampton Battery located at Ft. Crockett Park.

RESOLUTION NO. 11-003 was read by caption: APPROVING AN INTERLOCAL CONTRACT THREE PARTY AGREEMENT BETWEEN THE CITY, THE PARK BOARD OF TRUSTEES OF THE CITY OF GALVESTON, TEXAS AND GALVESTON COUNTY, TEXAS FOR THE CONSTRUCTION AND MAINTENANCE OF BEAUTIFICATION IMPROVEMENTS AND PEDESTRIAN AMENITIES UPON THE HAMPTON BATTERY LOCATED AT FT. CROCKETT PARK; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Legg. Second by CM Puccetti. CM Beeton clarified for the minutes that the understanding is that the City's responsibility for maintenance is to the new physical structures that will be developed as a result of the new park above the ground. Unanimously approved.

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 and authorizing the City Manager to execute Amendment No. 2 to Texas Department of Rural Affairs Contract No. DRS010051 for CDBG Disaster Recovery Alternative Entitlement Grant Program, Non-Housing Program Phase I.

B. Consider for approval continued representation by the law firm Chamberlain, Hrdlicka (William Helfand) for the defense of claim #04-059, Flagship vs. City of Galveston, et al and providing additional funding authorization of $15,000.00.

C. Consider for action authorizing the City Attorney to engage Vinson & Elkins for the purpose of providing a legal opinion in connection with the City's obligation to fund the civilian and civil service pension plans regardless of benefit levels and in consideration of the 2004 referendum and other factors to be contemplated under the engagement scope in an amount not to exceed $25,000.

D. Consider for action authorizing the City Manager to execute a license agreement between the City of Galveston & AT&T Mobility granting permission to use Tract II located at Scholes International Airport for staging recovery operations in the event of a hurricane commencing January 1, 2011 and ending December 31, 2015.

E. Consider for action approval of the acceptance of the listed FTA Grants which have been awarded to Island Transit, and in addition, the change in scope for the FTA ARRA TX-96-X037-01 funds. These funds along with insurance proceeds will assist in the purchase of replacement buses that were lost in Hurricane Ike.

F. Consider for action approval of the waiving of IT-106 which is a Federal Emergency Management Agency's project worksheet addressing the loss of passenger buses in order to allow insurance and other funding sources to be utilized for the purchase of eight new transit buses.

G. Consider for action approval of the purchase of eight (8) Gillig Low Floor 35' Transit Buses for Island Transit to be purchased from Gillig for a total price of $2,850,140 which will be purchased off of a Brownsville Cooperative Bus Purchase Contract. Funding source is from insurance proceeds, FTA Transit Vehicle Replacement, FTA Clean Fuel Grant, UTMB and FTA ARRA Accounts.

H. Consider for action approval of Change Order #1 from Caldwell Tanks, Inc. To amend their current contract for Isla Del Sol 2.0 MG Elevated Water Storage Tank to include the addition of Bid Item in the amount of $14,000 and a contract extension of 14 days to allow for the additional bid item to paint the Isla Del Sol Logo on two sides of the 2.0 MG Elevated Storage Tank currently under construction at the entrance to Isla Del Sol. This is a request made by the Isla Del Sol Homeowners Association. The current contract amount is $6,643,000.00, which will bring the new revised amount of $6,657,000.00. The funding source will be the 2008 Waterworks Bond Fund.

I. Consider for action approval of acceptance of the proposal from Dannenbaum Engineering Corporation for assistance in obtaining an alternative capacity requirement to the Texas Commission on Environmental Quality (TCEQ) for the City's water supply division. The project cost will not exceed $29,560.00. The funding source is the Supply Division - Other Contracts Fund.

J. Consider for action approval of the purchase of one industrial tractor with attachments and one trailer from John Deere Government and National Sales utilizing Buy Board

TASB through Brookside Equipment for a total price of $20,843.26 for the Municipal Utilities Waste Water Treatment Division which will be funded from the Sewer Improvement Account.

K. Consider for action approval of the purchase of one industrial tractor with attachments from John Deere Government and National Sales through Buy Board TASB for a total price of $61,329.60 for the Municipal Utilities Collections Division which will be funded from the Drainage Improvement Account.

L. Consider for action approval of a change order to Forde Construction Company for the 21st and 23rd Street Paving Project, to add a bid item for Type "F" Level-up Base Material in the amount of $16,808.31. Funding for the Type "F" Level-up Base Material will come from cost under runs on seven bid items within the project.

M. Consider for action approval of the use of a cooperative purchasing contract through The Cooperative Purchasing Network (TCPN) for office supplies with Office Depot beginning January 13, 2011 for a period of a year with an option to renew annually for an additional four years if agreed to by TCPN and Office Depot. Funding source to be various department accounts.

Motion to approve with the stipulation that there be an update at the second meeting in April by CM Puccetti. Second by CM Greenberg.

N. Consider for action approval of the purchase of 3 Autocad Civil 3D, Networked Version from DLT Solutions. The cost for these licenses will not exceed $22,323.93. Funding is available from the Water and Sewer Improvement Fund.

O. Consider for action approval of acceptance of low bid of $217,086.50 from Garner Paving and Construction, Ltd to provide labor, equipment and materials for the 11 Mile Road Paving Project. Funding for this project will come from Industrial Development Corporation Funds. (Bid#09-10-072)

P. Consider for action approval of the Annual Bulk Fuel Supply Contract to Mansfield Oil, Pumpelly Oil, Petroleum Traders and ADA, which were the lowest bidders for the Municipal Garage. Funding source is the Garage's Fuel and Lubricants Accounts.

Q. Consider for action approval of repairs to the Main Pump on the Fire Department's Pumper 1803 by Fire Truck Repair Center LLC. Estimated cost is $18,072.57. Funding source will be the Garage's Outside Vehicle Repair Account.

R. Consider for action approval of acceptance of three (3) year contract with Bosworth A/C and Heat for the replacement or repairs for air conditioning systems for City Buildings. Cost is $60,000 annually.

WITHDRAWN

S. Consider for action authorizing the City Manager to make an expenditure of $17,948.00 from Capital Outlay, which is the city's share of TxDOT Project No.: AP GALVESTON 17, TxDOT CSJ No.: 1112GLVST, for design services for Drainage Phase II on airside near Taxiway A Storm Lines 1, 2 and 8 at Scholes International Airport.

T. Consider for action approval to award the second phase of the Hampton Battery Canopy Project to USA Shades and Fabric Structures Inc. Branded as FABRITEC through Buy Board for $223,200 utilizing the $1,000,000 donation from Frito-Lay.

U. Consider for action acceptance of lowest competitive sealed proposal (RFP Number 10-11-003) for the rehabilitation of 42 owner occupied housing units in a base bid amount of $2,254,394.55 for Consolidated Concepts, Inc. Funding is provided under the CDBG Disaster Recovery Housing Program.

Motion to approve by CM Puccetti. Second by MPT Colbert. In favor: CM Puccetti, CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert, CM Greenberg. CM Legg declared a conflict of interest and did not vote. Motion carried.

V. Consider for action approval of the lowest, most responsive bid from Mid City Remodeling Contractors, Inc. In the amount of $65,857.00 to provide housing rehabilitation and lead remediation services at 1427 Market Street. Funding is from the Lead Safe Environment Program and HOME Funds.

W. Discuss and consider giving the City Manager direction concerning Gulf Coast Water Authority Operations, Board Representation and Proposed Legislation.

Motion to give Eric Wilson direction to defer at his discretion by CM Legg. Second by CM Greenberg. Unanimously approved.

X. Discuss and consider for action giving the City Manager direction concerning Seawall parking project.

CM Puccetti proposed changing the time of the year that there will be fee charged and change the enforcement to year round 9:00 a.m. to 6:00 p.m. Motion made by CM Greenberg. Second by CM Colbert. In favor: CM Puccetti, CM Gonzales, Mayor Jaworski, MPT Colbert, CM Greenberg, CM Legg. CM Beeton abstained. Motion carried.

CM Puccetti proposed the following funding allocation: 65% for amenities, 15% for maintenance, up to 10% for administration, and 10% for investigating new technology that would maintain sand on the beaches. No action taken.

Y. Consider for action authorizing a limited proxy between the City of Galveston, Texas and the Spanish Grant Civic Association designating the City Council Member for District 6 as the City's representative for the sole and limited purposes of satisfying the quorum requirements contained in the Association By-laws.

Motion to approve by CM Greenberg. Second by CM Legg. Unanimously approved.

Z. Consider for action confirmation of Fire Fighters and Police Officers Civil Service Commissioner Patrick McGuffey.

Motion to defer by CM Puccetti. Second by MPT Colbert. Unanimously approved.

Motion to approve Action Agenda Items A, B, C, D, E, F, G, H, J, K, L, N, O, P, Q, S, T and V by CM Puccetti and second by CM Gonzales.

13. MAYOR AND COUNCIL APPOINTMENTS

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

Commission for the Arts: CM Beeton moved to appoint the following:

Performing Arts Organization:	Kathy Van Dewalli (The Grand)
Performing Artist:	Maureen Patton
Visual Artist:	Stephanie Thomas
At-large member:	Martha Terrell
Literary representative:	John Gorman
Visual Arts Org.:	Robert Clepper (Arts Center)
At-large member:	Karen Kislingbury
Education representative:	Karla Klay

Second by CM Puccetti. Unanimously approved.

Airport Advisory Committee: CM Beeton moved to appoint Hilary Barriga and James Donlon. Second by CM Puccetti. Unanimously approved.

HGAC Technical Advisory Committee: CM Beeton moved to reappoint Michael Worthy as the voting member and Rick Berverlin as the Alternate. Second by CM Puccetti. Unanimously approved.

14. N/A

15. EXECUTIVE SESSION (Closed Session)

16. N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 9:37 p.m.