

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD JANUARY 8, 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: 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, Finance Director Miller, Asst. City Manager Wade, Asst. City Manager Rinderer
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
7. PRESENTATIONS
Proclamation: January 17-19, 2009 - Martin Luther King, Jr. Week
FEMA Status Report on Hurricane Ike Recovery
Island Transit Certificate of Recognition
Status Report on Temporary and Public Housing - Galveston Housing Authority
8. N/A
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
 - A. Consider for approval an Ordinance of the City of Galveston, Texas, changing the zoning from "Neighborhood Services with Historical Overlay (NS-H) to Multi-Family-One (MF-1) and retain Historical Overlay (H) on property legally described as "the north 40 feet of Lot 1 and the northwest part of Lot 2 (2001-1), Southwest Block 44, of the Galveston Outlots, in the City and County of Galveston, Texas" and commonly known as "2025 Avenue N ½, Galveston, Texas", (Planning Case 08P-65).
ORDINANCE was read by caption: CHANGING THE ZONING FROM "NEIGHBORHOOD SERVICES WITH HISTORICAL OVERLAY (NS-H) TO MULTI-FAMILY-ONE WITH HISTORICAL OVERLAY (MF-1-H) FOR PROPERTY LEGALLY DESCRIBED AS "THE NORTH 40 FEET OF LOT 1 AND THE NORTHWEST PART OF LOT 2 (2001-1), SOUTHWEST BLOCK 44, OF THE GALVESTON OUTLOTS, IN THE CITY AND COUNTY OF GALVESTON, TEXAS" AND, COMMONLY KNOWN AS "2025 AVENUE N ½ , GALVESTON, TEXAS"; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT (PLANNING CASE 08P-65)
Mayor Thomas opened the PUBLIC HEARING.
Lori Schwarz, Planning Department, gave a report on the request. She stated that Landmark Commission and Planning Commission recommended denial.
James Faust, applicant, asked Council to approve his request for the change in zoning.
Brian David, Galveston Historical Foundation, spoke in opposition of the zoning change.
Jule Kamen, 1506 21st St., spoke in opposition of the zoning change.

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

Motion to approve by MPT Weber. Second by CM Colbert. In favor: MPT Weber, CM Woods. Opposed: CM Mahoney, CM Beeton, Mayor Thomas, CM Colbert, CM Fennewald. Motion to approve the change in zoning failed. Change in zoning denied.

10. PUBLIC COMMENT

N. Martinez, 3320 Broadway, offered his services pro bono as a consultant to assist with FEMA claims.

Kevin Tillman, 3608 Ave. K, spoke in support of Item 11C.

Marty Bilek, 19703 Shores Drive, spoke regarding development and recovery of Galveston.

Debbie Conway, 12240 Jenkins Rd. Asked Council to assist in saving the decks at the Galveston Yacht Basin.

Capt. Sean Stowell, 16708 Fletcher Christian, asked Council to assist in saving the decks at the Galveston Yacht Basin.

Bill Broussard, 3310 Eckert Drive, asked Council to request a Cumulative Environmental Impact Statement on the West End from the Corps of Engineers.

Linda Burton, 13817 Cutlass Lane, spoke in support of an Impact Study and stated her concerns regarding the downsizing of UTMB.

Evangeline Whorton, 20 Colony Park Circle, Chair of Scenic Galveston, spoke regarding over development of the West End of the Island and in support a Cumulative Environmental Impact Study.

Alice Anne O'Donell, 13357 Senagas Rd., spoke in support of a Cumulative Environmental Impact Study. She also requested that Council ask Dr. Anderson and Dr. Gibeau to return and make a presentation regarding the current status of the West End of the Island.

Don Barnhart/Andrews Cazanes, spoke in support of the Hazardous Mitigation Grant Program.

Deborah Conrad, spoke in support of parking meters in the downtown area. She supports Photo Violation Technology.

Marie Garrett, 13206 Bermuda Beach Dr., said it is important that Council stays focused and consistent.

Russell Potter, 701 N. Holiday Dr, spoke regarding concerns pertaining to the Yacht Basin.

Bob Arbeitman, Austin Texas, spoke in support of Hazardous Mitigation Buyouts.

David Miller, 3310 Ave. M, said the Civilian Review Board needs to meet

Lillian McGrew, 5316 Ave. M, problems with FEMA funded hotel rooms. She asked that Cedar Terrace and Palm Terrace be remodeled.

Karla Klay, 4919 Austin, stated she was opposed to the Hazard Mitigation Grant Program.

Kristopher Benson, 4919 Austin, stated he was opposed to the Hazard Mitigation Grant Program.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval a Resolution of the City of Galveston, Texas, approving hotel occupancy tax recipient requests to temporarily suspend and extend certain financial reporting deadlines pursuant to "The Criteria and Selection Procedures for

Contributions of Hotel Occupancy Tax to Arts and Historical Preservation"; approving and authorizing certain hotel occupancy tax recipient requests to carry remaining fiscal year 2007-08 funds forward into the 2008-2009 fiscal year due to the widespread disaster caused by Hurricane Ike.

RESOLUTION NO. 09-001 was read by caption: APPROVING HOTEL OCCUPANCY TAX RECIPIENT REQUESTS TO TEMPORARILY SUSPEND AND EXTEND CERTAIN FINANCIAL REPORTING DEADLINES PURSUANT TO "THE CRITERIA AND SELECTION PROCEDURES FOR CONTRIBUTIONS OF HOTEL OCCUPANCY TAX TO ARTS AND HISTORICAL PRESERVATION"; APPROVING AND AUTHORIZING CERTAIN HOTEL OCCUPANCY TAX RECIPIENT REQUESTS TO CARRY REMAINING FISCAL YEAR 2007-08 FUNDS FORWARD INTO THE 2008-2009 FISCAL YEAR DUE TO THE WIDESPREAD DISASTER CAUSED BY HURRICANE IKE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Dennis Miller, Chair of the Arts and Historical Preservation Committee gave an explanation of the requested changes.

City Attorney Green read the following changes: Section 2 is changed to allow the requesting organizations the 30 day extension for the fourth quarter reporting deadline and Section 3 is amended to extend the funding to be expended by April 1, 2009.

Mayor Thomas asked if anyone in the audience wished to speak on this item. There was no one.

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

- B. Consider for approval a Resolution of the City Council of the City of Galveston, Texas authorizing distribution of proceeds from the City's San Luis Convention Center Hotel Occupancy Tax Surplus fund to the Park Board of Trustees for the beach renourishment project.

WITHDRAWN

- C. Consider for approval an Ordinance of the City of Galveston, Texas, temporarily waiving building permit fees and temporarily suspending the gypsum board (sheetrock) installation permit process for residential properties reassessed from substantially damaged (red) to non-substantially damaged (green) for a period of sixty days from reassessment to expedite the repair and reconstruction of residential properties damaged by Hurricane Ike, effective until September 13, 2010.

ORDINANCE NO. 09-001 was read by caption: TEMPORARILY WAIVING BUILDING PERMIT FEES AND TEMPORARILY SUSPENDING THE GYPSUM BOARD (SHEETROCK) INSTALLATION PERMIT PROCESS FOR RESIDENTIAL PROPERTIES REASSESSED FROM SUBSTANTIALLY DAMAGED (RED) TO NON-SUBSTANTIALLY DAMAGED (GREEN) FOR A PERIOD OF SIXTY DAYS FROM REASSESSMENT TO EXPEDITE THE REPAIR AND RECONSTRUCTION OF RESIDENTIAL PROPERTIES DAMAGED BY HURRICANE IKE, EFFECTIVE UNTIL SEPTEMBER 13, 2010; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- D. Consider for approval a Resolution requesting that the State of Texas' Department of Emergency Management amend its Hazard Mitigation Plan and its policies and guidelines to give elevation of eligible properties damaged by Hurricane Ike the same priority and subject to the same criteria as acquisition and relocation of properties.

RESOLUTION NO. 09-002 was read by caption: REQUESTING THAT THE STATE OF TEXAS' DEPARTMENT OF EMERGENCY MANAGEMENT AMEND ITS HAZARD MITIGATION PLAN AND ITS POLICIES AND GUIDELINES TO GIVE ELEVATION OF ELIGIBLE PROPERTIES DAMAGED BY HURRICANE IKE EQUAL PRIORITY AND SUBJECT TO THE SAME CRITERIA AS ACQUISITION AND RELOCATION OF PROPERTIES; PROVIDING FOR FINDINGS OF FACT AND DIRECTING THE CITY SECRETARY TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION TO

Motion to approve by CM Beeton. Second by CM Fennewald.

After discussion, City Attorney Green read the change to Section 2: The City is requesting to Governor's Department of Emergency Management to amend its plan and its policies and guidelines to give elevation of eligible projects damaged by Hurricane Ike within the City the same or greater priority and subject such properties to the same criteria as acquisition and relocation of property.

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

- E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas requesting FEMA to issue an IKE Policy that establishes for purposes of elevation HMGP grant funds that structures located in a FEMA identified floodway or floodplain in the City that are substantially damaged are automatically deemed cost effective without further benefit/cost review. (Will be considered after 4:50 p.m.)

RESOLUTION NO. 09-003 was read by caption: TO FEMA TO ISSUE AN IKE POLICY THAT ESTABLISHES FOR PURPOSES OF ELEVATION HMGP GRANT FUNDS THAT STRUCTURES LOCATED IN A FEMA IDENTIFIED FLOODWAY OR FLOODPLAIN IN THE CITY THAT ARE SUBSTANTIALLY DAMAGED ARE AUTOMATICALLY DEEMED COST EFFECTIVE WITHOUT FURTHER BENEFIT/COST REVIEW PROVIDING FOR FINDINGS OF FACT PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE UPON ADOPTION, AND DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO

CM Fennewald moved approval. Second by MPT Weber. Unanimously approved.

12. ACTION ITEMS

- A. Consider for action approving accepting appraised value, in the amount of \$39,500.00, for the previously abandoned 16,150 square foot portion of unimproved 69th Street right-of-way. Adjacent property is legally described as Lot 533 (533-8) and part of Lot 534 (534-5) of Trimble and Lindsey, Section 1 in the City and County of Galveston, Texas. Applicant is Ron Davis, Galveston Collision Center.

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

- B. Consider for action approving payment to G&K Uniform Services in the total amount

of \$20,110.80 for payment of employee uniforms damaged/lost during Hurricane Ike. Funding sources are Sanitation Fund - \$10,140.45, City Garage - \$4615.50, Island Transit - \$5,354.85.

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

C. Consider for action approving waiving noise ordinance for the area of 83rd and Stewart Road from January 9th, 2009 through January 19, 2009 at the request of FEMA.

Terry McArdle, FEMA Liaison to the City of Galveston, requested the waiver of the noise ordinance begin the day after the contract is signed and run 10 days from that date.

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

D. Consider for action authorizing the City Manager to execute an interlocal cooperation agreement with the Park Board of Trustees to provide fleet repair and maintenance administration and to continue fueling Park Board fleet vehicles at 5% over City costs.

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

E. Consider for action authorizing the City Manager to execute a 3 year agreement with the Lone Star Rally to Host the Lone Star Motorcycle Rally event in Galveston, subject to approval by the City Manager and the City Attorney.

After discussion, CM Fennewald moved to defer to first meeting in March. Second by CM Colbert. Unanimously approved.

F. Consider for action reimbursement of the 3% pay cut once the City has financially recovered in the form of one lump sum or two. (Woods/Colbert)

WITHDRAWN

G. Discuss and consider direction to the City Manager regarding application for Hazard Mitigation Grant Program (HMGP) Funds for buyout of homes on the beachfront that were destroyed by Hurricane Ike, with the local grant share to be paid by others besides the City.

Motion to defer Action Agenda Items G, H and I by CM Mahoney. Second by MPT Weber. Unanimously approved.

H. Discuss and consider direction to the City Manager regarding application for Hazard Mitigation Grant Program (HMGP) Funds for buyout of homes on the beachfront that were substantially damaged by Hurricane Ike, with the local grant share to be paid by others besides the City.

DEFERRED - See Item G. Above

I. Discuss and consider direction to the City Manager regarding application for Hazard Mitigation Grant Program (HMGP) Funds for buyout of homes on the beachfront that were damaged by Hurricane Ike that meet FEMA benefit/cost requirements, with the local grant share to be paid by others besides the City.

DEFERRED - See Item G. Above

- J. Discuss and consider direction to the City Manager regarding application for Hazard Mitigation Grant Program (HMGP) Funds for buyout of certain properties on the bay side that were substantially damaged by Hurricane Ike that are determined to provide advantageous public access to the Bay, with the local grant share to be paid by others besides the City.

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

- K. Discuss and consider direction to the City Manager regarding application for Hazard Mitigation Grant Program (HMGP) Funds for elevation of homes that were substantially damaged by Hurricane Ike that meet benefit/cost requirements, with the local grant share to be paid by others besides the City.

Motion to approve by CM Beeton moved approval with removal of the word “substantially” and the requirement of benefit/cost requirements. Second by CM Mahoney. Unanimously approved.

13. MAYOR AND COUNCIL APPOINTMENTS

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

Long Term Recovery Committee: Chair, Betty Massey read the following list of proposed committee members:

Elizabeth Aguilar	John Gorman	Mardi Mitchell
Abdul Amin	Robert Hackett	Bill Moll
Craig Anderson	Betty Hall	Paul Monford
Robert Barilli	Tiffany Hanson	Anne Moon
Joan Barilli	Wes Hayes	Janet Morris
Roy Begefero	Elizabeth Heckathorn	Ed Nadalin
Rita Bloom	Steve Hermecke	Mary O’Keefe
Frederick Bradford	Marty Hersey	Charles Olsen
Brady Brady	Norm Hoffman	Wayne O’Quin
Claudette Braly	Janet Hoffman	Lynde Orlean
Dan Braverman	Christine Hopkins	Dameon Patrick
Pat Broussard	Katherine Hughes	Lorna Presswood
Bill Broussard	James Josey, Sr.	George Prill
Clint Wayne Brown	Shrub Kempner	Barbara Raily
Thomas Brown	Peaches Kempner	Sue Reed
Ron Bryan	William Kiene	Meyer Reisweg
Boyd Carr	Charles Kraft	Moyer Reswek
Dove Casale	Mary Lou Laursen	Lisa Reznicek
Mary Case	Donna Leibbert	Gary Schero
Ed Clarac	Ray Leitschuck	Leslie Sommer

Lucy Clay
Serena Cochrane
Carolyn Curlee
Ken Diestler
Margaret Doran
Nicok Ekstrom
John Frannea
Mike Gaertner
David George
John Giovannini
Elizabeth Godbehere

Clay Lewis
Lilly Little
Kevin Loving
Lyden W. Lynch, Jr.
Brian Masel
Greg May
Myrna Mayrna
Ken McManus
Ralph McMorris
June Middlebrooks
David Milner

Rachel Stegall
Georgia Strain
Ted Stubbs
James Sweeney
Robert Taylor
Robin Taylor
D.J. Termini
Stephanie Thomas
Sherylnn Thomas
Frederick Thomas
Manny Torres

Michael Tramonte
Janet Vidas
Courtney Walker
Lawrence Wall
Len Waterworth
Erika Watson
Elbert Whorton
Evangeline Whorton
Nate Wilson
Dr. Tom Wright
Kay Leipzig

Sara Beth Roberts
Carol Trevino
Ericka Haily
Melissa Garcia
Jenifer Dodds
Sara Jane Aarsland
Jeff Bruce

CM Fennewald moved approval. Second by CM Colbert. Unanimously approved.

Arts & Historical Preservation Advisory Board: CM Fennewald moved to reappoint
Dennis Miller and Robert Zahn.
Second by MPT Weber.
Unanimously approved.

HGAC Board of Directors:
Board Member and Alternate CM Fennewald moved to appoint Mayor Thomas
as the Board Member and CM Fennewald as the
Alternate. Second by MPT Weber. Unanimously
approved.

14. N/A

15. EXECUTIVE SESSION
N/A

16. DISCUSSION ITEMS - No action taken

A. City Manager

1. Discuss and Receive Update regarding Hurricane Ike Disaster Emergency Response and Recovery

B. City Council

1. Discuss Management District (Woods/Colbert) - Did not discuss.

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 10:45 p.m.

NOTICE OF AMENDMENT TO COUNCIL MEETING AGENDA

CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR COUNCIL MEETING AGENDA
THURSDAY- JANUARY 8, 2009- 4:00 PM
COUNCIL CHAMBERS - CITY HALL
823 ROSENBERG, GALVESTON, TEXAS
TELEPHONE: (409) 797-3510

AMENDMENT TO AGENDA

To be considered after 4:50 p.m.

- E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas requesting FEMA to issue an IKE Policy that establishes for purposes of elevation HMGP grant funds that structures located in a FEMA identified floodway or floodplain in the City that are substantially damaged are automatically deemed cost effective without further benefit/cost review. (Will be considered after 4:50 p.m.)

Posted January 5, 2009: 4:50 p.m.

Barbara Lawrence
City Secretary