

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD FEBRUARY 12, 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, Asst. City Manager Wade, Asst. City Manager Rinderer, Finance Director Miller
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
The Minutes of the Regular Meeting of January 8, 2009 were approved unanimously upon motion by CM Beeton and second by MPT Weber.
The Minutes of the Regular Meeting of January 22, 2009 were approved unanimously upon motion by CM Beeton and second by CM Colbert.
7. PRESENTATIONS
 - A. Proclamations: Z Krewe Day - February 21, 2009
National Pancake Day - February 24, 2009
 - B. Presentation to Walmart: Certificate of Recognition for assistance to the City before, during and after Hurricane Ike
 - C. Harris County Junior Deputy Sheriff's Mounted Posse: Proclamation to Mayor Thomas and the City of Galveston
8. N/A
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
N/A
10. PUBLIC COMMENT
Clay Burton, 1207 10th St., spoke in support of a bicycle corridor.
Ken Jencks, 190 San Marino, stated his opposition to paid parking on the Seawall.
David Elliott, Houston, spoke regarding a traffic stop that was handled improperly.
Maria De Leon-Fleites/Warron Johnson, spoke regarding urban planning and design.
David Miller, 3319 Avenue M, NAACP President, spoke about the 100th anniversary of the NAACP.
James Booth, 5706 Ave. T ½, Island Community Church, spoke of the need for RV hookups for volunteers.
Billy Graff, 4824 Austin, spoke in support of RV hookups at Island Community Church.

Bill Broussard, 3310 Ekert Drive, asked Council to recall the permit for the Marquette Development.

Grayson Glass, 126 13th Ave. N, Texas City, spoke in support of RV hookups at the Island Community Church.

Joe Wristers, 1610 Sealy, requested he be appointed to the RDA Board.

Trey Click, 1727 Ave. L, spoke in support of Action Item 12.J.

Deborah Conrad, 2218 Postoffice, spoke in support of an upgrade of parking meters in the downtown area.

Ron Limbock, 19134 Mockingbird Valley, spoke in support of the Lone Star Motorcycle Rally.

Melissa Penland and John Beck, 17 Walnut Lane, Ormond Beach, Florida, spoke in support of the Lone Star Motorcycle Rally.

Richard Bell, 4231 Ghost Crab, spoke regarding hazard mitigation.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas, amending Ordinance No. 08-068 to increase the number of FEMA manufactured housing units located on a cluster site from two to five units to a maximum of eight housing units and to amend community sites from a minimum of six to nine or more housing units to expedite temporary housing due to widespread damage caused by Hurricane Ike.

ORDINANCE NO. 09-004 was read by caption: AMENDING ORDINANCE NO. 08-068 TO INCREASE THE NUMBER OF FEMA MANUFACTURED HOUSING UNITS LOCATED ON A CLUSTER SITE FROM TWO TO FIVE UNITS TO A MAXIMUM OF EIGHT HOUSING UNITS AND TO AMEND COMMUNITY SITES FROM A MINIMUM OF SIX TO NINE OR MORE HOUSING UNITS TO EXPEDITE TEMPORARY HOUSING DUE TO WIDESPREAD DAMAGE CAUSED BY HURRICANE IKE; REQUIRING MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

- B. Consider for approval an Ordinance of the City of Galveston, Texas amending Ordinance No. 08-062 to adopt temporary regulations including but not limited to conditional permits, placement, maintenance, utilities, removal, sanitation, and other related health and safety matters for trailers and recreational vehicles located on trailer parks temporarily created for volunteer agency sites in response to widespread damage caused by Hurricane Ike.

ORDINANCE NO. 09-005 was read by caption: AMENDING ORDINANCE NO. 08-062 TO ADOPT TEMPORARY REGULATIONS INCLUDING BUT NOT LIMITED TO CONDITIONAL PERMITS, PLACEMENT, MAINTENANCE, UTILITIES, REMOVAL, SANITATION, AND OTHER RELATED HEALTH AND SAFETY MATTERS FOR TRAILERS AND RECREATIONAL VEHICLES LOCATED ON TRAILER PARKS TEMPORARILY CREATED FOR VOLUNTEER AGENCY SITES IN RESPONSE TO

WIDESPREAD DAMAGE CAUSED BY HURRICANE IKE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

MPT Weber moved approval with the change as follows: to add language extending the deadline to April, 2010 with the provision the vehicles must be removed from the site upon the City of Galveston issuing notice of the threat or potential threat of tropical weather impacting the City of Galveston. Second by CM Woods. Unanimously approved.

- C. Consider for approval an Ordinance of the City Council of the City of Galveston, Texas amending the General Operating Fund Budget for Fiscal Year ending September 30, 2009 by transferring \$225,000 from various suspended General Fund Accounts and to adjust and properly record unforeseen expenses in connection with Emergency Medical Services operating Loss for FY 08.

ORDINANCE NO. 09-006 was read by caption: AMENDING THE GENERAL OPERATING FUND BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2009, BY TRANSFERRING \$225,000 FROM VARIOUS SUSPENDED GENERAL FUND ACCOUNTS AND TO ADJUST AND PROPERLY RECORD UNFORESEEN EXPENSES IN CONNECTION WITH EMERGENCY MEDICAL SERVICES OPERATING LOSS FOR FY08: MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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

- D. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, granting permission to introduce state legislation for the creation of a municipal utility district, to be known as Galveston County Municipal Utility District No. 76, located within the corporate limits of the City of Galveston, Texas and commonly described as approximately 100 acres located along Galveston Bay off of 8 Mile Road and Sportsman Road (Public Improvement District No. 5, "The Preserve at Sweetwater Lake").

RESOLUTION NO. 09-006 was read by caption: GRANTING PERMISSION TO INTRODUCE STATE LEGISLATION FOR THE CREATION OF A MUNICIPAL UTILITY DISTRICT, TO BE KNOWN AS GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 76, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF GALVESTON, TEXAS, AND COMMONLY DESCRIBED AS APPROXIMATELY 100 ACRES LOCATED ALONG GALVESTON BAY OFF OF 8 MILE ROAD AND SPORTSMAN ROAD (PUBLIC IMPROVEMENT DISTRICT NO. 5, "THE PRESERVE AT SWEETWATER LAKE"); PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Wade Kilpatrick, one of the principals of Sweetwater, gave an explanation of the proposed Resolution.

City Attorney Green said she would add a recital specifying the reservation of the City's right to have a contract insuring the right of the City to consent to the creation of the MUD.

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

After discussion, the vote was as follows: **In favor: CM Mahoney, MPT Weber, Mayor Thomas, CM Colbert, CM Woods. Opposed: CM Beeton, CM Fennewald. Motion carried.**

E. Consider for approval a Resolution of the City Council of the City of Galveston, Texas, permitting employees in the ICMA-RC plan to take loans from the plan.

RESOLUTION NO. 09-007 was read by caption: PERMITTING EMPLOYEES IN THE ICMA-RC PLAN TO TAKE LOANS FROM THE PLAN; MAKING FINDING OF FACTS AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Beeton. Second by CM Fennewald. 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 authorization to utilize existing McGuire Dent construction contingency account/graphic sign allowance to permit Jamail-Smith, Inc. to install additional lighted exit signs \$623.00 and telephone board receptacles \$1,081.00 for a total of \$1,704.00. There is no adjustment to the existing construction contract award of \$3,653,325.00.
- B. Consider for action authorizing the City Manager to execute a five-year lease with one, five-year option with L.M.C.G. Company, LLC for 3.10 acres of unimproved land to construct a customer parking lot, at the rate of \$1,350.36 per month, with an escalation clause of the greater of the CPI-U or 2.5% annually, upon final approval by the City Attorney.
- C. Consider for a action approving sole source purchase from Badger Meter of 150: 5/8" x 3/4" bronze Recordall M 25 7 1/2" length, RTR Orion pit data profile transmitter, cubic feet water meters and 15: 5/8" x 3/4" Recordall M 25 lay length, local register, bronze housing bottom gallons and 10: 1" Recordall M 70 local register, bronze housing bottom, gallon, plastic lid/plastic shroud less connection in the amount of \$22,080.00. Funding source is Municipal Utilities Distribution and Collection Minor Equipment Account, Bermuda Beach Temporary Waterline FEMA PW and the MUD 29 Account.
- D. Consider for action approving the continuing rental of numerous by-pass pumps from Godwin Pump and Equipment for the operation of lift stations, the Main and Airport Waste Water Treatment Plants for the protection of human safety and welfare for emergency recovery following Hurricane Ike. The estimated cost of the additional four months rental is \$500,000.00. Funding source is 75% FEMA reimbursement and 25% Wastewater Treatment Rental Account.

- E. Consider for action approving a three-year contract to Gorman Uniform for weekly employee uniform rental and cleaning in the amount of an estimated \$80,000.00 annually. Funding source is various accounts throughout the General Fund and Enterprise/Internal Service Funds.
- F. Consider for action approving authorizing payment to Magnaflow Environmental, Inc. for emergency services rendered, necessitated by flood damage incurred immediately proceeding and resultant from Hurricane Ike to the City's Main Wastewater Treatment Plant, specifically for (1) vacuum and remove sand and debris in the amount of \$44,950.00 (2) rental of sludge dewatering press at the Airport Plant in the amount of \$22,500.00 for a total cost of \$67,450.00. Funding source is FEMA Reimbursement Account.
- G. Consider for action approving payment for emergency Ike repairs to the automated fueling system computers to DUP's Inc., who is the authorized dealer, for a total of \$18,171.49. Funding source is Garage Account, FEMA and insurance.
- H. Consider for action approving authorizing the City Manager to accept the lowest and most responsive bid, thereby authorizing him to enter into a contract, upon final approval by the City Attorney, authorizing an expenditure in the amount of \$97,169.00 to the Anchor Group, Bid #08-09-20, for the repair or replacement of the security perimeter fence at Scholes International Airport, which was damaged by Hurricane Ike. Funding source is 75%, \$72,877.00, to be reimbursed by FEMA and 25%, \$24,292.00 from insurance proceeds.
- I. Consider for action approving authorizing the City Manager to accept the lowest and most responsive bid, thereby authorizing him to enter into a contract, upon final approval by the City Attorney, and authorizing an expenditure of \$68,000.00 to Holliday Builder, Bid #08-09-19, for the reconstruction of Apt. G-15 Lower at Scholes International Airport, which was damaged by Hurricane Ike. Funding source is 75%, \$51,000.00, to be reimbursed by FEMA and 24%, \$17,000.00, by insurance proceeds.
- J. Discuss Councilmember Beeton and Woods meetings and comments received by various stakeholders regarding the Lone Star Motorcycle Rally and consider for action providing the City Manager direction for the 2009 Rally and the request for proposals for future motorcycle rallies.

MPT Weber moved to not seek RFP's for future motorcycle rallies. In Favor: CM Mahoney, MPT Weber, Mayor Thomas, CM Colbert, CM Fennewald, CM Woods. Opposed: CM Beeton. Motion carried.

- K. Consider for action authorizing the City Attorney to extend the contract with Robert Barfield for municipal prosecutorial services thru April 17, 2009.

- L. Consider for action extending the June 1, 2009 deadline to Labor Day for a conditional permit issued to the Park Board to place three trailers at Apffel Park for concessions.
- M. Consider for approval authorizing the City Manager to seek bids for the sale of City of Galveston property legally known as Lots Six (6) and Seven (7) in Block 326, in the City of Galveston, Galveston County, Texas with all improvements located thereupon, Galveston County, Texas, commonly known as "2603 Winnie, Galveston, Texas"
- N. Consider for approval acceptance of the proposal from Toter Inc., for the purchase of 3,000 #500 EVR 1 Series automated rollout garbage carts in the amount of \$152,340. The funding source is the FEMA Reimbursement Fund and the Sanitation Capital Outlay Improvement account.

MPT Weber moved to approve Action Agenda Items A, B, C, D, E, F, G, H, I, K, L, M and N. Second by CM Woods. Unanimously approved.

13. MAYOR AND COUNCIL APPOINTMENTS

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

Landmark Commission CM Beeton moved to reappoint Heidi Lutz and David Barker. Second by CM Fennewald. Unanimously approved.

Families, Children and Youth Board CM Colbert moved to appoint Renee Adame, Sandra Cook, Sue Johnson, Tommie Love, Ray Meador, Cindy Roberts-Gray, Carol Chairez, Shirlyn Thomas, Ben Raimer and to appoint alternates Jennifer Hat, Eliza Quigly, Ennis Williams. Second by CM Woods. Unanimously approved.

Galveston Housing Finance Corporation Board/Galveston Property Finance Authority: CM Beeton moved to reappoint Johnny Smecca, David Roberts and Jan Coggeshall. Second by CM Mahoney. Unanimously approved.

Galveston Redevelopment Authority: CM Beeton moved to appoint Jos Wristers. Second by CM Fennewald. In favor: CM Beeton, CM Fennewald, CM Woods, CM Mahoney, CM Colbert. Opposed. Mayor Thomas, MPT Weber Motion carried.

14. N/A

15. EXECUTIVE SESSION

16. DISCUSSION ITEMS - No Action Taken

A. City Manager

1. Discuss and Receive Update regarding Hurricane Ike Disaster Emergency Response and Recovery.
2. Discuss the City's efforts to address housing needs, including grant opportunities, volunteer assistance, and enforcement approach to facilitate the return of Galveston Citizens.
3. Discuss the Hazard Mitigation Grant Program application status for both housing and infrastructure projects.
4. Discuss Lone Star Rally

B. Finance Director

1. Discuss and Review Budget Amendment Number One

C. City Attorney

D. City Council

1. Discuss and receive post-Ike status update concerning the Police Department operations and discuss departmental regulations and standards. (Beeton/Mahoney)
2. Discuss City recommendations regarding Central Middle School. (Woods/Colbert)
3. Discussion of update from Julia Hatcher on the Civilian Review Board. (Woods/Colbert) MEMBERS OF THE CIVILIAN REVIEW BOARD MAY BE ATTENDING AND PARTICIPATING
4. Discuss date for special meeting to discuss Council meetings. (Mayor/Mahoney/Colbert)
5. Discuss changing the City Ordinance regarding the monopolizing the curb of the City of Galveston. (Woods/Colbert)
6. Clarification of the Civilian Review Board Ordinance. (Review the rules and regulations of the Civilian Review Board.) (Woods/Colbert) MEMBERS OF THE CIVILIAN REVIEW BOARD MAY BE ATTENDING AND PARTICIPATING

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 11:35 p.m.