

NOTICE OF MEETING
CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR COUNCIL MEETING AGENDA
THURSDAY- JANUARY 14, 2010 4 P.M.
COUNCIL CHAMBERS - CITY HALL
823 ROSENBERG, GALVESTON, TEXAS
TELEPHONE: (409) 797-3510

AGENDA

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL
5. DECLARATIONS OF CONFLICT
6. APPROVAL OF MINUTES

7. PRESENTATIONS
 - A. Proclamations

8. COMMUNICATIONS AND PETITIONS
 - A. Notices of Claim: 09091- Dr. Gem L. Dunn; 09092- Linda C. Lundgren; 09093- George Lu; 09094- Daryl Morris; 09095- Sandra Shinette; 09096- Gerald Hite; 09078- Andre Leroy Parish; 09031- George Wood

 - B. Texas Gas Service: Purchased Gas Adjustment Clause for December 2009.

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
 - A. Consider for approval an ordinance of the City of Galveston, Texas designating the structure located at 1524 Avenue K as a "Galveston Landmark"; property is legally described as "the Lot 13, Block 135" in the City and County of Galveston, Texas"; Planning Case 09P-100; 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.

 - B. Consider for approval an ordinance of the City of Galveston, Texas, granting a specific use permit in order to operate a "Tavern" in a central plaza with historic overlay (CP-H) zoning district on property commonly known as "2110 Strand/Avenue B Galveston, Texas"; property is legally described as "Lot 9, Block 681, in the City and County of Galveston, Texas"; Planning Case Number 09P-105; making various findings and provisions related to the subject.

10. PUBLIC COMMENT

The public shall be allowed to address one or more agenda or non-agenda items. Each person shall be limited to five (5) minutes, regardless of the number of items addressed.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an ordinance of the City of Galveston, Texas, amending Chapter 23, "Nuisances," Division 4 "Graffiti" of the Code of the City of Galveston, 1982, as amended to conform to state law, making various findings and provisions related to the subject, and providing for publication.
- 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 the use of wireless communication devices for electronic messaging while operating a motor vehicle; providing for definitions; providing for a penalty; providing for exceptions and affirmative defenses; providing for an effective date. (Woods/Colbert)

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 awarding RFB #09-010-014 to Sea Breeze Roofing, Inc. \$35,000.00 with unit cost; plywood sheathing \$3.50, square foot fascia \$7.00 square foot, gutters \$9.00 linear feet and downspouts \$8.00 linear feet and authorizing the City Manager to execute a contract.
- B. Consider for action authorizing the City Manager to execute a first amendment of the lease between FG&Z Holdings L.L.C. and the City of Galveston amending the Use of Leased Premises to read, for the purpose of constructing a restaurant to service the flying public, upon final approval by the City Attorney.
- C. Consider for action authorizing the City Manager to make an expenditure of \$19,037.88 to Thyssen Krupp Elevator, a sole source vendor, for repair to the elevator in the Air Traffic Control Tower, which was damaged by Hurricane Ike. Funding source is Capital Improvement Account with 50% to be reimbursed by TXDOT Routine Airport Maintenance Program (RAMP) Grant.
- D. Consider for action authorizing the City Manager to accept an offer from Air Logistics, L.L.C. to fulfill the requirements of termination of their lease agreement by paying out the remainder of their lease rentals in the amount of \$31,431.00, from January 1, 2010 through December 31, 2010, and offering \$500,000.00 as a settlement for releasing Air Logistics of any and all responsibility to rebuild their facility to its pre Hurricane Ike condition, to be used for Airport improvements, upon final approval of the City Attorney.

- E. Consider for action approving award of RFB #09-10-011 to Holiday Builders, Inc. for Island Transit Maintenance Facility renovation/expansion, base bid \$1,595,000.00, reject Alternate #1 bus wash facility, accept Alternate #2 demolition of old garage (next to trolley barn) \$58,000.00 and accept Alternate #3 Trolley Barn office renovation \$180,000.00, total bid \$1,833,000.00 and authorizing the City Manager to execute the contract, using combination of allowed ARRA funds, Lake Jackson Transit funds as described herein.
- F. Consider for action approving proposal in the amount of \$22,400.00 from MKP Consulting for the development of a five-year consolidated plan for CDBG and HOME Programs required by HUD and an analysis of impediments to fair housing choice.
- G. Consider for action approving mutual aid agreement between Galveston County Fire Fighters Association and the Galveston Fire Department and authorizing acceptance of \$7,625.00 for training and equipment purchases.
- H. 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).
- I. Discuss and consider for action a salary increase for Nellie De La Fuente the Assistant City Secretary. (Mayor/Colbert)
- J. Discuss and consider for action providing the City Manager direction regarding tree recycling. (Mahoney/ Beeton)
- K. Consider for action retaining Bill Helfand with the Chamberlain, Hrdlicka law firm for representation of the City in connection with general legal advice, counsel, and representation related to public housing development issues.
- L. Discuss and consider for action requesting that the Texas General Land Office re-evaluate the line of vegetation.
- M. Discuss and consider for action the City's policy on building houses close the beach and to direct the City Attorney to write up an Ordinance regarding this issue. (Woods/Colbert)
- N. Discuss and consider for action to revisit the apartment rentals to include all owners before and after Hurricane Ike. (Woods/Colbert)
- O. Discuss and consider for action removing restrictions on parking along trolley routes until trolleys are operating again. (Beeton/Woods)

- P. Discuss and consider for action directing the City Manager to sign a mass right-of-entry for removal of hazardous dead trees on private property. (Beeton/Woods)
- Q. Discuss and consider for action giving direction to the City Manager to reduce bond amount for electricians from \$25,000. (Beeton/Woods)
- R. Discuss and consider for direction re: extended hours for the Johnny Romano Skate Park. (Mahoney/Beeton)
- S. Discuss and consider for action that the City of Galveston make an application for a Brownfield Grant regarding the cleaning up of the old incinerator and Falstaff Building. (Woods/Colbert)
- T. Discuss and consider for action hiring additional people to help out DRC in the cutting down of trees. (Woods/Colbert)
- U. Discuss and consider for action giving direction to the City Manager concerning CDBG housing funds and applications.
- V. Discuss and consider for action giving the City Manager further direction Regarding beach setbacks following dune restoration and beach renourishment. (Fennewald/Beeton)
- W. Discuss and consider for action providing the City Manager and City Attorney Direction concerning the HOA releases for the HMGP buyout properties.
- X. Discuss and consider for action providing the City Manager and City Attorney direction concerning the uses of the land acquired under the HMGP program.

13. MAYOR AND COUNCIL APPOINTMENTS

- A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:
 - 1. Arts & Historic Preservation Advisory Board
 - 2. Intermodal Transportation Commission
 - 3. Planning Commission
 - 4. Zoning Board of Adjustments
 - 5. Comprehensive Plan Committee
 - 6. HGAC Transportation Policy Council Technical Advisory Committee

14. N/A

15. EXECUTIVE SESSION

- A. Pursuant to the Texas Government Code sec. 551.071 "Consultation with

Attorney” to discuss and receive legal advice pertaining to Hazard Mitigation Grant Buyout Program.

16. DISCUSSION ITEMS

- A. City Manager
 - 1. Update on CDBG/Recovery
- B. Finance Director
- C. City Attorney
- D. City Council
- E. City Auditor
- F. City Secretary

17. ADJOURNMENT

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on January 11, 2010 at 3:55 p.m.

Nellie De La Fuente
Assistant City Secretary

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409 797-3510).