

**DRAFT**  
**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON**  
**REGULAR MEETING - JANUARY 28, 2021**

1/28/2021 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER  
**With a quorum present, the meeting was called to order at 1:20 p.m.**
2. ROLL CALL  
**Present (via videoconference): Mayor Dr. Craig Brown, Mayor Pro Tem David Collins, Council Member E. R. Johnson, Council Member William Schuster, Council Member William Quiroga, Council Member John Listowski, and Council Member Marie Robb.**
3. CONFLICTS OF INTEREST  
**None.**
4. PRESENTATIONS/REPORTS OF COUNCIL, OFFICER BOARDS, AND CITY MANAGER
  - 4.A. Pursuant To Texas Government Code Section 551.0415, The City Council May Report On Any Of The Following Items:
    1. Expressions of thanks, gratitude, and condolences
    2. Information regarding holiday schedules
    3. Recognition of individuals
      - a. **Angelo Grasso Proclamation - presented by City Manager Brian Maxwell**
      - b. **CM Schuster congratulated Ball High Graduate Mike Evans on playing in the upcoming Superbowl with the Tampa Bay Buccaneers and wished him well.**
    4. Reminders regarding City Council events
    5. Reminders regarding community events
    6. Health and safety announcement
5. COMMUNICATIONS AND PETITIONS  
**Claims: 20-107 - Horst Krajenski; 20-108 - Michael, Lanie, and Devon Turner; 20-109 - Anthony Ball; 20-110 - Grace Morris; 20-111 - Hector Ventura; 20-112 - Ava Melason; 20-113 - Reginald Cummins; 20-114 - Ben Kaufman; 20-115 - Patricia Ann Parker; 20-116 - Dameon Crew; 20-117 - Todd C. Scott; 20-118 - Thomas Johnson; 20-119 - Janis Wedgeworth; 20-120 - Alfred Reed; 20-121 - Nik Enqvist; 21-001 - Bernard Smith; 21-002 - Tony Scofelia; 21-003 - Jonathan Herrera; 21-004 - Fernando Urias; 21-005 - Wallace Wade.**
6. PUBLIC HEARINGS
  - 6.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Abandoning A 300 Linear-Foot (Approximately 6,000 Square Foot) Section Of Right-Of-Way, On Property Commonly Located At The Mid-Block Alley Right-Of-Way Adjacent To 1128 Seawall And Its Adjoining Properties Legally Described Herein, In The City And County Of Galveston, Texas; Planning Case Number 20P-046; Making Various Findings And Provisions Related To The Subject. (D. Lunsford)

**Ordinance No. 21-001 was read by caption. Catherine Gorman provided staff comments. The public hearing was opened. Robert Bastien and the Applicant Mary Villareal spoke in favor of the abandonment. The public hearing was closed. Motion was made by CM Robb, second by CM Quiroga, to approve the ordinance. Unanimously approved.**

- 6.B. Conduct A Public Hearing And Consider For Approval The 2020 Community Development Block Grant-CV (CDBG-CV) Coronavirus Aid, Relief, And Economic Security (CARES Act) Third Round Supplemental Funding In The Amount Of \$512,534. Authorize The City Manager To File A Grant Application (Amendment) With The U.S. Department Of Housing And Urban Development (HUD) And Execute All Necessary Contracts, Certifications, And Documents For The Programs. (A. Law)  
**City Manager Brian Maxwell provided staff comments. The public hearing was opened; with no speakers, the public hearing was closed. Motion was made by CM Quiroga, second by MPT Collins, to approve the item as presented. Unanimously approved.**

## 7. PUBLIC COMMENT

**Agenda Items: Brooke Dennis - Item 10A.**

**Non-Agenda Items: Deborah Magruder, Austin Magruder, Allius Stewart, and M. C. - 1212 13th Street, Tidy Whites Laundry; Delom Kibbe - chemical smell on the side of our house at night; and Jim Ganthier - 21Z-001 variance from LDRs at 6810 Seawall Blvd.**

## 8. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

- 8.A. Ordinance Extending The State Of Emergency And Disaster Related To The Covid-19 Virus (Legal)

Consider For Approval An Ordinance Of The City Of Galveston, Texas; Extending The State Of Emergency And Disaster Related To The Covid-19 Virus Until April 31, 2021, Extending Certain Emergency Orders Ratified By City Council Relating To The Operation Of Electronic Amusement Machines, The Suspension Of Building Code And Flood Plain Regulations For Placement Of A COVID 19 Temporary Screening Facility At Scholes Airport; Requiring Commercial Entities Providing Goods Or Services Directly To The Public To Develop A Health And Safety Policy Mandating The Wearing Of Masks In Their Facility, Requiring The Wearing Of Face Masks In Public And Restricting Mass Gatherings; Discontinuing The Emergency Order Restricting Indoor Gatherings Of Five Hundred People Or More; Making Various Findings And Provisions Related To The Subject, Providing For A Penalty And Providing For An Effective Date.

**Ordinance No. 21-002 was read by caption. Motion was made by CM Robb, second by CM Quiroga, to approve the ordinance with the following changes: (1) extending the state of emergency and disaster until February 28, 2021 and reviewing on a month-to-month basis, and (2) reducing the fine to \$500.00. Unanimously approved.**

- 8.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Procedures Of The Arts And Historic Preservation Board For Awarding Funds On A Percentage Basis, Reverting From A Fixed Dollar Basis; Clarifying When Certain Meetings Must Be Held; Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date (M. Jadidi)  
**Ordinance No. 21-003 was read by caption. Motion was made by MPT Collins, second by Mayor Brown, to approve the ordinance. The motion passed 6-0; CM Quiroga abstained from voting.**

## 9. CONSENT ITEMS

The following items shall be considered for action as a whole, unless one or more Council Members objects. The City Manager is authorized to execute all necessary documents upon final approval by the City Attorney.

**Items 9U, 9V, 9W, and 9X were pulled from the Consent Items.**

**Motion was made by Mayor Brown, second by CM Robb, to approve Consent Items 9A through 9T and 9Y. Unanimously approved.**

- 9.A. Consider For Approval A Resolution Of The City Of Galveston Authorizing Execution Of A Settlement Agreement With Comcast Of Houston Llc In Settlement Of The Case Styled No. 4:19-Cv-00458, City Of Alvin Et Al Vs. Comcast, In The United States District Court For The Southern District Of Texas Houston Division; Authorizing The City Manager To Execute A Settlement Agreement Upon Approval Of The City Attorney To Finalize The Case As Set Forth Herein. (Legal)  
**Resolution No. 21-001**
- 9.B. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Authorizing The Filing And Prosecution Of Litigation In The District Or County Courts At Law Of Galveston County To Abate Nuisances And Other Conditions At The Properties Commonly Known As, Located And Occupied Respectively By Romaldo Dominquez At 407 12th Street; Robert Loughridge At 2225 Victory, And Howard Mosely At 1418 30th Street, All In The City Of Galveston; Authorizing The Office Of The City Attorney To Prosecute Such Cases To Obtain Any Necessary Orders To Effect Abatement Of The Nuisances At Such Properties, Providing For Findings Of Fact And Providing For An Effective Date.  
**Resolution No. 21-002**
- 9.C. Consider For Approval Accepting The City Auditor's Report On Sales Tax – SAL2021-1, SAL2021-2, SAL2021-3 And SAL2021-4 Sales Tax Audit (G. Bulgherini).
- 9.D. Consider For Approval Accepting The City Auditor's Report On Short Term Rental Hotel Occupancy Tax - HOT2021-1, HOT2021-2, HOT2021-3 And HOT2021-4 Short Term Rental HOT Audit (G. Bulgherini).
- 9.E. Consider For Approval The Following Amendments To The City Auditor's Audit Plan For 2021. Change The Report Due Date For CMS-2021-1 And F&CPG-2021-1 From January 2021 And February 2021, Respectively, To March 25, 2021. Include CMS-2021.5 Capital Project Staff Reports To The Audit Plan With The Report Due Date For March 25, 2021 As Well (GBulgherini).
- 9.F. Consider For Approval The Hiring Of An Administrative Temporary Employee For The City Auditor's Office. The City Auditor's Office Is Seeking A Transfer Of \$6,000 To Their Budget. The Expense Is Not Include In The City Auditor's 2021 Budget. (GBulgherini).
- 9.G. Consider For The Approval Of The Annual Bulk Fuel Contracts To The Responding Bidders That Conformed To The Specifications In Bid #21-001; Petroleum Traders, Reladyne, And Campbell Oil, And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 9.H. Consider For The Approval Of A Resolution Of The City Council Of The City Of Galveston Establishing Certain Special Events As Serving Public Purposes, Authorizing The City Manager To Execute The Standard Form Agreement From The Texas Department Of Transportation For Temporary Closures Of State Right Of Ways For Each Event Along With All Other Necessary Documents. (D. Smith)  
**Resolution No. 21-003**
- 9.I. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (One Trailer Pump) And Associated Equipment From Xylem Through HGAC Buy For A Total Price Of \$62,190.75. The Funding Source Is From The Industrial Development Corporation. (D. Smith)
- 9.J. Consider For The Approval Allowing The Fleet Facility To Increase The Previously Approved Purchase Amount Of One Tractor Set From Deere & Company Through Buy Board (Brookside) From \$66,880.21 To \$68,244.56. The Increase Is Due To The Change To A 2021 Production Model. This Is A Difference Of \$1,364.35, Which Is A 2% Increase. (D. Smith)
- 9.K. Consider For Approval The Purchase Of (100) Adobe Acrobat Licenses Through Authorized Reseller, SHI Government Solutions, Utilizing BuyBoard Technology Contract #579-19 In An Amount Of \$24,000.

(H. Dean)

- 9.L. Consider For Action The Amendment Of Contract #COG-CON-16-004 RFP 16-03 Mass Communications For The Purpose Of Extension Beginning February 1, 2021 And Ending April 1, 2021 And Authorizing The City Manager To Execute The Contract. (C.Olsen)
- 9.M. Consider For Approval Purchases Of Police Equipment And Uniforms From GT Distributors, Through The BuyBoard Purchasing Cooperative. Estimated Costs For Products Not To Exceed City Council Approved Budgets. (V. Hale)
- 9.N. Consider For Approval Change Order #2 To The Contract With Wharton-Smith, Inc. For Construction Of The Airport Water Plant Expansion, Increasing The Contract By \$15,439.54 (0.18%) From The Amount Of \$8,705,321.96 To The Amount Of \$8,720,761.50. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)
- 9.O. Consider For Approval The Sole Source Purchase From National Meter & Automation, Formerly Known As Badger Meter, For Various Water Meters, Meter Parts, Registers, Transmitter Combination And Other Ancillary Equipment For An Amount Estimated At \$125,168.00, Which Includes Purchases Made Current Fiscal Year In The Amount Of \$15,167.94. Funding Source Is The Water /Sewer Minor Equipment Account. (T. Pedraza)
- 9.P. Consider For Approval The Purchase From Sole Source Vendor Eaton Corporation In The Amount Of \$19,000.54 For The Replacement Of New Backup Batteries For The Main Wastewater Treatment. (T. Pedraza)
- 9.Q. Consider For Approval Allowing Schneider Electric Systems, Sole Source Vendor, To Provide IP Address Changes, SCADA System Updates And Cellular Upgrades For The Water Supply And Wastewater Treatment Divisions In An Amount Not To Exceed \$390,464. (T. Pedraza)
- 9.R. Consider For Approval The Acceptance Of The Quote From RPM Services, Inc., Buyboard Vendor (#589-19) In The Amount Of \$55,147.36 For Pump Replacements At Lift Station #6 And Lift Station #21. (T. Pedraza)
- 9.S. Consider For Approval Change Order No. 1 To The Contract With T Construction, LLC For The Pirates Beach Water Improvements Project, Decreasing The Contract By \$32,021.30 (-5.20%) From The Amount Of \$615,290.00 To A Final Project Amount Of \$583,268.70. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)
- 9.T. Consider Approval Of Change Order #05 To The Agreement With E. P. Brady, Ltd., For The 24 Inch Water Transmission Line From 59th Street Pump Station To The Airport Pump Station (RFP #19-24) Increasing The Project Cost By \$113,088.87 (0.66%). This Represents An Increase In The Total Project Cost Of 3.61% From The Original Amount Of \$17,159,876.30 To The Amount Of \$17,778,994.22. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)
- 9.U. Consider Prequalifying Jacobs Engineering To Develop The Detailed Scope And Fee For Updating The City's 2003 Drainage Master Plan For The West End, East End Including Downtown, And Mid-Town, 2007 34th To Ferry Drainage Report And Recent Hydrology And Hydraulics Modeling Developed During Designs And Grant Applications For Areas East Of 61st Street. (D. Christodoss)  
**Motion was made by CM Robb, second by Mayor Brown, to defer this item until February. Unanimously approved.**
- 9.V. Consider Prequalifying Zarinkelk Engineering Services, Inc. (ZEI), To Develop The Detailed Scope And Fee To Perform Subsurface Utility Engineering (SUE). (D. Christodoss)  
**Motion was made by CM Quiroga, second by Mayor Brown, to approve Items 9V, 9W, and 9X. Unanimously approved.**

- 9.W. Consider Prequalifying Kimley-Horn To Select Them For Developing A Detailed Technical Approach And Design Fee Based On The Attached Preliminary Engineering Study (PER) Scope For The Evaluation Of Ground Storage Tanks (GST) Located At The 59th Street Pump Station. (D. Christodoss)
- 9.X. Consider Prequalifying Kimley-Horn For Preparing The Preliminary Engineering Report (PER) Detailed Scope And Proposal For The 36-Inch Diameter Water Main Rehabilitation Project. (D. Christodoss)
- 9.Y. Consider For Approval Minutes Of The December 10, 2020 City Council Meeting. (J. Williams)

10. ACTION ITEMS

- 10.A. Discuss And Consider For Action Alternate Times For City Council Meetings. (Schuster/Collins)

**Motion was made by CM Schuster to schedule future City Council Workshops at 1:15 p.m. and Regular Meetings at 5:30 p.m. The motion died for lack of a second.**

**Motion was made by CM Robb, second by CM Listowski, to schedule future City Council Workshops at 9:00 a.m. and Regular Meetings at 5:00 p.m. Unanimously approved.**

- 10.B. Discuss And Consider Appointments To The Following City Boards, Commission, And Committees:

**Industrial Development Corporation - Motion was made by MPT Collins, to appoint Mayor Brown to the Mayoral Position, and MPT Collins, CM Listowski, and CM Robb to the Council Member Positions. In favor: Brown, Collins, Schuster, Listowski, and Robb. In opposition: Quiroga. Abstentions: Johnson. Motion carries.**

**Zoning Board of Adjustments - Motion was made by MPT Collins, second by CM Listowski, to appoint Barbara Railey, Lidija Bikova, and Susan Syler. Unanimously approved.**

**Ex Officio Appointments - Motion was made by Mayor Brown, second CM Robb, second by CM Quiroga, to approve the following appointments: Airport Advisory Committee - Robb; Arts & Historic Preservation Advisory Board - Collins; Cultural Arts Commission - Brown; Families, Children and Youth Board - Schuster; Finance, Fiscal Affairs and Investment Committee - Quiroga; Galveston Wharves Board - Brown; Landmark Commission - Collins; Parks & Recreation Advisory Board - Johnson; Planning Commission - Listowski; Recycling Committee - Schuster; Tree Committee - Brown; and Zoning Board of Adjustments - Quiroga. Unanimously approved.**

**Ex Officio Appointment to Park Board - Motion was made by Mayor Brown, second by CM Listowski, to appoint MPT Collins. In favor: Brown, Johnson, Schuster, Collins, and Listowski. Abstentions: Quiroga and Robb. Motion carries.**

11. ADJOURNMENT

**The meeting was adjourned at 3:18 p.m.**

Janelle Williams, City Secretary

Date Approved: