

**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING - FEBRUARY 28, 2019**

2/28/2019 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER

With a quorum present, the meeting was called to order at 1:22 p.m.

2. ROLL CALL

Present: Mayor Pro Tem Craig Brown, Council Member Amy Bly, Council Member David Collins, Council Member Jason Hardcastle, Council Member John Listowski, and Council Member Jackie Cole.

Absent: Mayor James Yarbrough.

3. INVOCATION

The invocation was given by Rev. Fr. Jude Ezuma, Pastor - Holy Family Parish.

4. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag and Texas Flag were led by Dr. Brown.

5. CONFLICTS OF INTEREST

None.

6. PRESENTATIONS/REPORTS OF COUNCIL, OFFICER BOARDS, AND CITY MANAGER

6.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 - **City Manager Brian Maxwell expressed condolences to the family of Joyce Dundee.**

2. Information regarding holiday schedules

3. Recognition of individuals

a. **President George Washington Day - presented by Dr. Cole.**

b. **Z Krewe - presented by CM Collins.**

c. **Grayson Baird - presented by CM Bly.**

d. **Richard Batie - presented by Dr. Brown.**

e. **IHop National Pancake Day - presented by CM Hardcastle.**

f. **Tree City USA Designation - presented by Pete Collins.**

4. Reminders regarding City Council events

5. Reminders regarding community events

6. Health and safety announcement

6.B. City Manager's Report - The Investment Report For Quarter Ended December 31, 2018 (M. Loftin)

The Investment Report was presented by Assistant City Manager Mike Loftin.

7. COMMUNICATIONS AND PETITIONS

7.A. Claims

18-110 - Linda Strevell; 18-111 - Jennifer Miller; 18-112 - Derena Tuck; 18-113 - Joseph Galucci;

18-114 - Aleitha Sykes; 18-115 - Ryan Hermary; 19-001 - Manuela DeLaFuente; 19-002 - Michelle Moreno; 19-003 - Alex Del Valle; 19-004 - William Coon; 19-005 - Texas Gas Service; 19-006 - William Stephenson; 19-007 - Dale Atchley.

8. PUBLIC HEARINGS

- 8.A. Public Hearing Only - An Ordinance Of The City Of Galveston, Texas, Adopting The 2019 Water Conservation Plan For The City Of Galveston That Includes And Incorporates The Prior City Of Galveston Drought Contingency Plan, Texas Commission On Environmental Quality (Tceq) And Texas Water Development Board (Twdb) Rules, Gives Specifications Of Water Conservation Goals, Improving The Efficiency In The Use Of Water, Increasing Recycling And Reuse Of Water, Improving The Efficiency Of Water Utilities And Prevention Of Pollution Of Water; Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date. (B. Cook)
The Ordinance was read by caption. The public hearing was opened; with no speakers the public hearing was closed. Brandon Cook provided staff comments.
- 8.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Changing The Zoning From A Commercial (C) Zoning District To A Residential, Single Family (R-1) Zoning District On Properties Commonly Known As 21201, 21205, 21209, 21213, 21301, 21305, 21309, And 21313 Scissor Tail Lane And Adjacent Reserves To The South. The Properties Are Legally Described As The Estates Of Sunset Cove Phase 2; Lots 1-4, Block 1, Estates Of Sunset Cove Phase 2, Lots 1-4, Block 2; And Part Of Adjacent Reserves 8 (0-11), Estates Of Sunset Cove, Phase 2, In The City And County Of Galveston, Texas. Planning Case Number 19P-004; Making Various Findings And Provisions Related To The Subject. (J. Norman)
Ordinance No. 19-013 was read by caption. The public hearing was opened; with no speakers the public hearing was closed. Motion was made by MPT Brown, second by CM Bly, to approve the ordinance. Unanimously approved by those present.
- 8.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Leroy Naschke, Sr. Field, A Portion Of Property Located At 301 Albacore Commonly Known As Lindale Park, As A "Galveston Landmark", Property Is Legally Described As M Menard Survey, Tract 146, 6.968 Acres, In The City And County Of Galveston, Texas; Requesting The Historic Preservation Officer Record The Property's Landmark Designation In The Official Public Records Of Real Property In Galveston County, The Tax Records Of The City Of Galveston And The Central Appraisal District, And The Official Zoning Maps Of The City Of Galveston, Texas; Planning Case Number 19p-008; Making Various Findings And Provisions Related To The Subject. (C. Gorman)
Ordinance No. 19-014 was read by caption. The public hearing was opened. Frank Maceo and Robert Mohovil spoke in favor of the ordinance. The public hearing was closed. Motion was made by CM Collins, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.
- 8.D. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The 2015 Galveston Land Development Regulations, Article 2: Table 2.201: Permitted Uses And Limited Use Standards Regarding Standards For Parking Lots / Structures; And To Conform Conflictual Language Pertaining To Duplex Land Use In Residential Single-Family R-1 And R-3 Districts, And Residential Townhouse Districts (R-2); Planning Case Number 18za-007; Making Various Findings And Provisions Related To The Subject. (A. Montalvan)
Ordinance No. 19-015 was read by caption. The public hearing was opened; with no public speakers the public hearing was closed. Motion was made by MPT Brown, second by CM Collins, to approve the ordinance. Unanimously approved by those present.
- 8.E. Consider For Approval An Ordinance Of The City Council Of The City Of Galveston, Texas, Terminating, Repealing And Or Cancelling A Planned Unit Development Overlay (PUD) In An Urban Neighborhood (UN) Zoning District, Granted Under Ordinance No. 18-002 On Property Commonly Known As 3826 Avenue R And Legally Described As Galveston College Addition No. 2 (2017), Abstract 628, Lot 1, In The City And County Of Galveston Texas; Planning Case Number 19P-003; Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date. (D. Lunsford)
Ordinance No. 19-016 was read by caption. The public hearing was opened; with no speakers

the public hearing was closed. Motion was made by CM Hardcastle, second by CM Listowski, to approve the ordinance. Unanimously approved by those present.

9. PUBLIC COMMENT

Agenda Items - Rhonda Gregg-Hirsch - Item 10A; Theresa Morris - Item 11A.

10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

- 10.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending "The Code Of The City Of Galveston 1982, As Amended", Chapter 8, "Beaches And Waterways", To Allow For Regulations Related To Maintaining A Clean Beach And Promoting Environmentally Conscious Conduct By Beach Users; Providing For A Penalty; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (D. Henry)

Ordinance No. 19-017 was read by caption. Motion was made by MPT Brown, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.

- 10.B. Consider For Approval Renewing An Ordinance Of The City Of Galveston, Texas, Amending Chapter 26 "Parks And Recreation" Of "The Code Of The City Of Galveston 1982, As Amended," By Creating Articles IV, "Youth Services Standards Of Care" And Sections Thereunder; Adopting The Youth Services Standards Of Care For 2019, Thereby Defining Minimum Standards Of Care By Which The City Of Galveston And Its Recreation Department Will Operate The City's Youth Recreational Programs; Providing For An Annual Review And Re-Adoption Date Thereafter; Making Various Findings And Provisions Related To The Subject. (M. Rabago)

Ordinance No. 19-018 was read by caption. Motion was made by CM Bly, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.

11. 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.

Motion was made by MPT Brown, second by CM Bly, to approve Consent Items 11A through 11JJ, except Item 11G.1. Unanimously approved.

- 11.A. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Encouraging Food And Beverage Establishments Within The City Of Galveston To Refrain From Providing Plastic Straws And Stirrers To Their Customers Except On Specific Request, Encouraging The Use Of Paper, Plants And Other Natural Materials In Lieu Of Plastic Straws And Stirrers, Directing The City Secretary To Send Certified Copies Of This Resolution To The Galveston Restaurant Association And The Galveston Chamber Of Commerce For Dissemination To Their Members; Providing For Findings Of Fact And For An Effective Date. (Brown/Yarbrough)

Resolution No. 19-008

- 11.B. A Resolution Of The City Council Of The City Of Galveston, Texas, Establishing A Complete Count Committee (Ccc) Program To Increase Awareness Of Census 2020 And Increase Census Participation; Providing For The Committee's Duties, Term, Membership, Quorum, Voting, Meetings, And Rules Of Procedure; Providing For Findings Of Fact And Providing For An Effective Date. (D. Henry)

Resolution No. 19-009

- 11.C. Consideration Of Granting Authorization To The City Attorney To Retain The Services Of The Firm Of Denton Navarro To Assist In The Conduct Of Collective Bargaining With The Galveston Municipal Police Association In Upcoming Collective Bargaining Discussions. (Legal)

- 11.D. Consider Approval Of An Award For Three Year Contract, With Two Optional One-Year Renewals For Bid 19-004 Lumber, Building Materials, And Supply. (M. Loftin)

- 11.E. Consider For Approval Joining The Goodbuy Purchasing Cooperative, Operated By The Education Service Center, Region 2, Located In Corpus Christi, Texas. (M. Loftin)
- 11.F. Consider For Approval To Authorize The City Manager Or His Designee To Execute A Certification Of Consistency With The City's Consolidated Plan (HUD Form-50077-SL) For The Galveston Housing Authority. (A. Law)
- 11.G. Broadway Corridor - Street Luminaires
- 11.G.1. Consider For Approval The Purchase Of Goods For The Street Luminaires Project For The Broadway Corridor From Facility Solutions Group, Inc. In The Amount Of \$49,462.50. (K. Hockersmith)
- (1) Motion was made by CM Cole, second by CM Bly, to defer this item until we are able to get a bid for LED lights that will fit the light fixtures but at 3000K. In favor: Cole. In opposition: Brown, Bly, Collins, Hardcastle, and Listowski. Motion fails.**
- (2) Motion was made by MPT Brown, second by CM Collins, to approve the purchase. The motion carried 5-0; CM Cole abstained from voting.**
- 11.G.2. Consider Authorizing The Expenditure And Scope Of Work To Crescent Electric For The Repair And Replacement Of Broadway Street Luminaires For An Amount Not To Exceed \$113,183.50. (T. Wroblewski)
- 11.H. Consider For Approval A Memorandum Of Agreement Between The City Of Galveston And The United States Coast Guard For Fire And Rescue Services For The Coast Guard Base And On The Various Marine Vessels Operating At The Base. (M. Wisko)
- 11.I. Consider For Approval The Purchase Of 41 Full Sets Of Personal Protective Equipment, 4 Pairs Of Firefighting Gloves, 4 Pairs Of Firefighting Boots And 2 Fire Helmets For A Total Cost Of \$98,827.70 From NAFECO, A Buy Board Company. (M. Wisko)
- 11.J. Consider For Approval Payment To The Galveston County Emergency Communication District For Annual Radio Airtime Fees In The Amount Of \$30,690.00 To Be Funded From The Police Department's Maintenance Contracts Budget. (V. Hale)
- 11.K. Consider For Approval Awarding Bid #19-003 To The Two Lowest Responsive Bidders For A Three (3) Year Contract For Demolition Services Of Unsafe, Dangerous Or Substandard Structures In The City Of Galveston. The Source Will Be Funded Through Code Enforcement General Fund Demolition Account. (D. Stark)
- 11.L. Consider For Approval A Resolution Of The City Council Of The City Of Galveston Requesting The Members Of The 86th Legislative Session Of The State Of Texas To Support Legislation That Provides Stewardship, Health And Well Being, And Connectivity For Local And State Parks; Directing The City Secretary To Forward A Certified Copy Of This Resolution To Governor Greg Abbott And Members Of The 86th Legislature; Providing For Findings Of Fact And Providing For An Effective Date. (M. Rabago)
- 11.M. Withdrawn
- 11.N. Consider For Approval An Agreement Between The City Of Galveston And Roy Salinas, Authorizing Roy Salinas To Manage And Operate Food And Beverage Concessions At The Crockett Park Baseball Complex. (M. Rabago)
- 11.O. Consider For Approval An Agreement Between The City Of Galveston And Galveston Lassie League Softball Organization (GLLSO), Authorizing GLLSO To Manage And Operate Food And Beverage Concessions At The Lassie League Softball Complex, Also Known As Watson Field, Godnich Field,

And Carter Field. (M. Rabago)

- 11.P. Consider For Approval A Proposal From Intertek PSI For \$19,913 To Perform Pre-Design Geotechnical Engineering Services To Establish Revised Design Parameters For The Proposed Modifications To The Legas Drive Bulkhead Repair Project Design. (D. Christodoss)
- 11.Q. Consider For Approval A Proposal From Braun Intertec For \$94,005 To Perform Construction Material Testing For 45th Street Reconstruction From Broadway To Seawall. (D. Christodoss)
- 11.R. Consider For Approval A Proposal From Intertek PSI For \$94,005 To Perform Construction Material Testing For Sanitary Sewer Improvements Construction Along 8 Mile Road From Stewart Road To Sunny Beach Project. (D. Christodoss)
- 11.S. Consider For Approval Of Change Order No. 14 To The Contract With Cardinal Contractors, Inc., For The New 59th Street Pump Station Project, Increasing The Contract By \$264,460.50 To A New Total Amount Of \$18,168,750.94, And Extending The Time By 109 Calendar Days. (R. Blackketter)
- 11.T. Consider For Approval Of Change Order No. 1 To The Contract With LEM Construction Co., Inc., For The Airport Wastewater Treatment Plant Improvements Project, Increasing The Contract By \$148,271.24 From The Amount Of \$6,792,200.00 To A New Total Amount Of \$6,940,471.24, And Reducing The Contract Term By 37 Days. (R. Blackketter)
- 11.U. Consider For Approval Change Order No. 1 To The Contract With Lucas Construction Co., Inc., For The Market Street Sidewalk & Curb Reconstruction (25th To 33rd) Project, Increasing The Contract By \$38,940.00 From The Amount Of \$1,134,575.00 To A New Total Amount Of \$1,173,515.00, And Extending The Contract Term By 30 Days. (R. Blackketter)
- 11.V. Consider For Approval Of Change Order No. 1 To The Contract With Alamo Environmental Inc. Dba Alamo1, For The City Of Galveston Incinerator Demolition And Concrete Cap Construction Project, Increasing The Contract By \$181,689.75, From The Amount Of \$4,313,876 To A New Total Amount Of \$4,495,565.75. (R. Blackketter)
- 11.W. Consider For Approval Of Change Order No. 1 To The Contract With Main Lane Industries, Ltd., For The 45th Street Improvements From Broadway To Seawall Boulevard Project, Increasing The Contract By \$854,026.00 From The Amount Of \$8,994,097.00 To A New Total Amount Of \$9,848,123.00, And Extending The Contract Term By 103 Days. (R. Blackketter)
- 11.X. Consider For Approval Of Change Order No. 2 To The Contract With Tucon, LLC, For The 30th Street Tank Demolition Project, Increasing The Contract By \$18,674.38 From The Amount Of \$599,913.58 To A New Total Amount Of \$618,587.96, And Extending The Contract Term By 60 Days. (R. Blackketter)
- 11.Y. Consider Rejecting All Proposals Received For The Reconstruction Of 83rd Street From South Of Cessna To Stewart Road Project (RFP #19-06) (R. Blackketter)
- 11.Z. Consider Rejecting All Proposals Received For The 29th Street Improvements From Harborside To Church Project (RFP #18-35). (R. Blackketter)
- 11.AA. Consider Rejecting All Proposals Received For The Lake Madeline Riprap Replacement - Legas Drive & Lakeview Street Project (RFP #19-01) (R. Blackketter)
- 11.BB. Consider For Approval Accepting All Public Water And Sewer Infrastructure Improvements For Sweetwater Cove Subdivision For The Initial Two-Year Maintenance Period. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Blackketter)

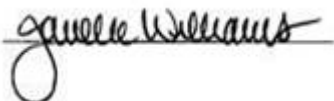
- 11.CC. Consider For Approval Payment Of An Amount Not To Exceed \$135,000.00 To T Construction, LLC For Emergency Repairs To The Fraser To Stewart Avenue Sanitary Sewer System Between 57th Street And Bayou Shore Drive. (A. Grasso)
- 11.DD. Consider For The Approval Awarding RFP 19-08A To All Tech Fuel Systems LLC For The TCEQ Upgrades And Repairs To The Trolley Barn Fuel Delivery System For A Total Cost Of \$45,907.36. (D. Smith)
- 11.EE. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (HD Trailers-2) And Associated Equipment From Doggett Heavy Machinery Through HGAC Buy For A Total Price Of \$50,980. (D. Smith)
- 11.FF. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (HD Service Truck) And Associated Equipment From MHC Kenworth Through Buy Board For A Total Price Of \$149,708.32 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.GG. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (Gradall) And Associated Equipment From Associated Supply Co., Inc. (ASCO) Through HGAC Buy For A Total Price Of \$364,448.62 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.HH. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (Excavator) And Associated Equipment From Mustang Cat Through HGAC Buy For A Total Price Of \$155,437.81. (D. Smith)
- 11.II. Consider For Action Accepting The Proposal From Aptim Environmental & Infrastructure, LLC. For Professional Services To Perform Wading Depth And Depth Of Closure Surveys Of The Beach, And To Authorize The City Manager To Approve A One-Year Agreement With Three (3) One-Year Renewal Options. Funding To Come From The Park Board Of Trustees And The Beach Silo Of The IDC 4B Sales Tax, In An Amount Not To Exceed \$121,668.00. (D. Henry)
- 11.JJ. Consider For Action Authorizing The City Manager To Approve An Interlocal Agreement Between The City And The Galveston Park Board Of Trustees Regarding Cost Sharing For Annual Beach Surveys. (D. Henry)

12. ACTION ITEMS

- 12.A. Discuss And Consider Scheduling Special Called City Council Workshops In 2019. (Yarbrough)
Motion was made by MPT Brown, second by CM Collins, to defer this item to the next meeting. Unanimously approved by those present.
- 12.B. Discuss And Consider Appointments To The Following City Boards, Commissions, And Committees:
Motion was made by CM Bly, second by MPT Brown, to appoint Kurt Gonzales and Joe Hoff. Unanimously approved by those present.

13. ADJOURNMENT

The meeting was adjourned at 2:40 p.m.



Janelle Williams, City Secretary
Date Approved: March 28, 2019