

DRAFT
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING - MARCH 25, 2021

3/25/2021 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
With a quorum present, the meeting was called to order at 5:00 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 Bill Quiroga, Council Member John Listowski, and Council Member Marie Robb.
3. INVOCATION
The invocation was given by CM Johnson.
4. CONFLICTS OF INTEREST
CM Robb declared a conflict on Item 10D.
5. PRESENTATIONS/REPORTS OF COUNCIL, OFFICER BOARDS, AND CITY MANAGER
 - 5.A. Pursuant To Texas Government Code Section 551.0415, The City Council May Report On Any Of The Following Items:
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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 reminded everyone about the Parade honoring hometown BOI and Super Bowl Champion Mike Evans. CM Robb thanked West Galveston Island Property Owners Association for awarding her the Humanitarian Award.**
 2. Information regarding holiday schedules
 3. **Recognition of individuals**
 - a. **International Oleander Month - presented by CM Schuster.**
 - b. **Child Abuse Prevention and Awareness Month - presented by City Secretary Janelle Williams.**
 - c. **Sexual Assault Awareness Month - presented by CM Johnson.**
 - d. **Galveston Womens Leadership Day - presented by Mayor Brown.**
 4. Reminders regarding City Council events
 5. Reminders regarding community events
 6. Health and safety announcement
 - 5.B. Families, Children, And Youth Board 2020 Annual Report

The Families, Children, and Youth Board 2020 Annual Report was presented by Chair Hank Thierry.

- 5.C. Presentation Of The FY 2020 Annual Comprehensive Financial Report (M. Loftin)
The FY 2020 Annual Comprehensive Financial Report was presented by Assistant City Manager Mike Loftin and Whitley Penn Representative Christopher Breaux.

6. COMMUNICATIONS AND PETITIONS

Claims: 21-011 - Mike Dean; 21-012 - One Gas; 21-013 - Teodoro Paz; 21-014 - Robin Greenspan; 21-015 - John and Dana Piper; and 21-016 - Angela Bickham.

7. PUBLIC HEARINGS

7.A. Planning Case Number 21P-002

Consider for Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 3503 Bernardo De Galvez / Avenue P, As A "Galveston Landmark", Property Is Legally Described As M.B. Menard Survey, Part Of Lot 5 And North 82 Feet Of Lots 6 And 7 (1006-2), Northeast Block 86, Galveston Outlots, 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; Designating The Site As A Historically Or Archeological Significant Site In Need Of Tax Relief To Encourage Its Preservation; Planning Case Number 21P-002; Making Various Findings And Provisions Related To The Subject. (C. Gorman)

Ordinance No. 21-008 was read by caption. Catherine Gorman provided staff comments. The public hearing was opened; with no speakers, the public hearing was closed. Motion was made by Mayor Brown, second by CM Johnson, to approve the ordinance. Unanimously approved.

7.B. Planning Case Number 21P-006

Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 2805 Avenue O, As A "Galveston Landmark", Property Is Legally Described As M.B. Menard Survey, Part Of Lots 3 Through 7 And The East 10.10 Feet Of Lot 2, Northwest Block 65, Galveston Outlots, 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; Designating The Site As A Historically Or Archeological Significant Site In Need Of Tax Relief To Encourage Its Preservation; Planning Case Number 21p-006; Making Various Findings And Provisions Related To The Subject. (C. Gorman)

Ordinance No. 21-009 was read by caption. Catherine Gorman provided staff comments. The public hearing was opened; with no speakers, the public hearing was closed. Motion was made by CM Robb, second by CM Schuster, to approve the ordinance. Unanimously approved.

8. PUBLIC COMMENT

Written comments read by Staff: Jesse Salinas - Seawall parking waiver request; John Kirwin - Seawall Blvd. crosswalks; Marissa Hicks - need water turned back on; Judy Jones - Seawall trolley; Alison Buchtien - 3G Golf Carts; Jake Kersey - bicycle infrastructure; Jim Gainer - golf carts and the recycling center; Connie Henderson - speed limit on Ave. P; and Delon Kibbe - loud humming noise and shaking.

9. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

- 9.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas Discontinuing The State Of Emergency And Disaster In The City Of Galveston Related To The Covid-19 Virus, Repealing All Associated Emergency Orders; Providing Compliance With Federal Orders Related To Public Transportation; With Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date. (Legal)

Ordinance No. 21-010 was read by caption. Motion was made by CM Robb, second by CM Listowski, to approve the ordinance. Unanimously approved.

- 9.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending "The Code Of The City Of Galveston 1982, As Amended", Chapter 34, "Traffic" Section 34-118. Regarding Residential Parking Permits; Providing For Regulations, Clarification, And Amending Requirements; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (Legal)
- The Ordinance was read by caption. Motion was made by Mayor Brown, second by CM Robb, to defer this item to the April 8, 2021 meeting and requesting that City Council members forward their comments to staff. Unanimously approved.**

- 9.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Chapter 34, "Traffic", Section 34-117.5, "Two-Hour Parking Between 9:00 A.M And 6:00 P.M." Of "The Code Of The City Of Galveston 1982", As Amended, Adding Both Sides Of The 3100 Block Of Market Street; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (Legal)
- Ordinance No. 21-011 was read by caption. Motion was made by CM Robb, second by Mayor Brown, to approve the ordinance. Unanimously approved.**

10. 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 10D and 10L were pulled from the Consent Items. Motion was made by Mayor Brown, second by MPT Collins, to approve Consent Items 10A through 10C, 10E through 10K, and Items 10M through 10V. Unanimously approved.

- 10.A. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Ratifying The Emergency Order Of The Mayor Of March 2, 2021 Authorizing The City Manager To Accept Grant Funds From The Moody Foundation To Provide Assistance To City Employees Who Suffered Uninsured Property Damage During The Winters Storm Of February 2021, Directing The City Manager To Execute All Necessary Documents Relating To The Grant; Providing For Findings Of Fact And Providing For An Effective Date. (Legal)
- Resolution No. 21-011**
- 10.B. Consider For Approval A Resolution By The City Of Galveston, Texas Suspending The April 12, 2021 Effective Date Of The Proposal By Texas Gas Service Company, A Division Of One Gas, Inc. To Implement Interim Grip Rate Adjustments For Gas Utility Investment In 2020 And Requiring Delivery Of This Resolution To The Company And Legal Counsel. (Legal)
- Resolution No. 21-010**
- 10.C. Consider For Approval Entering Into A Contract With The Firm Of Bickerstaff Heath Delgado And Acosta To Perform Redistricting Services For The City Of Galveston And Authorizing The City Manager To Sign On Approval Of The City Attorney, (Legal)
- 10.D. Consider For Approval The Proposed Settlement Of The Condemnation Action In TREX V. City Of Galveston; Authorizing The City Manage To Sign Upon Final Approval Of The City Attorney. (Legal)
- Motion was made by CM Listowski, second by MPT Collins, to approve the proposed settlement. The motion passed 6-0; CM Robb declared a conflict and abstained from voting.**

- 10.E. Consider For Approval Of The Grant Terms And Conditions (Grant Agreement) With The Texas Division Of Emergency Management (TDEM) For FEMA Public Assistance (PA) Funding For Tropical Storm Laura Eligible Costs And Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The Legal Department. (T. Wroblewski)
- 10.F. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas Approving And Authorizing The City Manager To Execute An Interlocal Cooperation Agreement With The Galveston Independent School District (GISD) For The Use Of Ball High School As A Shelter Of Last Resort In The Event Of Emergencies; Approving And Authorizing The City Manager To Execute The Agreement; Providing For Findings Of Fact And Providing For An Effective Date. (C. Olsen)
Resolution No. 21-009
- 10.G. Consider Approval Of A Contract With HQE Systems Inc., To Obtain Services With Its Mass Communication Notification System (RFP 21-01) For A Three (3) Year Contract With The Option To Extend The Contract For Two (2) Years In One-Year Intervals. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (C. Olsen)
- 10.H. Consider For The Approval Of A Resolution Supporting An Extension Of The Interlocal Agreement Between The City Of Galveston, Texas And Harris County (Dba Harris County RIDES), In An Amount Not To Exceed \$400,000 In Support Of Subsidized Taxi Services For The Delivery Of ADA Paratransit/Demand Response Transit Services, And Thereby Authorizing The City Manager To Execute The Attached Agreement Thereof. (D. Smith)
Resolution No. 21-012
- 10.I. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock And Associated Equipment (Pickups For Traffic, Parks And Animal Control) From Silsbee Ford Inc. Through Good Buy For A Total Price Of \$151,913.75 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 10.J. Consider For Approval Contracts With National Fitness Campaign & Engineered Installation Solutions For Provision Of Installed Outdoor Fitness Systems At Both Menard & Wright-Cuney Parks As Part Of CDBG Grant Parks Improvement Project. (C. Garcia)
- 10.K. Consider For Approval Contract With Texan Floor Service For Wright-Cuney Community Center Flooring Replacement As Part Of CDBG Grant Parks Improvement Project. (C. Garcia)
- 10.L. Consider For Approval Amendment #2 From T. Baker Smith (TBS), For Additional Geotechnical And Utility Conflict Design For The 14th Street Drainage Improvement Project – DR-4332-024, Based On Findings During The 30% Design Review By The City, Thereby Increasing The Design Fee By \$15,400 For A Total Project Design Contract Fee Of \$2,252,411 Which Is Below The Original Contract Fee Of 2,272,861 (Attached). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Christodoss)
Motion was made by CM Quiroga, second by MPT Collins, to approve Amendment #2. Unanimously approved.
- 10.M. Consider Approval Of Change Order #1 With Dannenbaum Engineering For The 35th Street Improvements From Postoffice To Broadway Project Increasing The Construction Phase Services Of The Design Contract By \$116,096.00 From The Contract Amount Of \$310,000.00 To The Total Contract Amount Of \$426,096.00. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)
- 10.N. Consider Approval Of Addendum #2 With Arceneaux Wilson & Cole For The 24-Inch Water Line Project Increasing The Construction Phase Services Of The Design Contract By \$43,000.00 From The Amount Of \$1,840,215.00 To The Amount Of \$1,883,215.00. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)

- 10.O. Consider Approval Of Addendum #2 With Dannenbaum Engineering For The Airport Water Plant Expansion Project Increasing The Construction Phase Services Of The Design Contract By \$23,900.00 From The Amount Of \$949,669.00 To The Amount Of \$973,569.00. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)
- 10.P. Consider Approval Of Change Order #1 With Stantec Consulting Services For The 49th Street Improvements From Ave P To Ave S ½ Increasing The Construction Phase Services Of The Design Contract By \$33,308.00 From The Amount Of \$282,720.40 To The Amount Of \$316,028.40. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney.(T. Pedraza)
- 10.Q. Consider For Approval The Acceptance Of The Quote From Fuquay Inc., Through The BuyBoard, Purchasing Cooperative, To Utilize Cured In Place Pipe (CIPP) For Manhole Rehabilitation In The Terramar Basin Of Galveston Island In An Amount Not To Exceed \$249,923.03. (T. Pedraza)
- 10.R. Consider For Approval The Ratification Of Utilizing T-Construction For The Emergency Repair Of Broken Water Mains And Major Service Line Leaks During The Winter Freeze Of 2021 In The Amount Of \$20,400.00. (T. Pedraza)
- 10.S. Consider For Approval The Ratification Of Utilizing Main Lane For The Emergency Repair Of Broken Water Mains And Major Service Line Leaks During The Winter Freeze Of 2021 In The Amount Of \$49,324.35. (T. Pedraza)
- 10.T. Consider For Approval Ratifying The City Manager's Authorization Of The Emergency Repair Of Mechanical Seals And Bearings For Pumps 1 & 2 At The 30th Street Pump Station By Smith Pump Company In The Amount Of \$29,650.00. (T. Pedraza)
- 10.U. Consider For Approval, A Three-Year Contract With Two Optional One-Year Renewals With Kone Elevator For Bid #21-003, Elevator Services, Authorizing The City Manager To Execute The Contract Upon The Review And Approval Of The City Attorney. (B. Kenworthy)
- 10.V. Consider For Approval Minutes Of The February 22, 2021 Special Meeting, And The February 25, 2021 Workshop And Regular Meeting. (J. Williams)

11. ACTION ITEMS

- 11.A. Discuss And Consider For Action An Ordinance Authorizing The Issuance Of The City Of Galveston, Texas, General Obligation Refunding Bonds, Series 2021; Levying A Tax In Payment Thereof; Setting Certain Parameters For The Bonds; Authorizing The Authorized Officer To Approve The Amount, The Interest Rate, Price And Certain Other Terms Thereof; Authorizing The Redemption Prior To Maturity Of Certain Outstanding Bonds; Authorizing The Execution And Delivery Of A Purchase Agreement, A Paying Agent/Registrar Agreement And An Escrow Agreement Relating To Such Bonds; Approving The Preparation And Distribution Of An Official Statement; And Enacting Other Provisions Relating Thereto; And Providing For The Effective Date Thereof. (M. Loftin)
Ordinance No. 21-007 was read by caption. Motion was made by CM Listowski, second by CM Robb, to approve the ordinance. Unanimously approved.
- 11.B. Discuss And Consider For Action The Adoption Of A Policy Related To The Return To In Person Meetings And Associated Protocol Related To Public Attendance At City Council And City Committee Meetings. (Brown)
Motion was made by CM Robb, second by CM Quiroga, to go back to in-person regular meetings at City Hall in Room 204 as opposed to Council Chambers, with workshops remaining virtual unless the CDC guidelines regarding the length of meetings change. Unanimously approved.
- 11.C. Discuss And Consider For Action The Approval Of A City Flag. (Brown)

Motion was made by CM Johnson, second by CM Robb, to approve the flag design by Jerome McLemore that needs to be cleaned up, requesting that the Cultural Arts Commission work with the artist to clean it up and bring it back to Council for possible action. In favor: Brown, Johnson, and Robb. In opposition: Collins, Schuster, Quiroga, and Listowski. The motion fails.

Motion was made by CM Robb, second by CM Listowski, to bring all three flags back with the refinement of the one with the Star of Texas, the beaches, and the environment, and then put it out for a vote to the public. In favor: Robb. In opposition: Brown, Johnson, Quiroga, and Listowski. Abstentions: Collins and Schuster. The motion fails.

Motion was made by Mayor Brown, second by CM Robb, directing the Cultural Arts Commission to work with the artist on flag number 2 to clean it up, bringing all three flags back to Council for action, asking the Cultural Arts Commission to research and review other approaches for selection of a flag for Council guidance, and bringing each flag back showing them in different formats. In favor: Brown, Johnson, Listowski, and Robb. Abstentions: Collins, Schuster, and Quiroga. The motion passes.

- 11.D. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Expressing Its Support For Legislation Sponsored By Senator Larry Taylor And Representative Dennis Paul For The Creation Of The Gulf Coast Protection District Which Will Act As A Non-Federal Sponsor For The Proposed Coastal Barrier Project; Providing For Findings Of Fact And Providing For An Effective Date. (Robb/Brown)

Motion was made by CM Robb, second by Mayor Brown, to approve Resolution No. 21-008. Unanimously approved.

- 11.E. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas Requesting The Commissioner Of The General Land Office To Provide All Data Related To The Location Of Various Benchmarks On The Beach On The West End Of Galveston Island Including The Line Of Vegetation, Mean Low Tide Line, Mean High Tide And Other Data Relevant To Any Contemplated Order Of The Commissioner Under Texas Natural Resources Code §61.0171, As Well As Any Draft Order Contemplated Pursuant To Such Statute, For Review And Comment By The City Of Galveston; Providing For Findings Of Fact And Providing For An Effective Date. (Legal)

Motion was made by CM Robb, second by CM Quiroga, to approve Resolution No. 21-007. Unanimously approved.

- 11.F. Discuss And Consider Appointments To The Following City Boards, Commission, And Committees:

Industrial Development Corporation - Motion was made by Mayor Brown, second by CM Robb, to appoint Bill Coltzer (Galveston Economic Development Partnership), to reappoint Spencer Priest (Park Board of Trustees), and to reappoint Terrilyn Tarlton Shannon (Galveston Chamber of Commerce). Unanimously approved.

Recycling Ad Hoc Committee - Motion was made by Mayor Brown, second by MPT Collins, to appoint Dr. Jackie Cole. Unanimously approved. Motion was made by MPT Collins, second by Mayor Brown, to appoint David Fortenberry. Unanimously approved.

12. ADJOURNMENT

The meeting was adjourned at 7:05 p.m.

Janelle Williams, City Secretary

Date Approved: