

DRAFT
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING - AUGUST 27, 2020

8/27/2020 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
With a quorum present, the meeting was called to order at 1:15 p.m.

2. ROLL CALL

Present (via video conference): Mayor Pro Tem Dr. Craig Brown, Council Member Amy Bly, Council Member David Collins, Council Member John Listowski, and Council Member Dr. Jackie Cole.

Absent: Council Member Jason Hardcastle.

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 - **MPT Brown and City Manager Brian Maxwell thanked staff for their efforts during the last week during Hurricane Laura. Mr. Maxwell provided a brief report on the storm. MPT Brown reported that some of today's items will be moved to the September 10th agenda.**
 2. Information regarding holiday schedules
 3. Recognition of individuals
 4. Reminders regarding City Council events
 5. Reminders regarding community events
 6. Health and safety announcement

5. COMMUNICATIONS AND PETITIONS

Claims: 20-069 - Rachel Gonzales; 20-070 - Casey Carl; 20-071 - Jessica Smith; 20-072 - Sandra Alexander.

6. PUBLIC HEARINGS

- 6.A. Resolution - Sandpiper Cove - 3916 Winnie Street

A Resolution Of The City Council Of The City Of Galveston, Texas, Expressing Its Support For The Application By Galveston 3916 Winnie Street, LP For Private Activity Bonds For Low-Income Housing Tax Credits At 3916 Winnie Street, In Galveston, Texas, 77550, Authorizing An Allocation Of Housing Tax Credits For The Approval Of The Rehabilitation Of The Development; Directing The City Secretary To Send A Certified And True Copy Of This Resolution To Representatives Of Galveston 3916 Winnie Street LP, For Inclusion In Its Application To The Texas Department Of Housing And Community Affairs For Private Activity Bonds For Low-Income Housing Tax Credits At 3916 Winnie Street, Galveston, Texas; Making Various Findings And Provisions Related To The Subject, And Providing For An Effective

Date (Legal)

Deferred.

6.B. Resolution - 5228 Broadway/Avenue J, 5100 Sealy/Avenue I And 5215 Winnie/Avenue G

Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Expressing Its Support For The Application By McCormack Baron Salazar, Inc., For Private Activity Bonds For Low-Income Housing Tax Credits At 5228 Broadway/Avenue J, 5100 Sealy/Avenue I And 5215 Winnie/Avenue G, In Galveston, Texas, 77550, Authorizing An Allocation Of Housing Tax Credits For The Approval Of The New Construction Of The Development; Directing The City Secretary To Send A Certified And True Copy Of This Resolution To Representatives Of McCormack Baron Salazar, Inc., For Inclusion In Its Application To The Texas Department Of Housing And Community Affairs For Private Activity Bonds For Low-Income Housing Tax Credits At 5228 Broadway/Avenue J, 5100 Sealy/Avenue I And 5215 Winnie/Avenue G, Galveston, Texas; Making Various Findings And Provisions Related To The Subject, And Providing For An Effective Date. (Legal)

City Attorney Don Glywasky provided staff comments. The public hearing was opened; with no comments, the public hearing was closed. Motion was made by CM Listowski, second by CM Bly, to approve Resolution No. 20-029. Unanimously approved.

7. PUBLIC COMMENT

None.

8. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

8.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating A Presiding Councilmember Who Will Act In The Event Of Unavailability Of The Mayor Pro Tem; Providing For That Designation To Continue Until The Position Of Mayor Has Been Filled By Election And The Winner Has Qualified For Office; Providing For A Method To Determine Unavailability Of The Mayor Pro Tem; Providing For A Severability Clause; Providing An Open Meetings Clause; Providing A Savings Clause; Declaring Findings Of Fact; And Providing For An Effective Date. (Brown)

Ordinance No. 20-050 was read by caption. Motion was made by CM Collins, second by CM Cole, designating CM Bly as the presiding Council Member who will act in the event of unavailability of the Mayor Pro Tem. Unanimously approved.

Supplemental Agenda Item - Consider For Approval An Ordinance Of The City Of Galveston, Texas, Declaring A State Of Disaster And Emergency In The City Of Galveston Related To The Threat Posed By Hurricane Marco And Tropical Storm Laura To The City Of Galveston; Extending The State Of Emergency Ordered By Mayor Pro Tem Brown, Extending Various Emergency Order Issued By The Mayor Pro Tem; Making Various Findings And Provisions Related To The Subject, Providing For A Penalty And Providing For An Effective Date. (Legal)

Ordinance No. 20-051 was read by caption. Motion was made by CM Collins, second by CM Cole, to approve the ordinance, with additional language "the order will stay in effect until further order of Council". Unanimously approved.

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.

Motion was made by MPT Brown, second by CM Bly, to approve Consent Items 9A through 9E and 9G through 9V. Unanimously approved.

- 9.A. Consider For Approval The City Auditor's Audit Plan For 2021 (G. Bulgherini).
- 9.B. Consider For Approval Accepting The City Auditor's Report On Short Term Rental Properties - HOT2020-1 Short Term Rental Audit (G. Bulgherini).
- 9.C. Consider For Approval Of A Grant Agreement And Disbursement Of Ten Thousand Dollars To Doug McLean From The Arts Commission Fund For The Purposes Of Creating A Statue With Historic Importance To The City Of Galveston. (M. Jadidi)
- 9.D. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas Adopting The Submittal Of Interim Updates #1 Submitted July 10, 2020 And August 17, 2020 To The Galveston Hazard Mitigation Plan Mitigation Strategy; Authorizing The City Manager To Execute Those Documents Necessary Regarding Eligibility And/Or Receipt Of Any And All Available Funding. (T. Wroblewski)
- 9.E. Consider For Approval The City Of Galveston Community Development Block Grant Mitigation (CDBG-MIT) Citizen Participation Plan. (T. Wroblewski)
- 9.F. Consider For Approval The Funding Of A Grant In The Amount Of \$50,000 To The Galveston Economic Development Partnership (GEDP) For The Collection, Analysis, And Provision Of Local Business And Economic Loss And Recovery Data For The Detennination Of Economic Recovery Needs Due To COVID-19, And Authorize The City Manager To Complete The Grant Utilizing CARES ACT Funding. (T. Wroblewski)
- Motion was made by CM Cole, second by CM Bly, to defer this item to the September 10, 2020 meeting. Unanimously approved.**
- 9.G. Consider For Approval A Recommendation From The Chapter 172 Health Benefits Plan Board Of Trustees To Renew Blue Cross Blue Shield Of Texas As The Carrier For Specific And Aggregate Stop Loss Coverage Effective October 1, 2020, Through December 31, 2021(K. Etienne).
- 9.H. Consider For Approval An Agreement For Video Streaming Services Between The City Of Galveston And Swagit Productions, LLC. (B. Sanderson/M. Barnett)
- 9.I. Consider For Approval The Purchase Of Microsoft Office 365 Licenses And Implementation Services From Sequel Data Systems In An Amount Not To Exceed \$170,049 For A One (1) Year Term With The Option To Extend The Agreement For An Additional 1 Year Term. (H. Dean)
- 9.J. Consider For Approval Awarding Bid 20-016 Personal Protective Equipment (PPE) To U.R.W., Inc In The Amount Of \$100,000.00 For First Responders During The COVID-19 Pandemic. Authorizing City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (C. Olsen)
- 9.K. Consider For Approval The Annual Renewal Of The Inter-Local Agreement With Texas Municipal League Intergovernmental Risk Pool For The 2020–2021 Fund Year For Workers Compensation TPA Coverage. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Simmons)
- 9.L. Consider For Approval The Annual Renewal Of The Inter-Local Agreement With Texas Municipal League Intergovernmental Risk Pool For The 2020–2021 Fund Year For Liability And Property Coverage. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Simmons)
- 9.M. Consider Approving A Resolution Supporting The City Of Galveston's \$2,000,000 Grant Application To The United States Department Of The Interior, Bureau Of Reclamation's (USBR) "WaterSMART Grants: Water And Energy Efficiency Grants For Fiscal Year 2021," Including \$4,500,000 In City Matching Funds To Support The City's Sustainable Interactive Customer Connections Project. (T. Pedraza)

- 9.N. Consider For Approval, A Proposal From Excery For The City Of Galveston Sustainable Interactive Customer Connections (SICC) Project For A Year One Fee Not To Exceed \$178,834. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)
- 9.O. Consider Approval To Authorize The City Manager To Amend The Current Design Agreement For Professional Services Of Brown Reynolds Watford Architects, Inc For Renovations To City Hall And Reduce The Fee \$445,965.04. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 9.P. Consider For Approval Change Order No. 6 To The Contract With Main Lane Industries, Ltd., For The 45th Street Improvements From Broadway To Seawall Boulevard Project, Increasing The Contract By \$220,580.09 (2.45%) From The Amount Of \$10,639,574.35 To A New Total Amount Of \$10,860,154.44. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 9.Q. Consider For Approval Change Order #7 To The Contract With Construction LTD, For The Fire Station #1 New Site Construction And Existing Site Demolition Project Increasing The Contract By \$422,505.00 From The Amount Of \$11,103,128.03 To The Amount Of \$11,525,633.03 And Extending The Contract Term By 30 Days. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 9.R. Consider Approval Of Change Order #02 With Angel Brothers Enterprises Ltd., For The 49th Street Improvements From Ave P To Ave S 1/2 Project (RFP #19-29) Increasing The Contract By \$74,867.50 From The Amount Of \$3,623,716.93 To The Amount Of \$3,698,584.43 (A Cumulative Increase Of 1.33% From The Original Contract Sum). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 9.S. Consider Approval Of A Proposal From Terracon Consultants, Inc. In The Amount Of \$49,855.00 To Perform Construction Material Testing For The Airport Water Plant Expansion Project. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 9.T. Consider For The Approval Of The Annual Payment Totaling \$22,900 For The Shah Transportation Manager / NewGen Dispatch Licensing And Software Support Which Will Be Funded By The Island Transit Maintenance Contracts Account, And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 9.U. Consider For The Approval Of The Emergency Repairs To The Ladder And Platform On Unit 1830, Which Is A 2002 E-One Fire Department Ladder Truck, To Siddons Martin Who Is Equipped To Handle All Required Repairs In An Expedited Manner, For A Total Of \$22,645.62. The Funding Source Is The Garages Outside Repairs Account. (D. Smith)
- 9.V. Consider For Approval Minutes Of The August 13, 2020 Workshop And Regular Meeting. (J. Williams)

10. ACTION ITEMS

Motion was made by MPT Brown, second by CM Listowski, to defer all other items not considered by Council on today's agenda to the September 10, 2020 agenda. Unanimously approved.

- 10.A. Consideration Of The Resolution Issued By The Galveston Wharves Board Regarding Trustee O'Rourke And Giving Direction To The City Attorney For Further Action Related To The Galveston Wharves Board. (Legal)
Deferred.
- 10.B. Discuss And Consider Appointments To The Following City Boards, Commission, And Committees:
Deferred.

11. ADJOURNMENT

The meeting was adjourned at 1:58 p.m.

Janelle Williams, City Secretary

Date Approved:

DRAFT
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
SPECIAL MEETING - SEPTEMBER 10, 2020

9/10/2020 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER

With a quorum present, the meeting was called to order at 9:00 a.m.

2. ROLL CALL

Present (via video conference): Mayor Pro Tem Dr. Craig Brown, Council Member Amy Bly, Council Member David Collins, Council Member Jason Hardcastle, Council Member John Listowski, and Council Member Dr. Jackie Cole.

3. CONFLICTS OF INTEREST

None.

4. DISCUSSION ITEMS

4.A. Clarification Of Consent And Regular City Council Agenda Items - This Is An Opportunity For City Council To Ask Questions Of Staff On Consent And Regular Agenda Items. (30 Minutes)

Item 5C was clarified by the prospective owner of Sandpiper Cove, Don Ball.

4.B. Hurricane Laura Wrap Up (B. Maxwell/D. Buckley - 15 Minutes)

Mayor Pro Tem Brown and City Manager Brian Maxwell provided a report on Hurricane Laura. Staff was prepared in the event of any major issues from the storm.

4.C. Discussion Of Civilian Pension Board Actions (B. Maxwell/D. Buckley - 15 Minutes)

Deputy City Manager Dan Buckley reported on recent actions of the Civilian Pension Board. At it's August meeting, the board increased the cap of the benefit from \$50,000 to \$60,000 based on the actuary report performed by the outside actuary firm. The actuary advised on many things the board could do including increasing the cap. The City Manager sent a letter to the board asking them not to take this action, but instead sit down with the City Manager's office to come up with a plan, but the board chose not to and took the action anyway. This action increased the unfunded liability of the plan from \$9 million to \$17.8 million, and from 16.5 years to 20.4 years. This action prevents the City from changing the plan and changing the benefit, and this becomes a liability of the City. This action only benefited eight City employees. There were a number of actions they could have taken to benefit all members of the plan but did not do so. This action puts the City further out of reach in converting the employees to the Texas Municipal Retirement System. The only thing the City has control over is reducing the City's contribution rate. City Manager Maxwell reported that this could have an employee recruitment and retention impact.

4.D. Discuss The Diversity And Inclusion Plan To Increase Female Representation Throughout The City Of Galveston Workforce Focusing On Recruitment And Retention Of Females In The Fire Department, Police Department, Public Works, And Municipal Utilities. (K. Etienne - 15 Minutes)

Human Resources Director Kent Etienne provided a report on the City's diversity and inclusion initiative. Considerable focus has been given to underrepresented areas within the City in need of diversification, including Public Safety positions and civilian positions. The City partnered with Careers in Government National Diversity Network which provided a guarantee of national exposure to City jobs and a greater presence on social media. As a result of the partnership that the City has with Careers in Government, all jobs are posted automatically and seamlessly onto eight diversity focused job boards. The National Minority Update has joined in the City's diversity/EEO focused recruitment and posted an ad for the Galveston Fire Department on the Public Safety Employment section. Employee trainings have been provided to address practices that may impact diversity including unconscious

biases and company culture. Year one of the Diversity and Inclusion Plan has been successful. In year two, the City will continue its efforts as established in year one.

- 4.E. Discussion Of The Resolution Issued By The Galveston Wharves Board Regarding Trustee O'Rourke And Giving Direction To The City Attorney For Further Action Related To The Galveston Wharves Board. (Legal - 20 Minutes)

City Attorney Don Glywasky provided an overview of an investigation of Trustee O'Rourke and a Resolution issued by the Galveston Wharves Board, and options for further action related to the Wharves Board. There were three activities in the investigation where complaints were listed against Mr. O'Rourke. One was a request for information on monies paid to employees other than salaries, the second was attempts to get items placed on the agenda for discussion before the Wharves Board, and the third was a phone conversation between himself and an employee of the Wharves Board who is referred to as the complainant. In the report, the investigator concludes there is no violation of the City's Code of Ethics, and she did not cite any violation of any State or Federal law. She did make an observation to the Wharves Board in a response to their question on what their liability would be, and she advised they would be liable for negligence if they did not act, which as a matter of law is incorrect. The Wharves Board, as a public entity, is immune from such claims. She did identify one section of the City Code that allows for removal of appointees to boards for official misconduct. In terms of official misconduct, the only thing that can be focused on is the conversation between Mr. O'Rourke and the complainant, which there are two versions of the story. Four options for further action include: (1) receive and file the report and Resolution and take no further action; (2) receive and file the report and censure Mr. O'Rourke; (3) receive and file the report and conduct our own investigation; and (4) re-interview everybody and conduct your own investigation then decide how to move forward. Discussion was held regarding the four options as outlined by the City Attorney. The City Attorney's view is that the conclusion of the report fails to rise to the level of official misconduct.

- 4.F. Discussion Of Upcoming Interviews For Planning Commission And Wharves Board, And Appointments To All City Boards, Commissions, And Committees (Brown - 10 Minutes)

Discussion was held regarding the Council's method of interviewing Planning Commission and Wharves Board applicants. The Council will consider amending its policy for interviewing applicants to include written interview questions in lieu of in-person interviews at their next meeting. The Council will make appointments to all City boards, commissions, and committees on September 24, 2020.

- 4.G. Report Of City Council's Park Board Representative (Collins/Brown - 10 Minutes)

CM Collins congratulated the Park Board on their quick response to the storm. The Park Board is working on the budget and the CIP which has been delayed a little due to the storm, COVID-19, and retirement of Mike Moser and hiring of the new CFO Bryson Frazier. He is hoping to bring the budget and CIP to Council at an upcoming meeting.

5. PUBLIC HEARINGS (10:00 AM)

- 5.A. Conduct A Public Hearing On September 10, 2020 On The FY 2021 Proposed Budget As Required By State Law.

A Public Hearing was conducted on the FY 2021 Proposed Budget. Assistant City Manager Mike Loftin provided an overview of the proposed budget. The public hearing was opened; with no speakers, the public hearing was closed.

- 5.A.1. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Adopting The Annual Governmental And Proprietary Funds Budget For The Fiscal Year Beginning October 1, 2020 And Ending September 30, 2021; Making Appropriations For City Operations And Capital Projects For Such Fiscal Year As Reflected In Such Budget; Authorizing Various Other Transfers; Approving And Adopting The FY 2021 Capital Budget; Approving And Adopting The Budget Of The Industrial Development Corporation, Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date. (M. Loftin)

Ordinance No. 20-052 was read by caption. Motion was made by MPT Brown, second by CM Collins, to approve the ordinance. The motion was unanimously approved with a record vote.

In favor: Brown, Bly, Collins, Hardcastle, Listowski, and Cole.

In opposition: None.

- 5.A.2. Consider For Action A Motion Ratifying The Property Tax Increase Reflected In The FY 2021 Budget. (M. Loftin)

Motion was made by CM Collins, second by MPT Brown, ratifying the property tax increase reflected in the FY 2021 Budget. Unanimously approved.

- 5.B. Conduct A Public Hearing To Consider The Proposed Property Tax Rate Of \$0.56 Per \$100 Of Taxable Value For 2020.

A Public Hearing was conducted on the Proposed Property Tax Rate of \$0.56 per \$100 of taxable value for 2020. Assistant City Manager Mike Loftin provided an overview of the Proposed Property Tax Rate. The public hearing was opened. Marie Robb submitted a public comment asking Council to use the extra reserve fund budget to lower the tax rate to a No New Revenue Tax Rate of \$0.535631 and the General Fund reserve will exceed the required 90 days. The public hearing was closed.

- 5.C. Resolution Sandpiper Cove - 3916 Winnie Street

Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Expressing Its Support For The Application By Galveston 3916 Winnie Street, LP For Private Activity Bonds For Low-Income Housing Tax Credits At 3916 Winnie Street, In Galveston, Texas, 77550, Authorizing An Allocation Of Housing Tax Credits For The Approval Of The Rehabilitation Of The Development; Directing The City Secretary To Send A Certified And True Copy Of This Resolution To Representatives Of Galveston 3916 Winnie Street LP, For Inclusion In Its Application To The Texas Department Of Housing And Community Affairs For Private Activity Bonds For Low-Income Housing Tax Credits At 3916 Winnie Street, Galveston, Texas; Making Various Findings And Provisions Related To The Subject, And Providing For An Effective Date. (Legal)

City Attorney Don Glywasky provided staff comments. The public hearing was opened. Don Ball spoke in favor of the Resolution; Ericka Bowman, Community Outreach Coordinator for Texas Housers, submitted a comment asking Council to delay their vote to support any new tax credits or bonds for Sandpiper Cove until representatives from the City Council, the Tenant Council, the ITEX Group, Jeshurun Development, and Texas Housers can meet to discuss their serious concerns. The public hearing was closed.

Motion was made by CM Bly, second by CM Listowski, to approve Resolution No. 20-032. Unanimously approved.

6. RECESS

7. PUBLIC COMMENT

Agenda Items: Robert Daigle - mandatory mask order; and Robert Daigle - Ted O'Rourke complaint.

Non-Agenda Items: Sandra Walters - the murder case of Christopher Williams; and Delon Kibbe - public nuisance complaints.

8. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

- 8.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Approving And Adopting The Five-Year Capital Improvement Plan For Fy 2021-2025; And Making Certain Findings And Containing Certain Provisions Related To The Subject. (M. Loftin)
Ordinance No. 20-053 was read by caption. Motion was made by CM Listowski, second by CM Hardcastle, to approve the ordinance. Unanimously approved.
- 8.B. Consider For Approval An Ordinance Ratifying And Confirming Ordinance No. 18-052, As Supplemented And Amended By Ordinance No. 18-67, Pertaining To The City Of Galveston, Texas, Tax And Revenue Emergency Anticipation Note; Ratifying And Confirming The Payment Of Principal And Interest Thereon And The Forward Delivery & Purchase Agreement, Paying Agent/Registrar Agreement, And Form Of Note Related Thereto. (M. Loftin)
Ordinance No. 20-054 was read by caption. Motion was made by MPT Brown, second by CM Bly, to approve the ordinance. The motion passed 5-0; CM Hardcastle was not present for the vote.
- 8.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Ordinance 20-048, Regarding The Designated Polling Places For The Election To Be Held In The City Of Galveston On The 3rd Day Of November, 2020, For The Purpose Of Electing A Mayor At-Large And Six (6) District Council Members, Each For A Two-Year Term; Making Other Provisions Of Fact And Providing For An Effective Date. (Legal)
Ordinance No. 20-055 was read by caption. Motion was made by CM Cole, second by MPT Brown, to approve the ordinance. Unanimously approved.

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.

Motion was made by MPT Brown, second by CM Collins, to approve Consent Items 9B through 9F. Unanimously approved.

- 9.A. Consider For Approval The Funding Of A Grant In The Amount Of \$50,000 To The Galveston Economic Development Partnership (GEDP) For The Collection, Analysis, And Provision Of Local Business And Economic Loss And Recovery Data For The Determination Of Economic Recovery Needs Due To COVID-19, And Authorize The City Manager To Complete The Grant Utilizing CARES ACT Funding. (T. Wroblewski)
Motion was made by MPT Brown, second by CM Cole, to defer action on this item. Unanimously approved.
- 9.B. Consider For Approval Accepting The City Auditor's Report On Galveston Police Department LESO (1033) Equipment Inventory AUCITY2020-1 (G. Bulgherini).
- 9.C. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Designating John Manlove As The President Of The Galveston Island Redevelopment Authority To Serve The Same Annual Term As The Other Officers Of The Authority, Providing For Findings Of Fact And For An Effective Date. (Legal)
- 9.D. Consider For Approval The Purchase Of 16 Tasers And Related Equipment From Axon Enterprise, Inc. Through Buy Board (Contract #603-20) At A Total Cost Of \$35,593. Funding Will Be The U.S. Department Of Justice's Byrne Justice Assistance Grant Account. (V. Hale)
- 9.E. Consider For Approval, Authorizing The City Manager To Execute The 2021 Texas Department Of Transportation, Routine Airport Maintenance Program (RAMP) Grant, Which Allows The Airport To Be Reimbursed Up To \$50,000.00 In Eligible Airport Maintenance Expenses Upon Final Approval Of The City Attorney (M. Shahan).

- 9.F. Consider For The Approval Allowing Island Transit To Purchase A Set Of Four Heavy Duty Column Lifts And Associated Equipment For The Garage And Trolley Barn Operations From Reeder Distributors Through Buy Board For A Total Price Of \$47,303.69. (D. Smith)

10. ACTION ITEMS

- 10.A. Consideration Of The Resolution Issued By The Galveston Wharves Board Regarding Trustee O'Rourke And Giving Direction To The City Attorney For Further Action Related To The Galveston Wharves Board. (Legal)

Motion was made by CM Collins, second by CM Listowski, to receive and file the report from the Wharves Board regarding Trustee O'Rourke and take no further action. Unanimously approved.

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

Motion was made by CM Hardcastle, second by CM Listowski, to approve the City Manager's recommendation of Steve Matijevich to the Civil Service Commission. Unanimously approved.

11. ADJOURNMENT

The meeting was adjourned at 12:11 p.m.

Janelle Williams, City Secretary
Date Approved:

DRAFT

DRAFT
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
WORKSHOP - SEPTEMBER 17, 2020

9/17/2020 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER

With a quorum present, the workshop was called to order at 9:01 a.m.

2. ROLL CALL

Present (via video conference): Mayor Pro Tem Dr. Craig Brown, Council Member Amy Bly, Council Member David Collins, Council Member Jason Hardcastle, Council Member John Listowski, and Council Member Dr. Jackie Cole.

3. DISCUSSION ITEMS

3.A. Clarification Of Consent And Regular City Council Agenda Items - This Is An Opportunity For City Council To Ask Questions Of Staff On Consent And Regular Agenda Items. (30 Minutes)
Items 6A, 7B, 7C, 7D, 7E, and 7G were clarified by Staff.

3.B. Discussion Of The Land Development Regulations (Hardcastle/Brown - 30 Minutes)
CM Hardcastle suggested a review of certain zoning designations that were adopted in 2015. Particularly, a blanket R-1 that was placed on most undeveloped property on the West End, and water areas designated R-1 including the Gulf of Mexico, Galveston Bay, and the Port. Director of Development Services Tim Tietjens provided some suggestions on moving forward to address these issues. Discussion was held regarding the specific items that are in need of review and possible revision. The process of looking at water zoning all over the Island will be sent to the Planning Commission for their review and recommendation as soon as possible. Staff will bring back to City Council recommendations for R-1 properties on the West End, as well as a list of properties with non-conforming uses in other areas of the Island for Council's evaluation, and then would be sent to Planning Commission for their review.

3.C. Discussion Of HOT Collections From Short Term Rental Contracts (M. Loftin - 15 Minutes)
Assistant City Manager Mike Loftin provided information on independent short term rental revenue. Also provided was the City of Galveston HOT collected versus State HOT collections in Galveston. The State has voluntary collection agreements in place with some short term rental platforms which has increased their annual HOT collections. Additional HOT revenue could be brought into the City should we enter into some similar agreements with these platforms. City Attorney Don Glywasky provided information on potential issues with these type of agreements. Two issues include the City Auditor's ability to audit individual short term rentals, and clear language in the contracts identifying who is ultimately responsible for payment of the taxes. Dr. Brown reported that AirBnB just passed restrictions on rentals limiting the number of people in a house to 16. Staff will be looking to the Park Board and the City Auditor for assistance in gathering information and making recommendations, and will bring back to Council in November.

3.D. Discussion Of A Policy On Painting Crosswalks (Listowski/Brown - 15 Minutes)

CM Listowski advised this was brought to his attention by a constituent in his District and is really a broader issue than just crosswalks. It was brought to his attention that the City does not have a good policy on what is allowed and who allows it, for drawings, public displays or artwork on public property. The crosswalk in front of City Hall is just one example but there are others around town as well. The purpose of this discussion is to see if Council should come up with a policy or revise a City ordinance that would address this issue. Discussion was held regarding development of a process and how it should be regulated, possibly sending it to the Cultural Arts Commission for vetting. Dr. Brown will ask the Cultural Arts Commission to look at this at their next meeting and will make recommendations to Council.

3.E. Report Of City Council's Park Board Representative (Collins/Brown - 10 Minutes)
CM Collins reported that the Park Board may be coming to City Council with a request to waive payments due to the City under the Park Board Interlocal Agreement. An item has been placed on the September 24, 2020 agenda for the Council's consideration.

4. EXECUTIVE SESSION

The City Council convened into Executive Session at 10:57 a.m. and reconvened into Open Session at 11:45 a.m. No action was taken during Executive Session.

4.A. Pursuant To Texas Gov't Code 551.071- Consultation With Attorney, An Executive Session Will Be Conducted To Discuss And Receive Legal Advice Concerning Pending Litigation And/Or A Settlement Offer, Or On A Matter In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With This Chapter, Related To The Following:

4.A.1. Discussion Of Impending Condemnation Action Of Texas International Terminal Seeking City Right Of Way In Proximity To The Galveston Transfer Station By Marc Hill.

5. ADJOURNMENT

The workshop was adjourned at 11:46 a.m.

Janelle Williams, City Secretary

Date Approved:

DRAFT

DRAFT
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING - SEPTEMBER 17, 2020

9/17/2020 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
With a quorum present, the meeting was called to order at 1:15 p.m.
2. ROLL CALL
Present (via video conference): Mayor Pro Tem Dr. Craig Brown, Council Member Amy Bly, Council Member David Collins, Council Member Jason Hardcastle, Council Member John Listowski, and Council Member Dr. Jackie Cole.
3. CONFLICTS OF INTEREST
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. **Erin Toberman Proclamation - read by CM Collins.**
 - b. **United Way Day Proclamation - read by CM Bly.**
 4. Reminders regarding City Council events
 5. Reminders regarding community events
 6. Health and safety announcement
5. PUBLIC COMMENT
None.
6. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)
 - 6.A. Ordinance Extending State Of Emergency

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 January 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. (Legal)

Ordinance No. 20-056 was read by caption. Motion was made by CM Collins, second by CM Cole, to approve the Ordinance. The motion passed 5-1; CM Hardcastle voted in opposition.

- 6.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas Levying Ad Valorem Taxes For Tax Year 2020 In The Amount Of 56 Cents And No Mills (\$0.560000) Upon Each One Hundred Dollars (\$100.00) Of Property Valuation For The Tax Year 2020; Making Various Findings And Provisions Related To The Subject. (M. Loftin)

Ordinance No. 20-057 was read by caption. Motion was made by MPT Brown, second by CM Hardcastle, to approve the Ordinance. The motion passed unanimously with a record vote.

In favor: Brown, Bly, Collins, Hardcastle, Listowski, and Cole.

In opposition: None.

- 6.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Procedures For Allocating Net Disbursable Funds To Eligible Groups For The Two Year Award Period Of 2019 To 2021; Allowing Unused Funds From The First Year Of The Award To The Second Year Of Award; Providing This Is Limited Policy Change Will Be Made Only For The 2019-2021 Awards; Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date. (Collins/Brown)
Ordinance No. 20-058 was read by caption. Motion was made by CM Collins, second by CM Hardcastle, to approve the Ordinance allowing this year's unused distributions to be rolled into 2021. Unanimously approved.

7. 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 CM Bly, second by CM Hardcastle, to approve Consent Items 7A through 7I. Unanimously approved.

- 7.A. Rollover Beach User Fees And Use Of Park Board Vehicles Audit Reports
- 7.B. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Accepting An Impaired Driving Mobilization And Speed Enforcement Grant For Fiscal Year 2021 From The Texas Department Of Transportation In The Amount Of \$56,916.52, With A Local Match Of \$13,928.21. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (V. Hale)
Resolution No. 20-034
- 7.C. 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 Galveston County For Continued Participation In The Galveston County Auto Crimes Task Force; Approving And Authorizing The City Manager To Execute The Agreement; Providing For Findings Of Fact And Providing For An Effective Date. (V. Hale)
Resolution No. 20-035
- 7.D. Consider Approval Of A Contract With Metro City, LLC For A Project To Construct A Plaza West Of City Hall (RFP#20-21) In The Amount Of \$500,000.00 And Approval Of A Total Project Cost Of \$500,000.00. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 7.E. Consider Approval Of A Contract With RAC Industries, LLC For A Project To Rebuild And Improve 35th Street From Post Office To Broadway (RFP#20-14) In The Amount Of \$3,039,528.80 And Approval Of A Total Project Cost Of \$3,117,457.80. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)

- 7.F. Consider Approval Of A Contract With RAC Industries, LLC For The Church Street Drainage Improvements (RFP#20-17) In The Amount Of \$1,650,997.04 And Approval Of A Total Project Cost Of \$1,690,964.04. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 7.G. Consider For Approval Awarding The Contract On The Mill And Overlay Annual Service Agreement (RFP 20-13) To Angel Brothers Enterprises, LTD For An Amount Not To Exceed The Council Approved Capital Improvement Plan Budget. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Winiecke)
- 7.H. Consider For Approval The Purchase Of A Replacement Pump At Lift Station 51 From Pumps Solution Inc. In An Amount Not To Exceed \$18,379.00. (T. Pedraza)
- 7.I. Consider For Approval The Purchase Of A Replacement Pump At Lift Station 30 From Pumps Of Houston Inc. In An Amount Not To Exceed \$18,885.00. (T. Pedraza)

8. ACTION ITEMS

- 8.A. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Amending The Policy For Interviewing Candidates For Positions On The Wharves Board, Park Board And Planning Commission To Provide That Council May Conduct Interviews Of Candidates Solely By Written Questions If Deemed Appropriate By Council, Making Various Findings And Provisions Related To The Subject. (Brown)

Motion was made by CM Bly, second by CM Hardcastle, to approve Resolution No. 20-036, with an amendment to add the ranking system to the City Council's policy. Unanimously approved.

- 8.B. Consideration Of Amendment To Agreement Retaining The Firm Of Marc Hill To Represent The City In The Condemnation Action Being Pursued By Texas Terminals. (Legal)

Motion was made by CM Bly, second by CM Collins, to approve the Amendment to the Agreement with the Firm of Marc Hill. Unanimously approved.

9. ADJOURNMENT

The meeting was adjourned at 1:59 p.m.

Janelle Williams, City Secretary
Date Approved:

DRAFT
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
SPECIAL MEETING - SEPTEMBER 24, 2020

9/24/2020 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER

With a quorum present, the meeting was called to order at 9:00 a.m.

2. ROLL CALL

Present (via video conference): Mayor Pro Tem Dr. Craig Brown, Council Member Amy Bly, Council Member David Collins, Council Member Jason Hardcastle, Council Member John Listowski, and Council Member Dr. Jackie Cole (9:02 a.m.).

3. CONFLICTS OF INTEREST

None.

4. PUBLIC COMMENT

Agenda Items - 22 comments received related to Planning Cases 20P-27 and 20P-28.

5. ACTION ITEMS

- 5.A. Discuss And Consider Authorizing The City Of Galveston Cultural Arts Commission To Request Design Proposals For A New City Flag. (Brown)

Motion was made by MPT Brown, second by CM Listowski, to approve the call for proposals for a new City Flag. Unanimously approved.

- 5.B. Discuss And Consider Authorizing The City Of Galveston Cultural Arts Commission To Seek Proposals For Public Art In The City Of Galveston. (Brown)

Motion was made by MPT Brown, second by CM Collins, to approve the call for proposals for Public Art. The motion passed 5-0; CM Hardcastle was not present for the vote.

- 5.C. Discuss And Consider For Action A Request To Waive Payments Due To The City Under The Park Board Interlocal Agreement. (Collins/Brown)

Motion was made by CM Cole, second by CM Bly, to approve a 25% reduction of the payments due to the City under the Park Board Interlocal Agreement, as requested by Park Board Chair Spencer Priest and CFO Bryson Frasier. In favor: Cole. In opposition: Brown, Bly, Collins, Hardcastle, and Listowski. Motion fails.

- 5.D. Discuss And Consider Appointments To The Following City Boards, Commission, And Committees:

Airport Advisory Committee - Motion was made by CM Collins, second by CM Cole, to: reappoint William, Tuite, Wayne O'Quinn, and Nigel Gusdorf; and to appoint David Shuler, Bryan Fisher, and Ruth Ruiz. Unanimously approved.

Arts and Historic Preservation Advisory Board - Motion was made by CM Collins, second by CM Hardcastle, to reappoint Surinder Aulakh and Christine Hopkins. Unanimously approved.

Building Board of Adjustments and Appeals - Motion was made by CM Listowski, second by MPT Brown, to: reappoint Janet Hoffman and William Coltzer; and to appoint Lidija Bikova. Unanimously approved.

Civilian Review Board - Motion was made by MPT Brown, second by CM Hardcastle, to reappoint Philip Brown, Jeff Taylor, Herbert Taylor, Brian Masel, Jason Ruth, and Jeff Gelb. Unanimously approved.

Cultural Arts Commission - Motion was made by CM Cole, second by CM Collins, to: reappoint Pat Jacobi; and to appoint Mary Longoria and Sherrill Hilton. Unanimously approved.

Ethics Commission - Motion was made by MPT Brown, second by CM Bly, to: reappoint Lillie Little and Cindy Schulz; and to appoint Ernest Jones, Ruth Finkelstein, and Nick Viator. Unanimously approved.

Families, Children and Youth Board - Motion was made by MPT Brown, second by CM Cole to reappoint Torrina Harris, Hank Thierry, Jennifer Hart, BJ Herz, Roniqua Harris, Donovan Wilson, Kelli Moulton, Amie Huffton, Kathy Tiernan, Holly Hopkins, Selah Tacconi, and Joe Hoff. Unanimously approved.

Finance, Fiscal Affairs and Investment Committee - Motion was made by MPT Brown, second by CM Listowski, to reappoint Nathaniel Schuller and to appoint Robert Nuzum. Unanimously approved.

Galveston Wharves Board/Galveston Port Facilities Corporation - Motion was made by MPT Brown, second by CM Hardcastle to appoint Jeff Patterson. Unanimously approved.

Galveston Wharves Board/Galveston Port Facilities Corporation - Motion was made by MPT Brown, second by CM Cole, to reappoint Harry Maxwell. Unanimously approved.

Landmark Commission - Motion was made by CM Collins, second by CM Bly, to reappoint Clyde Wood and to appoint Sharon Stetcil Thompson. Unanimously approved.

Parks and Recreation Advisory Board - Motion was made CM Hardcastle, second by CM Collins, to: reappoint Charlyn Vaiani, Tad Lewis, and Jamie Durham; and to appoint Diana Davison. Unanimously approved.

Planning Commission - Motion was made by CM Listowski, second by MPT Brown, to appoint Rusty Walla. The motion passed 4-2; CM Bly and CM Cole voted against the motion.

Planning Commission - Motion was made by CM Cole, second by CM Collins, to reappoint Jeffrey Hill. Unanimously approved.

Tree Committee - Motion was made by MPT Brown, second by CM Cole, to: reappoint Ray Hensarling and Kathy Maines; and to appoint Vicky Blythe. Unanimously approved.

Zoning Board of Adjustments - Motion was made by CM Collins, second by CM Hardcastle, to: reappoint Robert Girndt and Andrew Galletti; and to appoint Jim Thompson. Unanimously approved.

- 5.E. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Declaring A State Of Disaster And Emergency In The City Of Galveston Related To The Threat Posed By Tropical Storm Beta To The City Of Galveston; Extending The State Of Emergency Ordered By Mayor Pro Tem Brown, Extending Various Emergency Orders Issued By The Mayor Pro Tem; Making Various Findings And Provisions Related To The Subject, Providing For A Penalty And Providing For An Effective Date.

Ordinance No. 20-059 was read by caption. Motion was made by CM Cole, second by CM Bly, to approve the ordinance. Unanimously approved.

6. ADJOURNMENT

The meeting was adjourned at 10:21 a.m.

Date Approved:

DRAFT