

DRAFT
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING - JANUARY 26, 2023

1/26/2023 - 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: Mayor Craig Brown, Mayor Pro Tem David Collins, Council Member Sharon Lewis, Council Member William Schuster, Council Member Mike Bouvier, Council Member John Listowski, and Council Member Marie Robb.

3. INVOCATION

The invocation was given by Reverend Richard Rhoades of First Lutheran Church.

4. PLEDGE OF ALLEGIANCE

Mayor Brown led the Pledge of Allegiance to the American Flag and Texas Flag.

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 - **Mayor Brown expressed condolences to the Paula Glenn family from the City of Galveston. He thanked Police Chief Balli for the Police Department's for solving the recent crime instances. MPT Collins thanked the Galveston Fire Department for their timely and professional response to recent fires. CM Lewis thanked the Police Chief Balli and the Police Department for donating shoes to the basketball team at Central Middle School; she recognized a student, Ms. Gia Grace, who is a star student at L. A. Morgan School; she recognized a young lady, Tanya Nolan, from District 1 who has a current hit on the R & B charts and is on a billboard in Galveston; and she reported that work on 35th Street is almost complete.**

2. Information regarding holiday schedules

3. Recognition of individuals

a. Z Krewe Day Proclamation - **presented to members of the Z Krewe by CM Bouvier.**

b. Introduction of the Juneteenth Alliance - **CM Lewis introduced members of the Juneteenth Alliance Executive Board Chris Allen, Mike Dean, Sandra Woodard, Verna Brown, Dr. Armena Sorrell, Doug Matthews and Pete Henley. She provided information on upcoming several Juneteenth events. She reported on the newly formed Galveston United Juneteenth Alliance who is ready to organize a strategic team to put in place the Galveston Juneteenth Museum**

for all of Galveston. She congratulated Reedy Chapel Church on a trust fund they received for historic preservation, the first and oldest AME Church in Texas and was one of the first places where General Order #3 was read and it was declared the emancipation of enslaved persons in the state. She added that our board member is the husband of Rev. Patterson of the church.

c. Manuela "Nellie" De La Fuente - Recertification as a Texas Registered Municipal Clerk - **Mayor Brown and the Council congratulated Manuela "Nellie" De La Fuente for her recent recertification accomplishment.**

4. Reminders regarding City Council events

5. Reminders regarding community events

6. Health and safety announcement

7. COMMUNICATIONS AND PETITIONS

Claims: 22-099 - Lonnie Oliver; 22-100 - Jacquelyn Grant; 22-101 - Freeland Little; 22-102 - Carol Molder; 22-103 - Lamson Development, Marc Hill; 22-104 - Lili Chin; 22-105 - AT&T; 22-106 - Zarail Joiner; 22-107 - Sandra Goudeau; 22-108 - Angela Brown; 22-109 - Keisha Williams; 23-001 - Rene Alegria; 23-002 - Gary and Judy Houston; 23-003 - Tracy Scudday; 23-004 - Tammy Jacobs; 23-005 - Dean Wolfer.

Documents:

8. PUBLIC HEARINGS

8.A. Juneteenth And Beyond, LLC - Sightseeing And Tour Franchise

Consider For Approval An Ordinance Of The City Council Of The City Of Galveston, Texas, Granting To Juneteenth And Beyond, LLC., The Right, Privilege, And Franchise To Use All Streets, Avenues, And Other Public Highways In The City Of Galveston For And During The Period Of Ten (10) Years For The Purpose Of Operating And Maintaining A Sightseeing And Tour Franchise For Transporting Passengers For Compensation In Said City; Providing Compensation To The City; Requiring Indemnity And Insurance; Requiring Payment Of Ad Valorem Taxes; Providing For Forfeiture Of This Franchise; Requiring Written Acceptance By Grantee; Finding The Public Convenience And Necessity Requires Such Transportation Service; Providing A Savings Clause; Providing A Severability Clause; Declaring Findings Of Fact; Providing An Effective Date. (A. Montalvan)

Ordinance No. 23-001 was read by caption. Catherine Gorman provided staff comments. The public hearing was opened. Applicant Dr. Sorrell spoke in favor of the franchise. The public hearing was closed. Motion was made by CM Lewis, second by CM Robb, to approve the ordinance. Unanimously approved.

8.B. Galveston Landmark - 3128 Avenue L

Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 3128 Avenue L, As A "Galveston Landmark", Property Is Legally Described As M. B. Menard Survey, Part Of Lots 4 And 5 (4-4), Block 91, 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 22P-079; Making Various Findings And Provisions Related To The Subject. (D. Lunsford)

Ordinance No. 23-002 was read by caption. Daniel Lunsford provided staff comments. The public hearing was opened and closed with no public comments. Motion was made by CM Schuster, second by MPT Collins, to approve the ordinance. Unanimously approved.

9. PUBLIC COMMENT

In-Person Comments: Bill Keese, Jay Bangle, Dennis Byrd, Robin Bushon, Marty Fluke, Steven Pena, William Adams, Torrina Harris - Item 10C; Sue Johnson and Torrina Harris - Juneteenth items; Lawanda - concerned citizens of Galveston.

Written Comments: Marty Miles, Shrub Kempner, Charlotte O'Rourke, Victoria Newsome, and James Clark - Item 10C.

10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

10.A. Election Order - District 2 Vacancy

Consider For Approval An Ordinance Of The City Of Galveston, Texas, Ordering And Calling A Special Election To Be Held In The City Of Galveston On The 6th Day Of May, 2023, For The Purpose Of Electing A District Council Member For District Two, For A Term Ending In May 2024; Making Provisions For The Conduct And Giving Notice Of The Election; Designating Polling Places; Designating Dates And Hours For Early Voting; Designating The Date And Hours For The Election Day; Providing For Publication Of The Notice Of The Election; Providing Bilingual Election Requirements; Providing For A Severability Clause; Providing An Open Meetings Clause; Providing A Savings Clause; Declaring Findings Of Fact; And Providing For An Effective Date. (City Council)

Ordinance No. 23-003 was read by caption. Motion was made by Mayor Brown, second by CM Schuster, to approve the ordinance. Unanimously approved.

10.B. Election Order - Industrial Development Corporation

Consider For Approval An Ordinance Of The City Of Galveston, Texas, Ordering And Calling A Special Election To Be Held In The City Of Galveston On The 6th Day Of May, 2023, For The Purpose Of Submitting To The Qualified Voters Of The City Of Galveston, Texas A Proposition To Determine Whether The City's Existing One-Half Of One Per Cent Sales And Use Tax, Collectively Authorized At Elections Held On November 2, 1993, December 4, 1994 And November 4, 2008, Under Former Section 4b Of Article 5190.6 Rev. Civ. Stat. Ann, Now Codified As Tex. Loc. Government Code Ch. 505, Be Extended; And As Authorized By Chapter 505 Of The Texas Local Government Code, The Types Of Projects To Be Funded With The Sales And Use Tax And Apportioned Are As Follows: One-Eighth Of One Percent For Beach Remediation Projects Along The Gulf Of Mexico, Including Beach Renourishment; One-Eighth Of One Percent For Projects Related To Recreation And Community Facilities, Including Parks And Park Facilities; One-Eighth Of One Percent For Projects Related To Infrastructure Improvements; And One-Eighth Of One Percent For Projects Related To The Promotion Or Development Of New Or Expanded Business Enterprises, Including The Maintenance Of The Projects; All As Authorized By Chapter 505 Of The Texas Local Government Code; Making Provisions For The Conduct And Giving Notice Of The Election; Designating Polling Places; Designating Dates And Hours For Early Voting; Designating The Date And Hours For The Election Day; Providing For Publication Of The Notice Of The Election; Providing Bilingual Election Requirements; Providing For A Severability Clause; Providing An Open Meetings Clause; Providing A Savings Clause; Declaring Findings Of Fact; And Providing For An Effective Date And Making Various Findings And Provisions Related To The Subject. (City Council)

Ordinance No. 23-004 was read by caption. Motion was made by CM Robb, second by CM Schuster, to approve the ordinance. Unanimously approved.

10.C. Election Order - Charter Amendment

Consider For Approval An Ordinance Of The City Council Of The City Of Galveston, Texas, Ordering And Calling A Special Election To Be Held In The City On The 6th Day Of May, 2023, For The Purpose Of Submitting To The Qualified Voters Of The City Of Galveston, Texas, A Proposition To Amend City Charter Article VIII Section 2(A) To Provide That Hotel Occupancy Tax (HOT) Be Appropriated And Expended In Compliance With State Law Which Requires That If A Municipality Imposes HOT Tax At A Rate Of 4% Then 3% Of The Proceeds Shall Be Appropriated By The City For The Purpose Of Advertising And Conducting Solicitations And Promotional Programs To Attract Tourists And Convention Delegates Or Registrants To The Municipality; Eliminating The Requirement That HOT Tax Funds Be Given To The Beach Park Board Of Trustees; Making Provisions For The Conduct And Giving Notice Of The Election; Designating Polling Places; Designating Dates And Hours For Early Voting; Designating The Date And Hours For The Election Day; Providing For Publication Of The Notice Of The Election; Providing Bilingual Election Requirements; Providing For A Severability Clause; Providing An Open Meetings Clause; Providing A Savings Clause; Declaring Findings Of Fact; And Providing For An Effective Date And Making Various Findings And Provisions Related To The Subject. (Legal)

The Ordinance was read by caption. Motion was made by MPT Collins, second by CM Robb, to postpone the ordinance to an indefinite time. Unanimously approved. Staff will bring back a schedule of charter amendments over the next several years, and will assemble a list of possible amendments.

10.D. City Code Revisions (B. Stroud)

Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 18, "Property Maintenance Code", In Its Entirety; Adopting The 2021 "International Property Maintenance Code", With Local Amendments; To Amend Regulations, Standards, And Definitions As Applicable; To Make Clarifications, Rename, Renumber And Rearrange The Chapter As Applicable; Providing For Penalties As Applicable; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date.

Captions for Agenda Items 10D through 10N were read by caption. Motion was made by Mayor Brown, second by CM Lewis, to approve Items 10D through 10N. Unanimously approved.

Ordinance No. 23-005

10.E. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, To Amend Chapter 10, Article II, "Building Board Of Adjustments And Appeals", To Make Clarifications, Modifications, Renumber And Rearrange The Chapter As Applicable; Providing For Penalties As Applicable; Providing For An Effective Date; Making Various Findings And Provisions Related To The Subject. (T. Sukup)

Ordinance No. 23-006

10.F. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Chapter 10, "Building Code" Of "The Code Of The City Of Galveston, 1982, As Amended", Article IV. International Energy Conservation Code In Its Entirety; Adopting The "2021 International Energy Conservation Code" With Local Amendments; Providing For An Effective Date; Making Various Findings And Provisions Related To The Subject.

Ordinance No. 23-007

10.G. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 10, "Building Code", Removing Article V. The Dangerous And Substandard Building Code In Order To Relocate The Applicable Regulations To Chapter 18, The Property Maintenance Code Of The City Of Galveston; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (T. Sukup)

Ordinance No. 23-008

- 10.H. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Chapter 10, "Building Code" Of "The Code Of The City Of Galveston, 1982, As Amended", By Amending Article VI, "Reserved" To The Swimming Pools And Spa Code; Adopting The "2021 International Swimming Pools And Spa Code" With Local Amendments; Providing For Minimum Regulations Pertaining To Public And Residential Pools, Spas And Hot Tubs; Providing For An Effective Date; Making Various Findings And Provisions Related To The Subject. (T. Sukup)

Ordinance No. 23-009

- 10.I. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Chapter 10, "Building Code" Of "The Code Of The City Of Galveston, 1982, As Amended"; Amending Chapter 10, Article VII. "The International Existing Building Code; Adopting The "2021 International Existing Building Code With Local Amendments"; Providing For An Effective Date; Making Various Findings And Provisions Related To The Subject.

Ordinance No. 23-010

- 10.J. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 10, "Building Code", Adopting The 2021 "International Building Code", With Local Amendments; To Make Clarifications, Rename, Renumber And Rearrange The Chapter As Applicable; Providing For Penalties As Applicable; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (T. Sukup)

Ordinance No. 23-011

- 10.K. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 10, "Building Code", Adopting The 2021 "International Residential Code", With Local Amendments; To Make Clarifications, Rename, Renumber And Rearrange The Chapter As Applicable; Providing For Penalties As Applicable; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (T. Sukup)

Ordinance No. 23-012

- 10.L. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, To Amend Chapter 13, "Fire Prevention And Protection"; To Adopt The 2021 International Fire Code (IFC), With Local Amendments; Adopt 2021 Permit Fee Schedule; To Make Clarifications, Rename, Renumber And Rearrange The Chapter As Applicable; Providing For Penalties As Applicable; Providing For An Effective Date; Making Various Findings And Provisions Related To The Subject. (C. Olsen)

Ordinance No. 23-013

- 10.M. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, To Amend Chapter 21, "Mechanical And Air Conditioning Code, In Its Entirety; To Adopt The 2021 International Mechanical Code; To Adopt The 2021 International Fuel Gas Code; To Adopt A Permit Fee Schedule; To Make Clarifications, Rename, Renumber And Rearrange The Chapter, As Applicable; Providing For An Effective Date; Making Various Findings And Provisions Related To The Subject.

Ordinance No. 23-014

- 10.N. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, To Amend Chapter 30, "Plumbing And Gas", In Its Entirety; Adopting The 2021 International Plumbing Code With Local Amendments; To Make Clarifications, Rename,

Renumber And Rearrange The Chapter As Applicable; Providing For Penalties As Applicable; Providing For An Effective Date; Making Various Findings And Provisions Related To The Subject.

Ordinance No. 23-015

- 10.O. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending "The Code Of The City Of Galveston, Texas 1982, As Amended," Chapter 28 "Pensions," Article I "In General" By Adding Section 28-11 "Amendment No. 10" To Increase The Employer Contribution Rate To The City Of Galveston Employees' Retirement Plan For City Employees; Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date. (B. West)

Ordinance No. 23-016 was read by caption. Motion was made by CM Bouvier, second by CM Lewis, to approve the ordinance. Unanimously approved.

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 Mayor Brown, second by MPT Collins, to approve Consent Items 11A through 11P. Unanimously approved.

- 11.A. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas Approving And Authorizing The City Manager To Execute A Contract Between The City Of Galveston And The County Of Galveston For The Provision Of Fire Protection Runs Into Unincorporated Areas Of The County, Providing For The Payment Of Funds To The City By The County; Approving And Authorizing The City Manager To Execute A The Agreement; Providing For Findings Of Fact And Providing For An Effective Date. (C. Olsen)

Resolution No. 23-001

- 11.B. 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. 23-002

- 11.C. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock And Associated Equipment (2 Police F150 Responders) For The Police Departments Patrol Division From Silsbee Ford Through The Good-Buy Co-Op For A Total Price Of \$147,930 And Authorize The City Managers Staff To Execute The Agreement Upon Final Approval By The City Attorney. (D. Smith)
- 11.D. Consider For The Approval Of The Purchase Of A Remanufactured Complete 6.7 Diesel Engine From Car Quest (English Color & Supply), Who Was The Lowest Bidder, For A Total Price Of \$16,455 For Bus Number IV1522 Which Is A 2015 Ford Transit Bus. (D. Smith)
- 11.E. Consider For The Approval Of The Restoration Of The Fourth And Final Roof Mounted Rail Trolley HVAC System By Sutrak Who Was The Original Custom Builder Of The System, For A Total Cost Of \$37,850, And Authorize The City Managers Staff To Execute The Contract Upon Final Approval By The City Attorney. The Funding Source Will Be The Convention Center Surplus Account. (D. Smith)
- 11.F. Consider A Change In Funding Source For Professional Services Contract # COG-CON-22-961 With Lockwood Andrews & Newnam, Inc. (LAN) To Complete The Engineering Design For The Galveston Strand Study In The Amount Of \$149,990.00; Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Winiecke)

- 11.G. Consider For Approval, Authorizing The Support Service Items Identified In Contract #COG-CON-22-282 With Stantec Consulting Services (Stantec) To Complete The West T ½ Drainage Area Survey And Design Services In An Amount Of \$102,960.00; Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Winiecke)
- 11.H. Consider For Approval An Application To The Cultural Arts Commission From The Zkewe For Permission To Paint The Intersection At 21st And Strand, Consistent With Long Tradition And In Compliance With The Standards Set Out In Section 32-3 "Notices, Drawings, Or Caricatures On Pavement" Of The City Of Galveston Code. (B. Sanderson)
- 11.I. Consider For Approval Ratification Of The Emergency Repairs Required To Remove And Replace The Aluminum Micro Fin Condenser Coils On The York Chiller At City Hall In The Contract Amount Of \$70,576.54 With Way Engineering Utilizing Contract COG-CON-17-249. (C.Kenworthy)
- 11.J. Consider For Approval Ratification Of Change Order #01 To The Contract With Emanuel Enterprise, LLC For Demolition Work On The 4th Floor Of City Hall Increasing The Contract By \$17,768.00. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.K. Consider Authorizing The City Manager To Execute A Purchase Order To EFI Global, Inc. In The Amount Of \$24,000.00 For A Comprehensive Site Assessment Of 511 And 513 W. 23rd Street. (D. Anderson)
- 11.L. Consider For Approval The Acceptance Of A Donation Valued Up To \$55,000.00, From Better Parks For Galveston, For A Shade Structure Over The Deck Area Of Lasker Park Pool. (B. Sanderson)
- 11.M. Consider For Approval The Acceptance Of A Grant From Law Enforcement United (LEU) Valued At \$6,505.20 For The Galveston Police Department To Receive 90 C-A-T Tourniquets And 90 Paired Carrying Cases. (D. Balli)
- 11.N. Consider For Approval Minutes Of The October 6, 2022 Special Meeting, The October 27, 2022 Workshop And Regular Meeting, The November 17, 2022 Workshop, Joint Meeting, And Regular Meeting, And The December 8, 2022 Workshop And Regular Meeting. (J. Williams)
- 11.O. Consider For Approval A Contract Between The City Of Galveston And The County Of Galveston For Election Services. (J. Williams)
- 11.P. Consider A Motion To Authorize The City Manager To Enter Into An Agreed Upon Funding Policy In Parallel With An Increase In The City's Contribution Rate At The Level Projected By The Plan's Actuary. (D. Buckley)

12. ACTION ITEMS

- 12.A. Discuss And Consider Appointments To The Following City Boards, Commissions, And Committees:

Industrial Development Corporation - Motion was made by Mayor Brown, second by CM Robb, to approve Chamber Representative Keith Bassett. Unanimously approved.

Landmark Commission - Motion was made by MPT Collins, second by CM Schuster, to appoint Alternates Christian Bourgeois and Terry Johnson, and moving Nancy Budde and Julie Baker to regular positions. Unanimously approved.

13. RECEIVE AND FILE (Non-Action Items)

- 13.A. Letter From Senator John Cornyn - Martin Luther King Jr. Day

14. ADJOURNMENT

The meeting was adjourned at 6:51 a.m.

Janelle Williams, City Secretary

Date Approved:

DRAFT