

**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING - FEBRUARY 27, 2020**

2/27/2020 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
With a quorum present, the meeting was called to order at 1:20 p.m.
2. ROLL CALL
Present: Mayor James Yarbrough, 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. INVOCATION
The Invocation was given by CM Hardcastle.
4. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance to the American Flag and Texas Flag were led by Mayor Yarbrough.
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 Yarbrough expressed condolences to City Manager Brian Maxwell and family. His mother lost her brother, Jimmy Frederickson last week who not only was a Ball High graduate but also a U. S. Naval Academy graduate.**
 2. Information regarding holiday schedules
 3. Recognition of individuals
 - A. Report from Sister Cities Program Committee Member Leah Tuten on her trip to Niigata, Japan - **Ms. Tuten provided a report on her trip to Niigata. Ms. Tuten, and other Committee Members Sherry Rooks and Joe Capadona presented a gift from the Niigata Mayor to Mayor Yarbrough.**
 - B. Energy Innovation Month Proclamation - **presented by MPT Brown.**
 4. Reminders regarding City Council events
 5. Reminders regarding community events
 6. Health and safety announcement
7. COMMUNICATIONS AND PETITIONS
Claims: 20-005 - Jason and Karla Levy; 20-006 - Demeta Paul; 20-007 - Devon McNeill; 20-008 - Natalie Ramirez; 20-009 - Allie Hallback; 20-010 - Vincent Smith; 20-011 - Stefanie Subramanian; 20-012 - Curtis Parks Sr; 20-013 - LaMonte Brown; 20-014 - Godfrey Reggio; 20-015 - Maria Tripovich; 20-016 - Rick Alexander.
8. PUBLIC HEARINGS
 - 8.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Creating A Planned Unit Development (PUD) Overlay Zoning District In A Commercial, (C) Base Zoning District With A Height And Density Development Zone, Zone-6 (C-HDDZ-6) Overlay Zoning District To Allow A Ten-Story Apartment Development To Be Constructed On The Property Commonly Known As 12212 San Luis

Pass Road And Which Is Legally Described As The West 311.7 Feet Of Lot 1, Resort Subdivision, In The City And County Of Galveston, Texas; Planning Case Number 20P-002; Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date. (J. Norman)

Ordinance No. 20-013 was read by caption. Janice Norman provided staff comments. The applicant Brax Easterwood and the Property Owner/Builder Miguel Prida provided additional information on the project. The public hearing was opened; with no speakers the public hearing was closed. Motion was made by CM Bly, second by CM Cole, to approve the ordinance as presented, with the following conditions to be included in the PUD agreement: lighting plan dark skies, drainage using rain harvest, solar panels, architecture using audobon bird friendly design, and surface shotgun or other similar designed surfacing. Unanimously approved.

- 8.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The 2015 Galveston Land Development Regulations, Article 2: Uses And Supplemental Standards To Modify The Limited Standards For The Self Storage” Land Use Regarding Minimum Distance From Same Use In The Central Business (CB) Zoning District; Planning Case Number 20ZA-001; Making Various Findings And Provisions Related To The Subject. (C. Gorman)

Ordinance No. 20-014 was read by caption. Catherine Gorman provided staff comments. Shannon Kiano, a representative from David Watson's office was available for questions from the City Council. The public hearing was opened; with no speakers the public hearing was closed. Motion was made by CM Collins, second by MPT Brown, to approve the ordinance. Unanimously approved.

- 8.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The 2015 Galveston Land Development Regulations, Article 9: “Landscaping”, To Add Division 9.600, “Palm Preservation”, To Provide For The Protection Of Certain Palm Species; Planning Case Number 19ZA-006; Making Various Findings And Provisions Related To The Subject. (C. Gorman)

Motion was made by MPT Brown, second by CM Collins, to defer the ordinance. Unanimously approved.

- 8.D. Consider For Approval An Ordinance Of The City Of Galveston, Texas Amending The 2015 Galveston Land Development Regulations, By Amending Article 9: Section 9.500, Tree Preservation To Provide The Requirement Of A Permit Prior To Removal Of A Significant Tree And Clarification Of Activities That May Be Harmful To Trees; Planning Case Number 19ZA-007; Making Various Findings And Provisions Related To The Subject. (C. Gorman)

Ordinance No. 20-015 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 Cole, second by CM Collins, to approve the ordinance. Unanimously approved.

9. PUBLIC COMMENT

Agenda Items - Katherine Hess - Palm Ordinance.

Non-Agenda Items - Helen Burton and Kim Kitchens - disruptive neighbors; Lester Lee and other property owners of the Gafftoppers Subdivision - property owners asking for help in getting sewer in the subdivision.

10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

- 10.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Approving And Adopting The Amended Fiscal Year 2020 Budget Of The Galveston Industrial Development Corporation; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (G. McLeod)

Ordinance No. 20-016 was read by caption. Motion was made by CM Collins, second by MPT Brown, to approve the ordinance. Unanimously approved.

- 10.B. Consider For Approval An Ordinance Of The City Of City Of Galveston, Texas Amending City Code Chapter 2 Section 7 Section 2-220 Relating To The Galveston Civilian Review Board To Ensure

Compliance With The Confidentiality Requirements Of Various Laws Including Tex. Loc. Gov't Code §143.089; Providing For Attendance At Meetings, Providing That Reports Of The Board Be Filed With The City Secretary And Be Open For Public Review; Providing For The Resumption Of Activities Of The Civilian Review Board, Providing For An Effective Date And Enacting Other Matters Therewith. (Legal)
Ordinance No. 20-017 was read by caption. Motion was made by CM Hardcastle, second by MPT Brown, to approve the ordinance. Unanimously approved.

- 10.C. 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", Section 8-27, "Leave No Trace"; To Provide For A Specific Hour Of The Morning Before Which Leaving Personal Property Unattended Is Prohibited; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (Legal)
Ordinance No. 20-018 was read by caption. Motion was made by CM Hardcastle, second by CM Cole, to approve the ordinance. Unanimously approved.

10.D. City Code Review:

- 10.D.1. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 11.5, "Clean Air: Smoking In Public Places", To Amend, Update Regulations, Standards, And Definitions; 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. (Legal)
Motion was made by CM Bly, second by CM Listowski, to defer the ordinance. Unanimously approved.
- 10.D.2. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 18, "International Property Maintenance Code" To Amend, Update Regulations, Standards, And Definitions; 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. (Legal)
Ordinance No. 20-019 was read by caption. Motion was made by Mayor Yarbrough, second by CM Cole, to approve the ordinance. Unanimously approved.
- 10.D.3. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 22, "Municipal Court", To Amend, Update Regulations, Standards, And Definitions; 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. (Legal)
Motion was made by Mayor Yarbrough, second by CM Cole, to defer the ordinance. Unanimously approved.
- 10.D.4. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 23, "Nuisances" To Amend, Update Regulations, Standards, And Definitions; 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. (Legal)
Ordinance No. 20-020 was read by caption. Motion was made by Mayor Yarbrough, second by CM Hardcastle, 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.

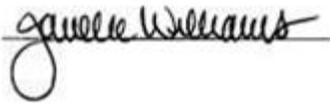
Motion was made by CM Hardcastle, second by CM Collins, to approve Consent Items 11A through 11Z. Unanimously approved.

- 11.A. Consider For Action To Request The Project Fund Balance Of The Series 2006 GCWA Chocolate Bayou Contract Note Payable To Be Refunded To The City (M. Loftin)
- 11.B. Consider For Approval To Authorize The City Manager Or His Designee To Execute A Certification Of Consistency (HUD Form-50077-SL) With The City's Consolidated Plan For The Galveston Housing Authority. (A. Law)
- 11.C. Consider For Approval Acceptance Of A Grant From Galveston County For Training Expenses In The Amount Of \$22,500.00. (C. Olsen)
- 11.D. Consider For Approval The Purchase Of 35 Sets Of Personal Protective Equipment (PPE) From NAFECO Through Buy Board (Contract #524-17) For A Total Amount Of \$89,960.50. (C. Olsen)
- 11.E. Consider For Approval The Professional Engineering Services Agreement With Zarinkelk Engineering Services, Inc. To Design The Structural Floodwall, Deployable Floodwall, Generator And Dewatering System, For The Trolley Barn For An Amount Not To Exceed \$133,245.20. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The Legal Department. (T. Wroblewski)
- 11.F. Consider Entering Into An Interlocal Agreement With The City Of Seattle Washington, The Purpose Of Which Is To Permit The City Of Galveston To Use Their Cooperative Purchasing Agreement With Gtechna USA Corporation To Extend Our Current Contract With Gtechna. (B. Stroud)
- 11.G. Consider For The Approval Of The Purchase Of Four (4) ELSAG Automatic License Plate Readers (ALPR) With Accessories From Elsag Through TX-DIR, Which Includes A Four Year Extended Warranty To Replace The Out Dated And/Or Broken ALPR Systems For A Total Price Of \$75,000. (B. Stroud)
- 11.H. Consider For Approval A Three-Year Contract With Gtechna With The Option To Extend The Contract For Two One-Year-Terms For A Total Of Five Years, For An Estimated Amount Not To Exceed \$150,135 To Be Funded With Council Approved Budgets For Funding From The Parking Management And Court Technology Funds, And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (B. Stroud)
- 11.I. Consider For Approval Amending The Age Qualification For Senior Discounts At Lasker Pool From 55+ To 65+ Years Of Age. (M. Rabago)
- 11.J. Consider For Approval The Bid From CertaPro Painters For Bid Reference Number 20-IRFB-001 For The Wright Cuney Outdoor Basketball Court Pavilion Painting Project. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (M. Rabago)
- 11.K. Consider For Approval Of A Contract With Lucas Construction Company, Inc., For The 27th Street Improvement (Phase 3) From Broadway To Market Project (Bid #20-011) In The Amount Of \$1,004,772.00 For The Base Bid Plus Alternates (Estimated Total Cost Of Project Not To Exceed \$1,132,772.00). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.L. Consider For Approval A Contract With Main Lane Industries, Ltd. For The 73rd Street Reconstruction – Heard Lane To Avenue N ½ Project (RFP #19-30) In The Amount Of \$2,043,134.00 For The Base Bid (Estimated Total Cost Of Project Not To Exceed \$2,286,409.00). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.M. Consider For Approval Amendment#1 For \$23,955 Increasing The Total Design Contract For Harborside Drive Improvements By CobbFendley From \$191,262.50 To \$215,217.50. (D. Christodoss)

- 11.N. Consider For Approval The Disposal Of Sanitary Sewer Solid Waste From The City Of Galveston's Wastewater Treatment Facilities And Sewer Collection System To The Republic Services Galveston County Landfill At An Estimated Cost Not To Exceed \$190,000.00. Authorizing The City Manager To Execute All Necessary Document Upon Final Approval By The City Attorney. (A. Grasso)
Effective date is October 1, 2019 - September 30, 2020.
- 11.O. Consider Approving Purchases Of Pavement Marking Supplies/Equipment And Traffic Related Equipment, Supplies, Signs, Posts, Hardware And Materials Using The Contract With Trantex Transportation Products Of Texas, Inc. Through The BuyBoard Purchasing Cooperative. Estimated Costs For Products Not To Exceed Council Approved Budgets. (A. Grasso)
- 11.P. Consider For Approval The Purchase Of Traffic Signal Equipment, Supplies And Hardware Using The Contract With Texas Highway Products Through The BuyBoard Purchasing Cooperative. Estimated Costs For Products Is Not To Exceed Council Approved Budget For The Traffic Division. (A. Grasso)
- 11.Q. Consider Approving Purchase Of Traffic Signal Equipment, Supplies And Hardware Using The Contract With Texas Highway Products Through The HGACBuy Purchasing Cooperative. Estimated Costs For Products Is Not To Exceed Council Approved Budget For The Traffic Division. (A. Grasso)
- 11.R. Consider Approval Of Lowest Bid Proposal From Polydyne Inc. On A Three-Year Contract For Sludge Dewatering Chemicals For The Wastewater Treatment Plant At A Cost Of \$3,013.00 Per Tote. (Bid #20-003). (A. Grasso)
- 11.S. Consider For Approval The Award Of A 3-Year Contract To DXI Industries, Inc. For The Purchase Of Gaseous Chlorine, Sodium Hypochlorite And Aqua Ammonia For The Water Supply And Wastewater Treatment Divisions Of The Public Works Department, (Bid #20-005). (A. Grasso)
- 11.T. Consider For Approval The Award Of A 3-Year Contract To DXI Industries, Inc. For The Purchase Of Sulfur Dioxide For The Wastewater Treatment Division Of The Public Works Department, (Bid #20-004). (A. Grasso)
- 11.U. Consider For Approval The Award Of A 3-Year Contract To Shannon Chemical Corporation For The Purchase Of Zinc Orthophosphate Corrosion Inhibitor For The Supply Division Of The Public Works Department, (Bid #20-007). (A. Grasso)
- 11.V. Consider For Approval The Purchase And Installation Of A Spindle Drive For Lift Station #1 By Duperon At A Cost Of \$38,500.00. (A. Grasso)
- 11.W. Consider For The Award Of A 3-Year Contract For Bio-Monitoring For The Wastewater Treatment Plants To Eastex Environmental Laboratory In The Amount Of \$11,900.00 Annually (Bid #20--006). (A. Grasso)
- 11.X. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Approving The Annual Aerial Spraying For Mosquito Control; Directing The City Secretary To Forward A Certified Copy Of This Resolution To The Galveston County Mosquito Control District; Providing For Findings Of Fact And Providing For An Effective Date. (J. Williams)
Resolution No. 20-006
- 11.Y. Consider For Approval The Repair Of 16th Street Storm Sewer System At The Harborside Drive And Strand Alley By Texas Pride Utilities At A Cost Not To Exceed \$24,540.00. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (A. Grasso)
- 11.Z. Consider For Approval Minutes Of The January 23, 2020 Workshop And Regular Meeting, And The February 6, 2020 Special Meeting. (J. Williams)

12. ACTION ITEMS

- 12.A. Discuss And Consider For Action Approval Of The 2019-2023 Capital Improvement Plan For The Park Board Managed City Parks. (Collins/Yarbrough)
Motion was made by CM Hardcastle, second by CM Listowski, to approve the Capital Improvement Plan. Unanimously approved.
- 12.B. Discuss And Consider Moving The Date Of The March 26, 2020 City Council Meeting To A Date To Be Determined By The City Council. (Hardcastle/Yarbrough)
Motion was made by Mayor Yarbrough, second by CM Hardcastle, to move the meeting to Tuesday, March 24, 2020. Unanimously approved.
- 12.C. Discuss And Consider Appointments To The Following City Boards, Commission, And Committees:
Motion was made by Mayor Yarbrough, second by MPT Brown, to appoint Janet Hoffman - Position 1, William Coltzer - Position 2, Larry Ryan - Position 5, Guy Guzman - Position 6, and Ernie Weldon - Alternate Position 1. Unanimously approved.
13. ADJOURNMENT
The meeting was adjourned at 2:47 p.m.



Janelle Williams, City Secretary
Date Approved: March 24, 2020