

**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING - MARCH 24, 2020**

3/24/2020 - 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: 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 Mayor Yarbrough.

4. PLEDGE OF ALLEGIANCE

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
2. Information regarding holiday schedules
3. Recognition of individuals
 - A. Sexual Assault Awareness Month Proclamation
 - B. National Crime Victim's Rights Week Proclamation
 - C. Child Abuse Prevention and Awareness Month Proclamation
 - D. International Oleander Month Proclamation

Proclamations were read by Assistant City Secretary Nellie De La Fuente.

4. Reminders regarding City Council events
5. Reminders regarding community events
6. Health and safety announcement

6.B. The Investment Reports For Quarter Ended December 31, 2019 (M. Loftin)
The Investment Report was presented by Assistant City Manager Mike Loftin.

6.C. Presentation Of The FY 2019 Comprehensive Annual Financial Report
The FY2019 Comprehensive Annual Financial Report was presented by Assistant City Manager Mike Loftin and Auditor Chris Breaux.

7. COMMUNICATIONS AND PETITIONS
Claims: 20-017 - James Nance; 20-018 - Cindy Paige; 20-019 - Tomas Ream; 20-020 - Anita Williams; 20-021 - Janice Hutchins; 20-022 - Robert Miranday, Sr.; 20-023 - Matthew King; 20-024 -

Gerald Irving; 20-025 - K-Yana Lawrence; 20-026 - James Claffy/Robert Orleanski; 20-027 - Alvin Cooper; 20-028 - Debopriyo Halder; 20-029 - Nasrolah Kamalie; 20-030 - Gilbert Fuentes.

8. PUBLIC HEARINGS

- 8.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 1212 19th Street And Legally Described As The South 47 Feet Of Lot 1 (1-1), Block 18, In The City And County Of Galveston, Texas As A Historically Or Archeological Significant Site In Need Of Tax Relief To Encourage Its Preservation; Granting A Substantial Rehabilitation For Historic Property Tax Exemption; Designating The City Manager To Execute Those Documents Necessary To Implement The Tax Incentive Program; Planning Case Number 20LC-009; Making Various Findings And Provisions Related To The Subject. (K. White)

Ordinance No. 20-021 was read by caption. Catherine Gorman provided staff comments. The public hearing was opened. No public comments were submitted electronically for this item. The public hearing was closed. Motion was made by MPT Brown, second by CM Collins, to approve the ordinance. Unanimously approved.

- 8.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 4824 Austin Drive, As A "Galveston Landmark", Property Is Legally Described As Lot 8, Palm Gardens, A Suidivision, 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 20P-003; Making Various Findings And Provisions Related To The Subject. (D. Lunsford)

Ordinance No. 20-022 was read by caption. Catherine Gorman provided staff comments. The public hearing was opened. No public comments were submitted electronically for this item. The public hearing was closed. Motion was made by CM Hardcastle, second by MPT Brown, to approve the ordinance. Unanimously approved.

9. PUBLIC COMMENT

The following Public Comments were read by City Secretary Janelle Williams and Assistant City Secretary Nellie De La Fuente.

Requests to re-open the beaches - 117 comments; requests to keep the beaches closed - 6 comments; requests to re-open the golf courses - 12 comments; five comments related to short term rentals and hotels; 21 miscellaneous comments related to COVID-19; and three non COVID-19 comments related to street lights, dump trucks speeding on 53rd Street, and issues with the raising of FM 3005.

10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

- 10.A. 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 Emergence Of The Corona Virus/Covid 19; Confirming And Ratifying The Declaration Of The Local State Of Emergency Signed By The Mayor; Confirming And Ratifying The Order Issued By The Mayor For Related To Closure Of Public Entertainment Venues And To The Closure Of Bars And Restaurants In The City Of Galveston; Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date. (Yarbrough)

Ordinance No. 20-023 was read by caption. Motion was made by Mayor Yarbrough, second by CM Hardcastle, to approve the ordinance and adding language to Section 5 "in effect until 5:00 p.m. on April 3, 2020 unless extended or revoked by City Council". Unanimously approved.

- 10.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Designated Hours For Early Voting By Providing For Early Voting On Saturday April 25, 2020; And Replacing An Early Voting Ballot Board Member, For The Election To Be Held In The City Of Galveston On The 2nd Day Of May; Making Other Provisions Of Fact And Providing For An Effective Date.
Motion was made by Mayor Yarbrough, second by Dr. Cole, to defer the ordinance with the concept of an extra election day being added by the Governor. Unanimously approved.
- 10.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Total Operating Budget For Fiscal Year Ending September 30, 2020, By Adjusting Various Budget Accounts In The Amount Of Two Million Three Hundred Fifty Three Thousand Six Hundred Seventy-Eight Dollars (\$2,353,678) To Adjust And Properly Record For Disbursement Of Approved Cola/Target Increases, Police Pay Reserve, Fire Pay Reserve, Group Health Reserve And Adjustments To Capital Outlay/Reserve Accounts; Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date. (M. Loftin)
Ordinance No. 20-024 was read by caption. Motion was made by CM Bly, second by CM Collins, to approve the ordinance. Unanimously approved.
- 10.D. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 4, "Alcoholic Beverages", To Amend Prohibition Consumption Areas In Regard To "Stewart Beach"; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (Yarbrough)
Ordinance No. 20-025 was read by caption. Motion was made by Mayor Yarbrough, second by MPT Brown, to approve the ordinance. Unanimously approved.
- 10.E. Consider For Approval An Ordinance Of The City Of Galveston Texas Amending The City Code Of The City Of Galveston 1982, As Amended Chapter 34 "Traffic", Article Iii, "Vehicle Operation" Section 34-59; Altering The Prima Facie Speed Limits Established For Vehicles Utilizing Fm 3005 Within The City Of Galveston Pursuant To The Provisions Of Texas Transportation Code § 545.356, Upon The Basis Of An Engineering And Traffic Investigation, Upon Certain Streets And Highways, Or Parts Thereof, Within The Corporate Limits Of The City Of Galveston As Set Out In This Ordinance; Amending City Code; Providing For Findings Of Fact Related Thereto; Providing A Penalty Of A Fine For The Violation Of This Ordinance In An Amount Not To Exceed That Allowed By State Law, And Providing For An Effective Date.
Ordinance No. 20-026 was read by caption. Motion was made by Dr. Cole, second by MPT Brown, to approve the ordinance. Unanimously approved.
- 10.F. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Postponing The Municipal Election Of Many 2, 2020 Until November 3, 2020 Due To A Public Health Emergency; Preserving All Candidate Filings And Ballot Order Actions Already Taken; Providing For Holdover In Office Of Current Office Holders, Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date.
Ordinance No. 20-037 was read by caption. Motion was made by MPT Brown, second by Dr. Cole, to postpone the May 2, 2020 election to a date to be determined. 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 Collins, second by MPT Brown, to approve Consent Items 11A through 11M, and 11O through 11T. Unanimously approved.

- 11.A. Consider For Approval Accepting The City Auditor's Office Memos On Fund Transfer (Consult-Park2020-2) And Beach Buddies Concessions (Consult-Park2020-3) For The Park Board. (G. Bulgherini).

- 11.B. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Extending The Term For The Complete Count Committee; Providing For Findings Of Fact And Providing For An Effective Date.
Resolution No. 20-007
- 11.C. Consider Approving The Renewal Of IGM Technologies Gravity Cloud-Based Solution Tool For Preparing The Comprehensive Annual Financial Report (CAFR). (M. Loftin)
- 11.D. Consider For Action Approval Of A Contract With Willdan Financial Services To Perform A Revenue Sufficiency Analysis For The City's Combined Utility System And Sanitation Enterprise Funds. Authorizing The City Manager To Execute All Documents Upon Approval From The City Attorney. (M. Loftin)
- 11.E. Consider For Approval Of A Mutual Aid Agreement Between The City Of Galveston And The Board Of Trustees Of The Galveston Wharves, For The Sharing Of Resources During Emergencies, For Better Coordination And Authorizing The City Manager To Sign The Agreement. (M. Morgan)
- 11.F. Consider For Approval The Annual Maintenance Support Agreement For The City's Public Works Asset And Maintenance Management System, VueWorks, To Data Transfer Solutions (DTS) In The Amount Of \$20,000. (H. Dean)
- 11.G. Consider For Approval The Renewal Of The Maintenance Agreement For City's Enterprise Phone To Presidio Networked Solutions, Inc. For The Amount Of \$18,233.38. (H. Dean)
- 11.H. Consider Approving Reimbursement To BFI For Repairs Needed At The Transfer Station In The Amount Of \$19,655.62. Funding Source Is The Sanitation Operating Budget. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (C. DeWitt)
- 11.I. Consider For Approval, The Purchase Of The Sewer Line Rapid Assessment Tool (SL-RAT) Inspection Equipment Through A Buy Board Contract From Dukes Root Control For \$26,430.00. (T. Pedraza)
- 11.J. Consider Approval Of Change Order #03 With Lucas Construction Company, Inc., For The 27th Street Improvements From Avenue O To Seawall Boulevard (Phase II) Project (RFP #19-12) Increasing The Contract By \$57,225.00 From The Amount Of \$1,407,652.00 To The Amount Of \$1,422,877.00 (A Cumulative Increase Of 7.93% From The Original Contract Sum). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.K. Consider For Approval Of Change Order No. 4 To The Contract With LEM Construction Co., Inc., For The Airport Wastewater Treatment Plant Improvements Project, Increasing The Contract By \$36,966.38 From The Amount Of \$7,203,310.29 To A New Total Amount Of \$7,240,276.67 (A Cumulative Increase Of 6.6% From The Original Contract Sum) And Increasing The Contract Time By 90 Days. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.L. Consider For Approval Change Order No. 5 To The Contract With Main Lane Industries, Ltd., For The 45th Street Improvements From Broadway To Seawall Boulevard Project, Increasing The Contract By \$113,251.02 From The Amount Of \$10,526,323.33 To A New Total Amount Of \$10,639,574.35. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.M. Consider For Approval Change Order #6 To The Contract With J. W. Kelso Company, Inc., For The City Of Galveston Public Works Facility Project, Increasing The Contract By \$38,277.00 (0.36%) From The Amount Of \$11,194,142.20 To The Amount Of \$11,232,419.20, And Extending The Contract Term By 59 Days. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)

- 11.N. Consider For Approval An Amendment To The City Of Galveston Professional Contract With Lockwood, Andrews And Newnam, Inc. (LAN) For Additional Services In The Amount Of \$237,770.00 For Design And Engineering Of The Pirates Beach Wastewater Treatment Plant (WWTP) And Associated Facilities Reconstruction. (D. Anderson)
This item was pulled from the Consent Items for a separate deliberation. Motion was made by Dr. Cole, second by Mayor Yarbrough, to approve the amendment. Unanimously approved.
- 11.O. Consider Approval Of A Contract With Texas Gulf Construction Company, Inc. For Legas Drive Bulkhead (RFP #20-03) In The Amount Of \$661,800.72. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.P. Consider Approval Of A Contract With Wharton-Smith, Inc. For Construction Of The Airport Water Plant Expansion (RFP #20-01) In The Amount Of \$8,668,931.00. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.Q. Consider For Approval Minutes Of The February 27, 2020 Workshop And Regular Meeting. (J. Williams)
- 11.R. Receive And File The Following Documents:
- 11.S. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock And Associated Equipment (Skid Loader For MU Drainage) From ASCO Through HGAC Buy For A Total Price Of \$61,763.06 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.T. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock And Associated Equipment (Backhoe For MU Drainage) From Mustang CAT Through HGAC Buy For A Total Price Of \$126,063.61 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)

12. ACTION ITEMS

- 12.A. Discuss And Consider For Action The Appointment Of Beverly West To The Position Of Assistant City Attorney On The Recommendation Of The City Attorney. (D. Glywasky)
Motion was made by Mayor Yarbrough, second by CM Hardcastle, to appoint Beverly West to the position of Assistant City Attorney on the recommendation of City Attorney Donald Glywasky. Unanimously approved.
- 12.B. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas Supporting The Relocation Of The Battleship "Texas" To The City Of Galveston; Requesting That The Park Board Of Trustees Investigate Galveston As A Possible New Berth Location For The Battleship Texas; Authorizing The City Manager To Execute Those Documents Necessary In Regard To The Request; And Providing For Findings Of Fact And Providing For An Effective Date. (J. Listowski)
Motion was made by CM Listowski, second by CM Hardcastle, to approve Resolution No. 20-008 with one amendment that the Park Board "continue to investigate" Galveston as a possible new berth location for the Battleship Texas. Unanimously approved.
- 12.C. Resolutions - Mail-In Ballots (Cole/Yarbrough)
1. A Resolution Of The City Council Of The City Of Galveston, Texas Requesting The Governor Of Texas Expand Voting By Mail To Any Person In Order To Allow A More Accessible Option For All Voters; To Decrease In-Person Contact And Crowds At The Polls; To Address The Health Concerns Of The Covid 19 Virus Pandemic And The Upcoming May, 2020 Election; Authorizing The City Manager To Send This Resolution To The Governor And Any Other Requisite Entity; And Authorize The City Manager To Take Those Steps Necessary To Comply With Any Received Procedures Regarding This Request; Providing For Findings Of Fact And Providing For An Effective Date.

Motion was made by Dr. Cole, second by CM Collins, to approve Resolution No. 20-009 with the amendment of replacing "May 2, 2020" to "the next municipal election". Unanimously approved.

2. A Resolution Of The City Council Of The City Of Galveston, Texas Requesting The Governor Of Texas Suspend In-Person Voting At Voting Poll Locations, And Expand Voting By Mail To All Voters In Response To Decrease In-Person Contact Related To The Health Concerns Of The Covid 19 Virus Pandemic And The Upcoming May, 2020 Election; Authorizing The City Manager To Send This Resolution To The Governor And Any Other Requisite Entity; And Authorize The City Manager To Take Those Steps Necessary To Comply With Any Received Procedures Regarding This Request; Providing For Findings Of Fact And Providing For An Effective Date.

Motion was made by Dr. Cole, second by CM Collins, to approve Resolution No. 20-010 with the amendment of replacing "May 2, 2020" to "the next municipal election". Unanimously approved.

12.D. Discuss And Consider Appointments To The Following City Boards, Commission, And Committees: **Zoning Board of Adjustments and Appeals - Motion was made by CM Collins, second by MPT Brown, to move William Clement from the Alternate 1 Position to Position 1, and to move Alice Watford from Position 1 to Alternate Position 1. Unanimously approved.**

12.E. Discuss And Consider For Action Any Executive Session Item Listed On The Workshop Agenda Of March 24, 2020. (Legal)

1. City of Galveston vs Texas General Land Office - **No action.**

2. City of Galveston and Cardinal Construction vs Dannenbaum Engineering - **Motion was made by Mayor Yarbrough, second by MPT Brown, to move forward with joining Cardinal Construction in suing Dannenbaum Engineering and that we authorize city staff to sign the engagement letter with the attorneys. Unanimously approved.**

No. 20-CV-0249 Tom Thumb Nursery et al vs City of Galveston et al, In the 212th Judicial District Court of Galveston County - **Motion was made by Mayor Yarbrough, second by CM Hardcastle, that we answer suit and use in-house Legal for this case. Unanimously approved.**

The purchase, exchange, lease, or value of real property related to the City recycling center on 61st Street in Galveston

13. DISCUSSION ITEMS

13.A. Discuss The 2020 Community Development Block Grant (CDBG) And HOME Investment Partnerships (HOME) Proposed Objectives And Projects In The Amount Of CDBG \$1,214,844 And HOME \$275,681. (A. Law - 10 Minutes)

Interim Director of Grants and Housing Alice Law provided information on the CDBG and HOME Investment Partnerships proposed objectives and projects. This item will be placed on the April regular meeting for final approval.

13.B. Discuss The Creation Of A Recycling Ad Hoc Committee (Cole/Yarbrough - 15 Minutes)

Dr. Cole suggested creating a citizen ad hoc committee to work with the recycling vendors to see what the market changes are, how its working, and how it could be streamlined to make the program as effective and efficient as possible. She would like to create the committee and April and appoint members. City staff will send City Council a copy of the report from the previous Recycling Ad Hoc Committee.

13.C. Report Of City Council's Park Board Representative (Collins/Yarbrough - 10 Minutes)

CM Collins thanked Brian Maxwell and Kelly de Shaun for their combined efforts during the COVID-19 pandemic. He reported that the next Park Board will be on April 2nd and will be held virtually.

13.D. Update On Corona Virus/COVID-19 (B. Maxwell)

City Manager Brian Maxwell reported that there are now 25 cases in Galveston. He reported

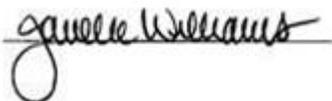
that management has completed reconstruction of the essential employee list, and some employees will be working from home from this point forward. We are continuing to offer almost all city services, especially emergency services, taking all necessary steps to protect our first responders and other employees who have potential contamination hazards.

- 13.E. Discuss Additional Meetings As May Be Necessary To Discuss And Consider Items Related To The Current State Of Emergency Arising From The Corona Virus/COVID-19. (Yarbrough)

The City Council will meet Friday, April 3rd at 2:00 p.m. Other meetings will be held on April 9th and April 16th.

14. ADJOURNMENT

The meeting was adjourned at 4:25 p.m.

A handwritten signature in black ink that reads "Janelle Williams". The signature is written in a cursive style with a large, looped initial "J".

Janelle Williams, City Secretary
Date Approved: April 30, 2020