

**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON  
REGULAR MEETING - MARCH 28, 2019**

3/28/2019 - 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 Craig Brown, Council Member Amy Bly, Council Member David Collins, Council Member Jason Hardcastle, and Council Member Jackie Cole.**

**Absent: Council Member John Listowski.**

3. INVOCATION

**The invocation was given by Rev. Nick Earl from Grace Episcopal Church.**

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

2. Information regarding holiday schedules

3. Recognition of individuals

**a. Child Abuse Prevention and Awareness Month - presented by CM Hardcastle.**

**b. Sexual Assault Awareness Month - presented by CM Cole.**

**c. National Crime Victims' Rights Week - presented by MPT Brown.**

4. Reminders regarding City Council events

5. Reminders regarding community events

6. Health and safety announcement - **Mayor Yarbrough provided information on controlled burns at the State Park.**

6.B. City Manager's Report - Comprehensive Annual Financial Report (M. Loftin)

**The CAFR was presented by Assistant City Manager Mike Loftin.**

7. COMMUNICATIONS AND PETITIONS

7.A. Claims

**The following Claims were filed with the City Secretary's Office: 19-008 - John Joseph Couini, III; 19-009 - Chengqun Zhang; 19-010 - Project Resources Group; 19-011 - Frank Montalbano; 19-012 - Marilyn Chapman; 19-013 - Stephanie Bermudez; 19-014 - Jane Taylor; 19-015 - Texas Gas Service; 19-016 - Ashley Rossi; 19-017 - Jessica Lujan; 19-018 - Lynn A. Schriber.**

8. PUBLIC HEARINGS

8.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Adopting The 2019 Water Conservation Plan For The City Of Galveston That Includes And Incorporates The Prior City Of Galveston Drought Contingency Plan, Texas Commission On Environmental Quality (TCEQ) And Texas Water Development Board (TWDB) Rules, Gives Specifications Of Water Conservation Goals, Improving The Efficiency In The Use Of Water, Increasing Recycling And Reuse Of Water, Improving The Efficiency Of Water Utilities And Prevention Of Pollution Of Water; Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date. (B. Cook)  
**Ordinance No. 19-019 was read by caption. Brandon Cook provided staff comments. The public hearing was opened; with no speakers, the public hearing was closed. Motion was made by CM Hardcastle, second by CM Bly, to approve the ordinance. Unanimously approved by those present.**

8.B. Galveston Landmark Designation - 3419 Avenue L

Consider for Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 3419 Avenue L, As A "Galveston Landmark", Property Is Legally Described As Lot 3 And The Eastern Portion Of Lot 2 And The Western Portion Of Lot 4 And The North Half Of Adjacent Alley, Block 34, 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 19P-016; Making Various Findings And Provisions Related To The Subject. (C. Gorman)

**Ordinance No. 19-020 was read by caption. Catherine Gorman provided staff comments. Property owner Mary Branum provided information on the property, and introduced Parker decedents Jean Parker Klause and husband Sam Klause. The public hearing was opened; with no speakers, the public hearing was closed. Motion was made by CM Bly, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.**

8.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 2427 Market / Avenue D, As A "Galveston Landmark", Property Is Legally Described As Lot 1, Block 504, 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 19P-009; , Making Various Findings And Provisions Related To The Subject. (C. Gorman)  
**Ordinance No. 19-021 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 Collins, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.**

8.D. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The 2015 Galveston Land Development Regulations, Article 3: Urban Neighborhood (UN) Addendum Regarding Reduction Of Minimum Lot Area From 2,500 Square-Feet To 1,600 Square-Feet For The "Townhouse" Land Use In The Urban Neighborhood (UN); Planning Case Number 19ZA-001; Making Various Findings And Provisions Related To The Subject. (J.Norman)  
**The Ordinance was read by caption. Motion was made by MPT Brown, second by CM Collins, to refer back to Planning Commission with the City Council's concerns regarding setbacks and parking requirements. Unanimously approved by those present.**

9. PUBLIC COMMENT

**Agenda Items - Trey Click, Eliza Quigley, and Diane Olson - Item 12C; Kimberly Denasi (read a**

statement from Park Board Chair Spencer Priest) - Item 12A.1; Brandon Williams and Cindy Roberts Gray - Item 11L.

**Non-Agenda Items - Charles Fifield - Sports Complex at 4702 Winnie.**

10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

- 10.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending "The Code Of The City Of Galveston 1982, As Amended", Chapter 34, "Traffic" By Adding Article X, "Valet Parking" To Allow For Regulations Related To Valet Parking In The City Of Galveston; Providing For A Penalty; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (Legal)

**Ordinance No. 19-022 was read by caption. Motion was made by CM Hardcastle, second by CM Collins, to approve the ordinance as presented in the City Council packet.**

**In favor: Brown, Collins, Hardcastle, and Cole. In opposition: Yarbrough and Bly. The motion carried 4-2.**

- 10.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Chapter 34, "Traffic", Section 34-117, "Two-Hour Limited Parking Between 8:00 A.M. And 5:00 P.M.; Exemption With Parking Permit." Of "The Code Of The City Of Galveston 1982", As Amended, Adding The 1500 Hundred Block Of Mechanic Street (Aka Avenue C); Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (M. Gray)

**Ordinance No. 19-023 was read by caption. Motion was made by CM Collins, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.**

- 10.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Ordinance No. 19-008, Calling For The May 2019 Special Election, By Designating All Early Voting And Election Day Polling Locations; Providing For Early Voting At The Justice Center For Saturday And Sunday April 28 And 29 Respectively; Making Other Provisions And Findings Of Fact Related Thereto; Providing For An Effective Date.

**Ordinance No. 19-024 was read by caption. Motion was made by CM Collins, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.**

11. CONSENT ITEMS

**Motion was made by MPT Brown, second by CM Collins, to approve Consent Items 11A through 11K, and 11M through 11V. Unanimously approved by those present.**

- 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 An Interlocal Agreement With The Galveston Park Board Of Trustees Allowing The Two Entities To Purchase Goods And Services Using Each Other's Properly Procured Contracts; Providing For Findings Of Fact And Providing For An Effective Date (Legal).

**Resolution No. 19-013**

- 11.B. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Extending The Beach Access And Dune Protection Plan Review Ad Hoc Committee; Continuing The Committee's Duties, Term, Membership, Quorum, Voting, Meetings, And Rules Of Procedure Until July 25, 2019; Providing A Date For Dissolution And Sunset Of The Committee; Providing For Findings Of Fact And Providing For An Effective Date. (D. Henry)

**Resolution No. 19-014**

- 11.C. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Supporting A Request To The United States Department Of The Interior, Bureau Of Reclamation Policy And Administration For Watersmart: Water And Energy Efficiency Grants For Fiscal Year 2019 Funding In The Amount Of One Million Five Hundred Thousand Dollars (\$1,500,000) For Various Water Efficiency And Conservation Projects Within The City Of Galveston; Authorizing The City Manager Or His

Designee To Submit All Required Grant Applications, Information And Data To Support Same; Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date. (B. Cook)

**Resolution No. 19-015**

- 11.D. Consideration Of A Resolution Authorizing An Application To The Texas General Land Office (GLO) For A DR-4332 Community Development Block Grant – Disaster Recovery (CDBG-DR) Infrastructure Program Grant. Authorizing The Mayor And City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Blacketter)

**Resolution No. 19-012**

- 11.E. Consider For Approval A Professional Services Agreement With The Engineering Firm Pure Technologies U.S. Inc. In The Amount Of \$395,100 For Implementation Of A Non-Revenue Water Mitigation Program Aimed At Reducing Water Leakage And Lost Revenue In The Combined Utility System Fund. (RFP #19-09 "Water Loss Mitigation/Non-Revenue Water Loss Control Program Plan). (B. Cook)
- 11.F. Consider For Approval Authorizing The City Manager To Amend A Contract For Professional Services From Design Workshop, Inc. In The Amount Of \$5,000.00 For A Project To Improve The Pedestrian Experience In The Downtown Area. (D. Anderson)
- 11.G. Consider Approving The Allocation Of Funds For The Purchase Of (98) Microsoft Office Standard 2019 In The Amount Of \$25,830.84 Through Authorized Reseller, SHI Government Solutions, Utilizing DIR-TSO-4092 Contract (H Dean).
- 11.H. Consider For Approval A Contract With Centre Technologies In The Amount Of Two Hundred Sixty Thousand Eight Hundred Fifty Two Dollars And Two Cents (\$260,852.02) For Consulting Services For The Build Out Of An Off-Site Disaster Recovery Solution, Including The Purchase Of Additional Hardware And Software Utilizing The Texas Department Of Information Resources (DIR) Intergovernmental Contract Purchasing Program Under Contract Numbers DIRTSO- 3334, DIR-TSO-3926, And DIR-TSO-3763 (H Dean).
- 11.I. Consider For Approval An Agreement With The Texas Department Of Information Resources (DIR) Utilizing The State's TEX-AN Contract For The Purchase Of Long Distance Service (H Dean).
- 11.J. Consider For Approval The Purchase Of 19 Ruggedized Toughbook Laptop Computers In The Amount Of Sixty Nine Thousand Eight Hundred Sixty Seven Dollars And Seventy Five Cents (\$69,867.75) To Turn Key Mobile, Inc, A Texas DIR Vendor, Utilizing DIR Contract TSO-4025 (H Dean)
- 11.K. Consider For Approval An Amendment To The Contract With Linebarger Goggan Blair & Simpson, LLP To Provide For The Collection Of Delinquent Utility Bills Not Involving Property Liens, Provide For A Method Of Compensation, And Establish A New End Date Of October 31, 2020. (M. Loftin)
- 11.L. Consider For Approval Membership And Facility Rental Fees For Recreation Centers, Parks And Athletic Fields That Are Under Management Of The Parks And Recreation Department; And Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (M. Rabago)

**(1) Motion was made by CM Cole, second by CM Bly, to approve the fees as presented by staff with the following changes to rates for McGuire Dent Recreation Center: residents of all ages - free admission; non-resident adults and seniors - \$125/year or \$10/day. In favor: Bly and Cole. In opposition: Yarbrough, Brown, Collins, and Hardcastle. Motion failed.**

**(2) Motion was made by Mayor Yarbrough, second by CM Hardcastle, to approve the fees as presented by staff with the following change to rates for McGuire Dent Recreation Center:**

**non-resident daily fee is \$10/day. In favor: Yarbrough, Brown, Collins, Hardcastle, and Cole.  
In opposition: Bly. Motion carried.**

- 11.M. Consider For Approval An Amendment To The Parks Concession Operations Agreement With Fermina Salinas To Also Include Concession Stand Operations At The West-Isle Baseball Complex. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (M. Rabago)
- 11.N. Consider For Approval Of A Proposal From CenterPoint Energy As A Sole Source Provider For The Relocation And Installation Of Electrical Services Associated With The 30th Street Water & Electric Light Station Rehabilitation Project In The Lump Sum Amount Of \$29,016.00. The Funding Source Will Be The CDBG Disaster Recovery Non-Housing Round 2.2 Program. Authorizing The City Manager To Execute All Necessary Documents Upon Final Review By The City Attorney. (R. Blackketter)
- 11.O. Consider For Approval Of A Contract With Lucas Construction Company, Inc., For The 27th Street Improvements From Avenue O To Seawall Boulevard (Phase II) Project (RFP #19-12) In The Amount Of \$1,357,293.00 For The Base Bid Plus The Additive Alternate (Estimated Total Cost Of Project Not To Exceed \$1,550,443.00). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Blackketter)
- 11.P. Consider For Approval Change Order No. 1 To The Contract With Ardent Construction LLC, For The 30th Street Water & Electric Light Station Rehabilitation Project Increasing The Contract By \$36,299.51 From The Amount Of \$2,884,729.00 To A New Total Amount Of \$2,920,928.51. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Blackketter)
- 11.Q. Consider For Approval Of Change Order No. 15 To The Contract With Cardinal Contractors, Inc., For The New 59th Street Pump Station Project, Increasing The Contract By \$44,375.05 To A New Total Amount Of \$18,213,125.99. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Blackketter)
- 11.R. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (2 Service PU's) And Associated Equipment From Silsbee Ford Inc. Through Good Buy For A Total Price Of \$90,619.50 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.S. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (Facilities Service PU) And Associated Equipment From Silsbee Ford Inc. Through HGAC Buy For A Total Price Of \$39,049 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 (Street Milling & Paving Machines) And Associated Equipment From R.B. Everett & Co. Through Buy Board For A Total Price Of \$784,685.00 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.U. Receive And File The Following Documents:
- 11.V. Consider For Approval Minutes Of The January 9, 2019 Special Meeting, And The January 24, 2019 Workshop And Regular Meeting. (J. Williams)

## 12. ACTION ITEMS

- 12.A. Amend The City Auditor 2019 Audit Plan To Include Two New Audits.

(1) Discuss and Consider For Action Directing The City Auditor To Amend The City Audit Plan For

2019. Per requests and information from the City Manager, Brian Maxwell and Deputy City Manager, Dan Buckley to include an Audit on the policies and procedures of commissions, bonuses, pay increases and payroll for the Galveston Park Board of Trustees. This will include Galveston Island Convention & Visitors Bureau, Beach Patrol and management. (G. Bulgherini).

**Motion was made by MPT Brown, second by Mayor Yarbrough, to allow the City Auditor to do a preliminary evaluation of the Park Board's use of hotel occupancy tax in response to the complaint and bring back to Council if he feels an amendment to the 2019 Audit Plan is warranted. Unanimously approved by those present.**

(2) Discuss and Consider For Action Directing The City Auditor To Amend The City Audit Plan For 2019. Per requests and information from the City Manager, Brian Maxwell and Deputy City Manager, Dan Buckley to include a Performance Audit of the Transit Terminal Garage Agreement between the Port of Galveston and City of Galveston. This Audit will include policies and procedures for the Port of Galveston and Island Transit. (G. Bulgherini).

**Motion was made by Mayor Yarbrough, second by CM Hardcastle, authorizing the City Auditor to amend the City Audit Plan for 2019 to include a Performance Audit of the Trnsit Terminal Garage Agreement between the Port of Galveston and the City of Galveston. Unanimously approved by those present.**

- 12.B. Discuss And Consider For Action Approval Of The Park Board's Acceptance Of A \$1.4 Million RESTORE Grant For The Construction Of An Open-Air Observation Deck And Amenities At The East End Lagoon. (Brown/Yarbrough)

**Motion was made by CM Hardcastle, second by CM Collins, authorizing the Park Board to accept a \$1.4 million RESTORE Grant for construction of an open-air observation deck and amenities at the East End Lagoon. Unanimously approved by those present.**

- 12.C. Discuss And Consider For Action Approval Of The East End Lagoon Business Plan And Required Financial Support As Outlined By The Park Board Of Trustees. (Brown/Yarbrough)

**Motion was made by MPT Brown, second by CM Cole, to approve the East End Lagoon Business Plan and financial support of \$50,000 per year for eight years subject to annual funding in the City's Budget. Unanimously approved by those present.**

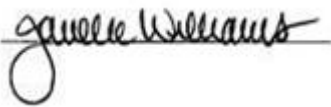
- 12.D. Discuss And Consider Appointments To The Following City Boards, Commissions, And Committees:

1. **Families, Children and Youth Board - Motion was made by CM Bly, second by CM Hardcastle, appointing Brandon Williams to the board. Unanimously approved by those present.**

2. **Zoning Board of Adjustments - Motion was made by CM Collins, second by CM Hardcastle, moving Alternate Jeff Patterson to Position 2 and appointing James Hoffman to the Alternate 1 Position. Unanimously approve by those present.**

13. ADJOURNMENT

The meeting was adjourned at 3:15 p.m.



Janelle Williams, City Secretary  
Date Approved: April 25, 2019