

**DRAFT**  
**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON**  
**REGULAR MEETING - APRIL 25, 2019**

4/25/2019 - 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, Council Member John Listowski, and Council Member Jackie Cole.**
3. INVOCATION  
**The invocation was given by Rabbi Matt Cohen of Congregation B'nai Israel.**
4. PLEDGE OF ALLEGIANCE  
**The Pledge of Allegiance to the American Flag and Texas Flag were led by Mayor Yarbrough.**
5. CONFLICTS OF INTEREST  
**Mayor Yarbrough - Item 11M.**
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 - **Dr. Cole reminded everyone that the new bicycle ordinance goes into effect on May 1st. A number of people have been working very hard to coordinate an effort to get bicycle lights out to people who wouldn't have them otherwise and to get the new regulations out to everyone. She acknowledged the following groups and individuals for their work and efficiency in putting this together: Holly Hopkins and Kathy Tiernan from the Families, Children and Youth Board; Linda Strevell from the Citizens Police Academy Alumni Association; Robert Lynch and Leonard Woolsey; Joe Van Harris from the Galveston Police Department; Barbara Sanderson and Marissa Barnett from the City of Galveston; and the United Way and the Chamber of Commerce. Local merchants are carrying the lights and providing them to their employees, and Tim Tietjens from the City of Galveston has lights for City Employees.**
    2. Information regarding holiday schedules
    3. Recognition of individuals
      - a. **Lemonade Day Proclamation - presented by CM Cole.**
      - b. **Harris and Eliza Kempner Fund Proclamation - presented by CM Bly.**
      - c. **CollegeTown Galveston Proclamation - presented by CM Collins.**
      - d. **Fair Housing Month Proclamation - presented by CM Hardcastle.**
      - e. **George Mitchell Proclamation - presented by MPT Brown.**
    4. Reminders regarding City Council events
    5. Reminders regarding community events - **Mayor Yarbrough reminded everyone to get out and vote in the May 4th City Election.**
    6. Health and safety announcement
7. COMMUNICATIONS AND PETITIONS

7.A. Claims

**19-019 - Sullivan Newport; 19-020 - Monica Crossno; 19-021 - Dawn Jones; 19-022 - Rosa Hernandez; 19-023 - Comcast Project Resources Group; 19-024 - Texas Gas Service; 19-025 - Eric Diaz; 19-026 - Ryan Jones; 19-027 - Rosa and Dylan Medrano.**

8. PUBLIC HEARINGS

8.A. An Ordinance Granting A Sightseeing And Tour Franchise

Consider For Approval An Ordinance Of The City Council Of The City Of Galveston, Texas, Granting To Galveston Experience Company, 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. 19-025 was read by caption. Adriel Montalvan provided staff comments. The public hearing was opened; with no speakers, the public hearing was closed. Motion was made by MPT Brown, second by CM Hardcastle, to approve the ordinance. Unanimously approved.**

8.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Abandoning Property Adjacent To 3304 Market/Avenue D And Adjacent Property Legally Described As The South 130-Foot Of Blocks 573 And 574 Along With The Adjacent 34th Street And The East 20-Foot Of Adjacent 35th Street (573-0-1), In The City And County Of Galveston, Texas; Planning Case Number 19P-018: Making Various Findings And Provisions Related To The Subject. (J. Norman)

**Ordinance No. 19-026 was read by caption. Janice Norman provided staff comments. The public hearing was opened. Steve Schulz and Dwayne Jones spoke in favor of the abandonment. The public hearing was closed. Motion was made by CM Bly, second by CM Collins, to approve the ordinance. Unanimously approved.**

9. PUBLIC COMMENT

**Agenda Items - Roger Rees - Item 11E.**

**Non-Agenda Items - Josephine Sullivan invited City Council to the 2nd Annual Galveston Island Land and Sea Adaptive Sports Festival and Expo on May 4th and 5th.**

10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

10.A. Consider For Approval An Ordinance Of The City Council Of The City Of Galveston, Texas, Amending Chapter 7, "Animals And Fowl" Of The "The Code Of The City Of Galveston, 1982, As Amended" By Adding Article Viii. "Dogs In Outdoor Dining Or Eating Areas", To Allow Dogs In Outdoor Dining Or Eating Areas At Food Establishments; To Provide A Penalty Provision; Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date. (Legal)

**Ordinance No. 19-027 was read by caption. Motion was made by MPT Brown, second by CM Bly, to approve the ordinance. Unanimously approved.**

10.B. 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 VIII, "City Of Galveston Flood Damage Prevention Ordinance"; Adopting The City Of Galveston 2019 Flood Insurance Rate Maps (FIRM); Adopting The 2019 Flood Insurance Study (FIS); And Providing For An Effective Date Of \_\_\_\_\_, 2019; And Making Various Findings And Provisions Related To The Subject.

(T. Tietjens)

**Ordinance No. 19-028 was read by caption. Motion was made by CM Listowski, second by Mayor Yarbrough, to approve the ordinance with an effective date of August 15, 2019. Unanimously approved.**

- 10.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Approving And Adopting The Amended Operating 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. 19-029 was read by caption. Motion was made by CM Hardcastle, second by CM Collins, 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 Bly, second by Mayor Yarbrough, to approve Consent Items 11A through 11BB, except Items 11E and 11M. Unanimously approved.**

- 11.A. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Proclaiming May 21 Of This Year And Every Year Henceforth As George Mitchell Day; Making Various Findings And Provisions Related To This Subject; And Providing For An Effective Date. (Brown/Yarbrough)  
**Resolution No. 19-016**
- 11.B. Consider For Approval A Resolution Of The City Of Galveston Suspending The May 10, 2019 Effective Date Of CenterPoint Energy Houston Electric, LLC's Requested Rate Change To Permit The City Time To Study The Request And To Establish Reasonable Rates; Approving Continued Cooperation With The Gulf Coast Coalition Of Cities; Hiring Lloyd Gosselink Attorneys And Consulting Services To Negotiate With The Company And Direct Any Necessary Litigation And Appeals; Requiring Reimbursement Of Cities' Rate Case Expenses; Finding That The Meeting At Which This Resolution Is Passed Is Open To The Public As Required By Law; Requiring Notice Of This Resolution To The Company And Legal Counsel. (Legal)  
**Resolution No. 19-017**
- 11.C. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas Authorizing And Directing The City Manager To Extend An Interlocal Agreement Providing For Demand Response Transit Services Between Harris County And The City Of Galveston; Providing For Findings Of Fact And Providing For An Effective Date. (R. Beverlin)  
**Resolution No. 19-018**
- 11.D. 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. 19-019**
- 11.E. Consider For Approval A Debt Management Policy For The City Of Galveston And Its Component Units. (M. Loftin)  
**Motion was made by CM Hardcastle, second by CM Collins, to approve the Debt Management Policy. Unanimously approved.**
- 11.F. Consider For Approval A Personal Services Contract With Gabriel Prusmack To Paint Six Murals On The Galveston Causeway Monuments In The Amount Of \$5,494 Per Mural, For A Total Contract Amount Of \$32,960. (B. Cook)

- 11.G. Consider For Approval Additional Funding For Temporary Staffing From Robert Half International/Accountemps In The Support Services Division Of The Information Technology Department ( H Dean).
- 11.H. Consider For Approval The Award Of RFP # 19-17 For Commercial Flood / Commercial Windstorm / Fiduciary Liability D & O / Pollution Liability UST Insurance To Galveston Insurance Associates (GIA) For A Three (3) Year Period With Two Optional One (1) Year Extensions. Term To Be Effective June 1, 2019 Thru June 1, 2022. (R. Simmons)
- 11.I. Consider For Approval An Economic Development Agreement In The Amount Of \$900,000 Between The Industrial Development Corporation, And The City Of Galveston To Repair, Rehabilitate, And Enhance Parks, Playgrounds, And Recreational Facilities ("Parks Package #3"). (G McLeod)
- 11.J. Consider For Approval An Economic Development Agreement In The Amount Of \$639,000 Between The Industrial Development Corporation, And The City Of Galveston In Order To Maintain IDC Funded Projects, Park Improvements, And Install Sidewalks And Curbs Within The City Of Galveston To Assist In The Implementation Of The Community Revitalization Project Approved By The IDC Board Of Directors (G McLeod)
- 11.K. Consider For Approval Of An Economic Development Agreement Between The Industrial Development Corporation And The City Of Galveston In The Amount Of \$55,000 To Fund The 10% Match For A TxDOT Aviation Grant To Cover The Engineering/Design And Construction Phase Of Rehabilitating The Asphalt Section Of Runway 14/32 And Joint Seal Repairs To The North Apron - (M. Shahan).
- 11.L. Consider For Approval, Authorizing The City Manager To Execute The 2019 Air Traffic Control Tower Operating Agreement (TOA) Between The Federal Aviation Administration (FAA) And Scholes International Airport, Upon Final Approval Of The City Attorney - (M. Shahan).
- 11.M. Consider For Approval, Authorizing The City Manager To Execute An Eleventh Amendment Of The Lease Between Galveston Island Waterpark, L.P. And The City Of Galveston Adding 43,216 Sq. Ft. Of Land Located At 7902 Mustang Avenue - (M. Shahan).  
**Motion was made by CM Hardcastle, second by CM Listowski, to approve the amendment. The motion passed 6-0; Mayor Yarbrough declared a conflict and abstained from the discussion and vote.**
- 11.N. Consider For Acceptance A Donation Of Ten (10) Water Fountains Valued At \$18,480 And A Swing Set Valued At \$9,121.06 From The Better Parks For Galveston Organization. (M. Rabago)
- 11.O. Consider For Approval The Purchase Of Bedding Furniture From RT LONDON For A Total Purchase Price Of \$22,212.00. (M. Wisko)
- 11.P. Consider For Approval A Professional Services Contract With The LaBiche Architectural Group Inc. For Architectural, Engineering And Project Management Services For The City Garage Roof Replacement Project At A Cost Of \$31,190.00. (C. Kenworthy)
- 11.Q. Consider For Approval Authorizing The City Manager To Fund Service Agreements With Mitchell Time And Parking For Downtown Parkeon Pay Stations Through May Of 2020 Out Of The Parking Management Budget. (M. Gray)
- 11.R. Consider For The Approval Of The Three-Year Equipment Rental Contracts To Mustang Rental And United Rentals Which Were The Only Bidders That Met The Specifications For The Municipal Fleet Facility, And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. The Funding Source Will Be From The Requesting Departments' Rental Accounts. (D. Smith)
- 11.S. Consider For The Approval Of The Purchase Of Twenty (20) Camera Recording Systems For The Sanitation Fleet To Be Purchased From Safety Vision Through HGAC Buy For A Total Price Of \$46,440 Which Will Be Funded By The Sanitation Equipment Account, 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 (PD/FD PPV 2020 Tahoe's) And Associated Equipment From Caldwell Country Through Buy Board For A Total Price Of \$393,181 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.U. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (Forklift) And Associated Equipment From Darr Equipment Company Through Buy Board For A Total Price Of \$33,843.35 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.V. Consider For Approval Awarding The Contract On The Annual Sanitary Sewer And Force Main Rehabilitation Project (RFP 19-14) To T Con Construction, LLC For An Amount Not To Exceed \$1,400,000.00. (A. Grasso)
- 11.W. Consider For Approval The Professional Engineering Services Proposal From Arceneaux Wilson & Cole (AWC), LLC, For Engineering Design Of The 10 Mile Road Elevated Storage Tank, At A Cost Not To Exceed \$1,132,150. (D. Christodoss)
- 11.X. Consider For Approval Design Amendment #1 From AWC, For \$182,280.00 To Survey, Model And Design An Additional Mile Of The Water Distribution System Along Teichman Road. (D. Christodoss)
- 11.Y. Consider For Approval The Proposal For \$42,000 From Arceneaux, Wilson And Cole, LLC (AWC) For Traffic Signal Design At 45th Street And Avenues O, P, Q And S Intersections. (D. Christodoss)
- 11.Z. Consider For Approval A Proposal From LJA Engineering, Inc. For Additional Engineering Design Services Associated With The Damaged Outfall And Discharge Pipe Redesign For A Total Design Fee Not To Exceed \$36,250. (D. Christodoss)
- 11.AA. Consider For Approval Minutes Of The February 20, 2019 Workshop, The February 28, 2019 Workshop And Regular Meeting, And The March 28, 2019 Workshop And Regular Meeting. (J. Williams)
- 11.BB. Receive And File The Following Documents:

## 12. ACTION ITEMS

### 12.A. Audits On The Galveston Park Board Of Trustees And The Port Of Galveston

1. Discuss and Consider for Action the City Auditor's estimated time to complete the Policies and Procedures of commissions, bonuses, pay increases and payroll audit for the Galveston Park Board of Trustees (G. Bulgherini).

2. Discuss and Consider for Action the City Auditor's estimated time to complete the Performance Audit of the Transit Terminal Garage Agreement between the Port of Galveston and City of Galveston (G. Bulgherini).

**Motion was made by CM Hardcastle, second by CM Collins, authorizing the City Auditor to amend the 2019 Audit Plan to include items 12.A.1 and 12.A.2. Item 12.A.1 will be completed in six weeks and will be brought back to City Council in June. Item 12.A.2 will also take six weeks and will be brought back to City Council in August. Unanimously approved.**

### 12.B. Discuss And Consider A Motion To Extend The Date For The Submission Of Grant Applications For Arts And Historic Preservation Funds To June 1, 2019. (Brown/Yarbrough)

**Motion was made by MPT Brown, second by CM Bly, to extend the application deadline to June 1, 2019. Unanimously approved.**

13. ADJOURNMENT

**The meeting was adjourned at 2:28 p.m.**

Janelle Williams, City Secretary

Date Approved:

DRAFT