

DRAFT
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
REGULAR MEETING - JUNE 24, 2021

6/24/2021 - 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 Dr. Craig Brown, Mayor Pro Tem David Collins, Council Member William Schuster, Council Member Bill Quiroga, Council Member John Listowski, and Council Member Marie Robb.

3. INVOCATION

The invocation was given by City Manager Brian Maxwell.

The Pledge of Allegiance was led by Mayor Brown.

4. CONFLICTS OF INTEREST

None.

5. PRESENTATIONS/REPORTS OF COUNCIL, OFFICER BOARDS, AND CITY MANAGER

5.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

a. July 4th Preparations (B. Maxwell) - City Manager Brian Maxwell provided an update on the upcoming July 4th holiday.

3. Recognition of individuals

a. Galveston Lassie League 10U Softball Team Her-ricanes Proclamation - CM Schuster presented the proclamation to the Lassie League Team that just won the State Championship.

b. Parks and Recreation Month Proclamation - MPT Collins presented the proclamation to Director of Parks and Recreation Cesar Garcia.

c. Tree City USA Designation - Tree Committee Member Nancy Greenfield reported on the City's Tree City USA Designation.

4. Reminders regarding City Council events

5. Reminders regarding community events

6. Health and safety announcement

6. PUBLIC HEARINGS

- 6.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Granting A Variance Pursuant To Section 4-1 "Sales Near Schools, Churches Or Hospitals" Of "The Code Of The City Of Galveston, 1982 As Amended" And In Accordance With Section 109.33(E) Of The Texas Alcoholic Beverage Code; Regarding The Sale Of Alcoholic Beverages On Property Located At 3228 Broadway / Avenue J; Which Is Legally Described As "M. B. Menard Survey, Lots 4 & 5, Block 212, In The City And County Of Galveston Texas And Which Is Located Within Three Hundred Feet Of A School, Church, Or Hospital; Planning Case Number 21 Plm-00072; Making Various Findings And Provisions Related To The Subject. (D. Lunsford)

Ordinance No. 21-024 was read by caption. Executive Director Tim Tietjens provided staff comments. The public hearing was opened. The Applicant Shezad Kapadia and Representative Clyde Burleson spoke in favor of the variance. The public hearing was closed. Motion was made by CM Quiroga, second by CM Listowski, to approve the ordinance. Unanimously approved.

7. PUBLIC COMMENT

Written public comments ready by City Secretary Janelle Williams: Jeffrey Hill - proposed golf cart ordinance; Alma Zepeda - golf cart ordinance; Kathleen Fowler - golf cart ordinance; Lisa King - golf cart parking; Vicky Sinclair - revised golf cart ordinance/parking; Veronica Von Blon - golf cart ordinance vote; Veronica Von Blon - upcoming golf cart/NEV vote; Martha Smith - golf carts; Debbie McKee - golf carts; David Waters - golf cart ban at night; Steve Lyell - golf cart regulations; Drew Fontaine - golf cart ordinance; Robert Dagnon - golf cart ordinance; Tiffany Gibson - golf cart ordinance; Kevin Anderson - proposed golf cart ordinance modifications; Monica Martinez - golf cart ordinance; Sandra Chambers - road reconstruction update - Spanish Grant; Carolyn Bilski - Agenda 8A; Weez Doherty - 45th Street; Christian Carriere - City tourism development overtaking residential in rental priority; Clemmie St. Amand - Hospital system and family support; Lloyd Martin - vehicles on the beach; Delon Kibbe - nuisance; and John Bohannon - proposed Chapter 34 Article 9 proposed rules.

In-person public comments: Tiffany Gibson - golf carts; Terrilyn Tarlton-Shannon - property tax values increases; Michelle Eddington - night time ban on golf carts or Seawall Blvd; Dancie Ware - 45th Street; Mike Doherty - 45th Street; Weez Doherty - 45th Street; Jim Claffy - 45th Street lights; Larry Grissow - lights on 45th Street; Georgianna Mullins - lighting and flower beds; Theresa Elliott - appraisal reform and the city's tax rate; Brett Von Blon - golf cart ordinance; Rachel West - cart shuttle service w/8B; Alexander Nelson - beach access; Robert Dagnon - golf cart ordinance; David Attaway - golf carts; and Sheila Bell - miscellaneous comments.

8. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

- 8.A. Consider For Action An Ordinance Of The City Of Galveston, Texas, Adopting The Homestead, Elderly, And Disabled Ad Valorem Tax Exemptions For Tax Year 2021, Pursuant To Chapter 33, Section 33-24 Of The Code Of The City Of Galveston 1982, As Amended; Making Various Findings And Provisions Related To The Subject. (M. Loftin)

Ordinance No. 21-025 was read by caption. Motion was made by CM Robb, second by MPT Collins, to approve the ordinance. Unanimously approved.

- 8.B. 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" Article IX, "Golf Carts", Of The Code Of The City Of Galveston, 1982, As Amended, Relating To "Golf Carts, Neighborhood Electric Vehicles And Off Highway Vehicles; Making Various Findings And Provisions Related To The Subject; Providing For Penalty For Violation, And Providing For An Effective Date. (Legal)

Ordinance No. 21-023 was read by caption. Motion was made by Mayor Brown, second by CM Listowski, to approve the ordinance as submitted to Council recently, removing the prohibition of night time driving on the Seawall, removing the maximum cost of \$10 for inspection, and lowering the permit fee to \$150, and license plates will not be required in master planned communities. The motion carried 5-0; CM Robb abstained from voting.

9. 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 9A through 9EE, except 9E, 9F, 9FF, and 9L (pulled by Staff). Unanimously approved.

- 9.A. Consider For Approval Accepting The City Auditor Office's Report On 45th Street Staff Report (G. Bulgherini).
- 9.B. Consider For Approval A Memorandum Of Understanding Between The City Of Galveston And Galveston College For The Continuation Of The Leadership Pathway Training Program And Utilization Of The GCPro Training Platform. (K. Etienne)
- 9.C. Consider For Approval Authorizing The City Manager To Enter Into A Contract With Each Of The Public Art Grant Winners, As Recommended By The City Of Galveston's Cultural Arts Commission, For A Total Amount Of \$30,914.00. (B. Sanderson)

Resolution No. 21-023

- 9.D. : Consider For Approval, An Amendment To The Professional Services Agreement With Shelmark Engineering, LLC Dated May 9 2018 For Hurricane Harvey City Hall Window Repair Project, Authorizing An Increased Contract Amount Of \$20,900.00 For The Design Of Additional Items That Will Be Part Of The Texas Historical Commission (THC) Grant For A Total Cost Of \$ 35,800.00 And Authorize The City Manager To Sign All Documents Upon The Review And Approval Of The City Attorney (C. Kenworthy)
- 9.E. Consider For Approval An Economic Development Agreement Between The Industrial Development Corporation And The City Of Galveston Approving As A Project, Funding To Vision Galveston For The Development Of Schematic Design Of Improvements And Probable Construction Costs For Jones Park In The Amount Of \$25,000. (M. Hay)

Motion was made by CM Robb, second by Mayor Brown, to approve Consent Items 9E and 9F with the stipulation that services provided by Vision Galveston will be reimbursed as delivered.

- 9.F. Consider For Approval An Economic Development Agreement Between The Industrial Development Corporation And The City Of Galveston Approving As A Project, Funding To Vision Galveston For Phase I And Phase II Environmental Assessments For Shield Park In The Amount Of \$10,000. (M. Hay)
- 9.G. Consider Acceptance Of A Contract From The Texas Historic Commission For Hurricane Harvey Disaster Assistance For Repairs The Windows In The City Hall Building, 823 Rosenberg, And Authorize The City Manger To Sign All Necessary Documents Upon Final Approval By The City Attorney. (C. Gorman)
- 9.H. Consider For Approval Adopting A Resolution Approving An Advanced Funding Agreement (AFA) Between The City Of Galveston, Texas And The Texas Department Of Transportation (TXDOT) To Fund The Construction Of Waterline Offsets From Local Funds In An Amount Not To Exceed \$172,392; Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (B. Cook)

Resolution No. 21-021

- 9.I. Consider Authorizing The City Manager To Execute An Agreement With America's Nationwide Netting, Inc. (Dba Nets Of Texas) In The Amount Of \$38,000.00 Upon Final Approval By The City Attorney. (D. Anderson)
- 9.J. Consider For Approval A Contract With Play Power LT Farmington For \$106,850.00 For The Provision Of Playground Surfacing At Wright-Cuney Park. This Project Is Funded Through The Community Development Block Grant Parks Facility Improvement Project And We Request For The Authorization For The City Manager To Execute All Necessary Contracts And Documents For The Project. (C. Garcia)
- 9.K. Consider For Approval A Contract With Lucas Construction Company, Inc. For \$42,222.00 For The Provision Of Two Concrete Slabs To Be Utilized For Outdoor Fitness Courts (One Each) At Menard And Wright-Cuney Parks. This Project Is Funded Through The Community Development Block Grant Park Facility Improvement Project And We Request For The Authorization For The City Manager To Execute All Necessary Contracts And Documents For The Project. (C. Garcia)
- 9.L. Consider For Approval Authorizing The City Manager To Enter Into A Concessionaire Agreement With Vertex Holdings, LLC To Provide Food, Beverage, Alcohol Sales, Beach Equipment Rentals, At Beach Pocket Parks #1 And #2. Term Of The Agreement Is Three Years With Two One-Year Renewal Options. Concessionaire Agreement Lease Amount Will Be \$1,950.00 For Pocket Park #1 And \$36,000 Plus 10% Of Gross Sales For Pocket Park #2 Annually. (C. Garcia)

Pulled.

- 9.M. Consider For Approval Authorizing The City Manager To Enter Into A Concessionaire Agreement With MTM Ice LLC, Dba Kona Ice Galveston Bay Area LLC, To Sell Frozen Novelties At Fort Crockett Park, Fort San Jacinto, Pocket Park #3, And Pocket Park #4. Term Of The Agreement Is Three Years With Two One-Year Renewal Options. Concessionaire Agreement Lease Amount Will Be \$6,825.00 Annually. (C. Garcia)
- 9.N. Consider For Approval Authorizing The City Manager To Execute Two Texas Department Of Transportation, Aviation Division, Airport Coronavirus Relief Grant Program (ACRGP) Grant Agreements In The Combined Amount Of \$57,162.00 To Prevent, Prepare For And Respond To The Coronavirus Directly Related To The Scholes International Airport Upon The Review And Approval Of The City Attorney (M. Shahan).
- 9.O. Consider For Approval A Contract With John A. Walker Roofing Co., Inc., An Approved Contractor Through Choice Partners #17/038CG-10, In The Amount Of \$32,980.00 To Replace 60 Existing Deteriorated 8" X 24' Long Metal Purlins In Hangar 28 Upon Final Approval By The City Attorney (M. Shahan).
- 9.P. Consider Approving A Voluntary Disclosure Agreement Of Texas Limited Sales, Excise, And Use Tax Between The State Comptroller And The City And Authorize The Payment Of Sales Tax Not Collected Between May 1, 2017 And May 31, 2021 Which Amount Will Be Finalized After Audit By The State Comptroller's Office; And Authorize The City Manager To Approve Final Payment Due Based On The Audit From The Parking Management Fund Balance. (M. Loftin)
- 9.Q. Consider Approving A Contract With Definiti For Independent Actuarial Services In Support Of The Galveston Firefighters' Pension Fund For An Amount Not To Exceed \$50,000. (M. Loftin)
- 9.R. Consider Approving A Budget For The City Of Galveston's Grant From The Coronavirus State And Local Fiscal Recovery Funds Authorized By The American Rescue Plan Act Of 2021 In The Amount Of \$27,371,621. (M. Loftin)

- 9.S. Consider For Approval The Purchase Of A Wide Format Color Plotter And Scanner For The City's Geographic Information System (GIS) Awarding The Contract To SCW Using Buyboard Contract # 579-19 In The Amount Of \$ 16,117.88. (H.Dean)
- 9.T. Consider For Approval The Authorization To Purchase Eighteen (18) Panasonic Toughbook Laptops And Docking Station Equipment, Eight (8) Dell Laptops And Docking Station Equipment, And 7 Netmotion Mobility Licenses For A Total Cost Of \$78,861.20. (H. Dean)
- 9.U. Consider For The Approval Of A Resolution Of The City Council Of The City Of Galveston Approving Island Transits Public Transportation Agency Safety Plan (PTASP) Which Is A Commitment From Management To Establish A Comprehensive Safety Plan To Provide A Safe And Secure Transit Bus Service, And Authorize The City Manager To Execute The Document Upon Final Approval By The City Attorney. (D. Smith)

Resolution No. 21-022

- 9.V. Consider For The Approval Of The Purchase Of One New Allu Loader Attachment For The Streets Division To Be Purchased From Bane Machinery Through HGAC Buy For A Total Price Of \$66,900, And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 9.W. Consider For The Approval Of The Awarding Of The FTA Grant Writing And Administration Contract To Hendrickson Transportation Group Who Was The Respondent That Met Qualifications To IRFP 21-IRFP 06 For A Total Cost Of \$49,950, And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 9.X. Consider For The Approval Of The Purchase Of Two New John Deere Mowers For The Parks Department To Be Purchased From Deer & Company Through Buy Board For A Total Price Of \$17,127.24, And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 9.Y. Consider For The Approval Of The Purchase Of One New Spartan Fire Pumper For The Fire Department To Be Purchased From Metro Fire Apparatus Specialists Inc. Through HGAC Buy For A Total Price Of \$628,000, And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 9.Z. Consider For Approval Amendment #1 To The Original 3rd Party Services Contract With Applied GRT, LLC, For A Not-To-Exceed Fee Of \$30,000 (Thereby Increasing The Total Contract To \$70,000) To Support The Expanded Scope For The Airport Pump Station Construction. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Christodoss)
- 9.AA. Consider Approval Of Change Order #2 With Stantec Consulting Services For The 49th Street Improvements From Ave P To Ave S ½ Increasing The Construction Phase Services Of The Design Contract By \$18,500.00 From The Amount Of \$316,028.40 To The Amount Of \$334,528.40. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)
- 9.BB. Consider Approval Of Change Order #7 To The Contract With E.P. Brady, Ltd. For The 24-Inch Water Transmission Line From 59th Street Pump Station To The Airport Pump Station Project Increasing The Contract By \$80,950.05 From The Amount Of \$18,202,728.22 To The Amount Of \$18,283,678.27. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)
- 9.CC. 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 \$100,000.00. Authorizing The City Manager To

Execute All Necessary Document Upon Final Approval By The City Attorney. (T. Pedraza)

- 9.DD. Consider For Approval Designating The City Of Galveston's Mayor As The Authorized Signatory For The Texas Commission On Environmental Quality (TCEQ) Supplemental Environmental Project ("SEP") Allowing The City Of Galveston To Perform \$30,135 In Local Sanitary Sewer Clean-Out Installations In Lieu Of Paying A \$29,326 Fine To The TCEQ. (T. Pedraza)
- 9.EE. Consider For Approval Additional Funding For Professional Legal Services From The Law Firm Of Lloyd Gosselink In The Amount Of \$20,000.00 Related To Water And Sewer Legal Issues. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)
- 9.FF. Consider Approval Of Change Order #7 To The Contract With Main Lane Industries, Ltd. For The 45th Street Improvements From Broadway To Seawall Project Decreasing The Contract By \$742,734.85 From The Amount Of \$10,860,154.44 To The Amount Of \$10,117,419.59. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (T. Pedraza)

Motion was made by CM Quiroga, second by CM Robb, to approve Item 9FF. Unanimously approved.

10. ACTION ITEMS

- 10.A. Discuss And Consider Appointments To The Following City Boards, Commission, And Committees:

Motion was made by Mayor Brown, second by CM Robb, to appoint Spencer Priest. Unanimously approved.

Motion was made by Mayor Brown, second by CM Quiroga, to appoint Marty Fluke. Unanimously approved.

Motion was made by Mayor Brown, second by CM Robb, to appoint Steven Creitz. Unanimously approved.

Motion was made by Mayor Brown, second by CM Quiroga, to appoint Will Wright. Unanimously approved.

Motion was made by Mayor Brown, second by MPT Collins, to appoint Dave Jacoby. The motion carried 4-2; CM Quiroga and CM Robb voted against the motion.

11. ADJOURNMENT

The meeting was adjourned at 7:12 p.m.

Janelle Williams, City Secretary

Date Approved: