

**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON  
REGULAR MEETING - AUGUST 22, 2019**

8/22/2019 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER  
**With a quorum present, the meeting was called to order at 1:28 p.m.**
2. ROLL CALL  
**Present: Mayor James Yarbrough, Mayor Pro Tem Dr. Craig Brown, Council Member Amy Bly, Council Member Jason Hardcastle, Council Member John Listowski, and Council Member Dr. Jackie Cole.**
3. INVOCATION  
**The invocation was given by Alan Sanders of Coastal Community 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. **Better Parks for Galveston - Donation to the City of Galveston for Jones Park - presented by members of Better Parks for Galveston.**
    4. Reminders regarding City Council events
    5. Reminders regarding community events
    6. Health and safety announcement
  - 6.B. Families, Children And Youth Board - Annual Report (Bly)  
**The Annual Report was presented by FCYB Chair Hank Thierry. He advised the Annual Ed Fest will be held on Saturday, October 5, 2019.**
  - 6.C. The Investment Report For Quarter Ended June 30, 2019 Presented As Part Of The City Manager's Report. (M. Loftin)  
**The Investment Report was presented by Assistant City Manager Mike Loftin.**
7. COMMUNICATIONS AND PETITIONS  
**Claims: 19-065 - John and Candace Symon; 19-066 - Marcus Carter; 19-067 - Sebouh Haroutunian; 19-068 - Iris and Ray Falcon; 19-069 - Darrell Walker; 19-070 - Jhonny Langer; 19-071 - Austin William Vargas.**
8. PUBLIC HEARINGS

- 8.A. Conduct A Public Hearing On The Proposed Tax Rate Of \$0.582344 For FY 2020. (M. Loftin)  
**Mike Loftin provided staff comments. The public hearing was opened; with no speakers the public hearing was closed.**
- 8.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Abandoning Property Adjacent To 10702 Schaper Drive And Adjacent Property To The West And South And Adjacent Properties Are Legally Described As The South 1,115 Feet Of Lot 397 (397-3); And The North Portion Of Lot 398 (398-2); Trimble And Lindsey, Section 1; And Lots 370-373, 388-395, 406, 408-415, 417, 426-430, 433-436, 448-450, 453, 470 And Part Of Lots 368, 369, 374, 375, 398, 399, 405 And Adjacent Right Of Way, Trimble And Lindsey, In The City And County Of Galveston, Texas; Planning Case Number 19P-043; Making Various Findings And Provisions Related To The Subject. (J. Norman)  
**The Ordinance was read by caption. Janice Norman provided staff comments. Kyle Hockersmith and the owner Lamson Nugyen addressed questions related to drainage. The public hearing was opened; with no speakers the public hearing was closed. Motion was made by Dr. Cole, second by Mayor Yarbrough, to defer this item to the September 12th City Council meeting. In favor: Yarbrough, Brown, Hardcastle, Listowski, and Cole. In opposition: Bly. Motion carries.**
- 8.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The 2015 Galveston Land Development Regulations To Comply With State Law Legislative Changes, Including But Not Limited To; Providing For Exemptions Regulating Building Materials For Historic Landmarks And Districts; Regulations Regarding Designation Of Local Historic Landmarks; Regulations Regarding Time Frame For Review Of Plats/Replats; Regulations Regarding Acceptance Of An Affidavit As Authorization To Obtain City Permit Relating To Real Property; And Regulations Regarding Time Frame Of Filing Of Appeals To The City's Boards Of Adjustments; Planning Case Number 19ZA-005; Providing For An Effective Date; Making Various Findings And Provisions Related To The Subject. (C. Gorman)  
**Ordinance No. 19-043 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 Listowski, second by MPT Brown, 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 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)  
**The Ordinance was read by caption. Motion was made by Mayor Yarbrough, second by CM Bly, to defer the ordinance at the Tree Committee's request. Unanimously approved by those present.**
- 8.E. Landmark Designation - 1426 Avenue M

Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 1426 Avenue M, As A "Galveston Landmark", Property Is Legally Described As M. B. Menard Survey, Part Of Lots 13 And 14 (13-2), Block 14 A.K.A. Lot B Special Subdivision, 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-042; Making Various Findings And Provisions Related To The Subject. (D. Lunsford)

**Ordinance No. 19-044 was read by caption. Daniel Lunsford 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 Bly, to approve the ordinance. Unanimously approved by those present.**

- 8.F. Landmark Designation - 3417 Avenue Q 1/2

Consider for approval an Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 3417 Avenue Q 1/2, As A "Galveston Landmark", Property Is Legally Described As M. B. Menard Survey, Lot 3, Southwest Block 112, Galveston Outlots, 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-041; Making Various Findings And Provisions Related To The Subject. (D. Lunsford)

**Ordinance No. 19-045 was read by caption. Daniel Lunsford provided staff comments. The public hearing was opened; with no speakers the public hearing was closed. Motion was made by CM Bly, second by MPT Brown, to approve the ordinance. Unanimously approved by those present.**

- 8.G. 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 19PA-040; Making Various Findings And Provisions Related To The Subject. (D. Lunsford)

**The Ordinance was read by caption. Daniel Lunsford provided staff comments. The public hearing was opened. The applicants spoke in favor of the variance. The public hearing was closed. Motion was made by CM Hardcastle, second by CM Listowski, to approve the variance. In favor: Hardcastle and Listowski. In opposition: Yarbrough, Bly, Brown, and Cole. Motion fails.**

9. PUBLIC COMMENT

**Non-Agenda Items: Laura Lundy - Island Transit; Page Brion - Leave No Trace Ordinance; Sheila Bell - communications during emergencies and floods.**

10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

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 MPT Brown, second by Dr. Cole, to approve Consent Items 11A through 11C, and 11E through 11CC, with an amendment to 11C adding a one-year sunset. Unanimously approved.**

- 11.A. Consider For Approval A Collective Bargaining Agreement Between The City Of Galveston And The International Association Of Fire Fighters Local 571 For The Period Of October 1, 2019 Through September 30, 2023 (K. Etienne).
- 11.B. Consider For Approval A Collective Bargaining Agreement Between The City Of Galveston And The Galveston Municipal Police Association For The Period Of October 1, 2019 Through September 30, 2023. (K. Etienne)
- 11.C. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Authorizing The Resale Of Tax Foreclosed Properties, Providing That Such Resale Of Said Properties Are The Recommendations Of The Galveston Tax Foreclosed Property Resale Committee; That The Properties Are To Be Offered For Public Sale By The Galveston County Sheriff Who Has The Authority To Execute

A Tax Resale Deed On Behalf Of The City And All Taxing Entities Made A Party To The Tax Foreclosure Judgment; Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date. (Legal)

**Resolution No. 19-029**

- 11.D. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Distributing And Awarding Fiscal Year 2020 Hotel Occupancy Tax Revenues To Eligible Arts And Historic Preservation Organizations Under Multi-Year Agreements; Authorizing The City Manager To Execute Contracts With Such Recipients; Directing The City Secretary To Send A Certified Copy Of The Resolution To The Park Board Of Trustees; Providing For Findings Of Fact And Providing For An Effective Date. (Legal)  
**Motion was made by MPT Brown, second by Dr. Cole, to approve Resolution No. 19-030. Unanimously approved.**
- 11.E. Consider For Approval A Resolution Of The City Of Galveston, Texas, Dissolving The City Of Galveston Sister-City Partnerships With Trivandrum, India And The Armavir Region Of Armenia, And Repealing Resolutions No. 94-49 And No. 01-011; Directing The City Secretary To Send A Certified Copy Of This Resolution To Sister Cities International; Making Various Findings And Provisions Related To The Subject. (Legal)  
**Resolution No. 19-031**
- 11.F. 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 Cooperation Agreement With Galveston College Allowing For The Use Of Bernard Davis/Pony Colt Stadium For The Upcoming Baseball Season; Approving And Authorizing The City Manager To Execute The Agreement; Providing For Findings Of Fact And Providing For An Effective Date. (M. Rabago)  
**Resolution No. 19-032**
- 11.G. Consider For Approval The Garten Verein Lease Agreement Between The City Of Galveston And Galveston Historical Foundation. (Legal)
- 11.H. Consideration Of Authorization Of The City Manager To Execute An Agreement To Extinguish And Terminate Easement Covenants Conditions And Restrictions Existing Between The County Of Galveston And The Lowe's Corporation Incidental To The County Purchase Of That Tract Upon Approval Of The City Attorney. (Legal)
- 11.I. Consider For Approval The Acceptance Of A Donation Of Twenty-Five Thousand Dollars (\$25,000.00) From Better Parks For Galveston Towards The Renovation Of Jones Park, Located At 71st And Jones Drive. (B. Sanderson)
- 11.J. Consider For Action To Continue To Receive A Share Of Bingo Prize Fees After January 1, 2020. (M. Loftin)
- 11.K. Consider For Approval The Allocation Of An Additional \$200,000 For The Purchase Of Street Materials From Century Asphalt, MDN, Core & Main Under The Award Of Bid #19-011. (M. Loftin)
- 11.L. Consider For Approval To Authorize The City Manager Or His Designee To Execute A Certification Of Consistency With The Consolidated Plan (HUD Form-2991) For The Salvation Army. (A. Law)
- 11.M. Consider For Approval Authorizing The City Of Galveston Municipal Court Of Record To Implement An Incentive-Based Initiative Between Tuesday, September 3, 2019 At 8:00 A.m. And Monday, September 30, 2019 At 4:00 P.m. (The "Amnesty Program") That Will Waive/Dismiss Charges For Failure To Appear And/Or Violation Of Promise To Appear Assigned To Each Underlying Offense Affording Violators The Opportunity To Pay The Original Fine Amount Plus Court Costs In Full. (G. Lopez)
- 11.N. Consider For Approval Authorizing The Payment Of \$4,693.01 To Tyler Technologies For Software Maintenance Of The Court Case Management System Used By Municipal Court. The Funding Source

Is The General Fund Maintenance Contracts Account. (G. Lopez)

- 11.O. Consider For Approval A Rental Lease Agreement With Sullivan Newport Ltd For A Commercial Property Located At 5701 Harborside, Amending The Lease Extension Terms To A Month To Month Option With An End Date Not To Exceed December 31.2019 (C. Kenworthy)
- 11.P. Consider For Approval Awarding RFP 19-13A For Air Traffic Control Tower Improvements To J. W. Kelso Company, Inc. And Approve An Expenditure In The Amount Of \$415,492.00. (M. Shahan).
- 11.Q. Consider For Approval An Expenditure In The Amount Of \$63,500.00 To The Texas Department Of Transportation, Aviation Division As The Required Ten (10%) Percent Match For The Airport Master Plan And Engineering/Design For Rehabilitation Of Runway 18/36, South Apron Phase 1, 2 & 3 And The South Ramp Pavement Project (TxDOT Project No. 20MPGLVST). (M. Shahan)
- 11.R. Consider For Approval Of Change Order No. 2 To The Contract With LEM Construction Co., Inc., For The Airport Wastewater Treatment Plant Improvements Project, Increasing The Contract By \$133,205.85 From The Amount Of \$6,940,471.24 To A New Total Amount Of \$7,073,677.09. (D. Anderson)
- 11.S. Consider For Approval Of Change Order #4 To The Contract With Construction LTD, For The Fire Station #1 New Site Construction And Existing Site Demolition Project Increasing The Contract By \$165,784.00, From The Amount Of \$9,875,172.00 To The Amount Of \$10,040,956.00, And Extending The Contract Term By 94 Days. (D. Anderson)
- 11.T. Consider For Approval Change Order #2 To The Contract With J. W. Kelso Company, Inc., For The City Of Galveston Public Works Facility Project, Increasing The Contract By \$113,528.00 From The Amount Of \$10,578,444.20 To The Amount Of \$10,691,972.20. (D. Anderson)
- 11.U. Consider For Approval Adding \$37,308.37 To The Burditt Consultant, LLC Authorized Not To Exceed \$400,000.00 Fee For Additional Construction Management Services On The Park At 5301 Avenue S (Crockett Park). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.V. Consider For Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (Sewer Jet Trailer) And Associated Equipment From Kinloch Equipment Through Buy Board For A Total Price Of \$53,999 And Authorize The City Manager. (D.Smith)
- 11.W. Consider For Approval Of The Annual Payment Totaling \$22,900 For The Shah Transportation Manager / NewGen Dispatch Licensing And Software Support Which Will Be Funded By The Island Transit Maintenance Contracts Account. (D. Smith)
- 11.X. Consider For Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (Service Tahoe) And Associated Equipment From Caldwell Country Through Buy Board For A Total Price Of \$36,930. (D. Smith)
- 11.Y. Consider For Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (Service F150 PU) And Associated Equipment From Silsbee Ford Through Buy Board For A Total Price Of \$22,352. (D. Smith)
- 11.Z. Consider For Approval The Purchase And Installation Of Picnic Table And Park Bench Slats For Seawall Fort Crockett IZard Battery Park Amenities In The Amount Of \$13,100.48 From Fun Abounds (BuyBoard Contract #512-16). (M. Rabago)
- 11.AA. Consider For Approval Minutes Of The June 27, 2019 Workshop And Regular Meeting, And The July 25, 2019 Workshop And Regular Meeting. (J. Williams)

11.BB. Receive And File The Following Documents: (Yarbrough)

11.CC. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Supporting Legislation That Grants States Greater Authority To Address Excessive Delays At Railroad Crossings, In Consultation With Affected Municipalities. (Legal)  
**Resolution No. 19-033**

12. ACTION ITEMS

12.A. Discuss And Consider For Action On Results Of A Public Meeting Which Was Held On April 11, 2019, With Regard To Proposed Fare Changes For Island Transit Fixed Route And Demand Response Services. (R. Beverlin)

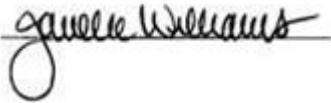
**Motion was made by Mayor Yarbrough, second by CM Hardcastle, to approve the fare changes for Island Transit Fixed Route and Demand Response Services. Unanimously approved.**

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

**Motion was made by Mayor Yarbrough, second by MPT Brown, to approve the recommendation by the Chamber of Commerce of Terrilyn Tarlton-Shannon to serve on the IDC board to serve the balance of the term which runs out next May. Unanimously approved.**

13. ADJOURNMENT

**The meeting was adjourned at 2:40 p.m.**



Janelle Williams, City Secretary

Date Approved: September 19, 2019