

DRAFT
MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON
SPECIAL MEETING - SEPTEMBER 10, 2020

9/10/2020 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER

With a quorum present, the meeting was called to order at 9:00 a.m.

2. ROLL CALL

Present (via video conference): 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. CONFLICTS OF INTEREST

None.

4. DISCUSSION ITEMS

4.A. Clarification Of Consent And Regular City Council Agenda Items - This Is An Opportunity For City Council To Ask Questions Of Staff On Consent And Regular Agenda Items. (30 Minutes)

Item 5C was clarified by the prospective owner of Sandpiper Cove, Don Ball.

4.B. Hurricane Laura Wrap Up (B. Maxwell/D. Buckley - 15 Minutes)

Mayor Pro Tem Brown and City Manager Brian Maxwell provided a report on Hurricane Laura. Staff was prepared in the event of any major issues from the storm.

4.C. Discussion Of Civilian Pension Board Actions (B. Maxwell/D. Buckley - 15 Minutes)

Deputy City Manager Dan Buckley reported on recent actions of the Civilian Pension Board. At it's August meeting, the board increased the cap of the benefit from \$50,000 to \$60,000 based on the actuary report performed by the outside actuary firm. The actuary advised on many things the board could do including increasing the cap. The City Manager sent a letter to the board asking them not to take this action, but instead sit down with the City Manager's office to come up with a plan, but the board chose not to and took the action anyway. This action increased the unfunded liability of the plan from \$9 million to \$17.8 million, and from 16.5 years to 20.4 years. This action prevents the City from changing the plan and changing the benefit, and this becomes a liability of the City. This action only benefited eight City employees. There were a number of actions they could have taken to benefit all members of the plan but did not do so. This action puts the City further out of reach in converting the employees to the Texas Municipal Retirement System. The only thing the City has control over is reducing the City's contribution rate. City Manager Maxwell reported that this could have an employee recruitment and retention impact.

4.D. Discuss The Diversity And Inclusion Plan To Increase Female Representation Throughout The City Of Galveston Workforce Focusing On Recruitment And Retention Of Females In The Fire Department, Police Department, Public Works, And Municipal Utilities. (K. Etienne - 15 Minutes)

Human Resources Director Kent Etienne provided a report on the City's diversity and inclusion initiative. Considerable focus has been given to underrepresented areas within the City in need of diversification, including Public Safety positions and civilian positions. The City partnered with Careers in Government National Diversity Network which provided a guarantee of national exposure to City jobs and a greater presence on social media. As a result of the partnership that the City has with Careers in Government, all jobs are posted automatically and seamlessly onto eight diversity focused job boards. The National Minority Update has joined in the City's diversity/EEO focused recruitment and posted an ad for the Galveston Fire Department on the Public Safety Employment section. Employee trainings have been provided to address practices that may impact diversity including unconscious

biases and company culture. Year one of the Diversity and Inclusion Plan has been successful. In year two, the City will continue its efforts as established in year one.

- 4.E. Discussion Of The Resolution Issued By The Galveston Wharves Board Regarding Trustee O'Rourke And Giving Direction To The City Attorney For Further Action Related To The Galveston Wharves Board. (Legal - 20 Minutes)

City Attorney Don Glywasky provided an overview of an investigation of Trustee O'Rourke and a Resolution issued by the Galveston Wharves Board, and options for further action related to the Wharves Board. There were three activities in the investigation where complaints were listed against Mr. O'Rourke. One was a request for information on monies paid to employees other than salaries, the second was attempts to get items placed on the agenda for discussion before the Wharves Board, and the third was a phone conversation between himself and an employee of the Wharves Board who is referred to as the complainant. In the report, the investigator concludes there is no violation of the City's Code of Ethics, and she did not cite any violation of any State or Federal law. She did make an observation to the Wharves Board in a response to their question on what their liability would be, and she advised they would be liable for negligence if they did not act, which as a matter of law is incorrect. The Wharves Board, as a public entity, is immune from such claims. She did identify one section of the City Code that allows for removal of appointees to boards for official misconduct. In terms of official misconduct, the only thing that can be focused on is the conversation between Mr. O'Rourke and the complainant, which there are two versions of the story. Four options for further action include: (1) receive and file the report and Resolution and take no further action; (2) receive and file the report and censure Mr. O'Rourke; (3) receive and file the report and conduct our own investigation; and (4) re-interview everybody and conduct your own investigation then decide how to move forward. Discussion was held regarding the four options as outlined by the City Attorney. The City Attorney's view is that the conclusion of the report fails to rise to the level of official misconduct.

- 4.F. Discussion Of Upcoming Interviews For Planning Commission And Wharves Board, And Appointments To All City Boards, Commissions, And Committees (Brown - 10 Minutes)

Discussion was held regarding the Council's method of interviewing Planning Commission and Wharves Board applicants. The Council will consider amending its policy for interviewing applicants to include written interview questions in lieu of in-person interviews at their next meeting. The Council will make appointments to all City boards, commissions, and committees on September 24, 2020.

- 4.G. Report Of City Council's Park Board Representative (Collins/Brown - 10 Minutes)

CM Collins congratulated the Park Board on their quick response to the storm. The Park Board is working on the budget and the CIP which has been delayed a little due to the storm, COVID-19, and retirement of Mike Moser and hiring of the new CFO Bryson Frazier. He is hoping to bring the budget and CIP to Council at an upcoming meeting.

5. PUBLIC HEARINGS (10:00 AM)

- 5.A. Conduct A Public Hearing On September 10, 2020 On The FY 2021 Proposed Budget As Required By State Law.

A Public Hearing was conducted on the FY 2021 Proposed Budget. Assistant City Manager Mike Loftin provided an overview of the proposed budget. The public hearing was opened; with no speakers, the public hearing was closed.

- 5.A.1. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Adopting The Annual Governmental And Proprietary Funds Budget For The Fiscal Year Beginning October 1, 2020 And Ending September 30, 2021; Making Appropriations For City Operations And Capital Projects For Such Fiscal Year As Reflected In Such Budget; Authorizing Various Other Transfers; Approving And Adopting The FY 2021 Capital Budget; Approving And Adopting The Budget Of The Industrial Development Corporation, Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date. (M. Loftin)

Ordinance No. 20-052 was read by caption. Motion was made by MPT Brown, second by CM Collins, to approve the ordinance. The motion was unanimously approved with a record vote.

In favor: Brown, Bly, Collins, Hardcastle, Listowski, and Cole.

In opposition: None.

- 5.A.2. Consider For Action A Motion Ratifying The Property Tax Increase Reflected In The FY 2021 Budget. (M. Loftin)

Motion was made by CM Collins, second by MPT Brown, ratifying the property tax increase reflected in the FY 2021 Budget. Unanimously approved.

- 5.B. Conduct A Public Hearing To Consider The Proposed Property Tax Rate Of \$0.56 Per \$100 Of Taxable Value For 2020.

A Public Hearing was conducted on the Proposed Property Tax Rate of \$0.56 per \$100 of taxable value for 2020. Assistant City Manager Mike Loftin provided an overview of the Proposed Property Tax Rate. The public hearing was opened. Marie Robb submitted a public comment asking Council to use the extra reserve fund budget to lower the tax rate to a No New Revenue Tax Rate of \$0.535631 and the General Fund reserve will exceed the required 90 days. The public hearing was closed.

- 5.C. Resolution Sandpiper Cove - 3916 Winnie Street

Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Expressing Its Support For The Application By Galveston 3916 Winnie Street, LP For Private Activity Bonds For Low-Income Housing Tax Credits At 3916 Winnie Street, In Galveston, Texas, 77550, Authorizing An Allocation Of Housing Tax Credits For The Approval Of The Rehabilitation Of The Development; Directing The City Secretary To Send A Certified And True Copy Of This Resolution To Representatives Of Galveston 3916 Winnie Street LP, For Inclusion In Its Application To The Texas Department Of Housing And Community Affairs For Private Activity Bonds For Low-Income Housing Tax Credits At 3916 Winnie Street, Galveston, Texas; Making Various Findings And Provisions Related To The Subject, And Providing For An Effective Date. (Legal)

City Attorney Don Glywasky provided staff comments. The public hearing was opened. Don Ball spoke in favor of the Resolution; Ericka Bowman, Community Outreach Coordinator for Texas Housers, submitted a comment asking Council to delay their vote to support any new tax credits or bonds for Sandpiper Cove until representatives from the City Council, the Tenant Council, the ITEX Group, Jeshurun Development, and Texas Housers can meet to discuss their serious concerns. The public hearing was closed.

Motion was made by CM Bly, second by CM Listowski, to approve Resolution No. 20-032. Unanimously approved.

6. RECESS

7. PUBLIC COMMENT

Agenda Items: Robert Daigle - mandatory mask order; and Robert Daigle - Ted O'Rourke complaint.

Non-Agenda Items: Sandra Walters - the murder case of Christopher Williams; and Delon Kibbe - public nuisance complaints.

8. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

- 8.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Approving And Adopting The Five-Year Capital Improvement Plan For Fy 2021-2025; And Making Certain Findings And Containing Certain Provisions Related To The Subject. (M. Loftin)
Ordinance No. 20-053 was read by caption. Motion was made by CM Listowski, second by CM Hardcastle, to approve the ordinance. Unanimously approved.
- 8.B. Consider For Approval An Ordinance Ratifying And Confirming Ordinance No. 18-052, As Supplemented And Amended By Ordinance No. 18-67, Pertaining To The City Of Galveston, Texas, Tax And Revenue Emergency Anticipation Note; Ratifying And Confirming The Payment Of Principal And Interest Thereon And The Forward Delivery & Purchase Agreement, Paying Agent/Registrar Agreement, And Form Of Note Related Thereto. (M. Loftin)
Ordinance No. 20-054 was read by caption. Motion was made by MPT Brown, second by CM Bly, to approve the ordinance. The motion passed 5-0; CM Hardcastle was not present for the vote.
- 8.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Ordinance 20-048, Regarding The Designated Polling Places For The Election To Be Held In The City Of Galveston On The 3rd Day Of November, 2020, For The Purpose Of Electing A Mayor At-Large And Six (6) District Council Members, Each For A Two-Year Term; Making Other Provisions Of Fact And Providing For An Effective Date. (Legal)
Ordinance No. 20-055 was read by caption. Motion was made by CM Cole, second by MPT Brown, to approve the ordinance. Unanimously approved.

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 MPT Brown, second by CM Collins, to approve Consent Items 9B through 9F. Unanimously approved.

- 9.A. Consider For Approval The Funding Of A Grant In The Amount Of \$50,000 To The Galveston Economic Development Partnership (GEDP) For The Collection, Analysis, And Provision Of Local Business And Economic Loss And Recovery Data For The Detennination Of Economic Recovery Needs Due To COVID-19, And Authorize The City Manager To Complete The Grant Utilizing CARES ACT Funding. (T. Wrobleski)
Motion was made by MPT Brown, second by CM Cole, to defer action on this item. Unanimously approved.
- 9.B. Consider For Approval Accepting The City Auditor's Report On Galveston Police Department LESO (1033) Equipment Inventory AUCITY2020-1 (G. Bulgherini).
- 9.C. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Designating John Manlove As The President Of The Galveston Island Redevelopment Authority To Serve The Same Annual Term As The Other Officers Of The Authority, Providing For Findings Of Fact And For An Effective Date. (Legal)
- 9.D. Consider For Approval The Purchase Of 16 Tasers And Related Equipment From Axon Enterprise, Inc. Through Buy Board (Contract #603-20) At A Total Cost Of \$35,593. Funding Will Be The U.S. Department Of Justice's Byrne Justice Assistance Grant Account. (V. Hale)
- 9.E. Consider For Approval, Authorizing The City Manager To Execute The 2021 Texas Department Of Transportation, Routine Airport Maintenance Program (RAMP) Grant, Which Allows The Airport To Be Reimbursed Up To \$50,000.00 In Eligible Airport Maintenance Expenses Upon Final Approval Of The City Attorney (M. Shahan).

- 9.F. Consider For The Approval Allowing Island Transit To Purchase A Set Of Four Heavy Duty Column Lifts And Associated Equipment For The Garage And Trolley Barn Operations From Reeder Distributors Through Buy Board For A Total Price Of \$47,303.69. (D. Smith)

10. ACTION ITEMS

- 10.A. Consideration Of The Resolution Issued By The Galveston Wharves Board Regarding Trustee O'Rourke And Giving Direction To The City Attorney For Further Action Related To The Galveston Wharves Board. (Legal)

Motion was made by CM Collins, second by CM Listowski, to receive and file the report from the Wharves Board regarding Trustee O'Rourke and take no further action. Unanimously approved.

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

Motion was made by CM Hardcastle, second by CM Listowski, to approve the City Manager's recommendation of Steve Matijevich to the Civil Service Commission. Unanimously approved.

11. ADJOURNMENT

The meeting was adjourned at 12:11 p.m.

Janelle Williams, City Secretary
Date Approved:

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