

**DRAFT**  
**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON**  
**REGULAR MEETING - NOVEMBER 14, 2019**

11/14/2019 - 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 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. INVOCATION  
**The invocation was given by Pastor Lance Anaya of Society of St. Stephen.**
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. **World Aids Day Proclamation - presented by MPT Brown.**
      - B. **National Adoption Day Proclamation - presented by CM Bly.**
      - C. **National Epilepsy Awareness Month Proclamation - presented by CM Hardcastle.**
      - D. **Arbor Day Proclamation - presented by Dr. Cole.**
      - E. **Galveston University Fall 2019 Graduates Proclamation - presented by CM Collins.**
    4. Reminders regarding City Council events
    5. Reminders regarding community events
    6. Health and safety announcement
7. COMMUNICATIONS AND PETITIONS  
**Claims: 19-087 - David Altamirano; 19-088 - Comcast/Project Resources Group; 19-089 - Elmer J. Melgar; 19-090 - Timothy Church; 19-091 - Christina Callens/Crane; 19-092 - Raul Ramirez; and 19-093 - Marcella Reyna/Benton Law Firm.**
8. PUBLIC HEARINGS
  - 8.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 1402 Market - Avenue D And Legally Described As The M.B. Menard Survey, South 78 Feet Of Lot 8 (8-1), Block 554, In The City And County Of Galveston, Texas As A Historically Or Archeological Significant Site In Need Of Tax Relief To Encourage Its Preservation; Granting A

Substantial Rehabilitation For Historic Property Tax Exemption; Designating The City Manager To Execute Those Documents Necessary To Implement The Tax Incentive Program; Planning Case Number 19LC-056; , Making Various Findings And Provisions Related To The Subject. (C. Gorman)  
**Ordinance No. 19-065 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 Bly, to approve the ordinance. Unanimously approved.**

8.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Changing The Zoning From Residential, Single-Family (R-1) And Commercial (C) Zoning District To Restricted Residential, Single Family (R-0) Zoning District On Various Properties As Provided In The Attached Map And Which The Properties Are Legally Described As Lots 1 – 88, Golf Crest; Lot 22-A, Golf Crest Aka 6502 Fairway Dr Replat; Lots 1 – 41 Jones Addition, Section 2; And Lots A – E, Oleander Estates (2005), In The City And County Of Galveston, Texas. Planning Case Number 19P-055; Making Various Findings And Provisions Related To The Subject. (C. Gorman)

**Ordinance No. 19-066 was read by caption. Catherine Gorman provided staff comments. The public hearing was opened. Debbie Cano spoke in opposition of the zoning change. Kevin Moran spoke in favor of the zoning change. The public hearing was closed. Motion was made by CM Listowski, second by CM Hardcastle, to approve the ordinance. Unanimously approved.**

8.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Creating A Planned Unit Development (PUD) Overlay Zoning District In A Commercial, (C) Base Zoning District With A Height And Density Development Zone, Zone-6 (C-HDDZ-6) Overlay Zoning District For An "Auto Service/Fueling Or Charging Station"; In Order To Install Three Gasoline Pumps With A Canopy On The South Side Of The Property Commonly Known As 11128 San Luis Pass Road And Which Is Legally Described As Part Of Lot 460 (460-8) Trimble And Lindsey Section 1 , In The City And County Of Galveston, Texas; Planning Case Number 19P-047; Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date. (J. Norman)

**Ordinance No. 19-067 was read by caption. Janice Norman 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 Listowski, to approve the ordinance. Unanimously approved.**

## 9. PUBLIC COMMENT

**Agenda Items - None.**

**Non-Agenda Items - Joanie Steinhaus commented on the Texas Plastic Symposium; Sheila Bell spoke on various topics.**

## 10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

10.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Chapter 2, "Administration", Article IV, "Boards, Commissions, And Committees", Section 2, "Galveston Commission For The Arts", Of "The Code Of The City Of Galveston 1982, As Amended" Changing The Name Of The Commission, The Composition Of The Commission, Allowing The Election Of A Secretary, Allowing The Commission To Function As An Advisory Entity To City Council For The Purpose Of Assisting The Award Of Grants For Public Art Projects; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date.

**Ordinance No. 19-068 was read by caption. Motion was made by MPT Brown, second by CM Collins, to approve the ordinance. Unanimously approved.**

10.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending Chapter 33, "Taxation" Of "The Code Of The City Of Galveston 1982, As Amended" By Amending The Regulations Of Appointments Of The Arts And Historical Preservation Advisory Board; Making Changes To The Procedures Of The Arts And Historic Preservation Board By Requiring Quarterly Reports; Making Various Findings And Provisions Related To The Subject And Providing For An Effective Date.

**Ordinance No. 19-069 was read by caption. Motion was made by Mayor Yarbrough, second by CM Listowski, to approve the ordinance. Unanimously approved.**

10.C. City Code Review:

10.C.1. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 16, "Harbors, Wharves And Docks", To Amend, Update, Regulations, Standards, And Definitions; To Make Clarifications, Rename, Renumber And Rearrange The Chapter As Applicable; Providing For Penalties As Applicable; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (Legal)

**Ordinance No. 19-070 was read by caption. Motion was made by MPT Brown, second by CM Hardcastle, to approve the ordinance. Unanimously approved.**

10.C.2. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending, Chapter 25, "Oil And Gas," Of The Code Of The City Of Galveston, 1982; As Amended, Updating The Code Regarding Preemption By The State Of Regulations On Oil And Gas Operations And Allowing Regulations By The City Of Above Ground Related Activities, Including Regulations Under Specific Circumstances, In Accordance With State Law; Providing For An Effective Date; Making Various Findings And Provisions Related To The Subject (Legal)

**Ordinance No. 19-071 was read by caption. Motion was made by CM Collins, second by MPT Brown, 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 Hardcastle, second by CM Collins, to approve Consent Items 11A through 11CC. Unanimously approved.**

11.A. Consider For Approval Accepting The City Auditor's Report On The Management And Operating Agreement For The Downtown Intermodal Transportation Terminal Audit Report PORT-SP2019-3. (G. Bulgherini)

11.B. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Casting The City's 236 Votes For The Election Of The Galveston Central Appraisal District Board Of Directors; Directing The City Secretary To Send A Certified Copy Of This Resolution To The Galveston Central Appraisal District Before December 13, 2019; Providing For Findings Of Fact And Providing For An Effective Date.

**Resolution No. 19-047**

11.C. Consider For Approval The Purchase Of 10 S Shore Drive, Galveston, TX 77551 In The Amount Of \$119,000 Plus Closing Costs. (B. Cook)

11.D. Consider For Acceptance A Grant Award From The Moody Foundation For Assistance With The Creation Of A Public Green Space (City Hall Public Plaza) On The Site Of The Former Central Fire Station, Consistent With The Grant Application Submitted To The Foundation On September 10, 2019, As Part Of A Revitalization Plan For The City Hall Neighborhood, And Authorize The City Manager To Sign All Necessary Documents Upon Final Approval By The City Attorney. (T. Wroblewski)

11.E. Consider Approval Of DCMC Partners Task Order #3 Authorizing The Expenditure Of An Amount Not To Exceed \$40,000.00 For Technical Assistance And Disaster Consulting Services. (T. Wroblewski)

11.F. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Authorizing The City Manager To Apply For A Texas Department Of Transportation, Aviation Division, Grant For The Engineering/Design And Construction Phase Of Rehabilitating The Asphalt Section Of Runway 14/32

And Joint Seal Repairs To The North Apron For Fiscal Year 2020; Authorizing The Texas Department Of Transportation As Agent For The City Of Galveston For The Purposes Of Applying For, Receiving, And Disbursing All Funds For These Improvements; Directing The City Manager To Execute All Necessary Documents Relating To The Grant; Providing For Findings Of Fact And Providing For An Effective Date Upon Final Approval By The City Attorney (M. Shahan).

**Resolution No. 19-048**

- 11.G. Consider For Approval Increasing The Contract Amount For The Administration Of Run-Out Health Insurance Claims Through Boon-Chapman In The Amount Of \$16,000.00 For A Total Not To Exceed \$61,000.00 (COG-CON-19-086) (K. Etienne).
- 11.H. Consider For Approval The Annual Renewal Of The Inter-Local Agreement With Texas Municipal League Intergovernmental Risk Pool For The 2019–2020 Fund Year For Workers Compensation TPA Coverage. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Simmons)
- 11.I. Consider For Approval The Annual Renewal Of The Inter-Local Agreement With Texas Municipal League Intergovernmental Risk Pool For The 2019–2020 Fund Year For Liability And Property Coverage. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (R. Simmons)
- 11.J. Consider For Approval Allowing The Police Department To Purchase Eleven (11) Tasers And Related Equipment From Axon Enterprise Inc. Under Texas SmartBuy Contract 680-A1 At A Cost Of \$16,093.00. The Funding Source Is The Police Academy Minor Equipment Account. (V. Hale)
- 11.K. Reject The Proposals For RFP 19-02 And Consider For Approval The Bid From Dynamic Sports Construction For Bid 19-007 McGuire Dent Gymnasium Floor Replacement In The Amount Not To Exceed \$79,279.00. (M. Rabago)
- 11.L. Consider For Approval The Contract For Construction Services With Fun Abounds Inc. (Buyboard Contract #592-19) For The Installation Of Shaded Benches And Purchase Of Picnic Tables For Lindale Park In The Amount Not-To-Exceed \$65,498.34. (M. Rabago)
- 11.M. Consider For Approval Of An Interlocal Agreement Between The City Of Galveston And Galveston College For The Usage Of Bernard Davis/Pony Colt Stadium. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (M. Rabago)
- 11.N. Consider For Approval Purchasing Pool Maintenance Chemicals, Supplies, And Equipment For Lasker Park Pool, Using The Buyboard Contract (#533-17) With Progressive Commercial Aquatics. (M. Rabago)
- 11.O. Consider For Approval The Inter-Local Agreement Between The City Of Galveston And The City Of Jamaica Beach To Supply Potable Water To City Of Jamaica Beach And To Authorize The City Manager To Execute The Agreement. (A. Grasso)
- 11.P. Consider For Approval A Payment To The Texas Commission On Environment Quality For Annual Operating Permit Fees For The Water And Wastewater Divisions For The Fiscal Year. The Estimated Cost Is \$181,637.41. (R. Pugh)
- 11.Q. Consider For Approval A Proposal From Intertek PSI For \$88,694 To Perform Design-Construction Administration And Construction Material Testing Services For The Construction Of The Legas Drive Bulkhead. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Christodoss)
- 11.R. Consider For Approval The Proposal From T. Baker Smith (TBS), To Perform A Hydraulics And Hydrology Study And Design For The 14th Street Drainage Improvement Project – DR-4332-024 For A Fee Not To Exceed \$2,272,861. Authorizing The City Manager To Execute All Necessary Documents

Upon Final Approval By The City Attorney And Authorizing The Finance Director To Utilize Local Funds In Advance Of Anticipated Reimbursement. (D. Christodoss)

- 11.S. Consider For Approval A Proposal From Alpha Testing, For The 49th Street Construction From Avenue P To Avenue S-1/2 In The Amount Not To Exceed \$49,703.00 To Perform Construction Material Testing Engineering Services. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Christodoss)
- 11.T. Consider For Approval The Purchase Of Traffic Signal Components For Replacement Of Damaged Traffic Signal Components From Texas Highway Products, LTD In The Amount Of \$42,600.00. (K. Hockersmith)
- 11.U. Consider City Council Ratification Of The City Manager's Action Approving A Purchase With Gulf Coast Limestone, Inc. To Facilitate The Emergency Repairs To The Streets In Various Locations Due To Public Safety Concerns In The Amount Of \$23,295.69 Consistent With Sec. 252.022 (A) (2) Of The Local Government Code. (K. Hockersmith)
- 11.V. Consider For Approval Bid #19-011A For The Annual Street Materials Bid From Various Vendors (HD Industries, Martin Asphalt, Kelso, Vulcon). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (K. Hockersmith)
- 11.W. Consider For Approval Change Order #4 To The Contract With J. W. Kelso Company, Inc., For The City Of Galveston Public Works Facility Project, Increasing The Contract By \$208,808.00 From The Amount Of \$10,721,908.20 To The Amount Of \$10,930,716.20. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.X. Consider For Approval Of Change Order No. 7 To The Contract With Brunel Industrial & Pipeline Services, LLC, For The Rehabilitation Of Ground Storage Tanks At 59th Street Project, Increasing The Contract By \$26,304.24 From The Amount Of \$8,003,375.55 To A New Total Amount Of \$8,029,679.79, And Extending The Term Of The Contract By 165 Days. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.Y. Consider For The Approval Of The OEM (Original Equipment Manufacturer) Auto Parts And Repair Service Contracts To The Responding Bidders That Conformed To The Specifications In Bid #19-015; And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.Z. Consider For The Approval Of The Contract For Welding Services On City Vehicles And Equipment To Broom Welding And Island Machine Works, Who Were The Responsive Bidders On Formal Bid #19-013, And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.AA. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock (Lift For Wastewater Treatment) And Associated Equipment From Associated Supply Company (ASCO) Through HGAC Buy For A Total Price Of \$17,092.44 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.BB. Consider For The Approval Allowing Purchases Of Emergency Warning Equipment, Supplies, Installs And Repairs Utilizing The Buy Board Cooperative Purchasing Contract With Siddons Martin Emergency Group (Contract 571-18), And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. Estimated Costs For Products Not To Exceed Council Approved Budgets. (D. Smith)
- 11.CC. Consider For Approval Minutes Of The October 17, 2019 Workshop And Regular Meeting. (J. Williams)

## 12. ACTION ITEMS

- 12.A. Discuss And Consider For Action Directing The Port Of Galveston To Comply With The City Auditor's Request For Information From The Port Concerning The Audit Plan Approved By City Council.

(Brown/Yarbrough)

**Withdrawn.**

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

**Animal Services Advisory Board - Motion was made by CM Cole, second by MPT Brown, to appoint Suzanne Peloquin to Position 4. Unanimously approved.**

**Arts and Historic Preservation Advisory Board - Motion was made by CM Collins, second by CM Hardcastle, to appoint: Position 1 - Joyce Townsend, Position 2 - Sam Malchar, Position 3 - Ellen Morrison, Position 4 - Greg Bruce, Position 5 - Mary Branum, Position 6 - Surinder Aulakh, and Position 7 - Christine Hopkins. Unanimously approved.**

**Building Board of Adjustments and Appeals - None**

**Cultural Arts Commission - Motion was made by CM Collins, second by MPT Brown, to appoint: Position 1 - Nick Barbee, Position 2 - Becky Major, Position 3 - Kathleen DiNatale, Position 5 - Trey Click, Position 6 - Claire Reisweg, Position 7 - Pat Jacobi, Position 8 - Kenneth Shelton, and Position 9 - Chief Tourism Officer of the Convention and Visitors Bureau Michael Woody. Unanimously approved.**

**Families, Children and Youth Board - Motion was made by Mayor Yarbrough, second by CM Hardcastle, to appoint: Position 1 - Torrina Harris, Position 7 - Jennifer Hart, Position 9 - Roniquel Harris, Position 10 - Brandon Williams (from Alternate), and Position 13 - Donovan Wilson. Unanimously approved.**

**Landmark Commission - Motion was made by CM Collins, second by CM Hardcastle, to appoint Sarah Moore Click to Position 1. Unanimously approved.**

**Tree Committee - Motion was made by CM Bly, second by CM Collins, to appoint Nan Wilson - District 1, and to reappoint Chris Arneson - District 3. Unanimously approved.**

**Zoning Board of Adjustments - Motion was made by MPT Brown, second by CM Collins, to appoint Alice Watford - Position 1, William Clement - Alternate 1, and Sharon Stencil Thompson - Alternate 2. Unanimously approved.**

- 12.C. Discuss And Consider Appointments H-GAC Boards And Committees:

**General Assembly and Board of Directors - Motion was made by Mayor Yarbrough, second by CM Bly, to appoint Member MPT Brown and Alternate CM Collins from the present date through December 31, 2020. Unanimously approved.**

**Transportation Policy Council - Motion was made by Mayor Yarbrough, second by CM Collins, to appoint Member MPT Brown and Alternate Garrett McLeod. Unanimously approved.**

**Technical Advisory Committee - Motion was made by Mayor Yarbrough, second by CM Hardcastle, to reappoint Member Kyle Hockersmith and Alternate Daniel Christodoss. Unanimously approved.**

13. ADJOURNMENT

**The meeting was adjourned at 2:50 p.m.**

Janelle Williams, City Secretary

Date Approved: