

**DRAFT**  
**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON**  
**REGULAR MEETING - DECEMBER 12, 2019**

12/12/2019 - Minutes

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER  
**With a quorum present, the meeting was called to order at 1:17 p.m.**

2. ROLL CALL

**Present: 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.**

**Absent: Mayor James Yarbrough.**

3. INVOCATION

**The invocation was given by Pastor Richard Rhoades of First Lutheran Church.**

4. PLEDGE OF ALLEGIANCE

**The Pledge of Allegiance to the American Flag and the Texas Flag were led by MPT Brown.**

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 - **Buzz Elton of the Houston Jewish Community Foundation presented a check in the amount of \$20,000 as a donation for the purchase of drones and marine/diving team equipment for the Galveston Police Department; members of Better Parks for Galveston presented a check in the amount of \$15,000 as a donation for the purchase of new computers at Wright Cuney Recreation Center.**

4. Reminders regarding City Council events

5. Reminders regarding community events

6. Health and safety announcement

- 6.B. City Manager's Report - The Investment Report For Quarter Ended September 30, 2019. (M. Loftin)  
**The Investment Report was presented by Assistant City Manager Mike Loftin.**

7. COMMUNICATIONS AND PETITIONS

**Claims: 19-087 - David Altamirano; 19-088 - Comcast; 19-089 - Elmer J. Melgar; 19-090 - Timothy Church; 19-091 - Christina Callens/Crane; 19-092 - Raul Ramirez; 19-093 - Marcella Reyna; 19-094 - Carolyn Gaido; 19-095 - Fannie Williams; 19-096 - Tom Dring; 19-097 - Casey Farris; 19-098 - Allen Flores.**

8. PUBLIC HEARINGS

8.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 2406 Church / Avenue F, As A "Galveston Landmark", Property Is Legally Described As Lot 9, Block 444, 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-058; Making Various Findings And Provisions Related To The Subject. (J. Norman)  
**Ordinance No. 19-072 was read by caption. The public hearing was opened; with no speakers, the public hearing was closed. Motion was made by CM Hardcastle, second by CM Collins, to approve the ordinance. Unanimously approved by those present.**

8.B. Landmark Designation - 2102 Bernardo De Galvez (D. Lunsford)

Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 2102 Bernardo De Galvez / Avenue P, As A "Galveston Landmark", Property Is Legally Described As M. B. Menard Survey, Lot 8 And East 1/2 Of Lot 9, Southeast Block 68 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-056; Making Various Findings And Provisions Related To The Subject.

**Ordinance No. 19-073 was read by caption. The public hearing was opened; with no speakers, the public hearing was closed. Motion was made by MPT Brown, second by CM Collins, to approve the ordinance. Unanimously approved by those present.**

8.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Creating A Planned Unit Development (PUD) Overlay Zoning District In A Residential, Single Family, (R-1) Base Zoning District To Allow "Outdoor Storage" For The Storage Of Boat Trailers On A Vacant Lot, On The Property Commonly Known As Lot 16 Pirates Retreat Subdivision And Which Is Legally Described As Part Of Lot 16, Pirates Retreat, A Subdivision In The City And County Of Galveston, Texas; Planning Case Number 19P-053; Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date. (J. Norman)  
**Ordinance No. 19-074 was read by caption. The public hearing was opened. Jerry Mohn spoke in favor of the PUD; Shaun Miguez requested that Council add some additional conditions. The public hearing was closed. Motion was made by CM Cole, second by CM Bly, to approve the PUD with the conditions approved by the Planning Commission, and CM Bly's recommendation of the added condition that only members of the neighborhood may park their boat trailers on the property. Unanimously approved by those present.**

9. PUBLIC COMMENT

**Agenda Items: Herbert Turner and Philip Brown- Item 10A; Anastasia Shelton, Dr. Lea Fistein, Lisa Hanson, Marissa Nuttal, Joanie Steinhaus, Theresa Morris, Connie Patterson, and Ron Venable - Item 10.E.2; Johnny Smecca - Item 12A.**

**Non-Agenda Items: Tim Hosik - yard art; Rick Warren - vehicular beach traffic; Betty Durgin, Tina Harris, Ericka Bowman - Sandpiper Cove Apartments; Kelly de Schaun - Holiday Greetings.**

10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

10.A. Consider For Approval An Ordinance Of The City Of City Of Galveston, Texas Suspending Operation Of The Galveston Civilian Review Board Pending Receipt Of Amendments Related To Its Operations,

Providing For An Effective Date And Making Various Findings And Provisions Related To The Subject.  
(Legal)

**Ordinance No. 19-075 was read by caption. Motion was made by MPT Brown, second by CM Collins, to approve the ordinance. City staff will bring back a report to City Council at the February meeting. Unanimously approved by those present.**

- 10.B. Consider For Approval An Ordinance Of The City Of City Of Galveston, Texas Terminating Tax Increment Reinvestment Zones Number Twelve And Fourteen Within The City Of Galveston, Texas; Approving An Interlocal Agreement With Galveston County, Texas And The City Of Galveston Relating To Procedures Following The Termination Of Each Zone; Terminating Prior Interlocal Agreements With Galveston County And Galveston County Navigation District Related To Each Zone; Directing The Galveston Island Redevelopment Authority To Issue Final Payments And Distributions As Set Out In The Interlocal Agreement With The County Of Galveston, Providing For An Effective Date And Enacting Other Matters Therewith. (D. Glywasky/M. Loftin)

**Ordinance No. 19-076 was read by caption. Motion was made by CM Collins, second by CM Listowski, to approve the ordinance. Unanimously approved by those present.**

- 10.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Approving The Amended And Restated Articles Of Incorporation And The Amended And Restated Bylaws Of Galveston Island Redevelopment Authority; Directing The Filing Of The Same With The Office Of The Texas Secretary Of State, Providing For Finding Of Fact And Providing For An Effective Date. (Yarbrough)

**The Ordinance was read by caption. Motion was made by CM Cole, second by MPT Brown, to defer the ordinance. Unanimously approved by those present.**

- 10.D. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Authorizing The Reallocation Of Two (2) Police Officer Positions To Increase The Number Of Sergeant Positions From 27 To 29; Specifying The Total Number Of Classified Civil Service Police Department Personnel Positions At 163; Making Various Findings And Provisions Related To The Subject; And Providing For An Effective Date Of December 21, 2019 (K. Etienne).

**Ordinance No. 19-077 was read by caption. Motion was made by CM Collins, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.**

- 10.E. City Code Review:

- 10.E.1. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 4, "Alcoholic Beverages", 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. 19-078 was read by caption. Motion was made by CM Bly, second by MPT Brown, to approve the ordinance. Unanimously approved by those present.**

- 10.E.2. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 7, "Animals And Fowl", 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. 19-079 was read by caption. Motion was made by CM Listowski, second by CM Hardcastle, to approve the ordinance with amendments to (1) in Section 7-17 put back in the exemption for horses, and (2) in Section 7-18(f) revert to the original language by removing "at any time". In favor: Collins, Hardcastle, Listowski, and Cole. In opposition: Brown and Bly. The motion carried.**

- 10.E.3. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 9, "Bicycles", 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. 19-080 was read by caption. Motion was made by MPT Brown, second by CM Bly, to approve the ordinance. Unanimously approved by those present.**

- 10.E.4. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 12.5, "Fair Housing", 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. 19-081 was read by caption. Motion was made by CM Listowski, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.**

- 10.E.5. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, As Amended, Chapter 24, "Offenses - Miscellaneous", 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. 19-082 was read by caption. Motion was made by CM Collins, second by CM Hardcastle, to approve the ordinance. Unanimously approved by those present.**

## 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 CM Hardcastle, to approve Consent Items 11A through 11T. Unanimously approved by those present.**

- 11.A. Consider For Approval Accepting The City Auditor's Special Request Report On Tipsy Turtle's Concessions CITYSP2020-1 (G. Bulgherini).
- 11.B. Consider For Action Adopting The 2019 Proposed Investment Policy. (M. Loftin)
- 11.C. Consider For Action Authorizing The Accounting Manager To Act As An Authorized Representative On The City's TexPool Investment Account. (M. Loftin)  
**Resolution No. 19-051**
- 11.D. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Extending The Term For The Complete Count Committee; Providing For Findings Of Fact And Providing For An Effective Date (Legal)  
**Resolution No. 19-049**
- 11.E. Consider For Approval Payment To Central Square Company, Formally Superior, LLC , In The Amount Of \$116,949.58 For The Police Department's Annual Renewal Of The Police Records Management Software. The Renewal Provides Updates And Technical Support To Ensure That The OSSI Police Records Management System Is Kept In Optimal Running Condition. (H. Dean)
- 11.F. Consider For Approval Authorizing Payments To Tyler Technologies In A Total Amount Not To Exceed \$47,082.00 For Software Maintenance Of The Court Case Management System Through The End Of Fiscal Year 2020. (G. Lopez)
- 11.G. Consider For Approval The Acceptance Of A Donation In The Amount Of Twenty Thousand Dollars (\$20,000.00) From The Houston Jewish Community Foundation (HJCF) For The Purchase Of Technology To Start Departmental Unmanned Aircraft Systems (UAS) Or "Drones" And Marine / Dive Team Equipment. (V. Hale)

- 11.H. Consider For Approval The Acceptance Of A Donation In The Amount Of Fifteen Thousand Dollars (\$15,000.00) From Better Parks For Galveston For New Computer Equipment At Wright Cuney Recreation Center. (B. Sanderson)
- 11.I. Consider Approving An Amendment To The Transfer Station Operating Agreement, Capital Improvements List, With BFI To Include The Additional Purchase Of A Scale In The Amount Of \$75,394.00 And To Revise The Capital Improvement Fee From \$0.46 Per Ton To \$1.68 Per Ton. (C. DeWitt)
- 11.J. Consider For Approval Change Order No. 3 To The Contract With E. P. Brady, Ltd., For The Sanitary Sewer Improvements Along 8 Mile Road From Stewart Road To Sunny Beach Project, Increasing The Contract By \$118,154.00 From The Amount Of \$2,455,529.85 To A New Total Amount Of \$2,573,683.85, And Extending The Contract Term By 10 Days. (D. Anderson)
- 11.K. Consider Approval Of A Contract With E. P. Brady, Ltd., For The 24 Inch Water Transmission Line From 59th Street Pump Station To The Airport Pump Station (RFP #19-24) In An Amount Not To Exceed \$18,000,000.00 For The Base Bid Plus Alternate A, B, D, F, G, H, I, J, K, And L. (D. Anderson)
- 11.L. Consider For Approval Change Order No. 4 To The Contract With Ardent Construction LLC, For The 30th Street Water & Electric Light Station Rehabilitation Project Increasing The Contract By \$65,188.00 From The Amount Of \$3,010,180.51 To A New Total Amount Of \$3,075,368.51. (D. Anderson)
- 11.M. Consider For Approval A Contract Between The City Of Galveston And John A. Walker Roofing Co., Inc. For Repair Of 30th Street Pump Station Internal Gutter System In The Amount Of \$45,290. (R. Pugh)
- 11.N. Consider For Approval The Purchase Of A Replacement Power Transformer For The New 30th Street Pump Station In The Amount Of \$56,060. (R. Pugh)
- 11.O. Consider For Approval The Bid From Dynamic Sports Construction For RFP 19-012 Wright Cuney Gymnasium Floor Replacement In The Amount Not To Exceed \$79,291.38. (M. Rabago)
- 11.P. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock And Associated Equipment (Pickups For Streets, Animal Control And Traffic Divisions) From Silsbee Ford Inc. Through Good Buy For A Total Price Of \$216,334 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.Q. Consider For The Approval Allowing The Fleet Facility To Purchase The Listed Rolling Stock And Associated Equipment (Van For Information Technology) From Silsbee Ford Inc. Through Good Buy For A Total Price Of \$31,988.25 And Authorize The City Manager To Execute The Contract Upon Final Approval By The City Attorney. (D. Smith)
- 11.R. Consider For Approval The Park Board 2020 Capital Improvement Plan. (Collins/Yarbrough)
- 11.S. Receive And File Mayor Yarbrough's Reappointment Of C. Wayne Brown To The Firefighters Pension Board. (Yarbrough)
- 11.T. Receive And File The Following Documents:

## 12. ACTION ITEMS

- 12.A. 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 Agreement With The Wharves Board Of Trustees Providing For The Payment Of Certain Fees By The Port To The City Of Galveston Incidental To The Lease Agreement Between The Port And Galveston Cruise Terminal LLC.; Providing For Findings Of Fact And Providing For An Effective Date. (Legal)

**Motion was made by MPT Brown, second by CM Hardcastle, to approve Resolution No. 19-050. Unanimously approved by those present.**

- 12.B. Consideration Of Request Of The Galveston Wharves Board Of Trustees For Execution By The City Of Galveston Of The Attached Signature Page Recognizing The Authority Of That Board To Enter Into The Lease With Galveston Cruise Terminals LLC, A Subsidiary Of Royal Caribbean Lines. (Legal)

**Motion was made by CM Hardcastle, second by CM Bly, authorizing the Mayor to execute the signature page recognizing the authority of the Wharves Board to enter into the lease agreement with Galveston Cruise Terminals, LLC. Unanimously approved by those present.**

- 12.C. Consideration Of Recommendation Of The City Attorney To Retain The Lowell Denton Of The Firm Of Denton Navarro To Appear And Defend The City Of Galveston In Cause No. 19-CV-2139; Allen Flores. Vs. City Of Galveston Et Al; In The 212th Judicial District Court Of Galveston County Texas, And Authorizing The City Attorney To Sign An Engagement Letter Securing Such Representation. (Legal)

**Motion was made by MPT Brown, second by CM Collins, to approve the recommendation of the City Attorney to retain Lowell Denton and authorizing the City Attorney to sign an engagement letter up to \$50,000.00, and any additional amount would come back to Council. Unanimously approved by those present.**

- 12.D. Discuss And Consider For Action Directing City Staff To Close Out The Neighborhood Fund Program, Excluding District 6, And Transfer The Remaining Funds To The General Fund. (Yarbrough)

**Motion was made by CM Cole, second by CM Listowski, to defer this item until the January meeting. Unanimously approved by those present.**

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

**Arts & Historic Preservation Advisory Board - Position 4 - Motion was made by MPT Brown, second by CM Collins, to defer the appointment. Unanimously approved by those present.**

**Building Board of Adjustments and Appeals - Positions 1, 2, 5, 6, and Alternate 1 - No action.**

**Families, Children and Youth Board - Positions 15, 21, and 22 - Motion was made by MPT Brown, second by CM Bly, to appoint Dr. Beth Auslander, and Dr. Stacy Tezino. Unanimously approve by those present.**

**Landmark Commission - Position 7 - Motion was made by MPT Brown, second by CM Collins, to appoint Clyde Wood. Unanimously approved by those present.**

13. ADJOURNMENT

**The meeting was adjourned at 3:24 p.m.**

Janelle Williams, City Secretary

Date Approved: