

**DRAFT**  
**MINUTES OF THE CITY COUNCIL OF THE CITY OF GALVESTON**  
**REGULAR MEETING - SEPTEMBER 19, 2019**

9/19/2019 - 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 John Listowski, and Council Member Dr. Jackie Cole.**

**Absent: Council Member Jason Hardcastle.**

3. INVOCATION

**The Invocation was given by Rev. Stephen Payne of Holy Family Parish.**

4. PLEDGE OF ALLEGIANCE

**The Pledge of Allegiance to the American Flag and Texas Flag were led by Mayor Yarbrough.**

5. CONFLICTS OF INTEREST

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. **Catholic Daughters of America Sunday Proclamation - presented by CM Bly.**

- B. **Diaper Awareness Week Proclamation - presented by MPT Brown.**

- C. **Constitution Week Proclamation - deferred.**

- D. **Galveston Ed Fest for All Day - presented by Dr. Cole.**

4. Reminders regarding City Council events

5. Reminders regarding community events

6. Health and safety announcement

7. COMMUNICATIONS AND PETITIONS

**Claims: 19-072 - Vivian Garcia; 19-073 - Lucia Spak; 19-074 - Becky Wilson; 19-075 - AT&T Southwestern Bell; 19-076 - Texas Gas Service; 19-077 - Teyo Gutierrez.**

8. PUBLIC HEARINGS

- 8.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas Amending The 2015 Galveston Land Development Regulations, By Amending Article 5: "Section 5.109, Signs In Central Business (Cb), Urban Neighborhood (UN), Neighborhood Services (NS), And Traditional (TN) Districts"; To Add And Clarify The Signage Allotments In The Urban Neighborhood Zoning District (Table 5.109), And To

Clarify Location And Size Of Name Plates; Planning Case Number 19ZA-004; Making Various Findings And Provisions Related To The Subject. (C. Gorman)

**Ordinance No. 19-052 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 MPT Brown, second by CM Collins, to approve the ordinance. Unanimously approved by those present.**

8.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 1107 Church / Avenue F, As A "Galveston Landmark", Property Is Legally Described As M. B. Menard Survey, Lot 5, Block 371, 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; Planning Case Number 19P-046; Making Various Findings And Provisions Related To The Subject. (C. Gorman)  
**Motion was made by Mayor Yarbrough, second by CM Collins, to defer the ordinance. Unanimously approved by those present.**

8.C. Consider For Approval An Ordinance Of The City Of Galveston, Texas, Designating The Property Located At 2012 Avenue N 1/2 And Legally Described As The M.B. Menard Survey, West 16-5 Feet Of Lot 10 & East One-Half Of Lot 11 (10-1), Northwest Block 44, Galveston Outlots, 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-047; Making Various Findings And Provisions Related To The Subject. (D. Lunsford)  
**Ordinance No. 19-053 was ready 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 Collins, second by CM Bly, to approve the ordinance. The motion passed 5-0; MPT Brown declared a conflict on this item and did not participate in the discussion or vote.**

## 9. PUBLIC COMMENT

## 10. ORDINANCES (NOT REQUIRING PUBLIC HEARINGS)

10.A. Consider For Approval An Ordinance Of The City Of Galveston, Texas Levying Ad Valorem Taxes For Tax Year 2019 In The Amount Of 57 Cents And 9.885 Mills (\$0.579885) Upon Each One Hundred Dollars (\$100.00) Of Property Valuation For The Tax Year 2019; Making Various Findings And Provisions Related To The Subject. (M. Loftin)  
**Ordinance No. 19-054 was read by caption. Motion was made by Mayor Yarbrough, second by CM Bly, that the property tax rate be increased by the adoption of a tax rate of .579885 cents which is effectively a 7.63% increase in the tax rate. Unanimously approved by those present with a record vote. Yes: Yarbrough, Brown, Bly, Collins, Listowski, and Cole. Absent: Hardcastle.**

10.B. Consider For Approval An Ordinance Of The City Of Galveston, Texas Amending Chapter 34, "Traffic" By Amending Article XI, "Valet Parking" To Clarify And Provide Modifications To Better Comply With Regulations Related To Valet Parking In The City Of Galveston; Making; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date. (C. Gorman)  
**Ordinance No. 19-055 was read by caption. Motion was made by CM Listowski, second by CM Collins, 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 CM Collins, second by CM Listowski, to approve Consent Items 11A and 11C through 11S. Unanimously approved by those present.**

- 11.A. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas Approving And Authorizing The City To Withdraw From The Galveston County Transit District; Providing For Findings Of Fact And Providing For An Effective Date. (R. Beverlin)  
**Resolution No. 19-035**
- 11.B. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Submitting The Names Of Five (5) Nominees Or Less For Election To 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; Providing For Findings Of Fact And Providing For An Effective Date. (Yarbrough)  
**Motion was made by Mayor Yarbrough, second by CM Collins, to approve Resolution No. 19-036 and nominating Tommy Farmer to the Galveston Central Appraisal District Board of Directors. Unanimously approved by those present.**
- 11.C. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas Supporting The Application Of A Boating Access Grant From The Texas Parks And Wildlife Department For City Property Located At 2326 Skymaster Road; Providing For Findings Of Fact And Providing For An Effective Date. (B. Sanderson)  
**Resolution No. 19-037**
- 11.D. Consider For Approval Of The Low Responsive Bidder (BID #19-008) Angel Brothers Enterprises, LTD, For The Seawall Boulevard Mill And Overlay Project From Boddeker Road To SH87 (Ferry Road) In The Amount Of \$981,629.00. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.E. Consider For Approval Of The Low Responsive Bidder (BID #19-010) Main Lane Industries, LTD, For The City Of Galveston Downtown Pedestrian Transit Improvements Project In The Amount Of \$897,240.00 (Base Bid Plus Alternates One Through Four). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.F. Consider For Approval Allowing Public Works To Purchase The Listed Furnishings For The Public Works Facility. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.G. Consider For Approval Change Order #3 To The Contract With J. W. Kelso Company, Inc., For The City Of Galveston Public Works Facility Project, Increasing The Contract By \$29,936.00 From The Amount Of \$10,691,972.20 To The Amount Of \$10,721,908.20. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.H. Consider For Approval Change Order No. 3 To The Contract With Ardent Construction LLC, For The 30th Street Water & Electric Light Station Rehabilitation Project Increasing The Contract By \$28,033.00 From The Amount Of \$2,982,147.51 To A New Total Amount Of \$3,010,180.51. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.I. Consider For Approval Of Change Order No. 17 To The Contract With Cardinal Contractors, Inc., For The New 59th Street Pump Station Project, Decreasing The Contract By \$71,758.00 To A New Total Amount Of \$17,973,348.69 And Extending The Contract Term By 28 Calendar Days. Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)
- 11.J. Consider For Approval Of Change Order No. 2 To The Contract With Main Lane Industries, Ltd., For The Harborside Drive From 51st Street To 2nd Street Project, Increasing The Contract By \$126,007.99 From The Amount Of \$2,003,806.85 To A New Total Amount Of \$2,129,814.84. Authorizing The City Manager

To Execute All Necessary Documents Upon Final Approval By The City Attorney. (D. Anderson)

- 11.K. Consider For Approval Of A Contract With Gulf Star Roofing And Sheetmetal For The City Garage Re-Roof Project (RFP #19-26) In The Amount Of \$340,500.00 For The Base Bid And Alternate #1, (Estimated Total Cost Not To Exceed \$ 357,500.00). Authorizing The City Manager To Execute All Necessary Documents Upon Final Approval By The City Attorney. (C. Kenworthy)
- 11.L. Consider For Approval A Contract Between The City Of Galveston And FlixBus Inc. For Bus Transit Services (R. Beverlin)
- 11.M. Consider For Approval The Renewal Of The City's Utility Management Solution Technical Support And Maintenance Agreement For \$31,053. (H. Dean)
- 11.N. Consider For Approval A Contract Between The City Of Galveston And WebQA For Software Subscription Costs For GovQA FOIA Applications, The City's Management System For Public Information Requests. The Contract Is For A Three-Year Period With Two Optional One-Year Renewals. The Cost Is \$9,860.00 Annually. The Funding Source Is The Records Management Line Item. (J. Williams)
- 11.O. Consider For Approval An Agreement Appointing Judge Schweitzer To Be The Judge Of The Municipal Court Of The City Of Galveston For A Two-Year Term.
- 11.P. Consider For Approval Minutes Of The August 8, 2019 Special Meeting, And The August 22, 2019 Workshop And Regular Meeting. (J. Williams)
- 11.Q. Receive And File The Following Documents:
- 11.R. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Authorizing The City To Accept A \$41,588.34 Step Comprehensive Grant From The Texas Department Of Transportation For Traffic And Dwi Enforcement During Fiscal Year 2020; Directing The City Manager To Execute All Necessary Documents Relating To The Grant. (V. Hale)  
**Resolution No. 19-038**
- 11.S. Consider For Approval A Resolution Of The City Council Of The City Of Galveston, Texas, Supporting The Galveston County Auto Crimes Task Force And Authorizing The City Manager And Chief Of Police To Execute All Necessary Documents For Submitting A Grant Application For State Assistance; Providing For Findings Of Fact And Providing For An Effective Date. (V. Hale)  
**Resolution No. 19-039**

## 12. ACTION ITEMS

- 12.A. Discuss And Consider An Amendment To The Employment Agreement Between The City Of Galveston And City Manager Brian Maxwell; Authorizing The Mayor To Execute The Agreement Upon Final Approval By The City Attorney. (Yarbrough)  
**Motion was made by Mayor Yarbrough, second by MPT Brown, to approve an amendment to the Employment Agreement with a salary increase to \$236,138 annually, and increasing the severance from 6 months to 12 months. Unanimously approved by those present.**
- 12.B. Consider For Action A Motion To Remove Tom Schwenk From The Landmark Commission For Failure To Attend Seventy Five Percent Of The Landmark Commission Meetings Within A Twelve Month Period As Required By Galveston City Code Sec. 2-164.  
**Motion was made by Mayor Yarbrough, second by CM Collins, to remove Tom Schwenk from the Landmark Commission. Unanimously approved by those present.**
- 12.C. 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 nominations**

**below. Unanimously approved by those present.**

Mayoral - Parks and Recreation Advisory Board - reappointment of Rose Tijerina

District 2 - Tree Committee - reappointment of Erin Brucia

District 3 - Finance, Fiscal Affairs and Investment Committee - appointment of Gene Hornstein

District 4 - Airport Advisory Committee - reappointment of Nigel Gusdorf

District 5 - Parks and Recreation Advisory Board - reappointment of Marlee Williams

District 6 - Parks and Recreation Advisory Board - reappointment of Dyann Polzin

City Manager - Civil Service Commission - reappointment of Januse Konikowski

**Animal Services Advisory Board - Motion was made by Mayor Yarbrough, second by MPT Brown, to reappoint Joel Caldwell and Caroline Pate, and to appoint Kyle Knupple and Kathy Bouvier. In order to stagger terms, even positions expire in 2021 and odd positions expire in 2022. Unanimously approved by those present.**

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

**Building Board of Adjustments and Appeals - Motion was made by Mayor Yarbrough, second by CM Collins, to reappoint John McNatt (moving to Position 3), Pete Nanos, Tony Scofelia, and Paul Lopez. In order to stagger terms, positions 1-3 expire in 2020, positions 4-6 expire in 2021, and position 7 and alternates expire in 2022. Unanimously approved by those present.**

**Families, Children and Youth Board - Motion was made by CM Bly, second by MPT Brown, to appoint Jeff Johnson to Position 2, and to reappoint Position 3 - Connie Ricketts, Position 4 - Taylor Adams, Position 6 - Angela Gordon, Position 11 - June Pullium, Position 12 - Karen Stanley, and Position 19 - D. J. Termini. Unanimously approved by those present.**

**Landmark Commission - Motion was made by CM Collins to reappoint Joann Griffin and Doug McLean, and to appoint Stephanie Lang to the Alternate 2 Position. Unanimously approved by those present.**

**Police Pension Board - Motion was made by Mayor Yarbrough, second by CM Listowski, to appoint Richard Moore and Hal Rockhind. Unanimously approved by those present.**

**Galveston Wharves Board/Galveston Port Facilities Corporation - Motion was made by Mayor Yarbrough, second by MPT Brown, to reappoint Ted O'Rourke. Unanimously approved by those present.**

**Galveston Wharves Board/Galveston Port Facilities Corporation - Motion was made by Mayor Yarbrough, second by CM Listowski, to reappoint Todd Sullivan. The motion passed 5-0; Dr. Cole abstained from the vote.**

**Planning Commission - Motion was made by Mayor Yarbrough, to reappoint Eugene Cook and to appoint Robert Brown to Position 7. Unanimously approved by those present.**

13. ADJOURNMENT

The meeting was adjourned at 2:20 p.m.

Janelle Williams, City Secretary

Date Approved:

DRAFT