

**NOTICE OF MEETING
CITY COUNCIL OF THE CITY OF GALVESTON
THURSDAY - MARCH 27, 2025 - 9:00 A.M.
ROOM 204 - CITY HALL
823 ROSENBERG, GALVESTON, TEXAS
TELEPHONE: (409) 797-3510**

WORKSHOP AGENDA

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
2. ROLL CALL
3. DISCUSSION ITEMS
 - 3.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 (1 Hour)
 - 3.B. Discuss Policies And Procedures For The Placement Of Agenda Items On City Council's Agendas (C Brown - 15 Min)
 - 3.C. Discussion Of The Master Developer Plan For Stewart Beach Park (D Anderson -20 Min)
 - 3.D. Discussion Of Future Status Of Community, Revenue Producing, And Tourist Oriented Parks (D Buckley - 20 Min)
 1. Legal implications
 2. Operational benefits, efficiencies, and cost savings
 3. Next steps
 - 3.E. Discussion Of Findings Of The Park Board's Current Conflict Of Interest Audit (Bulgherini - 20 Min)
 - 3.F. Discussion Of Failure To Collect Audited STR And Hotel HOT Tax Resulting In Loss Of HOT Funds (G Bulgherini/ Porretto/Rawlins - 15 Minutes)
 - 3.G. Presentation Of The Current Status Of Available City Development Incentive Programs And Consideration Of Recommendations To Encourage Development, Including But Not Limited To Lowering Fiscal Impact Of Required Drainage Improvements (Finklea/Robb - 20 Min)
 - 3.H. Discussion Of Proposed Changes To City Code Provisions Dealing With Vendors On The Beach Operating On Claimed Private Property (Legal - 20 Min)

Documents:

[CHAPTER 8 AND CHAP 26 - BEACHES AND VENDOR PERMITS - 2025
ORD AMENDS.DOC](#)

- 3.I. Update And Discussion Of The Garten Verein Facility Assessment Report (C. Kenworthy - 20 Min)

- 3.J. Discussion Of Golf Cart Inspections (Robb/C Brown - 15 Min)
- 3.K. Discussion Of An Alternate Meeting Date And Associated Agenda Items For The City Council/Park Board Joint Meeting That Was Scheduled For March 19th (C Brown/ Porretto - 20 Min)
- 3.L. Discuss Changes To Development Regulations To Spur Development And Increase Tax Base (Rawlins/Porretto)
- 3.M. Discuss Parking Tickets By Mail And Associated Data To Be Presented By City Staff (Porretto/Rawlins)
- 3.N. Status Update & Timing Of Moving Collection Of HOT Tax To The City Of Galveston (Rawlins/Porretto)
- 3.O. Discussion Of Quarterly Hot Report Requirements Via The HOT Contract (Porretto/Rawlins)
- 3.P. Discuss Known Issues Of Stewart Beach Lagoon Project And Future Plans Of Filling Of Lagoon Or Presentation Of Solutions To Mitigate Drainage Issues Presented By Our City Engineer (Rawlins/Robb)
- 3.Q. Discuss History And Timeline Of Beach Vendor/Concessionaire Agreements Conveyed To The Parks Board To Provide Lease Management Oversight And City Of Galveston's Position On Reimbursement To Concessionaires For Leases That Can't Be Honored (Rawlins/Robb)

4. EXECUTIVE SESSION

- 4.A. Pursuant To Texas Gov't Code 551.071- Consultation With Attorney, An Executive Session Will Be Conducted To Discuss And Receive Legal Advice Concerning Pending Litigation And/Or A Settlement Offer, Or On A Matter In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With This Chapter, Related To The Following:

- 4.A.1. Discussion Of The Status Of The New Pelican Island Bridge

5. ADJOURNMENT

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on 2024 at P.M.

Janelle Williams, City Secretary

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409-797-3510).

One or more members of the City Council may attend the meeting by videoconference. A quorum of the members of the City Council will be physically present at the meeting location.

DRAFT

ORDINANCE NO. 25- _____

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, AS AMENDED, CHAPTER 8, “BEACHES AND WATERWAYS”, REGARDING JURISDICTIONAL AREAS, AND AMENDING CHAPTER 26, “PARKS AND RECREATION”, TO PROVIDE REGULATIONS AND PROCEDURES REGARDING VENDOR PERMITS; PROVIDING FOR PENALTIES AS APPLICABLE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, staff has reviewed Chapter 8 “Beaches and Waterways”, regarding jurisdictional areas and recommends clarification of the jurisdiction of the City of Galveston for the management and control of beach areas; and,

WHEREAS, staff has reviewed Chapter 26 “Parks and Recreation”, Article III., “Park Board of Trustees”, and recommends providing additional regulations and clarification pertaining to vendor permits and certain areas of the beach; and,

WHEREAS, the City Council deems it in the public’s interest to amend Chapter 8, “Beaches and Waterways”, and Chapter 26, “Parks and Recreation”, of “The Code of The City of Galveston 1982, as amended,” as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 8, “Beaches and Waterways”, of “The Code of The City of Galveston 1982, as amended,” is amended to provide as follows:

Sec. 8-20. Jurisdiction of beach and waterway concessions.

(a) Pursuant to Tx. Nat. Res Code Ch. 63 and Tex Loc. Gov’t Code Ch 306, the City has designated in City Code Sec. 26-54 those areas of the beach which are under the management and control of the parks board.

(b) Any person or legal entity offering for lease or rent or sale any items or services from a beach location between 10th and 69th Streets, beachfront property between the westernmost boundary of Dellanara Park and the easternmost boundary of Galveston County Pocket Park Number One, beachfront property not to exceed five hundred (500) feet east and west of Galveston County Pocket Park Two, beachfront property not to exceed five hundred (500) feet east and west of Galveston County Pocket Park Three, excluding beachfront property located

directly in front of subdivisions within the pocket park boundaries, and other beach or waterway areas under the control and administration of the park board of trustees for the city shall obtain a lease agreement for such concession from the park board of trustees for the city and shall operate under the terms of such concession agreement.

(c) **With** the exception of those beach and shore areas known as Galveston Island State Park, Sea-Arama pools and Henderson Lagoon, it shall be unlawful for any person, corporation, partnership, or other entity to lease, rent, or offer for sale any commodity or service from a beach or shore location **not under the management of control of the park board**, and under the control of the city in its corporate limits without first obtaining from the city department of planning and community development a beach concessionaire's permit. The city shall not issue beach concession permits for beachfront areas located within the aforementioned pocket park boundaries.

(d) **Any person who wishes to rent or sell any item on a beach area to which they claim a right of private ownership in fee or by lease that is otherwise designated to be under the management and control of the park board shall get a permit from the park board using the procedures set forth in City Code Sec. 26-54.1.**

~~Any person or legal entity offering for lease or rent or sale any items or services from a beach location between 10th and 69th Streets, beachfront property between the westernmost boundary of Dellanara Park and the easternmost boundary of Galveston County Pocket Park Number One, beachfront property not to exceed five hundred (500) feet east and west of Galveston County Pocket Park Two, beachfront property not to exceed five hundred (500) feet east and west of Galveston County Pocket Park Three, excluding beachfront property located directly in front of subdivisions within the pocket park boundaries, and other beach or waterway areas under the control and administration of the park board of trustees for the city shall obtain a lease agreement for such concession from the park board of trustees for the city and shall operate under the terms of such concession agreement. With the exception of those beach and shore areas known as Galveston Island State Park, Sea Arama pools and Henderson Lagoon, it shall be unlawful for any person, corporation, partnership, or other entity to lease, rent, or offer for sale any commodity or service from a beach or shore location, and under the control of the city in its corporate limits without first obtaining from the city department of planning and community development a beach concessionaire's permit. The city shall not issue beach concession permits for beachfront areas located within the aforementioned pocket park boundaries.~~

SECTION 3. Chapter 26, "Parks and Recreation", of "The Code of The City of Galveston 1982, as amended," Article III. "Park Board of Trustees" is amended by adding the following:

Sec. 26-54.1 Permits for vendors operating on privately owned beach property.

(a) The Park Board may allow for the rental or sale of any items or services from a beach location under its management and control through the issuance of a concession agreement. A concession agreement shall contain the terms and conditions deemed most advantageous to the Park Board but may not exceed a period of three years. The charges paid by the concessionaire to the Board shall include fees for the collection of trash and debris from the concession area by the Park Board, and an access fee for use of a ramp to access the concession area. The Park Board may deny the use of a particular ramp if in the decision of the board the ramp is not suitable or safe for use as an access point.

(b) The Park Board will grant a permit for the rental or sale of any items or services from a beach location to an individual or entity that has a right of possession by virtue of ownership in fee or through a lease by the fee owner.

1) A person who claims ownership in fee must provide proof of ownership by providing a copy of the deed, a title report, or other competent evidence to establish ownership. Documents from the Central Appraisal District without more is insufficient to establish ownership.

2) A person who claims a right of possession by virtue of a lease must provide a copy of the lease as well as evidence that the lessor is the property owner utilizing the documents noted in the previous section above.

3) A person who claims a right of possession to property held in trust must have a lease signed by the trustees of the trust as well as documents demonstrating proof of ownership.

(c) The Park Board will issue a permit to those who show eligibility under section (b)(1-3) above, but may charge a fee according to the following schedule:

1) An annual trash collection fee in the amount of \$

2) A ramp access fee for use of the ramps to the beach in the amount of \$

The fees generated by this section shall be retained by the Park Board to defray its cost of operations.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 7. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 8. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONALD GLYWASKY
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on _____, 2025, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this ____ day of _____, 2025.

Secretary for the City Council
Of the City of Galveston