PORT OF GALVESTON
REQUEST FOR DISCUSSION AND
TRUSTEES ACTION

BUSINESS ITEM

PREPARED BY: Jeffrey Thomas  Chief Engineer  January 28, 2020

SUBJECT: Consider and Approve Memorandum of Understanding between the Board of Trustees of the Galveston Wharves and the City of Galveston for a 14th Street Pier Pump Station

BACKGROUND: The City of Galveston applied for and received a grant from FEMA to install a pump station for the City storm sewer system which currently has an outfalls into Galveston Bay near Pier 14. The project would improve the City’s storm sewer system ability to clear run off and help mitigate ponding on roadways in the watershed between Pier 14 and the Seawall. In order to be successful, the project will require certain amount of real estate to develop a pump station near the current outfall. The pump station would include both above ground and below ground improvements. While the above ground improvements would permanently restrict uses within their areas, the below ground improvements would only limit the uses in the area to uses such as parking or pedestrian areas, depending on how they are designed. While the exact size and location the pump station are unknown at this time, the area the City is currently proposing for the pump station is adjacent to Harborside Drive between 14th and 16th Streets. Once the design of the pump station has been completed, Port and the city will need to enter into a separate agreement for the long term use of the space.

RECOMMENDATIONS: The Board of Trustees is respectfully requested to listen to the briefing of the Port Director and approve the Port Director to enter into a Memorandum of Understanding between the Board of Trustees of the Galveston Wharves and the City of Galveston for a 14th Street Pier Pump Station.

Respectfully Submitted By:

Rodger Rees, Port Director/CEO

DATE ACTION TAKEN: 

Approved: 
Disapproved: 
Deferred To: 
Incorporated into Minutes: 

Motion By: 
Seconded By: 
Unanimous: Yes  No 
By:
PORT OF GALVESTON

CONSIDER AND APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND THE CITY OF GALVESTON FOR A 14TH STREET PIER PUMP STATION

Background

The City of Galveston applied for and received a grant from FEMA to install a pump station for the City storm sewer system, which currently has an outfall into Galveston Bay near Pier 14. The project would improve the City’s storm sewer system ability to clear run off and help mitigate ponding on roadways in the watershed between Pier 14 and the Seawall. Currently, the project is funded through design, and will move into construction as long as the Benefit to Cost ratio meets FEMA requirements for the project. The project will be a benefit to both the Galveston community and the Port as it will aim to mitigate flooding which occurs on and around Harborside Drive.

Current Situation

In order to be successful, the project will require a certain amount of real estate to develop a pump station near the current outfall. The pump station would include both above ground and below ground improvements. While the above ground improvements would permanently restrict uses within their areas, the below ground improvements would only limit the uses in the areas such as parking or pedestrian areas, depending on how they are designed. While the exact size and location of the pump station are unknown at this time, the area the City is currently proposing for the pump station is adjacent to Harborside Drive between 14th and 16th Streets. Once the design of the pump station has been completed, Port and the City will need to enter into a separate agreement for the long term use of the space.

Fiscal Impact

The Memorandum of Understanding would not have a fiscal impact since the area could remain in its current operations. Once the design is complete and the construction receives approval for funding the Port would enter into a separate agreement which would potentially impact the Port Managed Real Estate/Operations.

Staff Recommendation

The Board of Trustees is respectfully requested to listen to the briefing of the Port Director and approve the Port Director to enter into a Memorandum of Understanding between the Board of Trustees of the Galveston Wharves and the City of Galveston for a 14th Street Pier Pump Station.
MEMORANDUM OF UNDERSTANDING

This Memorandum is entered into by and between the City of Galveston (the “City”) and the Board of Trustees of the Wharves (“Wharves”), regarding the proposed public improvement project to be undertaken by the City consisting of placing pump stations within specific portions of the property placed under Wharves’ exclusive management and control under Article XII of the Galveston City Charter (“Port Property”).

The City contemplates constructing a pump station in the area shown in the area shown in Exhibit A attached hereto. The City and Wharves believe that the project will benefit both parties and the community at large, and have therefore participated in the development of this plan and have agreed to the terms of this Memorandum going forward.

Therefore the City and Wharves agree as follows:

1) The City is in the initial design phase of a flood control pumping station for removal of flood waters from the streets of Galveston. The proposed location of the project in the area of Pier 14 shown on Exhibit A hereinafter referred to as the “Proposed Location”. The parties agree that Pier 14 may not be the final location of the project; the engineering studies to be undertaken by the City will provide more specific locations for the Project and the parties will cooperate with each other to locate the project at the most optimum location.

2) There is currently no opened street leading north of Harborside Drive in the vicinity of the Proposed Location. However, Wharves may have leased a portion of the area shown on Exhibit A to a third party tenant. If so Wharves will notify the City of the existence of such tenant. If there is no such tenant as of the execution of this agreement, Wharves agrees consult with the City prior to entering into a lease or granting an easement or other possessory interest in the Proposed Location to any third party.

3) Wharves will grant reasonable access to the City’s designated design team and their equipment to Port property in the vicinity of the Proposed Location, in order to conduct preliminary studies to determine the feasibility of the Proposed Location for the project. The City anticipates that these preliminary studies will be conducted within the next six months. Thereafter, Wharves will grant the City’s design team reasonable access to the Proposed Location for the purpose of drafting and completing their initial design plan.

4) The City and Wharves further agree that the City may move forward with the planning and implementation of the preliminary study as set forth above, and that an additional memorandum will be negotiated for the actual construction phase of the project at the Proposed Location, should the project be determined to be feasible and is funded.

5) The City and Wharves also agree that if the City’s design team recommends building a pump station on the Proposed Location, and the Proposed Location is currently being
leased by Wharves to a third party, Wharves will assist the City in negotiating any necessary amendments to said Lease in order to facilitate construction of the pump station components unless impracticable to do so.

This Memorandum is effective as of December 27, 2019. Each of the persons whose signatures appear below have authority to sign this Memorandum on behalf of the party for whom they have signed.

City of Galveston:  

By: ___________________________  
Brian Maxwell  
City Manager

Board of Trustees of the Galveston Wharves

By: ___________________________  
Rodger E. Rees  
Port Director/CEO

Approved as to Form:

By: ___________________________  
Donald Glywasky  
City Attorney

By: ___________________________  
Anthony P. Brown  
Legal Counsel to the Board of Trustees of the Galveston Wharves