

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF BAYTOWN**

March 26, 2009

The City Council of the City of Baytown, Texas met in a Regular Meeting on Thursday, March 26, 2009, at 6:30 P.M. in the Council Chamber of the Baytown City Hall, 2401 Market Street, Baytown, Texas with the following in attendance:

Terry Sain	Council Member
David McCartney	Council Member
Scott Sheley	Council Member
Brandon Capetillo	Mayor Pro Tem
Bob Leiper	Deputy City Manager
Ignacio Ramirez	City Attorney
Kaythie Darnell	City Clerk

Pledge of Allegiance, Texas Pledge and Invocation led by Council Member Terry Sain.

Those not in attendance for the March 26, 2009 City Council Regular Meeting were Council Members Lynn Caskey, Lena Yopez, and Mayor DonCarlos; City Manager Garry Brumback and Assistant City Manager Kevin Troller.

6:30 P.M. Mayor Pro Tem Capetillo convened the March 26, 2009, Regular Meeting with a quorum present.

1. MINUTES

a. Considered approval of the minutes from the City Council Regular Meeting on March 12, 2009.

Motion was made by Council Member Sain, seconded by Council Member McCartney approving the minutes from the March 12, 2009, City Council Regular Meeting. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nayes: None.

The motion carried.

2. RECOGNITIONS AND CITIZENS COMMUNICATIONS

a. Recognition: Employee and Team of the Month - Human Resources.

Recognized the February Employee and Team of the Month.

Congratulations to Ms. June Tyler as the February 2009 Employee of the Month for the City of Baytown. Ms. Tyler, Grant Coordinator from the City Manager's Department, was nominated and chosen for excelling in all of the City's core values: Leadership, Competence, Teamwork, Integrity, and Service. She is an employee with no departmental boundaries - she works for and with every department to locate the need for grants and how they can help the departments. Every grant she researches, writes, edits, and submits is done with the end user in mind. Ms. Tyler will receive \$100, a day off with pay, recognition, and certificate at the March 26th City Council Meeting, and her name on a plaque in the lobby of City Hall.

Congratulations to Station 1, "A" Shift as the February 2009 Team of the Month. "A" Shift includes: Victor Medina, Equipment Operator, Robert Hebert, Firefighter, Matt Dickens, Firefighter, Noah Travis, Firefighter, and Lukasz Bednarek, Firefighter. After responding to a call at Goose Creek Memorial High School, they discovered a busted fire sprinkler that was flooding a portion of the school. Since it was not a fire and rather than pick up and leave, the entire team pitched in and not only replaced the sprinkler, but removed the water and cleaned up the affected part of the school. As all students and staff had evacuated, this allowed everyone to return much faster, and minimized any damage to the building. For service above and beyond the call of duty, the City of Baytown is proud to award them our February Team of the Month. The team will share a \$250 award, each will receive a day off with pay, and be recognized with a framed certificate at the March 26th City Council Meeting.

b. Recognition: Years of Service Awards – Human Resources.

Deputy City Manager Leiper recognized David Busby for five (5) years of service; recognized David Harrison, Sr., Steve Dorris, and Jesse Armstrong for 10 years of service; and recognized Michael Mueller for twenty (20) years of service.

Agenda item 2.d. followed agenda item 2.b.

c. Recognition: Texas Avenue Oak Project - Council Member Sheley.

The Texas Avenue Oak Project was organized by citizens Sophan and Thea Som, Walley Whitley, Johnnie Partda, and Bill and Dwayne Treyhand for a fundraising effort.

This Texas Avenue Oak Project campaign was successful in raising over \$500.00 to be given to the City of Baytown for the purpose of selecting an antique lamp for the location.

Agenda item 2.e. followed agenda item 2.c.

d. Recognition: ExxonMobil Corporation Wins 2009 Texas Recreation and Park Society Commercial Community Service Award - Parks and Recreation.

ExxonMobil Corporation was awarded the 2009 Texas Recreation and Park Society Commercial Community Service Award for their continued support of environmental education programs at the 2009 Texas Recreation and Park Society Annual Awards Banquet in Austin on Friday, February 28th.

ExxonMobil Corporation was awarded the 2009 Texas Recreation and Park Society Commercial Community Service Award for their continued support of environmental education programs in the City of Baytown, both at the Baytown Nature Center and the Eddie V. Gray Wetlands Education and Recreation Center. The award was presented at the 2009 Texas Recreation and Park Society Annual Awards Banquet in Austin on Friday, February 28th. Without ExxonMobil's support, programs such as the award-winning Wetlands Ecology Program, Liquid Science Program, and Tyke Hike would not be possible.

Over the last decade ExxonMobil has provided funds for land acquisition, exhibit construction, intern and naturalist salaries, and program support. They have also supplied countless volunteers who have built structures, taught children's educational sessions, led bird-watching tours, and served as ambassadors for both the Nature Center and the Wetlands Education Center. ExxonMobil volunteers have served on both the Friends of the Wetlands Center and the Friends of the Baytown Nature Center boards. They are annual participants in the United Way Day of Caring Program at the Baytown Nature Center, where volunteers have built an education stage, planted native trees and plants, built protective fencing, and created wheelchair accessible pathways in the butterfly garden. In the spring of 2008 ExxonMobil even profiled the Wetlands Education Center in their international magazine, "The Lamp," giving global recognition to Baytown.

Agenda items 4.a. and 7.e. followed Agenda item 4.d.

e. Recognition: "Art is Awesome" Summer Science Camp Wins NRPA Southwest Region Arts and Humanities Award - Parks and Recreation.

"Art is Awesome" Summer Science Camp, part of the Wade Into Wetlands Summer Science Camp Program at the Eddie V. Gray Wetlands Center, was awarded the 2009 National Recreation and Park Society Southwest Region Arts and Humanities Award. This honor is awarded to the most innovative and effective individual program of a leisure service agency in the southwest region of NRPA, which includes Arkansas, Louisiana, Oklahoma, New Mexico and Texas. The award was presented during the opening session of the recent Texas Recreation and Park Society Annual Convention in Austin.

“Art is Awesome” Camp, which was also awarded the Texas Recreation and Park Society Art and Humanities Award in 2008, introduces students to art and science concepts on both local and global levels. Camp students in 6th-10th grade create art projects, learn art history, and visit art venues to observe different styles of art. “Art is Awesome” Camp seeks to integrate both science and culture, allowing students to express their creativity while learning about nature and their environment. Students showcase their art projects with a week-ending Art Show for their parents, friends, and other community visitors. The show is “juried,” with each student winning an award for one of their projects. Special thanks goes to Chevron Phillips who sponsors the ten week Wade Into Wetlands Summer Science Program.

3. PROPOSED ORDINANCES

a. Harris County Memorandum Of Understanding (MOU) for Harris County Consolidated Region CDBG Recovery Program - Legal.

Deputy City Manager Leiper presented the agenda item.

Ordinance 11,090 repealed Ordinance 11,088, passed on March 12, 2009, regarding the participation in the application and distribution of Hurricane Ike Disaster Community Development Block Grant Funds, and authorized the City to participate in the Harris County Consolidated Region CDBG Disaster Recovery Program, approved a new agreement with Harris County regarding such program, authorized the Mayor and/or City Manager to execute subsequent agreements consistent with the City’s participation in the program under similar terms, and approved certain critical public infrastructure projects along with the estimated costs and funding.

Ordinance 11,090:

1. repealed Ordinance No. 11,088, passed on March 12, 2009, regarding the participation in the application and distribution of Hurricane Ike Disaster Community Development Block Grant Funds,
2. authorized the City to participate in the Harris County Consolidated Region Community Development Blocked Grant Disaster Recovery Program,
3. approved a new agreement with Harris County regarding such program,
4. authorized the Mayor and/or City Manager to execute subsequent agreements consistent with the City’s participation in the program under similar terms, and
5. approved certain critical public infrastructure projects along with the estimated costs and funding.

While Council approved an agreement at its last Council meeting with Harris County, Harris County has changed the terms of the agreement to include the following provision:

The City understands and agrees that it will maintain ownership and responsibility of long-term maintenance and operation of the improvements made using the CDBG grant.

Because of this addition, the County is requiring a new agreement be approved. Ordinance 11,090, therefore, repealed the prior ordinance, and authorized the new agreement. Ordinance 11,090 further authorized the City to participate in the Harris County Consolidated Region CDBG Disaster Recovery Program and approved the critical public infrastructure projects that Council approved as part of the agreement at its last meeting. Finally and since we anticipate that Harris County may further tweak the agreement, Ordinance 11,090 authorized the Mayor and/or the City Manager to execute subsequent agreements containing different terms and conditions if necessary to carry out the City Council's intent to participate in the program to receive funding.

Motion was made by Council Member McCartney, seconded by Council Member Sain approving Ordinance 11,090. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

ORDINANCE 11,090

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, REPEALING ORDINANCE NO. 11,088, PASSED ON MARCH 12, 2009, REGARDING THE PARTICIPATION IN THE APPLICATION AND DISTRIBUTION OF HURRICANE IKE DISASTER COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; AUTHORIZING THE CITY TO PARTICIPATE IN THE HCCR CDBG DISASTER RECOVERY PROGRAM; APPROVING A NEW AGREEMENT WITH HARRIS COUNTY REGARDING SUCH PROGRAM; AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO EXECUTE SUBSEQUENT AGREEMENTS CONSISTENT WITH THE CITY'S PARTICIPATION IN THE PROGRAM UNDER SIMILAR TERMS; APPROVING CERTAIN CRITICAL PUBLIC INFRASTRUCTURE PROJECTS ALONG WITH THE ESTIMATED COSTS AND FUNDING.; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Renewal of 2008 Mill and Overlay Contract - Engineering.

Deputy City Manager Leiper presented the agenda item.

Ordinance 11,091 authorized a one-year renewal of the Annual Mill and Overlay Contract - 2008 with Angel Brothers Enterprises, LTD. with base contract expenditures up to \$1,500,000, plus any approved Change Orders for additional work to a limit of 25% of the base contract amount. The scope of work includes milling existing asphalt streets,

performing base repairs or base restore as necessary, and overlaying the street with a new asphalt surface.

Once the work is completed under the existing second year of this contract, staff will present Council with the close-out and final payment for this phase of the multi-year contract. Ordinance 11,091 authorized the City Manager and the City Clerk to execute and attest to a one-year renewal under the same terms, conditions, and unit prices as outlined in the existing contract. This will be the last renewal under this contract. The renewed contract will continue to be based on minimum \$100,000 work orders and the Street Maintenance Sales Tax will be the primary funding source for this project.

Motion was made by Council Member Sain, seconded by Council Member McCartney approving Ordinance 11,091. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

ORDINANCE 11,091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE ANNUAL MILL AND OVERLAY CONTRACT – 2008 WITH ANGEL BROTHERS ENTERPRISES, LTD; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,500,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

c. Property Exchange with The Baytown Little Theater, Incorporated – Legal.

Deputy City Manager Leiper presented the agenda item.

Ordinance 11,092 authorized an earnest money contract with The Baytown Little Theater, Incorporated (“BLT”) for the exchange of the property located on N. Main Street, Baytown, Texas (“Property B”) for the property located at 1450 and 1600 Lakewood Village, 104 Burnet and 0 Meador Lane, Baytown, Texas (“Property A”) and the adjacent parking lot (“Property C”). The exchange of properties is contingent upon the following:

- an inspection report of Property A satisfactory to the City,
- an environmental assessment of Property A acceptable to the City,

- the City's acquisition of Property B,
- an appraisal of Property B furnished and paid for by the BLT indicating that the fair market value is less than or equal to the fair market value of Property A, as such properties are identified in Articles III and IV, which appraisal is satisfactory to the Buyer;
- compliance with Section 272.001 of the Texas Local Government Code, and
- the City Council's approval of the earnest money agreement.

The property exchange is a public/private partnership wherein BLT will facilitate reinvestment in the downtown area by building a community entertainment facility and operating such facility for a period of not less than twenty-years. Ordinance 11,092 authorized the exchange of properties and the corresponding earnest money contract, which sets the closing date as May 29, 2009.

Motion was made by Council Member Sheley, seconded by Council Member McCartney approving Ordinance 11,092. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

ORDINANCE 11,092

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 1450 & 1600 LAKEWOOD VILLAGE, 104 BURNET AND 0 MEADOR LANE, BAYTOWN, TEXAS, TOGETHER WITH THE ADJACENT PARKING LOT FROM THE BAYTOWN LITTLE THEATER, INCORPORATED, IN THE EXCHANGE FOR THE CONVEYANCE OF THE PROPERTY LOCATED ON N. MAIN STREET, BAYTOWN, TEXAS; DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST TO AN EARNEST MONEY CONTRACT FOR SUCH PURCHASE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

4. PROPOSED RESOLUTIONS

Agenda item 4.a. followed agenda item 2.d.

a. Accept Donation from ExxonMobil for the Eddie V. Gray Wetlands Center and Baytown Nature Center – Parks and Recreation.

Deputy City Manager Leiper recognized Mr. Eddie Gray and Ms. Tracey Prothro and presented the agenda item.

Resolution 1971 accepted a \$60,000 contribution from ExxonMobil supporting the Baytown Nature Center's Environmental Education Programs and the Eddie V. Gray Wetlands Education and Recreation Center's Wetlands Ecology Program. Each program will receive \$30,000.

The Baytown Nature Center's Environmental Education Program covers the annual cost to fund the BNC Naturalist, the BNC Assistant Naturalist, Tyke Hike, Senior Stroll, educational supplies, and interpretive signs.

This is the seventh year of the funding of this program. The Naturalist and Assistant Naturalist provide an educational presence at the BNC as well as informative talks such as safety presentations on venomous snakes and insects to Industry and City Departments. They also arranged Boy Scout projects and assist with the 5th Grader Program at the Nature Center.

The Eddie V. Gray Wetlands Education and Recreation Center's Wetlands Ecology Program covers the annual cost to fund the 5th Grader Program including personnel costs and educational supplies. The fund is also used to upgrade the exhibits in the Bob Craig Exhibit Hall's "Wetlands Ecology Trail".

This is the tenth year of the 5th Grader Program at the Wetlands Center. Every 5th grader in the Goose Creek CISD visits the Wetlands Center each year. During the morning session the youth are taught all about the wetlands and their benefits. After lunch the youth travel to the Baytown Nature Center where they are able to see in real life what they learned at the Wetlands Center.

Motion was made by Council Member Sheley, seconded by Council Member McCartney approving Resolution 1971. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

RESOLUTION 1971

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING A CONTRIBUTION FROM EXXON MOBIL CORPORATION IN THE AMOUNT OF SIXTY THOUSAND AND NO/100 DOLLARS (\$60,000.00) SUPPORTING THE BAYTOWN NATURE CENTER'S ENVIRONMENTAL

EDUCATION PROGRAMS AND THE EDDIE V. GRAY WETLANDS EDUCATION AND RECREATION CENTER'S WETLANDS ECOLOGY PROGRAM; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Agenda Item 7.e. followed Agenda item 4.a.

b. Receive City of Baytown's Investment Policy - Finance.

Deputy City Manager Leiper presented the agenda item.

Resolution 1972 adopted the City of Baytown's Investment Policy and Investment Strategy in accordance with the Public Funds Investment Act. Under the Act, the City Council is required to review its investment policy and investment strategies not less than annually. Thereafter, the City Council is required to pass a resolution stating that it has reviewed the investment policy and investment strategies and adopting such policy and strategies. Resolution 1972 also designated the investment officer to be responsible for the investment of the City's funds consistent with the investment policy adopted.

The changes to the policy are as follows:

Exhibit A – Authorized Investment Officials

Exhibit B – Statement of Ethics and Conflicts of Interest. The change was made to reflect the new personnel responsible for the City's investments.

Exhibit C – Approved Broker/Dealers, Financial Institutions and Investment Pools. The change was made to remove UBS Financial Services, Inc. and add Morgan Stanley.

Motion was made by Council Member Sain, seconded by Council Member McCartney approving Resolution 1972. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

RESOLUTION 1972

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ADOPTING THE CITY OF BAYTOWN'S INVESTMENT POLICY AND INVESTMENT STRATEGIES IN ACCORDANCE WITH THE PUBLIC FUNDS INVESTMENT ACT;

DESIGNATING AN INVESTMENT OFFICER; AND PROVIDING
FOR THE EFFECTIVE DATE THEREOF.

c. Participate in Texas Coast Utilities Coalitions' Efforts to Prevent Over-Recovery by CenterPoint's Energy – Legal.

City Attorney Ignacio Ramirez presented the agenda item.

Resolution 1973 authorized the City of Baytown to participate in proceedings to prevent over-recovery by CenterPoint Energy in its efforts to recover costs associated with Hurricane Ike; authorized the City to participate in a Coalition of Cities known as the Texas Coast Utilities Coalition (“TCUC”); authorized the hiring of counsel and experts through TCUC; and required the reimbursement of costs.

On or about April 1, 2009, CenterPoint Energy (“CenterPoint”) is expected to file a request for recovery of costs associated with Hurricane Ike that will total more than \$700 million. The customers living in CenterPoint’s service territory will be expected to pick up this tab through a monthly surcharge that will appear on their utility bills for what is likely to be a lengthy duration. Under the Public Utilities Regulatory Act (“PURA”), utilities are permitted a timely recovery of “reconstruction” costs, but these costs must be reviewed, following discovery, pre-filed testimony and a hearing, for a determination of reasonableness. Because of the sizeable amount of costs CenterPoint is attempting to recover, it is recommended that the City participate as a member of TCUC in this proceeding. A consolidated, unified approach by TCUC will help the PUC determine CenterPoint’s reasonable and necessary recovery costs and prevent over-recovery by CenterPoint at the expense of the ratepayers. In the past, the Cities of Baytown, Pearland, League City, Clute, Shoreacres, Freeport, and Wharton have been active in TCUC and it is anticipated that they will remain active members. This coalition allows such cities to more effectively and efficiently consolidate their efforts and resources in responding to CenterPoint’s rate request. TCUC will direct special counsel and rate experts, whose costs shall be paid for by reimbursement from CenterPoint pursuant to state law.

Motion was made by Council Member Sain, seconded by Council Member McCartney approving Resolution 1973. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

RESOLUTION 1973

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY TO PARTICIPATE IN THE PROCEEDING TO PARTICIPATE IN PROCEEDINGS TO PREVENT OVERRECOVERY BY CENTERPOINT ENERGY IN ITS EFFORTS TO RECOVER COSTS ASSOCIATED WITH HURRICANE IKE; AUTHORIZING THE CITY TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE TEXAS COAST UTILITIES COALITION ("TCUC"); AUTHORIZING THE HIRING OF COUNSEL AND EXPERTS THROUGH TCUC; REQUIRING THE REIMBURSEMENT OF COSTS; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

5. REPORTS

- a. Receive the City of Baytown's Quarterly Investment Report and Financial Report for the period ending December 31, 2008 - Finance.**

The City of Baytown's Quarterly Investment Report and Financial Report for the period ending December 31, 2008 were submitted for review. The reports are scheduled to be reviewed by the Council Finance Subcommittee on March 24, 2009.

6. DISCUSSIONS

- a. Receive City of Baytown's Comprehensive Annual Financial Report and Single Audit Report - Finance.**

Deputy City Manager Leiper introduced auditor Mike Brooks, with Belt Harris and Associates, to present the agenda item.

Received and discussed the City of Baytown's Comprehensive Annual Financial Report and Single Audit Report and BAWA's Financial Report for the fiscal year ending September 30, 2008.

The City of Baytown's Comprehensive Annual Financial Report and Single Audit Report for the period ending September 30, 2008 was presented. In accordance with Article II, Section 31 of the Charter, the Finance Department has prepared the financial statements for the year ending September 30, 2008. Also presented was the Annual Financial Report for the Baytown Area Water Authority (BAWA) for the fiscal year ending September 30, 2008.

This report was presented to the BAWA Board of Directors at the February 18, 2009 meeting. BAWA was also presented in a separate column in the City's Comprehensive

Annual Financial Report to emphasize the legal separation between BAWA and the City of Baytown.

These items were presented to the Council Finance Subcommittee on March 25, 2009. Belt Harris and Associates, L.L.P., a public accounting firm, conducted the independent audits. A representative from Belt Harris and Associates, L.L.P. will be at the Council Meeting to present the final reports.

7. CONSENT

Motion was made by Council Member Sheley, seconded by Council Member McCartney approving Consent Items: 7.a., 7.b., 7.c., and 7.d. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

a. **Ordinance 11,093: 1st Renewal of the Annual Electrical Motor Control Center Services Contract #070-09.**

Ordinance 11,093 awarded the first renewal of the Annual Electrical Motor Control Center Services Contract to Baytown Electric Company in the amount of \$100,000. Baytown Electric submitted a written request to renew the current contract for the same pricing, terms, and conditions. This Annual Electrical Motor Control Center Services Contract is primarily used by the Wastewater Treatment Plants and Lift Stations for control panel board electrical work. Specialized knowledge of motor control centers and electrical equipment is required. Baytown Electric Company provides excellent service.

ORDINANCE 11,093

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE CONTRACT OF BAYTOWN ELECTRIC COMPANY FOR THE ANNUAL ELECTRICAL MOTOR CONTROL CENTER SERVICES CONTRACT AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, THE SUM OF ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Ordinance 11,094: Award Annual Janitorial Services Contract #014-09 - Purchasing.

Ordinance 11,094 awarded the Annual Janitorial Services to McLemore Building Maintenance, Inc. (MBM), in the amount of \$104,325.60. Originally, thirteen (13) janitorial companies were invited and ten companies attended a mandatory pre-bid conference. Eight qualified companies submitted bids. All companies were required to tour each of the fifteen facilities in order to be aware of the City's expectations for cleaning services. Bids were evaluated based upon best value to the City giving consideration to each of the criteria specified in the bid, which included price, experience, etc. It is staff's recommendation to award the contract to MBM, as MBM meets all of the specified requirements and has thirty-nine years' experience in janitorial and landscaping services. In terms of price alone, MBM is the second lowest bidder. MBM currently performs mowing services for the Health Department's vacant lot mowing contract. MBM's references are excellent from all sources and they presently clean over 50 facilities for the City of Houston. MBM is an impressive company offering quality assurance, safety training and programs to their employees, as well as training in the proper way to clean different facilities. In our evaluation, the professionalism offered by MBM superseded all other bidders.

ORDINANCE 11,094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE BID OF MCLEMORE BUILDING MAINTENANCE, INC. (MBM) FOR THE ANNUAL JANITORIAL SERVICES CONTRACT AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, THE SUM OF ONE HUNDRED FOUR THOUSAND THREE HUNDRED TWENTY-FIVE AND 60/100 DOLLARS (\$104,325.60); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

c. Ordinance 11,095: 4th Renewal of the Annual Concrete Work Contract, #068-09 - Purchasing.

Ordinance 11,095 awarded the fourth renewal of the Annual Concrete Work Contract to Teamwork Construction Services, Inc. in the amount of \$200,000. Teamwork Construction Services, Inc. submitted a written request to renew the current contract for the same pricing, terms, and conditions as our existing contract. The contract is used for streets, sidewalks, curbs, and etc. throughout the term of the contract. Teamwork Construction Services, Inc. continues to provide quality and dependable service.

ORDINANCE 11,095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE CONTRACT OF TEAMWORK CONSTRUCTION SERVICES, INC., FOR THE ANNUAL CONCRETE WORK CONTRACT AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, THE SUM OF TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$200,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

d. Ordinance 11,096: Approve Change Order #4 for the 2008 Mill & Overlay Project - Engineering.

Ordinance 11,096 approved Change Order No. 4 to the 2008 Mill & Overlay Project in the amount of \$366,250 to Angel Brothers, Ltd. This Change Order will increase the contract by 24.41% bringing the total contract to \$1,875,000. This includes two prior Change Orders that were approved administratively for a total sum of \$8,750. The original contract amount was \$1,500,000.

Change Order #4 allows the City to increase the contract amount to take advantage of competitive pricing before the renewal of the contract which is also on this agenda. We will utilize the change order capacity under this contract prior to implementing the next year of the annual contract. The multi-year Street Maintenance Sales Tax work program approved June 12, 2008 will be used to continue issuing work orders. Year One (1) has been completed and we are moving to Year Two (2) streets.

ORDINANCE 11,096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING CHANGE ORDER NO. 3 WITH ANGEL BROTHERS ENTERPRISES, LTD, FOR THE 2008 MILL AND OVERLAY PROJECT; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, THE SUM OF THREE HUNDRED SIXTY-SIX THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$366,250.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

The next agenda item followed agenda item 4.a.

e. Ordinance 11,089: Mayor and ExxonMobil "Green Team" Summer Youth Work Program - City Administration.

Deputy City Manager presented the agenda item.

Ordinance 11,089 authorized the Mayor and ExxonMobil Green Team 2009 Summer Youth Work Program.

The Mayor's Summer Youth Work Program was re-created in 2006 with the hiring of 10 youth to work in various areas of the City. In 2007, the Program became the Mayor and ExxonMobil "Green Team" Summer Youth Work Program as a result of the generous financial support of ExxonMobil, local business owners, community leaders, and the in-kind educational services of Lee College. In 2008, the Program employed 30 youths who worked for various departments by assisting with cleaning and grooming City parks and public areas, removing litter and graffiti, acting as administrative support, receptionists, filing clerks, chaperones, mentors, and various other assignments. This year we expect to expand the program to 35 students. The eligible participants must be considered at-risk youth between the ages of 16 - 18 years of age who reside in the Goose Creek Consolidated Independent School District area. The students will receive hands-on-training and exposure to college level studies that will increase their opportunities for future successes. Program runs June 22 – August 14th.

Motion was made by Council Member Sheley, seconded by Council Member McCartney approving Ordinance 11,089. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

ORDINANCE 11,089

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE MAYOR AND EXXONMOBIL GREEN TEAM SUMMER YOUTH WORK PROGRAM; AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

The next agenda item was 2.c.

8. APPOINTMENTS

a. Appointments: Baytown Area Water Authority – City Clerk.

Considered one (1) board appointment for the Baytown Area Water Authority.

The Baytown Area Water Authority Board is composed of five (5) Directors, none of whom shall be a member of City Council during his/her term of office. One (1) Director must reside outside the City limits of Baytown but within the boundaries of the Authority. The term of office is for two (2) years with two (2) members being appointed in even numbered years and three (3) members being appointed during odd numbered years. The board meets on the third Wednesday of each month at 8:00 a.m.

Mr. Peter R. Buenz who served as a member of the board since July 10, 1976 has tendered his resignation. A replacement appointment must be made to complete the remainder of his term that expires on September 1, 2010, where at that time the appointee will be eligible for reappointment

Motion was made by Council Member Sain, seconded by Council Member McCartney to appoint Brenda Smith to the Baytown Area Water Authority Board. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

b. Appointments: Tow Truck Committee - City Clerk.

Considered four (4) appointments to the Tow Truck Committee.

The Tow Truck Committee is appointed by City Council and is composed of five (5) citizens who are not in the tow truck business. The Committee meets quarterly to hear grievances pertaining to enforcement procedures under the Tow Truck Ordinance and to make recommendations to the City Council on policies needed to regulate tow trucks in the City. Appointments are generally made in April and are for two (2) year terms.

The appointments considered were for Mark Fuqua, B.C. Hudman, and Gary Cochran, whose terms expire April 1, 2009.

Board Member Vicky Woods has tendered her resignation from the Board effective immediately. An appointment must be made to complete the remainder of her term which will expire April 1, 2010. At the expiration of this term, the appointee will be eligible for reappointment.

Mark Fuqua and B.C. Hudman, desire to continue to serve on this Board for the April 1, 2009 through April 1, 2011 term.

Gary Cochran does not desire to be reappointed.

Motion was made by Council Member Sheley, seconded by Council Member McCartney to table agenda item 8.b. and consider at the April 7, 2009, City Council Special Work Session Meeting. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

9. EXECUTIVE SESSION

Public notice is given that the City Council may elect to go into executive session at any time during the meeting in order to discuss any matters listed on the agenda when authorized by the provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code, and that the City Council specifically expects to go into executive session on the matters enumerated herein below, if any. In the event the Council elects to go into executive session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the executive session will be publicly announced by the presiding officer.

10. APPEALS

a. Appeal Hearing: 1412 Hawthorne Street, Building/Structure - Planning.

7:16 P.M. Mayor Pro Tem Capetillo opened the appeal hearing.

Conducted an appeal hearing of Johnny Ibarra, of the March 2, 2009, decision of the Urban Rehabilitation Standards Review Board, ordering the demolition of the Building/Structure located at 1412 Hawthorne Street.

On March 2, 2009, the Urban Rehabilitation Standards Review Board ordered the demolition of a structure located at 1412 Hawthorne Street in Baytown, Texas. The owner, Johnny Ibarra, filed a request for an appeal of the order with the Office of the Baytown City Clerk on March 3, 2009.

7:20 P.M. Mayor Pro Tem Capetillo closed the appeal hearing.

b. Appeal Decision: 1412 Hawthorne Street, Building/Structure - Planning.

Considered affirming, reversing or modifying the decision of the Urban Rehabilitation Standards Review Board ordering the demolition of Building/Structure located at 1412 Hawthorne Street, Baytown, Texas. (Johnny Ibarra appeal)

Motion was made by Council Member Sheley, seconded by Council Member McCartney modifying the Urban Rehabilitation Standards Review Board decision according to the contract. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

11. MANAGER'S REPORT

a. Trash Off and Household Hazardous Waste Day Announcement – Health.

Health Department Director Mike Lester presented the agenda item.

City of Baytown will hold its 9th Annual Trash-Off in conjunction with the State of Texas Annual Trash-Off activities on Saturday, April 4, 2009.

The City of Baytown will also be holding a Household Hazardous Waste Collection Day in coordination with Harris County on Saturday, April 25, 2009.

Trash-Off is the City's largest cleanup event and is coordinated with Keep Texas Beautiful and the Texas Department of Transportation. The event will have five (5) Trash-Off Dumpster sites. Additional information will be provided on flyer inserts in the March Utility Bill, listed on City Web site, posted on Channel 16 and public notice in the Baytown Sun.

b. July 3rd and 4th of July Celebration Lineup – Parks and Recreation.

The Parks and Recreation Department announced the schedule and entertainment line up for this year's 3rd and 4th of July Celebration.

This year's event will begin at 6:00 PM, Friday, July 3rd, with local favorite David Glenn, followed at 8:00 PM by country music legends: The Bellamy Brothers. On Saturday, July 4th, booths will open at 2:00 PM with the first band J. Paul & the Zydeco NuBreeds starting at 2:30 PM followed by Hanna's Reef at 4:00 PM. The Annual 4th of July Parade will begin at 5:30 PM starting on Market Street and turning onto Lee Drive. Opening Ceremonies will start at 5:50 PM followed by Texas music star Brandon Rhyder at 6:00 PM. This year's Headliner, country music star John Michael Montgomery, will take the stage at 8:00 PM followed by the annual Fireworks Extravaganza complete with patriotic music.

12. ADJOURN

Motion was made by Council Member Sheley, seconded by Council Member McCartney adjourning the March 26, 2009, Regular Meeting. The vote was as follows:

Ayes: Council Members: Sain, McCartney, Sheley, and Mayor Pro Tem Capetillo.

Nays: None.

The motion carried.

7:28 P.M. Mayor Pro Tem Capetillo adjourned the Regular City Council Meeting of March 26, 2009.

Kaythie Darnell, City Clerk
City of Baytown