

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

May 14, 2009

The City Council of the City of Baytown, Texas met in a Regular Meeting on Thursday, May 14, 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:

Lena Yepez	Council Member
Lynn Caskey	Council Member
Brandon Capetillo	Council Member
Terry Sain	Council Member
David McCartney	Council Member
Scott Sheley	Council Member
Stephen H. DonCarlos	Mayor
Garrison C. Brumback	City Manager
Kevin Troller	Assistant City Manager
Ignacio Ramirez	City Attorney
Kaythie Darnell	City Clerk

Deputy City Manager Bob Leiper was absent from the May 14, 2009 City Council Regular Meeting.

6:31 P.M. Mayor DonCarlos convened the May 14, 2009, Regular Meeting with a quorum present.

Pledge of Allegiance, Texas Pledge and Invocation was led by Council Member Yepez.

1. MINUTES

a. Considered approval of the minutes from the City Council Work Session and Regular Meeting on April 23, 2009.

Motion was made by Council Member McCartney, seconded by Council Member Yepez approving the minutes from the April 23, 2009, City Council Work Session and City Council Regular Meeting. The vote was as follows:

Ayes: Council Members: Yepez, Caskey, Capetillo, Sain, McCartney,
and Mayor DonCarlos.

Nays: None.

The motion carried.

2. RECOGNITIONS AND CITIZENS COMMUNICATIONS

a. Citizen Communication: Eleanor Albon.

Ms. Eleanor Albon appeared before the City Council to inform on the BBAC Adopt-A-Site Program and its progress.

b. Citizen Communication: Artie Presley.

Mr. Artie Presley appeared before the City Council in regards to the honor and accountability in City Hall.

c. Recognition: City of Baytown Energy Conservation and Air Quality Efforts - Mayor DonCarlos.

The City of Baytown received a Certificate of Recognition by the Texas State Comptroller of Public Accounts State Energy Conservation Office and the Texas Energy Partnership for its efforts and commitment to energy efficiency and improving the air quality of Texas.

On April 24, 2009, the City of Baytown received a letter and Certificate of Recognition from the Texas Comptroller of Public Accounts State Energy Conservation Office and the Texas Energy Partnership celebrating the City's efforts and commitment to energy conservation and improving the air quality of Texas.

The Texas Emissions Reduction Plan, Health and Safety Code Section 338.005 and the recent Senate Bill 12 mandate that cities in affected counties must implement cost effective energy-efficiency measure, establish a goal to reduce electricity consumption by 5% each year for the next six years and report efforts and progress to the State Energy Conservation Office.

The City of Baytown has embraced energy efficiency as a way to reduce operating cost, enhance electrical system reliability and improve air quality and will continue committed to improving energy efficiency.

Drew Potts, Purchasing Manager, accepted the Certificate of Recognition for the City of Baytown.

d. Recognition: Ross S. Sterling High School Choirs - Mayor DonCarlos.

Sterling High School Choirs was recognized on their success at the Bluebonnet Choral Festival in San Antonio, Texas on April 18, 2009. They competed with many other 5A Varsity choir programs across the state. All of the Sterling Choirs received Superior ratings in their divisions along with Best in Class in all of the divisions. The Varsity Women's choir received the most prestigious award for Best Choir in the Festival. Seven

trophies total were presented. The City of Baytown is proud of the hard work and dedication of the students that participated.

3. PROPOSED ORDINANCES

a. Contract for Water and Sewer Rate Study for the City of Baytown - Finance.

City Manager Garry Brumback presented the agenda item.

Ordinance 11,107 authorized the City Manager to execute a contract in an amount not to exceed \$61,372.00 with Burton & Associates, Inc., for a water and sewer rate study for the City of Baytown.

Thirteen proposals were sent out and seven were received. A committee of five staff employees evaluated all requests for proposals (RFP's) and developed a short list of three firms to present and demonstrate their computer rate models; each firm was allotted two hours for their presentations. All three firms are very experienced and qualified to perform rate studies. After careful review and consideration, the committee determined Burton & Associates, Incorporated to be the most qualified firm to perform the rate study for the City of Baytown.

The contract is a multi-year contract with the comprehensive water and sewer rate study being done in the first year. Thereafter, the City may request an update to such study for an amount not to exceed \$23,085. Furthermore the City may request ad hoc rate and/or financial analysis for an amount not to exceed \$5,000. Both such amounts are subject to a CPIU increase starting October 1, 2010, and a non-funding provision. Any rate study update requested more than two years after the last update will be renegotiated as to scope and price but shall be subject to the same terms and conditions.

Motion was made by Council Member Sain, seconded by Council Member Capetillo approving Ordinance 11,107. The vote was as follows:

Ayes: Council Members: Yopez, Caskey, Capetillo, Sain, McCartney,
and Mayor DonCarlos.

Nays: None.

The motion carried.

ORDINANCE 11,107

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST TO AN AGREEMENT WITH BURTON & ASSOCIATES, INC., FOR A

WATER AND SEWER RATE STUDY FOR THE CITY OF BAYTOWN; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN AN AMOUNT NOT TO EXCEED SIXTY-ONE THOUSAND THREE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS (\$61,372.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

4. PROPOSED RESOLUTIONS

a. Special City Council Meeting on May 19, 2009 - City Clerk.

City Manager Garry Brumback presented the agenda item.

Resolution 1984 called for a Special Meeting on May 19, 2009, at 10:30 a.m. in the City Council Chamber to canvass the May 9, 2009, General and Special Elections. For the purpose of canvassing, only two (2) members of the City Council are needed to constitute a quorum pursuant to state law.

Motion was made by Council Member Caskey, seconded by Council Member Yopez approving Resolution 1984 changing the Special Meeting time to 4:00P.M. The vote was as follows:

Ayes: Council Members: Yopez, Caskey, Capetillo, Sain, McCartney,
and Mayor DonCarlos.

Nays: None.

The motion carried.

RESOLUTION 1984

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, CALLING A SPECIAL COUNCIL MEETING TO BE HELD ON MAY 19, 2009, AT 10:30 A.M. IN THE COUNCIL CHAMBERS OF CITY HALL, BAYTOWN, TEXAS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

5. REPORTS

a. Receive the City of Baytown Quarterly Investment Report and Financial Report for the Period Ending March 31, 2009 - Finance.

Director of Finance Cynthia Pearson presented the agenda item.

The City of Baytown Quarterly Investment Report and Financial Report for the period ending March 31, 2009 were submitted for review. The reports were reviewed by the Council Finance Subcommittee on April 28, 2009.

6. CONSENT

Motion was made by Council Member Sheley, seconded by Council Member Yopez approving Consent Items: 6.a., 6.b., 6.c., 6.d., 6.e., 6.f., 6.g., 6.h., 6.i., 6.j., 6.k., 6.l., 6.m., and 6.n. The vote was as follows:

Ayes: Council Members: Yopez, Caskey, Capetillo, Sain, McCartney, Sheley and Mayor DonCarlos.

Nays: None.

The motion carried.

a. Ordinance 11,108: Approving a Contract for Wholesale Water Rate Study for Baytown Area Water Authority - Finance.

Ordinance 11,108 approved a contract in the amount of \$42,640.00 with Burton & Associates, Inc., for a wholesale water rate study for the Baytown Area Water Authority (BAWA). BAWA has not yet considered the agreement. However, pursuant to BAWA's enabling legislation, the agreement must be approved by the City Council before BAWA can enter into the same.

The processes and procedures that the City staff undertook for the City's rate study contract are the same that were undertaken the proposed BAWA contract. Under the contract, Burton & Associates will analyze the operation and capital requirements of the Baytown wholesale water supply system in order to ultimately develop a rate structure suitable to fund BAWA's operations and capital for the next 10-year period.

ORDINANCE 11,108

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, APPROVING THE AGREEMENT FOR A WHOLESALE WATER RATE STUDY BETWEEN THE BAYTOWN AREA WATER AUTHORITY AND BURTON & ASSOCIATES, INC.; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Ordinance 11,109: Authorize Expenditures for the Annual Weekly Residential Curbside Recycling Contract #065-09 - Finance.

Ordinance 11,109 authorized expenditures for the second year of the Weekly Residential Curbside Recycling Contract in the amount of \$485,680.68 with Waste Management of Texas. The contract is a three year contract with a yearly automatic Consumer Price Index (CPIU) escalation clause to be effective June 1st of each year. The allowable CPIU is a negative 0.4%. Therefore, each residential unit will be reduced by \$.01 for the second year of the contract. The new unit pricing will be \$2.19 per each resident effective June 1, 2009 through May 30, 2010. Waste Management has agreed to the new residential unit count of 18,481; the monthly cost is \$40,473.39. The maximum fuel surcharge allowed for this contract is of 5% per each residential unit. The price of the diesel fuel is below the benchmark set by Waste Management and no fuel surcharge will be charged for the remaining 2009 year.

ORDINANCE 11,109

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) FOR THE SECOND YEAR OF THE WEEKLY RESIDENTIAL CURBSIDE RECYCLING CONTRACT WITH WASTE MANAGEMENT OF TEXAS, INC.; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

c. Ordinance 11,110: Authorize H-GAC Purchase of Vehicles for the Police Department - Finance.

Ordinance 11,110 authorized the purchase of six (6) 2009 Ford Police Interceptors, two (2) 2009 Ford F-150 Supercabs XLT, and one (1) 2009 Ford F-150 Supercab XL from Philpott Motors, Limited through Houston-Galveston Area Council (H-GAC) for a total amount of \$193,448.97; a total H-GAC fee in the amount of \$600.00 for the consolidated purchase is included in the cost.

One of the Police Interceptors is a new vehicle for the Crime Control Prevention District (CCPD) program. All the other vehicles are replacement vehicles that are necessary to replace the older, high-mileage vehicles that have contributed to 64% depletion of the Police Department's vehicle maintenance budget; the safety of these trucks has also become an issue. Attached is a spreadsheet indicating each vehicle, the cost of each vehicle, budgeted amount, organization and account number, assigned department, and description of vehicle being replaced.

Typically, at the beginning of the fiscal year, all vehicles and equipment are grouped together to present to City Council at one time; however, due to Hurricane Ike and the need to preserve capital, some vehicle purchases were delayed.

ORDINANCE 11,110

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF ONE HUNDRED NINETY-THREE THOUSAND FOUR HUNDRED FORTY-EIGHT AND 97/100 DOLLARS (\$193,448.97) TO PHILPOTT MOTORS, LTD., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF SIX (6) 2009 FORD POLICE INTERCEPTORS, TWO (2) 2009 FORD F-150 SUPERCABS XLT, AND ONE (1) 2009 FORD F-150 SUPERCAB XL; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

d. Ordinance 11,111: Buy Board Purchase of one (1) John Deere Utility Tractor and one (1) John Deere Large Cab Tractor - Finance.

Ordinance 11,111 authorized the purchase of one (1) John Deere 5075M Utility Tractor and one (1) John Deere 6330 Cab Tractor for the Parks Department from John Deere Company in the amount of \$76,041.66 through the Local Government Purchasing Cooperative (Buy Board) which meets all competitive requirements.

The boom mower is listed under separate agenda item to Brookside Equipment. The following indicates new and replacement equipment.

New Equipment	Amount	Budgeted	Org/Acct#	Department	New/Replacement
2009 John Deere 5075 Utility Tractor	\$35,796.76	\$30,000.00	50210-84052	Parks/Heavy Equipment	Unit #552, a 2001 John Deere 5310 Utility Tractor, 1,232 registered prior to hours meter stopped working
2009 John Deere 6330 Cab Tractor	\$40,244.90	\$80,000.00 included boom mower on separate agenda item	50210-84052	Parks/Heavy Equipment	Unit #590, 1997 New Holland 6610-S Tractor & Slope Mower, 3,381.2 hours registered

ORDINANCE 11,111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF SEVENTY-SIX THOUSAND FORTY-ONE AND 66/100 DOLLARS (\$76,041.66) TO JOHN DEERE COMPANY FOR ONE (1) JOHN DEERE 5075M UTILITY TRACTOR AND ONE (1) JOHN DEERE 6330 CAB TRACTOR FOR THE PARKS DEPARTMENT THROUGH

THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUY BOARD); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

e. Ordinance 11,112: Renewal of the Annual Wood Grinding and Material Handling Services Contract #077-09 - Finance.

Ordinance 11,112 authorized the first renewal of the Annual Wood Grinding and Material Handling Services Contract with Novus Wood Group, L.P., in the amount of \$270,000.00. Novus Wood Group submitted a written request to renew the current contract for the same pricing, terms and conditions. The cost per cubic yard is \$2.91 to grind all material. The City of Baytown has a contract with Novus Wood Group through an Interlocal Agreement with the City of Pasadena for wood grinding and chipping.

The City Solid Waste Division conducts curbside pick up of brush and limbs at each residence once a month. The brush is transported to the East District Wastewater Treatment property where it is stored until Novus brings mobile equipment on-site to chip and remove the material. When the amount of brush at the chip site reaches approximately 10,000 cubic yards, Novus Wood Group, L.P., will mobilize its grinding equipment to the chip site and grind all of the material. Much of the material is recycled for various uses by Novus who pays the City \$.46 per cubic yard for the chips.

ORDINANCE 11,112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE CONTRACT OF NOVUS WOOD GROUP, L.P., FOR THE ANNUAL WOOD GRINDING AND MATERIAL HANDLING SERVICES CONTRACT AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, THE SUM OF TWO HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$270,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

f. Ordinance 11,113: Renewal of the Annual Recycling Center Services Contract #078-09 - Finance.

Ordinance 11,113 awarded the fourth renewal of the Annual Recycling Center contract in the amount of \$73,217.40 to Waste Management of Texas. Waste Management submitted a written request to renew the current contract for the same pricing, terms and conditions. Monthly operations for the recycling center are \$3,254.81. Per haul cost is \$237.22 with approximately twelve (12) hauls per month. The Baytown Green Center, located at 1601 West Main, is for the use of Baytown residents only for delivery of household debris and recyclable materials. No debris from any commercial users is accepted. Acceptable recyclable materials include the following:

Newspaper
Aluminum
White Office Paper
Cardboard
Tin Cans
Plastic- Type 1 & 2 - (Some plastic bags, soap containers, milk, soft drink, juice, and cooking oil and water bottles)

ORDINANCE 11,113

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE CONTRACT OF WASTE MANAGEMENT OF TEXAS FOR THE ANNUAL RECYCLING CENTER CONTRACT AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, THE SUM OF SEVENTY-THREE THOUSAND TWO HUNDRED SEVENTEEN AND 40/100 DOLLARS (\$73,217.40); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

g. Ordinance 11,114: Buy Board Purchase of One (1) Diamond 23 ft. Reach Boom Mower for Parks Department - Finance.

Ordinance 11,114 authorized purchase of one (1) Diamond 23 foot Reach Boom Mower for the Parks Department from Brookside Equipment Sales in the amount of \$40,326.00 through the Local Government Purchasing Cooperative (Buy Board), which meets all competitive requirements. The mower is a replacement mower to be mounted to a John Deere 6330 Cab Tractor that is to be purchased from John Deere under a separate agenda item.

ORDINANCE 11,114

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF FORTY THOUSAND THREE HUNDRED TWENTY-SIX AND NO/100 DOLLARS (\$40,326.00) TO BROOKSIDE EQUIPMENT SALES FOR ONE (1) DIAMOND 23 FOOT REACH BOOM MOWER FOR THE PARKS DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUY BOARD); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

h. Ordinance 11,115: H-GAC Purchase of Two (2) 2009 Ford Ranger Pickups and One (1) 2009 Ford Fusion 4-Door Sedan - Finance.

Ordinance 11,115 authorized the purchase of two (2) 2009 Ford Ranger Regular Cab Pickups and one (1) 2009 Ford Fusion 4-Door Sedan from Philpott Motors, Ltd., through Houston-Galveston Area Council (H-GAC), for a total amount of \$43,081.00; H-GAC fee of \$600.00 is assessed per purchase order. All vehicles for the same vendor will be placed in one purchase order. A previous agenda item for Police cars from Philpott Motors included the H-GAC fee of \$600.00 in the total cost. All three vehicles are replacement vehicles as follows:

New Vehicle	Amount	Budgeted	Org/Acct#	Department	Vehicle Replaced
2009 Ford Ranger Regular Cab Pickup	\$13,908	\$15,500	50210-84043	Parks/Motor Vehicles	Unit #516, 1995 Chevy S-10 Pickup, Mileage 118,636
2009 Ford Ranger Regular Cab Pickup	\$13,908	\$15,500	50210-84043	Utility Billing/Motor Vehicles	Unit #149327, 1999 Ford Ranger Pickup, Mileage 144,022
2009 Ford Fusion Sedan	\$15,265	\$16,000	30320-84043	Building Services/Motor Vehicles	Unit #91006, 2001 Ford Crown Victoria, Mileage 128,870

ORDINANCE 11,115

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF FORTY-THREE THOUSAND EIGHTY-ONE AND NO/100 DOLLARS (\$43,081.00) TO PHILPOTT MOTORS, LTD., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF TWO (2) 2009 FORD RANGER REGULAR CAB PICKUPS AND ONE (1) 2009 FORD FUSION 4-DOOR SEDAN; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

i. Ordinance 11,116: H-GAC Purchase of Five (5) Chevrolet Pickups from Caldwell Country Chevrolet - Finance.

Ordinance 11,116 authorized the purchase of three (3) 2009 Chevrolet 1500 Silverado Regular Cab Pickups, one (1) 2009 Chevrolet 1500 Silverado Extended Cab Pickup, and one (1) 2009 Chevrolet 3500 Silverado Crew Cab Pickup from Caldwell Country Chevrolet through Houston-Galveston Area Council (H-GAC) for a total amount of \$108,772.00; H-GAC fee of \$600.00 is assessed per each purchase order and included in the total amount. All five vehicles are replacement vehicles as follows:

New Vehicle	Amount	Budgeted	Org/Acct#	Department	Vehicle Replaced
2009 Chevrolet 1500 Silverado Reg Cab Pickup	\$19,393	\$23,000	30510-84043	WWater Collection/Motor Vehicles	Unit #150519, 2000 Ford F250 Utility Body, Mileage 232,427
2009 Chevrolet 1500 Silverado Reg Cab Pickup	\$19,393	\$23,000	30510-84043	WWater Collection/Motor Vehicles	Unit #150519 above replaced with 2 smaller trucks to check lift stations every day and save fuel
2009 Chevrolet 1500 Silverado Reg Cab Pickup	\$19,393	\$25,000	30210-84043	Traffic Control/Motor Vehicles	Unit #19645 1996 Ford F250 Pickup, Mileage 97,959
2009 Chevrolet 1500 Ext Cab SWB Silverado Pickup	\$22,741	\$26,000	30110-83043	Streets/Motor Vehicles	Unit #29760, 1997 Ford F150 Pickup, Mileage 140,193
2009 Chevrolet 3500 Silverado Crew Cab LWB Pickup	\$27,252	\$31,000	50210-84043	Parks/Motor Vehicles	Unit #555, 2001 Chevy 1500 Pickup, Mileage 104,284

ORDINANCE 11,116

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF ONE HUNDRED EIGHT THOUSAND SEVEN HUNDRED SEVENTY-TWO AND NO/100 DOLLARS (\$108,772.00) TO CALDWELL COUNTRY CHEVROLET, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF THREE (3) 2009 CHEVROLET 1500 SILVERADO REGULAR CAB PICKUPS, ONE (1) 2009 CHEVROLET 1500 SILVERADO EXTENDED CAB PICKUP, AND ONE (1) 2009 CHEVROLET 3500 SILVERADO CREW CAB PICKUP; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

j. Ordinance 11,117: H-GAC Purchase of Two (2) Dodge Dually Trucks from Planet Dodge - Finance.

Ordinance 11,117 authorized the purchase of two (2) 2009 Dodge 3500 Dually D13L62 trucks from Planet Dodge, through Houston-Galveston Area Council (H-GAC), for a total amount of \$68,480.00; total H-GAC fee of \$600.00 is included in cost. All trucks to be purchased are replacements and described in detail below:

New Vehicle	Amount	Amount Budgeted	Acct/Org #	Department	Vehicle Replaced
2009 Dodge 3500 Diesel 1-Ton Dually D13L62 with gooseneck hitch	\$33,535	\$35,000	50210-84043	Parks/Motor Vehicles	Unit #592, 1998 Chevy 2500 Pickup, Mileage 70,726
2009 Dodge 3500 Diesel 1-Ton Dually D13L62 with Lift gate	\$34,345	\$36,000	30210-84043	Traffic Control/Motor Vehicles	Unit #101656, 2001 Chevy 3500 Flatbed Pickup, Mileage 145,369

Typically, at the beginning of the fiscal year, all vehicles and equipment are grouped together and presented to City Council at one time. However, due to Hurricane Ike and the need to preserve capital, all vehicles will be released for purchase intermittently as their urgent need is required and funding is pre-approved.

ORDINANCE 11,117

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF SIXTY-EIGHT THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$68,480.00) TO PLANET DODGE, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF TWO (2) 2009 DODGE 3500 DUALLY D13L62 TRUCKS; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

k. Ordinance 11,118: H-GAC Purchase of Two (2) 2010 Freightliner Utility Trucks - Finance.

Ordinance 11,118 authorized the purchase of two (2) 2010 Freightliner M2-106-70 utility trucks from Houston Freightliner/Sterling, through H-GAC, for a total amount of \$168,231.00; total Houston-Galveston Area Council (H-GAC) fee of \$1,000.00 is included. Both trucks are replacement vehicles as follows:

New Vehicle	Amount	Budgeted	Org/Acct #	Department	Vehicle Replaced
2010 Freightliner M2-106-70 with Utility Body and Crane	\$83,309	\$90,000	30410-84043	Water Distribution/Motor Vehicles	Unit #59896, 1998 GMC Utility Truck, Mileage 73,064
2010 Freightliner M2-106-70 with trash body	\$83,922	\$90,000	32010-84043	Solid Waste (Brush)/Motor Vehicles	Unit #3102, 1993 Chevy Stake Truck, Mileage 145,299

ORDINANCE 11,118

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF ONE HUNDRED SIXTY-EIGHT THOUSAND TWO HUNDRED THIRTY-ONE AND NO/100 DOLLARS (\$168,231.00) TO HOUSTON FREIGHTLINER/STERLING, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF TWO (2) 2010 FREIGHTLINER M2-106-70 UTILITY TRUCKS; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

I. Ordinance 11,119: H-GAC Purchase of one (1) 2009 Chevrolet Brush Truck for the Fire Department – Fire Department.

Ordinance 11,119 authorized the purchase of one (1) 2009 Chevrolet 3500 Silverado Regular Cab Brush Truck for the Fire Department from Caldwell Country Chevrolet in the amount of \$91,550.00. The total H-GAC fee of \$600.00 is included in the cost. The truck is a replacement for Unit #6676, 1998 Keiser Jeep 2 1/2 ton military truck.

Typically, at the beginning of the fiscal year, all vehicles and equipment are grouped together to present to Council at one time. However, due to Hurricane Ike and the need to preserve capital, all vehicles will be released for purchase intermittently as their urgent need is required and funding pre-approved.

ORDINANCE 11,119

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF NINETY-ONE THOUSAND FIVE HUNDRED FIFTYAND NO/100 DOLLARS (\$91,550.00) TO CALDWELL COUNTRY CHEVROLET THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF ONE (1) 2009 CHEVROLET 3500 SILVERADO REGULAR CAB BRUSH TRUCK FOR THE FIRE DEPARTMENT;

MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

m. Ordinance 11,120: Closeout of North Main Waterline Extension Project - Engineering.

Ordinance 11,120 provided approval for a final payment in the amount of \$140,247.80 to Angel Brother's Enterprises, Incorporated and accepts the North Main Waterline Extension.

The final cost for this project was \$140,247.80, the original contract was for \$143,788.00; a cost savings of \$3,540.20. The scope of work included the installation of 3280 LF of 12" PVC waterline south on North Main to provide water for future development. The contractor finished the work in the allotted time and their workmanship was satisfactory.

ORDINANCE 11,120

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE NORTH MAIN WATERLINE EXTENSION PROJECT; AUTHORIZING FINAL PAYMENT OF THE SUM OF ONE HUNDRED FORTY THOUSAND TWO HUNDRED FORTY-SEVEN AND 80/100 DOLLARS (\$140,247.80) TO ANGEL BROTHER'S ENTERPRISES, LTD., FOR SAID PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

n. Ordinance 11,121: Closeout of the Wye Drive and Felton Paving Project - Engineering.

Ordinance 11,121 provided approval for final payment in the amount of \$16,005.15 to D&W Contractors, Incorporated and accepting the Wye Drive and Felton Paving Project.

The final cost for this project was \$160,051.50 and the original contract was for \$162,575.00; a cost savings of \$2,523.50. The scope of work included the reconstruction of the concrete paving on Wye Drive used by the Fire Department around Fire Administration. Felton Drive was reconstructed with concrete paving at the intersection of Felton and Maplewood. The contractor finished the work within the allotted time and their workmanship was satisfactory.

ORDINANCE 11,121

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE WYE DRIVE AND FELTON PAVING PROJECT; AUTHORIZING FINAL PAYMENT OF THE SUM OF SIXTEEN THOUSAND FIVE AND 15/100 DOLLARS (\$16,005.15) TO D&W CONTRACTORS, INC., FOR SAID PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Agenda item(s) 8.a, b., and c. followed agenda item 6.n.

7. 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.

a. Executive Session: Deliberate Possible Purchase of Real Property - Legal.

7:05 P.M. Mayor DonCarlos closed the Regular Public Meeting and convened the Executive Session.

Recessed into and conducted an Executive Session pursuant to Texas Government Code, Section 551.072 to deliberate the possible purchase of real property for a development project.

7:16 P.M. Mayor DonCarlos closed the Executive Session and reconvened the Regular Public Meeting stating that no action was taken in the Executive Session.

8. MANAGER'S REPORT

a. Baytown Fallen Firefighter Memorial Update - Fire Department.

City Manager Garry Brumback presented the agenda item.

The Dedication Ceremony for the Baytown Fallen Firefighter Memorial will be held at 3:00 P.M. on Saturday, May 16, 2009.

b. Community Yard Sale - Parks and Recreation.

City Manager Garry Brumback presented the agenda item.

The Community Yard Sale will be held at Bicentennial Park, 1001 Market Street on Saturday, May 16, 2009 from 8:00 A.M. to 1:00 P.M.

For additional information and booth applications, please contact the Parks and Recreation Department, 2407 Market Street, 281-420-6597.

c. Hurricane Preparedness Workshop - Emergency Management Department.

City Manager Garry Brumback presented the agenda item.

The City of Baytown's Office of Emergency Management will host a free hurricane preparedness workshop on Saturday, May 16, 2009, 10:00 A.M. to 2:00 P.M., at the Baytown Community Center, 2407 Market Street.

Agenda Item 7.a. followed agenda item 8.c.

9. ADJOURN

Motion was made by Council Member Sain, seconded by Council Member Capetillo adjourning the May 14, 2009, Regular Meeting. The vote was as follows:

Ayes: Council Members: Yopez, Caskey, Capetillo, Sain, McCartney, Sheley and Mayor DonCarlos.

Nays: None.

The motion carried.

7:16 P.M. Mayor DonCarlos adjourned the Regular City Council Meeting of May 14, 2009.

Kaythie Darnell, City Clerk
City of Baytown