

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

March 12, 2009

The City Council of the City of Baytown, Texas met in a Regular Meeting on Thursday, March 12, 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 Yopez	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
Bob Leiper	Deputy City Manager
Kevin Troller	Assistant City Manager
Ignacio Ramirez	City Attorney
Kaythie Darnell	City Clerk

Pledge of Allegiance, Texas Pledge and Invocation led by Mayor Pro Tem Brandon Capetillo.

6:30 P.M. Mayor DonCarlos convened the March 12, 2009, Regular Meeting with a quorum present.

1. MINUTES

a. Considered approval of the minutes from the City Council Work Session and the Regular Meeting on February 26, 2009.

Motion was made by Council Member Sain, seconded by Council Member Yopez approving the minutes from the February 26, 2009 City Council Work Session and City Council Regular Meeting. The vote was as follows:

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

Nays: None.

The motion carried.

Council Member Caskey abstained from agenda item 1.a. due to his absence at the February 26, 2009 meeting.

2. RECOGNITIONS AND CITIZENS COMMUNICATIONS

a. Citizens Communication - Ms. Debbie Griffin.

Ms. Debbie Griffin addressed the City Council to make positive comments about the hurricane aftermath and the City of Baytown's preparedness. Ms. Griffin also addressed a problem facing the residents of Allenbrook.

b. Citizens Communication - Mr. Herman Manzanares.

Mr. Herman Manzanares was not present at the City Council meeting.

c. Citizens Communication - Ms. Angela Barton.

Tom L. Kincaid, 4035 Wright Lane, Baytown, James Haarmeyer, 8102 Bayside, Baytown, Bette Efferson, 122 Gulls Cut, Baytown, Dave Bryant, 320 W. Defee, Baytown, and Greg Singletary, 915 Briarcreek Dr., Baytown each registered to address the Council regarding item 2.a. and deferred their minutes to Angela Barton.

Ms. Angela Barton addressed the City Council regarding a follow up on ethics issues she brought to the City Council at the February 12, 2009, meeting.

d. Recognition: Employee of the Month for the City of Baytown - Human Resources.

Mike Flynn was recognized as the January 2009 Employee of the Month.

e. Recognition: Baytown's Little Theater - City Administration.

Baytown's Little Theater poster was presented by Mr. Spelling.

f. Recognition: Texas Recreation and Park Society's Lone Star Programming Award - Parks and Recreation.

The Parks and Recreation Department received the Lone Star Programming Award – Class III at the 2009 Texas Recreation and Park Society Annual Awards Banquet in Austin on Friday, February 28th for Camp Ike.

The idea for Camp Ike came from one of our employees that were struggling with the lack of child care following the storm. Normal services such as electricity, grocery stores, and gas stations were all closed immediately following the storm. All schools and childcare facilities were closed for over two weeks due to structural damage or lack of

electricity. Many employees were left in a desperate situation. They were required to return to work to get City services back in operation, yet they had no place to leave their children. Out of a casual discussion among the department, staff realized the need, and that they could make a difference for fellow employees. Using limited resources and blessed with a Community Center that had electricity, the Staff put together a program in less than half a day and was opened for business on Tuesday following the storm.

Seventy-six children ranging from preschool to high school spent almost two weeks painting faces, playing Nerf tennis, watching movies, playing Guitar Hero and other videogames along with story telling and other library activities. The children were fed breakfast and lunch and were worn out by the time their tired parents came to pick them up.

The program cost the participants nothing but fun.

3. PROPOSED ORDINANCES

a. First Reading of an Ordinance 11,083 Concerning Annexing of 56.8632 Acres - Planning.

City Manager Brumback presented the agenda item.

Ordinance 11,083 regarding the first reading which would annex property currently within the extraterritorial jurisdiction of the City of Baytown, contiguous to the south property line of Walter L. Jenkins Park and the west property line of J.C. Hollaway Park and being described as a 56.8632 acre tract in the Christian Smith Survey, Abstract 69, and Harris County, Texas.

The City of Baytown purchased this vacant tract of land in 2007. The City proposes to develop the land as a park. This property will be zoned Neighborhood Conservation (NC) upon annexation in which parks are a permitted use. This annexation will result in the 56.8632 acres being in the City of Baytown. Attached to Ordinance 11,083 is the Service Plan required by the Texas Local Government Code.

Motion was made by Council Member McCartney, seconded by Council Member Caskey approving Ordinance 11,083. The vote was as follows:

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

Nayes: None.

The motion carried.

ORDINANCE 11,083

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, MAKING CERTAIN FINDINGS; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF BAYTOWN, TEXAS, AND THE ANNEXATION OF A 56.8632 ACRE TRACT LOCATED SOUTH OF WALTER L. JENKINS PARK AND WEST OF J.C. HOLLOWAY PARK IN THE CHRISTIAN SMITH SURVEY, ABSTRACT 69, HARRIS COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS FOR THE CITY OF BAYTOWN, TEXAS.

4. PROPOSED RESOLUTIONS**a. Election: Appointing Election Officials - City Clerk.**

City Manager Brumback presented the agenda item.

Resolution 1969 appointed the election officials for the May 9, 2009, General and Special Elections. The proposed election officials have agreed to serve for the elections. Detailed training will be provided through an election school held prior to the election. The City is working with the Goose Creek Consolidated Independent School District to conduct the joint election. When the City and GCCISD elections are held in the same precinct, the same polling places will be used and the same persons will serve as judge and alternate judge for each entity's election. Most of the judges who have volunteered to serve have previous experience either in conducting a City election or in conducting an election using the eSlate equipment.

Motion was made by Council Member Yopez, seconded by Council Member Capetillo approving Resolution 1969. The vote was as follows:

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

Nays: None.

The motion carried.

RESOLUTION 1969

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, NAMING THE ELECTION OFFICIALS AND THE ALTERNATE PRESIDING JUDGE FOR THE CENTRAL COUNTING STATION AND FOR THE EARLY VOTING BALLOT BOARD FOR THE GENERAL AND SPECIAL ELECTIONS OF THE CITY OF BAYTOWN, TEXAS, TO BE HELD ON MAY 9, 2009;

PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Renaming of the Baytown Skate Park 2 at Unidad Park to the Adrian Elias Memorial Skate Park - Parks and Recreation.

City Manager Brumback presented the agenda item.

Jesus Elias, 1022 N. 2nd Street, Baytown, and Gayla Scott, 1300 N. 8th Street, Baytown registered and addressed the City Council regarding item 4.b.

Considered a resolution to change the name of the Baytown Skate Park 2 at Unidad Park to the Adrian Elias Memorial Skate Park.

Adrian Elias was a student at Horace Mann Junior School and last seen by his friends at the Baytown Skate Park 2 at Unidad Park before heading off to watch the Annual Christmas Parade on December 5, 2008. Adrian was struck minutes later by an unidentified vehicle while riding on his skateboard. Adrian later died at San Jacinto Methodist Hospital.

Several individuals including Gayla Scott filed a formal request to rename the Baytown Skate Park 2 after Adrian to the Adrian Elias Memorial Skate Park.

The Parks and Recreation Advisory Board voted unanimously to change the name at the February 4, 2009 Board meeting. Two members of the Parks and Recreation Advisory Board, Carman Torres and Kevin Jones, had taught and knew Adrian.

Motion was made by Council Member Sain, seconded by Council Member Capetillo to table this item and develop a comprehensive policy for the naming of City properties and memorials. The vote was as follows:

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

Nayes: None.

The motion carried.

c. Resolution 1970: Consenting to the Creation of Chambers County Improvement District Nos. 2 and 3 - City Management.

City Manager Brumback presented the agenda item.

Resolution 1970 granted consent to the creation of both Chambers County Improvement District No. 2, and Chambers County Municipal Utility District. No. 2 in territory proposed for development in the City's extraterritorial jurisdiction.

Resolution 1970 granted consent to the creation of Chambers County Improvement District Nos. 2 (the "Improvement District") and Chambers County Municipal Utility District No. 2 (the "MUD"). The City received petitions for the creation of the two districts – one for an Improvement District and one for a Municipal Utility District. In the petitions, the petitioner asks that the consent be granted based upon certain conditions, which conditions are similar to the conditions which the City has previously required prior to granting its consent to the creation of other districts. The Municipal Utility District petition contains a request to negotiate and enter into a strategic partnership agreement with the City for the imposition of City sales tax in the commercial areas of the Municipal Utility District and the imposition of municipal regulations. The Improvement District is proposed to be created through legislation of the State, which will allow the City to annex all or part of the Improvement District without dissolving the district and without the City having to assume the Improvement District's obligations or indebtedness. This is important as this district is located within Industrial District No. 3 and will allow the City to annex properties within the Improvement District should a company fail or refuse to enter into an Industrial District Agreement with the City.

Maps of the proposed districts were attached.

Motion was made by Council Member Caskey, seconded by Council Member Capetillo approving Resolution 1970. The vote was as follows:

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

Nayes: None.

The motion carried.

RESOLUTION 1970

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, GRANTING CONSENT TO THE CREATION OF A POLITICAL SUBDIVISION TO BE KNOWN AS CHAMBERS COUNTY IMPROVEMENT DISTRICT NO. 2, ONE PURPOSE OF WHICH WILL BE TO SUPPLY FRESH WATER FOR DOMESTIC OR COMMERCIAL USE OR TO FURNISH SANITARY SEWER SERVICES, ROADWAYS, OR DRAINAGE, WITHIN ITS BOUNDARIES, AND CONSISTING OF APPROXIMATELY 723.06 ACRES OF LAND, MORE OR LESS; GRANTING CONSENT TO THE CREATION OF A POLITICAL SUBDIVISION TO BE KNOWN AS CHAMBERS COUNTY IMPROVEMENT DISTRICT NO. 3, ONE PURPOSE OF WHICH WILL BE TO SUPPLY FRESH WATER FOR DOMESTIC OR COMMERCIAL USE OR TO FURNISH SANITARY SEWER SERVICES, ROADWAYS, OR DRAINAGE, WITHIN ITS

BOUNDARIES, AND CONSISTING OF APPROXIMATELY 880.30 ACRES OF LAND, MORE OR LESS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

5. REPORTS

a. Report on Allegations made by Ms. Angela Barton - Legal.

Assistant City Attorney Ford Hamilton presented this agenda item concerning Angela Barton's allegations at the February 12th City Council Meeting.

Concern 1: Due to "management style," the Telecommunications Division has a shortage of dispatchers; and, employees are working under physical and mental anguish stemming from having last minute schedule changes and requiring dispatchers to work beyond their normally scheduled shifts; Unfounded;

Concern 2: The Dispatch Office is undermanned during the hours of 5:00 A.M. and 7:00 A.M.; Unfounded;

Concern 3: Dispatchers are not certified by TCLEOSE (Texas Commission on Law Enforcement Officer Standards and Education) as required by law and are receiving inadequate training; Unfounded;

Concern 4: The City's "Neighborhood Protection Officers" ("NPO's") are performing duties of "code enforcement officers" but are not certified "code enforcement officers" as required by law; Unfounded;

Concern 5: Citations of the NPO's are at jeopardy since NPO's are not code enforcement officers; Unfounded;

Concern 6: Because the City is using NPO's for code enforcement instead of code enforcement officers, the City could be subject to administrative and criminal penalties; Unfounded;

Concern 7: The Health Director, who pursuant to his job description is required to be a licensed sanitarian, does not have a license, as his expired February 28, 2008; Founded and corrected;

Concern 8: Ms. Barton brought her Concerns regarding the Health Department to the attention of the Human Resources Department in her exit interview but the concerns persist; Unfounded;

Concern 9: Baytown Municipal Development District ("MDD") funds were inappropriately used to fund the City Hall Expansion project; Unfounded;

Concern 10: The City Council did not ratify the MDD's reallocation of funds for Parks Projects and Contingency pursuant to Texas Local Government Code 379A.025; Unfounded.

6. CONSENT

Motion was made by Council Member Sheley, seconded by Council Member Capetillo approving Consent Items 6.a., 6.b., 6.c., 6.d., and 6.e. The vote was as follows:

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

Nays: None.

The motion carried.

a. Ordinance 11,084: Award of Construction Contract for Baytown Bridge Rehabilitation Project - Engineering.

Ordinance 11,084 awarded a Construction Contract to Excalibur Excavation, L.P. for the Baytown Bridge Rehabilitation Project. Eight contractors attended the mandatory prebid meeting, but only one company (Excalibur Excavations, LP) submitted an official bid for the project. The bid amount for the contract was \$509,290.00. Klotz Associates, the Design Engineers for the project, evaluated the submitted bid and noted that it was beneath the Engineer's estimate by over forty thousand dollars. The scope of work includes the installation of gabion mattresses and erosion protection for the following bridges: Garth Road at East Fork of Goose Creek, Rollingbrook Drive at West Fork of Goose Creek, Rollingbrook Drive at East Fork of Goose Creek, and West Texas Avenue at Goose Creek. This project has a duration of 100 calendar days.

ORDINANCE 11,084

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST TO A CONTRACT WITH EXCALIBUR EXCAVATION, L.P., FOR THE BAYTOWN BRIDGE REHABILITATION PROJECT; AUTHORIZING PAYMENT OF A SUM OF FIVE HUNDRED NINE THOUSAND TWO HUNDRED NINETY AND NO/100 DOLLARS (\$509,290.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Ordinance 11,085: Award Construction Contract for the Old Court's Facility Renovation - Engineering.

Ordinance 11,085 awarded a Construction Contract to Hull & Hull, Incorporated for the Old Court's Facility Renovation Project. The bid amount for the contract including the recommended alternate No. 1 was \$292,820.00. The scope of work includes renovation of the Court and Jail Facility to make additional space for a patrol briefing room and offices. Alternate No. 1 includes the construction of a kitchen and break area. A bid for the expansion of the Police Academy was rejected due to budget constraints. This Project has a duration of 150 calendar days.

ORDINANCE 11,085

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST TO A CONTRACT WITH HULL & HULL, INC., FOR THE OLD COURT AND JAIL FACILITY RENOVATION PROJECT; AUTHORIZING PAYMENT OF A SUM OF TWO HUNDRED NINETY-TWO THOUSAND EIGHT HUNDRED TWENTY AND NO/100 DOLLARS (\$292,820.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

c. Ordinance 11,086: Closeout of Massey Tompkins and Barkaloo Signalization Project - Engineering.

Ordinance 11,086 approved the release of final payment in the amount of \$9,446.00 to KenMor Electric Company, L.P. and accepts the Massey Tompkins and Barkaloo Signalization Project. The original contract was awarded to KenMor Electric Company, L.P. for \$94,460.00. The contractor finished the project on time and with satisfactory workmanship.

ORDINANCE 11,086

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE MASSEY TOMPKINS AND BARKALOO SIGNALIZATION PROJECT; AUTHORIZING FINAL PAYMENT OF THE SUM OF NINE THOUSAND FOUR HUNDRED FORTY-SIX AND NO/100 DOLLARS (\$9,446.00) TO KENMOR ELECTRIC COMPANY, L.P., FOR SAID PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

d. Ordinance 11,087: 1st Renewal of the Annual Electrical Services Contract #058-09 - Purchasing.

Ordinance 11,087 awarded the 1st renewal of the Annual Electrical Services Contract to Baytown Electric Company, in the amount of \$200,000.00. Due to the impact of Hurricane Ike and large usage of the contract by departments to get the City services back to normal operations, we recommend renewing this Annual Contract early and changing the term dates to avoid exceeding the allowable award total. Baytown Electric Company submitted a written request to renew the current contract for the same terms, conditions and pricing. The Annual Electrical Services Contract is used by all departments for electrical services regarding emergencies, bucket truck service, repair, new installations, and miscellaneous electrical services. Bucket truck service is primarily used by the Parks and Recreation Department. Baytown Electric Company has performed electrical work for the City for numerous years and continues to provide excellent service.

ORDINANCE 11,087

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE CONTRACT OF BAYTOWN ELECTRIC COMPANY FOR THE ANNUAL ELECTRICAL SERVICES 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.

e. Ordinance 11,088: Agreement for the CDBG Disaster Recovery Fund - Emergency Management.

Ordinance 11,088 authorized an Agreement for the Participation in the Application and Distribution of Hurricane Ike Disaster Community Development Block Grant Funds with Harris County.

The US Department of Housing and Urban Development (HUD) has made a grant of \$1.3 billion in aid to the State of Texas to assist the communities impacted by Dolly, Gustav, and Ike through the Community Development Block Grant (CDBG). The primary distribution is to be through the State, to the Council's of Governments, where allocations to the various Counties, Cities, and other political subdivisions and jurisdictions will be made. H-GAC has been given a preliminary figure of \$814 million in CDBG funds and has designated four points of funding access: City of Houston, City of Galveston, Harris County, and H-GAC. Harris County Government, through the Community Services Department, has offered to incorporate all willing Harris County political subdivisions into a regional application for those funds and distribute any grant dollars as a ratio of each entity's damages to the total submitted damages.

For those jurisdictions which choose to submit their applications individually, H-GAC is establishing a separate grant process to review each of those jurisdiction's individual

project request and rank them throughout the entire H-GAC region for competitive review and funding until the remaining pool of monies run out. H-GAC will not permit any jurisdiction to apply in more than one process.

The initial application process started with an email notice on the evening of February 4, 2009, for a meeting on February 5, 2009 and with an initial participation agreement with Harris County to be submitted on or before noon of February 6, 2009.

Resolution No. 1952, which was passed by the City Council on November 13, 2008, authorized the City Manager to register, apply, and accept any state or federal grants funds, or reimbursements arising out of Hurricane Ike. The initial application was executed by Mr. Brumback in conformance with that resolution. The attached Memorandum of Understanding confirms Baytown's continued intent to pursue the CDBG Disaster Recovery Grant funds through the joint application with Harris County Government.

ORDINANCE 11,088

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AN AGREEMENT FOR THE PARTICIPATION IN THE APPLICATION AND DISTRIBUTION OF HURRICANE IKE DISASTER COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS WITH HARRIS COUNTY; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

7. APPOINTMENTS

a. **Appointments: Baytown Beautification Advisory Commission.**

During the Regular Meeting on March 12, 2009, the City Council discussed two (2) appointments for the Baytown Beautification Advisory Commission.

Board Member David Yopez has tendered his resignation from the Board effective immediately. An appointment must be made to complete the remainder of his term which will expire on September 30, 2009. At the expiration of this term, the appointee will be eligible for reappointment.

Board Member Susan Milner has tendered her resignation from the Board effective immediately. An appointment must be made to complete the remainder of her term which expires on September 30, 2010. At the expiration of this term, the appointee will be eligible for reappointment.

Motion was made by Council Member Sain and seconded by Council Member Yopez to appoint Luis Flores and D. Garrett Drake to the Baytown Beautification Advisory Commission.

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

Nays: None.

The motion carried.

b. Appointments: Baytown Housing Authority Board.

Considered the Mayor's two (2) appointments to the Baytown Housing Authority Board.

Appointed by the Mayor, the Baytown Housing Authority Board consists of five (5) Commissioners, of which, no person who is an officer or employee of the City of Baytown or who lives outside a radius of five (5) miles beyond the corporate limits of said City, shall be appointed. Members are eligible for reappointment for subsequent terms; however, Resident Members may only serve two consecutive terms.

The following members' terms will expire on March 31, 2009: Maria Guillory (Resident) and Tony Roberson.

Maria Guillory (Resident) and Tony Roberson are eligible for reappointment and desire to continue to serve on this Board for the term March 1, 2009, through March 1, 2011.

Motion was made by Council Member Yopez and seconded by Council Member Caskey to reappoint Maria Guillory and Tony Roberson to the Baytown Housing Authority Board.

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

Nays: None.

The motion carried.

c. Appointments: Baytown Housing Finance Corporation Board.

Considered the Mayor's two (2) appointments to the Baytown Housing Finance Corporation Board.

Appointed by the City Council, the Baytown Housing Finance Corporation Board is composed of five (5) Commissioners, of which, no person who is an officer or employee of the City of Baytown or who lives outside a radius of five (5) miles beyond the corporate limits of said City shall be appointed. Members are eligible for reappointment for subsequent terms; however, resident members may only serve two consecutive terms.

The following members' terms will expire on March 31, 2009: Maria Guillory (Resident) and Tony Roberson.

Ms. Mary Guillory (Resident) and Mr. Tony Roberson are eligible for reappointment and desire to serve on this Board for the term April 1, 2009, through March 31, 2011.

Motion was made by Council Member Yepez and seconded by Council Member Caskey to reappoint Maria Guillory and Tony Roberson to the Baytown Housing Authority Board.

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

Nays: None.

The motion carried.

d. Appointments: Municipal Development District Board.

During the Regular Meeting on March 12, the City Council considered two (2) appointments for the Municipal Development District Board.

During the March 12, 2009 Regular Meeting, City Council considered two (2) appointments to fill the vacancies of Director Lisa Guy and Director Kitty Allen to complete the unexpired terms as resident members which will end on June 20, 2009 where, at that time the appointees will be eligible for reappointment.

Council Member Lena Yepez nominated Mary Hernandez and Council Member Capetillo nominated Kirven Tillis to the Municipal Development District Board.

Motion was made by Council Member Caskey and seconded by Council Member Capetillo to appoint Mary Hernandez and Kirven Tillis to the Municipal Development District.

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

Nays: None.

The motion carried.

e. Appointments: Unified Land Development Code Task Force.

Considered City Council Members Yepez (District 1) and Caskey (District 5) nominations to the Unified Land Development Code Task Force.

The ULDC Task Force has seven (7) members. Each member of Council nominates one (1) member. Task Force Members Teresa Espinoza and David Snell have tendered their

resignations from the Unified Land Development Code Task Force effective immediately. Ms. Espinoza was nominated by Council Member Yepez and Mr. Snell was nominated by Council Member Caskey. Appointments need to be made to complete the remainder of their terms.

Council Member Lena Yepez (District 1) nominated David Havel and Council Member Caskey (District 5) nominated Tom Cottar III to the Unified Land Development Code Task Force.

Motion was made by Council Member Caskey and seconded by Council Member Sheley to appoint David Havel and Tom Cottar III to the Unified Land Development Code Task Force.

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

Nays: None.

The motion carried.

f. Appointments: Urban Rehabilitation Standards Review Board.

Considered one (1) appointment to the Urban Rehabilitation Standards Review Board.

William Gidley, Tom Cottar III and Tom Hughes were reappointed at the February 26, 2009, City Council Meeting for the March 1, 2009 through March 1, 2011 term.

W.A. McElhannon, Registered Engineer, does not desire to be reappointed.

Item 7.f. was tabled until a qualified Registered Engineer or Architect is nominated.

g. Appointments: Ethics Commission.

Consider five (5) appointments to the Ethics Commission.

At the February 26, 2009 meeting of the City Council, the City Council established the Ethics Commission, which is a five (5) member Commission appointed by the City Council from the membership of the Bay Area Ministerial Alliance. Of the initial five (5) members appointed by the City Council, three (3) shall be appointed to serve two-year terms, and two (2) shall be appointed to serve three-year terms. Subsequent terms of these members shall be for three (3) years. The Commission shall have those powers and duties specified in recently adopted Ethics Ordinance, which are advisory in nature.

Mayor DonCarlos stated the Ethics Commission would be structured from members of the Bay Area Ministerial Alliance.

Motion was made by Council Member Yopez and seconded by Council Member Capetillo to appoint Jim Black, Brad Hoffman, Jackie Truitt, Raymond Van Buskirk, and Nick Novak to the Ethics Commission.

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

Nays: None.

The motion carried.

8. 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.

There was no Executive Session.

9. MANAGER'S REPORT

a. Trash-Off & Household Hazardous Waste Day Announcement - Health Department.

The City of Baytown will hold its 9th annual Trash-Off in conjunction with the State of Texas Annual Trash-Off activities on Saturday, April 04, 2009. This year will also include a Household Hazardous Waste (HHW) drop-off site.

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 and one HHW drop off site. Additional information will be provided on fliers, City Web site, Channel 16, and in the Baytown Sun.

10. ADJOURN

Motion was made by Council Member Capetillo, seconded by Council Member Caskey adjourning the March 12, 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.

8:54 P.M. Mayor DonCarlos adjourned the Regular City Council Meeting of March 12, 2009.

Kaythie Darnell, City Clerk
City of Baytown