

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

May 28, 2009

The City Council of the City of Baytown, Texas met in a Regular Meeting on Thursday, May 28, 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
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

Council Member Capetillo was absent from the May 28, 2009 Regular Meeting.

6:30 P.M. Mayor DonCarlos convened the May 28, 2009, Regular Meeting with a quorum present.

Pledge of Allegiance, Texas Pledge and Invocation was led by Kristine Kenney and Jose Garcia with the Youth Advisory Committee.

1. RECOGNITIONS AND CITIZENS COMMUNICATIONS

a. Swearing-In Ceremony - The Honorable Judge Ed Emmett.

The Honorable Judge Ed Emmett administered the Oath of Office to Mayor Stephen H. DonCarlos and presented him with the Certificate of Election.

Agenda Item 1.d followed Agenda Item 1.a.

b. Years of Service Awards - City Manager.

Recognized and presented Years of Service Awards to the following City of Baytown employees:

10 YEAR

Walter Shane Darsee, April 1, 1999 Police Patrol Officer;
Jimmie Bargas, April 19, 1999 Police Administrative Assistant;
Demetria Gonzalez, April 26, 1999 Human Resources Safety Coordinator;

20 YEAR

Henry Powell, April 5, 1989 Utilities Master Utility Maintenance Technician;
Bryan Thompson, April 17, 1989 Police Patrol Officer.

30 YEAR

Jackie Erikson, April 9, 1979 Police Lieutenant.

c. Employee and Team of the Month of April - City Manager.

City Manager Garry Brumback recognized the April Employee and Team of the Month.

Presented the April 2009 Employee of the Month Award to Ms. Peggy Jones, Police Department; and the April 2009 Team of the Month Award to the Meter Operations Group, Utility Billing.

Ms. Jones, Administrative Assistant, Baytown Police Department was nominated and chosen for excelling in all of the City's core values, specifically Competence and Integrity. She alone is responsible for registering and monitoring the sex offenders within the city limits; no easy task as numbers have doubled in three years.

Ms. Jones is a life-long resident and has been employed with the City of Baytown for over 27 years. She will receive \$100.00, a day off with pay and her name will be placed on a plaque located in the lobby of City Hall.

The Meter Operations Groups comprised on Mr. Sonny Rowlett, Mr. Ryan Guidry, Mr. Maurice Matthews, Mr. Richard Rodriguez and Mr. Robert Orosco, along with Mr. Doyle Merrell, Meter Operations Coordinator, have exemplified all of the Core Values, specifically that of Competence. Of their own volition, the team researched and developed options to repair City water meters; reducing the need for replacements and resulting in an estimated \$137,000.00 in cost savings over a three year period on parts.

The team will share \$250.00, receive a day off with pay and they will be placed on a plaque located in the lobby of City Hall.

d. Recognition: Mr. Robert L. Gillette, BAWA Board Member - Mayor DonCarlos.

Mayor DonCarlos recognized Mr. Robert L. Gillette for his years of service.

Recognized Mr. Robert L. Gillette and commemorated his 36 years of service to the Baytown Area Water Authority (BAWA) Board and the citizens of Baytown.

Memorial for Mr. Robert L. Gillette who served as Board Member for the Baytown Area Water Authority (BAWA) Board from August 23, 1973 until his passing was on May 08, 2009. Mr. Gillette served the BAWA Board for 36 years; 30 years (1977- 2007) as President, 4 years (1973 - 1977) as Vice President and 2 years (2007 - 2009) as Secretary.

Mr. Gillette's children John Gillette and Jane Riggs accepted the Resolution honoring their father.

Agenda Item 1.b. followed Agenda Item 1.d.

2. MINUTES

a. Approve Minutes for City Council Meeting, May 14, 2009 - City Clerk.

Motion was made by Council Member Caskey, seconded by Council Member Yopez approving the minutes as corrected from the May 14, 2009, City Council Regular Meeting. The vote was as follows:

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

Nays: None.

The motion carried.

3. PROPOSED ORDINANCES

a. Amending Chapter 18, Tier One Building Code Standards - Planning Department.

City Manager Garry Brumback presented the agenda item.

Ordinance 11,123 adopted amendments to Chapter 18 (the Building Code) setting forth Tier One Windstorm Standards, relating to protection from wind storms up to 130 miles per hour, three second gust, and other related standards.

Ordinance 11,123 included a comparison of the current International Building Code enforced by the City of Baytown to alternative codes and standards that meet the Inland I and the 130 mph seaward standards of the Texas Department of Insurance. The 130 mph wind speed design criteria provide improved hurricane resistance to meet the upper end of a category 3 hurricane and increase the cost of construction. This proposal will not put Baytown under the Texas Department of Insurance purview for insurance or under the TWIA program.

The City Council favorably discussed this proposal at its April 23 meeting and staff discussed the proposal at a public meeting on May 15th wherein insurance professionals, engineers, builders and others were invited to attend and ask questions.

Attached in your backup is the proposed ordinance amending Chapter 18 of the Baytown Code of Ordinances and a memorandum addressing the value of such standards to the citizens of Baytown.

Don Klein, 654 N. Sam Houston Pkwy E., Houston, TX 77066, Dave Yelovich, 13111 NW Freeway, Houston, and Adam Aschmann, 9511 W. Sam Houston Pkwy S., Houston, 77064 each registered to address the Council in reference to agenda item 3.a.

Motion was made by Council Member Yopez, seconded by Council Member Sheley approving Ordinance 11,123 which will take effect in 60 days. The vote was as follows:

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

Nays: None.

The motion carried.

ORDINANCE 11,123

AN ORDINANCE OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II "BUILDING CONSTRUCTION STANDARDS," OF THE CODE OF ORDINANCES OF THE CITY OF BAYTOWN, TEXAS, TO ADD A NEW DIVISION TO BE NUMBERED AND ENTITLED DIVISION 1 "WINDSTORM STANDARDS; AMENDING CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II "BUILDING CONSTRUCTION STANDARDS," DIVISION 3 "BUILDING CODE," SECTION 18-92 "AMENDMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF BAYTOWN, TEXAS, TO ADD AMENDMENTS TO SECTIONS 1603.1 "GENERAL," 1609.1.4 "WIND DESIGN DATA," SECTION 1609.1 "APPLICATIONS," (EXCLUDING SECTION 1609.1.2.1 "LOUVERS") 1609.3 "BASIC WIND SPEED," AND ARTICLE IX "MINIMUM PROPERTY STANDARDS," DIVISION 2 "ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES," SECTION 18-652 "AMENDMENTS TO THE RESIDENTIAL CODE" OF THE CODE OF ORDINANCES OF THE CITY OF BAYTOWN, TEXAS, TO ADD (I) NEW SUBSECTION R301.2.1 "CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA"; (II) AN AMENDMENT TO SECTION R301.2.1.1 "DESIGN CRITERIA"; AND (III) AN

AMENDMENT TO SECTION R301.2.1.2 "PROTECTIVE OPENING" TO MEET THE 130 MPH SEAWARD STANDARDS; PROVIDING FOR A PENALTY NOT EXCEEDING FIVE HUNDRED AND NO/100 DOLLARS (\$500.00); PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

b. Consider Approval of Interlocal Agreement with TxDOT and Chambers County for Traffic Signals - City Administration.

City Manager Garry Brumback presented the agenda item.

Ordinance 11,124 approved the Interlocal Agreement between the City of Baytown, Texas Department of Transportation (TxDOT) and Chambers County for the installation of traffic signals on Highway 146 in Chambers County.

The City has been working with Texas Department of transportation (TxDOT) and Chambers County to improve traffic safety along Highway 146 in Chambers County. In 2008 TxDOT completed a traffic study of the corridor from FM 565 to I-10 to identify traffic demands and determine if the placement of additional traffic signals was warranted. TxDOT also wanted to ensure an overall plan existed for the proper placement of future signals, providing the basis for a future synchronization project.

The traffic study identified the current and future need for five additional traffic signals. Two signals are warranted by traffic patterns now: At Redwood Drive (the entrance to Country Meadows) and at FM 1405 (main entry point for the Cedar Crossing and future industrial parks). Future locations will be near Devinwood/Bayou Bend subdivision (at the entrance to future elementary school 15), at the future east-west thoroughfare approximately 1/2 mile south of Redwood, and at Old Needlepoint Road (the entrance to a future retail and commercial center)

This interlocal agreement divides the construction cost among the City, TxDOT (using Federal funds) and Chambers County with each paying \$60,303.34. TxDOT performed the traffic study and signal design at no cost to the City or Chambers County.

The first signal will be constructed at Redwood Drive under an existing State annual signal construction contract. The second signal will likely have to wait until September 2009 for the renewal of that State contract. TxDOT already has the poles purchased for the signals, reducing the lead time on construction. It is hoped that construction at Redwood can begin within 30 days and will be completed within 60 days.

This traffic safety project is funded through revenues from the Red Light Camera program.

Motion was made by Council Member Caskey, seconded by Council Member Yopez approving Ordinance 11,124. The vote was as follows:

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

Nays: None.

The motion carried.

ORDINANCE 11,124

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 ADVANCE FUNDING AGREEMENT WITH THE STATE THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION AND CHAMBERS COUNTY FOR THE INSTALLATION OF TRAFFIC SIGNALS ON HIGHWAY 146 IN CHAMBERS COUNTY; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

4. PROPOSED RESOLUTIONS

a. Establishing Memorial Program - Legal.

City Manager Garry Brumback presented the agenda item.

Resolution 1987 established a Memorial Program for the City of Baytown, which includes the following:

1. Roadside Memorial Program;
The Roadside Memorial Program shall be administered through the Traffic Division of the Public Works Department and shall entail the placement of standardized roadside memorials for people that have died as a result of a motor vehicle, pedestrian or bicycle crash within a City-maintained right-of-way on segments of roadway in incorporated Baytown; and
2. Parks Memorial Program
The Parks Memorial Program shall be administered through the City's Parks and Recreation Department and shall entail the planting of trees or the placement of fixtures such as benches in City parks as memorials for people that have died.

The roadside memorial markers will be in the form of a sign containing a safety message and the name of the deceased, if desired; and the park memorials shall include a plaque placed on or near the tree, bench or other memorial.

A person, who is an immediate family member of the deceased or has the consent of a family member, may request a memorial under one of the two programs. The Parks and

Recreation Board under the Parks Memorial Program and the Planning and Zoning Commission under the Roadside Memorial Program shall consider memorial requests, hold public hearings and ultimately grant or deny the requested memorials based upon the criteria enumerated in the policy. If approved, the memorials will be designed, constructed and/or installed as applicable by the City of Baytown. The applicant requesting the memorial will incur the actual cost of the tree or fixture and plaque under the Parks Memorial Program or the sign under the Roadside Memorial Program. The markers and plaques shall remain for a two year period. Once removed by the City, the sign or plaque shall upon request be given to the person who applied for the memorial.

The proposed Memorial Program is in addition to the existing facility/street naming policy of the City.

Motion was made by Council Member Sain, seconded by Council Member McCartney approving Resolution 1987. The vote was as follows:

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

Nays: None.

The motion carried.

RESOLUTION 1987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ADOPTING A MEMORIAL PROGRAM FOR THE CITY OF BAYTOWN; CONTAINING A REPEALING CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. U.S. Department of HUD Application for American Recovery & Reinvestment Act - CDBG-R Funds - Planning.

City Manager Garry Brumback presented the agenda item.

Resolution 1988 amended the 2008-09 Community Development Block Grant Action Plan for funding from the American Recovery and Reinvestment Act of 2009 and authorized application of such to the United States Department of Housing and Urban Development. The resolution also designates the City Manager as the authorized representative to accept and affirm any grant awarded as a result of the application.

The City must prepare and submit a substantial amendment to the approved 2008-09 Action Plan to receive the CDBG-R Entitlement grant. Staff is proposing to use the additional CDBG-R funds for Sidewalk and Alleyway Reconstruction and a Housing Market Study. The two projects were reviewed by the Community Development Advisory Committee (CDAC) at their May 19th meeting. The CDAC concurs with the

projects and recommended that a substantial amendment of the 2008-09 CDBG Action Plan to fund Sidewalk and Alleyway Reconstruction and a Housing Market Study.

Amount Budgeted & Source of Funding

Sidewalk & Alleyway Repairs	200,500
Housing Market Study	<u>22,032</u>
CDBG-R Allocation	222,532

Motion was made by Council Member Caskey, seconded by Council Member McCartney approving Resolution 1988. The vote was as follows:

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

Nays: None.

The motion carried.

RESOLUTION 1988

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING THE 2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN FOR FUNDING FROM THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009; AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FUNDING FROM THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009; DESIGNATING AN AUTHORIZED REPRESENTATIVE; AUTHORIZING THE REPRESENTATIVE TO ACCEPT OR AFFIRM ANY GRANT AWARD THAT MAY RESULT THEREFROM; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

5. CONSENT

Motion was made by Council Member Sheley, seconded by Council Member McCartney approving Consent Items: 5.a., and 5.b. The vote was as follows:

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

Nays: None.

The motion carried.

a. Ordinance 11,125: H-GAC purchase of Two (2) 2009 Chevrolet 1500 Silverado Crewcab Pickups for the Fire Department. - Fire Department.

Ordinance 11,125 authorized the purchase of two (2) 2009 Chevrolet 1500 Silverado Crewcab Pickups for the Fire Department from Caldwell Country Chevrolet through Houston-Galveston Area Council (H-GAC) for a total amount of \$54,420.00. The H-GAC fee of \$600.00 is assessed per each purchase order and included in the total amount. Both vehicles are replacement vehicles as follows:

New Vehicle	Amount	Budgeted	Org/Acct#	Department	Vehicle Replaced
2009 Chevrolet 1500 Silverado Crewcab Pickup	\$25,496	\$25,500	20220-84043	Fire Department Prevention/Motor Vehicles	Unit Shop #13 2000 Ford Explorer, Mileage 75,394
2009 Chevrolet 1500 Silverado Crewcab Pickup, with exterior plus package	\$28,324	\$38,800	20210-84043	Fire Department Administration & Support/Motor Vehicles	Unit Shop #5, 1998 One-ton Ford Truck, Mileage 81,378

ORDINANCE 11,125

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF FIFTY-FOUR THOUSAND FOUR HUNDRED TWENTY AND NO/100 DOLLARS (\$54,420.00) TO CALDWELL COUNTRY CHEVROLET THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF TWO (2) 2009 CHEVROLET 1500 SILVERADO CREWCAB PICKUPS FOR THE FIRE DEPARTMENT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Resolution 1989: Accepting Grant for Family Violence Counseling/Victim Services Supplemental - Administration.

Resolution 1989 authorized the City to accept a grant award from the Criminal Justice Division (CJD) of the Texas Governor's Office for the Police Department's Family Violence Counseling and Victim Services Program.

Resolution 1989 authorized the City to accept a General Victims Services RFA 1 (formally know as Victims of Crime Act- VOCA) Grant from the Office of the Governor Criminal Justice Division (CJD). The Governor's Office CJD has reviewed applications in a competitive grant process and has awarded the City of Baytown \$5,341.30 to supplement the existing VOCA award for the 2008-2009 period. The supplemental award will be used to fund the salary of one full-time personnel, a Case Management Coordinator, who works directly for the Police Department. The VOCA Grant has been awarded to the City of Baytown for the past 10 years. The FY 2010, the General Victims Services RFA 1 funds were delayed by 2 months. Due to the delay, CJD proposed this supplemental award to guarantee proper funding for the Case Management Coordinator position to ensure victims services will not suffer.

The grant award requires a 20% match which is available in the Police Department's General Fund budget.

Budget Category	CJD Funds	Cash Match	Total Project Cost
Personnel	\$5,341.30	\$1,335.33	\$6,676.63

ORDINANCE 1989

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER OF THE CITY OF BAYTOWN TO ACCEPT A GENERAL VICTIMS SERVICES RFA 1 (FORMALLY KNOW AS VICTIMS OF CRIME ACT- VOCA) GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD); AUTHORIZING A CASH MATCH IN AN AMOUNT NOT TO EXCEED ONE THOUSAND THREE HUNDRED THIRTY-FIVE AND 33/100 DOLLARS (\$1,335.33); DESIGNATING AN AUTHORIZED REPRESENTATIVE; ASSURING PROPER USE AND MAINTENANCE OF GRANT FUNDS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

6. ADJOURN

Motion was made by Council Member Caskey, seconded by Council Member McCartney adjourning the May 28, 2009, Regular Meeting. The vote was as follows:

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

Nays: None.

The motion carried.

7:35 P.M. Mayor DonCarlos adjourned the Regular City Council Meeting of May 28, 2009.

Kaythie Darnell, City Clerk
City of Baytown