

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

September 10, 2009

The City Council of the City of Baytown, Texas, met in a Regular Meeting on Thursday, September 10, 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
Leticia Garza	Interim City Clerk
Keith Dougherty	Sergeant at Arms

Mayor DonCarlos convened the September 10, 2009, Regular Meeting with a quorum present at 6:41 P.M.

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

1. MINUTES

a. Approve the Minutes of the City Council Regular Meeting held on August 27, 2009.

Motion was made by Council Member Sain, seconded by Council Member Caskey approving the minutes from the August 27, 2009, City Council Regular Meeting. The vote was as follows:

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

Nays: None

Abstained: Council Member Yopez

The motion carried.

Mayor DonCarlos stated that the agenda would be taken out of order and Agenda Items 3.c. and 3.d. were presented at this time.

3.c. Abandonment and Sale of City's Interest in Alleyways at Lakewood Terrace Townhome Site - Legal.

Deputy City Manager, Bob Leiper presented the agenda item and stated that Ordinance No. 11,179 authorizes the abandonment and sale of the City's interest in the alleyways at the Lakewood Terrace Townhome Site to American Housing Foundation ("AHF"). AHF has petitioned for the abandonment of the City's interest in the alleyways at the Lakewood Terrace Townhome Site. AHF has acquired all of the townhome sites except for four, but has contracts to acquire those. AHF also has a contract for the sale of the entire site to ExxonMobil. Therefore, the proposed abandonment is contingent upon the following:

1. AHF's purchase of the remaining properties,
2. AHF's sale of property to ExxonMobil,
3. Proof that the remaining property owners have moved from the property, and
4. AHF securing and providing all of the easement abandonment's to the City.

The appraised value of the property is \$76,000. If this ordinance is approved, upon the satisfaction of the above-referenced contingencies and the receipt of \$76,000 from American Housing Foundation, the City will quitclaim its interest in the property to American Housing Foundation.

Motion was made by Council Member Capetillo, seconded by Council Member Caskey approving Ordinance No. 11,179. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,179

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE ABANDONMENT AND SALE OF THE CITY'S INTEREST IN THE ALLEYWAYS AT LAKEWOOD TERRACE TOWNHOME SITE TO AMERICAN HOUSING FOUNDATION CONTINGENT UPON (I) AMERICAN HOUSING FOUNDATION'S PURCHASE OF FOUR SPECIFIED

PROPERTIES WITHIN THE LAKEWOOD TERRACE TOWNHOME SITE, (II) AMERICAN HOUSING FOUNDATION'S SALE OF THE PROPERTY KNOWN AS LAKEWOOD TERRACE TOWNHOME SITE TO EXXON MOBIL CORPORATION AS GREENSPACE, (III) PROOF THAT NO RESIDENTS REMAIN AT THE LAKEWOOD TERRACE TOWNHOME SITE, (IV) AMERICAN HOUSING FOUNDATION'S SECURING AND PROVIDING ALL OF THE UTILITY EASEMENT ABANDONMENTS TO THE CITY; AND (V) THE PAYMENT OF FAIR MARKET VALUE; DETERMINING THE FAIR MARKET VALUE OF SUCH RIGHT-OF-WAY AUTHORIZED TO BE ABANDONED HEREIN; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED UPON RECEIPT OF PAYMENT FOR THE ABANDONMENT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

3.d. Approve Change Order No. 3 for the Baytown Bridge Rehabilitation Project - Engineering.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,180 authorizes Change Order No. 3 to Excalibur Excavation, L.P. in an amount not to exceed \$82,590 for the Baytown Bridge Rehabilitation Project.

In 2006, a Texas Department of Transportation (TxDOT) Bridge Inventory Inspection System (BRINSAP) report identified five bridges in the City that needed repair due to erosion. The Baytown Bridge Rehabilitation Project addresses these five bridges, and currently four of the five bridges have been completed with a cost savings on the overall project.

A new report from TxDOT, dated July 27, 2009, identified the bridge at Market Street over Goose Creek as having erosion damage and in need of the same scope of repairs. The original contract was awarded for \$509,290 and two change orders have been approved administratively totaling \$10,000. The total revised contract including Change Orders No. 1-3 will total \$601,880; this will be an 18% increase to the total contract amount. The contract time is increased by 60 days for completion of this work.

Motion was made by Council Member Caskey, seconded by Council Member Sheley approving Ordinance No. 11,180. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,180

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING CHANGE ORDER NO. 3 WITH EXCALIBUR EXCAVATION, L.P., FOR THE BAYTOWN BRIDGE REHABILITATION PROJECT; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, IN AN AMOUNT NOT TO EXCEED EIGHTY-TWO THOUSAND FIVE HUNDRED NINETY AND NO/100 DOLLARS (\$82,590.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

2. PUBLIC HEARINGS**a. 6:45 P.M. Conduct a Public Hearing for City of Baytown 2009-2010 Proposed Budget - City Management.**

Mayor DonCarlos called a public hearing to order by at 6:45 P.M. regarding the City of Baytown Fiscal Year 2009-2010 Proposed Budget and asked the city manager to give a synopsis of the item.

City Manager Brumback stated that the proposed 2009-2010 City of Baytown Municipal Budget totals \$113,647,144, which is a \$2,747,084 increase or 2.48% over the 2008-09 budget. The proposed budget includes the technical adjustments discussed at the August 13, 2009 City Council Meeting plus the following additions:

1. \$250,000 in the Hotel Motel fund as partial funding for the purchase of property on North Main Street for expansion of the Republic of Texas Plaza and as a possible site for a Visitor Center.
2. \$100,000 in new and reallocated funds to staff and equip a litter quick response crew, the CLEAN TEAM: Citywide Litter Eradication and Neutralization. The two-person team's duties are being developed to include patrol and quick response to complaints of dumping, increasing the hours of the Green Center, and providing capacity for special clean-up projects. The funds for this expanded effort will be in the Sanitation Fund with \$25,000 as added expenditures in the fund, \$50,000 as a transfer from the Storm Water Fund and \$25,000 as an added expenditure in a transfer from the General Fund.

There being no one desiring to speak Mayor DonCarlos closed the public hearing at 6:47 P.M.

3. PROPOSED ORDINANCES

a. Approve the City of Baytown Municipal Budget Fiscal Year 2009-2010 - City Management.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,181 adopts the 2009-2010 City of Baytown Municipal Budget totaling \$113,647,144, which is a \$2,747,084 increase or 2.48% over the 2008-09 budget. The proposed budget includes the technical adjustments discussed at the August 13, 2009 City Council meeting plus the following additions:

1. \$250,000 in the Hotel Motel fund as partial funding for the purchase of property on North Main Street for expansion of the Republic of Texas Plaza and as a possible site for a Visitor Center.
2. \$100,000 in new and reallocated funds to staff and equip a litter quick response crew, the CLEAN TEAM: Citywide Litter Eradication And Neutralization. The two-person team's duties are being developed to include patrol and quick response to complaints of dumping, increasing the hours of the Green Center, and providing capacity for special clean-up projects. The funds for this expanded effort will be in the Sanitation Fund with \$25,000 as added expenditures in the fund, \$50,000 as a transfer from the Storm Water Fund and \$25,000 as an added expenditure in a transfer from the General Fund.

Pursuant to the Charter, an affirmative vote of a majority of all members of the City Council is required for the adoption of the budget. Additionally, Section 46 of the Charter states as follows:

The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Should the Council take no final action on or prior to such day, the budget as submitted by the City Manager, shall be deemed to have been finally adopted by the Council.

General Fund	\$60,662,813
General Debt Service Fund	\$9,392,612
Hotel/Motel Fund	\$2,163,303
Water & Sewer Fund	\$33,913,193
Sanitation Fund	\$4,677,805
Storm Water Utility Fund	\$787,717
Garage Fund	\$1,793,250
Warehouse Operations Fund	\$256,451
Total	\$113,647,144

Motion was made by Council Member Capetillo, seconded by Council Member Caskey approving Ordinance No. 11,181.

Motion was made by Council Member McCartney, seconded by Council Member Caskey to delay the City Hall Expansion for one year, due to the economic climate and allowing Council the opportunity to review alternate alternatives to this project.

Council Member Capetillo cautioned delaying this project and running the chance of paying a higher cost later. Council Member Capetillo also stated that because of the economic environment, projects bids were being submitted at a much lower cost than anticipated.

Mayor DonCarlos stated that he was not in favor of moving City Hall out of District 1.

Motion was made by Council Member Caskey to delay City Hall Expansion by 6 months.

City Attorney, Ignacio Ramirez stated that the amendment should be to the proposed budget and if Council does not want to spend that money then they can amend the budget to remove this item, but that postponing a particular project for a year was not allowed.

Mr. McCartney withdrew his motion.

Mr. Caskey withdrew his motion.

With a motion on the table for approval, the vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,181

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR, BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, IN ACCORDANCE WITH THE CHARTER AND ORDINANCES OF THE CITY OF BAYTOWN; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

b. Amend Solid Waste Rates - Finance.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,182 amends the Code of Ordinances, Chapter 86 "Solid Waste," Article II "Residential Solid Waste," Division 3 "Fees and Charges and Billing Procedures," Section 86-101 "Charge for Collection," Subsections (a), (d) and (e); and Division 2 "Small Business Waste Collection Service," Section 86-166 "Contract for Garbage Collection" of the Code of Ordinances, Baytown, Texas, to increase the collection rate.

The 2009-10 budget includes a \$1.00 per month increase in the sanitation rate. The increase is necessary to fund the increase in contract services provided by Waste Management and escalating operating expenses. The monthly residential sanitation charge will increase from \$15.56 to \$16.56. The senior citizen charge will increase from \$12.80 to \$13.80. The charges for those multifamily dwelling unit projects containing eight or fewer dwelling units will increase to \$16.56 per unit. The monthly commercial charge will increase from \$28.50 to \$29.50.

Billing on or after October 01, 2009 will be calculated at the new rates.

Council Member Caskey stepped out at 6:55 P.M. and returned at 7:35 P.M.

Motion was made by Council Member Sain, seconded by Council Member McCartney approving Ordinance No. 11,182. The vote was as follows:

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

Nays: None

No Vote: Council Member Caskey

The motion carried.

ORDINANCE NO. 11,182

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 86 "SOLID WASTE," ARTICLE II "RESIDENTIAL SOLID WASTE," DIVISION 3 "FEES AND CHARGES AND BILLING PROCEDURE," SECTION 86-101 "CHARGE FOR COLLECTION," SUBSECTIONS (A), (D), AND (E) OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS, TO INCREASE RESIDENTIAL COLLECTION RATES; AMENDING CHAPTER 86 "SOLID WASTE," ARTICLE III "COMMERCIAL SOLID WASTE," DIVISION 2 "SMALL BUSINESS WASTE COLLECTION SERVICE," SECTION 86-166 "CONTRACT FOR GARBAGE COLLECTION" OF THE CODE OF ORDINANCES,

BAYTOWN, TEXAS, TO INCREASE THE COLLECTION RATE; CONTAINING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) FOR EACH VIOLATION THEREOF; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

Mayor DonCarlos stated that the agenda would be taken out of order and Agenda Item 4.a. was presented at this time.

4.a. Adopting an Industrial District Agreement Policy - Legal.

Mayor DonCarlos requested that Mr. Wilson, Refinery Manager, Exxon Mobil speak before Council on this item.

Mr. Wilson expressed appreciation for the agreement with the City and Exxon and stated that companies, particularly Exxon Mobil does consider the long term aspect, the competition, and the stability of doing business when deciding on locations for their industry. Mr. Wilson indicated that Exxon would like to see taxes go down, but understands that the community's needs and supports the presented agreement even though it results in an increase to their taxes. Mr. Wilson stated that they want the same thing the City wants, which is stability through periods, predictability in cost, which results in predictability for City revenues. Mr. Wilson stated that he feels that the IDA agreement that is on the table now, helps them achieve their goals and those of the City.

This item was tabled.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, REPEALING RESOLUTION NOS. 1584 AND 1585 ADOPTED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN ON APRIL 24, 2003; ESTABLISHING AN INDUSTRIAL DISTRICT POLICY APPLICABLE TO COMPANIES THAT HAD AN INDUSTRIAL DISTRICT AGREEMENT WITH THE CITY OF BAYTOWN IN EFFECT ON JULY 26, 2009; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

3.e. Donation Collection Bin Ordinance - Health and EMS.

City Manager, Garry Brumback presented the agenda item and stated that if this suggestion for the collection bins does not work and achieves the goals that Council established, Administration will bring back an Ordinance abolishing the bins in the City.

Motion was made by Council Member Sheley, seconded by Council Member Capetillo to approve this ordinance.

Council discussed the item and stated that they were in favor of banning all non manned donation bins throughout the City and asked that Administration move forward with a new ordinance.

Council Member Sheley and Capetillo withdrew their motions and this item was tabled.

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 42 "HEALTH AND SANITATION," ARTICLE I "IN GENERAL" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS, TO ADD A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 42-1 "DONATION COLLECTION BINS" TO REGULATE THE PLACEMENT AND MAINTENANCE OF DONATION COLLECTION BINS WITHIN THE CITY; CONTAINING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR THE PUBLICATION AND THE EFFECTIVE DATE THEREOF.

3.f. Amend Garage Sale Ordinance - Planning and Community Development.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,183 amended Chapter 82 "Secondhand Goods," Article IV "Garage Sales" of the Code of Ordinances, Baytown, Texas:

- to clarify sales covered within the scope of the ordinance;
- to combine the garage sale permit and the garage sale sign permit;
- to increase the fee for a garage sale permit while eliminating the deposit for the garage sale sign permit;
- to require garage sale permits for sales conducted on commercial property in a UN zoning district; and
- to alter notification requirements if a sale is not conducted on the dates for which a permit was issued.

The original ordinance included language requiring applicants to pay a garage sale sign permit deposit. Pursuant to comments from our garage sale customers, our experience with sign removal in the field, and the increase in customer traffic at our permits counter, we proposed in the August 27th Work Session to eliminate the garage sale sign permit deposit and to change the fee to \$10.00 from the \$5.00 and to eliminate the \$25.00 deposit for the garage sale sign permit that currently exists.

Motion was made by Council Member Caskey, seconded by Council Member Capetillo approving Ordinance No. 11,183. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE 11,183

AN ORDINANCE OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 82 "SECONDHAND GOODS," ARTICLE IV "GARAGE SALES," SECTIONS 82-201 "DEFINITIONS" 82-202 "PERMITS," 82-203 "APPLICATIONS," AND 82-204 "PERSONS AND SALES EXCEPTED" OF THE CODE OF ORDINANCES, CITY OF BAYTOWN, TEXAS, BY TO REVISE THE DEFINITION OF "GARAGE SALES," TO COMBINE THE GARAGE SALE PERMIT AND THE GARAGE SALE SIGN PERMIT, TO INCREASE THE FEE FOR A GARAGE SALE PERMIT, TO REQUIRE GARAGE SALE PERMITS FOR SALES CONDUCTED ON COMMERCIAL PROPERTY IN A UN ZONING DISTRICT, AND TO INCLUDE NOTIFICATION REQUIREMENTS IF A SALE IS NOT CONDUCTED ON THE DATES FOR WHICH THE PERMIT WAS ISSUED; PRESCRIBING A MAXIMUM PENALTY OF 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.

3.g. Establish Number of Positions in Each Fire Department Classification - Fire.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,184 prescribes the number of positions within each classification in the Fire Department as required by state civil service law. The following chart details the contemplated changes since April 12, 2007:

Classification	Existing Number of Positions	New Number of Positions
Fire Chief	1	1
Assistant Fire Chief	3	3
Fire Battalion Chief	5	5
Lieutenant	18	21
Fire Equipment Operator	15	15
Firefighter	51	58
Total	93	103

Nine positions in the Firefighter classification in the Fire Department will be funded through the Staffing for Adequate Fire and Emergency Response ("SAFER") Grant effective November 01, 2009.

Motion was made by Council Member Caskey, seconded by Council Member McCartney approving Ordinance No. 11,184. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,184

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, PRESCRIBING THE NUMBER OF POSITIONS IN EACH CLASSIFICATION IN THE FIRE DEPARTMENT; PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

4. PROPOSED RESOLUTIONS

b. CCAD Nomination - City Management.

Council Member Caskey stated that he did not have a candidate at this time and requested that this item be placed in the September 24, 2009, City Council agenda for consideration and action.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, NOMINATING ONE OR MORE CANDIDATES FOR POSITIONS ON THE BOARD OF DIRECTORS OF THE CHAMBERS COUNTY APPRAISAL DISTRICT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

5. CONSENT

City Manager Brumback requested that Council remove the Agenda Item 5.f. from the Consent Agenda as it was not ready. This item will be brought back to Council for consideration at the September 24, 2009 meeting.

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

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

Nays: None

The motion carried.

a. Ordinance No. 11,185: MDD Interlocal Agreement for Replacement of a Foot Bridge at Jenkins Park - Parks and Recreation.

Ordinance No. 11,185 authorizes an interlocal agreement with the Baytown Municipal Development District (“MDD”) for funding the replacement of one of the two foot bridges at Jenkins Park. Under the agreement, the MDD commits to fund up to \$86,100 out of its 2009 – 2010 MDD Budget.

The overall project entails the removal and replacement of both of the 85-foot by 4-foot pedestrian bridges that were installed in 1978 with six-foot wide continental steel bridges. The MDD approved expenditures of up to \$71,900 for the replacement of one of the bridges at its meeting held in December 2008, and the second bridge was budgeted in the 2009 – 2010 MDD budget. The replacement project will be performed by a contractor and funding will be available on October 1, 2009.

ORDINANCE NO. 11,185

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE INTERIM CITY CLERK TO ATTEST TO AN INTERLOCAL AGREEMENT WITH THE BAYTOWN MUNICIPAL DEVELOPMENT DISTRICT REGARDING FUNDING THE REPLACEMENT OF ONE OF THE TWO FOOT BRIDGES AT JENKINS PARK; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Ordinance No. 11,186: MDD Interlocal Agreement for Parking Lot Reconstruction at Jenkins Park - Parks and Recreation.

Ordinance No. 11,186 approves an interlocal agreement with the Baytown Municipal Development District for funding of the reconstruction of the parking lot adjacent to the baseball fields at Jenkins Park. Under the agreement the MDD commits to fund up to \$215,743 out of the 2009 – 2010 MDD Budget.

The project entails the reconstruction of one of the two large parking lots at Walter Jenkins Park. The 320-foot by 160-foot parking lot was constructed in 1979 and has not been renovated since. The lot has multiple patches and base failures as it services two baseball fields, the Baytown Skate Park, and the Baytown Bark Park. The centrally located parking lot will also service the new 56-acre tract that was recently purchased by the City for additional park land. Funding will be available on October 01, 2009.

ORDINANCE NO. 11,186

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE INTERIM CITY CLERK TO ATTEST TO AN INTERLOCAL AGREEMENT WITH THE BAYTOWN MUNICIPAL DEVELOPMENT DISTRICT REGARDING FUNDING THE RECONSTRUCTION OF THE PARKING LOT ADJACENT TO THE BASEBALL FIELDS AT JENKINS PARK; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

c. Ordinance No. 11,187: MDD Interlocal Agreement for Wayne Gray Sports Complex Improvements - Parks and Recreation.

Ordinance No. 11,187 authorizes an interlocal agreement with the Baytown Municipal Development District for funding of various improvements at the Wayne Gray Sports Complex. Under the agreement, the MDD commits to fund up to \$125,000 out of the 2009-2010 MDD Budget.

The project entails the irrigation of two of the four fields on the North Main-side or adult-side of the park, connecting trails around the new Pirates Bay Water Park, playground improvements, including a shade canopy over the playground, and grading and drainage improvements. Funding will be available October 1, 2009.

ORDINANCE NO. 11,187

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE INTERIM CITY CLERK TO ATTEST TO AN INTERLOCAL AGREEMENT WITH THE BAYTOWN MUNICIPAL

DEVELOPMENT DISTRICT REGARDING FUNDING VARIOUS IMPROVEMENTS AT THE WAYNE GRAY SPORTS COMPLEX; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

d. Ordinance No. 11,188: Wave Loch Stand-Up Federation, Waiver, Release and Signage Agreement - Parks and Recreation.

Ordinance No. 11,188 authorizes the Wave Loch Stand-Up Federation, Waiver, Release and Signage Agreement. After the construction contract was let for Pirates Bay Water Park, located at the Wayne Gray Sports Complex, the City learned that the manufacturer of the FlowRider® sheet wave attraction requires a specific agreement. That agreement must grant limited rights concerning the attraction, and places certain obligations on the City with respect to the same. The agreement requires that the City not alter the attraction and not alter the discharge flow rate. It also requires the City to post warning signs, to conduct flow boarding events in accordance with federation rules, to use the marks of Wave Loch in a way that maintains the high quality of the attraction, and to require releases for stand-up riders.

ORDINANCE NO. 11,188

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE INTERIM CITY CLERK TO ATTEST TO THE WAVE LOCH STAND-UP FEDERATION, WAIVER, RELEASE AND SIGNAGE AGREEMENT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

e. Ordinance No. 11,189: Authorize Expenditures for Residential Solid Waste Collection and Disposal Services Contract - Purchasing.

Ordinance No. 11,189 authorizes expenditures for the residential solid waste collection and disposal services contract to Waste Management of Texas in the amount of \$2,463,886.92. Current per residential unit pricing is \$10.58. Effective October 01, 2009, the new pricing per residential unit will be \$11.11 for 18,481 residential units, resulting in a monthly cost of \$205,323.91. The initial term of the contract is October 1, 2005, through September 30, 2010, with four one-year renewal options. The following chart indicates each year's unit pricing under the terms of the contract.

Year Commencing	Price per Unit
October 1, 2005	\$9.06
October 1, 2006	\$9.60
October 1, 2007	\$10.08
October 1, 2008	\$10.58
October 1, 2009	\$11.11

ORDINANCE NO. 11,189

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING EXPENDITURES FOR THE RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES CONTRACT TO WASTE MANAGEMENT OF TEXAS IN THE AMOUNT OF TWO MILLION FOUR HUNDRED SIXTY-THREE THOUSAND EIGHT HUNDRED EIGHTY-SIX AND 92/100 DOLLARS (\$2,463,886.92); MAKING PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

f. Ordinance No. 11,190: Purchase of Software, Computers, Equipment, Accessories and Training for Houston HIDTA - Purchasing.

This item was tabled.

ORDINANCE 11,190

AN ORDINANCE OF THE CITY COUNCIL, CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF ONE HUNDRED SEVEN THOUSAND NINE HUNDRED FIFTY-NINE AND 67/100 DOLLARS (\$107,959.67) FOR EQUIPMENT FOR THE HOUSTON HIDTA WIDE AREA NETWORK PROJECT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

g. Ordinance No. 11,191: Amendment No. 3 to Langford Engineering's Design Contract for I-10 and N. Main Utility Project - Engineering.

Ordinance No. 11,191 authorizes Amendment No. 3 to the Standard Form of Agreement with Langford Engineering, Inc. for the I-10 and N. Main Utility Project. This amendment will add \$47,887.32 to the existing contract for the design of automatic standby generators for the proposed lift stations, and the addition of permanent structures to shelter the pump valve pits and lift stations. The original contract, including Amendments Nos. 1 and 2, total \$730,842.25, and Amendment No. 3 will increase the contract total to \$778,729.57.

ORDINANCE No. 11,191

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE INTERIM CITY CLERK TO ATTEST TO THE THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH LANGFORD ENGINEERING, INC., FOR ENGINEERING SERVICES RELATED TO THE I-10 AND N.

MAIN UTILITY PROJECT; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN AN AMOUNT NOT TO EXCEED FORTY-SEVEN THOUSAND EIGHT HUNDRED EIGHTY-SEVEN AND 32/100 DOLLARS (\$47,887.32); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

6. APPOINTMENTS

a. Unified Land Development Code Task Force - Interim City Clerk.

Considered one (1) appointment to the Unified Land Development Code (ULDC) Task Force.

The Unified Land Development Code (ULDC) Task Force is a seven member board; each member is nominated by one member of the City Council and appointed by City Council.

Task Force Member Tom Cottar, III, tendered his resignation on August 17, 2009. Mr. Cottar was nominated by Council Member Caskey, District 5.

Motion was made by Council Member Caskey, seconded by Council Member McCartney approving Mr. Robert Kelley to serve as a member of the ULDC Task Force. The vote was as follows:

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

Nays: None

The motion carried.

7. MANAGER'S REPORT

a. The 4th Annual Grito Fest - Parks and Recreation.

City Manager, Garry Brumback presented the agenda item and stated that there was a change in the headliner from La Leyenda to Los Tigrillos.

b. Brush Drop-off at Green Center - City Management.

City Manager, Garry Brumback presented the agenda item and stated that the drop-off of residential limbs and brush for Baytown residents will begin Tuesday, October 13th at the Green Center.

To accommodate those residents that wish to dispose of their limbs and brush without waiting for the monthly curbside pick-up, we will begin accepting the drop-off at the Green Center on regular operating days. This service will be limited to residential customers and must be brush and limbs only; no other debris, trash or bagged materials will be accepted. That material should be placed out for the twice-weekly curbside collection. The materials dropped-off will be transferred to the chipping site at the East District Wastewater Plant as needed.

8. ADJOURN

Motion was made by Council Member McCartney, seconded by Council Member Sheley adjourning the September 10, 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.

Mayor DonCarlos adjourned the Regular City Council Meeting of September 10, 2009 at 7:30P.M.

Leticia Garza, Interim City Clerk
City of Baytown