

**MINUTES OF THE REGULAR WORK SESSION OF THE CITY COUNCIL OF
THE CITY OF BAYTOWN**

August 13, 2009

The City Council of the City of Baytown, Texas, met in a Regular Work Session on Thursday, August 13, 2009 at 5:35 P.M. in the Council Chamber of the Baytown City Hall, 2401 Market Street, Baytown, Texas with the following in attendance:

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| Lena Yopez | Council Member |
| Lynn Caskey | Council Member |
| Brandon Capetillo | Council Member |
| Terry Sain | Council Member |
| David McCartney | Council Member |
| Scott Sheley | Council Member |
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| Stephen DonCarlos | Mayor |
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| Garrison C. Brumback | City Manager |
| Bob Leiper | Deputy City Manager |
| Kevin Troller | Assistant City Manager |
| Ignacio Ramirez | City Attorney |
| Leticia Garza | Interim City Clerk |

Mayor DonCarlos convened the August 13, 2009, Regular Work Session of the City Council with a quorum present at 5:35 P.M.

1. DISCUSSION

a. Daytime Curfew for School Aged Children - Police.

City Manager Garry Brumback presented the agenda item and stated that this item was brought forward by the request of Councilwoman Yopez and her concerns related to juvenile truancy in Baytown.

Mr. Brumback stated that typical daytime curfew ordinances prohibit any person under the age of 17 from being in a public place during the hours from 8:30 a.m. to between 1:30 p.m. and 3:00 p.m. when school is in session. Most ordinances have provisions allowing a juvenile some legal excuses to be in a public place, such as permission from school or parents, an emergency, or if accompanied by a parent. A child without a legal excuse can be cited and fined for breaking curfew.

Pursuant to Section 370.002 of the Texas Local Government Code, City Council must hold multiple public hearings before modifying the juvenile curfew ordinance to evaluate

its effects on the community, its effects on the problems the ordinance was intended to remedy, and the need to continue, abolish, or amend the curfew. The current ordinance continuing the nighttime juvenile curfew was passed April 23, 2009.

Police Chief, Keith Dougherty gave an overview of truancy and consequences for being cited for truancy. The procedure for an officer that sees youth during the prohibited hours, are that the officers are to stop and question the youth and deliver them to school official. Once at school, the youth are verified for enrollment, if youths are enrolled then the school will handle them, but if they are not then the police become responsible for them. Currently, student must have at least 10 violations of truancy before being sent into the court system for truancy.

Some concerns related to truancy ordinances are (1) home schooled students, (2) expelled students, and (3) students being let out early by teachers. Additionally, Baytown does not have a juvenile holding facility at the jail and once student is picked up by an officer, they are in the custody of the officer until they can be handed over to the parent, adult or guardian, which pulls much needed police officers from the streets.

Mr. Brumback suggested a meeting including representatives from the school district, Judge Polumbo, Councilwoman Yopez, Councilman Sheley, Chief Dougherty and himself to consider solutions on truancy and curfew problems in Baytown.

b. Garage Sale Permit Ordinance Implementation - Planning and Development Services.

City Manager Garry Brumback presented the agenda item and stated that on February 28, 2008, the City Council passed the Garage Sale Permit Ordinance that went into effect March 10, 2008.

This ordinance intended to eliminate the growing number of garage sales and associated increase in garage sale signs in the City; regulates the following:

- Garage sales allowing a sign only at the location of the sale for a \$5.00 permit fee.
- Garage sales allowing up to seven signs that may be displayed off-site from the sale for a \$25.00 refundable deposit plus the \$5.00 permit fee.

Since the implementation of this ordinance the City has received very few calls complaining of garage sale signs in neighborhoods; however, residents do complain of the sign permit deposit and having an extra trip to City Hall.

Last year the City issued 1,271 garage sale permits of which 84% included a deposit for off-site signs; however, of the 909 permits issued through June of 2009, only 57% have paid for off-site signs. Alternatively stated, 515 Baytown residents drove to City Hall twice, once to get the permit and a second time to return the signs or permit tags to the permit counter, and then to the Finance Department to obtain their refund.

Staff researched surrounding cities and found that the City of Pasadena charges a \$10.00 fee with no off-site sign deposit; the City of Pearland charges a \$15.00 fee with no deposit, the City of La Porte does not have a garage sale permit system and the City of Deer Park follows a policy much like Baytown's current policy.

The City of Baytown could consider eliminating the \$25.00 deposit and go with a flat fee instead; the pros to such an approach are:

- Residents would not need to make an additional trip to City Hall to obtain a deposit refund.
- Less residents making trips to the permit counter for refunds would mean a shorter wait time for other customers coming to the counter for zoning and subdivision applications, building, plumbing, electrical, mechanical permits and sign permits.
- The ordinance provides for penalties for failure to remove signs and we have begun strict enforcement in this second year of the ordinance implementation. This strict enforcement could continue in lieu of the \$25.00 deposit.
- Baytown's fees could be amended to something more similar to the nearby cities of Pasadena (\$10.00 with no deposit) and Pearland (\$15.00 with no deposit).

Mr. Brumback stated that the initial goal of the garage sale ordinance had been successful and effective and he requests that the City consider eliminating the current \$25.00 deposit and instead opt for a flat fee modification to alleviate the burden on citizens and staff.

2. APPOINTMENTS

a. Baytown Area Water Authority - Interim City Clerk.

City Manager Garry Brumback presented the agenda item and stated that the Baytown Area Water Authority is a five member board that is charged with overseeing all matters pertaining to the business of the Authority, including the letting of work, purchase of existing facilities, and matters relating to the construction of work.

Currently, there are (2) member whose term is set to expire on August 31, 2009, (1) Mr. Wayne Baldwin and (2) Mr. Dan Munding. Both members have been contacted and desire reappointment; if reappointed their two year term would begin on September 01, 2009, and end on August 31, 2011. Also, the BAWA Board has recommended Mr. William Gidley to fill the vacancy left with the passing of Mr. Robert Gillette.

Mr. Brumback stated that action on these appointments was schedule for the August 27, 2009 agenda.

b. Emergency Medical Services Advisory Committee - Interim City Clerk.

City Manager Garry Brumback presented the agenda item and stated that the Emergency Medical Services Advisory Committee is a seven member board that is charged with making recommendations to City Council for specifications for construction, equipment, and the number of emergency ambulances necessary to provide service to the City of Baytown.

Mr. Luciano Salinas, Jr. a resident of the City of Baytown submitted a formal application with the City Clerk's Office to complete former board member Mr. Roger Lay's unexpired term; he resigned due to relocation. If appointed, Mr. Salinas would complete the two year term, which is set to expire on December 11, 2009 and when he would at that time be considered for reappointment.

c. Animal Control Advisory Committee - Interim City Clerk.

City Manager Garry Brumback presented the agenda item and stated that the Animal Control Advisory Committee (Board) has three members whose terms are set to expire (1) Chief of Police, Keith Dougherty, (2) Director of Health, Mike Lester and (3) Licensed Veterinarian, Dr. Cynthia Lipps. All members have been contacted and desire reappointment for a term beginning on October 01, 2009 and ending on September 30, 2011.

d. Baytown Beautification Advisory Commission - Interim City Clerk.

City Manager Garry Brumback presented the agenda item and stated that the Baytown Beautification Advisory Commission is a nine member board that promotes public interest in the general improvement of the City's environment; to initiate, plan, direct and coordinate programs for litter control and neighborhood improvements; implement and maintain the Keep America Beautiful, Inc., and Keep Texas Beautiful campaigns, and to study, investigate and develop plans for the cleanliness and beautification of the City.

Members are appointed by the City Council and must reside within the City limits of Baytown; they are appointed to two year terms; terms being unlimited.

Currently, there are (4) members whose terms are set to expire (1) Ms. Eleanor Albon, (2) Mr. Mitchell Pearce, (3) Ms. Melissa Sorensen, and (4) Mr. Luis Flores; all members have been contacted and desire reappointment for a term beginning on October 01, 2009 and ending on September 30, 2011.

Councilman Sheley inquired about Ms. Milner being on the board and Interim City Clerk stated that she is not. Councilman McCartney inquired about Mr. Lintleman's application for the Board due to Mr. Drake wanting to resign due to attendance issues. Interim City Clerk, Leticia Garza stated that Mr. Lintleman is not on the Board because there is not a vacancy and currently the members whose terms are set to expire desire to be reappointed. Mr. Lintleman's application will be kept on file for next year and when an

opening becomes available would be considered. Ms. Garza indicated that she has not received an official resignation from Mr. Drake but would check into it.

Councilman Sain inquired about Mr. Cochran's position on the Animal Control Advisory Committee being filled due to his resignation Sept. 26, 2008. Ms. Garza will check into and report back to Council. Mr. Lester stated that Mr. Cochran was replaced but wasn't sure of the replacement's name.

3. ADJOURN

Mayor DonCarlos adjourned the August 13, 2009, Regular Work Session of the City Council at 6:10 P.M.

Leticia Garza, Interim City Clerk
City of Baytown