

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

**April 7, 2009**

The City Council of the City of Baytown, Texas met in a Special Meeting on Tuesday, April 7, 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 Council Member Terry Sain.

6:30 P.M. Mayor DonCarlos convened the April 7, 2009, Special Meeting with a quorum present.

**1. MINUTES**

**a. Considered approval of the minutes from the City Council Special Meeting on March 7, 2009 and Regular Meeting on March 26, 2009.**

Motion was made by Council Member McCartney, seconded by Council Member Capetillo approving the minutes from the March 7, 2009 City Council Special Meeting and the March 26, 2009, City Council Regular Meeting. The vote was as follows:

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

Nays: None.

Abstentions from the vote: Council Member Caskey and Mayor DonCarlos.

The motion carried.

## **2. RECOGNITIONS AND CITIZENS COMMUNICATIONS**

### **a. Recognition: Presentation of the Youth of the Month Award - Parks and Recreation.**

Presented the March Youth of the Month Award to Ms. Sherla Edmeade, a junior at Robert E. Lee High School

The City of Baytown proudly recognized Ms. Sherla Edmeade as Youth of the Month for March of 2009.

Ms. Edmeade, a Junior at Robert E. Lee High School, has been very active in her school as a Varsity Cheerleader, Junior Class President, Crime Stoppers President, Interact Club member, Good Sportsmanship League Member, Key Club, Spanish Club, National Honor Society and National Society of High School Scholars member just to name a few. She has also made a difference in her community by volunteering with Relay for Life, Red Ribbon Week, Blood Drives and the Christmas Adopt-a-Family Program. She manages to do all of this while also maintaining an excellent academic standing and is currently ranked in the top 10% of her class. Ms. Edmeade has certainly improved our city through her actions and we wish her great success in the future.

We congratulated March's Youth of the Month, Sherla Edmeade.

### **b. Citizen Communications: Ms. Angela Barton.**

Ms. Angela Barton addressed the City Council regarding co-sponsorship of the 2009 Juneteenth Celebration between the City of Baytown and various church groups, non-profit organizations, and citizens from surrounding areas. Ms. Barton requested that the City assist with the use of City facilities at no charge and assistance with road closures for parade access.

Sheila Baker, 6417 Bayway Dr., Baytown, registered to address the City Council regarding agenda item 2.b., however, she chose not to speak.

## **3. PUBLIC HEARING**

### **a. Public Hearing: Continuation of Juvenile Curfew Ordinance - Legal.**

6:40 P.M. Mayor DonCarlos opened the Public Hearing.

City Manager Brumback summarized the agenda item.

Conducted a public hearing giving all interested persons the right to appear and be heard on the need to continue the City's Juvenile Curfew Ordinance. The curfew Ordinance was last enacted on May 11, 2006. Pursuant to state law, before the third anniversary of

the adoption of a Juvenile Curfew Ordinance and every third year thereafter, the City Council shall:

1. review the ordinance's effects on the community and on the problems the ordinance was intended to remedy;
2. conduct public hearings on the need to continue the ordinance; and
3. abolish, continue or modify the ordinance.

This is the first public hearing concerning the need to continue the ordinance. Another public hearing is scheduled to be held on April 23rd. After the second public hearing, the City Council may abolish, continue or modify the ordinance. The Juvenile Curfew Ordinance will automatically expire if the City Council fails to act.

There were no citizens signed up to speak.

6:42 P.M. Mayor DonCarlos closed the Public Hearing.

#### **4. PROPOSED ORDINANCES**

##### **a. Closeout of 2001 Street Bond Project - Phase IV (Districts 1-3) - Engineering.**

City Manager Brumback presented the agenda item.

Ordinance 11,097 approved final payment of \$44,958.84 to D&W Contractors, Inc., and accepted the 2001 Street Bond Project – Phase IV (Districts 1-3). The final cost for this project was \$899,176.86 and the original contract was for \$937,101.75. This is a cost savings of \$37,924.89. The scope of work included the reconstruction of West Gulf Avenue, Schilling Avenue, Caldwell Street, and Rollingwood Drive. The contractor finished the work in the allotted time and their workmanship was satisfactory. Engineering and inspection services for this project were furnished by the City of Baytown's Engineering Department.

Motion was made by Council Member Sain, seconded by Council Member Capetillo approving Ordinance 11,097. The vote was as follows:

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

Nays: None.

The motion carried.

ORDINANCE 11,097

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE 2001 STREET BOND PROJECT – PHASE IV (DISTRICTS 1-3); AUTHORIZING FINAL PAYMENT OF THE SUM OF FORTY-FOUR THOUSAND NINE HUNDRED FIFTY-EIGHT AND 84/100 DOLLARS (\$44,958.84) TO D&W CONTRACTORS, INC., FOR SAID PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**b. Closeout of 2001 Street Bond Project Phase IV - Kilgore and Bob Smith Road - Engineering.**

City Manager Brumback presented the agenda item.

Ordinance 11,098 approved final payment of \$182, 241.83 to Angel Brother’s, LTD., and accepted the 2001 Street Bond Project – Phase IV (Kilgore Road and Bob Smith Road). The final cost for this project was \$3,379,884.37 and the original contract was for \$3,421,472.45. The project had one Change Order that totaled \$99,765.00 that was approved by the Council on July 24, 2008. This brings the total contract to \$3,521,237.45. The scope of work included the concrete reconstruction of Kilgore and Bob Smith Road. The contractor finished the work in the allotted time and their workmanship was satisfactory. Engineering and inspection services for this project were furnished by the City of Baytown Engineering Department.

Motion was made by Council Member Caskey, seconded by Council Member McCartney approving Ordinance 11,098. The vote was as follows:

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

Nayes: None.

The motion carried.

ORDINANCE 11,098

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE 2001 STREET BOND PROJECT – PHASE IV (KILGORE ROAD AND BOB SMITH ROAD); AUTHORIZING FINAL PAYMENT OF THE SUM OF ONE HUNDRED EIGHTY-TWO THOUSAND TWO HUNDRED FORTY-ONE AND 83/100 DOLLARS (\$182,241.83) TO ANGEL BROTHERS ENTERPRISES, LTD., FOR SAID PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**c. Change Order #1 for the Wayne Gray Family Aquatics Center - Engineering.**

City Manager Brumback presented the agenda item.

Ordinance 11,099 approved Change Order No. 1 to the Wayne Gray Family Aquatics Center with Hassell Construction Company, Inc. This Change Order will increase the contract amount by \$34,500. The original contract was awarded in the amount of \$10,240,900.00. The current contract value including Change Order #1 is \$10,275,400.00. The Change Order will be used to install a metal roof on the administration and mechanical building instead of asphalt shingles. The metal roof will match the existing park structures.

Motion was made by Council Member Capetillo, seconded by Council Member Sain approving Ordinance 11,099. The vote was as follows:

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

Nays: None.

The motion carried.

ORDINANCE 11,099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 WITH HASSELL CONSTRUCTION COMPANY, INC., FOR THE WAYNE GRAY FAMILY AQUATICS CENTER PROJECT; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, THE SUM OF THIRTY-FOUR THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$34,500.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**d. Sex Offender Residency Restrictions - Legal.**

City Manager Brumback presented the agenda item.

Ordinance 11,100 amended Chapter 66 "Offenses" of the Code of Ordinances, Baytown, Texas, by adding a new article to be numbered and entitled Article V "Restrictions for Sex Offenders." There are numerous, recent occurrences statewide of sex offenders convicted of sexual offenses involving minors. Once released from custody, many such sex offenders repeat the unlawful acts for which they were originally convicted. The recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes against minors.

Article 42.12(13B) of the Texas Code of Criminal Procedure provides a 1,000-foot safety zone for minors as a condition of probation for those convicted of certain sexual offenses. Within this zone, persons convicted of certain sexual offenses, may not go in, on or within 1,000 feet of a premises where children commonly gather. However, there is a need to provide better protection for minors gathering in the City by prohibiting certain registered sex offenders from establishing temporary or permanent residency near areas where minors commonly gather. Ordinance 11,100 prohibits sex offenders from living within 1,500 feet of a public park (excluding planted street medians); private or public school (excluding in-home school), playground, child care facility, video arcade facility, public or private youth center, neighborhood or public swimming pool.

The residency requirements are not applicable to properly registered sex offenders if they (i) established residency within a prohibited area prior to the effective date of the ordinance; (ii) were a minor when he/she committed the offense requiring registration and was not convicted as an adult; (iii) had established residency prior to the opening of the premises where minors commonly gather; (iv) provide adequate documentation showing that the information on the state's database of registered sex offenders is incorrect; or (iv) are not subject to the safety zone requirements of article section 42.12(13B)(a)(1)(B) pursuant to a court order as it applies to the person's residence.

Lastly, Ordinance 11,100 further makes it unlawful for a property owner to knowingly allow a sex offender to establish or maintain a permanent or temporary residence if such residence is within a prohibited distance of a place where minors commonly gather.

Motion was made by Council Member McCartney, seconded by Council Member Caskey approving Ordinance 11,100 as amended to include private parks. The vote was as follows:

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

Nays: None.

Council Member McCartney stated his support for Ordinance 11,100, and Council Member Caskey requested that the ordinance submitted be amended to include private parks also.

Mayor DonCarlos stated to City Manager Brumback that landlords needed to be well educated. City Manager Brumback responded by noting that there is intent to educate landlords through the media, City's website, Channel 16, and any other avenues that would be available.

There were further questions from Council Members referencing registration, effective date, and a "grandfather clause."

The motion carried.

ORDINANCE 11,100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 66 “OFFENSES” OF THE CODE OF ORDINANCES, CITY OF BAYTOWN, TEXAS, BY ADDING A NEW ARTICLE TO BE NUMBERED AND ENTITLED ARTICLE V “RESTRICTIONS FOR SEX OFFENDERS”; CONTAINING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00); AND PROVIDING FOR THE PUBLICATION AND THE EFFECTIVE DATE THEREOF.

**5. PROPOSED RESOLUTIONS**

**a. Recovery Act Justice Assistance Grant Application - Police Department.**

City Manager Brumback presented the agenda item.

Resolution 1974 authorized the City to submit a grant application to the U.S. Department of Justice for the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program FY 2009 Local Solicitation. The grant will be used to purchase dashboard cameras for police cruisers and to pay for the overtime necessary to comply with the newly created Accountability and Transparency guidelines. The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment and justice information sharing initiatives.

This grant requires no local match. If awarded, the City will receive up to \$156,991 in funds from this formula-based grant program. The funds will be used by the Police Department for the following:

Police Cruiser Dash Cameras (year 1)	\$7,000 x 5	\$35,000
Police Cruiser Dash Cameras (year 2)	\$7,000 x 5	\$35,000
Police Cruiser Dash Cameras (year 3)	\$7,000 x 5	\$35,000
Police Cruiser Dash Cameras (year 4)	\$7,000 x 7	\$49,000
Overtime for compliance with financial reporting (four years)		\$ 1,131.30
Overtime for compliance with progress reporting (4 years)		\$ 1,858.50
	Total Request for Funding	\$156,989.80
	Matching Funds	\$0

Motion was made by Council Member Caskey, seconded by Council Member Yopez approving Resolution 1974. The vote was as follows:

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

Nays: None.

The motion carried.

#### RESOLUTION 1974

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER OF THE CITY OF BAYTOWN TO MAKE APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE FOR FISCAL YEAR 2009 GRANT FUNDS FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM IN THE AMOUNT OF ONE HUNDRED FIFTY-SIX THOUSAND NINE HUNDRED EIGHTY-NINE AND 80/100 DOLLARS (\$156,989.80); 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.

**b. Advanced Funding for the 2009 Bond Package (excluding Streets) - Finance.**

City Manager Brumback presented the agenda item.

Resolution 1975 authorized advanced funding as needed for construction costs of the remainder of the 2009 bond package. The Median Beautification amount of \$167,000 was previously approved for advanced funding by Resolution 1954. The City is scheduled to issue general obligation bonds in 2009 for the following projects:

Street Improvements	\$ 5,000,000
Northeast Fire Station	2,406,600
Radio System Upgrade	2,100,000
Matching Funds for County and TxDOT Projects	1,000,000
Construction of Drainage Facilities	400,000
Expansion of EMS Station on South Main	100,000
Park Land North of I-10	525,000
Sidewalks near Parks and Schools	100,000
Public Safety Building Improvements	<u>600,000</u>
	Total \$ 12,231,600

IRS regulations dictate that Council declares its official intent to reimburse prior expenditures with proceeds of subsequent borrowing.

Motion was made by Council Member McCartney, seconded by Council Member Caskey approving Resolution 1975. The vote was as follows:

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

Nays: None.

The motion carried.

#### RESOLUTION 1975

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED; CONTAINING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

#### **c. Opposing Senate Bill 1470 - City Management.**

City Manager Brumback presented the agenda item.

Resolution 1976 opposed Senate Bill 1470 relating to the creation of a separate local workforce development board for certain counties.

Resolution 1976 registered the City of Baytown's opposition to Senate Bill 1470, which creates a separate workforce development area for Harris County, which may then form a workforce development board. Currently the 13 county H-GAC region, including Harris County, forms a regional workforce development area. The Gulf Coast Workforce Development Board oversees workforce planning and programs and H-GAC administers the regional workforce system, called Workforce Solutions. The proposed legislation:

- makes it harder to serve persons needing work, for the 13 county region is one labor market with citizens often living in one county and working in another;
- is inefficient, as employers with a presence in Harris County and other counties would need to deal with two separate workforce boards;
- is not cost effective, as an additional workforce development board increases administrative costs and reduces funds for serving individuals;
- disrupts a nationally recognized service delivery system -- Workforce Solutions, which effectively serves all counties in the H-GAC region; and
- conflicts with existing state and federal law concerning the designation and formation of workforce development boards.

Council Member Capetillo noted that if this bill passes there would be an adverse impact for the City of Baytown.

Motion was made by Council Member Capetillo, seconded by Council Member McCartney approving Resolution 1976. The vote was as follows:

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

Nays: None.

The motion carried.

#### RESOLUTION 1976

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, OPPOSING SENATE BILL 1470 RELATING TO THE CREATION OF A SEPARATE LOCAL WORKFORCE DEVELOPMENT BOARD FOR CERTAIN COUNTIES; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

#### **d. Opposing Senate Bill 1471 - City Management.**

City Manager Brumback presented the agenda item.

Resolution 1977 opposed Senate Bill 1471 relating to the composition of certain regional planning commissions.

Resolution 1977 registered the City of Baytown's opposition to Senate Bill 1471, which mandates that Harris County may not participate in a regional planning commission (council of government) with any other county, and must withdraw from H-GAC. This legislation:

- disrupts long-established regional working relationships in transportation, disaster planning and recovery, economic development planning, public safety, and air quality, solid waste management and other environmental issues;
- creates conflict with federal transportation law on metropolitan planning organizations (MPO). could adversely affect the ability to receive some transportation funding;
- shatters regional unity, erecting barriers to regional cooperation. Could adversely affect federal funding to the entire region, as regional cooperation is often stressed in federal programs; and
- conflicts with state law on the designation and formation of councils of government.

There are currently no single county “regional” councils of government in Texas.

Motion was made by Council Member Capetillo, seconded by Council Member Caskey approving Resolution 1977. The vote was as follows:

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

Nays: None.

The motion carried.

#### RESOLUTION 1977

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, OPPOSING SENATE BILL 1471 RELATING TO THE COMPOSITION OF CERTAIN REGIONAL PLANNING COMMISSIONS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**e. Opposing House Bill 3552 - City Management.**

City Manager Brumback presented the agenda item.

Resolution 1978 opposed House Bill 3552 relating to the composition of certain regional planning commissions.

Resolution 1978 registered the City of Baytown’s opposition to House Bill 3552, which (i) allows Brazoria County to participate only in a regional planning commission with counties other than Harris County; (ii) allows Brazoria County to establish a regional planning commission with counties located 100 miles from the Gulf Coast and cities located wholly within those counties; and (iii) mandates that Brazoria County withdraw from H-GAC if Harris County remains an H-GAC member. This bill, if passed, would break up the current H-GAC region into at least two regions, potentially more. This legislation:

- disrupts long-established regional working relationships in transportation, disaster planning and recovery, economic development planning, public safety, and air quality, solid waste management and other environmental issues;
- creates conflict with federal law on the designation and organization of metropolitan planning organizations (“MPO”) for transportation planning. Could adversely affect the ability to receive some transportation funding;
- shatters regional unity, erecting barriers to regional cooperation;
- could adversely affect federal funding to the entire region, as regional cooperation is often stressed in federal programs;

- does not appear to permit cities located in more than one county to participate in a regional planning commission formed under this bill; and
- conflicts with state law on the designation and formation of councils of government.

Motion was made by Council Member Capetillo, seconded by Council Member McCartney approving Resolution 1978. The vote was as follows:

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

Nays: None.

The motion carried.

#### RESOLUTION 1978

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, OPPOSING HOUSE BILL 3552 RELATING TO THE COMPOSITION OF CERTAIN REGIONAL PLANNING COMMISSIONS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

#### 6. CONSENT

Motion was made by Council Member Sheley, seconded by Council Member McCartney approving Consent Item 6.a., 6.b., and 6.c. The vote was as follows:

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

Nays: None.

The motion carried.

#### a. Resolution 1979: Water Conservation Plan - Public Works.

Resolution 1979 adopted the City of Baytown's Water Conservation Plan. In 2007, the 80th Texas Legislature amended Section 13.146 of the Texas Water Code to require public utilities that provide potable water service to submit a Water Conservation Plan to the Texas Water Development Board (TWDB) by May 1, 2009, with the First Annual Report due by May 1, 2010. The proposed plan includes public education, i.e. distribution of brochures, news letters, displays, and the city web page, leak detection and repair of public water mains, determination and control of unaccounted for water, water meter inspection, repair, and replacement, and 5 and 10 year goals to reduce per capita water consumption. The plan also includes drought contingency management planning.

## RESOLUTION 1979

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ADOPTING THE CITY OF BAYTOWN'S WATER CONSERVATION PLAN; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**b. Ordinance 11,101: Award a Design Contract to Jones and Carter, Inc. for Needlepoint Water Well - Engineering.**

Ordinance 11,101 authorized a Professional Services Agreement with Jones and Carter, Inc. for the design of the Needlepoint Water Well.

Ordinance 11,101 authorized a contract for design services to Jones and Carter, Inc. in an amount not to exceed \$171,000 for the Needlepoint Water Well Project. Compensation for preliminary engineering will not exceed \$34,000, design phase will not exceed \$59,000, bidding phase will not exceed \$6,000, and the construction phase will not exceed \$72,000. The scope of this project is to conduct an analysis of the area and the design of the water well for the Needlepoint Water Tower to be used in the event of an emergency.

## ORDINANCE 11,101

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 A PROFESSIONAL SERVICES AGREEMENT WITH JONES & CARTER, INC., FOR THE NEEDLEPOINT WATER WELL PROJECT; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY-ONE THOUSAND AND NO/100 DOLLARS (\$171,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**c. Ordinance 11,102: Award Design Contract for Raccoon Road Lift Station - Engineering.**

Ordinance 11,102 authorized a contract for the design services to HDR Engineering, Inc., in an amount not to exceed \$116,095.00 for the Raccoon Road Lift Station Project. Compensation for lift station and force main evaluations will not exceed \$71,555.00, route study for proposed force main will not exceed \$17,470.00, electrical and instrumentation evaluation will not exceed \$10,960.00, odor control system will not exceed \$11,110.00, and reimbursable expenses shall not exceed \$5,000.00. The scope of this project is to conduct an evaluation of the Raccoon Road Lift Station and existing

force main. The Engineer will conduct a detailed assessment and recommendation of the lift station structure, pumps, and existing force main.

#### ORDINANCE 11,102

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 A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR THE RACCOON ROAD LIFT STATION PROJECT; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTEEN THOUSAND NINETY-FIVE AND NO/100 DOLLARS (\$116,095.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

#### 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.**

#### 8. MANAGER'S REPORT

##### a. 28th Annual Baytown Special Olympics Track Meet - Parks and Recreation.

City Manager Brumback presented the agenda item.

The 28th Annual Baytown Special Olympics Track Meet will be held on Saturday, April 18, at the Goose Creek Memorial Stadium, 6001 East Wallisville Road. Opening Ceremonies will be at 9:30 A.M. and competition is scheduled at 10:00 A.M. The event was moved from the Pete Sultis Memorial Stadium to the Goose Creek Memorial Stadium because of renovation to the Pete Sultis Memorial Stadium facilities.

#### 9. ADJOURN

Motion was made by Council Member Capetillo, seconded by Council Member Caskey adjourning the April 7, 2009, Special Meeting. The vote was as follows:

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

Nays: None.

The motion carried.

7:14 P.M. Mayor DonCarlos adjourned the Special City Council Meeting of April 7, 2009.

---

Kaythie Darnell, City Clerk  
City of Baytown