

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

**June 25, 2009**

The City Council of the City of Baytown, Texas met in a Regular Meeting on Thursday, June 25, 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:

Lynn Caskey	Council Member
Brandon Capetillo	Council Member
Terry Sain	Council Member
David McCartney	Council Member
Stephen H. DonCarlos	Mayor
Garrison C. Brumback	City Manager
Kevin Troller	Assistant City Manager
Ignacio Ramirez	City Attorney
Kaythie Darnell	City Clerk

Council Member Lena Yopez and Scott Sheley absent from the June 25, 2009, City Council Regular Meeting.

6:30 P.M. Mayor DonCarlos convened the June 25, 2009, Regular Meeting with a quorum present.

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

**1. MINUTES**

**a. Approve Minutes of the City Council Work Session and Regular Meeting held on June 11, 2009 - City Clerk.**

Motion was made by Council Member Sain, seconded by Council Member McCartney approving the minutes from the June 11, 2009, City Council Work Session and Regular Meeting. The vote was as follows:

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

Nays: None.

The motion carried.

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

### **a. Years of Service Awards - City Manager.**

City Manager Garry Brumback recognized the following employees for their (5) years of service with the City of Baytown:

- Norman Anderson, Police Department, Police Officer
- Craig Contreras, Fire Department, Firefighter
- Leonard Graham, Parks and Recreation Department, Crew Leader

### **b. May Employee and Team of the Month – City Manager.**

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

Ms. Kim Ball, Administrative Assistant for Public Works has been selected as the May Employee of the Month for excelling in all of the City's core values. Ms. Ball who receives many of Public Works complaint calls ensures that all citizen issues are handled with professionalism and care. She understands how important these issues are to those experiencing it and always listens and assists the citizens. She goes in every way possible out of her way for her co-workers; helping, training, volunteering, and doing whatever it takes.

Ms. Ball will receive \$100, a day off with pay and her name will be added to a plaque in the lobby of City Hall.

The Baytown Police Department's Special Investigators Team comprised of Steve Adams, Norman Anderson, Jesse Armstrong, Dallas Bish, Bert Dillow, Mark Freeman, Nathan Gallop, Steven Gobe, Kenneth Hampton, Iveleth Hernandez, Rene Hinojosa and Jessica Stombaugh have been chosen as this month's City of Baytown Team of the Month.

This team exemplifies all of our Core Values, but particularly excels in teamwork, integrity, and service. These officers volunteer to assist the Crimes Against Children's Detectives in the investigation cases dealing with the abuse and neglect of children, all while responding to their regular calls for service.

This team of employees came to the assistance of detectives whose case load had become more than they could handle alone; their tireless efforts in assessing the needs of these children and providing them with the appropriate support, report writing and communication with Children's Protective Services (CPS) has helped these children receive the assistance and support that they need faster than ever before.

The team will share \$250; a day off with pay and be added to a plaque in the lobby of City Hall.

**3. PROPOSED ORDINANCES**

**a. Amending Chapter 74, Implementing an Aggressive Panhandling Ordinance - Legal.**

City Manager Garry Brumback presented the agenda item.

Ordinance 11,141 adopted amendments to Chapter 74 "Peddlers and Solicitors" of the Code of Ordinances, Baytown, Texas, to establish regulations and prohibitions related to aggressive panhandling within the City. Ordinance 11,141 is modeled after a recently enacted ordinance by the City of Houston that sought to prevent aggressive panhandling.

Ordinance 11,141 proscribes approaching and soliciting from citizens at ATMs, gas pumps, and similar consumer implements. Ordinance 11,141 fills a gap left by the current ordinances, and provides authorities a tool to prevent unwanted solicitors from approaching citizens.

Gay Mitchum, 4618 N. Hwy 146, Baytown, Texas addressed City Council regarding item 3.a.

Motion was made by Council Member Caskey, seconded by Council Member Capetillo approving Ordinance 11,141. The vote was as follows:

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

Nays: None.

The motion carried.

**ORDINANCE 11,141**

AN ORDINANCE OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 74 "PEDDLERS AND SOLICITORS" OF THE CODE OF ORDINANCES OF THE CITY OF BAYTOWN, TEXAS, TO ADD A NEW ARTICLE TO BE NUMBERED AND ENTITLED ARTICLE IV "PANHANDLING;" 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.

#### 4. CONSENT

Motion was made by Council Member McCartney, seconded by Council Member Sain approving Consent Items: 4.a., 4.b., and 4.c. The vote was as follows:

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

Nays: None.

The motion carried.

##### **a. Ordinance 11,142: Annual Cleanup and Mowing Contract #038-09 Renewal - Purchasing.**

Ordinance 11,142 awarded the first renewal of the Annual Cleanup and Mowing Contract for the Health Department in the amount of \$150,000.00 to McLemore Building Maintenance, Inc., and Niederhofer Enterprises, Inc. Both contractors submitted written requests to renew the current contract for the same pricing, terms and conditions for another term.

This contract is used by the Health Department for vacant lot mowing and illegal dump-site cleanup. Due to the sporadic nature and enormous work orders necessary to be processed during peak season, more than one contractor is required to perform mowing services. The contract has fixed rates for clean-up services and includes reimbursement for actual costs of debris disposal.

The availability of contractors to perform this type service has been lean throughout the years; however, the Health Department is now encouraged by the current mowing contractors that have accepted the rates, terms and conditions of the City's Cleanup and Mowing Contract. The amount of award is an estimated amount and allows for renewals with future consumer price index increases if requested by contractors. The allowable Consumer Price Index for Urban Areas "CPIU" is negative at this time. Both contractors provide excellent mowing services.

#### ORDINANCE 11,142

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE ANNUAL CLEANUP AND MOWING CONTRACT WITH MCLEMORE BUILDING MAINTENANCE, INC., AND NIEDERHOFER ENTERPRISES, INC., AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, IN THE AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND NO/100 DOLLARS (\$150,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**b. Ordinance 11,143: Annual Ready-Mix Concrete Contract #051-09 Renewal - Purchasing.**

Ordinance 11,143 awarded the first renewal of the Annual Ready-Mix Concrete Contract in the amount of \$125,000.00 to Best Sand and Redi-Mix Company. Best Sand and Redi-Mix Company submitted a written request to renew the current contract for the same pricing, terms and conditions. This contract is used by the Public Works and Parks and Recreation Departments for various construction projects, i.e., streets and drainage repair, new projects, rehab projects, etc. Best Redi-Mix provides excellent service.

ORDINANCE 11,143

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE ANNUAL READY-MIX CONCRETE CONTRACT WITH BEST SAND AND REDI-MIX COMPANY AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, IN THE AMOUNT OF ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$125,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**c. Resolution 1996: United States Department of Justice, Justice Assistance Grant Application Approval - City Management.**

Resolution 1996 authorized the City to submit a grant application to the U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant ("JAG") Program, FY 2009 Local Solicitation. 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 and corrections, as well as treatment and justice information sharing initiatives. If funded, the City will receive \$38,188.00 for computerized firearms training and dedicated overtime for Police Department personnel.

This grant is a formula-based allocation which requires no matching funds by the City.

The Catalog of Federal Domestic Assistance ("CFDA") number for this solicitation is 16.738, titled "Edward Byrne Memorial Justice Assistance Grant Program."

RESOLUTION 1996

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 U.S. DEPARTMENT OF JUSTICE FOR THE EDWARD BYRNE

MEMORIAL JUSTICE ASSISTANCE GRANT ("JAG") PROGRAM, FY 2009 LOCAL SOLICITATION IN THE AMOUNT OF THIRTY-EIGHT THOUSAND ONE HUNDRED EIGHTY-EIGHT AND NO/100 DOLLARS (\$38,188.00); 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. APPEALS**

### **a. Appeal Hearing for URSRB Demolition Order for 14 South Ashbel Street - Planning and Development Services.**

Mr. Reuben Buchanan provided a written statement withdrawing his URSRB Demolition Order Appeal.

### **b. Appeal of Urban Rehabilitation Standards Review Demolition Order for 14 South Ashbel Street - Planning and Development Services.**

Mr. Reuben Buchanan provided a written statement withdrawing his URSRB Demolition Order Appeal.

## **6. MANAGER'S REPORT**

### **a. July 4th Celebration - Parks and Recreation.**

Announce the schedule and entertainment line up for this year's 3rd and 4th of July Celebration.

The Parks and Recreation Department is proud to announce the schedule and entertainment line up for this year's 3rd and 4th of July Celebration.

This year's event will begin at 6:00 PM, Friday, July 3rd, with local favorite David Glenn, followed at 8:00 PM by country music legends: The Bellamy Brothers.

On Saturday, July 4th, booths will open at 2:00 PM with the first band J. Paul & the Zydeco NuBreeds starting at 2:30 PM followed by Hanna's Reef at 4:00 PM. The Annual 4th of July Parade will begin at 5:30 PM starting on Market Street and turning onto Lee Drive. Opening Ceremonies will start at 5:50 PM followed by Texas music star Brandon Rhyder at 6:00 PM. This year's Headliner, country music star John Michael Montgomery, will take the stage at 8:00 PM followed by the Annual Fireworks Extravaganza complete with patriotic music.

**7. ADJOURN**

Motion was made by Council Member Capetillo, seconded by Council Member Caskey adjourning the June 25, 2009, Regular Meeting. The vote was as follows:

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

Nays: None.

The motion carried.

6:50 P.M. Mayor DonCarlos adjourned the Regular City Council Meeting of June 25, 2009.

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Leticia Garza, Interim City Clerk  
City of Baytown