

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

May 19, 2009

The City Council of the City of Baytown, Texas met in a Special Meeting on Tuesday, May 19, 2009, at 4:00 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
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 Terry Sain was absent from the May 19, 2009 Special Meeting.

4:03 P.M. Mayor DonCarlos convened the May 19, 2009, Special Meeting with a quorum present.

1. PROPOSED ORDINANCES

a. Amendment to Agreement for Photographic Traffic Signal Enforcement System - Legal.

City Manager Garry Brumback presented the agenda item.

Ordinance 11,122 authorized the First Amendment to the Professional Services Agreement with American Traffic Solutions, Inc., regarding the City of Baytown Photographic Traffic Signal Enforcement System. The amendment merely extends the term of the agreement, which was entered into on August 23, 2007. Currently, the initial term is for a five-year period beginning on the date of the first issued and payable notice of violation and automatically extends for one five-year period.

The amendment extends the initial term of the agreement an additional ten years and provides for multiple, automatic, five-year extensions.

Motion was made by Council Member Caskey, seconded by Council Member Capetillo approving Ordinance 11,122. The vote was as follows:

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

Nays: None.

The motion carried.

ORDINANCE 11,122

AN ORDINANCE OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST TO THE FIRST AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS TO EXTEND THE TERM THEREOF; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

2. REPORTS

a. Canvass the May 09, 2009, City of Baytown General and Special Election - City Clerk.

City Manager Garry Brumback and City Clerk Kaythie Darnell presented the agenda item.

Canvass the returns of the City of Baytown General and Special Election held on May 09, 2009.

Pursuant to Chapter 67 of the Texas Election Code, "canvass" is the name given to the official examination of the votes cast in an election. Every general and special election held in Texas must be canvassed per Sections 67.001-67.002 of the Texas Election Code. The law imposes an unavoidable duty on political subdivisions to canvass elections in an official meeting in order to formally accept the results of an election.

Pursuant to Section 67.002 of the Texas Election Code requiring the canvass of precinct returns, the City Council conducts the official canvass. The preliminary results are attached.

3. PROPOSED RESOLUTIONS

a. Declaring Results of the General and Special Election - Legal.

City Manager Brumback presented the agenda item.

Resolution 1985 declared the results of the City of Baytown General and Special Election held on May 09, 2009.

Motion was made by Council Member Yopez, seconded by Council Member Caskey approving Resolution 1985. The vote was as follows:

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

Nays: None.

The motion carried.

RESOLUTION 1985

A RESOLUTION CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF BAYTOWN ON THE 9TH DAY OF MAY, 2009, FOR THE PURPOSE OF ELECTING THE MAYOR OF THE CITY OF BAYTOWN; CANVASSING THE RETURNS OF THE SPECIAL ELECTION HELD WITHIN THE CITY OF BAYTOWN ON THE 9TH DAY OF MAY, 2009, FOR THE PURPOSE OF CONSIDERING AN INITIATIVE ORDINANCE WHICH EXEMPTS CERTAIN STAND-ALONE BARS FROM THE REQUIREMENTS OF THE SMOKING ORDINANCE; FINDING THAT NOTICE OF THE REGULAR AND SPECIAL ELECTIONS WERE PROPERLY HELD AND THE RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Designation of Additional Locations for Automated Red Light Enforcement Cameras - Legal.

Resolution 1986 approved the designation of additional locations for the installation of automated red light enforcement cameras. The City believes that the use of red light cameras to improve traffic safety through enhanced enforcement at signalized intersections. The City Council hereby authorizes the placement of additional red light cameras at the following heavily traveled, signaled intersections:

1. Northbound Garth Road at W. Cedar Bayou Lynchburg Road;
2. Southbound Garth Road at W. Cedar Bayou Lynchburg Road;
3. Eastbound W. Cedar Bayou Lynchburg Road at Garth Road;

4. Westbound W. Cedar Bayou Lynchburg Road at Garth Road;
5. Northbound N. Main Street at Massey Tompkins Road;
6. Southbound N. Main Street at Massey Tompkins Road;
7. Eastbound Rollingbrook Drive at N. Main Street;
8. Westbound Massey Tompkins Road at N. Main Street;
9. Northbound N. Main Street at State Highway 146;
10. Southbound N. Main Street at State Highway 146;
11. Northbound N. Alexander Dr. (Business 146) at Ward Road;
12. Southbound N. Alexander Dr. (Business 146) at Ward Road;
13. Northbound State Highway 146 at Massey Tompkins Road;
14. Southbound State Highway 146 at Massey Tompkins Road;
15. Eastbound Massey Tompkins Road at State Highway 146;
16. Northbound N. Main Street at YMCA Drive;
17. Southbound N. Main Street at YMCA Drive;
18. Northbound State Highway 146 at S. FM 565;
19. Southbound State Highway 146 at S. FM 565;
20. Eastbound S. FM 565 at State Highway 146;
21. Northbound State Highway 146 at El Chaco;
22. Southbound State Highway 146 at El Chaco; and
23. Eastbound State Highway 146 at Alexander Drive (Business 146).

Such placement, however, is subject to a study of each of the approaches for these intersections using a Video incident Monitoring Study (ViMS), which indicates that the installation of red light enforcement equipment is warranted and as approved by the City Manager.

Motion was made by Council Member Caskey, seconded by Council Member Yopez approving Resolution 1986. The vote was as follows:

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

Nays: None.

The motion carried.

RESOLUTION 1986

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, DESIGNATING INTERSECTIONS FOR INSTALLATION OF THE EQUIPMENT NECESSARY TO IMPLEMENT THE CITY'S PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROGRAM; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

4. 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.

5. ADJOURN

Motion was made by Council Member Capetillo, seconded by Council Member Yopez adjourning the May 19, 2009, Special Meeting. The vote was as follows:

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

Nays: None.

The motion carried.

4:27 P.M. Mayor DonCarlos adjourned the Special City Council Meeting of May 19, 2009.

Kaythie Darnell, City Clerk
City of Baytown