

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

October 19, 2009

The City Council of the City of Baytown, Texas, met in a Special Meeting on Monday, October 19, 2009, at 6:31 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
Kevin Troller	Assistant City Manager
Karen Horner	Assistant City Attorney
Leticia Garza	Interim City Clerk
Keith Dougherty	Sergeant at Arms

Mayor DonCarlos convened the October 19, 2009, Special Meeting with a quorum present at 6:31 P.M.

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

1. MINUTES

a. Approve Minutes of the City Council Work Session and Regular Meeting held on October 08, 2009 - City Clerk.

Motion was made by Council Member Yopez, seconded by Council Member Caskey approving the minutes from the October 08, 2009, City Council Work Session and Regular Meeting. The vote was as follows:

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

Nays: None

Abstained: Council Member: Sain

The motion carried.

2. RECOGNITIONS AND CITIZENS COMMUNICATIONS

a. Years of Service Awards – Human Resources.

City Manager, Garry Brumback recognized Karen Gooden for 5 years of service to the City of Baytown and the Baytown Municipal Court.

b. Employee and Team of the Month of September – Human Resources.

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

Harold Cheek was recognized for the month of September for excelling in all of our Core Values. He is a great team player who is seen as always willing to help. Recently, he stepped up to cover the workload created from a vacancy in his area. He did this with a fabulous attitude and made sure to get the job done! He exceeds in the service that he provides to citizens and is always willing to go the extra mile to help out his customers. His cheerful attitude is contagious with his fellow coworkers and citizens.

Harold was recently recognized for his 25 years of service with the City of Baytown. As recipient of the September Employee of the Month Award, we celebrate that it is good to have Harold on the City of Baytown team!

The Streets Division team compromised of Yusuf Langelier, Bobby Mullins, Calvin Rideau, Michael Kinlaw, John Kitchens, Luther Felder, Manuel Razo and Robert Felder were nominated for excelling in all the City's core values. They were tasked at the last minute to build a concrete walking trail at Bicentennial Park before the Grito Festival Celebration. They worked through some ominous weather, having to take extra steps to protect the freshly poured concrete in case of rain. This crew excelled on this project and demonstrated competence, teamwork, and service.

c. Employee and Team of the Year - Human Resources.

City Manager, Garry Brumback recognize the FY 08/09 Employee of the Year and the FY 08/09 Team of the Year.

Employee of the Year:

Ms. Washburn was the November 2008 winner for her outstanding work with the teen program at the Library. She has taken a segment of our community that used to be the weakest link, but is now the Library's crowning glory. Through her fearless, enthusiastic and endless capacity to generate new ideas and bring them to life, she has created a library climate where teens feel welcome and have many opportunities to interact with each other and with the staff.

Team of the Year:

The Camp Ike from Parks and Recreation was our first team winner in October of 2008. Members of the team are Sandra Johnson, Shontele Williams, Donovan O'Connor, Jennifer Oakes, Teri Hunt, Peggy Fontenot, Mike Flinn and Michael Davis. This fine group was selected for their outstanding work as the Camp Ike team. Through teamwork the staff programmed activities for the kids each day as well as prepared meals for breakfast and lunch. Through the program, many employees were able to return to work even though the schools were not yet open.

d. Citizen Communication: Rhonda Mouton.

Ms. Rhonda Mouton requested to speak before Council regarding 1201 Parkway Drive that is scheduled for demolition and was not present at the meeting to speak.

e. Proclamation: Baytown Firefighters Cares to Wear Pink - Fire.

City Manger, Garry Brumback presented the agenda item.

Mayor DonCarlos presented the proclamation to a representative from the International Association of Firefighters (IAFF) declaring the month of October as Baytown Firefighters "Cares To Wear Pink" month in conjunction with The State of Texas Firefighters Association to honor all women who battle cancer by having firefighters wear pink shirts to show their support.

3. PUBLIC HEARINGS**a. Conduct First Public Hearing for the Annexation of ExxonMobil Property Located in Industrial District No. 1 - Administration.**

City Manger Garry Brumback presented and summarized the agenda item.

The first public hearing was called to order by Mayor DonCarlos at 6:47 P.M.

Mayor DonCarlos conducted the first public hearing regarding the proposed annexation of Exxon Mobil Corporation's Baytown Plant and Facilities Site not currently in the City limits of the City of Baytown.

On September 24, 2009, the City Council authorized staff to prepare a service plan for the involuntary annexation of the property owned by ExxonMobil located in Industrial District No. 1. A service plan was created on October 2, 2009. Notice of the first and second public hearings was published in the October 8, 2009, issue of the Baytown Sun and posted on the City of Baytown's notice board and website on October 1, 2009.

There being no one desiring to speak Mayor DonCarlos closed the first public hearing at 6:48 P.M.

b. Conduct Second Public Hearing for the Annexation of ExxonMobil Property Located in Industrial District No. 1 - Administration.

Mayor DonCarlos presented the agenda item.

The second public hearing was called to order by Mayor DonCarlos at 6:48 P.M.

Mayor DonCarlos conducted a second public hearing regarding the proposed annexation of Exxon Mobil Corporation's Baytown Plant and Facilities Site not currently in the City limits of the City of Baytown.

There being no one desiring to speak Mayor DonCarlos closed the second public hearing at 6:48 P.M.

c. Conduct First Public Hearing on Disannexation of Portions of ExxonMobil Corporation's Baytown Complex - Administration.

City Manger Garry Brumback presented and summarized the agenda item.

The first public hearing was called to order by Mayor DonCarlos at 6:50 P.M.

Mayor DonCarlos conducted a first public hearing regarding the proposed disannexation of portions of ExxonMobil Corporation's Baytown Complex, which are located wholly or partially within the incorporated City limits of the City of Baytown.

On October 8, 2009, the City Council received a petition for disannexation submitted by ExxonMobil Corporation Baytown Complex. Notice of the first and second public hearings was published in the October 8, 2009, issue of the Baytown Sun and posted on the City of Baytown's notice board and website on October 5, 2009.

There being no one desiring to speak Mayor DonCarlos closed the first public hearing at 6:50 P.M.

d. Conduct Second Public Hearing for the Disannexation of Portions of ExxonMobil Corporation's Baytown Complex - Administration.

The second public hearing was called to order by Mayor DonCarlos at 6:51 P.M.

Mayor DonCarlos conducted a second public hearing regarding the proposed disannexation of portions of ExxonMobil Corporation's Baytown Complex, which are located wholly or partially within the incorporated City limits of the City of Baytown.

There being no one desiring to speak Mayor DonCarlos closed the second public hearing at 6:51 P.M.

4. PROPOSED ORDINANCES

a. Amending Windspeed and Environmental and Energy Standards - Planning and Development Services.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,221 amends the windspeed standard from 115 miles per hour (mph) to 120 mph, and adding environmental and energy standards to Chapter 18 of the Code of Ordinances.

On May 28, 2009, the Baytown City Council adopted a new 130 mph standard; on July 23, 2009, they made the effective date of the 130 mph standards for July 23, 2010. Council also directed staff to return an ordinance for their consideration with an interim standard of 120 mph (3 second gust) with added environmental and energy standards.

The quarterly developer's meeting will be held on October 12, 2009. All parties interested in the windspeed changes have been invited to discuss the proposed amendments at this time. Staff addressed comments from the October 12, 2009; developer's met at the City Council Special Meeting on October 19, 2009.

Mr. Brumback indicated that the builders did comply with the survey.

Motion was made by Council Member McCartney, seconded by Council Member Sain approving Ordinance No. 11,221. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,221

AN ORDINANCE OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II "BUILDING CONSTRUCTION STANDARDS," OF THE CODE OF ORDINANCES OF THE CITY OF BAYTOWN, TEXAS, TO ADD A NEW DIVISION TO BE NUMBERED AND ENTITLED DIVISION 1 "WINDSTORM STANDARDS; AMENDING CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II "BUILDING CONSTRUCTION STANDARDS," DIVISION 3 "BUILDING CODE,"

SECTION 18-92 "AMENDMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF BAYTOWN, TEXAS, TO ADD AMENDMENTS TO SECTIONS 1603.1 "GENERAL," 1609.1.4 "WIND DESIGN DATA," SECTION 1609.1 "APPLICATIONS," (EXCLUDING SECTION 1609.1.2.1 "LOUVERS") 1609.3 "BASIC WIND SPEED," AND ARTICLE IX "MINIMUM PROPERTY STANDARDS," DIVISION 2 "ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES," SECTION 18-652 "AMENDMENTS TO THE RESIDENTIAL CODE" OF THE CODE OF ORDINANCES OF THE CITY OF BAYTOWN, TEXAS, TO ADD (I) NEW SUBSECTION R301.2.1 "CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA"; (II) AN AMENDMENT TO SECTION R301.2.1.1 "DESIGN CRITERIA"; AND (III) AN AMENDMENT TO SECTION R301.2.1.2 "PROTECTIVE OPENING" TO MEET THE 120 MPH SEAWARD STANDARDS; AMENDING CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE I "IN GENERAL," OF THE CODE OF ORDINANCES, CITY OF BAYTOWN, TEXAS, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 18-2 "ENERGY EFFICIENCY BUILDING PROGRAM" TO ESTABLISH AN ENERGY EFFICIENCY BUILDING PROGRAM FOR THE CITY; 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.

b. Approving Interlocal Agreement with Harris County for Improvements to North Main at Wallisville Intersection - Administration.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,222 approves an interlocal agreement with Harris County for improvements to the North Main at Wallisville intersection.

The City, Goose Creek CISD and Harris County have been discussing improvements to North Main since the GC Memorial High School site was announced. North Main was reconstructed in its current configuration prior to the opening of the campus. Planning for intersection improvements were started at that time.

The County has completed the design on intersection improvements to widen the roadway allowing for dedicated left turn lanes in all four directions. The intersection will not be signalized as part of this project, but rather was part of an upcoming Wallisville reconstruction project that will widen this roadway to a four-lane boulevard. This project is just starting design and completion is expected within two years.

Funding for the intersection improvements is shared three ways. GCCISD is funding the majority of the cost by contributing approximately \$1.1 million. The County paid for the design and will fund the materials testing and inspection for a total contribution of approximately \$300,000. The City's participation is a fixed amount of \$100,000.

This project is expected to go out for bid in November and construction will begin in February. The project will be completed before school starts in August 2010. Our participation is funded by interest on street bond funds.

Mr. Brumback stated that during individual conversations with Council, a question was asked if this intersection was going to be designed and constructed for the end result of what the roads were going to become and at that time he was unsure, but now knows that it is not a permanent solution, and that the intersection will be designed and constructed by piping most of the ditches necessary to for expansion from tow lanes with a center turn lane in all four directions. Mr. Brumback also indicated that this construction will be out when the five lanes construction is done.

Mr. Dick Carter, Director of Engineering indicated that the plan to have five lanes was supposed to be completed prior to the opening of the high school, but the school district ran into too many financial problems and storm sewer problems. He indicated that the school district is already proceeding with preliminary engineering for the right-a-way and the widening the roads.

Motion was made by Council Member Sain, seconded by Council Member Capetillo approving Ordinance No. 11,222. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,222

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 HARRIS COUNTY FOR IMPROVEMENTS TO THE NORTH MAIN AT WALLISVILLE INTERSECTION; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN THE AMOUNT OF ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

c. Approval of Change Order No. 1 for the 2009 Mill and Overlay Project - Engineering.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,223 approves Change Order No. 1 to the 2009 Mill and Overlay Project in the amount of \$375,000 to Angel Brothers, Ltd. The original contract amount was \$1,500,000. This Change Order will increase the contract by 25%, bringing the total contract amount to \$1,875,000.

This additional contract capacity will be used to complete additional projects under the current pricing. These projects are primarily funding by Street Maintenance Sales Taxes.

Mr. Brumback indicated that this is accelerating the current plan and is not adding any additional streets.

Motion was made by Council Member McCartney, seconded by Council Member Caskey approving Ordinance No. 11,223. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,223

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 WITH ANGEL BROTHERS, LTD., FOR THE 2009 MILL AND OVERLAY PROJECT; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, THE SUM OF THREE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$375,000.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

d. Amending Section 98-60 Allowing Commercial Establishments to Have Either Single or Multiple Meters - Utility Billing.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,224 amends Chapter 98 "Utilities," Article III "Water Service," Section 98-60 "Flat-rate service prohibited; separate metering required" of the Code of Ordinance to require owners of multi-unit residential establishments and multi-unit commercial complex to either install separate water meters or maintain water service in their own name. Some owners of strip centers have complained about the cost of installing individual water meters for each tenant. Each tenant is currently required to be separately metered. However, in practice this is difficult to enforce, as commercial properties are constantly

being subdivided and reconfigured to accommodate tenants of various sizes. Therefore, to address these concerns, Ordinance No. 11,224 gives the owners the option of installing separate meters or a single meter; provided, that if a single meter is installed, the utility billing account must be maintained in the owner's name. This protects individual tenants from being required to pay the deposit and fees for service to multiple units while allowing an owner the flexibility to choose.

For establishments that are not in compliance with this section as of its effective date, the City will give notice and allow 365 days to come into compliance unless there is a change in service. In such case, compliance must be achieved in order to reestablish water service.

Motion was made by Council Member McCartney, seconded by Council Member Sheley approving Ordinance No. 11,224. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,224

AN ORDINANCE OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 98 "UTILITIES," ARTICLE III "WATER SERVICE," SECTION 98-60 "FLAT-RATE SERVICE PROHIBITED, SEPARATE METERING REQUIRED" OF THE CODE OF ORDINANCES OF THE CITY OF BAYTOWN, TEXAS, TO REVISE SUBSECTION (C) AND TO ADD SUBSECTIONS (D) AND (E) IN ORDER TO ALLOW MULTI-UNIT RESIDENTIAL ESTABLISHMENTS AND COMMERCIAL ESTABLISHMENTS TO EITHER INSTALL SEPARATE WATER METERS OR MAINTAIN WATER SERVICE IN THEIR OWN NAME; 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.

e. Closeout of the Energy Performance Project - Finance.

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,225 authorizes final payment in the amount of \$172,406 to Johnson Controls, Inc. (JCI) and accepts the Energy Performance Project as complete.

The original contract was awarded to JCI for \$3,448,119. The Energy Savings Performance Contract with JCI is financed through a thirteen year Lease Purchase Agreement with All American Investment Group, LLC. The Lease Purchase will be repaid quarterly utilizing the energy savings achieved. The energy savings are guaranteed by JCI. The Energy Savings Performance Contracts are authorized pursuant to Chapter 302 of the Texas Local Government Code. The City will generate annual savings through implementation of the energy conservation measures which included:

- Lighting System Upgrades
- Exterior Lighting Upgrades
- Water Conservation Measures
- Traffic Signal LED Conservation
- Solar Film Application
- Vending Miser
- Boiler Replacement
- DX/Rooftop Units Replacement
- Chiller Replacement
- Energy Management System Upgrades
- Guaranteed Monitoring, Measurement & Reporting

Motion was made by Council Member Caskey, seconded by Council Member McCartney approving Ordinance No. 11,225. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,225

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE ENERGY PERFORMANCE PROJECT; AUTHORIZING FINAL PAYMENT OF THE SUM OF ONE HUNDRED SEVENTY-TWO THOUSAND FOUR HUNDRED SIX AND NO/100 DOLLARS (\$172,406.00) TO JOHNSON CONTROLS, INC., FOR SAID PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

5. PROPOSED RESOLUTIONS

a. Enterprise Zone Nomination for Bayer MaterialScience LLC's ("BMS") - Planning and Development Services.

City Manager, Garry Brumback presented the agenda item and stated that Resolution No. 2017 supports the Enterprise Zone nomination to the State of Texas for Bayer MaterialScience LLC's ("BMS").

The Bayer Baytown Industrial Park is home to the largest Bayer MaterialScience LLC ("BMS") operation that includes three (3) active polymers business units: Plastics, Coatings/Adhesives/Sealants, and Polyurethanes. Over the next five years, BMS anticipates making approximately \$343 million in capital improvements to its Baytown manufacturing facility. Approximately \$136 million in capital investment is expected to be made within the first two years of the Enterprise Project designation, with the remaining \$207 million being evenly spread across the remaining three years. The capital improvements are focused on increasing manufacturing capacity and efficiency at the facility. As a result of the capital investment being made, BMS respectfully requests to receive job retention benefits under the Texas Enterprise Zone Program.

Section 2303.406(a)(4)(D) of the Texas Government Code allows a project or activity of a qualified business to be designated an Enterprise Project and receive job retention benefits if the business has clearly demonstrated that "the business is able to employ individuals in accordance with Section 2303.402." BMS qualifies for job retention benefits under this statutory provision because over 25% of the City of Baytown is made up of state enterprise zones (U.S. Census block groups with 20%+ poverty). BMS commits to hiring thirty-five (35%) economically disadvantaged individuals or enterprise zone residents, for its new or replacement personnel, for certified jobs over the five year Enterprise Project designation period.

Motion was made by Council Member Sain, seconded by Council Member Caskey approving Resolution No. 2017. The vote was as follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, NOMINATING BAYER MATERIALSCIENCE LLC TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS A QUALIFIED BUSINESS AND A TRIPLE JUMBO ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

6. MOTIONS**a. Specify Day for Annual July 4, 2010 Celebration - Parks and Recreation.**

City Manager, Garry Brumback presented the agenda item and stated that the Parks and Recreation Department begins planning for the following 4th of July soon after the smoke from the fireworks clear Bicentennial Park.

However, next year's 4th of July falls on a Sunday. In 2010, the booths will open on July 4th at 3:00 P.M. and entertainment will start at 4:00 P.M. with the usual July 3rd event on Saturday night.

The issue was discussed at the September 2nd Parks and Recreation Advisory Board meeting. The Board voted unanimously to recommend next summer's event be on Sunday, July 4, 2010.

Motion was made by Council Member Caskey, seconded by Council Member McCartney approving the Annual July 4, 2010 Celebration to take place on July 4, 2010. The vote was as follows:

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

Nays: None

The motion carried.

b. Project list to TxDOT Transportation Enhancement Grant Application - City Management.

City Manager, Garry Brumback presented the agenda item considering approval of the project list for the TxDOT Transportation Enhancement Program grant.

On October 9, 2009, the Texas Department of Transportation released the 2009 Transportation Enhancement Program call for nominations. This grant program is federally funded and requires a 20% match. The deadline is very tight with our nominations required to pass through H-GAC before being submitted to TxDOT by December 11th. The nominations must be at H-GAC 30 days prior to the TxDOT deadline.

Staff met to review the grant criteria as well as projects that we felt we could adequately develop in less than 30 days. Council approval is requested to begin development of grant nominations for the following three projects:

1. Texas Avenue Streetscape - remaining four blocks
2. Gateway Entry Features at I-10; Spur 330; I-10 @ Hwy. 146; and Hwy 146 at the Fred Hartman bridge
3. Construction of a historic-themed visitor's center in conjunction with Republic of Texas Plaza on North Main.

Upon your approval we will have teams working with our grant coordinator to develop a nomination on each project. They will be submitted to H-GAC with a request for the required Letter of Support. H-GAC must agree that the projects, if approved, will be added to the local Transportation Improvement Program (TIP)

Motion was made by Council Member Sheley, seconded by Council Member McCartney approving the project list for the TxDOT Transportation Enhancement Program grant. The vote was as follows:

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

Nays: None

The motion carried.

7. CONSENT

Motion was made by Council Member Sheley, seconded by Council Member McCartney approving Consent Items: 7.a., 7.b., 7.c., 7.d., 7.e., 7.f., 7.g., 7.h., 7.i., 7.j., 7.k., 7.l., and 7.m. The vote was as follows:

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

Nays: None

The motion carried.

a. Ordinance No. 11,226: Purchase of Three 2010 Chevrolet Pickups - Purchasing.

Ordinance No. 11,226 authorizes the purchase of three 2010 Chevrolet Pickups from Caldwell Country Chevrolet through the Houston-Galveston Area Council (H-GAC) for a total amount of \$75,103. The H-GAC fee of \$600 is assessed per each purchase order, and is included in the total amount. All three vehicles are replacements as follows:

New Vehicle	Amount	Budgeted	Org/Acct#	Department	Vehicle Replaced
2010 Chevrolet ½ Ton X/Cab SWB Pickup	\$22,741	\$26,000	70110- 84043	Garage / Motor Vehicles	Unit #1101, 1990 Chevy ½ Ton Pickup, 118,310 Mileage
2010 Chevrolet ½ Ton X/Cab LWB Pickup	\$24,235	\$27,000	20070- 84043	Animal Control / Motor Vehicles	Unit #0440, 2004 Ford ¾ Ton Truck, 69,831 Mileage
2010 Chevrolet 1 Ton Crew Cab LWB Pickup	\$27,527	\$31,000	50210- 84043	Parks & Recreation / Motor Vehicles	Unit #515, 2003 Chevy ¾ Ton Pickup, 60,844 Mileage

ORDINANCE NO. 11,226

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF SEVENTY-FIVE THOUSAND ONE HUNDRED THREE AND NO/100 DOLLARS (\$75,103.00) TO CALDWELL COUNTRY CHEVROLET THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF THREE (3) 2010 CHEVROLET PICKUP TRUCKS FOR VARIOUS DEPARTMENTS; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Ordinance No. 11,227: Purchase of Three Equipment Trailers for Wastewater Collection - Purchasing.

Ordinance No. 11,227 authorizes the purchase of three 30,000 GVWR Equipment Trailers from Interstate Trailers, Inc., through the Houston-Galveston Area Council (H-GAC) for a total amount of \$50,049. All equipment trailers are replacements as follows:

New Vehicle	Amount	Budgeted	Org/Acct#	Department	Vehicle Replaced
2010 Interstate Trailer	\$16,683	\$25,500	30510-84042	Wastewater Collection / Machinery & Equipment	1991 Belshe equipment trailer
2010 Interstate Trailer	\$16,683	\$25,500	30510-84042	Wastewater Collection / Machinery & Equipment	1993 Belshe equipment trailer
2010 Interstate Trailer	\$16,683	\$25,500	30510-84042	Wastewater Collection / Machinery & Equipment	1994 Belshe equipment trailer

ORDINANCE NO. 11,227

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF FIFTY THOUSAND FORTY-NINE AND NO/100 DOLLARS (\$50,049.00) TO INTERSTATE TRAILERS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF THREE (3) 30,000 GVWR EQUIPMENT TRAILERS FOR THE PUBLIC WORKS/UTILITIES DEPARTMENT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

c. Ordinance No. 11,228: Purchase of Two John Deere Backhoe Loaders - Purchasing.

Ordinance No. 11,228 authorizes the purchase of two 2010 John Deere 310J backhoe loaders from Rush Equipment Center, Houston, through the Houston-Galveston Area Council (H-GAC) for a total amount of \$122,318. Both backhoes are replacements as follows:

New Vehicle	Amount	Budgeted	Org/Acct#	Department	Equipment Replaced
2010 John Deere 310J Backhoe Loader	\$61,159	\$62,000	30510-84042	Wastewater Collection / Machinery & Equipment	Unit 69695, 1996 John Deere Backhoe, 5000 plus hours
2010 John Deere 310J Backhoe Loader	\$61,159	\$62,000	30610-84042	Utility Construction / Machinery & Equipment	Unit #139939, 1999 John Deere Backhoe, 5000 plus hours

ORDINANCE NO. 11,228

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF ONE HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED EIGHTEEN AND NO/100 DOLLARS (\$122,318.00) TO RUSH EQUIPMENT CENTER, HOUSTON, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF TWO (2) 2010 JOHN DEERE 310J BACKHOE LOADERS FOR THE PUBLIC WORKS/UTILITIES DEPARTMENT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

d. Ordinance No. 11,229: Purchase of Two 2010 Ford Ranger Pickups - Purchasing.

Ordinance No. 11,229 authorizes the purchase of two 2010 Ford Ranger Pickups from Philpott Motors, Ltd., through the Houston-Galveston Area Council (H-GAC) for a total amount of \$31,350. The H-GAC fee of \$600 is assessed per each purchase order, and is included in the total cost. All pickups are replacement vehicles as follows:

New Vehicle	New Cost	Budgeted Amount	Org/Acct#	Department	Vehicle Replaced
2010 Ford Ranger Regular Cab Pickup	\$14,765	\$15,500	10350-84043	Utility Billing/Motor Vehicles	Unit #149878, 1998 Chevy S 10 Pickup, 133,857 Mileage
2010 Ford Ranger Super Cab Pickup	\$15,985	\$17,500	30320-84043	Planning & Development / Motor Vehicles	Unit #99883, 1998 Chevy 3/4 Ton Stake Bed, 130,746 Mileage

ORDINANCE NO. 11,229

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF THIRTY-ONE THOUSAND THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$31,350.00) TO PHILPOTT MOTORS, LTD., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF TWO (2) 2010 FORD RANGER PICKUP TRUCKS FOR VARIOUS DEPARTMENTS; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

e. Ordinance No. 11,230: Purchase of One Pothole Patch Body for the Street Department - Purchasing.

Ordinance No. 11,230 authorized the purchase of one 2010 Pothole Patch Body for the Street Department from Bergkamp Pavement Preservation Solutions in the amount of \$67,255.00 through the Buyboard. The pothole patch body is a replacement for Unit #2111, a 1996 GMC patch truck body. This body will be mounted on the Freightliner truck awarded by council on October 8th.

ORDINANCE NO. 11,230

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF SIXTY-SEVEN THOUSAND TWO HUNDRED FIFTY-FIVE AND NO/100 DOLLARS (\$67,255.00) TO BERGKAMP PAVEMENT PRESERVATION SOLUTIONS FOR ONE (1) 2010 POTHOLE PATCH BODY FOR THE PUBLIC WORKS/UTILITIES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUY BOARD); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

f. Ordinance No. 11,231: Service Agreement for Dental Insurance - Human Resources.

Ordinance No. 11,231 authorizes the City Manager to negotiate a Service Agreement with Guardian Life Insurance Company of America for dental insurance in an amount not to exceed \$30,485, for the calendar year of January 1, 2010, through December 31, 2010.

The City employs approximately 700 full-time employees who are eligible to participate in the City's benefit plans. All eligible dependents of active employees are allowed to elect health, dental, and vision coverage, provided the employee has also elected those coverages.

The City's strategy is to offer employees choices in the form of two products for dental coverage: (1) a traditional indemnity plan in which employees select any dentist they prefer, pay a deductible and then a percentage of the cost and (2) a DHMO plan in which employees must select a network dentist and pay a co-payment; Guardian will provide the DHMO plan.

In April 2009, staff with the assistance of our benefits consultants, Holmes Murphy, began an analysis of the City's health care costs, including dental and vision. The marketing process resulted in the receipt of eighteen proposals, including the proposal from Guardian.

After final negotiations and a thorough analysis of the costs, network discounts, provider networks, and possible disruption, staff concluded that Guardian offered the most cost effective option. The agreement with Guardian is 26% lower than the current rates with a total estimated savings of more than \$11,000 over current costs.

ORDINANCE NO. 11,231

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SERVICE AGREEMENT WITH GUARDIAN LIFE INSURANCE COMPANY OF AMERICA FOR DENTAL INSURANCE FOR THE CALENDAR YEAR OF JANUARY 1, 2010, THROUGH DECEMBER 31, 2010; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND FOUR HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$30,485.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

g. Ordinance No. 11,232: Service Agreement for Retiree Medical Insurance - Human Resources.

Council Member Yopez requested clarity on this agenda item as to if there was any changes to this next year.

Human Resources Director, Carol Flint indicated that there were two changes that would affect the retiree insurance in the budget: 1) effective January 1 moving forward any new employees would not expect any retiree insurance, and 2) current retirees who are over 65 will be moved to a Medicare supplement which will provide them more coverage.

Ordinance No. 11,232 authorized the City Manager to negotiate a Service Agreement with Hartford Life & Accident Insurance Company (Hartford) for retiree medical insurance services in an amount not to exceed \$470,063 for the calendar year of January 1, 2010, through December 31, 2010.

The City is developing a long-term strategy, which will address the increasing costs of maintaining retirees on the City's health insurance. In moving retirees over the age of 65 off of the City's insurance, it reduces the GASB liability. Considerations in selecting a provider for retiree insurance were: (1) competitive pricing, (2) network access, (3) provider discounts, (4) service, and (5) similar coverages. The plan selected will provide retirees with greater coverage at the same cost.

ORDINANCE NO. 11,232

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SERVICE AGREEMENT WITH HARTFORD LIFE & ACCIDENT INSURANCE COMPANY FOR RETIREE MEDICAL INSURANCE SERVICES FOR THE CALENDAR YEAR OF JANUARY 1, 2010, THROUGH DECEMBER 31, 2010; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED SEVENTY THOUSAND SIXTY-THREE AND NO/100 DOLLARS (\$470,063.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

h. Ordinance No. 11,233: Designating Jacinto Medical Group for City Physician Services - Human Resources.

Ordinance No. 11,233 authorizes Jacinto Medical Group for City Physician services in an amount not to exceed \$114,801 for a calendar year of October 19, 2009, through September 30, 2010.

It has been four years since the City surveyed the local market for occupational medical services. The City has utilized Dr. Steven Melcher with the San Jacinto Methodist Occupational Medical Clinic for the last four years. However, we have experienced a decline in the overall service and care from the Occupational Medical Clinic for the past several months. In numerous conversations with staff there, it has become apparent that the goals of that clinic are not aligned with the City's. Our goal is to provide our employees with quality care, excellent service and a holistic approach for on-going wellness. Since San Jacinto Methodist is not able to meet our goals, we have researched local occupational medical facilities sites to select a new facility for our medical services. We have found that Jacinto Medical Group has embraced a preventative wellness philosophy as well as a "best practices" approach to treatment of illness/injury. We believe this partnership will be beneficial and help us achieve our wellness goals for the organization.

ORDINANCE NO. 11,233

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING CITY PHYSICIAN SERVICES WITH JACINTO MEDICAL GROUP; AUTHORIZING PAYMENT FOR SUCH SERVICES IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FOURTEEN THOUSAND EIGHT HUNDRED ONE AND NO/100 DOLLARS (\$114,801.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

i. Ordinance No. 11,234: Service Agreement for Vision Insurance - Human Resources.

Ordinance No. 11,234 authorizes the City Manager to negotiate a Service Agreement with Davis Vision for vision insurance in an amount not to exceed \$65,596, for the calendar year of January 1, 2010, through December 31, 2010.

The City employs approximately 700 full-time employees who are eligible to participate in the City's benefit plans. All eligible dependents of active employees are allowed to elect health, dental, and vision coverage, provided the employee has also elected those coverages.

In April 2009, staff with the assistance of our benefits consultants, Holmes Murphy, began an analysis of the City's health care costs, including vision. The marketing process resulted in the receipt of fourteen proposals, including the proposal from Davis Vision.

After final negotiations and a thorough analysis of the costs, network discounts, provider networks, and possible disruption, staff concluded that Davis Vision offered the most cost effective option. This plan provides greater benefits to the employee with no increase in cost. The agreement with Davis Vision is 8% lower than the current rates with a total estimated savings of more than \$5,700 over current costs.

ORDINANCE NO. 11,234

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SERVICE AGREEMENT WITH DAVIS VISION FOR VISION INSURANCE FOR THE CALENDAR YEAR OF JANUARY 1, 2010, THROUGH DECEMBER 31, 2010; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, IN AN AMOUNT NOT TO EXCEED SIXTY-FIVE THOUSAND FIVE HUNDRED NINETY-SIX AND NO/100 DOLLARS (\$65,596.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

j. Ordinance No. 11,235: Service Agreement for Dental ASO Services - Human Resources.

Ordinance No. 11,235 authorizes the City Manager to negotiate a Service Agreement with Connecticut General ("Cigna") for Dental Third Party Administrator ("TPA") Services in an amount not to exceed \$28,923 for contract year January 1, 2010, through December 31, 2010. Since the City is self-insured, we utilize a TPA to pay the dental claims and administrative fees will be directed through the TPA for payment.

The City employs approximately 700 full-time employees who are eligible to participate in the City's benefit plans. All eligible dependents of active employees are allowed to elect health, dental, and vision coverage, provided the employee has also elected those coverages.

The City's strategy is to offer employees choices in the form of two products for dental coverage, (1) is a traditional indemnity plan in which employees select any dentist they prefer, pay a deductible and then a percentage of the cost and (2) is a DHMO plan in which employees must select a network dentist and pay a co-payment; Cigna will provide the traditional indemnity plan.

In April 2009, staff with the assistance of our benefits consultants, Holmes Murphy, began an analysis of the City's health care costs, including dental and vision. The marketing process resulted in the receipt of three proposals, including the proposal from Cigna.

After final negotiations and a thorough analysis of the costs, network discounts, provider networks, and possible disruption, staff concluded that Cigna offered the most cost effective option. The agreement with Cigna is 57% lower than the renewal rates from UHC with a total estimated savings of more than \$16,500 over the renewal costs with UHC.

ORDINANCE NO. 11,235

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SERVICE AGREEMENT WITH CONNECTICUT GENERAL LIFE INSURANCE COMPANY FOR THIRD PARTY ADMINISTRATOR SERVICES FOR THE CALENDAR YEAR OF JANUARY 1, 2010, THROUGH DECEMBER 31, 2010; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, IN AN AMOUNT NOT TO EXCEED TWENTY-EIGHT THOUSAND NINE HUNDRED TWENTY-THREE AND NO/100 DOLLARS (\$28,923.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

k. Ordinance No. 11,236: N. Main Property Acquisition - Administration.

Ordinance No. 11,236 authorizes an earnest money contract with BWJ Properties, LLC, for the purchase of property located adjacent to and immediately north of the Wayne Gray Sports Complex on N. Main Street. The acquisition is contingent upon an environmental assessment acceptable to the City and the City Council's approval of the earnest money agreement. The property will be used, in part, for an elevated storage tank with the remainder being available for other municipal purposes.

The earnest money contract established a sales price of \$463,849.98 and set the closing date as December 30, 2009. The acquisition is funded jointly by the Water and Sewer fund, Hotel-Motel Fund and the MDD.

ORDINANCE NO. 11,236

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AN EARNEST MONEY CONTRACT WITH BWJ PROPERTIES, LLC, FOR PROPERTY LOCATED NORTH OF THE WAYNE GRAY SPORTS COMPLEX ON NORTH MAIN STREET FOR AN ELEVATED STORAGE TANK AND OTHER MUNICIPAL PURPOSES; AUTHORIZING PAYMENT OF A PURCHASE PRICE FOR SUCH PROPERTY IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED SIXTY-THREE THOUSAND EIGHT HUNDRED FORTY-NINE AND 98/100 DOLLARS (\$463,849.98); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

I. Ordinance No. 11,237: Award Construction Contract for Central Heights Sanitary Sewer Rehabilitation Project - Engineering.

Ordinance No. 11,237 awards a construction contract to Horseshoe Construction, Inc., for the Central Heights Sanitary Sewer Rehabilitation Project.

The bid amount for the contract is \$625,073.00. The scope of work includes the Sanitary Sewer Rehabilitation of 13,000 LF of sanitary line using the pipe-bursting method and has a duration of 180 calendar days. Four bids were received and opened on October 7, 2009, at 2:30 p.m. Horseshoe Construction, Inc., the low bidder, has previously worked with the City and completed similar rehabilitation projects. Plans for this project were prepared by the City's Engineering Department staff.

ORDINANCE NO. 11,237

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER AND INTERIM CITY CLERK TO EXECUTE AND ATTEST TO A CONTRACT WITH HORSESHOE CONSTRUCTION, INC., FOR THE CENTRAL HEIGHTS SANITARY SEWER REHABILITATION PROJECT; AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED SIX HUNDRED TWENTY-FIVE THOUSAND SEVENTY-THREE AND NO/100 DOLLARS (\$625,073.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

m. Resolution No. 2018: Advance Funding for City Hall Expansion Project - Finance.

Resolution No. 2018 authorizes advance funding as needed for costs related to the City Hall Expansion Project. IRS regulations dictate that Council declares its official intent to reimburse prior expenditures with proceeds of subsequent borrowing. The advance funding would not preclude the necessity of Council approval for contracts that require such approval. To minimize interest costs, the sale of the bonds will be deferred as long as practical.

Items represented in this reimbursement resolution include:

Construction contract including 10% contingency	\$1,600,000
Design & contract administration	250,000
Quality control testing	25,000
Communications system relocation & new cabling	100,000
Sanitary sewer relocation	45,000
Parking lot improvements	<u>100,000</u>
TOTAL	\$2,120,000

RESOLUTION NO. 2018

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.

8. APPOINTMENTS

a. Baytown Beautification Advisory Commission - Interim City Clerk.

City Manager, Garry Brumback presented the agenda item to consider one appointment to the Baytown Beautification Advisory Commission.

Council made two appointments to the Baytown Beautification Advisory Commission on September 24, 2009.

At that time there were three applicants being considered (1) Mr. Bobby Lintelman, (2) Mr. Richard Tunstall and (3) Ms. Cindy Coker. Mr. Lintelman was appointed to complete Mr. Lawrence Wallace's unexpired term and Ms. Cindy Coker was appointed to complete Mr. Garrett Drake's unexpired term. Mr. Tunstall was not selected at this time.

On October 8, 2009, Mr. Lintelman informed the City that he could not accept the appointment; therefore, staff recommends that Council consider appointing Mr. Richard Tunstall to replace Mr. Lintelman and complete the unexpired term of Mr. Lawrence Wallace, which shall expire on September 30, 2010.

Motion was made by Council Member McCartney, seconded by Council Member Capetillo approving appointing Mr. Richard Tunstall to replace Mr. Lintelman. The vote was as follows:

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

Nays: None

The motion carried.

b. Consider Appointment of City Clerk - Administration.

City Manager, Garry Brumback presented the agenda item to consider confirming the City Manager's appointment of a City Clerk.

Submitted for the Mayor and Council's consideration is the appointment of Leticia Garza as the new City Clerk. Lettie has served as Interim City Clerk for an estimated four months, and was offered the position at the completion of the City's hiring and interview process. Her resume is attached for your review.

Motion was made by Council Member Sheley, seconded by Council Member Sain approving the appointment of Leticia Garza as the new City Clerk. The vote was as follows:

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

Nays: None

The motion carried.

9. MANAGER'S REPORT

a. The 36th Annual Halloween Carnival - Parks and Recreation.

City Manager, Garry Brumback presented the agenda item.

The 36th Annual Halloween Carnival will be held at the Baytown Community Center, 2407 Market Street, on Saturday, October 24, 2009, from 11:00 a.m. to 1:00 p.m.

The annual event will feature a costume contest, face painting, train rides, carnival games, Halloween candy and more. For more information contact the Parks and Recreation Department office at 281-420-6597.

b. Veterans Day Service - Parks and Recreation.

City Manager, Garry Brumback presented the agenda item.

The Annual Veterans Day Service will be held at the Veterans Memorial Plaza located at Bicentennial Park, 1001 Market Street, on Wednesday, November 11, 2009, at 11:00 a.m.

Mr. Brumback stated that early voting started and presented Mr. Sheley to speak on the progress of the student surveys.

Council Member Sheley indicated that out of the 6,000 students, 4,500 have taken the survey and Sterling High School is in the process of finishing theirs.

Council Member Caskey stated that he and Council Member Capetillo participated in the Nito Guarjardo Golf Tournament put on by the local firefighters this past week and encouraged others to participate next year.

Council Member Sain stated that Baytown had a Conservation Fair which highlighted projects that were going on in the City of Baytown and expressed hopes of this becoming an annual event.

10. ADJOURN

Motion was made by Council Member McCartney, seconded by Council Member Yopez adjourning the October 19, 2009, Special 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 Special City Council Meeting of October 19, 2009 at 7:25 P.M.