

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

**July 09, 2009**

The City Council of the City of Baytown, Texas met in a Regular Meeting on Thursday, July 09, 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 Yepez	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
Leticia Garza	Interim City Clerk

Mayor DonCarlos convened the July 09, 2009, Regular Meeting with a quorum present at 6:30 P.M.

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

**1. MINUTES**

**a. Approve Minutes of the City Council Work Session and Regular Meeting held on June 25, 2009 – Interim City Clerk.**

Motion was made by Council Member McCartney, seconded by Council Member Caskey approving the minutes from the June 25, 2009, City Council Work Session and Regular Meeting. The vote was as follows:

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

Nays: None.

Abstention from vote: Council Member Lena Yepez.

The motion carried.

## **2. PROPOSED ORDINANCES**

### **a. Grant Application for Community Development Block Grant Disaster Recovery for Critical Public Infrastructure Projects - Planning and Development.**

City Manager Garry Brumback presented the agenda item.

Ordinance 11,144 repealed Sections 2, 3 and 4 of Ordinance No. 11,090, passed on March 26, 2009, regarding the City of Baytown's participation in the Harris County Consolidated Region Community Development Block Grant (CDBG) Disaster Recovery Program to the extent that the same authorizes participation in the HCCR CDBG Disaster Recovery Program for Round 1 Funding; authorizes the City Manager to make application to the Texas Office of Rural Community Affairs (ORCA) for the 2008 Disaster Recovery Funds for non-housing activities for critical public infrastructure projects; and authorizes amendment of the critical public infrastructure projects adopted in Ordinance No. 11,090.

The City of Baytown previously authorized a Memorandum of Understanding (MOU) and list of critical public infrastructure projects for the participation in the application and distribution of Hurricane Ike Disaster CDBG Funds with Harris County. On June 23, 2009, Harris County announced that the City must apply for and receive a direct allocation from ORCA for the 2008 Disaster Recovery Funds for Non-Housing Activities. As such, the City must sever the relationship with Harris County for the purpose of non-housing disaster recovery funds (Round 1 funding only) and make application directly to ORCA by July 31, 2009.

Ordinance 11,144:

1. repealed Sections 2, 3, and 4 of Ordinance No. 11,090, passed on March 26, 2009, regarding the participation in the Harris County Consolidated Region CDBG Disaster Recovery Program,
2. authorized the City to submit a grant application to ORCA for the 2008 Disaster Recovery Funds for non-housing activities for critical public infrastructure projects, and
3. authorized the Mayor and/or City Manager to amend critical public infrastructure projects as may be required by ORCA for compliance with the application requirements and/or for expedited implementation of the same.

Ken Ammons, registered to address Council regarding agenda item 2.a. Shawnee Hobbs, Shirley Martin, Joe Weger, Ken Elliott, and Karen Cronk all registered to address the Council regarding item 2.a. and rendered their minutes to Mitchell Peirce.

Motion was made by Council Member McCartney, seconded by Council Member Capetillo approving Ordinance 11,144. The vote was as follows:

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

Nays: None.

The motion carried.

#### ORDINANCE 11,144

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, REPEALING SECTIONS 2, 3 AND 4 OF ORDINANCE NO. 11,090, PASSED ON MARCH 26, 2009, REGARDING THE CITY OF BAYTOWN'S PARTICIPATION IN THE HARRIS COUNTY CONSOLIDATED REGION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY PROGRAM TO THE EXTENT THAT THE SAME AUTHORIZES PARTICIPATION IN THE HCCR CDBG DISASTER RECOVERY PROGRAM FOR ROUND 1 FUNDING; AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION TO THE TEXAS OFFICE OF RURAL COMMUNITY AFFAIRS (ORCA) FOR THE 2008 DISASTER RECOVERY FUNDS FOR NON-HOUSING ACTIVITIES FOR CRITICAL PUBLIC INFRASTRUCTURE PROJECTS; AUTHORIZING AMENDMENT OF THE CRITICAL PUBLIC INFRASTRUCTURE PROJECTS ADOPTED IN ORDINANCE NO. 11,090; 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. Award Construction Contract for 2009 Annual Sanitary Sewer Rehabilitation Project - Engineering.**

City Manager Garry Brumback presented the agenda item.

Ordinance 11,145 awarded the 2009 Annual Sanitary Sewer Rehabilitation Project to PM Construction & Rehab, L.P. and authorized payment up to the annual budget amount of \$1,000,000.00. Four bids were publicly opened on June 23, 2009, with the apparent low bidder being PM Construction & Rehab, L.P. with a bid of \$926,572.00. The scope of work includes sanitary sewer rehabilitation work primarily utilizing the pipe bursting method, but will also include some removal and replacement by the open trench method as needed. The initial construction duration for this project is one calendar year. The contract is for an initial term of one year, with the option for an extension of the same for an additional two years separated in one year intervals under the same terms, conditions, and unit prices as expressed in the contract.

Motion was made by Council Member Caskey, seconded by Council Member Capetillo approving Ordinance 11,145. The vote was as follows:

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

Nays: None.

The motion carried.

#### ORDINANCE 11,145

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 PM CONSTRUCTION & REHAB, L.P., FOR THE 2009 SANITARY SEWER REHABILITATION PROJECT; AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

### **3. PROPOSED RESOLUTIONS**

#### **a. CenterPoint's Revised Discretionary Charges Rate Schedule - Legal.**

City Manager Garry Brumback presented the agenda item and City Attorney Ignacio Ramirez reported the details.

Resolution 1997 responded to the application of CenterPoint Energy Houston Electric, LLC, to revise certain discretionary charges; suspends the effective date for another ninety days; authorizes the setting of interim rates; authorizes the City to participate in a coalition of cities known as the Texas Coast Utilities Coalition ("TCUC"); authorizes the hiring of counsel and experts through TCUC; requires the reimbursement of costs; and authorizes the City's intervention as part of TCUC at the Public Utility Commission of Texas in Docket No. 37105.

On or about June 12, 2009 CenterPoint Energy Houston Electric, LLC, filed a request to revise certain discretionary service charges, like the charges for connection, disconnection and reconnection of electric service. The change in these charges are in response to an order issued by the Public Utility Commission ("Commission") dealing with Advanced Meter Services. The order was issued in December of last year. The same application that was filed with the City was also filed with the Commission and has been docketed as Docket No. 37105.

CenterPoint set August 1, 2009 as the effective date for the new charges. However, it is unlikely that the Commission is going to have a final order issued by that date. Given that fact it is appropriate to suspend the effective date in the application filed with the City.

Without a suspension it possible the rates which would go into effect in the City could be different than the rates adopted by the Commission at a later point in time. The City also needs additional time to analyze the reasonableness of the requested rates. For both of these reasons the effective date should be suspended for ninety days as provided by the Public Utility Regulatory Act.

It is recommended that the City set interim rates and that the interim rates shall be the rates as filed with the City on June 12, 2009. The interim rates would allow the reductions to go into effect immediately upon the adoption of the resolution. If it turns out later that the Commission sets a lower rate than the interim rates then the City will be able to adopt a final decision which will be consistent with those rates. Further, by setting interim rates the City does not have to give up its original jurisdiction over the rate-making process.

On June 12, 2009, CenterPoint filed an application to change certain discretionary service charges just like it did with the City. The Commission has original jurisdiction over areas outside of cities located within its service territory. In order to insure that the rates and charges are system-wide and not discriminatory among customers it is important that the City intervene at the Public Utility Commission (PUC). Furthermore, for efficiency purposes, all discovery is handled in the proceeding at the Commission. The City will need to participate in the discovery process at the Commission in order to make the appropriate recommendation to the City for the final adoption of the discretionary service charges.

Previously, a coalition of cities in CenterPoint's service territory have come together to form the Texas Coast Utilities Coalition, or TCUC for short. Baytown, Pearland, League City, Clute, Shoreacres, Freeport and Wharton have been active in the coalition. This coalition allows the member cities to more effectively and efficiently consolidate their efforts and resources in responding to CenterPoint's rate request. Each city will designate a city official to serve on the Steering Committee of TCUC, and that committee will direct special counsel and rate experts. These experts and special counsel are paid for by CenterPoint pursuant to state law. It is recommended that the coalition continue to hire the law firm of Herrera & Boyle, PLLC and employ such experts as are appropriate to respond to the application.

Carlton Porter registered to address Council regarding agenda item 3.a.

Motion was made by Council Member Capetillo, seconded by Council Member Yopez approving Resolution 1997. The vote was as follows:

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

Nays: None.

The motion carried.

## RESOLUTION 1997

A RESOLUTION BY THE CITY OF BAYTOWN, TEXAS, RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC TO REVISE CERTAIN DISCRETIONARY CHARGES; SUSPENDING THE EFFECTIVE DATE FOR ANOTHER NINETY DAYS; AUTHORIZING THE SETTING OF INTERIM RATES; AUTHORIZING THE CITY TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE TEXAS COAST UTILITIES COALITION ("TCUC"); AUTHORIZING THE HIRING OF COUNSEL AND EXPERTS THROUGH TCUC; REQUIRING THE REIMBURSEMENT OF COSTS; AUTHORIZING THE CITY'S INTERVENTION AS PART OF TCUC AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN DOCKET NO. 37105; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**b. Grant Application for Houston-Galveston Area Council FY2010 Solid Waste Implementation Grant - City Administration.**

City Manager Garry Brumback presented the agenda item.

Resolution 1998 authorized the City of Baytown to apply for the FY2010 Houston-Galveston Area Council (H-GAC) Solid Waste Implementation Grant.

On July 16, 2009, the Houston-Galveston Area Council (H-GAC) made public a request for applications for the FY2010 Solid Waste Implementation Grant Program. The purpose of this program is to support the implementation of regional and local waste management efforts that are consistent with H-GAC solid waste management plans. Through this program, local governments within H-GAC's 13-county region will receive pass-through financial assistance from the Texas Commission on Environmental Quality (TCEQ) for a variety of projects. Support through this program may be used toward personnel, travel, supplies, equipment, construction, contractual, project-applicable indirect costs, and to implement other projects.

Resolution 1998 authorized the City Manager to apply for funds through this grant opportunity on behalf of the Public Works Department for the replacement of the following at the Baytown Green Center:

Entrance Gate: Two (2) eight foot (8') chain link gates with rolling attachments;  
Exit Gate: One (1) twenty-foot (20') solar powered sliding gate; and  
Exit Fencing: Replacement of approximately seventy-five feet (75') of eight foot (8') shadow box, wood security fencing.

The cost estimate for this project is \$25,000.00.

The grant does not require a match; however, the City will voluntarily commit a match of twenty percent (20%) of the total project cost to increase the chances of receiving award.

The deadline for this grant application is Friday, July 17, 2009 at 12:00 p.m.

Motion was made by Council Member Caskey, seconded by Council Member Yopez approving Resolution 1998. The vote was as follows:

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

Nays: None.

The motion carried.

#### RESOLUTION 1998

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 HOUSTON-GALVESTON AREA COUNCIL FOR THE FY2010 H-GAC SOLID WASTE IMPLEMENTATION GRANT; AUTHORIZING UP TO A 20% FUNDING MATCH; 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

**Agenda Item 4.f. followed agenda item 3.b.**

#### **4. CONSENT**

Motion was made by Council Member Sheley, seconded by Council Member McCartney approving Consent Items: 4.a, 4.b., 4.c., 4.d., 4.e., and 4.f with the changes to item 4.f. The vote was as follows:

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

Nays: None.

The motion carried.

**a. Ordinance 11,146: Purchase 300kW Generator for the Health Department - Purchasing.**

Ordinance 11,146 authorized the purchase of one (1) Cummins Industrial Diesel 300 kW generator for the Health Department in the amount of \$60,457.00 to Bowers Generator Systems through the USA General Services Administration (GSA). This replaces the generator which stopped running during Hurricane Ike and is not repairable.

Section 833 of the John Warner National Defense Authorization Act for fiscal year 2007 (P.L. 109-364) amended 40 U.S.C 502 to authorize the use of all Federal Supply Schedule contracts by state and local government entities for the purchase of products and services that will be used to facilitate recovery from presidential declared major disasters, terrorism, or nuclear, biological, chemical, or radiological attacks. The City of Baytown qualifies as a state and local government entity and, as such, is qualified to make purchases under the GSA Disaster Recovery Program. Specifically, state and local government entities may use GSA Schedule contracts to purchase products and services in advance of a major disaster declared by the president as well as in the aftermath of an emergency event. State and local government entities are responsible for ensuring that the products or services purchased are to be used to facilitate recovery.

The use of GSA schedule contracts as an alternate purchasing method satisfying the City's competitive bidding obligations.

ORDINANCE 11,146

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF SIXTY THOUSAND FOUR HUNDRED FIFTY-SEVEN AND NO/100 DOLLARS (\$60,457.00) TO BOWERS GENERATOR SYSTEMS THROUGH THE DISASTER RECOVERY PROGRAM OF THE UNITED STATE'S GENERAL SERVICES ADMINISTRATION FOR THE PURCHASE OF ONE (1) CUMMINS INDUSTRIAL DIESEL 300 KW GENERATOR FOR THE CITY'S FACILITIES LOCATED AT 220 W. DEFEE STREET, BAYTOWN, TEXAS; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**b. Ordinance 11,147: Purchase and Installation of Furniture for Patrol Division Renovation - Purchasing.**

Ordinance 11,147 authorized the purchase and installation of furniture for the patrol division renovation from the Hon Company, through the State Comptroller of Public Account's Texas Multiple Award Schedule (TXMAS) in the amount of \$51,169.57. TXMAS is an alternate purchasing method which converts federal contracts for state use. As a member of the State of Texas CO-OP Purchasing Program, the City is also able to purchase off such contracts, thus satisfying the City's competitive bidding obligations.

ORDINANCE 11,147

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF FIFTY-ONE THOUSAND ONE HUNDRED SIXTY-NINE AND 57/100 DOLLARS (\$51,169.57) TO THE HON COMPANY THROUGH THE STATE COMPTROLLER OF PUBLIC ACCOUNT'S TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) FOR THE PURCHASE AND INSTALLATION OF FURNITURE FOR THE PATROL DIVISION OF THE POLICE DEPARTMENT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**c. Ordinance 11,148: Authorize Payment for Audit Services for Fiscal Year Ending September 30, 2009 - Finance.**

Ordinance 11,148 authorized payment for audit services for fiscal year ending September 30, 2009, to Belt Harris & Associates, LLLP, in an amount not to exceed \$101,689.00; this is the third year of the three-year contract.

ORDINANCE 11,148

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING PAYMENT FOR FINANCIAL AUDITING SERVICES TO BELT HARRIS & ASSOCIATES, LLLP, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED ONE THOUSAND SIX HUNDRED EIGHTY-NINE AND NO/100 DOLLARS (\$101,689.00) PURSUANT TO THE FIRST AMENDMENT TO THE AGREEMENT FOR FINANCIAL AUDITING SERVICES WITH BELT HARRIS & ASSOCIATES, LLLP; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**d. Ordinance 11,149: Debris Monitoring Standby Contracts - Emergency Management.**

Ordinance 11,149 authorized the City Manager to negotiate and execute up to two no-upfront cost standby contracts for Emergency Debris Monitoring Services. Such services will be utilized to monitor the removal and disposal of disaster debris from the streets, lands, ditches, and shorelines after a hurricane or other disaster.

The City requested formal proposals (RFP) for these services, related equipment, and emergency support services in a public notice published on April 14, 2009 and April 27, 2009; on May 21, 2009, the Purchasing Division opened the sealed proposals from four respondent contractors, all of which met the conditions of the RFP.

A three person review committee reviewed all of the proposals and recommended them for negotiation toward securing as many standby contracts as the City could reasonably execute. Their recommendation was to secure at least two stacked contractors to monitor and supervise the clearing of streets and public lands and then to monitor the removal and disposal of potentially millions of cubic yards of demolished trees, building materials, hazardous wastes, furniture, and vehicles from Baytown after any disaster, particularly a hurricane. These contracts require the contractor to validate each load, provide daily, weekly and monthly reconciliation reports and billing statements, and establish quantity-based pricing for services.

FEMA requires executed contracts to monitor the removal of disaster debris from city streets, lands, and waterways; must be publicly advertised and awarded to ensure competition and fair pricing. By complying with FEMA requirements, the City remains eligible for post-disaster financial assistance in the amount of up to 75% of eligible costs in the aftermath of a presidential declared disaster.

The contracts executed would be eligible for activation upon the declaration of a state of emergency by the Mayor, City Manager, or Emergency Management Coordinator in accordance with Chapter 22 of the Baytown City Code.

There will be future similar 'standby' contract requests for post-disaster services to assist city staff in responding to and recovering from disasters; examples of future contracts may include: restoration of public buildings, emergency fuel, temporary weather proofing of buildings, emergency inspection services, and other services and supplies.

This agenda item and requested approval will enable the City to provide for the monitoring and validation of the removal and disposal of post-disaster debris and to comply with FEMA requirements, in order to remain eligible for federal reimbursements in the aftermath of a declared disaster.

#### ORDINANCE 11,149

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE UP TO 2 NO-UPFRONT-COST, STANDBY CONTRACTS FOR EMERGENCY DEBRIS MONITORING SERVICES, RELATED EQUIPMENT AND SUPPORT SERVICES; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**e. Ordinance 11,150: Municipal Development District Interlocal Agreement for Youth Sports League Improvement Projects - Parks and Recreation.**

Ordinance 11,150 authorized an interlocal agreement with the Baytown Municipal Development District for the District to fund an amount not to exceed \$100,000.00 for improvement projects at the various sports facilities of the City.

The agreement will provide funding for development projects, which will include, but not be limited to, the following:

- East Little League Park (10th Street) new handicap ramp - \$25,000;
- Five Foot and Sixteen Foot Fence and Backstop (fabric only) (North LL) - \$19,500;
- Replace Backstop Fence at East Little League (Tenth Street) - \$8,000;
- Jenkins Park Spectator Area (Concrete) - \$22,200;
- Replace Fence in front of dugouts at Central LL Park - \$3,250; and
- several other small projects that will improve the youth league facilities.

The MDD approved this agreement at its meeting on July 2, 2009.

ORDINANCE 11,150

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 THE BAYTOWN MUNICIPAL DEVELOPMENT DISTRICT REGARDING FUNDING IMPROVEMENT PROJECTS AT THE VARIOUS SPORTS FACILITIES WITHIN THE DISTRICT'S BOUNDARIES; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**Agenda Item 4.f. followed agenda item 3.b.**

**f. Resolution 1999: Reschedule October 22, 2009 City Council Meeting to October 19, 2009 - City Management.**

Resolution 1999 canceled the October 22, 2009 City Council Regular Meeting and call for a Special Meeting on Monday, October 19, 2009.

The Texas Municipal League Annual Conference will take place from October 20 - 23, 2009 in Fort Worth, Texas. The City Council traditionally reschedules the second meeting in October from Thursday to Tuesday, in order to allow Council Members to attend the conference beginning on the second day. This item is brought to Council well in advance to accommodate the conference registration and hotel deadlines.

RESOLUTION 1999

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, CANCELING THE REGULAR COUNCIL MEETING TO BE HELD ON OCTOBER 22, 2009, AT 6:30 P.M. IN THE COUNCIL CHAMBERS OF CITY HALL, BAYTOWN, TEXAS; CALLING A SPECIAL COUNCIL MEETING TO BE HELD ON OCTOBER 19, 2009, AT 6:30 P. M. IN THE COUNCIL CHAMBERS OF CITY HALL, BAYTOWN, TEXAS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**5. APPOINTMENTS**

**a. Board of Adjustment - City Clerk.**

Considered (4) reappointments and (1) appointment to the City of Baytown Board of Adjustment for a two year term beginning on July 28, 2009 and ending on July 27, 2011.

The Zoning Board of Adjustment is a five (5) member Board appointed by City Council to two year terms to hear and consider requests for variances and appeals under the Baytown Zoning Ordinance.

The terms for Members Jim Coker, Kay Carmon, Mike Wilson, Bobby Lintelman and Gilbert Santana are set to expire on July 27, 2009. Mr. Wilson, Mr. Lintelman, Mr. Santana and Ms. Carmon seek reappointed for a term through July 27, 2011.

Mr. Coker does not seek reappointment; leaving one vacancy.

Motion was made by Council Member McCartney, seconded by Council Member Caskey reappointing Kay Carmon, Mike Wilson, Bobby Lintelman, and Gilbert Santana to the Board of Adjustments. The vote was as follows:

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

Nays: None.

The motion carried

**b. Election of Mayor Pro Tem - City Council.**

Considered the election of the 2009-2010 Mayor Pro Tem for the Baytown City Council.

Section 15 of the Charter of the City of Baytown provides that the Council shall elect a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy should occur, shall become Mayor until the next regular election. A

copy of the Mayor Pro Tem guidelines, adopted by the City Council in 2006 was attached.

Motion was made by Council Member Sheley, seconded by Council Member Sain electing Lynn Caskey as Mayor Pro Tem for the Baytown City Council. The vote was as follows:

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

Nays: None.

The motion carried

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

### **a. Hurricane Status Report - Emergency Management.**

City Manager Garry Brumback presented the agenda item and Director of Emergency Management Mr. Bill Vola presented the updated status report.

Mr. Vola stated the City is ahead of where we were last year and the staging area for staff is relocated to the new Memorial High School. There are additional pre need contracts being worked on such as emergency food and the restoration of City facilities.

There was a discussion on the improvement of evacuating the elderly from nursing homes. Mr. Vola stated that we have little enforcement authority. Mr. Brumback mentioned that there was not much success in getting the legislature to support cities in the evacuation process. He also stated that an ordinance will be brought back to Council addressing specific nursing home issues.

## **7. ADJOURN**

Motion was made by Council Member Yepez, seconded by Council Member McCartney adjourning the July 09, 2009, Regular Meeting. The vote was as follows:

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

Nays: None.

The motion carried.

Mayor DonCarlos adjourned the Regular City Council Meeting of July 09, 2009 at 8:35 P.M.

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Leticia Garza, Interim City Clerk  
City of Baytown