

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

**August 27 2009**

The City Council of the City of Baytown, Texas, met in a Regular Meeting on Thursday, August 27, 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
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
Keith Dougherty	Sergeant at Arms

Council Member Lena Yepez was absent from the August 27, 2009, City Council Regular Meeting.

Mayor DonCarlos convened the August 27, 2009, Regular Meeting with a quorum present at 6:30 P.M.

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

Mayor DonCarlos directed his comments to the public and two individuals registered to speak before Council on agenda item 3.d. Mayor DonCarlos stated that City Administration had made the recommendation that before proposing a litter ordinance, the City will allow for a period of six months to give businesses the opportunity to voluntarily comply with a comprehensive litter program led by the Baytown Chamber of Commerce, the school district, Lee College and others. At this time, Council will not be passing the litter ordinance, but is extremely serious about the City's litter problem and will be considering solutions to this matter.

**1. MINUTES****a. Approve Minutes of the City Council Work Session and Regular Meeting held on August 13, 2009 – Interim City Clerk.**

Motion was made by Council Member Sain, seconded by Council Member Caskey approving the minutes from the August 13, 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

The motion carried.

**2. RECOGNITIONS AND CITIZENS COMMUNICATIONS****a. Years of Service Awards - City Management.**

City Manager, Garry Brumback recognized Employees for their years of service to the City of Baytown (5, 10, 15, 20 plus years).

**5 YEARS:**

Juan Reyes, Police Patrol Officer

**25 YEARS:**

Charles Widner, Police Patrol Officer

**b. Employee and Team of the Month - City Management.**

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

**EMPLOYEE OF THE MONTH**

Donovan O'Connor was nominated for excelling in all the City's core values. His duties as Recreation Specialist call for a wide range of responsibilities and skills. He is the first one to step up and volunteer wherever help is needed - from being a chaperone at the Wetlands Center, getting the ball fields ready for our kids to play, to actually letting kids paint his hair and face as a team member at camp. As a part of his regular duties, he far exceeds customer's expectations in his service delivery. He remains polite even in the most difficult of situations. He always stops to help a citizen rather than transferring them to other departments. Donovan truly respects everyone and treats them fairly by volunteering his time and efforts in order to better the City as a whole.

**TEAM OF THE MONTH**

The Parks and Recreation Department team is made up of Dustin Schubert, Park Planner, Kylie Wilson, Assistant Director of Parks and Recreation, Donovan O'Connor, Recreation Specialist, and Mike Mueller, Foreman and honorary team member Scott Johnson, Director of Parks and Recreation. This fine group was nominated for excelling in all of the City's core values in their outstanding efforts assisting our Police Department with the SWAT situation in Chambers County on July 13th. All it took was a call from Lieutenant Anderson to Scott Johnson for help, and these employees dropped what they were doing and sprung into action. With a heat index of over 100 degrees and for a period of over 9 hours, our officers and many other area departments were in need of shade, water, and fans. Within minutes, this team loaded up supplies and was on their way. Some hours later more supplies were needed, and off they went again. They even went back after the crisis was over and cleaned up and returned their supplies. Whatever they could do and/or provide for our officers, they were more than willing to do. Their actions are the essence of teamwork -- and exemplify our Core Values.

**c. Chief's Life Saving Award - Police.**

City Manager, Garry Brumback presented the agenda item and introduced Police Chief, Keith Dougherty to present the Chief's Life Saving Award to Officer Wayne Potter, Officer Melvin Loyd and Officer Bryan Parker. On July 2, 2009, Officer Parker assisted a driver to safety whose vehicle was overturned and on fire and on May 24, 2009, Officers Melvin Loyd and Bryan Parker both assisted in saving the life of a woman who was drowning.

**d. Citizen Communication: Ms. Patricia Arvie.**

Ms. Patricia Arvie requested to appear before Council to speak on issues regarding the homeless and homeless shelters and of city and state laws being overlooked. Ms. Arvie was not present.

**e. 4th Annual Grito Fest - Parks and Recreation.**

Mr. Scott Johnson, Parks and Recreation Director, presented a schedule, lineup and other information regarding the 4th Annual Grito Fest.

The Parks and Recreation Department has completed the line up for the upcoming Grito Fest. The 4th annual event, scheduled for September 12th at Bicentennial Park, will feature Tejano Music Star "Jaime y Los Chamacos" and this year's headliner "La Leyenda".

The event will be held from 2:00 p.m. to 8:30 p.m. and admission is free. This family friendly outdoor concert will feature Mariachis, Kid's Activities, Jalapeno Eating Contest, Salsa Contest, Accordion Competition, and a Grito Competition. Food and arts-n-craft vendors will be selling tasty treats and handmade creations!

Committee member, Jacob, presented the expression of the word “grito”, which he stated is a cry of joy and freedom.

Mayor DonCarlos stated that the agenda would be taken out of order and Agenda Item 4.a, 4.b and 4.c were presented at this time.

#### **4. EXECUTIVE SESSION**

##### **a. Executive Session - CenterPoint Energy Entex Rates and Texas Coast Utilities Coalition v. The Railroad Commission of Texas.**

At 6:53 P.M. Mayor DonCarlos recessed into and conducted an executive session pursuant to Texas Government Code, Section 551.071 to seek the advice of the City’s attorneys regarding:

1. Action on the newly implemented rates and tariffs of CenterPoint Energy Entex;
2. Cause No. D-1-GN-09-000982, Texas Coast Utilities Coalition v. The Railroad Commission of Texas. in the 345th Judicial District Court of Travis County, Texas; and
3. Cause No. D-1-GV-09-000439, The State of Texas v. The Railroad Commission Cause No. 24454; J. Jennings Investments, L.P. and Johnnie G. Jennings, as the Trustee for the Johnnie Jennings Non-exempt Marital Trust v. the City of Baytown; in the 344th Judicial District Court of Chambers County, Texas.

At 7:25 P.M., Mayor DonCarlos reconvened the Open Meeting of the City Council of the City of Baytown and announced that in accordance with Section 551.102 of the Texas Open Meetings Act, no action was taken in the Executive Session.

##### **c. Rejecting Rate Increase of CenterPoint Energy Entex and Implementing New Rates - Legal.**

Motion was made by Council Member Caskey, seconded by Council Member Capetillo approving Ordinance No. 11,172 item 4.c.1, which rejects the requested rate increase of CenterPoint Energy Entex; establishes rates and tariffs; orders a refund of base rate increases implemented on August 01, 2009; and implements new rates. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,172

AN ORDINANCE OF THE CITY OF BAYTOWN, TEXAS, REVIEWING THE REQUESTED RATE INCREASE REQUEST OF CENTERPOINT ENERGY ENTEX; SETTING AND ESTABLISHING RATES AND TARIFFS; ORDERING THE REFUND OF BASE RATE INCREASES IMPLEMENTED ON AUGUST 1, 2009; ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE AND THE IMPLEMENTATION OF NEW RATES; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00); AND PROVIDING FOR THE PUBLICATION AND THE EFFECTIVE DATE THEREOF.

**3. PROPOSED ORDINANCES**

**a. Approve Baytown Crime Control and Prevention District 2009-2010 Budget - City Management.**

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,173 approves the Baytown Crime Control Prevention District 2009-2010 Budget.

As set forth in State law (LGC §344.205 (d) (e)), the local governing body must approve or reject the budget adopted by the Board at least 30 days before the beginning of the fiscal year. The governing body may not amend the budget as presented by the CCPD Board. The CCPD Board adopted the budget on July 14, 2009 and the City Council conducted a public hearing on the proposed budget on August 13, 2009.

If the governing body rejects the budget, the governing body and the board shall meet to amend and approve the budget before the beginning of the fiscal year.

Motion was made by Council Member Caskey, seconded by Council Member Capetillo approving Ordinance No. 11,173. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,173

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, APPROVING THE FISCAL YEAR 2009-10 BUDGET SUBMITTED BY THE BOARD OF DIRECTORS OF THE BAYTOWN CRIME CONTROL AND PREVENTION DISTRICT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**b. Approve Baytown Fire Control, Prevention, and EMS District 2009-2010 Budget - City Management.**

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,174 approves the Baytown Fire Control, Prevention, and Emergency Medical Services District 2009-2010 Budget.

As set forth in State law (LGC §344.205 (d)(e)), the local governing body must approve or reject the budget adopted by the Board at least 30 days before the beginning of the fiscal year. The governing body may not amend the budget. If the governing body rejects the budget, the governing body and the Board shall meet to amend and approve the budget before the beginning of the fiscal year. The FCPEMSD Board adopted the budget on July 21, 2009 and the City Council conducted a public hearing on the budget on August 13, 2009.

Motion was made by Council Member Capetillo, seconded by Council Member Caskey approving Ordinance No. 11,174. The vote was as follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 11,174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, APPROVING THE FISCAL YEAR 2009-10 BUDGET SUBMITTED BY THE BOARD OF DIRECTORS OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**c. Approve Baytown Area Water Authority 2009-2010 Budget - City Management.**

City Manager, Garry Brumback presented the agenda item and stated that Ordinance No. 11,175 approves the Baytown Area Water Authority (BAWA) 2009-2010 Budget totaling \$7,242,840. The BAWA Board met and adopted the BAWA Budget on Wednesday, August 19, 2009.

The Special District Local Laws Code, Section 8104.152 (5), states that the General Manager is to formulate a budget for the BAWA's fiscal year, as hereinafter provided, subject to the approval of both the BAWA board and the City Council of the City of Baytown.

Motion was made by Council Member McCartney, seconded by Council Member Capetillo approving Ordinance No. 11,175. The vote was as follows:

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

Nays: None

The motion carried.

**ORDINANCE NO. 11,175**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, APPROVING THE BUDGET FOR THE BAYTOWN AREA WATER AUTHORITY (BAWA) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF

**d. Litter Ordinance - Health and EMS.**

Mayor DonCarlos asked Cliff Clements and Billy Combs both registered to address Council regarding agenda item 3.d., if they would like to speak; both individuals were not present.

**5. PROPOSED RESOLUTIONS**

**a. HCAD Nomination - City Management.**

City Manager, Garry Brumback presented the agenda item and stated that Resolution No. 2004 nominated a candidate for a position on the Board of Directors of the Harris County Appraisal District. Electing a candidate to the Board is a two step process -- first nomination and then election.

1. Nomination. Each city and town, other than the City of Houston, has the right to nominate a single candidate for the position. To submit a nomination, the City Council is required to adopt a resolution with the candidate's name included and submit same to HCAD by **October 14, 2009**.
2. Election. After nominations are received, the chief appraiser will prepare and send a ballot to the presiding officer of each city or town. Thereafter, on or before **December 15, 2009**, the City can cast its ballot for one of the nominees.

Resolution No. 2004 is required in order for the City to participate in the first step of this process. Also, Mr. Brumback informed Council that Mr. Chris Presley has submitted an application to be considered as a Council nominee for this position.

Motion was made by Council Member Caskey, seconded by Council Member Capetillo approving Resolution No. 2004 nominating Mr. Chris Presley as a candidate for a position on the Board of Directors of the Harris County Appraisal District. The vote was as follows:

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

Nays: None

The motion carried.

#### RESOLUTION NO. 2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Mr. Brumback indicated that on the September 10, 2009 agenda, the Council will have the opportunity to nominate a candidate from Chambers County to the Chambers County Appraisal District with the intent to bring the Resolution forward.

#### **b. Houston Ship Channel Security District Board - City Management.**

City Manager, Garry Brumback presented the agenda item and stated that Resolution No. 2005 endorsed and nominated Mr. Calvin Mundinger to serve as a member of the Board of Directors of the Houston Ship Channel Security District (the "District").

Mr. Brumback stated that on June 9, 2009, the Harris County Commissioners Court authorized the creation of the Houston Ship Channel Security District Board. The District is designed to implement measures to further improve security for employees,

residents and facilities surrounding the Houston Ship Channel. The District has an 11-member board of directors, who are elected/appointed as follows:

- Eight members elected from industry membership of the District,
- One member appointed by the Port of Houston Authority,
- One member appointed by the Harris County Commissioner's Court, and
- One member appointed by the Harris County Mayors' and Councils' Association.

Mr. Calvin Munding with his ties to the Houston area, his successful tenure in public service, and his desire to improve the areas surrounding the Houston Ship Channel for the safety of all, would be an excellent choice for service on the District's Board of Directors. As such, this resolution evidences the City's support and endorsement of Mr. Munding for this important position.

Motion was made by Council Member McCartney, seconded by Council Member Capetillo approving Resolution No. 2005. The vote was as follows:

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

Nays: None

The motion carried.

#### RESOLUTION NO. 2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ENDORSING AND NOMINATING MR. CALVIN MUNDINGER TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE HOUSTON SHIP CHANNEL SECURITY DISTRICT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Mayor DonCarlos indicated that each member of the Mayors' and Councils' Association has (1) vote and that the Council needs to ensure that Mr. Munding has the support and votes that he needs for a successful appointment. Mayor DonCarlos requested that Mr. Munding submit a resume to him and to also be present on the day of the vote on September 17, 2009, at Vargo's Restaurant. Mayor DonCarlos stated that he will be enforcing the cut off date of September 10, 2009, for all nominations from member cities.

#### **c. Opposition of ORCA Administration of CDBG Disaster Recovery Second Round Assistance for Hurricane Ike - Emergency Management.**

City Manager, Garry Brumback presented the agenda item and stated that Resolution No. 2006 opposes the Office of Rural Community Affairs' administration of the Community

Development Block Grant Disaster Recovery Second Round Assistance Hurricane Ike Funding.

The U.S. Department of Housing and Urban Development has granted Texas \$1.7 billion in Second Round Funding to be allocated by the Office of Rural Community Affairs (“ORCA”). ORCA has significantly altered the methodology for distribution from the first round, which will now be based solely upon modeled weather conditions and not actual damages experienced, as determined by FEMA and local government damage assessment, or the actual impact of the storm on lives, housing, businesses, and community infrastructure. Additionally, ORCA has revised the grant administration process from local priorities, determination, management, and control to state direction and thereby has decreased the funds available to local disaster survivors by \$153 million. Lastly, ORCA has proposed to apply any revised distribution methodology retroactively to the Hurricane Ike Recovery Funds already granted to local communities. The proposed ordinance not only opposes ORCA's administration of the Second Round Funding but also urges the following:

1. ORCA should treat the Second Round Funding as a continuation of the First Round and use the existing established distribution formula, as creating a new process and then applying it retroactively to Ike-damaged communities already working with the existing processes is costly and an unnecessary burden upon already struggling communities;
2. ORCA should continue the grant administration with the same local government priorities, determination, management, and control with administrative oversight through audits by ORCA; and
3. Should ORCA insist on revising the distribution process, actual damages from FEMA and local damage assessment reports from Hurricane Ike must be used to determine the impact and funding. Such determination should be weighted as follows:
  - at least 75% on the FEMA and local damage assessment reports from Hurricane Ike;
  - no more than 25% on the weather modeling; and
  - storm surge, wind speed, and rainfall flooding should be factored with decreasing importance respectively, with storm surge weighted twice as great as wind speed and rainfall flooding factored in one-half as much as wind speed.

Motion was made by Council Member McCartney, seconded by Council Member Caskey approving Resolution No. 2006. The vote was as follows:

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

Nays: None

The motion carried.

#### RESOLUTION NO. 2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, OPPOSING THE OFFICE OF RURAL COMMUNITY AFFAIRS' ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY SECOND ROUND ASSISTANCE HURRICANE IKE FUNDING; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

### 6. MOTIONS

#### a. **Receive Certification of 2009 Anticipated Collection Rate from City of Baytown Tax Assessor/Collector - Finance.**

City Manager, Garry Brumback presented the agenda item and stated that the City of Baytown Tax Assessor/Collector has certified the anticipated tax collections for the 2009 tax year to be 100%, in accordance with Section 26.04(b) of the Texas Property Tax Code. The Certified Collection rate is the tax assessor/collector's estimate of the total debt collections (current and delinquent years) divided by the current fiscal year's required debt payments. This rate is used in the calculation of the rollback rate and, if other than 100% is used, the following year's calculation would, in effect, be penalized.

### 7. REPORTS

#### a. **ULDC Citizen Task Force Status Report - Planning and Development.**

City Manager, Garry Brumback presented the agenda item and presented Mr. Spencer Carnes, ULDC Task Force Chairman to give Council a status report from the Unified Land Development Code Citizen Task Force.

The purpose of this item was to hear a presentation from members of the Unified Land Development Code Citizen Task Force on the work they have performed since the kick-off meeting conducted on January 15, 2009. The Council will remember that the Citizen Task Force is addressing only the zoning chapter of the proposed Unified Land Development Code. The list of items that the members of the Task Force wished to present to Council is as follows:

- a breakdown into smaller pieces instead of (1) large chapter in one package;
- have updates at each regular City Council meeting ;  
Mr. Caskey requested his appointment for the next agenda
- highlight to Council the citizens and developers input;

- to increase citizen input and have satellite meetings;
- To proceed with a rezoning of certain single family subdivisions currently zoned MU to NC;
- Need to bring forward a draft of the Non Conforming Ordinance;
- Direct staff to immediately prepare a set of masonry standards;
- Send draft Downtown Overlay proposal to P&Z for consideration then to Council; and
- Highlight to Council the Citizen Task Force has considered to date: Minimum lot sizes; façade and elevations standards; driveway standards; and moving and improving landscaping and parking standards into the new zoning chapter

Mr. Sain was concerned of moving away from the overall plan of this project and that by breaking it into smaller pieces it will end up in spot zoning.

Mr. McCartney indicated that the neighborhoods need protection now and should be changed now to NC and not MU.

Mr. Sheley supports seeing things in smaller sections or parts and inquired about the size of the meetings for the citizens input being large or small.

Mr. Brumback indicated that this is a contextual document and the zoning needs to be done in context of the entire zone. He discourages taking things in pieces and recommends considering a future land code so there is an understanding of the impact on the entire community across the board.

Ms. Carpenter, Planning and Development Director indicated that taking the document in pieces is like adopting the constitution of the charter in pieces and everything in the document is inter-related. Ms. Carpenter stated that the overlay district is a mini zoning code and concurs with Mr. Brumback.

Mayor DonCarlos suggested that all agree to have regular updates; meeting at satellite locations; and to move forward with downtown overlay. Mayor DonCarlos recommended receiving a list of all the subdivisions so Council can review them.

## **8. CONSENT**

City Manager, Garry Brumback requested to pull item 8.b.

Motion was made by Council Member Sheley, seconded by Council Member Capetillo approving Consent Items: 8.a., 8.c., and 8.d. The vote was as follows:

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

Nays: None

The motion carried.

**a. Ordinance 11,176: Annual Concrete Work Contract #068-10 Renewal - Purchasing.**

Ordinance No. 11,176 awards the fifth renewal of the Annual Concrete Work Contract to Teamwork Construction Services, Inc., in the amount of \$250,000. Teamwork Construction Services, Inc., submitted a written request to renew the current contract for the same pricing, terms and conditions. The original awarded contract amount is \$200,000. The new award total includes the same amount as the last renewal inclusive of a 25% change order to cover increased funding. The contract is used for streets, sidewalks & curbs, etc., throughout the term of the contract. Teamwork provides excellent service.

The original annual concrete contract for \$200,000 was bid prior to the receipt of the street sales tax. Therefore, the contract awarded total is not sufficient to cover the increased funding for another twelve months. In order to allow time to formally bid this contract with an increased dollar amount and allow concrete work to continue, it is necessary to renew the contract early effective September 1, 2009.

ORDINANCE NO. 11,176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE CONTRACT OF TEAMWORK CONSTRUCTION SERVICES, INC., FOR THE ANNUAL CONCRETE WORK CONTRACT AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN, THE SUM OF TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**b. Purchase of Software, Computers, Equipment, Accessories and Training for Houston HIDTA - Purchasing.**

This agenda item is put on hold until the September 10, 2009, City Council Meeting.

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL, CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF ONE HUNDRED SEVEN THOUSAND NINE HUNDRED FIFTY-NINE AND 67/100 DOLLARS (\$107,959.67) FOR EQUIPMENT FOR THE HOUSTON HIDTA WIDE AREA NETWORK PROJECT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**c. Ordinance 11,177: Purchase of Mug Shot System for Baytown Jail - ITS.**

Ordinance No. 11,177 authorizes the purchase of Picture Link.Net Software with Positive ID and Nist Repository from Ryan and Associates in the amount of \$72,704.69. This price includes hardware, software, installation and configuration. This state of the art mug shot system offers ease of use for employees and interfaces with our current Versadex System. Ryan and Associates is on the state contract and competitive bidding is not required.

ORDINANCE NO. 11,177

AN ORDINANCE OF THE CITY COUNCIL, CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF SEVENTY-TWO THOUSAND SEVEN HUNDRED FOUR AND 69/100 DOLLARS (\$72,704.69) TO RYAN AND ASSOCIATES FOR THE PICTURE LINK AND PICTURE LINK.NET SOFTWARE WITH POSITIVE ID AND NIST REPOSITORY WITH ALL NECESSARY SOFTWARE/HARDWARE AND INSTALLATION AND CONFIGURATION THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

**d. Ordinance 11,178: Authorize Installation of Stop Signs - Public Works.**

Ordinance No. 11,178 amended Chapter 94 "Traffic and Vehicles," Article IV "Specific Street Regulations," Section 94-121 "Schedules enumerated" of the Code of Ordinances, Baytown, Texas, to authorize the installation of two stop signs on Oak Haven Street at its intersection with Mossy Oak Drive and to add one stop sign on Mossy Oak at its intersection with Pin Oak Street. Due to traffic flow, it became necessary to establish stops at these intersections for the safe movement of our citizens. On March 20, 2009, the stop signs were installed. If the proposed ordinance is approved, the City will also make the needed striping changes to allow for enforcement and citizen understanding of the authorized change. The Planning and Zoning Commission considered and approved this traffic control measure on May 20, 2009.

ORDINANCE NO.11,178

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 94 "TRAFFIC AND VEHICLES," ARTICLE IV "SPECIFIC STREET REGULATIONS," SECTION 94-121 "SCHEDULES ENUMERATED," SCHEDULE VIII "DESIGNATION – STOP AND YIELD INTERSECTIONS" OF THE CODE OF ORDINANCES OF THE CITY OF BAYTOWN, TEXAS, TO AUTHORIZE THE INSTALLATION OF TWO STOP SIGNS ON OAK

HAVEN STREET AT ITS INTERSECTION WITH MOSSY OAK DRIVE AND TO ADD ONE STOP SIGN ON MOSSY OAK DRIVE AT ITS INTERSECTION WITH PIN OAK STREET; AUTHORIZING THE POSTING OF PROPER SIGNS; REPEALING CONFLICTING ORDINANCES; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF TWO HUNDRED AND NO/100 DOLLARS (\$200.00) FOR EACH VIOLATION THEREOF; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

## **9. APPOINTMENTS**

### **a. Baytown Area Water Authority - Interim City Clerk.**

City Manager, Garry Brumback presented the agenda item and stated that the Baytown Area Water Authority is a five member board that is charged with overseeing all matters pertaining to the business of the Authority, including the letting of work, purchase of existing facilities, and matters relating to the construction of work.

Currently, there are (2) members whose term is set to expire on August 31, 2009. They are (1) Mr. Wayne Baldwin and (2) Mr. Dan Munding. Both members have been contacted and desire reappointment; if reappointed their two year term would begin on September 01, 2009, and end on August 31, 2011.

Also, the BAWA Board has recommended Mr. William Gidley to fill the vacancy left with the passing of Mr. Robert Gillette. Mr. Gidley's application is attached for your review; if appointed, Mr. Gidley would serve a two year term beginning on September 01, 2009, and end on August 31, 2011.

Motion was made by Council Member Sain, seconded by Council Member Caskey approving the reappointments of Mr. Wayne Baldwin and Mr. Dan Munding and the appointment of Mr. William Gidley to serve as board members. The vote was as follows:

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

Nays: None

The motion carried.

### **b. Emergency Medical Services Advisory Committee - Interim City Clerk.**

City Manager, Garry Brumback presented the agenda item and stated that the Emergency Medical Services Advisory Committee (Board) is a seven member board that is charged with making recommendations to City Council for specifications for construction, equipment, and the number of emergency ambulances necessary to provide service to the City of Baytown. They also recommend revisions to the Emergency Medical Service

Chapter of the Baytown Code of Ordinances. Appointees serve a two year term, terms are unlimited, and the Board meets at least twice a year, or more as needed.

Mr. Luciano Salinas, Jr. resides within the City limits of Baytown and has submitted a formal application with the City Clerk's Office and is qualified to serve on this Board. If appointed Mr. Salinas would complete Mr. Roger Lay's unexpired term. Mr. Lay resigned due to relocation. If appointed, Mr. Salinas would complete the two year term, which is set to expire on December 11, 2009. Mr. Salinas would then be considered for reappointment at that time.

Motion was made by Council Member Capetillo, seconded by Council Member Sain approving the appointment of Mr. Luciano Salinas, Jr. to serve as board member. The vote was as follows:

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

Nays: None

The motion carried.

**c. Animal Control Advisory Committee - Interim City Clerk.**

City Manager, Garry Brumback presented the agenda item and stated that the Animal Control Advisory Committee (Board) is a five member board that is composed of the City's Director of Health and Chief of Police, and (3) appointments; (1) licensed veterinarian, (1) animal welfare organization representative and (1) interested citizen. Terms are set at two years and are unlimited.

This Board is charged with assisting the Baytown Animal Shelter to comply with applicable law; formulate future animal control plans, strategies, education, and revision in the animal control ordinances.

Currently, there are (3) members whose terms are set to expire and they are:  
Chief of Police, Keith Dougherty, attended 2 out of 2 meetings;  
Director of Health, Mike Lester, attended 2 out of 2 meetings; and  
Licensed Veterinarian, Dr. Cynthia Lipps, attended 2 out of 2 meetings.

All members have been contacted and desire reappointment; if reappointed their term would begin on October 01, 2009 and end on September 30, 2011.

Motion was made by Council Member Caskey, seconded by Council Member Sain approving the reappointments of Mr. Keith Dougherty, Mr. Mike Lester and Dr. Cynthia Lipps to serve as board members. The vote was as follows:

Ayes: Council Members: Caskey, Capetillo, Sain, McCartney,

Sheley and Mayor DonCarlos

Nays: None

The motion carried.

**d. Baytown Beautification Advisory Commission - Interim City Clerk.**

City Manager, Garry Brumback presented the agenda item and stated that the Baytown Beautification Advisory Commission is a nine member board that promotes the public interest in the general improvement of the City's environment; to initiate, plan, direct and coordinate programs for litter control and neighborhood improvements; implement and maintain the Keep America Beautiful, Inc., and Keep Texas Beautiful campaigns, and to study, investigate and develop plans for the cleanliness and beautification of the City.

Members are appointed and serve at the pleasure of the City Council and must reside within the City limits of Baytown. Members are appointed to two year terms; terms being unlimited.

Currently, there are (4) members whose terms are set to expire and they are:

Ms. Eleanor Albon, attended 8 out of 11 meetings;  
Mr. Mitchell Pearce, attended 11 out of 11 meetings ;  
Ms. Melissa Sorensen, attended 7 out of 11 meetings and ;  
Mr. Luis Flores, attended 3 out of 3 meetings

All members have been contacted and desire reappointment. If reappointed, their term would begin on October 01, 2009, and end on September 30, 2011.

Motion was made by Council Member McCartney, seconded by Council Member Capetillo approving the reappointments of Ms. Eleanor Albon, Mr. Mitchell Pearce, Ms. Melissa Sorenson and Mr. Luis Flores to serve as board members. The vote was as follows:

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

Nays: None

The motion carried.

**10. APPEALS****a. Appeal: URSRB Demolition Order for 2929 North Alexander Drive - Planning and Development.**

Mayor DonCarlos stated that Mr. Carlos Perez was not present at the appeal and there were no people registered to speak on this item; therefore, the appeal was completed.

**b. Consider Appeal for 2929 North Alexander Drive - Planning and Development.**

Mayor DonCarlos asked Planning and Development Services Director, Ms. Kelly Carpenter to present the City's point of view regarding this appeal and property.

Ms. Carpenter stated that the commercial building located at 2929 North Alexander Drive was a body shop prior to Hurricane Ike. Since the structures were non-complying prior to Hurricane Ike, the buildings cannot be constructed in the pre-existing location without several variances to the code. The buildings on the site do not comply with the setback requirements with respect to Cedar Bayou and Alexander Drive. The owner attended a pre-application meeting with the City's Development Review Committee (DRC) in which he presented a site plan to rebuild that does not meet landscaping or setback requirements.

The Development Review Committee advised Mr. Perez, the owner, to seek two things: 1) a variance from the setback requirements and provided him with the application forms and offered to assist him in applying; and 2) to seek an alternative site design which could make the property more efficient and avoid having to apply for a variance.

Ms. Carpenter stated that to date, Mr. Perez had not requested a variance and had not applied for a permit with an improved and approvable site plan. The structure is not usable in any way and continues to be a safety hazard; therefore staff recommends that Council consider upholding the URSRB Demolition Order to demolish the commercial building located at 2929 North Alexander Drive, Baytown, Texas.

Council Member Caskey inquired about tanks that are in the ground at this location and requested that staff make Mr. Perez is aware of the lien process, if the City demolishes his building and also provides him the contacts to TCEQ. Mr. Terry Lindsey, Building Inspector, indicated that only the owner can remove tanks and that the City can not disturb the ground soil. Mr. Lindsey also stated that the City can remove the slab and the tanks, but the cost is very expensive and TCEQ would not assist with the associated costs. Mr. Lindsey stated that the slab and tanks must be removed to build on this property.

The location of 2929 North Alexander Drive has tanks in the ground and according to TCEQ, only the property owner has the right to remove them. The City only demolishes the building and not the slab. Council Member Capetillo requested that staff inform Mr.

Perez of his options related to TCEQ and the availability of assistance with the removal of these under ground tanks.

Motion was made by Council Member McCartney, seconded by Council Member Caskey approving the upholding of the URSRB's Demolition Order to demolish the commercial building located at 2929 North Alexander Drive, Baytown, Texas. The vote was as follows:

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

Nays: None

The motion carried.

## **11. ADJOURN**

Motion was made by Council Member Caskey, seconded by Council Member McCartney adjourning the August 27, 2009, Regular Meeting. The vote was as follows:

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

Nays: None

The motion carried.

Mayor DonCarlos adjourned the Regular City Council Meeting of August 27, 2009 at 8:35 P.M.

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Leticia Garza, Interim City Clerk  
City of Baytown