

CITY OF TEXAS CITY  
REGULAR CALLED CITY COMMISSION MEETING

AGENDA

WEDNESDAY, MAY 20, 2020 - 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM - CITY HALL  
1801 9th Ave. N.  
Texas City, TX 77590

PLEASE NOTE:

Due to the COVID 19 Disaster and the CDC's recommendation regarding social distancing measures the City Commission will meet telephonically and electronically, and the public will not be allowed to be physically present at this meeting. Texas Governor Greg Abbott waived on a temporary basis certain sections of the Texas Open Meetings Act. The meeting will be audible to members of the public and allow for two-way communications for those desiring to participate.

Any person interested in speaking on any item on the Agenda must call in the number below and sign in to the conference then wait for the Board President to request any public comments. Public comments may not apply to all items on the agenda.

To join the telephone audio conference and to give public comment please use the following instructions.

**(888) 475-4499 (Toll Free)**

**Webinar ID: 699 920 480**

You will automatically be muted when joining the conference. To raise your hand or notify the call manager for attention, please dial \*9 on your phone during the call. When appropriate the call manger will unmute your line and the system will notify you that you can now speak. Public comments may not apply to all items on the agenda.

To view the web presentation or listen to audio without participating, please visit <http://commission.texascitytx.gov>

You will then be redirected to the conference and given instructions to enable viewing. We ask that if you will be joining the telephone conference to speak, please mute your computer audio. When using telephone audio with computer audio on, a feedback loop can be created causing disruptive echoing or a loud static. Disruptive audio will cause your line to be muted by the call manager.

After the meeting, a recording of this meeting's audio will be made available to the public, upon request.

(1) ROLL CALL

(2) INVOCATION

(3) REPORTS

(a) Quarterly Investment Report

(4) PUBLIC HEARING

(a) Broad Reach Power requests to rezone from "A" (Single Family Residential) to "F" (Light Industrial) to allow for a Battery Energy Storage System (BESS). Being in Lot 2A of the Highway 146 Business Park Minor replat Number 2. Located at 505 34th Street North, Texas City, TX.

- (b) Saiyad Ali requests to rezone from "A" (Single Family Residential) to "E" (General Business) to construct a gas station and convenience store. Being 0.689 acres, Lot One Lollis-Gebhart S/d. Located at 34th Street North and Loop 197 North, Texas City, TX.

(5) PRELIMINARY ZONING APPROVAL

- (a) Consider and take action on approving the request by Broad Reach Power to rezone from "A" (Single Family Residential) to "F" (Light Industrial) to allow for a Battery Energy Storage System (BESS). Being in Lot 2A of the Highway 146 Business Park Minor replat No. 2. Located at 505 34th Street North, Texas City, TX.
- (b) Consider and take action on approving the request by Saiyad Ali to rezone from "A" (Single Family Residential) to "E" (General Business) to construct a gas station and convenience store. Being 0.689 acres, Lot One Lollis-Gebhart S/d. Located at 34th Street North and Loop 197 North, Texas City, TX.

(6) PUBLIC COMMENTS

(7) CONSENT AGENDA

- (a) Approve City Commission Minutes for May 6, 2020 meeting. (City Secretary)
- (b) Consider and take action on Resolution No. 20-039, approving the purchase, delivery and installation of Playground Unit for Salvation Army Park from Playpower LT Farmington, Inc. through buyboard (contract # 592-19) – local government purchasing cooperative.
- (c) Consider and take action on Resolution No. 20-040, Designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Community Block Grant Disaster Recovery Program (CDBG\_DR) Contract NO. 20-066-008-C043. (Emergency Management)
- (d) Consider and take action 20-041, extending the Mayor's Declaration of Disaster to June 4, 2020. (Emergency Management)
- (e) Consider and take action on Resolution No. 20-042, affirming the City's support of Marathon Petroleum Company LP (Marathon) Texas Enterprise Zone Project Application to the State of Texas.
- (f) Consider and take action on Resolution No. 20-043, affirming support of Marathon Petroleum Company LP, concurrent Texas Enterprise Zone Project Application to the State of Texas.

(8) REGULAR ITEMS

- (a) Consider and take action on Ordinance No. 20-19, amending the City's fiscal year 2019-2020 budget to appropriate additional funds for Texas City Economic Development Corporation's business stimulus and retention grant. (Finance)
- (b) Consider and take action on Ordinance No. 20-20, amending the City's fiscal year 2019-20 Budget to appropriate additional funds for procurement of property. (Finance)

- (c) Consider and take action on Ordinance No. 20-21, to amend the City of Texas City's fiscal year 2019-20 Budget to appropriate TCEDC funds for underground electrical and street lighting at Magnolia Avenue. (Finance)
- (d) Consider and take action on Ordinance No. 20-22, amending the City's fiscal year 2019-20 Budget to appropriate funds for Amburn Road landscaping project. (Finance)

(9) MAYOR AND COMMISSIONERS' COMMENTS

(10) ADJOURNMENT

NOTICE OF ANY SUBJECT APPEARING ON THIS AGENDA REGARDLESS OF HOW THE MATTER IS STATED MAY BE ACTED UPON BY THE CITY COMMISSION.

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARDS AT CITY HALL, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS, AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND ON THE CITY'S WEBSITE ON MAY 15, 2020, PRIOR TO 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

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NICHOLAS J. FINAN  
CITY SECRETARY

**CITY COMMISSION REGULAR MTG**

**(3) (a)**

**Meeting Date:** 05/20/2020

Quarterly Investment Report

**Submitted For:** Laura Boyd, Finance

**Submitted By:** Laura Boyd, Finance

**Department:** Finance

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**Information**

**ACTION REQUEST (Brief Summary)**

Quarterly Investment Report

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

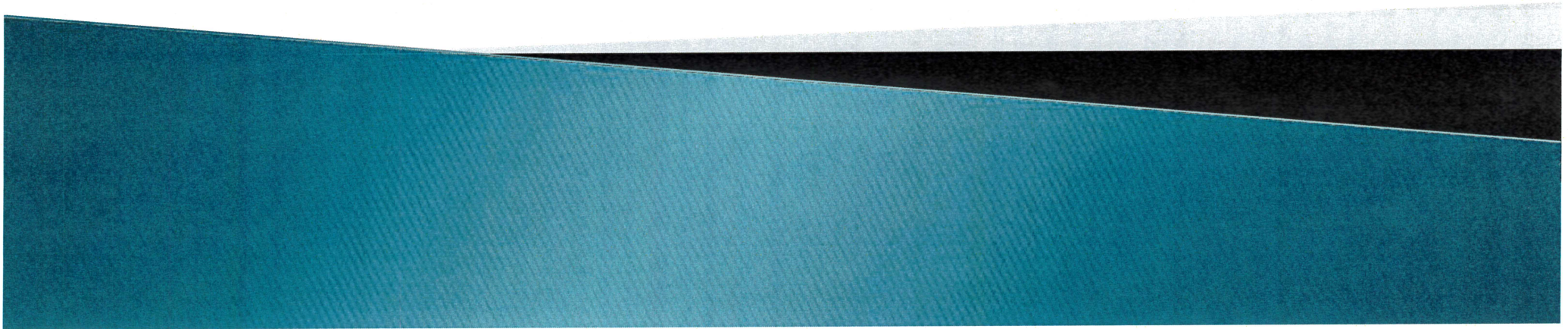
Financial Highlight

Investment Summary

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# City of Texas City

Financial Highlights  
As of March 31, 2020



## GENERAL FUND REVENUES

\$39,126,446 which is 66% of budgeted revenues

## GENERAL FUND EXPENDITURES

\$28,723,593 which is 48% of budgeted expenditures

## NET REVENUES OVER/(UNDER) EXPENDITURES

\$10,402,853 compared to \$9,800,411 at the same time last year.



## UTILITY REVENUE FUND REVENUES


\$8,046,078 which is 44% of budgeted revenues

## UTILITY REVENUE FUND EXPENDITURES

\$8,177,170 which is 28% of budgeted expenditures. Included in this \$8.2 million, are capital (depreciable) expenditures of \$2.93 million.

## NET REVENUES OVER/(UNDER) EXPENDITURES

(\$131,092) compared to \$2,074,266 at the same time last year.



## PROPERTY TAX COLLECTIONS

General Fund: \$23,194,608

Debt Service Fund: \$4,207,214


This is an increase of \$825,879 and a decrease of \$17,607 respectively, from March 2019.

## SALES TAX COLLECTIONS

General Fund: \$6,676,484

TCEDC: \$2,225,495

This is an increase of \$933,304 and \$311,101, respectively, from March 2019.



**CITY OF TEXAS CITY  
INVESTMENT REPORT  
FOR THE QUARTER ENDING MARCH 31, 2020**

The City's Investment Policy requires the Director of Finance to submit quarterly reports to the City Commission.

A summary of the transactions in the portfolio for the quarter ending March 31, 2020 are as follows:

	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>
INVESTMENTS-BEG. OF PERIOD	\$ 59,530,798	\$ 59,674,649
INVESTMENT PURCHASES/ADDITIONS	50,970,201	50,970,201
INVESTMENT MATURITIES/DELETIONS	(34,917,884)	(34,969,335)
AMORTIZATION(PREMIUM/DISCOUNT)	(2,221)	-
CHANGE IN FAIR MARKET VALUE	-	29,946
INVESTMENTS-END OF PERIOD	<u>\$ 75,580,894</u>	<u>\$ 75,705,461</u>
Interest received quarter ending 03-31-20	\$ 289,186	\$ 289,186
INVESTMENTS-END OF PERIOD PLUS INTEREST	<u>\$ 75,870,080</u>	<u>\$ 75,994,647</u>

**CITY OF TEXAS CITY  
INVESTMENT REPORT  
FOR THE QUARTER ENDING MARCH 31, 2020**

**Portfolio Composition:**

Certificates of Deposit (CDARS)	26.99%
Bank Deposits	52.29%
Treasury Securities	6.71%
Agency Securities	14.02%

**Benchmark Rate of Return:**

	@ 03/31/2020	@ 12/31/2019
1 Year Treasury Rate	0.17	1.59
6 Month T-Bill Rate	0.15	1.56
3 Month T-Bill Rate	0.11	1.52
City's Portfolio	1.13	2.19

**Weighted Average Maturity of Portfolio:**

111 days

**CITY COMMISSION REGULAR MTG**

**(4) (a)**

**Meeting Date:** 05/20/2020

Rezoning for Broad Reach Power

**Submitted For:** Doug Kneupper, Transportation and Planning

**Submitted By:** Veronica Carreon, Inspections

**Department:** Inspections

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**Information**

**ACTION REQUEST (Brief Summary)**

Broad Reach Power requests to rezone from "A" (Single Family Residential) to "F" (Light Industrial) to allow for a Battery Energy Storage System (BESS). Being in Lot 2A of the Highway 146 Business Park Minor replat No. 2. Located at 505 34th Street North, Texas City, TX.

**BACKGROUND**

The rezoning request came before the Zoning Commission on April 21, 2020 during a teleconferenced Public Hearing. After hearing all information and staff recommendations, the Zoning Commission granted approval of the request to rezone to "F" (Light Industrial).

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**


**Attachments**

Staff Memo/Broad Reach Power Exhibits

4/21/20 Draft Minutes

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# Memo

**To:** Zoning Commission  
**From:** Doug Kneupper, City Engineer   
**Date:** April 15, 2020  
**Re:** F, LIGHT INDUSTRIAL, Zoning (500 block 34<sup>th</sup> Street N)

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**Background:** The applicant, Broad Reach Power, is under contract to purchase 0.48 acres of undeveloped property on the west side of 34<sup>th</sup> Street N., in close proximity to TNMP's Service Center and Substation. The applicant intends to install Battery Energy Storage Systems (BESS) to improve local electrical grid reliability. There will be four individual units, with the largest component in each unit being a 40 foot long container with the battery storage modules. To be able to utilize the property in this manner, a zone change is needed from the current Single-Family Residential to Light Industrial.

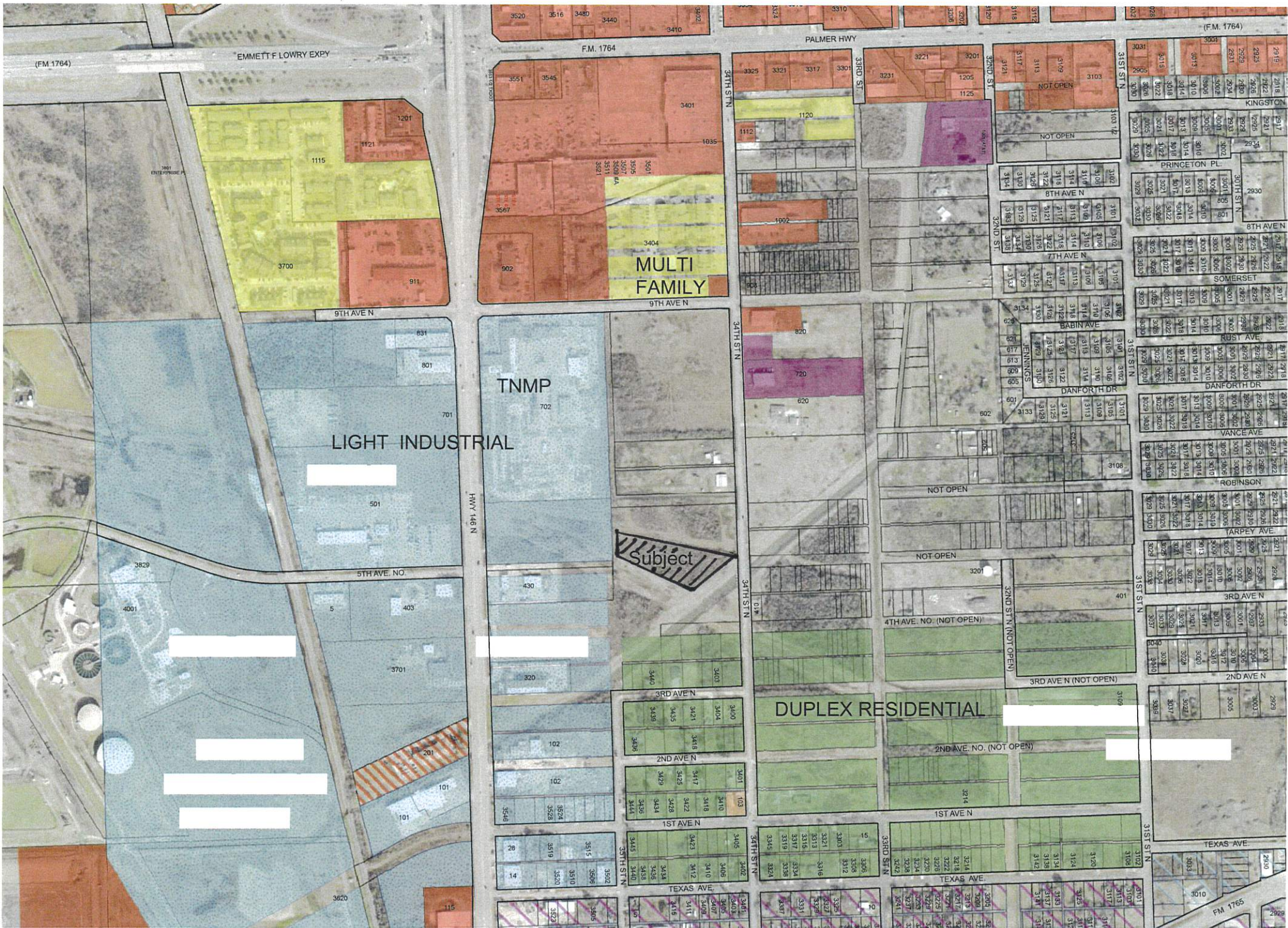
The Land Use Plan shows this area as being "Activity Corridor", then transitioning farther east to "Neighborhood Growth". The "Activity Corridor" category supports the development of higher intensity land uses including restricted light industrial. The requested zoning is in accordance with the City's adopted Land Use Plan.

As indicated on the attached zoning map, the surrounding area is zoned Single-Family Residential with existing Light Industrial to the west. There is also Residential Duplex zoning to the south. There is no existing development surrounding the subject property.

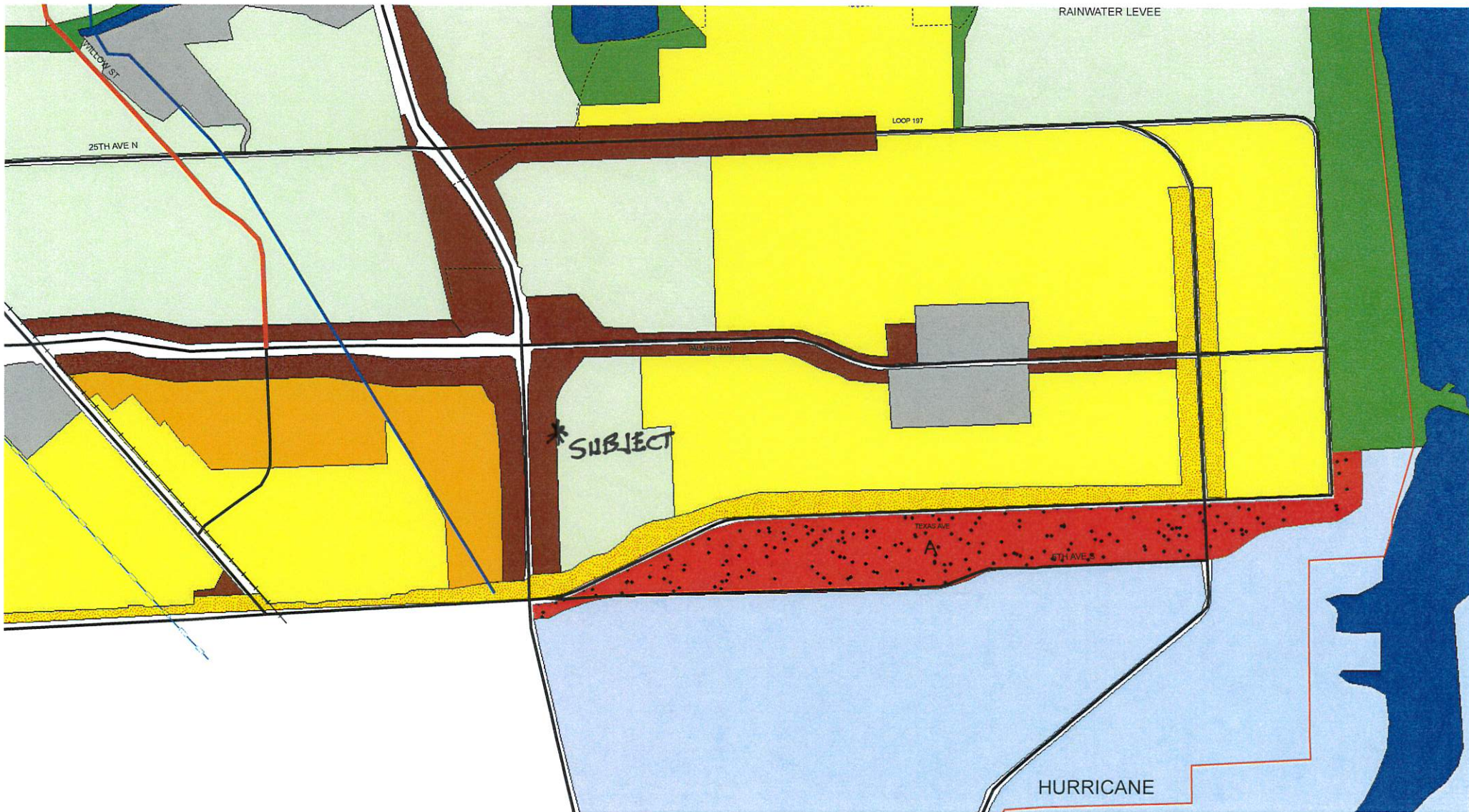
**Analysis/ Recommendation:** If approved, the Light Industrial zoning could be developed with light manufacturing, wholesale, and warehousing operations in an enclosed area. Development of this tract would require adherence to city standards with appropriate open space, landscaping, screening, and other zoning provisions.

City water and sewer are readily available to the site, but the only utility need is for fire protection. For drainage considerations, the applicant will coordinate with the City's Public Works Dept. to properly outfall into the adjacent channel. Primary access for this property will be from 34<sup>th</sup> Street, a City facility. However, once installed, the BESS will need little attention and maintenance. All improvements and development of the property will require a Detailed Site Plan to be reviewed by city staff and approved by the Planning Board. The property is located within the 0.2% annual flood chance area (formerly described as 500-year floodplain).

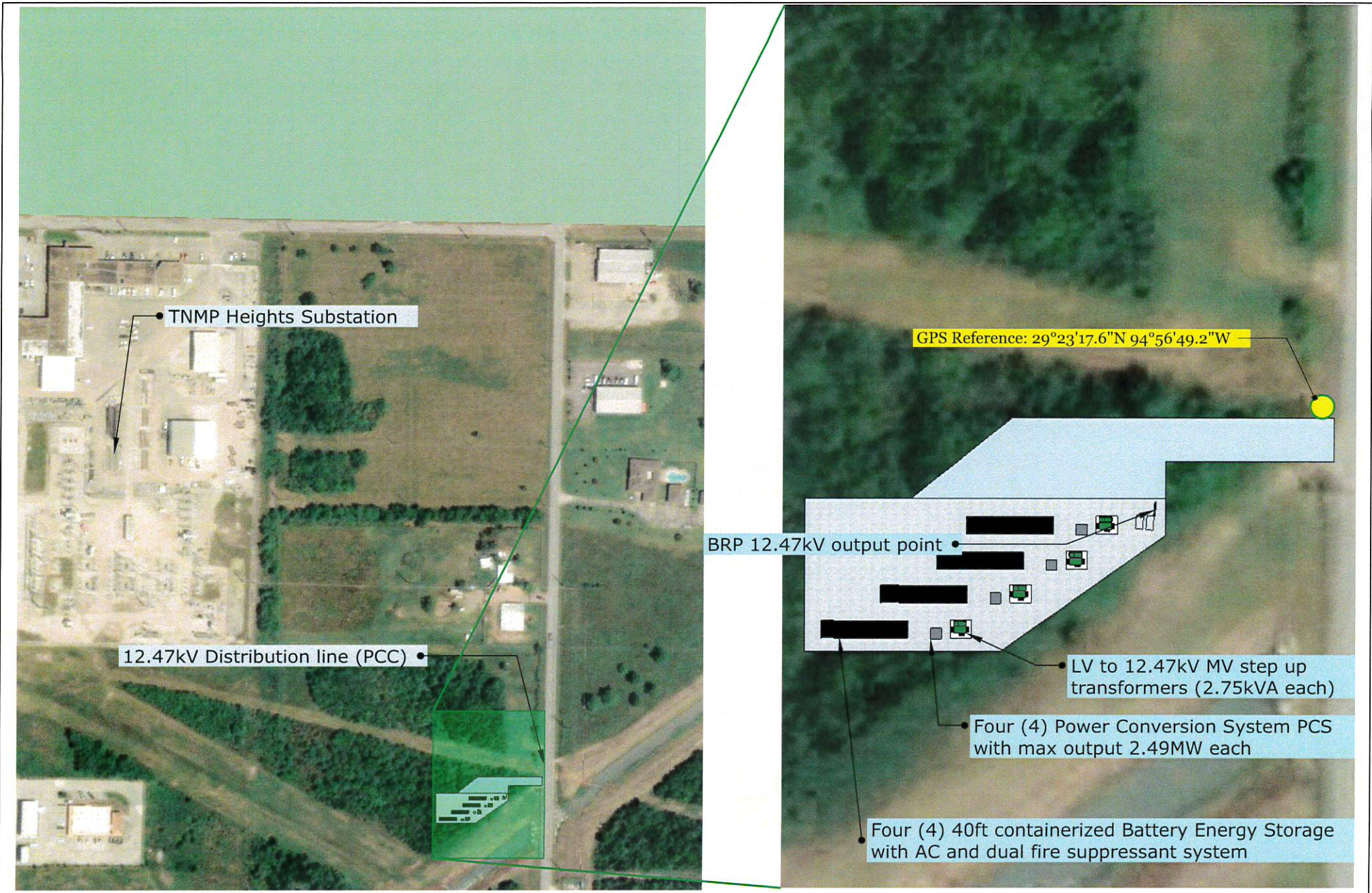
Based on the surrounding land uses, development and zoning, city staff has no objection to the rezoning request for F, Light Industrial.



Current Zoning Map



LAND USE MAP



GENERAL ARRANGEMENT LAYOUT  
 Top View  
 Scale 1:3600 (1"=300') overall map  
 Scale 1:720 (1"=60') detailed map



BRP Heights 9.95MW BESS

REVISIONS	
MM/DD/YY	REMARKS
1 JAN/18/2020	ISSUED FOR INFORMATION
2 ---/---/---	...
3 ---/---/---	...
4 ---/---/---	...
5 ---/---/---	...

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## **ZONING COMMISSION MINUTES**

### **April 21, 2020**

The Zoning Commission of the City of Texas City met in a teleconferenced meeting and Public Hearing on Tuesday, April 21, 2020 at 5:15 p.m. Commission members present were: Chairman Perry O'Brien, Gary Potter, Aric Owens, Thelma Bowie and Commissioner Bruce Clawson. Staff members present were: Doug Kneupper, Herman Meyers and Veronica Carreon.

Chairman O'Brien addressed those present and explained the procedures for the Public Hearing. He indicated a quorum was present and called the meeting to order.

**APPROVAL OF MINUTES:** The minutes from March 3, 2020 were approved on a **motion by Bruce Clawson/Thelma Bowie. All members present voted aye.**

**ITEM NO. 1 PJ Klavon requests to rezone from "A" (Single Family Residential) to "F" (Light Industrial) to allow for a Battery Energy Storage System (BESS). Being in Lot 2A of the Highway 146 Business Park Minor replat No. 2. Located at 505 34<sup>th</sup> Street North, Texas City, TX.**

Mr. Kneupper provided the background information for this rezoning item. He stated that the applicant, Broad Reach Power, intends to install Battery Energy Storage Systems (BESS) to improve local electrical grid reliability. To be able to utilize the property in this manner, a zone change is needed from the current Single Family Residential to Light Industrial. The area is categorized as being "Activity Corridor", which supports the development of higher intensity land uses including restricted light industrial and is in accordance with the City's adopted Land Use Plan. City water and sewer are readily available to the site, but the only utility need is for fire protection. For drainage considerations, the applicant will coordinate with the City's Public Works Dept. Primary access for the property will be from 34<sup>th</sup> Street. Once installed, the BESS will need little attention. All improvements and development of the property will require a Detailed Site Plan to be reviewed by city staff and approved by the Planning Board. City staff has reviewed the request and have no objection to the rezoning request. Chairman O'Brien asked if the project was cleared of any pipelines in the area to which Mr. Kneupper stated that the pipelines are adjacent to and do not go into the tract. Mr. Potter asked if there were any protests to the project to which Mr. Kneupper stated that a Public Hearing Notice was mailed to residents within 200' of the area and Engineering & Planning did not receive any phone calls or communication in opposition to the request. Ms. Bowie asked if there were any environmental hazards with the planned storage. Mr. Kneupper stated that there are no known environmental hazards, but in speaking with the Fire Marshal and the applicant, he is looking at having some level of surety bond. This is also done with the oil well applicants to ensure that something is in place in the case that this project gets to the end of its life and it doesn't get properly cleaned up. The surety bond will be in place if the City needs to revoke it. Mr. Clawson asked if there was any noise associated with the storage system. A representative was not available to answer Mr. Clawson's question. Mr. Kneupper stated

that he did not believe there was any noise associated with this. Chairman O'Brien stated that the transformers on the plans were not large transformers, but some of them may need coolant fans, but the battery storage containers themselves do not. In a similar item or event when the battery heat builds up the fans will turn on to cool the storage batteries.

After a brief discussion, **a motion was made by Thelma Bowie/Bruce Clawson to open the Public Hearing. All members present voted aye.** There were no attendees present and **a motion was made by Thelma Bowie/Bruce Clawson to close the Public Hearing.** There were no additional comments or discussion and **a motion was made by Gary Potter/Thelma Bowie to approve the request to rezone to "F" (Light Industrial). All members voted aye.**

**ITEM NO. 1 Saiyad Ali requests to rezone from "A" (Single Family Residential) to "E" (General Business) to construct a gas station and convenience store. Being 0.689 acres, Lot One Lollis-Gebhart S/d. Located at 34<sup>th</sup> Street North and Loop 197 North, Texas City, TX.**

Mr. Kneupper provided the background information for this rezoning item. He stated that the applicant, Saiyad Ali, is under contract to purchase 0.689 acres of undeveloped property at the southwest corner of Loop 197 and 34<sup>th</sup> Street and intends to develop the property with a single-story retail building with capabilities for a convenience store, retail lease space and fuel dispensers. In addition, there will be concrete paving, parking, landscaping and open space. To utilize the property in this manner, the zoning will need to be changed from Single Family Residential to General Business. The Land Use Plan shows this area as being "Activing Corridor" and the requested zoning is in accordance with the City's adopted plan. If approved, the General Business zoning could be developed with a variety of enclosed retail and commercial services to serve the overall needs of the community. City water and sewer are readily available to the site. For drainage considerations, the applicant will need to coordinate with Texas City Public Works to utilize the existing storm sewer system. Primary access for this property will be from 34<sup>th</sup> Street. Access from the North Loop may not be available based on the proximity of existing driveways. All improvements and development of the property will require a Detailed Site Plan to be reviewed by city staff and approved by the Planning Board. City staff has no objection to the rezoning request for E, General Business. Mr. Kneupper stated that a Public Hearing Notice was mailed to residents within 200' of the area and Engineering & Planning did not receive any phone calls or communication in opposition to the request.

With no questions from the board, **a motion was made by Thelma Bowie/Gary Potter to open the Public Hearing. All members present voted aye.** There were no attendees present and **a motion was made by Thelma Bowie/Bruce Clawson to close the Public Hearing.** There were no additional comments or discussion and **a motion was made by Bruce Clawson/Thelma Bowie to approve the request to rezone to "E" (General Business). All members voted aye.**

There was no further business to discuss at this time and **a motion was made by Gary Potter/Bruce Clawson to adjourn. All members present voted aye.**

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Perry O'Brien, Chairman

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Zoning Commission Secretary

**CITY COMMISSION REGULAR MTG**

**(4) (b)**

**Meeting Date:** 05/20/2020

Rezoning for Saiyad Ali

**Submitted For:** Doug Kneupper, Transportation and Planning

**Submitted By:** Veronica Carreon, Inspections

**Department:** Inspections

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**Information**

**ACTION REQUEST (Brief Summary)**

Saiyad Ali requests to rezone from "A" (Single Family Residential) to "E" (General Business) to construct a gas station and convenience store. Being 0.689 acres, Lot One Lollis-Gebhart S/d. Located at 34th Street North and Loop 197 North, Texas City, TX.

**BACKGROUND**

The rezoning request came before the Zoning Commission on April 21, 2020 during a teleconference Public Hearing. After hearing all information and staff recommendations, the Zoning Commission unanimously granted approval of the request to rezone to "E" (General Business).

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Staff Memo/Saiyad Ali Exhibits

4/21/20 Draft Minutes

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# Memo

**To:** Zoning Commission

**From:** Doug Kneupper, City Engineer



**Date:** April 15, 2020

**Re:** E, GENERAL BUSINESS Zoning (3400 block North Loop, next to Del Sol Apts)

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**Background:** The applicant, Saiyad Ali, is under contract to purchase 0.689 acres of undeveloped property at the southwest corner of Loop 197 North and 34<sup>th</sup> Street. The applicant intends to develop the property with one single-story retail building with capabilities for convenience store, retail lease space, and fuel dispensers. In addition, there will be concrete paving, parking, landscaping and open space. To be able to utilize the property in this manner, a zone change is needed from the current Single-Family Residential to General Business.

The Land Use Plan shows this area as being "Activity Corridor". The "Activity Corridor" category supports the development of higher intensity land uses including commercial, business offices, and open display retailing along freeways and highways. The requested zoning is in accordance with the City's adopted Land Use Plan.

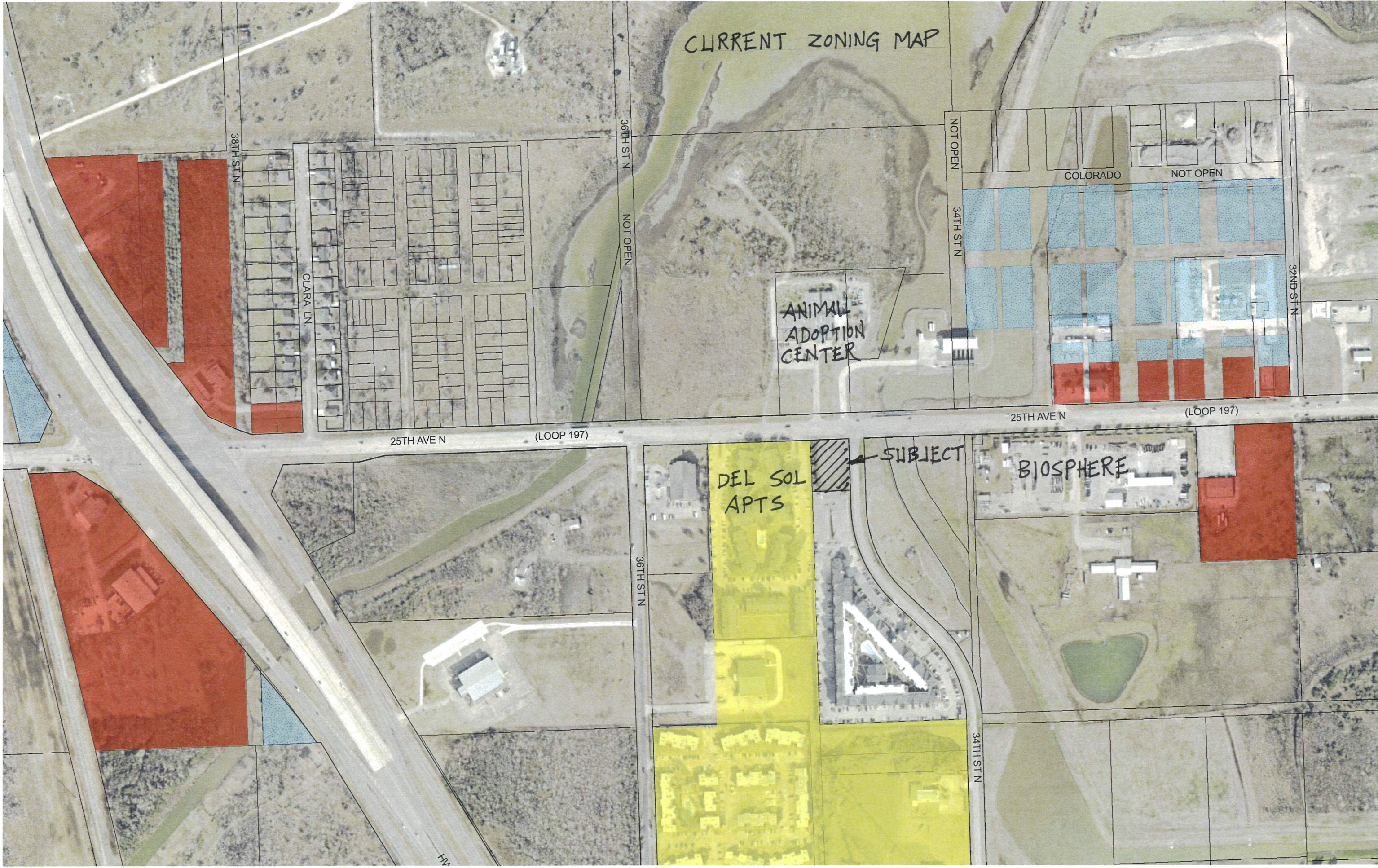
As indicated on the attached zoning map, the surrounding area is zoned Single-Family Residential and Multi-Family Residential. Development surrounding the subject property is apartment complexes to the west and to the south, the County's Animal Resource Center is across the North Loop.

**Analysis/ Recommendation:** If approved, the General Business zoning could be developed with a variety of enclosed retail and commercial services to serve the overall needs of the community. Development of this tract would require adherence to city standards with appropriate open space and landscaping, and adherence to the Gateway Overlay provisions.

City water and sewer are readily available to the site. For drainage considerations, the applicant will need to coordinate with Texas City Public Works to utilize the existing storm sewer system. Primary access for this property will be from 34<sup>th</sup> Street. Access from the North Loop may not be available based on the proximity of existing driveways. All improvements and development of the property will require a Detailed Site Plan to be reviewed by city staff and approved by the Planning Board. The property is located within the area of Texas City protected by the levee and pump system. There are minimum floor elevations for new structures.

Based on the surrounding land uses, development and zoning, city staff has no objection to the rezoning request for E, General Business.

CURRENT ZONING MAP



ANIMAL ADOPTION CENTER

25TH AVE N (LOOP 197)

DEL SOL APTS

SUBJECT

BIOSPHERE

COLORADO

NOT OPEN

38TH ST N

CLARA LN

36TH ST N

NOT OPEN

NOT OPEN

34TH ST N

32ND ST N

25TH AVE N

(LOOP 197)

36TH ST N

34TH ST N

FM

# LAND USE PLAN

DOLLAR BAY

RAINWATER LEVEE

WILLOW ST

25TH AVE N

\* SUBJECT

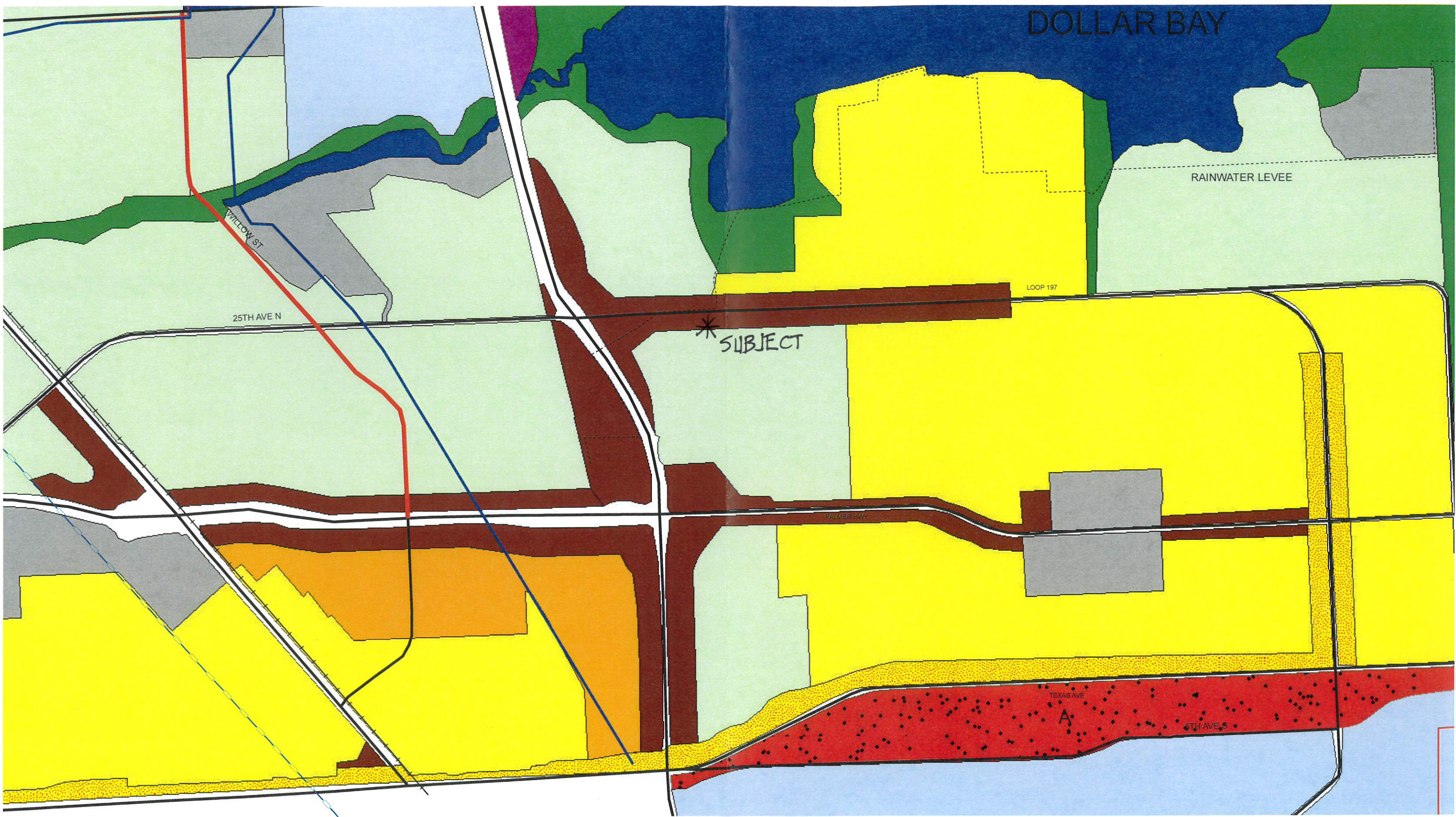
LOOP 197

PALMER HWY

TEXAS AVE

A

6TH AVE S





## **ZONING COMMISSION MINUTES**

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After a brief discussion, **a motion was made by Thelma Bowie/Bruce Clawson to open the Public Hearing. All members present voted aye.** There were no attendees present and **a motion was made by Thelma Bowie/Bruce Clawson to close the Public Hearing.** There were no additional comments or discussion and **a motion was made by Gary Potter/Thelma Bowie to approve the request to rezone to "F" (Light Industrial). All members voted aye.**

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There was no further business to discuss at this time and **a motion was made by Gary Potter/Bruce Clawson to adjourn. All members present voted aye.**

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Perry O'Brien, Chairman

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Zoning Commission Secretary

**CITY COMMISSION REGULAR MTG**

**(5) (a)**

**Meeting Date:** 05/20/2020

Preliminary Zoning Approval - Broad Reach Power

**Submitted For:** Doug Kneupper, Transportation and Planning

**Submitted By:** Veronica Carreon, Inspections

**Department:** Inspections

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**Information**

**ACTION REQUEST (Brief Summary)**

approval of the request by Broad Reach Power to rezone from "A" (Single Family Residential) to "F" (Light Industrial) to allow for a Battery Energy Storage System (BESS). Being in Lot 2A of the Highway 146 Business Park Minor replat No. 2. Located at 505 34th Street North, Texas City, TX.

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**CITY COMMISSION REGULAR MTG**

**(5) (b)**

**Meeting Date:** 05/20/2020

Preliminary Zoning Approval - Saiyad Ali

**Submitted For:** Doug Kneupper, Transportation and Planning

**Submitted By:** Veronica Carreon, Inspections

**Department:** Inspections

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**Information**

**ACTION REQUEST (Brief Summary)**

Approve request by Saiyad Ali to rezone from "A" (Single Family Residential) to "E" (General Business) to construct a gas station and convenience store. Being 0.689 acres, Lot One Lollis-Gebhart S/d. Located at 34th Street North and Loop 197 North, Texas City, TX.

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**CITY COMMISSION REGULAR MTG**

**(7) (a)**

**Meeting Date:** 05/20/2020

**Submitted By:** Rhomari Jackson, City Secretary

**Department:** City Secretary

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**Information**

**ACTION REQUEST (Brief Summary)**

Approve City Commission Minutes for May 6, 2020 meeting. (City Secretary)

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Minutes

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REGULAR CALLED CITY COMMISSION MEETING

MINUTES

WEDNESDAY, MAY 6, 2020 – 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM – CITY HALL

A Regular Called Meeting of the City Commission was held on Wednesday, May 6, 2020, at 5:00 P.M. in the Kenneth T. Nunn Council Room in City Hall, Texas City, Texas. A quorum having been met, the meeting was called to order at 5:01 p.m. by Mayor Matthew T. Doyle.

1. ROLL CALL

Present: Matthew T. Doyle, Mayor  
Phil Roberts, Mayor Pro Tem, Commissioner At-Large  
Bruce Clawson, Commissioner At-Large  
Earl Alexander, Commissioner District 1  
Abel Garza, Jr., Commissioner District 2  
Dorthea Jones, Commissioner District 3  
Jami Clark, Commissioner District 4

2. INVOCATION

Led by Commissioner At-Large Bruce Clawson.

7. PUBLIC COMMENTS

Josh Truska, a reporter from i45Now, introduced himself to the commissioners.

8. CONSENT AGENDA

Motioned by Commissioner District 4 Jami Clark, seconded by Commissioner A-Large Bruce Clawson to approve Consent Agenda items a, b, and d.

- a. Approve City Commission Minutes for April 15, 2020 meeting. (City Secretary)

**Vote: 7 - 0 CARRIED**

- b. Consider and take action on Resolution No. 20-036, approving Bid for the demolition of property located at 601 4th Street North. (Community Development)

**Vote: 7 - 0 CARRIED**

- c. Consider and take action on Resolution No, 20-037, extending the Mayor's Declaration of Disaster to May 21, 2020. (Emergency Management)

Nicholas Finan, Director of Management Services, gave background on why this item is being renewed at every City Commission meeting.

Motion by Commissioner District 2 Abel Garza, Jr., Seconded by Commissioner District 3 Dorthea Jones

**Vote: 7 - 0 CARRIED**

- d. Consider and take action on Resolution No. 20-038, approving Bid No. 2020-378 Pump Station B Recoating of Screw Augers Project. (Public Works)

**Vote: 7 - 0 CARRIED**

9. MAYOR AND COMMISSIONER'S COMMENTS

Luke Alvey, Library Director, stated that the Library's first day open attracted about 150 residents with no more than 15 allowed inside at a time.

Thomas Munoz, Emergency Management, thanked the City Commissioners for their continued support.

David Zacherl, Fire Chief, stated that the Fire Department had been awarded a grant for an air purification system.

Dennis J. Harris, Director of Recreation and Tourism, stated that they have opened 3 facilities to operate at 25% occupancy.

Commissioner District 1 Earl Alexander gave kudos to the staff that decided to not reopen the dike expediently.

Commissioner District 2 Abel Garza, Jr. stated that he was proud of the staff that put together a parade for a fellow employee.

Commissioner Roberts, Commissioner Jones, Commissioner Clawson, and Commissioner Clark reiterated the guidelines of social distancing, washing ones hands, and staying safe. They also gave kudos to the staff that has continued to keep the City running.

Mayor Doyle gave a special thank you to Darcie, Dominick, Dio, and Thomas for their constant communication efforts.

10. ADJOURNMENT

Having no further business, Commissioner District 4 Dorthea Jones made a MOTION to ADJOURN at 5:20 p.m.; the motion was SECONDED by Commissioner District 4 Jami Clark. All present voted AYE. MOTION CARRIED.

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MATTHEW T. DOYLE, MAYOR

ATTEST:

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Nicholas J. Finan, City Secretary

**CITY COMMISSION REGULAR MTG**

(7) (b)

**Meeting Date:** 05/20/2020

**Submitted By:** Rhomari Jackson, City Secretary

**Department:** City Secretary

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**Information**

**ACTION REQUEST (Brief Summary)**

Consider and take action on Resolution No. 20-039, approving the purchase, delivery and installation of Playground Unit for Salvation Army Park from Playpower LT Farmington, Inc. through buyboard (contract # 592-19) – local government purchasing cooperative.

**BACKGROUND**

As you may know, the City of Texas City entered into a long-term agreement with the Salvation Army to develop and operate 5 acres as a City public park. Today's actions is to purchase and install playground equipment.

**ANALYSIS**

It is the recommendation of the Parks, Recreation & Tourism Department to award the purchase, delivery, and installation of a playground unit for the Salvation Army Park from Playpower LT Farmington, In. Buyboard (contract #529-19) in the amount of \$61,555.69. Funds are available in the FY 2019-2020 budget.

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Resolution

Exhibit A

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**RESOLUTION NO. 20-039**

**A RESOLUTION APPROVING THE PURCHASE, DELIVERY, AND INSTALLATION OF A PLAYGROUND UNIT FOR SALVATION ARMY PARK FROM PLAYPOWER LT FARMINGTON, INC. THROUGH BUYBOARD, A LOCAL GOVERNMENT PURCHASING COOPERATIVE PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

**WHEREAS**, the Texas City Recreation and Tourism Department requests approval the purchase, delivery, and installation of a Playground Unit for Salvation Army Park; and

**WHEREAS**, funds for this purchase are available through the 2019/2020 Fiscal Year Budget; and

**WHEREAS**, it is the recommendation of the Recreation and Tourism Department to award the above mentioned items to Playpower LT Farmington, Inc. through BuyBoard (Contract No. 592-19) for the approximate purchase price of \$61,555.69.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the City Commission of the City of Texas City, Texas, hereby approves the purchase, delivery, and installation of a Playground Unit for Salvation Army Park from Playpower LT Farmington, Inc. through BuyBoard (Contract No. 592-19), for an approximate price of \$61,555.69., as set out on the quote attached hereto as **Exhibit “A”** and made a part hereof for all intents and purposes.

**SECTION 2:** That this Resolution shall be in full force and effect from and after its passage and adoption.

**PASSED AND ADOPTED this 20th day of May 2020.**

---

Matthew T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

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Nicholas J. Finan  
City Secretary

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Russell F. Plackemeier  
City Attorney

**Proposal  
PlayPower LT Farmington, Inc.**

PO Box 204713  
Dallas, TX 75320-4713

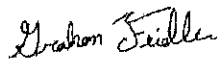
Phone: (713) 939-9888 \* Fax: (713) 939-0304  
1-800-842-9888

PROPOSAL SUBMITTED TO: City Of Texas City		PHONE: 409-682-6946	DATE: 4/30/2020
STREET: 2010 5th Ave. N.		FAX:	
CITY, STATE AND ZIP CODE: Texas City, TX 77049		PROJECT NAME: Salvation Army Park Revised	
		PROJECT LOCATION/SHIP TO: TBD	
SALES PERSON Graham Feidler - 713-824-5986	JOB CONTACT: Charles Thompson	E-MAIL cthompson@texascitytx.gov	JOB PHONE 409-949-3030

QTY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Little Tikes Commercial Kid Builder Drawing #R0300_43500826758 Includes: 40" Single Wide Plastic Slide, 64" Double Wide Slide, 64" Cylinder Climber, Overhead Bowed Ladder, 64" Fan Climber, 64" Crazy Straw Climber, 4' Arched Bridge With Safety Rails, ADA Transfer Deck, Boingo Panel, Door Panel, Counter Panel, Two Square Single Deck Roofs, Solo Spinner, Two Bay Maxplay Swings With Two Belt Seats And Two Tot Seats	\$ 30,810.00	\$ 30,810.00
1	Installation Of Little Tikes Commercial Kid Builder Drawing #R0300_43500826758	\$ 10,783.50	\$ 10,783.50
1	Approx. 225 Li. Ft. Of Concrete Curb Border 12" Tall By 6" Wide W/ Weep Holes	\$ 8,116.00	\$ 8,116.00
1	Approx. 2600 Sq. Ft Of Engineered Wood Fiber Kiddie Cushion at a 10" to 12" Depth With Non-Woven Geotextile Filter Fabric And Drain It System	\$ 8,580.00	\$ 8,580.00
	Pricing Based On Buyboard Contract #592-19		
	Tax Exempt or Resale Certificate Must Be Provided For Purchases Not Subject To Sales Tax.	<b>SUB TOTAL</b>	\$ 58,289.50
<b>CAUTION:</b> Never install playground equipment over a hard surface such as asphalt or concrete. Serious injury can result from falls to a hard surface. Choose a surface which will meet the U.S. Consumer Product Safety Commission recommendations for surfaces under playgrounds.  The <b>ESTIMATED</b> installation date for this equipment is _____ days from the date this fully executed proposal is received by All Play with applicable monies due.		<b>S&amp;H (Freight)</b>	\$ 3,026.19
		<b>ERF</b>	\$ 240.00
		<b>TAX</b>	\$ -
		<b>TOTAL</b>	\$ 61,555.69

We hereby propose to furnish material and labor – complete in accordance with above specifications, for the sum of Sixty One Thousand Five Hundred Fifty Five Dollars and Sixty Nine Cents \$ 61,555.69

**Payment Terms:** Due Net 30 days with PO payable to PlayPower LT Farmington, Inc. with No regard or allowance for retainage

  
 Authorized Signature: Graham Feidler

Note: This proposal may be withdrawn by us if not accepted within 30 days.

**ACCEPTANCE OF PROPOSAL** – The above prices, specifications and Conditions are satisfactory and are hereby accepted. You are authorized To do the work as specified. Payment will be made as outlined above. I Have read, understand, and agree to all Additional Terms and Conditions As outlined on the following page.

Date of Acceptance: \_\_\_\_\_ Signature \_\_\_\_\_ Title \_\_\_\_\_

**Proposal**  
**PlayPower LT Farmington, Inc.**  
PO Box 204713  
Dallas, TX 75320-4713

Phone: (713) 939-9888 \* Fax: (713) 939-0304  
1-800-842-9888

**ADDITIONAL TERMS AND CONDITIONS**

1. All Play, Inc., Representative for PlayPower LT Farmington, Inc., and PlayPower LT Farmington, Inc. (collectively referred to as "PPLT") hereby submits these specifications and estimates for equipment/items as detailed in this proposal.
2. Prices quoted include a discount based on cash/check method of payment.
3. Payment Terms are as specified on pg. 1. On all purchase orders, the net payment for all equipment and freight is due no more than thirty (30) days from the invoice date. The net payment amount is without regard for, or allowance of, any retainage. All accounts are subject to the terms and conditions of PPLT's credit policies.
4. Quoted installation services detailed in this proposal shall include all labor, supervision, materials, supplies, equipment, tools and necessarily related insurances normally required to deliver and install the items as detailed in this proposal. PPLT will field dress any rutting or disturbances caused by PPLT's use of equipment to access the project site, however, unless otherwise detailed in this proposal re-sodding, re-seeding and finished grade services/repairs are not included.
5. Lead-time quoted is based upon the time your order is processed at the factory.
6. A 30% cancellation fee will be assessed on equipment orders that are cancelled more than ten (10) days from the date purchaser executes this Proposal.
7. PPLT's receipt of the Proposal, as signed by you, as an authorized agent of the Owner, below indicates your understanding and acceptance of the terms and conditions stated herein and shall be construed as a written acceptance of this proposal.
8. All items are shipped F.O.B. knocked down and will require unloading and assembly by purchaser unless installation is purchased.
9. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. Owner is to carry fire, tornado and other necessary insurance. Our workers are covered by Workmen's Compensation Insurance.
10. Signing of final walk through or opening of playground constitutes completion, and payment is due at that time.
11. Plastisol and rotationally molded plastic components will have irregularities as a normal byproduct of the manufacturing process and cannot be controlled.
12. **FORCE MAJEURE:** If, by reason of Force Majeure, either party hereto shall be rendered unable wholly or in part to carry out its obligation under this agreement then such party shall or in part give notice and full particulars of such Force Majeure in writing to the other party within fourteen (14) days after occurrence of the event or cause relied upon, and the obligation of the party giving such notice, so far as it is affected by such Force Majeure, shall be suspended during the continuance of the inability then claimed and such party shall endeavor to remove or overcome such inability with all reasonable dispatch.
13. Unless otherwise detailed in this proposal, permit application(s), processing and/or fees are excluded and/or are the responsibility of others.
14. PlayPower LT Farmington, Inc and All Play, Inc. is not responsible for underground utilities. Surcharges will incur for abnormal substrate, i.e., concrete, asphalt or landfill.

**15. RELEASE AND INDEMNITY**

**SHOULD YOU ELECT NOT TO PURCHASE FALL SURFACING MATERIAL AND/OR INSTALLATION SERVICES FROM PPLT, THE FOLLOWING PROVISIONS SHALL APPLY:**

**(A.) YOU HEREBY AGREE TO RELEASE PPLT, ALL PLAY INC. AND ALL OF ITS/THEIR SHAREHOLDERS, AGENTS, DIRECTORS, OFFICERS, EMPLOYEES, REPRESENTATIVES AND AFFILIATES ("RELEASED PARTIES") FROM ANY AND ALL CLAIMS OR DEMANDS YOU HAVE OR MAY HAVE AGAINST THE RELEASED PARTIES RELATED TO OR ARISING FROM THE FALL SURFACING MATERIAL THAT IS ULTIMATELY USED AT THE JOB LOCATION OR YOUR FAILURE TO INSTALL FALL SURFACING MATERIAL AT THE JOB LOCATION. THESE RELEASED CLAIMS EXPRESSLY INCLUDE CLAIMS FOR NONCOMPLIANCE WITH THE U.S. CONSUMER PRODUCT SAFETY COMMISSION'S RECOMMENDATIONS AND CLAIMS RELATED TO FAULTY, INADEQUATE, OR IMPROPER FALL SURFACING.**

**(B.) BECAUSE YOU HAVE EITHER CHOSEN NOT TO PURCHASE FALL SURFACING MATERIALS FROM PPLT, OR YOU HAVE MADE OTHER INSTALLATION ARRANGEMENTS, YOU FURTHER AGREE TO INDEMNIFY AND HOLD HARMLESS THE RELEASED PARTIES FROM ANY AND ALL CLAIMS AND DAMAGES WHICH MAY RESULT FROM EQUIPMENT NOT INSTALLED IN COMPLIANCE WITH MANUFACTURER SPECIFICATIONS AND THE U.S. CONSUMER PRODUCT SAFETY COMMISSION'S RECOMMENDATIONS AND/OR THE INSTALLATION OF AND/OR ANY DEFECT IN THE FALL SURFACING MATERIALS USED AT THE JOB LOCATION, INCLUDING, DESPITE PPLT'S RECOMMENDATION OTHERWISE, YOUR USE OF NO FALL SURFACING AT ALL.**

16. This Agreement shall be interpreted under Texas law. Any and all disputes arising under or relating to this Proposal shall be brought and resolved in in Harris County, Houston, Texas. This provision is mandatory and to the exclusion of all other venues. Purchaser acknowledges and agrees that PPLT reserves the right to institute arbitration proceedings to resolve disputes arising under or relating to this Agreement.

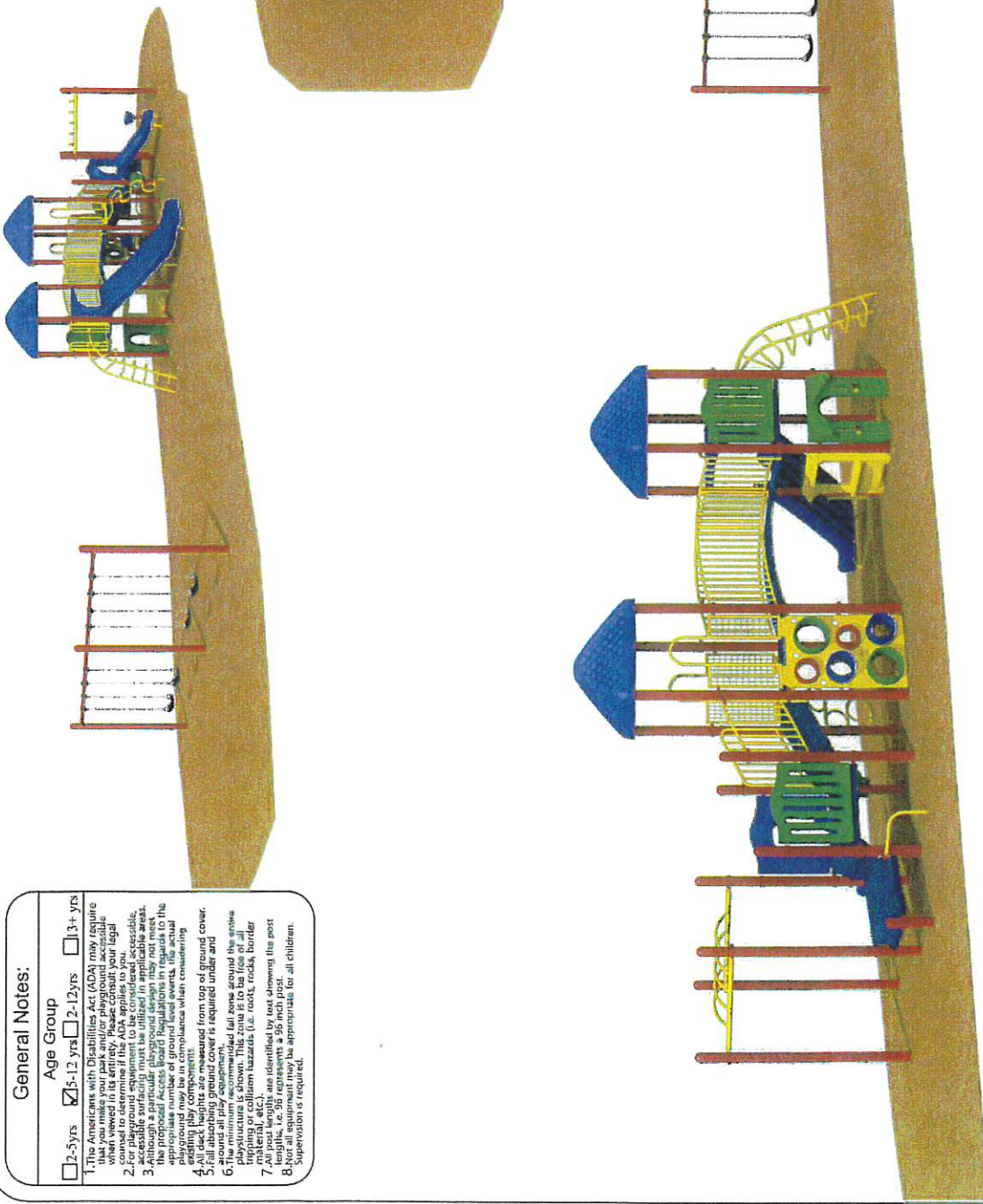
This Proposal constitutes the entire agreement between the parties on the subjects addressed herein. All prior agreements, negotiations and understandings with respect to the subject matter hereof, whether written or oral, are cancelled and superseded by this Proposal. No party is relying on any oral or other written representation or communication not otherwise contained in this Proposal.

I have read, understand, and agree to all Additional Terms and Conditions as outlined in this Proposal.

Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

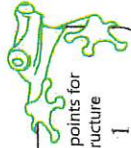
Title \_\_\_\_\_



**General Notes:**

- Age Group  2-5yrs  5-12 yrs  12-18yrs  13+ yrs
- The Americans with Disabilities Act (ADA) may require that you make your park and/or playground accessible when viewed in its entirety. Please consult your local government for more information on ADA requirements.
  - For playground equipment to be considered accessible, accessible surfacing must be utilized in applicable areas.
  - The proposed Access Board regulations may not reflect the appropriate number of ground level events, the actual playground may be in compliance when considering ADA.
  - All deck heights are measured from top of ground cover. Fall absorbing ground cover is required under and around the equipment.
  - The minimum recommended fall zone around the entire playstructure is shown. This zone is to be free of all material, etc. (i.e. rocks, sticks, border material, etc.).
  - All post lengths are identified by text showing the post height.
  - Not all equipment may be appropriate for all children. Supervision is required.

Project: Texas City New Park  
 LTCPS rep: Graham Feidler  
 All Play, Inc. (713) 939-9888  
 Ground Space: 68'-0" x 23'-0"  
 Protective Area: 90'-0" x 35'-6"  
 Drawn by: Graham Feidler  
 Date: 2/5/2019  
 DWG Name: R0300\_43790510217  
 LTCPS - Farmington  
 878 East Highway 60  
 Monett, Missouri 65708  
 Voice: 1-800-325-8828  
 Fax: 417-354-2273



LEED points for this structure

The play components identified in this plan are IPEMA certified. The use and layout of these components conform to the requirements of ASTM F1487.



- ASTM F1487 - Playground Equipment for Public Use.
- CPSC Handbook for Public Playground Safety

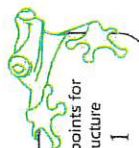
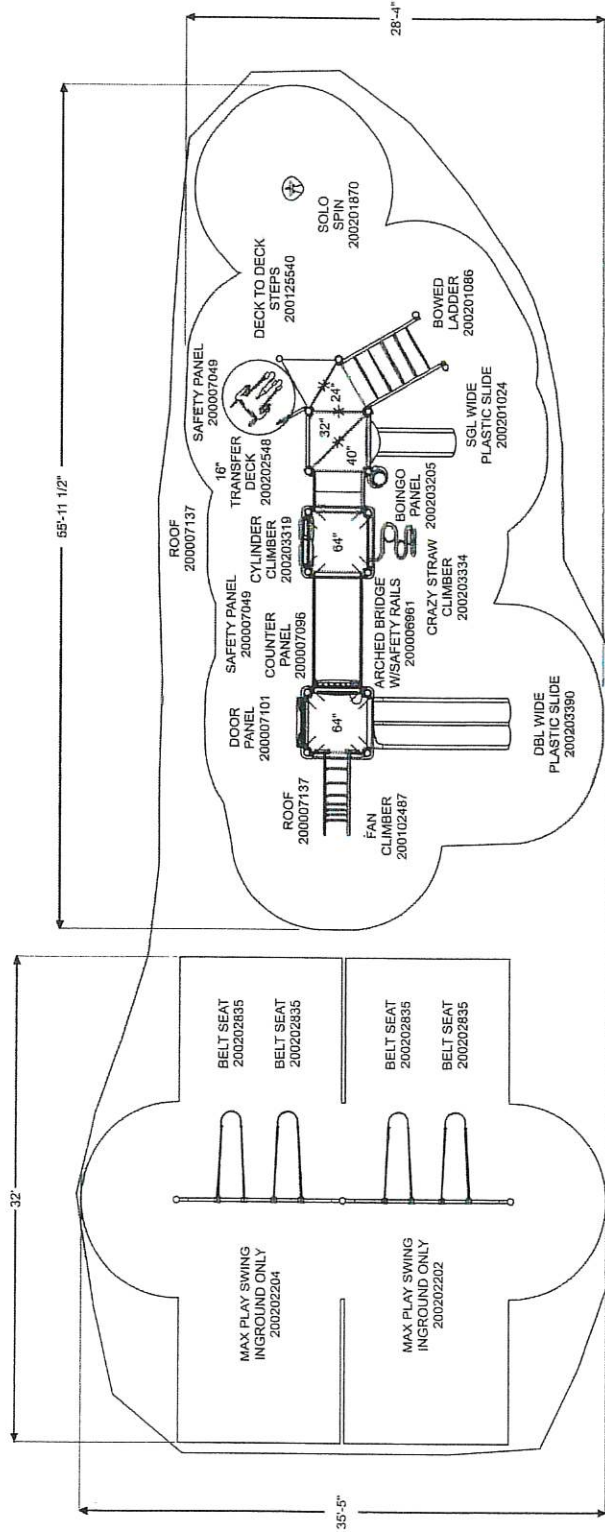
**Playground Layout Compliance:**



Project: Texas City New Park  
 Texas City, TX  
 LTCPS rep: Graham Feidler  
 All Play, Inc.  
 (713) 939-9888  
 Ground Space: 68'-0" x 23'-0"  
 Protective Area: 90'-0" x 35'-6"  
 Drawn by: Graham Feidler  
 Date: 11/21/2019  
 DWG Name: R0300\_43790510217  
 LTCPS - Farmington  
 878 East Highway 60  
 Monett, Missouri 65708  
 Voice: 1-800-325-8828  
 Fax: 417-354-2273

**General Notes:**

- 2-5yrs  5-12 yrs  2-12yrs  3+ yrs  
 1. The Americans with Disabilities Act (ADA) may require that play equipment be accessible to children with disabilities when viewed in its entirety. Please consult your legal counsel to determine if the ADA applies to you.  
 2. All play equipment must be designed to be accessible.  
 3. Although a particular playground design may not meet the requirements of the ADA, it may be possible to modify the appropriate number of ground level events, the actual playground may be in compliance when considering:  
 4. All clear heights are measured from top of ground cover.  
 5. Fall absorbing ground cover is required under and around all play equipment.  
 6. The unobstructed fall zone around the entire play structure is shown. This zone is to be free of all tripping or collision hazards (i.e. roots, rocks, border curbs, etc.).  
 7. All post lengths are identified by text showing the post heights, i.e. 36 represents a 36 inch post.  
 8. All equipment should be appropriate for all children. Supervision is required.



LEED points for this structure

The play components identified in this layout are designed and manufactured in accordance with the requirements of ASTM F1487.



- ASTM F1487 - Playground Equipment for Public Use.
- CPSC Handbook for Public Playground Safety

**Playground Layout Compliance:**

**CITY COMMISSION REGULAR MTG**

(7) (c)

**Meeting Date:** 05/20/2020

**Submitted By:** Rhomari Jackson, City Secretary

**Department:** City Secretary

---

**Information**

**ACTION REQUEST (Brief Summary)**

Consider and take action on Resolution No. 20-040, Designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Community Block Grant Disaster Recovery Program (CDBG\_DR) Contract NO. 20-066-008-C043. (Emergency Management)

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Resolution

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**RESOLUTION AUTHORIZING SIGNATORIES**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY PROGRAM (CDBG-DR) CONTRACT NUMBER 20-066-008-C043.**

**WHEREAS**, the City of Texas City has received a CDBG-DR funded allocation under the GLO's Local Buyout and Acquisition and has used the allocation to create the Texas City CDBG-DR Buyout Program; and

**WHEREAS**, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office and;

**WHEREAS**, an original signed copy of the CDBG-DR Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution, and;

**WHEREAS**, the City of Texas City acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide GLO with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG-DR *Depository/ Authorized Signatories Designation Form*.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TEXAS CITY, TEXAS, AS FOLLOWS:**

SECTION 1: The **Mayor and Director of Finance** be authorized to execute contractual documents between the Texas General Land Office and the City for the Hurricane Harvey CDBG-DR Local Buyout and Acquisition Program allocation.

SECTION 2: The **Mayor, Director of Finance, City Secretary, and Emergency Management Coordinator** be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Hurricane Harvey – Buyout/Acquisition Community Development Block Grant Disaster Recovery Program.

**PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS**, on \_\_\_\_\_, 2020.

**APPROVED:**

\_\_\_\_\_

Mayor

**ATTEST:**

\_\_\_\_\_

City Secretary

**CITY COMMISSION REGULAR MTG**

(7) (d)

**Meeting Date:** 05/20/2020

**Submitted By:** Rhomari Jackson, City Secretary

**Department:** City Secretary

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**Information**

**ACTION REQUEST (Brief Summary)**

Consider and take action 20-041, extending the Mayor's Declaration of Disaster to June 4, 2020. (Emergency Management)

**BACKGROUND**

This item is a continuance from April 15, 2020, and to be reviewed every two weeks or at the next Commission meeting; whichever date is sooner.

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Resolution

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## RESOLUTION 20-041

### **A RESOLUTION EXTENDING THE CONTINUING OF THE DECLARATION OF LOCAL STATE OF DISASTER FOR THE CITY OF TEXAS CITY, TEXAS**

**WHEREAS**, the City of Texas City on March 18, 2020, took extraordinary measures resulting from Covid-19; and

**WHEREAS**, the Mayor of Texas City and City Commission has determined that these extraordinary measures must be taken to protect the citizens of Texas City; and

**WHEREAS**, the City Commission of Texas City has determined the need to extend the original declaration to May 21, 2020. Today's extension will continue until 5:00p.m June 4, 2020.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION:** The City Commission of the City of Texas City, Texas pursuant to Texas Government Code Section 418.108(b) hereby consents to continuing the declaration of local state of disaster for the City of Texas City, Texas.

**SECTION 2:** The declaration of local state of disaster for the City of Texas City, Texas, resulting from Covid-19 is therefore continued;

**SECTION 3:** This declaration continuing a local state of disaster shall be effective for less than thirty (30) days on and from its date of issuance, provided however that this declaration may be terminated before the expiration of thirty days by subsequent order of the Mayor, and may be continued or renewed beyond thirty days from its date of issuance only with the consent of the City Commission of the City of Texas City, Texas;

**SECTION 4:** This declaration continues the activation of the City's Emergency Management Plan;

**SECTION 5:** This declaration continues the activation of the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plan and authorizes the furnishing of aid and assistance under the declaration:

**SECTION 6:** This declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary; and;

**SECTION 7:** That this declaration shall take effect immediately from and after its issuance.

**PASSED AND ADOPTED this 20th day of May 2020.**

---

Matthew T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

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Nicholas J. Finan  
City Secretary

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Kyle L. Dickson  
City Attorney

## **CITY COMMISSION REGULAR MTG**

(7) (e)

**Meeting Date:** 05/20/2020

**Submitted By:** Rhomari Jackson, City Secretary

**Department:** City Secretary

---

### **Information**

#### **ACTION REQUEST (Brief Summary)**

Consider and take action on Resolution No. 20-042, affirming the City's support of Marathon Petroleum Company LP (Marathon) Texas Enterprise Zone Project Application to the State of Texas.

#### **BACKGROUND**

Under State Law, the Office of the Governor – Economic Development and Tourism Division through the Texas Economic Development Bank administers the Texas Enterprise Zone (TEZ) Program. According to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, the purpose of the program is to encourage job creation and retention and capital investment in areas of economic distress. The City has done a number of Enterprise Zone application approvals in the past. Mostly for Valero. The city is allowed to nominate up to 6 (called credits) application every two years. This is the second of two Marathon is applying for on this agenda. And Valero was granted on earlier this year.

The program allows a refund of \$2,500 for each job created or retained of sales tax paid (State's portion only). State Law allows each participating community with a population less than 250,000 to nominate up to six (6) projects per biennium. In the current biennium, the City has nominated one business for project designation. Should this project and the next agenda item project both be approved, that would still allow the City to nominate 3 more applications by November 2021. Typically, the City only nominates one per biennium and there are no other projects pending other than Gulf Coast Ammonia that may qualify for any credits that the City is aware of at this time.

Marathon currently owns and operates the Galveston Bay Refinery in Texas City, Over the last five years, Marathon has invested over \$500 million at its Galveston Bay Refinery, and over the next five years, Marathon anticipates investing in excess of \$400 million at its Galveston Bay Refinery in projects related to fuel gas product recovery aimed at increasing refinery productivity. While the projects look similar, they are different.

As of January 24, 2020, Marathon employed 1,574 employees at its Galveston Bay Refinery in Texas City and expects to maintain and retain its existing level of employment for benefit under the Texas Enterprise Zone Program. There is no fiscal impact to the City of Texas City as a result of nominating Marathon as an Enterprise Project, and in no way is the City of Texas City committing any of its local taxes for refunds as part of the enterprise project designation.

#### **ANALYSIS**

##### **FISCAL IMPACT:**

This incentive is a rebate of the State's portion of the sales tax and does not affect the City in anyway.

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Resolution

Attachment

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## **RESOLUTION NO. 20-042**

### **A RESOLUTION AFFIRMING THE CITY'S SUPPORT OF MARATHON PETROLEUM COMPANY LP'S TEXAS ENTERPRISE ZONE PROJECT APPLICATION TO THE STATE OF TEXAS; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the City of Texas City has previously passed Ordinance No. 04-42, as amended by Ordinance No. 13-13, electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 04-42, as amended by Ordinance No. 13-13; and

**WHEREAS**, the Office of the Governor Economic Development and Tourism (EDT) through the Economic Development Bank (Bank) will consider Marathon Petroleum Company LP as an enterprise project pursuant to a nomination and an application made by the City; and

**WHEREAS**, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Marathon Petroleum Company LP has applied to the City for designation as an enterprise project;

**WHEREAS**, the City finds that Marathon Petroleum Company LP meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Marathon Petroleum Company LP is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new permanent jobs will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Marathon Petroleum Company LP as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**WHEREAS**, the City finds that Marathon Petroleum Company LP meets the criteria for tax relief and other incentives adopted by the City and nominates Marathon Petroleum Company LP for an enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

**WHEREAS**, the City finds it is in the best interest of the City to nominate Marathon Petroleum Company LP as an enterprise project pursuant to the Act.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the findings of the City and its actions approving this resolution taken at the commission meeting are hereby approved and adopted.

**SECTION 2:** That Marathon Petroleum Company LP is a “qualified business”, as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

**SECTION 3:** That the enterprise project shall take effect on the date of designation of the enterprise project by the Office of the Governor Economic Development and Tourism and terminate five years after that date.

**PASSED AND ADOPTED this 20th day of May 2020.**

\_\_\_\_\_  
Matthew T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicholas J. Finan  
City Secretary

\_\_\_\_\_  
Kyle L. Dickson  
City Attorney

**MEETING DATE:** May 20, 2020

**SUBMITTED BY:** Nick Finan, Director of Management Services

**DEPARTMENT:**

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**Information**

**ACTION REQUEST (Brief Summary)**

**A RESOLUTION AFFIRMING THE CITY’S SUPPORT OF MARATHON PETROLEUM COMPANY LP (“MARATHON”) TEXAS ENTERPRISE ZONE PROJECT APPLICATION TO THE STATE OF TEXAS; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

**BACKGROUND AND FINDINGS:**

Under State Law, the Office of the Governor – Economic Development and Tourism Division through the Texas Economic Development Bank administers the Texas Enterprise Zone (TEZ) Program. According to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, the purpose of the program is to encourage job creation and retention and capital investment in areas of economic distress.

The program allows a refund of \$2,500 for each job created or retained. If investment levels and job creation commitments are adequate, the local nominating governing body may nominate a project as a Double or Triple Jumbo Project designation, increasing the value per job created to \$5,000 or \$7,500, respectively. However, as a result of legislative changes made to the Program in 2015, Double Jumbo and Triple Jumbo project designations are reserved for job creation projects only (i.e. benefit can only be realized for net new job creation).

State Law allows each participating community with a population less than 250,000 to nominate up to six (6) projects per biennium and communities with a population more than 250,000 to nominate up to nine (9) projects per biennium. Since the City of Texas City’s population is less than the 250,000 threshold, up to six (6) projects can receive designation from the City per biennium. In the current biennium, the City has nominated one business for project designation. This nomination will use one of the City’s five (5) remaining nominations of local businesses.

Marathon currently owns and operates the Galveston Bay Refinery in Texas City, Texas located at 2401 Fifth Avenue South, off the entrance to the Houston Ship Channel. The refinery has a crude oil refining capacity of 585,000 barrels per calendar day (bpcd) and can process a wide variety of crude oils into gasoline, distillates, aromatics, heavy fuel oil, dry gas, fuel-grade coke, refinery-grade propylene, chemical-grade propylene and sulfur. Products are distributed via pipeline, barge, transport truck, rail and ocean tanker. Over the last five years, Marathon has invested over \$500 million at its Galveston Bay Refinery, and over the next five years, Marathon anticipates investing in excess of \$400 million at its Galveston Bay Refinery in projects related to fuel gas product recovery aimed at increasing refinery productivity.

As of January 24, 2020, Marathon employed 1,574 employees at its Galveston Bay Refinery in Texas City and expects to maintain and retain its existing level of employment for benefit under the Texas Enterprise Zone Program. These jobs meet the definition of a “retained job” in Texas Government Code § 2303.401(2) because they currently exist, provide and will continue to provide at least 1,820 hours of employment annually, and will be employment positions for the longer of the duration of the project’s designation period or three years after the expiration date of the claim period for receipt of state benefit.

If awarded a Single Enterprise Project designation by the State, Marathon would then qualify to apply for a \$2,500 per qualified job refund in state sales and use tax refunds for purchases made for exclusive use at the Galveston Bay refinery in return for investing capital in the state and committing to retain jobs. There is no fiscal impact to the City of Texas City as a result of nominating Marathon as an Enterprise Project, and in no way is the City of Texas City committing any of its local taxes for refunds as part of the enterprise project designation. Should this project be awarded a designation from the Governor’s Office, the City of Texas City would have four remaining nominations available for the FY2020-2021 biennium.

**FISCAL IMPACT:**

This incentive is a rebate of the State’s portion of the sales tax and does not affect the City in anyway.

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**Attachments**

Res No. \_\_\_\_\_

**CITY COMMISSION REGULAR MTG**

(7) (f)

**Meeting Date:** 05/20/2020

**Submitted By:** Rhomari Jackson, City Secretary

**Department:** City Secretary

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**Information**

**ACTION REQUEST (Brief Summary)**

Consider and take action on Resolution No. 20-043, affirming support of Marathon Petroleum Company LP, concurrent Texas Enterprise Zone Project Application to the State of Texas.

**BACKGROUND**

**BACKGROUND AND FINDINGS:**

The City has done a number of Enterprise Zone application approvals in the past. Mostly for Valero. The city is allowed to nominate up to 6 (called credits) application every two years. This is the second of two Marathon is applying for on this agenda. And Valero was granted on earlier this year. The information in the previous agenda item above is mostly the same for this one. This project is geared toward the investing in excess of \$500 million at Marathon's Galveston Bay Refinery on a distillate hydrotreater project, which will upgrade sour distillate to ultra-low sulfur diesel (ULSD). As with the previous agenda item, while it is up to \$2,500 per employee (roughly 1,500+ employees) on savings on the sales tax, it does not impact or affect the city's portion of the sales tax. Should the previous application and this application be approved, it will still allow for 3 credits for future nominations through November of 2021. There are no foreseeable projects, so the three credits should be sufficient. Typically, we do not do more than one credit in a biennium period that we are allowed to use the 6 credits. See the attachment for the more detailed information on the description of the Enterprise Fund authority, types of credits, funding, etc.

**ANALYSIS**

**FISCAL IMPACT:**

This incentive is a rebate of the State's portion of the sales tax and does not affect the City in anyway.

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Resolution

Attachment

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## **RESOLUTION NO. 20-043**

### **A RESOLUTION AFFIRMING THE CITY'S SUPPORT OF MARATHON PETROLEUM COMPANY LP'S TEXAS ENTERPRISE ZONE PROJECT APPLICATION TO THE STATE OF TEXAS; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the City of Texas City has previously passed Ordinance No. 04-42, as amended by Ordinance No. 13-13, electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 04-42, as amended by Ordinance No. 13-13; and

**WHEREAS**, the Office of the Governor Economic Development and Tourism (EDT) through the Economic Development Bank (Bank) will consider Marathon Petroleum Company LP as a concurrent enterprise project pursuant to a nomination and an application made by the City; and

**WHEREAS**, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Marathon Petroleum Company LP has applied to the City for designation as a concurrent enterprise project;

**WHEREAS**, the City finds that Marathon Petroleum Company LP meets the criteria for designation as a concurrent enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Marathon Petroleum Company LP is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new permanent jobs will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Marathon Petroleum Company LP as a concurrent enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**WHEREAS**, the City finds that Marathon Petroleum Company LP meets the criteria for tax relief and other incentives adopted by the City and nominates Marathon Petroleum Company LP for concurrent enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

**WHEREAS**, the City finds it is in the best interest of the City to nominate Marathon Petroleum Company LP as a concurrent enterprise project pursuant to the Act.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the findings of the City and its actions approving this resolution taken at the commission meeting are hereby approved and adopted.

**SECTION 2:** That Marathon Petroleum Company LP is a “qualified business”, as defined in Section 2303.402 of the Act, and meets the criteria for designation as a concurrent enterprise project, as set forth in Section 2303, Subchapter F of the Act.

**SECTION 3:** That the concurrent enterprise project shall take effect on the date of designation of the enterprise project by the Office of the Governor Economic Development and Tourism and terminate five years after that date.

**PASSED AND ADOPTED this 20th day of May 2020.**

\_\_\_\_\_  
Matthew T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicholas J. Finan  
City Secretary

\_\_\_\_\_  
Kyle L. Dickson  
City Attorney

**MEETING DATE:** May 20, 2020

**SUBMITTED BY:** Nick Finan, Director of Management Services

**DEPARTMENT:**

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**Information**

**ACTION REQUEST (Brief Summary)**

**A RESOLUTION AFFIRMING THE CITY’S SUPPORT OF MARATHON PETROLEUM COMPANY LP (“MARATHON”) CONCURRENT TEXAS ENTERPRISE ZONE PROJECT APPLICATION TO THE STATE OF TEXAS; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

**BACKGROUND AND FINDINGS:**

Under State Law, the Office of the Governor – Economic Development and Tourism Division through the Texas Economic Development Bank administers the Texas Enterprise Zone (TEZ) Program. According to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, the purpose of the program is to encourage job creation and retention and capital investment in areas of economic distress.

The program allows a refund of \$2,500 for each job created or retained. If investment levels and job creation commitments are adequate, the local nominating governing body may nominate a project as a Double or Triple Jumbo Project designation, increasing the value per job created to \$5,000 or \$7,500, respectively. However, as a result of legislative changes made to the Program in 2015, Double Jumbo and Triple Jumbo project designations are reserved for job creation projects only (i.e. benefit can only be realized for net new job creation).

State Law allows each participating community with a population less than 250,000 to nominate up to six (6) projects per biennium and communities with a population more than 250,000 to nominate up to nine (9) projects per biennium. Since the City of Texas City’s population is less than the 250,000 threshold, up to six (6) projects can receive designation from the City per biennium. In the current biennium, the City has nominated one business for project designation. This nomination will use one of the City’s five (5) remaining nominations of local businesses.

Marathon currently owns and operates the Galveston Bay Refinery in Texas City, Texas located at 2401 Fifth Avenue South, off the entrance to the Houston Ship Channel. The refinery has a crude oil refining capacity of 585,000 barrels per calendar day (bpcd) and can process a wide variety of crude oils into gasoline, distillates, aromatics, heavy fuel oil, dry gas, fuel-grade coke, refinery-grade propylene, chemical-grade propylene and sulfur. Products are distributed via pipeline, barge, transport truck, rail and ocean tanker. Over the last five years, Marathon has invested over \$500 million at its Galveston Bay Refinery, and over the next five years, Marathon anticipates investing in excess of \$500 million at its Galveston Bay Refinery on a distillate hydrotreater project, which will upgrade sour distillate to ultra-low sulfur diesel (ULSD).

As of January 24, 2020, Marathon employed 1,574 employees at its Galveston Bay Refinery in Texas City and expects to maintain and retain its existing level of employment for benefit under the Texas Enterprise Zone Program. These jobs meet the definition of a “retained job” in Texas Government Code § 2303.401(2) because they currently exist, provide and will continue to provide at least 1,820 hours of employment annually, and will be employment positions for the longer of the duration of the project’s designation period or three years after the expiration date of the claim period for receipt of state benefit.

If awarded a concurrent Single Enterprise Project designation by the State, Marathon would then qualify to apply for a \$2,500 per qualified job refund in state sales and use tax refunds for purchases made for exclusive use at the Galveston Bay refinery in return for investing capital in the state and committing to retain jobs. Due to the significant planned investment, Marathon will meet the capital investment and job retention requirements for concurrent enterprise project designations over the next five years, and per Texas Administrative Code § 176.1(8), an entity is eligible to apply for and receive two enterprise project designations for the same qualified business at the same qualified business site for separate projects or activities, with overlapping designation periods. There is no fiscal impact to the City of Texas City as a result of nominating Marathon as an Enterprise Project, and in no way is the City of Texas City committing any of its local taxes for refunds as part of the enterprise project designation. Should this concurrent project be awarded a designation from the Governor’s Office, the City of Texas City would have three remaining nominations available for the FY2020-2021 biennium.

**FISCAL IMPACT:**

This incentive is a rebate of the State’s portion of the sales tax and does not affect the City in anyway.

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**Attachments**

Res No. \_\_\_\_\_

**CITY COMMISSION REGULAR MTG**

**(8) (a)**

**Meeting Date:** 05/20/2020

Amend fiscal year 2019-2020 budget

**Submitted For:** Laura Boyd, Finance

**Submitted By:** Laura Boyd, Finance

**Department:** Finance

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**Information**

**ACTION REQUEST (Brief Summary)**

Consider and take action on Ordinance No. XX-XX, amending the City's fiscal year 2019-2020 budget to appropriate additional funds for Texas City Economic Development Corporation's business stimulus and retention grant.

**BACKGROUND**

On April 15, 2020, City Commission approved Ordinance No. 20-17, funding \$845,000 for the stimulus grant. At their May 13, 2020 meeting, TCEDC board approved an additional \$20,200 for this grant. This brings the total grant funding to \$865,200.

**ANALYSIS**

Budget Amendment:

**Texas City Economic Development Corporation (Fund 801):**

Grants	\$20,200.00
Unassigned Fund Balance	(\$20,200.00)

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Ordinance

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**ORDINANCE NO. 20-17**

**AN ORDINANCE AMENDING ORDINANCE NO. 19-27 ADOPTING THE 2019-2020 FISCAL YEAR BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR THE TEXAS CITY ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS STIMULUS AND RETENTION GRANT; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, by Ordinance No. 19-27, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2019-2020; and

**WHEREAS**, a budget amendment is needed to appropriate additional funds for the Texas City Economic Development Corporation's (TCEDC) Business Stimulus and Retention Grant; and

**WHEREAS**, the TCEDC Board of Directors met on March 31, 2020, to discuss the creation of a business stimulus grant; and

**WHEREAS**, the amount of grant funds available to small businesses (under 50 employees) in Texas City, could range from \$1,500.00 to \$25,000.00.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2:** That the budget for Fiscal Year 2019-2020 of the City of Texas City, Texas, is hereby amended as follows:

**Texas City Economic Development Corporation (Fund 801):**

Grants	\$20,200.00
Unassigned Fund Balance	(\$20,200.00)

**SECTION 3:** That the chief executive officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk.

**SECTION 4:** That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

**SECTION 5:** That this Ordinance shall be finally passed and adopted on the date of its

introduction and shall become effective from and after its passage and adoption.

**PASSED AND ADOPTED this 20th day of May 2020.**

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Philp H. Robert, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

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Nicholas J. Finan  
City Secretary

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Kyle L. Dickson  
City Attorney

**CITY COMMISSION REGULAR MTG**

**(8) (b)**

**Meeting Date:** 05/20/2020

Amend fiscal year 2019-20 budget

**Submitted For:** Laura Boyd, Finance

**Submitted By:** Laura Boyd, Finance

**Department:** Finance

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**Information**

**ACTION REQUEST (Brief Summary)**

Consider approval of a request to amend the City of Texas City's fiscal year 2019-20 budget.

**BACKGROUND**

A budget amendment is needed to appropriate additional funds for the City's purchase of the building and property at 7800 Emmett F. Lowry Expressway, also known as The Galveston Daily News building.

City personnel from Public Works, Engineering and Planning, and Inspections departments will be moved from their current locations to this building.

**ANALYSIS**

Budget amendment:

**General Fund (Fund 101):**

Procurement of Property \$1,500,000.00

Unassigned Fund Balance (\$1,500,000.00)

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**CITY COMMISSION REGULAR MTG**

**Ord 14-03**

**Meeting Date:** 05/20/2020

Consider approval of a request to amend the City of Texas City's fiscal year 2019-20 budget.

**Submitted For:** Laura Boyd, Finance

**Submitted By:** Laura Boyd, Finance

**Department:** Finance

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**Information**

**ACTION REQUEST (Brief Summary)**

Consider approval of a request to amend the City of Texas City's fiscal year 2019-20 budget.

**BACKGROUND**

Texas City Economic Development Corporation (TCEDC), in their May 13, 2020 meeting, approved funding of underground electrical and street lighting work at Magnolia Avenue.

See attached documentation.

**ANALYSIS**

Budget Amendment:

**Texas City Economic Development Corporation (Fund 801):**

Business Incentive Expenses \$235,000.00

Unassigned Fund Balance (\$235,000.00)

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Underground electric

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# Memo

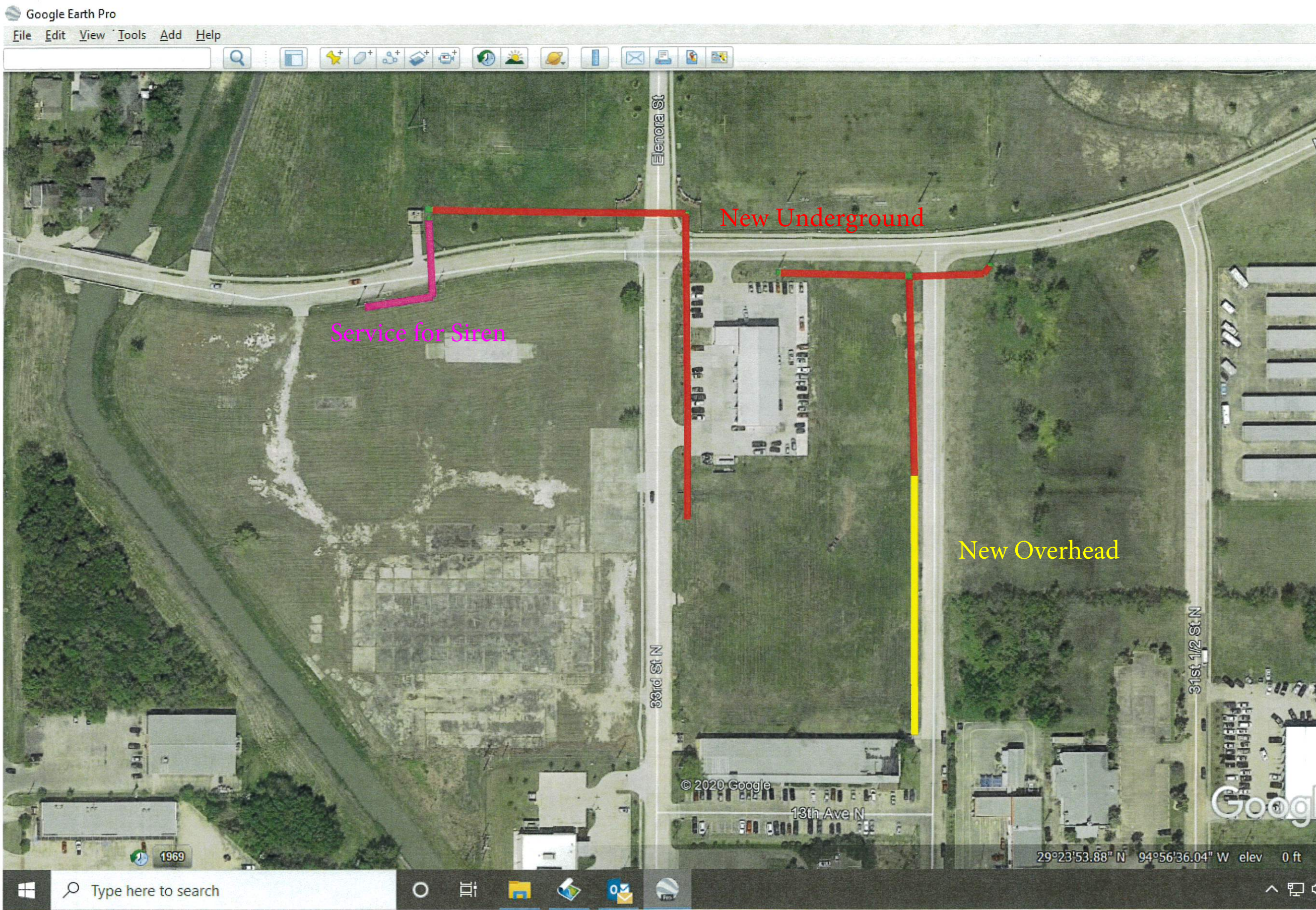
**To:** Texas City EDC  
**From:** Doug Kneupper, City Engineer   
**CC:**  
**Date:** April 29, 2020  
**Re:** Underground Electric along Magnolia Avenue

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Currently, there is an opportunity to work with TNMP and AT&T to convert existing overhead facilities to underground. The benefits of this undertaking are to improve the aesthetics around the Carlos Garza Sports Complex, the new CONNECT Transit Park & Ride, and for future business investments along Magnolia Avenue.

TNMP and City staff have been coordinating the details of this project. The attached exhibit shows the relative extent of the project. All underground conduits are required to be placed in a separate electric utility easement. The survey work and acquisition of the individual parcels is underway. AT&T's effort associated with this project is significantly less than TNMP's, so I haven't shown any AT&T facilities on the exhibit.

Taking into consideration all the individual pieces: 1) TNMP's and AT&T's work, 2) the City acquiring and installing all the conduit, 3) hiring an electrician to re-configure the electrical service for the lift station and the emergency siren, and 4) hiring a surveyor for the easements; the total project cost is estimated to be \$235,000.



TNMP - \$186,000

Sewer Dept (conduit, road bores, vaults) - \$25,000

Crescent Elec (new service for lift station and emergency siren) - \$20,000

AT&T (remove telecom line) - \$2,500

33rd St



Google Earth

© 2020 Google

8.52 ft



# Magnolia Ave east



Google Earth

© 2020 Google

7.64 ft

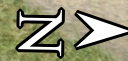


# Magnolia Ave West



Google Earth

© 2020 Google



8.14 ft

**CITY COMMISSION REGULAR MTG**

**(8) (d)**

**Meeting Date:** 05/20/2020

Amend fiscal year 2019-20 budget

**Submitted For:** Laura Boyd, Finance

**Submitted By:** Laura Boyd, Finance

**Department:** Finance

**Information**

**ACTION REQUEST (Brief Summary)**

Consider approval of a request to amend the City of Texas City's fiscal year 2019-20 budget.

**BACKGROUND**

A budget amendment is needed to appropriate funds for landscaping project along Amburn Road from Emmett Lowry Expwy. to Hwy. 3. See the email from Dennis J. Harris below.

From Dennis J. Harris, Director of Recreation & Tourism:

I am requesting that a budget amendment be placed on May 20, 2020 City Commission Agenda **in the amount of \$448,217**, for the commissioners consideration and approval. The purpose will be to continue the landscaping project on Amburn Road at Emmett Lowry freeway (FM 1764) to Hwy 3. This project will partially be funded by Castle Rock Developers with a commitment of \$350,000, currently to date they have paid \$175,000 with the balance to be paid in the near future.

I am requesting the funding to support the development and installation of landscaping, electrical installation and purchasing of Black antique double lights with poles. This landscaping project will be consistent with the landscaping that was done in front of COM.

Below is a breakdown of the different components of the project:

- Plant material/irrigation \$227,466
- Electrical installation cost \$169,000
- Black Antique double lights w/poles \$197,074

Total \$593,540

Contingency 5% \$29,677

Grand Total \$623,217

-\$175,000 (have been received for

half of their participation)

**Net Requested \$448,217**

Should you have any questions, please let me know.

Thanks

Dennis

Dennis J. Harris, Director  
City of Texas City  
Parks, Recreation & Tourism Department  
Office: (409) 949-3030

**ANALYSIS**

Budget amendment:

**General Fund (Fund 101):**

Land & Building Improvements	\$448,217.00
Unassigned Fund Balance	(\$448,217.00)

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

**Attachments**

Ordinance

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**ORDINANCE NO. 20-22**

**AN ORDINANCE AMENDING ORDINANCE NO. 19-27 ADOPTING THE 2019-2020 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS FOR LANDSCAPING PROJECTS ALONG AMBURN ROAD AND EMMETT F. LOWRY EXPRESSWAY TO HIGHWAY 3; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, by Ordinance No. 19-27, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2019-2020; and

**WHEREAS**, a budget amendment is needed to appropriate funds for a landscaping project along Amburn Road and Emmett F. Lowry to Highway 3.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2:** That the budget for Fiscal Year 2019-2020 of the City of Texas City, Texas, is hereby amended as follows:

**General Fund (Fund 101)**

Land & Building Improvements	\$448,217.00
Unassigned Fund Balance	(\$448,217.00)

**SECTION 3:** That the chief executive officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk.

**SECTION 4:** That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

**SECTION 5:** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

**PASSED AND ADOPTED this 20th day of May 2020.**

---

Philip H. Roberts, Mayor Pro Tem  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

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Nicholas J. Finan  
City Secretary

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Kyle L. Dickson  
City Attorney