



CITY OF BAYTOWN

NOTICE OF MEETING

**CITY COUNCIL REGULAR MEETING
THURSDAY, AUGUST 11, 2022
6:30 P.M.
COUNCIL CHAMBER, CITY HALL
2401 MARKET STREET, BAYTOWN, TEXAS 77520**

For those members of the public that cannot or do not wish to be physically present at the meeting, they will be able to participate through two-way communications. For video conferencing, use the following website: www.zoom.com, click on "join a meeting" on the top right-hand corner, and input the following Meeting ID: 848 6244 6011. For telephone conferencing, please use the following toll-free number: 1-888-788-0099, Meeting ID: 848 6244 6011. The meeting can also be viewed on the local Baytown Channel 16, which can be accessed at: <https://baytown.org/1/home>.

Any person, who is participating through video/teleconferencing and is interested in speaking on any item on the agenda, must submit his/her request via email to the City Clerk at cityclerk@baytown.org. The request must include the speaker's name, address, and phone number that will be used if teleconferencing as well as the agenda item number. The request must be received prior to the posted time of the meeting.

The agenda packet is accessible to the public in both HTML and PDF formats at the following link:
[Agenda Packet](#)

For more information or questions concerning the teleconference, please contact the City Clerk's Office at (281) 420-6504.

AGENDA

CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

PLEDGE AND INVOCATION

Council Member Mike Lester, District No. Six

1. MINUTES

- a. Consider approving the minutes of the City Council Regular Meeting held on July 14, 2022.
- b. Consider approving the minutes of the City Council Special Meeting held on July 14, 2022.

2. **PROPOSED REZONING OF APPROXIMATELY 13.26 ACRES LOCATED GENERALLY SOUTH OF EAST ARCHER RD AND WEST OF BARKULOO**

- a. Conduct a public hearing concerning a request to amend the official zoning map to rezone approximately 13.26 acres located generally south of East Archer Road and directly west of and with frontage on, Barkuloo Road from Open Space/Recreation (OR) to Low Density Single-Family Residential Dwellings (SF1).
- b. Consider an ordinance concerning a request to amend the official zoning map to rezone approximately 13.26 acres located generally south of East Archer Road and directly west of and with frontage on, Barkuloo Road from Open Space/Recreation (OR) to Low Density Single-Family Residential Dwellings (SF1).

3. **CITY OF BAYTOWN GENERAL ELECTION**

- a. Consider an ordinance authorizing the City Manager to negotiate and execute a Joint Election Agreement with Harris County for the Municipal Election to be held on November 8, 2022.

4. **SPECIAL DISTRICT BUDGETS FISCAL YEAR 2022-23**

- a. Conduct a public hearing on the Baytown Crime Control and Prevention District Fiscal Year 2022-23 Proposed Budget.
- b. Conduct a public hearing on the Baytown Fire Control, Prevention, and Emergency Medical Services District Fiscal Year 2022-23 Proposed Budget.

5. **PROPOSED ORDINANCES**

- a. Consider an ordinance awarding the Annual Residential Solid Waste Collection, Disposal, and Recycling Services Contract for the City of Baytown to Best Trash, LLC.

6. **DISCUSSIONS**

- a. Receive and discuss a presentation for the City of Baytown's new mobile app.

7. **CONSENT**

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- a. Consider an ordinance authorizing Change Order No. 4 for the Citizens Bank Renovation Project.

- b. Consider an ordinance authorizing Change Order No. 2 for West District Wastewater Treatment Plant Second Feed Project.
- c. Consider an ordinance authorizing the purchase of bypass pumping services from Xylem Dewatering Solutions Inc., for emergency bypassing within City's wastewater system.
- d. Consider an ordinance authorizing payment to Goose Creek Consolidated Independent School District for ad valorem tax assessment and collection services.
- e. Consider an ordinance renewing the Annual Mowing, Edging and Trimming Services Contract with NeoGlobal Enterprises, LLC dba Horticare Landscape Management.
- f. Consider an ordinance authorizing a Meet and Confer Agreement with the Baytown Municipal Police Association, Inc.
- g. Consider an ordinance authorizing the annual renewal of Central Square (aka Superion) software.
- h. Consider and Ordinance authorizing the First Amendment to the Declaration of Covenants, Conditions and Restrictions for Gateway 10 Business Park.
- i. Consider a resolution granting consent to the creation of the Harris County Municipal Utility District No. 555 over certain property within the extraterritorial jurisdiction of the City of Baytown, Texas

8. MANAGER'S REPORT

Notice is hereby given in accordance with Section 551.0415 of the Texas Government Code, the City Council of the City of Baytown may receive a report about items of community interest from City staff and/or a member of the City Council, but no action or possible action shall be taken or discussed concerning the subject of such report, except as provided by Section 551.042 of the Texas Government Code.

9. COUNCIL MEMBER DISTRICT REPORT

- a. Receive a report from Council Member Mike Lester regarding District No. Six projects and programs.

10. ADJOURN

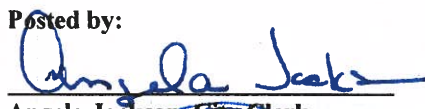
PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.090 TO DISCUSS ANY OF THE MATTERS LISTED ABOVE.

THE CITY OF BAYTOWN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 281-420-6522, FAX 281-420-6586, OR CONTACT 281-420-6522 VIA RELAY TEXAS AT 711 OR 1-800-735-2988 FOR TTY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM)

Approved for posting:


Rick Davis, City Manager

Posted by:


Angela Jackson, City Clerk

Posted this 5th day of August 2022 at 5:00 P.M.





CITY COUNCIL MEETING

1. a.

Meeting Date: 08/11/2022

Subject: July 14, 2022, City Council Regular Meeting Minutes

Prepared for: Angela Jackson, City Clerk's Office

Prepared by: Raquel Martinez, City Clerk's Office

Department: City Clerk's Office

Information

ITEM

Consider approving the minutes of the City Council Regular Meeting held on July 14, 2022.

PREFACE

This item allows the City Council to review and approve the minutes of the City Council Regular Meeting held on July 14, 2022.

Attachments

July 14, 2022, CC Draft Minutes

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

July 14, 2022

The City Council of the City of Baytown, Texas, met in a Regular Meeting on Thursday, July 14, 2022, at 6:34 P.M. in the Council Chamber of the Baytown City Hall, 2401 Market Street, Baytown, Texas with the following in attendance:

Laura Alvarado	Council Member
Chris Presley	Council Member
Charles Johnson	Mayor Pro Tem
Heather Betancourth	Council Member
Jacob Powell	Council Member
Mike Lester	Council Member
Brandon Capetillo	Mayor
Rick Davis	City Manager
Scott Lemond	City Attorney
Angela Jackson	City Clerk
John Stringer	Sergeant at Arms

Mayor Capetillo convened the July 14, 2022, City Council Regular Meeting with a quorum present at 6:34 P.M., all members were present.

The Pledge of Allegiance, Texas Pledge, and Invocation were led by Council Member Laura Alvarado.

1. MINUTES

a. Consider approving the minutes of the City Council Work Session and Regular Meeting held on June 9, 2022.

A motion was made by Council Member Laura Alvarado and seconded by Council Member Jacob Powell to approve the minutes of the City Council Work Session and Regular Meeting held on June 9, 2022, as submitted. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

2. RECOGNITIONS AND CITIZEN COMMUNICATIONS

a. Recognition of Mr. Daniel "BeBe" Garcia for lifetime accomplishment regarding the most successful fast pitch team in the state.

Mayor Capetillo opened the item introducing Mr. Daniel "BeBe" Garcia and his work in coaching the Baytown Hawks. The Baytown Hawks were a Latin American fastpitch softball team that originated in Baytown. Before the formal recognition, Mayor Capetillo announced there were two individuals that had signed up to speak on the item.

Former Council Member Mario Delgado of District 1, after a few introductions, spoke on his district and its deep roots in baseball. Mr. Delgado relayed the legacy Mr. Garcia and his father set, such as establishing a renowned softball tournament in Houston called the State Latin American Tournament. Mr. Garcia, as his father, organized local neighborhood kids into five-time state champions over a period of ten years. Many of those former players were present in the audience that night to applaud Mr. Garcia's recognition by the City of Baytown. Mr. Delgado expressed his appreciation and profusely thanked Mr. Garcia.

Mr. Luis Rodriguez, the second citizen speaker, had no further comments.

Mayor Capetillo proceeded to recite whereas in 1957, Coach Daniel "Bebe" Garcia started the Baytown Hawks Athletic Club and over the past 65 years led the team to great success with twelve Latin American State Championships and two ISC World Tournament appearances. The Baytown Hawks were the first team to host the ISC Regional Tournament and were the first Hispanic team to compete in the Houston Mayor City Fastpitch Softball League. In 1994, Mr. Garcia was inducted in to the Amateur Softball Association Hall of Fame and in 1996 was inducted in to the Latin American Hall of Fame. Therefore, Mayor Capetillo recognized Mr. Garcia who then gave a few words extending his appreciation to the Mayor and everyone present.

3. PROPOSED SPECIAL USE PERMIT AT 3404 AND 3406 WISCONSIN STREET

a. Conduct a public hearing for a Special Use Permit (SUP) for the reconstruction and expansion of a non-conforming use and homeless shelter located at 3404 and 3406 Wisconsin Street, on approximately 0.25 acres of land, zoned Mixed Residential at Low to Medium Densities (SF2).

At 6:48 P.M., Mayor Capetillo opened the public hearing for a Special Use Permit (SUP) for the reconstruction and expansion of a non-conforming use and homeless shelter located at 3404 and 3406 Wisconsin Street, on approximately 0.25 acres of land, zoned Mixed Residential at Low to Medium Densities (SF2).

Planning and Development Assistant Director Chris Chavis summarized the subject matter of the hearing and noted the item before Council was a reconstruction of an existing homeless shelter located in Old Baytown, or also known as the Historic West End. The property was approximately 0.25 acres and currently developed. Mr. Chavis displayed images of that development as well as a site plan of what the applicant was proposing to reconstruct. The applicant wished to demolish the

entire site, combine the two lots, and rebuild the homeless shelter's men's dorm and administration building. Mr. Chavis explained the applicant wanted to swap the location of those two structures. With the proposal, the applicant also sought to build a common building to support laundry and a common kitchen facility. Currently, there was a large facility located on the Minnesota side of the street where the family services were held. The individual men's and women's dorms as well as the administration building were held off of Wisconsin Street.

Mr. Chavis additionally displayed images of the interior of the proposed construction and noted City staff believed the proposal would improve the area. The structures on the site were from 1930, so it was aging and becoming harder to maintain. The new construction, however, was proposed to be of residential character. Mr. Chavis relayed staff recommended approval with two conditions: 1) that it met the compatibility standards for residential development, and 2) that it was in conformance with the site plan presented before Council.

As that concluded staff's summary, Mayor Capetillo noted three individuals signed up to speak.

Mr. Bill Eckert, Executive Director of the Bay Area Homeless Services, proceeded to introduce himself and his organization. Mr. Eckert explained both of the original properties were designed as single-family homes and already more than fifty years old when his organization purchased them. In the next forty years, the Bay Area Homeless Services built a women's shelter on the 3406 property, demolished a dilapidated garage apartment on the 3404 Wisconsin property, and built the homeless family center on the Minnesota side of their campus. The 3404 Wisconsin property was used as their men's shelter, while their 3406 Wisconsin property was used as their administrative office.

Mr. Eckert further shared their shelter's analytics and current services. For the past five years, the organization's board of directors planned to update the campus on the Wisconsin side. During those years, Mr. Eckert noted they had added expensive expenditures in an effort to make the buildings last. The buildings were now well past their functioning use and maintenance expenses were fiscally irresponsible for their organization. Mr. Eckert believed the plan presented to Council brought value to the community and allowed their agency to provide the best level of services to their residents. With that, Mr. Eckert requested Council to approve the plan.

Next, Mr. Paul Bonnette from PGAL Architects spoke to Council. Since the end of last year, PGAL Architects assisted the Bay Area Homeless Services with architectural services and would continue to do so in their development. Mr. Bonnette assured Council the development would meet the residential look and aesthetic of the neighborhood. As Mr. Eckert had explained the services they provided, Mr. Bonnette added PGAL Architects wished to help them help the community as well.

Lastly, Ms. Pete Lester, Director of the Bay Area Homeless Services, spoke on the item and wished for Council to know that the plan was something they had worked on for a long time. It was not a want, but a need as their organization could not maintain those buildings anymore. She assured the structures proposed to be built would conform to the community. Ms. Lester shared Mr. Bonnette had designed wonderful buildings that would blend in with the homes on the street of Wisconsin. The plan had been in place for two years and was presented to the board two years ago. Ms. Lester relayed the Directors of the Bay Area Homeless Services were in full support.

With there being no further questions from Council, Mayor Capetillo closed the public hearing at 6:57 P.M., for a Special Use Permit (SUP) for the reconstruction and expansion of a non-conforming use and homeless shelter located at 3404 and 3406 Wisconsin Street, on approximately 0.25 acres of land, zoned Mixed Residential at Low to Medium Densities (SF2).

b. Consider an ordinance authorizing a request for a Special Use Permit (SUP) for the reconstruction and expansion of a non-conforming use, located at 3404 and 3406 Wisconsin Street, on approximately 0.25 acres of land, zoned Mixed Residential at Low to Medium Densities (SF2).

Planning and Development Assistant Director Chris Chavis wished to add to the item that it had been reviewed by the Planning and Zoning Commission, whom recommended approval.

A motion was made by Council Member Laura Alvarado and seconded by Council Member Chris Presley to approve Ordinance No. 15,130, related to Item 3.b. However, there was discussion prior to the vote.

Council Member Alvarado commented Mr. Bill Eckert, a citizen speaker from the previous item, had been invited to talk to the West Baytown Civic Association as the Bay Area Homeless Services buildings were within their neighborhood. Council Member Alvarado shared that the neighborhood was supportive. In fact, the organization was invited to be a continued partner of the association, as they were neighbors. The association expressed they were happy the buildings would blend into their neighborhood. Council Member Alvarado thanked Mr. Eckert for speaking with the association.

On a final note, Mayor Capetillo encouraged everyone to tour the facilities and offered good words on the Bay Area Homeless Services' behalf. While the organization had done a remarkable job with the resources they had, Mayor Capetillo believed the buildings did need to be updated.

The vote for the motion on the table was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

ORDINANCE NO. 15,130

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, GRANTING A SPECIAL USE PERMIT (SUP) FOR THE RECONSTRUCTION AND EXPANSION OF A NON-CONFORMING USE, LOCATED AT 3404 AND 3406 WISCONSIN STREET, ON APPROXIMATELY 0.25 ACRES OF LAND, ZONED MIXED RESIDENTIAL

AT LOW TO MEDIUM DENSITIES (SF2); AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST TO SUCH PERMIT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

4. PROPOSED REZONING AT 715 ALAMO STREET FROM GC TO SF2

a. Conduct a public hearing concerning a request to amend the official zoning map to rezone approximately 5.26 acres of land located at 715 Alamo Street from a General Commercial (GC) district to a Mixed Residential at Low to a Medium Densities (SF2) zoning district.

At 7:00 P.M., Mayor Capetillo opened the public hearing concerning a request to amend the official zoning map to rezone approximately 5.26 acres of land located at 715 Alamo Street from a General Commercial (GC) district to a Mixed Residential at Low to a Medium Densities (SF2) zoning district.

Planning and Development Director Martin Scribner summarized the subject matter of the hearing for Council, and noted the property in question had a request for a rezone from GC to SF2 to build about twenty-five single family detached homes. Also, the planned lot sizes would be 5,400 square feet. Considering the location and surrounding existing uses, staff did support the rezone request. The item went before the Planning and Zoning Commission in June with no objections; therefore, Mr. Scribner relayed the Commission recommended Council's approval of the request.

With there being no one signed up to speak regarding the item, Mayor Capetillo closed the public hearing at 7:01 P.M., concerning a request to amend the official zoning map to rezone approximately 5.26 acres of land located at 715 Alamo Street from a General Commercial (GC) district to a Mixed Residential at Low to a Medium Densities (SF2) zoning district.

b. Consider an ordinance concerning a request to amend the official zoning map to rezone approximately 5.26 acres of land located at 715 Alamo Street from a General Commercial (GC) district to a Mixed Residential at Low to Medium Densities (SF2) zoning district.

A motion was made by Council Member Heather Betancourth and seconded by Council Member Jacob Powell to approve Ordinance No. 15,131, related to Item 4.b. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

ORDINANCE NO. 15,131

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BAYTOWN TO REZONE APPROXIMATELY 5.26 ACRES LOCATED AT 715 ALAMO STREET, LEGALLY DESCRIBED AS PARCEL G IN THE SAN JACINTO CROSSING SUBDIVISION, BAYTOWN, HARRIS COUNTY, TEXAS, FROM A GENERAL COMMERCIAL (GC) ZONING DISTRICT TO A MIXED RESIDENTIAL AT LOW TO MEDIUM DENSITIES (SF2) ZONING DISTRICT; PRESCRIBING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

5. PROPOSED ANNEXATION OF APPROXIMATELY 62.02 ACRES GENERALLY LOCATED EAST OF N MAIN STREET BETWEEN EAST WALLISVILLE ROAD AND FM 1942

a. Conduct the first public hearing regarding the proposed annexation of approximately 62.02 acres generally located east of North Main Street between East Wallisville Road and FM 1942.

At 7:02 P.M., Mayor Capetillo opened the public hearing regarding the proposed annexation of approximately 62.02 acres generally located east of North Main Street between East Wallisville Road and FM 1942.

Planning and Development Director Martin Scribner summarized the subject matter of the hearing and noted the property was requested to be annexed by Castle Rock Communities to add more single-family detached homes to the Bay Creek subdivision. Mr. Scriber imparted the subdivision consisted of seventy-one acres that were annexed and zoned to Mixed Residential at Low to a Medium Densities (SF2) a year ago. He indicated that Castle Rock Communities were currently undergoing the rezoning process for that property, as well, which would be completed around the same time the annexation would be finalized. As the Mayor mentioned, the item was the first public hearing in the property's annexation process; thus, Council would see the item several more times before it was finalized.

With there being no questions nor comments from Council, and no one had signed to speak regarding the item, Mayor Capetillo closed the public hearing at 7:03 P.M., regarding the proposed annexation of approximately 62.02 acres generally located east of North Main Street between East Wallisville Road and FM 1942.

b. Consider an ordinance authorizing a Service Agreement with Castlerock Communities, LLC, concerning approximately 62.02 acres of land located generally east of North Main Street between East Wallisville Road and FM 1942.

Council Member Betancourth requested a description of the agreement itself. Planning and Development Director Martin Scribner responded that it was a standard Service Agreement that mirrored what was already agreed upon on the southern part of that same development.

A motion was made by Council Member Heather Betancourth and seconded by Mayor Pro Tem Charles Johnson to approve Ordinance No. 15,132, related to Item 5.b. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

ORDINANCE NO. 15,132

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH CASTLEROCK COMMUNITIES, LLC, CONCERNING APPROXIMATELY 62.02 ACRES OF LAND SITUATED IN THE GEORGE ELLIS LEAGUE, A-21, HARRIS COUNTY, TEXAS, LOCATED GENERALLY EAST OF NORTH MAIN STREET BETWEEN EAST WALLISVILLE ROAD AND FM 1942, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

6. PROPOSED TEXT AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE FOR MIXED-USE ZONING DISTRICT

a. Conduct a public hearing concerning the proposed text amendments to the Unified Land Development Code regarding the Mixed-Use Zoning District.

At 7:04 P.M., Mayor Capetillo opened the public hearing concerning the proposed text amendments to the Unified Land Development Code regarding the Mixed-Use Zoning District.

Planning and Development Assistant Director Chris Chavis summarized the subject matter of the hearing for Council, and noted the City was attempting to use the Mixed-Use Zoning District to balance the area out. Currently, the area was operating as a Commercial Zoning District. Mr. Chavis conveyed staff hoped to introduce some residential components to give that area some balance and so that it could meet up to its Mixed-Use Zoning name.

Council Member Presley requested the specifics of the residential components. Mr. Chavis replied staff was looking at duplexes, single-family attached units, and a mixed-use building. At that time, the Mixed-Use Zoning District did not accommodate any of those that he mentioned. Staff hoped to introduce that into the district because of development interests, particularly in the duplex model. The district was located with small lots, so people did not want to place single-families

there because the lots were on streets like Pruett, West Main, etc., and looked more towards a denser product, and the item before Council was the City's ability to accommodate that.

City Attorney Scott Lemond pointed out there was a red-lined copy of the ordinance before Council. Mr. Lemond assured there were no substantive changes to the original copy provided, but staff did wordsmith the ordinance a bit. Staff wanted to be more consistent with the language used in the code.

In regards to the term "mixed-used building," Council Member Powell requested clarification on whether staff was trying to better define what a mixed-use building was. Mr. Chavis confirmed so and explained the City had a definition, but it had not been assessed for the Mixed-Use Zoning District. Thus, staff wished to move it over to the Unified Land Development Code to include that.

Council Member Lester requested the definition of a mixed-use building. Mr. Chavis replied mixed-use buildings allowed for commercial and residential uses inside of one building. Whether vertical or horizontal, it was the developer's choice. In the older part of town, Council Member Presley noted there were instances of folks converting commercial properties into single-family residential properties. On the mixed-use building on the commercial use, he understood there was a minimum square footage—or it had to have a particular commercial use. Mr. Chavis confirmed for a mixed-use building, there would be a commercial occupancy for that particular structure.

With there being no one signed up to speak regarding the item, Mayor Capetillo closed the public hearing at 7:07 P.M., concerning the proposed text amendments to the Unified Land Development Code regarding the Mixed-Use Zoning District.

b. Consider an ordinance for the proposed text amendments to the Unified Land Development Code regarding the Mixed-Use Zoning District.

A motion was made by Mayor Pro Tem Charles Johnson and seconded by Council Member Chris Presley to approve Ordinance No. 15,133, related to Item 6.b. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

ORDINANCE NO. 15,133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING APPENDIX A "UNIFIED LAND DEVELOPMENT CODE," ARTICLE II "USE DISTRICTS," DIVISION 2 "ZONING DISTRICTS," SECTION 2.07 "DENSITY AND USE," TABLE 2-1 "NET DENSITY/ALLOWED USE" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS,

TO ADD A COLUMN FOR "UP TO 15, MU;" AMENDING APPENDIX A "UNIFIED LAND DEVELOPMENT CODE," ARTICLE II "USE DISTRICTS," DIVISION 3 "LAND USE TABLES AND CONDITIONS," SECTION 2.09 "LAND USE TABLES," TABLE 2-2 "NON-RESIDENTIAL USES" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS; AMENDING APPENDIX A "UNIFIED LAND DEVELOPMENT CODE," ARTICLE II "USE DISTRICTS," DIVISION 3 "LAND USE TABLES AND CONDITIONS," SECTION 2.09 "LAND USE TABLES," TABLE 2-4 "RESIDENTIAL USES" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS; AMENDING APPENDIX A "UNIFIED LAND DEVELOPMENT CODE," ARTICLE II "USE DISTRICTS," DIVISION 3 "LAND USE TABLES AND CONDITIONS," SECTION 2.10 "LAND USE CONDITIONS," ITEM I AND ITEM 14A, OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS; AND AMENDING APPENDIX A "UNIFIED LAND DEVELOPMENT CODE," ARTICLE III "DESIGN AND COMPATIBILITY STANDARDS," DIVISION 1 "PROPERTY DEVELOPMENT STANDARDS," TABLE 3-1 "PROPERTY DEVELOPMENT STANDARDS" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS; PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

7. BAYTOWN CRIME CONTROL AND PREVENTION DISTRICT BUDGET FOR FISCAL YEAR 2022-23

a. Receive the Fiscal Year 2022-23 Budget of the Baytown Crime Control and Prevention District.

Finance Director Victor Brownlees presented the item and reported to Council that the budget was approved by the Baytown Crime Control and Prevention District ("CCPD") on Tuesday, July 12th. Mr. Brownlees drew Council's attention to one change in the budget: the movement of staffing from the budget to the General Fund with a consequent transfer of equipment purchases from the General Fund to the CCPD. Mr. Brownlees stated there was a neutral effect on both funds.

Council Member Lester was pleased to hear that staff had moved personnel costs out of the CCPD budget and into the General Fund. Likewise, he liked placing the equipment purchases into the CCPD fund. He believed it was a long time coming and appreciated staff's efforts in making that happen.

8. DISCUSSIONS

a. Receive and discuss a presentation by Bird Scooters regarding bringing their scooter business to the City of Baytown.

Mayor Capetillo announced an individual, Mr. David Isaac, had signed up to speak on the item.

(Zoom) Mr. Isaac noted he utilized scooters often and wished to move Council to use proactive leadership when it came to the safety of citizens. He relayed citizens would like to use the scooters in the future, but it should be a part of the process to inform the public on being safe by using the right training and safety gear to ride the scooters. Other than that, Mr. Isaac was in favor of the item as it related to the economic development in their town.

Economic Development Manager Bret Gardella then introduced Mr. Mike Butler from Bird Scooters and his company. Bird Scooters had analyzed Baytown's market and believed that their transportation vehicle would work in the City.

Mr. Butler presented a PowerPoint presentation that began with further introductions of the company, Bird Scooters. One note made was that the scooters were not only for large cities, but smaller cities as well. Bird Scooters' services were all done through a phone application, of which Mr. Butler listed the steps. In regards to pricing, unlocking a vehicle would cost \$1 in addition to a per-minute fee. However, discount programs would be available for veterans, senior citizens, and healthcare workers.

Moreover, Mr. Butler relayed there was a lot of programming and input done by the City beforehand, and Bird Scooters would work with the City to designate certain areas, or zones, to throttle down speeds. For example, if a vehicle entered a certain zone, it would slow down. If there were certain locations where the City did not want any vehicle activity, there would be an invisible fence where the vehicle would slow down and the rider would be notified that they cannot ride beyond that point.

In regards to economic impact to the community, it was estimated that \$100 million was spent by Bird riders in mostly food and beverage spaces. Also, Bird Scooters paid out \$8.4 million on local business over the last few years that benefited from their program. Mr. Butler added his company had a localized Texas network when it came to operations. The network ran some of the solutions in the background and were not necessarily on-the-ground operations—that would be done by individuals or businesses living there. Bird Scooters would own the equipment, the relationship with the City, and the insurance policies. Their company also provided a data dashboard that included where residents were going. Mr. Butler suggested the information could influence future programs or city planning.

In conclusion of his presentation, Mr. Butler noted there was no cost to the program. The City would have access to a dedicated Account Manager from Bird Scooters to ensure the success of their program and data dashboard. The number of vehicles would depend on the local rider demand, and the launch was largely dependent on when an approval document would be executed. Bird Scooters recommended a twelve-month pilot be done via an Operating Agreement.

Council Member Betancourth commented she was familiar with the transportation method and was happy to see from Bird Scooters a process in place for pickup and clean-up. However, she noticed in other cities that process had not been effective and requested Mr. Butler to talk about that and how they plan to mitigate the issue. Mr. Butler could not speak for other companies, but Bird Scooters had operating procedures to mitigate that issue both proactive and relatively. For the proactive side, there were rebalancing efforts, which meant moving vehicles from one location to another. The reactive side was in terms of going out and responding to inquiries from the

community, or the City, about moving separate vehicles to park properly. Next, Mr. Butler addressed that there were no staffing issues as they only ran their business if they had staff in place.

Furthermore, Council Member Betancourth gave a hypothetical instance where the City would enter into an agreement and the scooters were then not picked up and did not meet the City's expectations. She asked what kind of recourse would the City have to get out of such agreement? Mr. Gardella communicated that would be the reason why the City would start with a pilot program. Although Bird Scooters recommended a twelve-month pilot program, he suggested it could be as short as six months. Also, a unique part about Bird Scooters was that their fleet manager would be someone local. Thus, an entrepreneurial type of job would be created in Baytown who would be responsible to and for the City. Mr. Gardella further assured Council that the scooters would work in Baytown.

Council Member Betancourth also wondered if there was a certain area in mind for the scooters. Mr. Gardella replied Bird Scooters had nailed down about two or three locations, but the City had not specified where it would like to see them. He made a note that someone, last summer, had tried scooters on Texas Avenue but it did not have the success level anticipated. Mr. Gardella reasoned there was COVID at the time and a different marketing level for their type of vehicle. On the other hand, Mr. Gardella believed Bird Scooters had a better marketing vehicle. In terms of locations, he perceived the Hotel Convention Center and bike trail system to be good locations as well as Texas Avenue. Northward, Mr. Gardella believed Garth Road would be challenging because of traffic and did not think the City should introduce that type of vehicle at that time. Alternatively, there were nice bike trails on San Jacinto Boulevard. Regardless, Mr. Gardella noted the City would have to have further conversations on that as the east and west side of the City would also want to have scooters. Council Member Alvarado added the library could be a possible location.

If the City were to come into an agreement, Mayor Capetillo questioned if they were allowing Bird Scooters to have only that type of amenity within the City. Mr. Gardella clarified the City was not signing an exclusive right for Bird Scooters to do that, and that Bird Scooters was the only large company that approached the City for such amenity. He believed it was a good analysis to find out if it would work in Baytown. As long as Bird Scooters were willing to work on a trial basis, he believed it would benefit the City to figure out if it did work. Mayor Capetillo asked a few follow-up questions that resulted to why the City needed an agreement. Mr. Gardella replied Bird Scooters would be using a lot of the City's right of ways and the vehicles might use city power depending on where they were docked. Also, with the City thinking about transportation on their trail system, Mr. Gardella wanted to make sure there were safety regulations so the City did not undertake a lot of liability in that respect.

Mr. Butler interjected to clarify their scooters did not have any "docking stations" nor was there any type of construction or power needed on the City's right of ways. He explained that meant they could move the deployment zones to whichever areas they saw fit. The reason Bird Scooters sought an agreement was to set those expectations with the City. The biggest factor, as Mr. Gardella mentioned, was that Bird Scooters would use city property in some fashion.

In closing, Mr. Gardella relayed staff would continue to work on the endeavor. As the City moved forward and obtained an agreement, the City Attorney would ratify that. Once ready to present, Mr. Gardella stated it would be put back on the agenda for Council's approval.

b. Discuss proposed agreement for bringing the Battleship Texas to the Bayland Marina.

Mayor Capetillo announced Mr. David Isaac had signed up to speak regarding this item.

(Zoom) Mr. David Isaac briefly discussed a bit about the island and deemed that the Battleship Texas would accommodate the area well. The Battleship would give a unique experience that residents had never seen before. Mr. Isaac asked Council to have an open ear and diligently work for the people that had been trying to bring the Battleship home to Baytown.

City Manager Rick Davis then spoke on the item stating the agreement was the product of using the model agreement the City of Corpus Christi utilized with the Lexington. It was a Lease and Participation Agreement with the objective to provide a framework by which the City could facilitate and participate in the permanent location of the Battleship Texas to Bayland Island. Mr. Davis presented a chart, via PowerPoint, that captured the feedback of Council with regard to what provisions were originally proposed by the Battleship Texas Foundation that the City would be willing to integrate into an agreement. In basic terms, the elements of the agreement were that the City would lease certain submerged and other city-controlled properties on Bayland Island for the citing of the battleship. It would likely be a forty-year term which could be renewable. The monetary participation would come in the form of reimbursed qualified expenses associated with citing the battleship, constructing facilities, and providing other accommodating elements.

Mr. Davis noted that utilities were available on the island. With regard to wastewater, the City was building out the island with a new lift station that should handle the complete build-out. Mr. Davis indicated there were also electrical facilities and a twelve-inch waterline in place; therefore, the City was fully able to accommodate the battleship in terms of utilities. The Foundation, in turn, would be responsible for the connection and usage of said utilities. Revenues would be generated by fundraising, and other revenues generated would be controlled by the Foundation. The City would agree not to engage in a separate fundraising endeavor for the Battleship at the same time as the Foundation.

Mr. Davis then displayed a satellite image of the proposed placement of the battleship. The next steps for bringing the battleship to Baytown were listed as the following: 1) Council's feedback that night; 2) the finalization of the proposed agreement; and 3) the submission of that draft agreement to the Battleship Texas Foundation. Mr. Davis presumed there may be some back and forth based on what was determined that night. Their level of participation was what had not been determined in the agreement, but all other elements were in the agreement as per Council's earlier feedback. With that, Mr. Davis was happy to take any additional feedback from Council.

Mayor Capetillo had understood the costs of the dredging and placement would not be the responsibility of the City, but rather, of the Foundation. Mr. Davis believed the Foundation understood the fundraising would be focused on all the elements associated with citing the Battleship. Hypothetically, the City could then reimburse certain qualified expenses up to a not-to-exceed number. There were no specificity on the agreement as per the responsibilities for the City in terms of dredging, construction of the museum store, etc. It was simply a reimbursement.

Council Member Alvarado had a comment over the beginning as there seemed to have been a sense of urgency for some of the proponents of the battleship. Thus, she had spoken with Mr. Davis to ensure that the City was meeting any present timelines. Mr. Davis had gone back to the Foundation and determined they were fine. Council Member Alvarado concluded it was not that the City was lagging on a decision, but working in the confines of the timeline of the Foundation. Mr. Davis relayed he had spoken with a Foundation Board Member about the City's timeline and what Council was considering that night, and Mr. Davis conveyed that it did fit the Foundation's needs.

Mayor Capetillo presumed Council needed to provide financial direction, but questioned what exactly would Council be doing and what was the estimate. He did not want to pull out a number out of thin air because there needed to be a basis to it, such as if it were infrastructure or an improvement. He asked what did it take to accommodate the Battleship's placement that the City would be responsible for. Mr. Davis replied, in the beginning, it was important to understand Council's tolerances with regard to qualified expenses. Such expenses could be as broad as including dredging, a museum store, parking accommodations, and/or other public accommodations. Mr. Davis assumed parking and the museum store would take a few million dollars to construct. However, he would not include dredging as there were many other expenses associated with accommodating the battleship after it arrived in Baytown. Council could choose among those qualified expenses and then Mr. Davis would recommend Council discuss a not-to-exceed number.

Council Member Betancourth wondered if staff had recommendations on a number as she did not know what a museum or parking structures cost. Also, she asked where would the funding come from, and Mr. Davis replied the City had not determined a funding source yet, as it would depend on the level of funding Council wanted to give. In terms of cost, a parking garage with 300 spots could be anywhere from \$6 million to \$10 million, but there were construction alternatives to get that price lowered. On the museum store, Mr. Davis estimated about \$2.5 million to build that structure with offices and storage. Those were some preliminary figures and other costs had not been looked into, but the utilities were already being taken care of, and perhaps pedestrian accommodations could be somewhat negligible. Nonetheless, Mr. Davis recommended starting with the museum store and a parking facility. He remarked there was nothing to say that any of those items could not be a part of the fundraising endeavor. In fact, he relayed it could all be covered by fundraising.

Council Member Betancourth further inquired if Council's Bring the Battleship to Baytown Ad Hoc Committee had a recommendation. Council Member Alvarado answered that she did not, as she shared the same questions about what it would take to accomplish the task. In the present moment, her understanding was that the City would not pay for the dredging because of the fundraiser. The initial proposal was that the City would allocate funds to help towards that fundraiser, which would take care of the biggest bulk of the price. Council Member Alvarado's next question was if the City were to allocate any money, would there be an opportunity to set a minimum and then have a change order later.

Mayor Capetillo's recommendation was to allow their Ad Hoc Committee to engage staff and the Foundation. First, he supposed Council needed to determine the size of the building. He believed Council could get an estimate based off the construction and costs. Mayor Capetillo did not think

the City needed a whole parking structure for the Battleship. However, if other things on the island were successful, that could be part of helping accommodate all the activities on Bayland Island. But, Mayor Capetillo needed to have some framework on costs and a funding source. He asked their Ad Hoc Committee to engage staff and the Foundation to agree on the size of a museum and whatever would be associated with that, then give Council a recommendation. Mayor Capetillo added that would also give Council an indication of what would be agreeable to the Foundation. He hoped they can move forward with two things: 1) an agreement the Foundation could consider, and 2) an announcement that Baytown had been selected as the battleship location. Those were the things Mayor Capetillo needed to happen which he believed they had a month, or so, to do so.

As the City moved forward with different plans, Council Member Alvarado shared her and residents' concern with the traffic impact to the southwest neighborhood. The neighborhood had a direct entry to Bayland Island and was already congested. Residents wondered what it would look like having the Battleship and the Hotel Convention Center all there. Council She relayed the Ad Hoc Committee had been looking at strategies to curve traffic going straight through the neighborhood. She researched and found another battleship in Hawaii that similarly ran through a neighborhood, but she did not have any data on the impact it had made.

As far as costs went, Council Member Lester shared they were already in discussions of the capital program as far as the renovations and expansions to the marina and ship store. As the City built structures out there, he suggested the City could tie those together. However, he agreed they needed to start nailing down on the costs. Council Member Lester did not believe the battleship needed a parking structure. The City had been talking about a parking structure for the Hotel Convention Center since day one, which was separate and distinct. Nonetheless, there would be fees to park there if individuals would not stay at the hotel that would provide revenue to the City. He reiterated his belief that there was an opportunity with the renovations and expansions he previously mentioned in addition to the potential museum, or whatever would be built. He deemed it a great opportunity to tweak the proposal to then provide to the Foundation. Council Member Lester agreed the Foundation needed to state Baytown would be the definitive location. If it was still up in the air, it would be hard for the City to hammer out a deal.

Mayor Capetillo agreed and stated it was time for decisions to be made with the information at hand. On the agreement, he understood it was direction on a not-to-exceed number but questioned what would be the City's and the Foundations financial responsibilities, and then, what would be the costs associated with that. Mayor Capetillo agreed Baytown was the best place for the Battleship, but the City needed to be fiscally responsible if they were to move forward with the agreement.

Mr. Davis had understood the direction of Council was not to get tied to specific improvements but have a reimbursement type of approach. His recommendation for Council was to make an amendment to the agreement and send it to the Foundation so that they had something to begin working on. In the agreement, the City would revisit the level of funding through that addendum. In the terms of funding sources, the City was usually prone to look at the Municipal Development District ("MDD") and the Capital Improvement Projects ("CIP"). However, Mr. Davis recalled the City had access to a Bill that he believed could provide the City with about \$9 million in sales tax and hot tax rebates from the state. In fact, Mr. Davis relayed City staff was working on that as there had been a city able to secure that—or at least received a commitment from the Comptroller.

Baytown was trying to do the same thing. If Council so wished, Mr. Davis would reformat the agreement and send that back out to Council. He requested Council to indicate if that was satisfactory so he could send that on to the Foundation so the City's delegation could begin having conversations about what that funding level would look like.

Mayor Pro Tem Johnson inquired if the City knew what criteria the Foundation would use in deciding where the Battleship would go. Mr. Davis did not know, but believed their primary criterion had to do with potential visitor-ship. Baytown had performed a study years ago that indicated the level of visitor-ship to the island to see the Battleship. Mayor Pro Tem Johnson wondered if that would have changed as the study was conducted long ago and if it would be wise to take another look. He explained he wanted to be sure the Foundation's decision would not be based on which City would write the bigger check. Mr. Davis confirmed he could check in to that.

In closing, Mayor Capetillo repeated Council would lean on their Ad Hoc Committee to have communication with the Foundation and come back to Council with the final recommendation. Mayor Capetillo suggested an item be placed on July 28th or the first council meeting in August for something to be forwarded to the Foundation and for the decision to be made.

c. Receive a Presentation Regarding the Modified Proposed FY23 Utility Rates.

Mayor Capetillo announced Mr. David Isaac had signed up to speak regarding this item.

(Zoom) Mr. David Isaac recalled that at their last meeting, Council had asked the right questions and were inquisitive with administration on how not to raise the utility rates. Mr. Isaac commended Council for working together to make sure the issues with inflation and their spending at the gas pump were not piled up on citizens by Council's leadership.

Assistant Director of Utilities Sterling Beaver then presented the item by addressing the presentation given at Council's last meeting regarding utility rates. At that time, Council provided feedback for staff to look into, and now, Mr. Beaver relayed staff hoped the current presentation would address those comments and would better align with Council's vision for the rates. Similar to the last meeting, the agenda of the presentation was to go over the background, recommended changes, water tiers, the existing versus the proposed rates, example bills of 2,000 and 5,000 gallons, and how Baytown ranked in comparison to other cities.

As background, the City of Baytown's last rate adjustments were in the following years:

- Water: 2014
- Wastewater: 2019
- Outside City Multiplier: 2021

The rate increase drivers were listed as the following:

- 18.5% Houston rate increase to Baytown Area Water Authority (BAWA) in the last year
- 6% BAWA rate increase to Baytown
- Inflation of costs to utility
- Historical underfunding of utility maintenance

The recommended changes based on Council's feedback were:

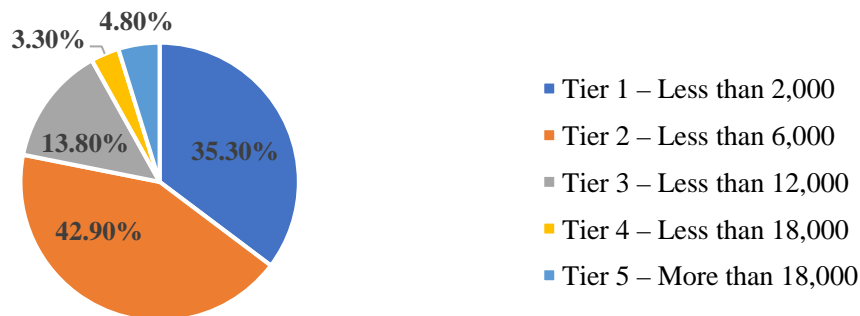
- No change to 2,000 gallons a month user
- No change to fixed charges
- Increase to volumetric charges for amounts over 2,000 gallons a month
- Reduce Tiers from five to three
- Implement 1.5 Outside City Multiplier for fixed and volumetric charges
- Evaluate future rates in the middle of FY23 based on impact of proposed changes

Mr. Beaver then presented the following graph that indicated the historical water charges the City of Houston charged BAWA and that BAWA charged the City of Baytown. Baytown's water rate, in the graph below, was based off of Tier 1 users (2,000 gallons a month).

Historical Water Rate Comparison

Year	Houston's Rate to BAWA	BAWA's Rate to Baytown	Baytown's Water Rate
2022	\$0.90	\$3.27	\$2.57
2021	\$0.7573 (4/21) & \$0.85 (9/21)	\$3.08	\$2.57
2020	\$0.7460	\$2.90	\$2.57
2019	\$0.7208	\$2.82	\$2.57
2018	\$0.7012	\$2.82	\$2.57
2017	\$0.6821	\$2.74	\$2.57
2016	\$0.6597	\$2.74	\$2.57
2015	\$0.6506	\$2.74	\$2.57
2014	\$0.6232	\$2.61	\$2.57

The following pie chart was the breakdown of the City's current tiers:



Next, Mr. Beaver displayed the following series of charts regarding water rates:

Comparison of Existing and Proposed Inside City Fixed Water Rates

WATER RATES		EXISTING	PROPOSED	VARIANCE
Customer Charge (per bill)		\$3.62	\$3.68	\$0.00
Basic Facility Charge (per EDU)		7.53	7.53	0.00
Monthly Rate		\$11.15	\$11.15	\$0.00

Non-Residential	EDU			
5/8" Meter	1.00	\$7.53	\$7.53	\$0.00
3/4" Meter	1.50	11.31	11.31	0.00
1" Meter	2.50	18.83	18.83	0.00
1 1/2" Meter	5.00	37.67	37.67	0.00
2" Meter	8.00	60.26	60.26	0.00
3" Meter	16.00	120.51	120.51	0.00
4" Meter	25.00	188.31	188.31	0.00
6" Meter	50.00	376.60	376.60	0.00
8" Meter	80.00	602.59	602.59	0.00
10" Meter	115.00	866.20	866.20	0.00

Comparison of Existing and Proposed Inside City Volumetric Water Rates

VOLUMETRIC RATES	EXISTING	PROPOSED	VARIANCE
Single Family Residential			
Tier 1	\$2.57	\$2.57	\$0.00
Tier 2	5.60	6.41	0.81
Tier 3	6.71	8.84	2.13
Tier 4	8.74		
Tier 5	11.36		
Multifamily Residential			
Tier 1	\$2.60	\$2.60	\$0.00
Tier 2	5.63	6.41	0.78
Non-Residential	\$5.60	\$6.41	\$0.81
High Volume Users	4.13		
Irrigation			
Tier 1	\$5.60	\$6.41	\$0.81
Tier 2	6.71	8.84	2.13
Tier 3	8.74		
Tier 4	11.36		

Comparison of Existing and Proposed Outside City Fixed Water Rates

WATER RATES		EXISTING	PROPOSED	VARIANCE
Customer Charge (per bill)		\$5.43	\$5.43	\$0.00
Basic Facility Charge (per EDU)		11.30	11.30	0.00
Monthly Rate		\$16.73	\$16.73	\$0.00
Non-Residential	EDU			
5/8" Meter	1.00	\$11.30	\$11.30	\$0.00

3/4" Meter	1.50	16.97	16.97	0.00
1" Meter	2.50	28.25	28.25	0.00
1 1/2" Meter	5.00	56.51	56.51	0.00
2" Meter	8.00	90.39	90.39	0.00
3" Meter	16.00	180.77	180.77	0.00
4" Meter	25.00	282.47	282.47	0.00
6" Meter	50.00	564.90	564.90	0.00
8" Meter	80.00	903.84	903.84	0.00
10" Meter	115.00	1,299.30	1,299.30	0.00

Comparison of Existing and Proposed Outside City Volumetric Water Rates

VOLUMETRIC RATES	EXISTING	PROPOSED	VARIANCE
Single Family Residential			
Tier 1	\$3.08	\$3.86	\$0.78
Tier 2	6.72	9.62	2.90
Tier 3	8.05	13.26	5.21
Tier 4	10.49		
Tier 5	13.63		
Multifamily Residential			
Tier 1	\$3.12	\$3.90	\$0.78
Tier 2	6.76	9.62	2.86
Non-Residential	\$6.72	\$9.62	\$2.90
Irrigation			
Tier 1	\$6.72	\$9.62	\$2.90
Tier 2	8.05	13.26	5.21
Tier 3	10.49		
Tier 4	13.63		

Mr. Beaver then displayed the following series of charts regarding sewer rates:

Comparison of Existing and Proposed Inside City Fixed Wastewater Rates

SEWER RATES		EXISTING	PROPOSED	VARIANCE
Customer Charge (per bill)		\$3.91	\$3.91	\$0.00
Basic Facility Charge (per EDU)		8.13	8.13	0.00
Monthly Rate		\$12.04	\$12.04	\$0.00
Non-Residential	EDU			
5/8" Meter	1.00	\$8.13	\$8.13	\$0.00
3/4" Meter	1.50	12.21	12.21	0.00
1" Meter	2.50	20.33	20.33	0.00

1 1/2" Meter	5.00	40.68	40.68	0.00
2" Meter	8.00	65.08	65.08	0.00
3" Meter	16.00	130.15	130.15	0.00
4" Meter	25.00	203.37	203.37	0.00
6" Meter	50.00	405.73	405.73	0.00
8" Meter	80.00	650.76	650.76	0.00
10" Meter	115.00	935.50	935.50	0.00

Comparison of Existing and Proposed Inside City Volumetric Wastewater Rates

VOLUMETRIC RATES	EXISTING	PROPOSED	VARIANCE
Single Family Residential			
Tier 1	\$2.81	\$2.81	\$0.00
Tier 2	6.08	6.36	0.28
Tier 3	0.00	6.36	6.36
Multifamily Residential			
Tier 1	\$2.81	\$2.81	\$0.00
Tier 2	6.08	6.36	0.28
Non-Residential	\$6.08	\$6.36	\$0.28
High Volume Users	4.59		

Comparison of Existing and Proposed Outside City Fixed Wastewater Rates

SEWER RATES		EXISTING	PROPOSED	VARIANCE
Customer Charge (per bill)		\$5.87	\$5.87	\$0.00
Basic Facility Charge (per EDU)		12.20	12.20	0.00
Monthly Rate		\$18.07	\$18.07	\$0.00
Non-Residential	EDU			
5/8" Meter	1.00	\$12.20	\$12.20	\$0.00
3/4" Meter	1.50	18.32	18.32	0.00
1" Meter	2.50	30.50	30.50	0.00
1 1/2" Meter	5.00	61.02	61.02	0.00
2" Meter	8.00	97.62	97.62	0.00
3" Meter	16.00	195.23	195.23	0.00
4" Meter	25.00	305.06	305.06	0.00
6" Meter	50.00	610.10	608.60	- (1.50)
8" Meter	80.00	976.14	976.14	0.00
10" Meter	115.00	1,403.25	1,403.25	0.00

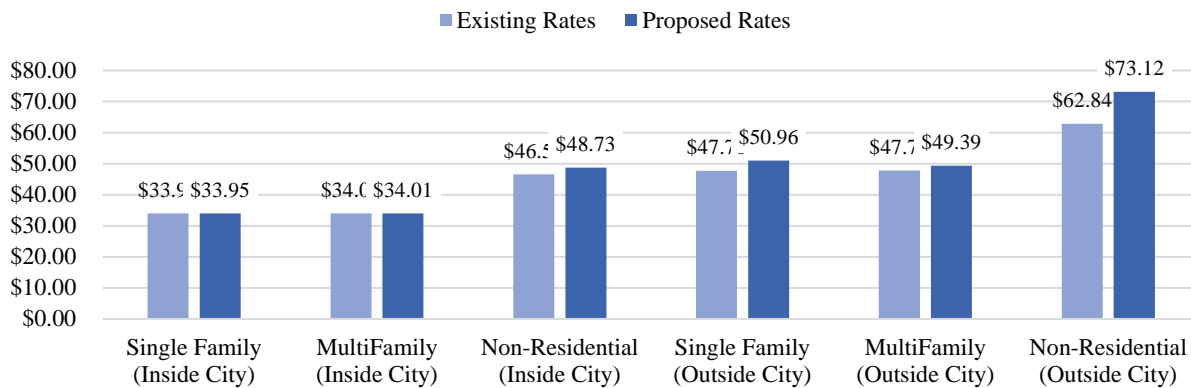
Mr. Beaver noted that on the Non-Residential 6" Meter from the table above, staff's previous calculation showed a multiplier that was not correct. Thus, staff made the proper adjustment.

Comparison of Existing and Proposed Outside City Volumetric Wastewater Rates

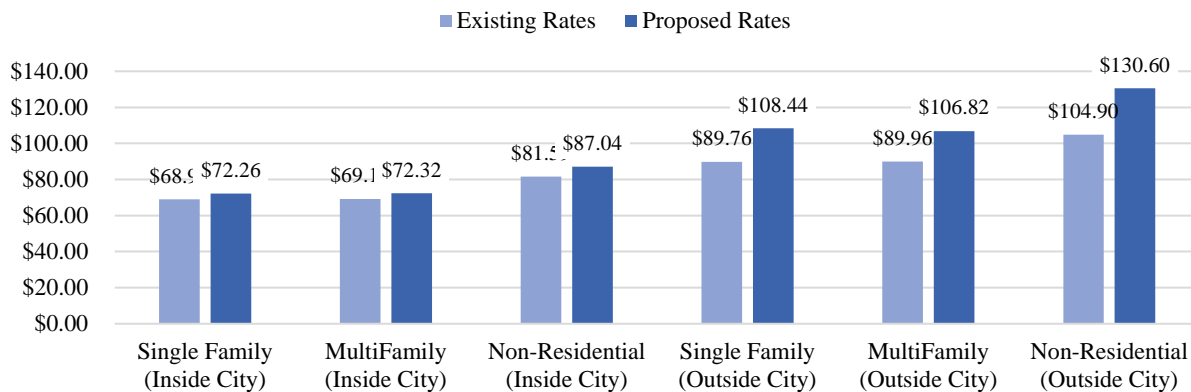
VOLUMETRIC RATES	EXISTING	PROPOSED	VARIANCE
Single Family Residential			
Tier 1	\$3.37	\$4.22	\$0.85
Tier 2	7.30	9.54	2.24
Tier 3	0.00	9.54	9.54
Multifamily Residential			
Tier 1	\$3.37	\$4.22	\$0.85
Tier 2	7.30	9.54	2.24
Non-Residential	\$7.30	\$9.54	\$2.24

Mr. Beaver proceeded to touch on the customer bill impact with the following charts:

Assuming 2,000 gallons of usage

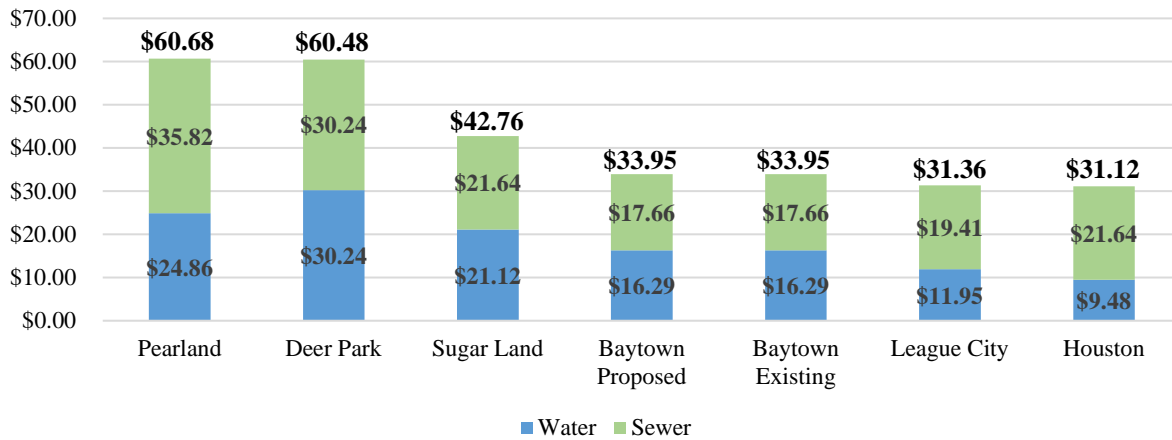


Assuming 5,000 Gallons of Usage

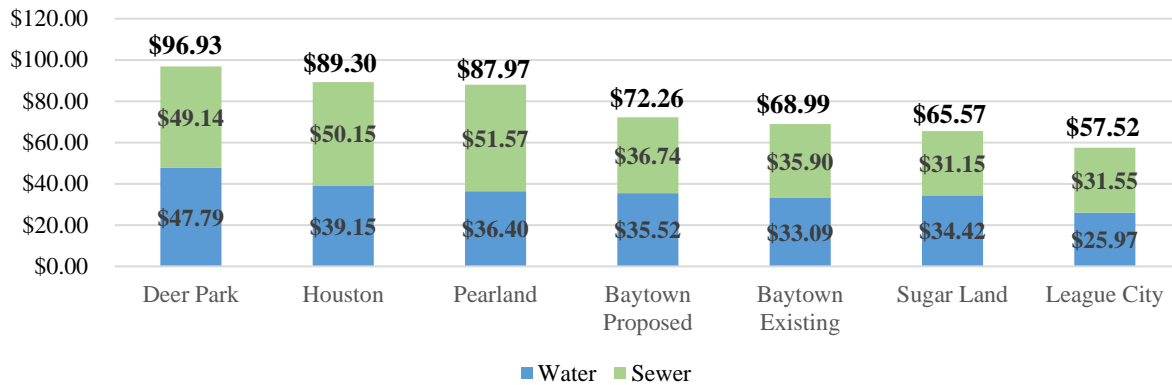


In comparing Baytown to other cities, Mr. Beaver used the following charts:

**Assuming a Single Family Residential Customer (Inside City) with
 2,000 Gallons of Monthly Water Usage**



**Assuming a Single Family Residential Customer (Inside City) with
 5,000 Gallons of Monthly Water Usage**



With that, Mr. Beaver was open to entertain any questions or comments from Council. Mayor Capetillo had a comment over the last chart regarding 5,000 gallons of monthly water usage. The information was what the City looked at in comparison to neighboring cities and noted that operating a water and sewer plant—and the entire enterprise itself—was not cheap. The information showed where Baytown was which he believed was important as there was a high misunderstanding amongst citizens. Mayor Capetillo was confident to state the data was accurate, truthful, and transparent.

In regards to that same chart, Council Member Betancourth inquired if League City got their water from the City of Houston as well. Mr. Beaver answered League City did, but they purchased at retail and also had wells, which explained their lower number. All the other cities had surface water facilities, but Sugar Land also heavily relied on their well system as well. Council Member Betancourth further clarified the increases were all usage increases and none of them were fixed. Mr. Beaver confirmed the fixed rates remained the same for inside the City. Council Member Betancourth then inquired about the outside of the City. Mr. Beaver replied it was at a 1.5 rate for the fixed and at a 1.2 rate for volumetric. Now, both fixed and volumetric would be at a 1.5 rate for outside the City.

Council Member Betancourth commented that was an important distinction because the usage came from the City of Houston—Baytown’s only water supplier. Thus, if they raise rates, she understood why Baytown had to raise the rates as well. The fact that Baytown had been subsidizing that rate increase for so many years for its citizens was something Council Member Betancourth was unaware of and appreciated. The fixed rates were something that she would like to continue to monitor. She suggested that could be something to work on as a Council in the future as that was not something to tackle in their budget. However, the fixed rate was theirs, as a City, to maintain its infrastructure. Nonetheless, Council Member Betancourth liked the proposal and appreciated all the effort staff put in to accommodate Council’s wishes.

Mayor Capetillo echoed Council Member Betancourth’s sentiment on Baytown absorbing and subsidizing the increases by the City of Houston. However, there did come a point where Baytown could no longer subsidize. Mayor Capetillo believed the rates were as minimalized as possible. In comparing Baytown to other cities, he observed Baytown was in the median when it came to those rates. Thus, Mayor Capetillo thought it was reasonable and fair as Baytown was not on either ends. Council Member Presley agreed with the comments made and commended staff for coming back to Council with the proposal. Likewise, Council Member Powell seconded what was said and happy to see the changes.

9. CONSENT

A motion was made by Council Member Chris Presley and seconded by Council Member Laura Alvarado to approve Consent Agenda Items 9.a. through 9.m. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

a. Consider an ordinance authorizing an Amendment No. 1 with Kimley-Horn and Associates, Inc., for additional services related to additional parking for the Wayne Gray Sports Complex, Turf and Parking Improvements Project.

ORDINANCE NO. 15,134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST TO THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR ADDITIONAL SERVICES RELATED TO ADDITIONAL PARKING ASSOCIATED WITH THE WAYNE GRAY SPORTS COMPLEX, TURF AND PARKING IMPROVEMENTS

PROJECT; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN AN AMOUNT NOT TO EXCEED EIGHTY-SIX THOUSAND AND NO/100 DOLLARS (\$86,000.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- b. Consider an ordinance authorizing Change Order No. 3 for the Citizens Bank Renovation Project.**

ORDINANCE NO. 15,135

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING CHANGE ORDER NO. 3 TO THE CITIZENS BANK RENOVATION PROJECT WITH CONSTRUCTION MASTERS OF HOUSTON, INC., IN AN AMOUNT NOT TO EXCEED TWELVE THOUSAND TWENTY-FOUR AND 86/100 DOLLARS (\$12,024.86); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- c. Consider an ordinance authorizing the award of the West District Wastewater Treatment Plant Rapid Mix and Aeration Basin Cleaning to Magna Flow Environmental, Inc.**

ORDINANCE NO. 15,136

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE BID OF MAGNA FLOW ENVIRONMENTAL, INC., FOR THE WEST DISTRICT WASTEWATER TREATMENT PLANT RAPID MIX AND AERATION BASIN CLEANING CONTRACT IN THE SUM OF THREE HUNDRED TWO THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$302,100.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- d. Consider an ordinance awarding an Annual Mechanical Services contract to IPS Pump Services, Inc.**

ORDINANCE NO. 15,137

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE BID OF IPS PUMP SERVICES, INC., FOR THE ANNUAL MECHANICAL SERVICES CONTRACT AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- e. Consider an ordinance awarding the Annual Generator Maintenance Contract to Clifford Power Systems, Inc, through the Texas Local Government Purchasing Cooperative, BuyBoard, for the Public Works Department.**

ORDINANCE NO. 15,138

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF FIFTY-SEVEN THOUSAND FIFTY-SIX AND 60/100 DOLLARS (\$57,056.60) TO CLIFFORD POWER SYSTEMS, INC., THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUY BOARD), FOR THE ANNUAL GENERATOR MAINTENANCE CONTRACT FOR THE PUBLIC WORKS DEPARTMENT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- f. Consider an amendment to Ordinance No. 15,121 authorizing the purchase of one (1) KX-057-5R3AP Track Unit from Kubota Tractor Corporation through Sourcewell, rather than BuyBoard, for the Public Works Department.**

ORDINANCE NO. 15,139

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING ORDINANCE NO. 15,121 BY AUTHORIZING THE PAYMENT OF NINETY-NINE THOUSAND NINE HUNDRED THIRTEEN AND 87/100 DOLLARS (\$99,913.87) TO KUBOTA TRACTOR CORPORATION, THROUGH THE SOURCEWELL COOPERATIVE CONTRACT PROGRAM RATHER THAN THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUY BOARD), FOR THE PURCHASE OF ONE (1) KX-057-5R3AP TRACK UNIT FOR THE PUBLIC WORKS DEPARTMENT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- g. Consider an ordinance authorizing the purchase of three (3) Ford Trucks from Silsbee Ford, through Good Buy Purchasing Cooperative, for Public Works and Engineering.**

ORDINANCE NO. 15,140

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF ONE HUNDRED FORTY THOUSAND FIVE HUNDRED THREE AND 50/100 DOLLARS (\$140,503.50) TO SILSBEE FORD INC., THROUGH GOODBUY PURCHASING COOPERATIVE, FOR THE PURCHASE OF THREE (3) FORD F-250 TRUCKS FOR THE PUBLIC WORKS AND ENGINEERING DEPARTMENT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- h. Consider an ordinance authorizing a purchase from Foster Fence LTD, through BuyBoard, for the Fire Department Project for fencing equipment and installation at Fire Stations 1, 5, and 6, and the Fire Training Academy.**

ORDINANCE NO. 15,141

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF ONE HUNDRED THIRTY-NINE THOUSAND NINETY-SEVEN AND 41/100 DOLLARS (\$139,097.41) TO FOSTER FENCE, LTD., THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), FOR THE PURCHASE AND INSTALLATION OF FENCING EQUIPMENT FOR THE FIRE TRAINING ACADEMY AND FIRE STATIONS 1, 5, AND 6; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- i. Consider an ordinance authorizing Arthur J. Gallagher (AJG) Risk Management Services, Inc., as the City's insurance broker, to place the City's Cyber Liability Coverage for FY 2022-23 with Cowbell Cyber, Inc.**

ORDINANCE NO. 15,142

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING ARTHUR J. GALLAGHER (AJG) RISK MANAGEMENT SERVICES, INC., AS THE CITY'S INSURANCE BROKER, TO PLACE THE CITY'S CYBER LIABILITY COVERAGE FOR FY 2022 WITH COWBELL CYBER, INC.; AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED SIXTY-TWO THOUSAND ONE HUNDRED NINETY AND NO/100 DOLLARS (\$62,190.00) FOR THE CYBER LIABILITY COVERAGE; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- j. Consider an ordinance authorizing project acceptance and release of retainage to Kirila Fire Training Facilities, Inc., for the industrial exterior gas fired training props and thermal lining for the Fire Training Facility.**

ORDINANCE NO. 15,143

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, ACCEPTING THE INDUSTRIAL EXTERIOR GAS-FIRED TRAINING PROPS AND THERMAL LINING FOR THE FIRE TRAINING FACILITY PROJECT; AUTHORIZING FINAL PAYMENT OF THE SUM OF FORTY-FIVE THOUSAND TWO HUNDRED SIXTY-FIVE AND NO/100 DOLLARS (\$45,265.00) TO KIRILA FIRE TRAINING FACILITIES, INC., FOR SAID PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- k. Consider an ordinance authorizing the abandonment and conveyance of an interest in a current Public Safety Zone Easement while also establishing a new Public Safety Zone Easement on the same property, located at 4919 N. Main Street.**

ORDINANCE NO. 15,144

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A PUBLIC SAFETY ZONE EASEMENT ABANDONMENT AND CONVEYANCE AGREEMENT WITH THE PROPERTY OWNER; AUTHORIZING THE ABANDONMENT AND CONVEYANCE OF AN INTEREST IN A CURRENT PUBLIC SAFETY ZONE EASEMENT WHILE ALSO ESTABLISHING A NEW PUBLIC SAFETY ZONE EASEMENT ON THE SAME PROPERTY, LOCATED AT 4919 N. MAIN STREET, BAYTOWN, HARRIS COUNTY, TEXAS, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- l. Consider an ordinance authorizing a Wastewater Disposal Agreement with Lake Municipal Utility District.**

ORDINANCE NO. 15,145

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING A WASTE DISPOSAL AGREEMENT WITH LAKE MUNICIPAL UTILITY DISTRICT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- m. Consider an ordinance authorizing an Economic Development Agreement for Tourism and Promotion Services with Economic Alliance Houston Port Region to enhance and promote tourism and the convention and hotel industry in Baytown, its vicinity, and throughout the San Jacinto Texas Historic District.**

ORDINANCE NO. 15,146

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST TO AN ECONOMIC DEVELOPMENT AGREEMENT FOR TOURISM AND PROMOTION SERVICES WITH ECONOMIC ALLIANCE HOUSTON PORT REGION TO ENHANCE AND PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF BAYTOWN AND ITS VICINITY; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN AN AMOUNT NOT TO EXCEED TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

10. APPOINTMENTS

a. Consider one (1) appointment to the Community Development Advisory Committee.

City Clerk Angela Jackson relayed Council Member Betancourth nominated Ms. Katherine Brown for her District 4 vacancy on the Community Development Advisory Committee (CDAC).

A motion was made by Council Member Heather Betancourth and seconded by Council Member Jacob Powell to appoint Ms. Katherine Brown as the District 4 appointment for an unexpired term to the Community Development Advisory Committee. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

b. Consider appointments to the Baytown Municipal Development District.

Mayor Capetillo noted Items 10.b. and 10.c. would be taken together as the two bodies were in tandem since those that served on the Municipal Development District (“MDD”) also served the Hospitality Public Facilities Corporation. The item had numerous applications with two current members and four additional applications. Mayor Capetillo opened the floor to nominations.

A motion was made by Council Member Chris Presley and seconded by Council Member Laura Alvarado to approve the reappointment of the current directors on Agenda Items 10.b. and 10.c. However, there was discussion prior to the vote.

Council Member Presley relayed he had a District 2 constituent submit an application. As he made a point to try to get new folks involved, he visited with the applicant and also the current directors. Council Member Presley shared he had a change of heart in those conversations and requested Council to accept another term of those current directors. However, Council Member Betancourth voiced that she disagreed with the motion to reappoint the current members. While she appreciated their service, she would like to see new citizens on the MDD Board that were vocal and contributed to the debate and conversations. As far as those four individuals, Council Member Betancourth could not recall any of them debating or even disagreeing with Council. She believed it was extremely important that those citizens’ seats had good debate and dialogue on the MDD.

Council Member Alvarado shared that she had originally appointed Ms. Suhey Rios-Alvarez when she was in her district and then engaged Council Member Presley when Ms. Rios-Alvarez moved to his district. Council Member Alvarado supported her reappointment to serve her second term as she had discussed with Ms. Rios-Alvarez her engagement in future meetings.

Mayor Capetillo wished to be fair to the other citizens that had applied, which was the motion he initially sought. The item was for at-large appointments so it was open to the entire Council to make nominations. As there was a motion, Mayor Capetillo suggested it to be amended to see if there were other nominations. Council Member Presley stated he would not amend his motion as he believed that was in the best interest of the MDD. He reasoned sitting on the dais with elected officials could be intimidating and it did take a while for citizens to feel comfortable, and would not hold it against anyone for not being so vocal. On a final comment, Mayor Capetillo clarified his stance did not have anything to do with the performance of any individual. He was just looking at people who served for numerous years and wished to bring in fresh thoughts and ideas.

The vote for the motion on the table was as follows:

Ayes: Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Jacob Powell, and Council Member Mike Lester

Nays: Mayor Brandon Capetillo and Council Member Heather Betancourth

Approved

Mayor Capetillo expressed his appreciation to the citizens that applied. As the previous motion was for two individuals, Mayor Capetillo entertained a motion for the other three appointments.

A motion was made by Council Member Chris Presley and seconded by Council Member Laura Alvarado to approve the appointments of the Council Members of District 4, 5, and 6 to the Baytown Municipal Development District and Baytown Hospitality Public Facilities Corporation, related to Items 10.b. and 10.c. However, there was discussion prior to the vote.

Council Member Betancourth questioned if it was required for council members to serve on the MDD. City Attorney Scott Lemond responded that it was not required under the statute. With that, Council Member Betancourth stated she would like to make a motion to remove herself from the MDD and appoint one of the citizens in her stead. Mr. Lemond advised Council to take a vote under statutory language to remove a member as Council would be accepting a resignation. Mayor Capetillo requested further clarification. Mr. Lemond relayed Council would have to do the following: 1) amend the motion to reappoint two of the Council Members; 2) have a second motion to accept the removal of a current member; and 3) have a third motion to appoint someone else.

An amended motion was made by Council Member Chris Presley and seconded by Council Member Laura Alvarado to approve the appointments of the Council Members of District 5 and 6 to the Baytown Municipal Development District and the Baytown Hospitality Public Facilities Corporation, related to Items 10.b. and 10.c. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

A motion was made by Council Member Heather Betancourth and seconded by Mayor Brandon Capetillo to accept the resignation of the Council Member of District 4 from the Baytown Municipal Development District and Baytown Hospitality Public Facilities Corporation, related to Items 10.b. and 10.c. However, there was discussion prior to the vote.

Council Member Powell read the Local Government Code that stated the MDD be composed of the Mayor, Council Members, and four residents of the City at-large. He wondered if Council would not be complying with that. Mr. Lemond believed the statutory language was permissive as it stated Council Members “may” serve as opposed to “must” serve.

Council Member Lester expressed his concern of losing a Council Member on the MDD Board and alternatively inquired if it was only limited to four residents. He questioned if they were able to increase the number of directors serving on the MDD, as it was four citizens against seven Council Members. He preferred adding another citizen, rather than losing a Council Member. Council Member Betancourth replied she could go either way and further clarified her position as she believed MDD would be better served with more citizen input and less of elected official input. She noted anything the MDD approved would always go to Council for approval, so Council’s power and authority would not be taken away. Also, Council Member Betancourth wondered if the decisions made on the MDD Board would have been different if there had been more citizen input.

Furthermore, Council Member Betancourth was not sure why her fellow Council Members felt uncomfortable with her not serving on the MDD and requested to hear why. Council Member Lester replied Council Members were privy to a lot more information than the average citizen—even the citizens on the MDD Board. Also, as previously articulated, he noted Council Members were a lot more comfortable on the dais than the average citizen. Council Member Lester would rather add additional voices, rather, than lose a strong voice.

In regards to citizen input, Mayor Pro Tem Johnson noted citizens had the opportunity to speak at MDD Meetings. Likewise, he shared the sentiment that just because they do not say anything did not mean they had not done their homework because they voted alongside Council. Mayor Pro Tem Johnson explained he had not seconded the motion because he shared the same question as Council Member Powell. He had believed it was written for Council to serve on the MDD Board and did not want to be part of a mistake. If Council Member Betancourth did not want to serve—which she stated was not the case—then he would support her. He understood her question was about citizen input and further discussed ways in which citizens could do just that.

Council Member Betancourth clarified her stance in that it was about having more citizen input in the governing body and not at the podium. As an MDD Director, they get privileged information in executive sessions and privileged discussions with City Administration that others did not get by simply giving their opinion. Besides, she believed those opinions were usually based on misinformation from media outlets. Thus, there was a big difference in serving as opposed to coming up to speak. It was not about her not wanting to serve, it was about more citizen input.

Council Member Presley agreed with Council Member Lester. He did not believe anybody was against more citizen input and suggested perhaps Council have a discussion about adding two citizens to the MDD Board. If that were the case, Council Member Presley would recommend the District 2 applicant who had never served on a committee and was truly new blood.

Council Member Alvarado shared that her hesitance on the matter was because Council Member Betancourth brought value to the table—especially as the Chair of the Finance Committee. Council Member Betancourth had a second lens that the other Council Members did not have. Council Member Alvarado's other hesitance was on her questioning if they were making the right decision based on their statute. Nevertheless, she was in favor of adding citizen positions to the MDD Board.

Mayor Capetillo inquired to legal counsel if Council had the ability to add seats to the MDD Board. Mr. Lemond replied Council did have that option as the agenda item was written broad enough to allow the creation of additional positions or appointments, and for Council Member Betancourth to resign if she so chose to. Council Member Lester requested she withdraw her motion and make a new motion to add two seats with the two nominations.

On matters regarding the MDD, Council Member Presley questioned if there was an Interlocal Agreement on every single item. Mr. Lemond answered there was not. Council Member Alvarado also discussed having term limits for their boards and commissions to help rotate members. She recommended, at a later time, for Council to review some sort of term limits for that.

Mayor Capetillo reminded Council there was a motion with a second regarding the acceptance of a resignation. He suggested they may vote on that or Council Member Betancourth may withdraw her motion for then a new motion to be made on alternatives for the item.

Council Member Betancourth withdrew her motion and entertained the following motions instead.

A motion was made by Council Member Heather Betancourth and seconded by Mayor Pro Tem Charles Johnson for the addition of two (2) additional citizen board members to the Baytown Municipal Development District and the Baytown Hospitality Public Facilities Corporation, related to Items 10.b. and 10.c. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

A motion was made by Council Member Heather Betancourth to approve Ms. Donna Winfrey as an appointment to the Baytown Municipal Development District and Baytown Hospitality Public

Facilities Corporation, related to Items 10.b. and 10.c. However, before the motion was seconded and voted on, Council Member Presley requested to include his nomination as well.

An amended motion was made by Council Member Heather Betancourth and seconded by Mayor Pro Tem Charles Johnson to approve Ms. Donna Winfrey and Ms. Shaunna Bernshausen as the two (2) new appointments to the to the Baytown Municipal Development District and the Baytown Hospitality Public Facilities Corporation, related to Items 10.b. and 10.c. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

A motion was made by Council Member Jacob Powell and seconded by Council Member Laura Alvarado to approve Council Member Heather Betancourth as the District 4 appointment to the to the Baytown Municipal Development District and the Baytown Hospitality Public Facilities Corporation, related to Items 10.b. and 10.c. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

c. Consider appointments to the Baytown Hospitality Public Facilities Corporation.

Item 10.c. was considered in tandem with Item 10.b.

d. Consider the confirmation of the City Manager's appointment of the Assistant City Manager.

City Manager Rick Davis announced his recommendation, Mr. Jason Reynolds, as the new Assistant City Manager, who respectively accepted the appointment.

A motion was made by Council Member Laura Alvarado and seconded by Council Member Chris Presley to approve the City Manager's appointment of Mr. Jason Reynolds as the Assistant City Manager. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member

Heather Betancourth, Council Member Jacob Powell, and Council Member Mike Lester

Nays: None

Approved

11. MANAGER'S REPORT

City Manager Rick Davis wished to congratulate the following individuals who received their certifications for Advanced Structure Firefighter: Firefighter Paramedic Martin Cepielik, Firefighter Paramedic Gary Hausl, Trent Darr, Firefighter Paramedic Joseph South, and Firefighter Paramedic Taylor Soltau. Mr. Davis also wished to congratulate Mr. Billy Fregia who had been promoted to engineer, and Mr. J.B. Hebard who had been promoted to Lieutenant. Lastly, Mr. Davis was proud to announce Neighborhood Planning Manager Francesca Linder passed her AICP Exam.

12. COUNCIL MEMBER DISTRICT REPORT

a. Receive a report from Mayor Pro Tem Charles Johnson as it relates to Council District No. Three.

Mayor Capetillo announced that Mr. David Isaac had signed up to speak regarding this item.

(Zoom) Mr. David Isaac stated he hoped to hear the District 3 Report some other time. He shared that he had spent time knocking on doors in District 3, specifically Quail Hollow and Craigmont. District 3 had a lot of growth taking place and Mr. Isaac relayed the sentiment of the residents were positive about their leadership. Thus, Mr. Isaac thanked Mayor Pro Tem Johnson.

As there was no presentation, Mayor Capetillo proceeded to the following item to adjourn.

13. ADJOURN

With there being no further business to discuss, Mayor Capetillo adjourned the July 14, 2022, City Council Regular Meeting at 8:46 P.M.

Angela Jackson, City Clerk
City of Baytown



CITY COUNCIL MEETING

1. b.

Meeting Date: 08/11/2022

Subject: July 14, 2022, City Council Special Meeting Minutes

Prepared for: Angela Jackson, City Clerk's Office

Prepared by: Raquel Martinez, City Clerk's Office

Department: City Clerk's Office

Information

ITEM

Consider approving the minutes of the City Council Special Meeting held on July 14, 2022.

PREFACE

This item allows the City Council to review and approve the minutes of the City Council Special Meeting held on July 14, 2022.

Attachments

July 14, 2022, CC SP Draft Minutes

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

July 14, 2022

The City Council of the City of Baytown, Texas, met in a Special Meeting on Thursday, July 14, 2022, at 3:36 P.M. in the Council Chamber of the Baytown City Hall, 2401 Market Street, Baytown, Texas with the following in attendance:

Laura Alvarado	Council Member
Chris Presley	Council Member
Charles Johnson	Mayor Pro Tem
Heather Betancourth	Council Member
Jacob Powell	Council Member
Mike Lester	Council Member
Brandon Capetillo	Mayor
Rick Davis	City Manager
Scott Lemond	City Attorney
Angela Jackson	City Clerk

Mayor Capetillo convened the July 14, 2022, City Council Special Meeting with a quorum present at 3:36 P.M., all members were present with the exception of Mayor Pro Tem Charles Johnson who arrived approximately at 3:51 P.M.

1. CITY MANAGER'S PERFORMANCE EVALUATION

a. Recess into and conduct an executive session pursuant to Texas Government Code, Section 551.074 to deliberate the annual performance evaluation of the City Manager.

At 3:36 P.M., Mayor Capetillo recessed and convened in to an executive session pursuant to Texas Government Code, Section 551.074 to deliberate the annual performance evaluation of the City Manager.

At 5:56 P.M., Mayor Capetillo reconvened the open meeting and announced that in accordance with the 551.102 of the Texas Government Code, no action was taken in the Executive Session.

b. Discuss and take appropriate action regarding the City Manager's annual performance evaluation.

A motion was made by Council Member Chris Presley and seconded by Council Member Heather Betancourth to suspend Agenda Item 1.b. for thirty (30) days. The vote was as follows:

Ayes: Mayor Brandon Capetillo, Council Member Laura Alvarado, Council Member Chris Presley, Mayor Pro Tem Charles Johnson, Council Member

Heather Betancourth, Council Member Jacob Powell, and Council Member
Mike Lester

Nays: None

Approved

2. ADJOURN

With there being no further business to discuss, Mayor Capetillo adjourned the July 14, 2022, City Council Special Meeting at 5:58 P.M.

Angela Jackson, City Clerk
City of Baytown



CITY COUNCIL MEETING

2. a.

Meeting Date: 08/11/2022

Subject: Public Hearing - Zoning Map Amendment from OR to SF1

Prepared for: Martin Scribner, Planning and Development Services

Prepared by: Trevor Harlow, Planning and Development Services

Department: Planning and Development Services

Information

ITEM

Conduct a public hearing concerning a request to amend the official zoning map to rezone approximately 13.26 acres located generally south of East Archer Road and directly west of and with frontage on, Barkuloo Road from Open Space/Recreation (OR) to Low Density Single-Family Residential Dwellings (SF1).

PREFACE

The applicant is requesting to rezone approximately 13.26 acres located at 5627 Barkuloo Road, legally described as tracts 9, 16 & 17 in the H F Gillette Survey, Abstract 297, Baytown, Harris County, Texas, from Open Space/Recreation (OR) to Low Density Single-Family Residential Dwellings (SF1) to allow new residential construction on the property. The applicant's intent is to replace a single family detached structure that is currently located on the property and has no intent of subdividing the property at this time.

The subject property is currently used for residential purposes. The surrounding area is characterized by a mix of residential dwellings, open space, and the airport to the east. The subject property and its neighboring properties to the north and south are all zoned OR.

Supporting documentation is attached for your review.

Fiscal Impact

Fiscal Year: 2022

Acct Code:

Source of Funds (Operating/Capital/Bonds):

Funds Budgeted Y/N:

Amount Needed:

Fiscal Impact (Additional Information):

No Fiscal impact

Attachments

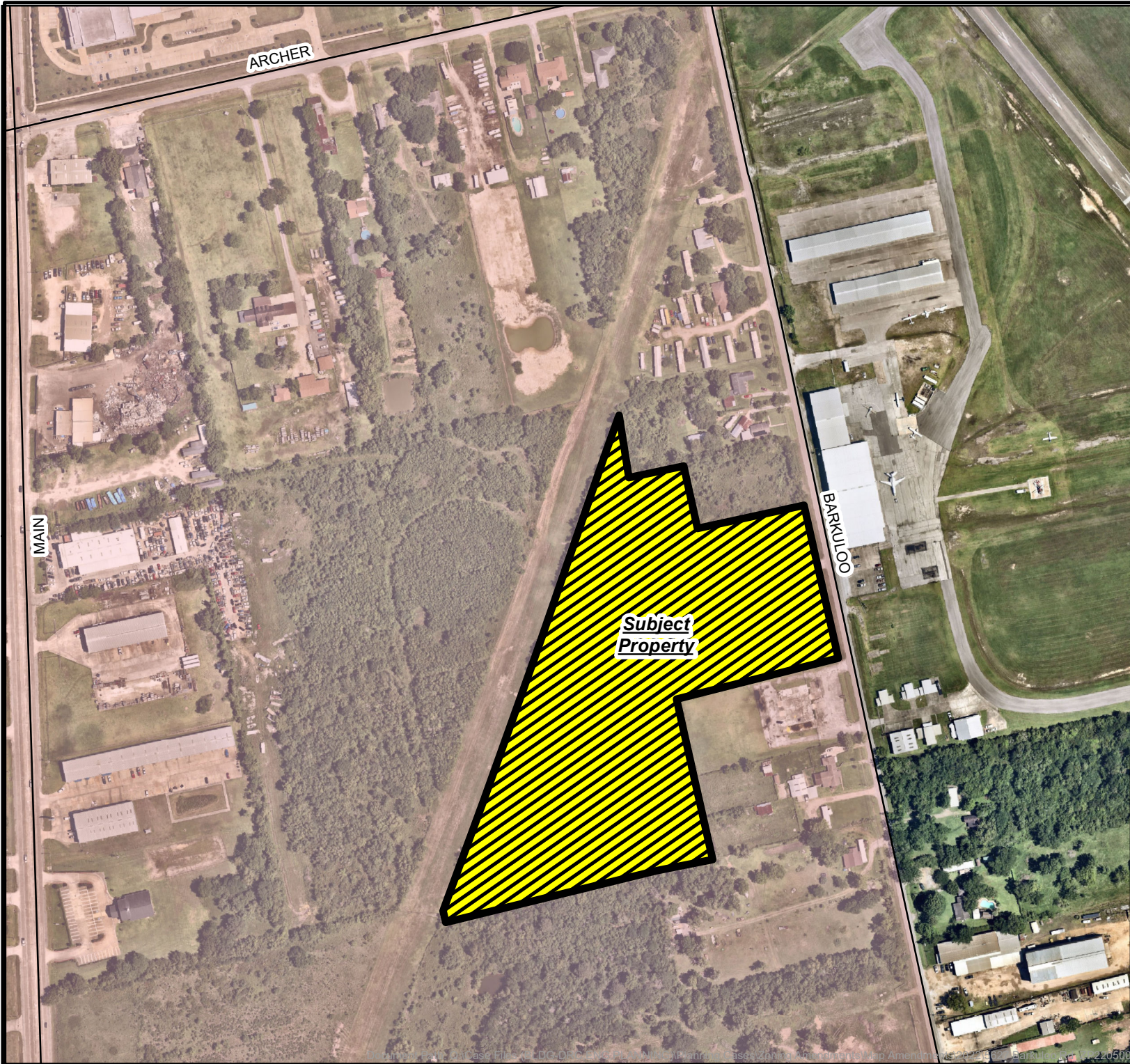
Vicinity Map

Zoning Map

Future Land Use Map

Staff Report

Baytown Engage Comments



Zoning Map Amendment

Vicinity Map

5627 Barkuloo Rd

From OR to SF1

Approx. 13.26 acres

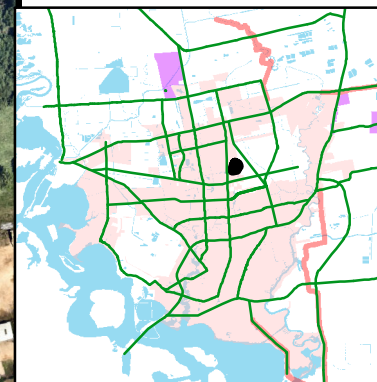
LEGEND



Subject Property

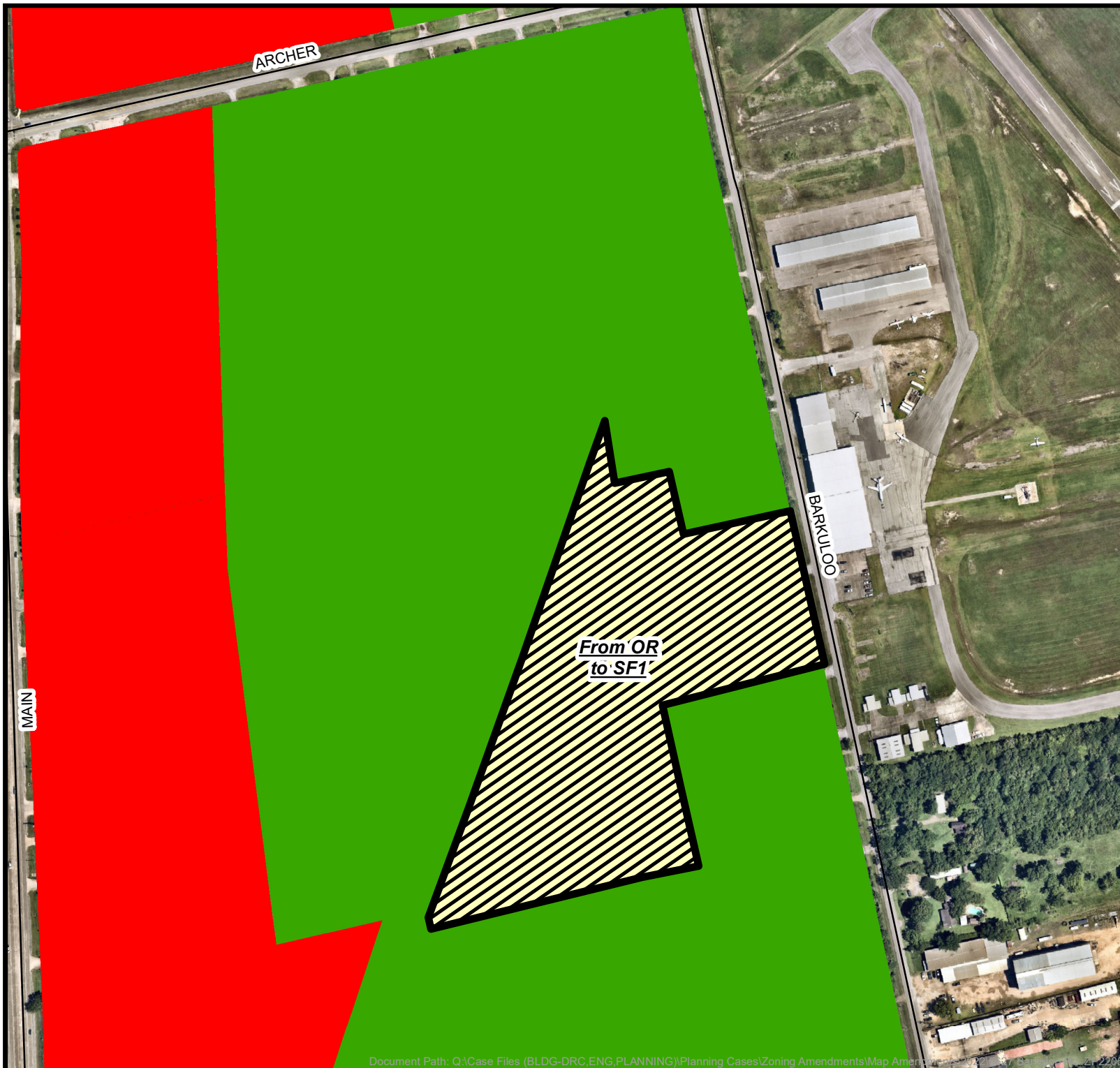


CITY LIMITS



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1 inch = 333 feet Date 2022-06-22



Zoning Map Amendment

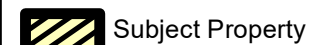
Zoning Map

5627 Barkuloo Rd

Approx. 13.26 acres

From OR to SF1

LEGEND



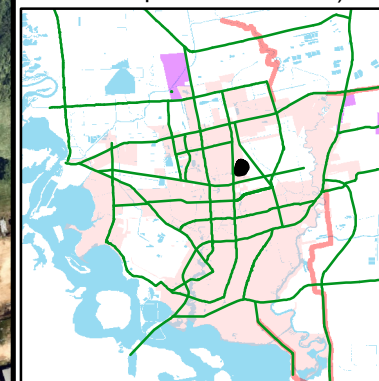
Subject Property

ULDC Zoning

Zoning Districts

GC (General Commercial)

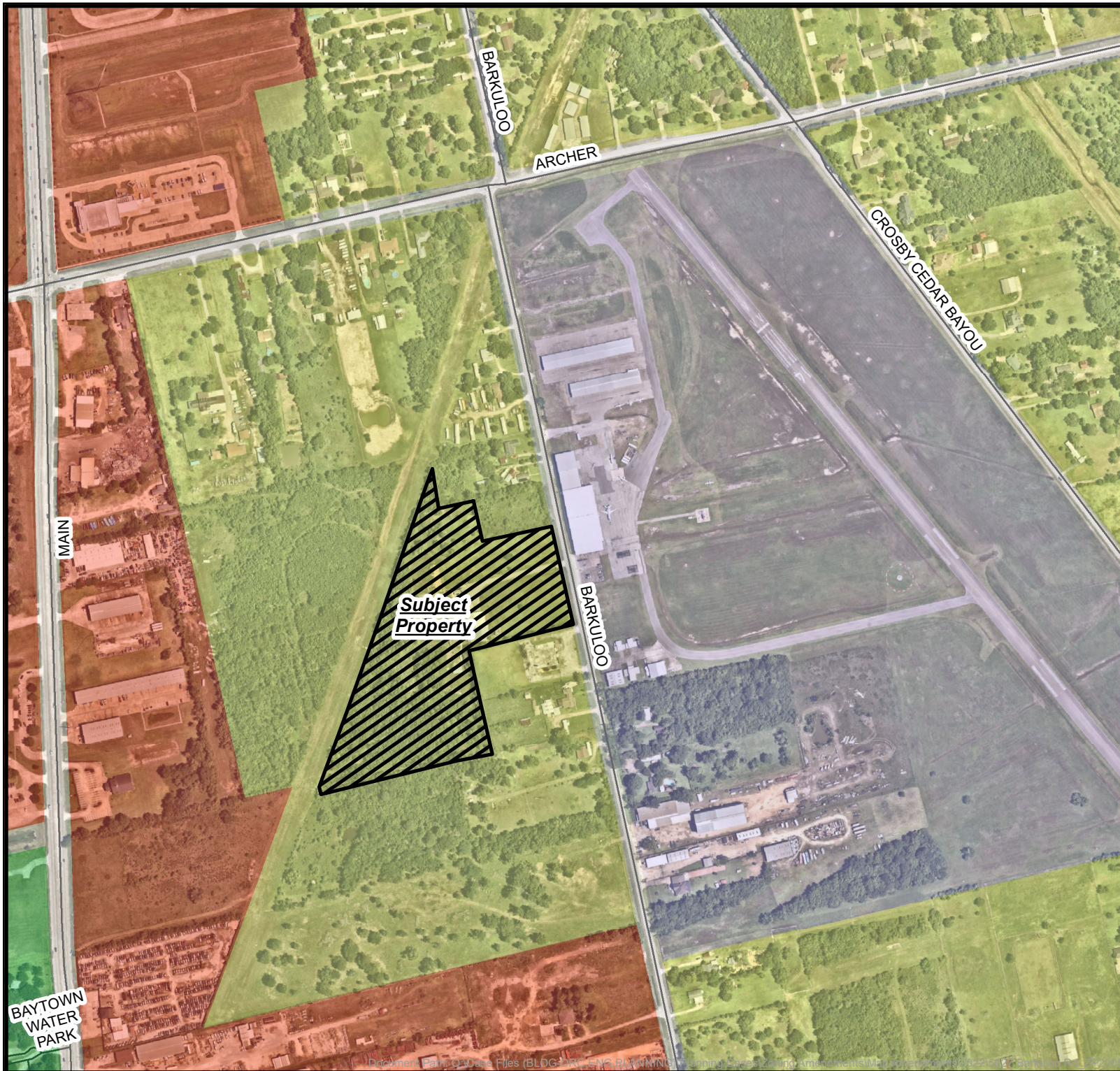
OR (Open Space/Recreation)



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1 inch = 333 feet

Date 2022-06-22




Zoning Map Amendment

FLUP Map

5627 Barkuloo Rd


Approx. 13.26 acres

LEGEND

 Subject Property

FLUP

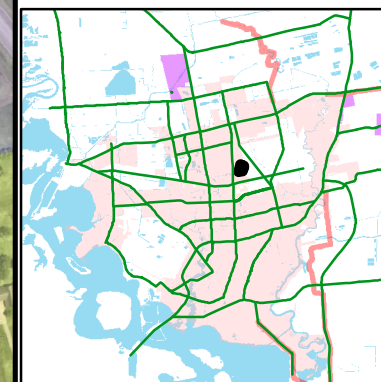
Utility, Right-of-Way

 Recreation and Natural Areas

 Low Density Residential

 Large Scale Commercial

 Industrial



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1 inch = 521 feet

Date 2022-06-22



**City of Baytown
Zoning Map Amendment
Staff Report
July 19, 2022**

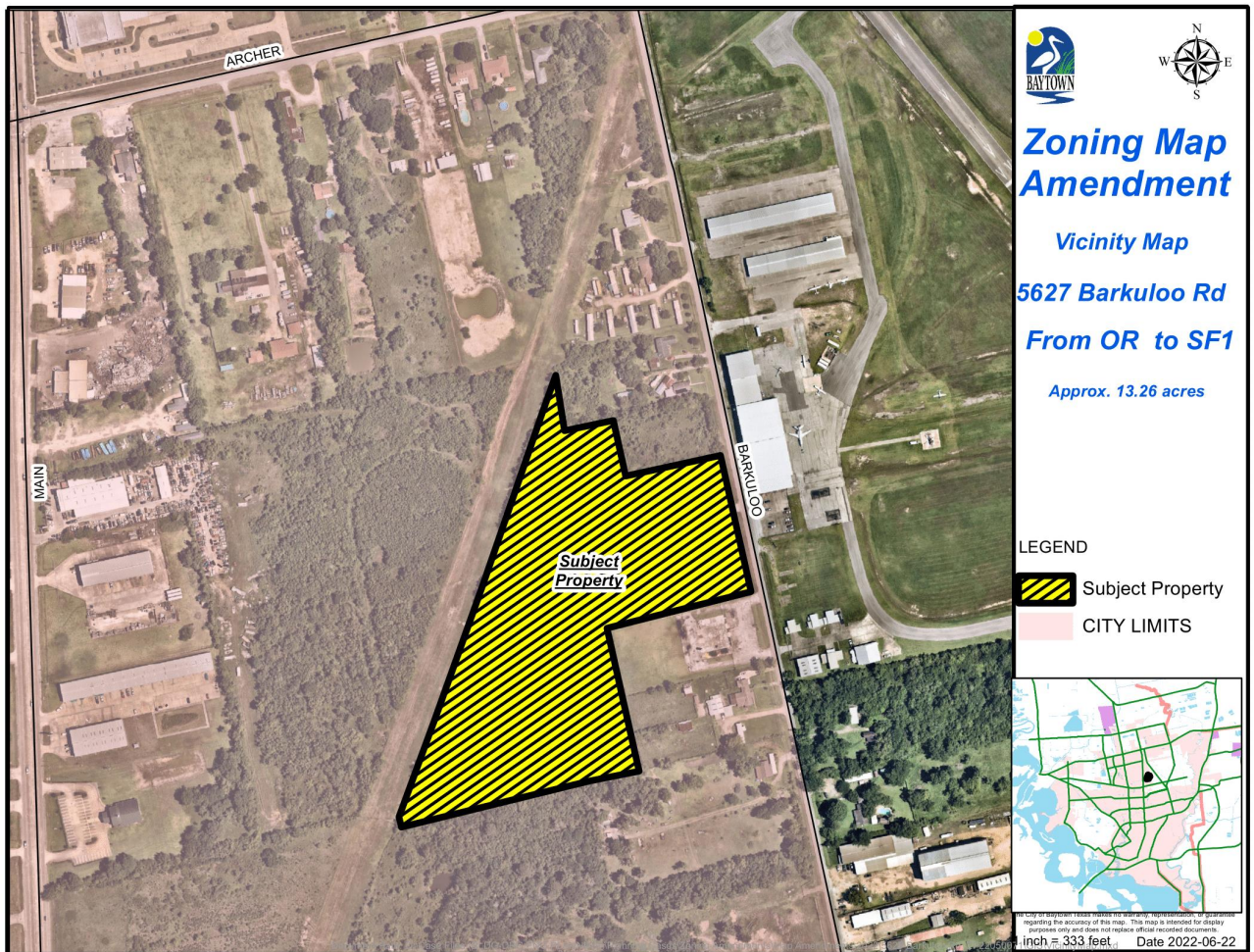
Plan Number: ZP22050071

Address: 5627 Barkuloo Rd Baytown, TX 77521

Requested Action: The proposed rezoning of approximately 13.26 acres located at 5627 Barkuloo Rd, Baytown, Harris County, Texas, legally described as Tracts 9, 16 & 17 in the H F Gillette Survey, Abstract 297, Baytown, Harris County, Texas, from Open Space/Recreation (OR) to Low Density Single-Family Residential Dwellings (SF1) Zoning District.

Applicant: Jonathan WU – representative of the property owner

Subject Property:



Parcel Information

Current Use: Residential

Proposed Use: Residential

Future Land Use Plan: Low Density Residential

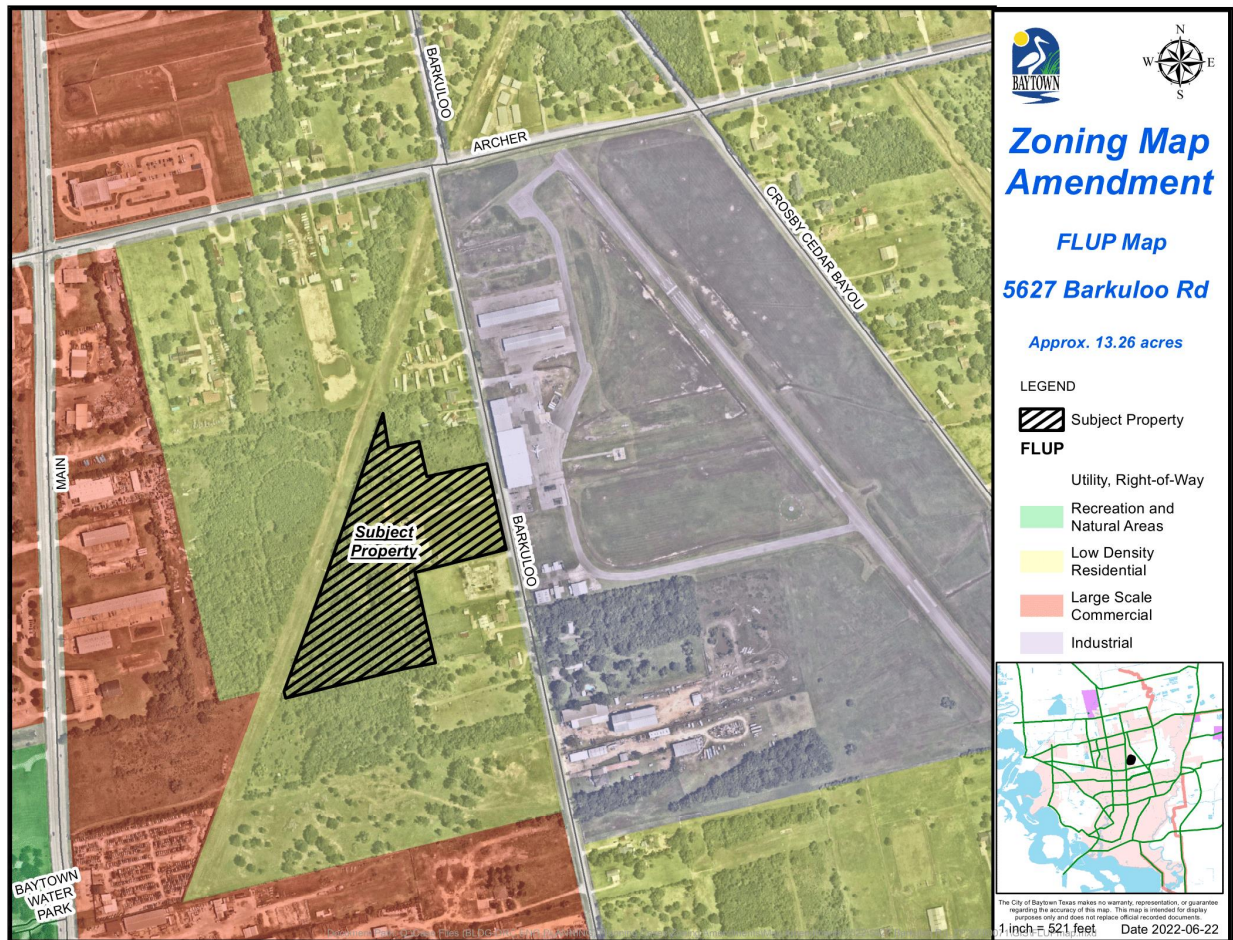
Adjacent Parcel Information

North: Residential

South: Residential

East: Airport

West: Vacant/undeveloped

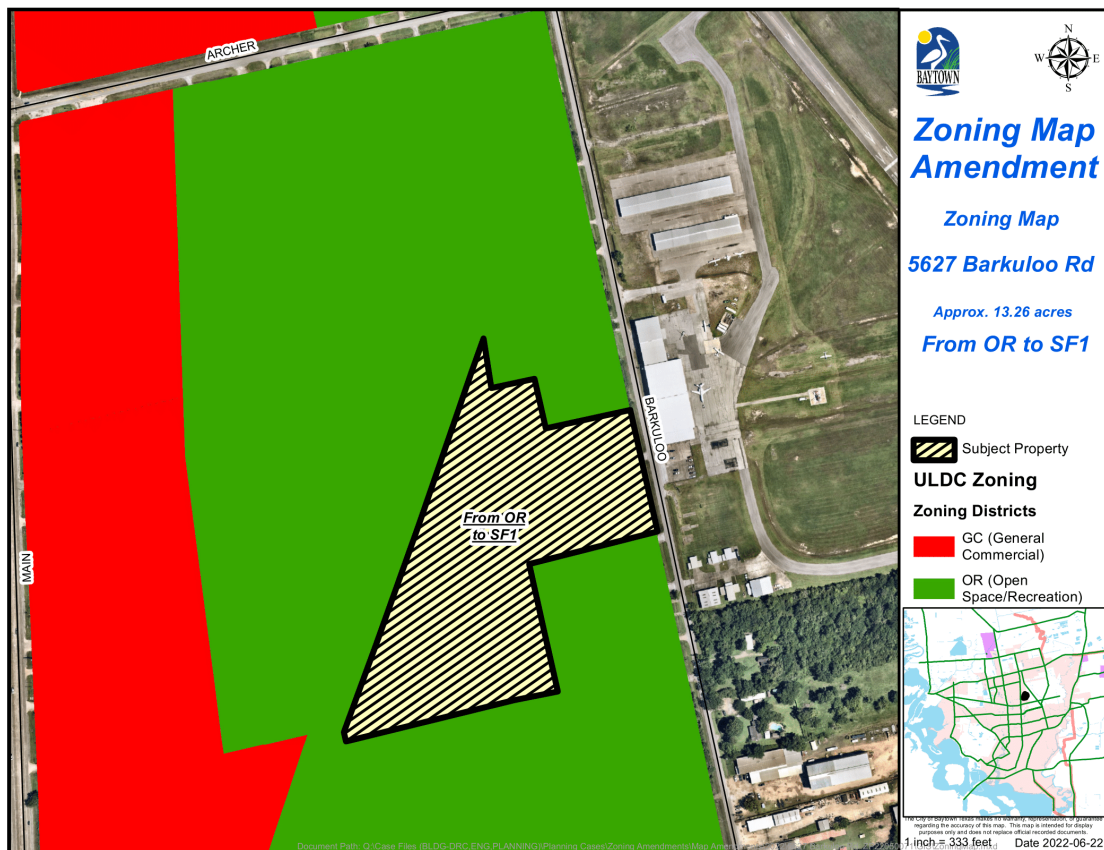


Future Land Use Plan Map

Staff Analysis (Background):

The applicant is requesting to rezone the subject property, with an existing residential use, from Open Space/Recreation (OR) to Low Density Single-Family Residential Dwellings (SF1). The proposed rezoning is to allow new residential construction on the property. This property, along with much of the surrounding properties, were involuntarily annexed into city limits in 2017, and was automatically zoned OR. While many of the properties have pre-existing residential uses they are zoned as Open Space/Recreation, which does not allow the properties to do any new residential development.

If the proposed rezoning request is successful, the subject property will allow new residential development, which is consistent with the established character of the area.



In order to recommend approval of an application for a zoning amendment, the Planning and Zoning Commission shall consider the following factors:

1. **Consistency with guiding documents.**

The proposed project is consistent with the guiding documents. The *Baytown 2040 Comprehensive Plan* and *Future Land Use Plan* (FLUP) are meant to provide guidance in land use decisions. The FLUP designates this property to be developed as Low Density Residential, which supports the rezoning proposal to Low Density Single-Family Residential Dwellings (SF1).

In addition, the proposed rezoning furthers the goals of the Land Use and Development section, in particular Goal 1 “*A fiscally sustainable growth development pattern that considers the implications of new growth on infrastructure*” This rezoning supports Goal 1 due to it allowing for low density residential development, which is the desired growth pattern of the area according to the FLUP. Low density residential development in this area would represent sustainable growth patterns that are in line with the current and expected infrastructure demands.

2. **Compatible with the Surrounding Area.**

The proposed residential development is compatible with the surrounding area. Large lot residential development is the primary development in the area which the SF1 zoning district is largely compatible with. SF1 allows for density up to 4 units an acre, which is well in line with the development patterns seen in the surrounding area. Additionally, the

applicant has stated a plan to develop a single family dwelling that will have similar character to the other large lot residences in the area.

3. **Promotion of health, safety, or general welfare.**

It is not anticipated that the proposed project expansion will be detrimental to the health, safety, or general welfare of the area. Any proposed development will be required to meet all current adopted codes of the City of Baytown and therefore promote the health, safety and welfare of the community.

4. **Facilitation of infrastructure.**

City utilities are currently not extended to properties in this area. The planned utility expansion along Barkuloo Road will extend utilities south to East Archer road within the coming months. Following this expansion additional utility service will continue south offering property owners along Barkuloo Road, between E Archer Road and E Cedar Bayou Lynchburg Road. The opportunity to connect. Any proposed development and/or expansion will be required to meet all current adopted codes of the City of Baytown to serve the overall development.

5. **There are changed conditions.**

This property was annexed under a city sponsored annexation and placed into the OR zoning district. The OR district will not allow new residential uses, and even though the property is currently used for residential purposes, any expansion of the residential activity will not be allowed in the current zoning district. This proposed rezoning is for a district that is aligned with the current conditions of the area, and it is supported by the FLUP designation of Low Density Residential.

6. **Effect on natural environment.**

This rezoning will have a limited impact on the natural environment. If the property is developed any further, the City of Baytown Code of Ordinances will govern any environmental impacts. The applicant is required to mitigate adverse impacts by standards contained throughout the City of Baytown Code of Ordinances.

7. **Community need.**

It is important to support continued residential development in all areas of the city, and further development in this area with a rezone to a residential use would promote residential growth in this area of the city.

The proposed rezoning supports the FLUP and the Comprehensive Plan. Ensuring that the property is zoned accordingly will aid in the beautification efforts through the implementation of additional regulations such as requiring development and operational performance standards that are designed to enhance the built environment of residential uses.

Staff Recommendation

Staff recommends approval of the proposed zoning map amendment.

Comment Form - 715 Alamo St.

SURVEY RESPONSE REPORT

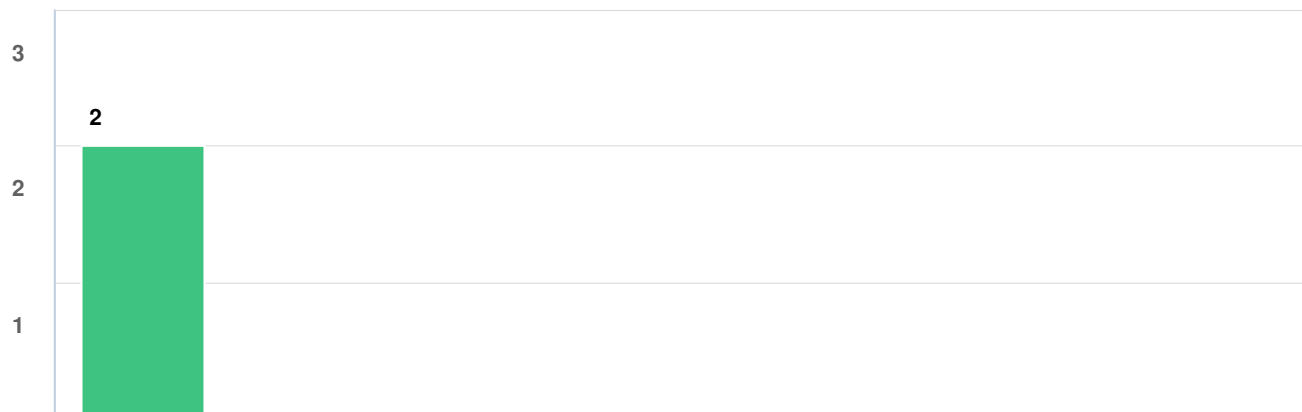
27 August 2020 - 06 July 2022

PROJECT NAME:

715 Alamo Street - Zoning Map Amendment

SURVEY QUESTIONS

Q1 How did you hear about this development application?

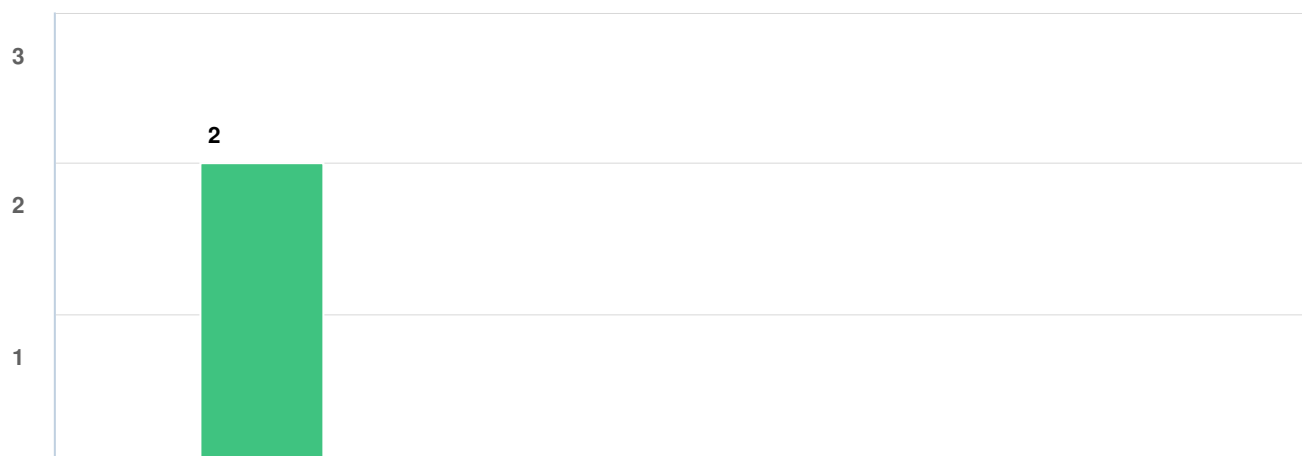


Question options

- Letter from the City of Baytown
- Public Notice in the Baytown Sun
- Sign on-site
- Social media
- Word of mouth
- BaytownEngage.com
- Other (please specify)

Optional question (2 response(s), 0 skipped)
Question type: Checkbox Question

Q2 After considering the likely impact this proposal has on your property, do you:



Question options

- Object to the proposal
- Support the proposal
- Neither support or object

Optional question (2 response(s), 0 skipped)
Question type: Checkbox Question

Q3 Please explain your answer to Question 5 and include how you will be impacted by the proposal.

Screen Name Redacted

6/21/2022 07:24 AM

I specifically spoke to the owner/developer of the property and he told me high end homes were going to be built on acre lots. This letter from City sounds much different. Homes from 718 to 754 San Jacinto Circle have already flooded from water penetrating the perimeter of their homes from the property being developed. My worry is this will cause worse drainage problems. The developer may build up his property and cause water to be dispersed to homes on SJC. I am not in favor of this development.

Screen Name Redacted

6/21/2022 07:37 AM

I have lived here 7 years and our street has flooded 3 times. The drainage has been a problem and I am concerned that developing 25 homes behind me will further impact the drainage issue!

Optional question (2 response(s), 0 skipped)

Question type: Essay Question

Q4 Please upload any attachments that you would like included with your comments.

Screen Name Redacted

[View](#) | [Download](#)

6/21/2022 07:37 AM

Optional question (1 response(s), 1 skipped)

Question type: File Question

Q4 Please upload any attachments that you would like included with your comments.

Screen Captions from attached video submitted 6/21/2022:





CITY COUNCIL MEETING

2. b.

Meeting Date: 08/11/2022

Subject: Consider Zoning Map Amendment from OR to SF1

Prepared for: Martin Scribner, Planning and Development Services

Prepared by: Trevor Harlow, Planning and Development Services

Department: Planning and Development Services

Information

ITEM

Consider an ordinance concerning a request to amend the official zoning map to rezone approximately 13.26 acres located generally south of East Archer Road and directly west of and with frontage on, Barkuloo Road from Open Space/Recreation (OR) to Low Density Single-Family Residential Dwellings (SF1).

PREFACE

The applicant is requesting to rezone approximately 13.26 acres located at 5627 Barkuloo Road, legally described as tracts 9, 16 & 17 in the H F Gillette Survey, Abstract 297, Baytown, Harris County, Texas, from Open Space/Recreation (OR) to Low Density Single-Family Residential Dwellings (SF1) to allow new residential construction on the property. The applicant's intent is to replace a single family detached structure that is currently located on the property and has no intent of subdividing the property at this time.

The subject property is currently used for residential purposes. The surrounding area is characterized by a mix of residential dwellings, open space, and the airport to the east. The subject property and its neighboring properties to the north and south are all zoned OR.

Supporting documentation is attached for your review.

Fiscal Impact

Fiscal Year:

Acct Code:

Source of Funds (Operating/Capital/Bonds):

Funds Budgeted Y/N:

Amount Needed:

Fiscal Impact (Additional Information):

No Fiscal Impact

Attachments

Ordinance - Zoning Map Amendment

Exhibit A - Zoning Map

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BAYTOWN TO REZONE APPROXIMATELY 13.26 ACRES LOCATED AT 5627 BARKULOO ROAD, LEGALLY DESCRIBED AS TRACTS 9, 16 AND 17 IN THE H F GILLETTE SURVEY, ABSTRACT 297, BAYTOWN, HARRIS COUNTY, TEXAS, FROM AN OPEN SPACE/RECREATION (OR) ZONING DISTRICT TO A LOW DENSITY SINGLE-FAMILY RESIDENTIAL DWELLINGS (SF1) ZONING DISTRICT; PRESCRIBING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown, Texas, hereby amends the official zoning map of the City of Baytown to effectuate zoning district changes for approximately 13.26 acres located at 5627 Barkuloo Road, legally described as Tracts 9, 16 and 17 in the H F Gillette Survey, Abstract 297, Baytown, Harris County, Texas, from an Open Space/Recreation (OR) Zoning District to a Low Density Single-Family Residential Dwellings (SF1) Zoning District. The amended portion of the official zoning map is attached hereto as Exhibit "A" and incorporated herein for all intents and purposes.

Section 2: Any person who fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 3: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 4: If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances; and to this end, all provisions of this ordinance are declared to be severable.

Section 5: This ordinance shall take effect from and after ten (10) days from its passage by the City Council. The City Clerk is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Baytown at least twice within ten (10) days after passage of this ordinance.

INTRODUCED, READ, and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

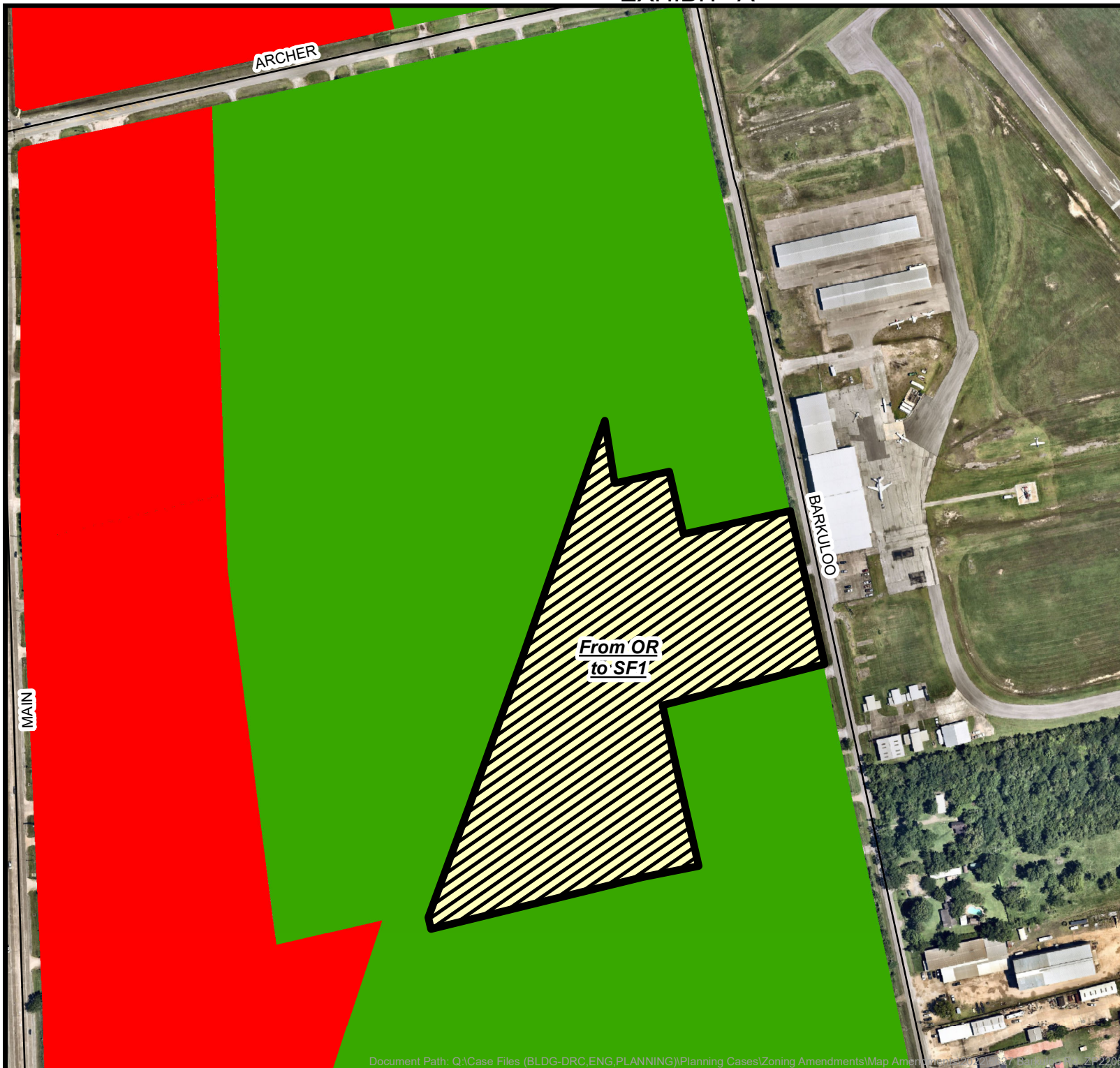
BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney



Zoning Map Amendment

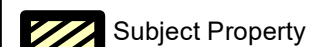
Zoning Map

5627 Barkuloo Rd

Approx. 13.26 acres

From OR to SF1

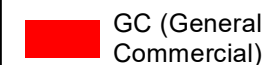
LEGEND



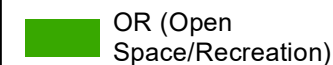
Subject Property

ULDC Zoning

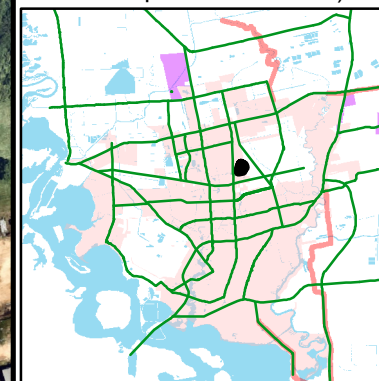
Zoning Districts



GC (General Commercial)



OR (Open Space/Recreation)



The City of Baytown, Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

1 inch = 333 feet

Date 2022-06-22



PLANNING AND ZONING COMMISSION REPORT TO CITY COUNCIL

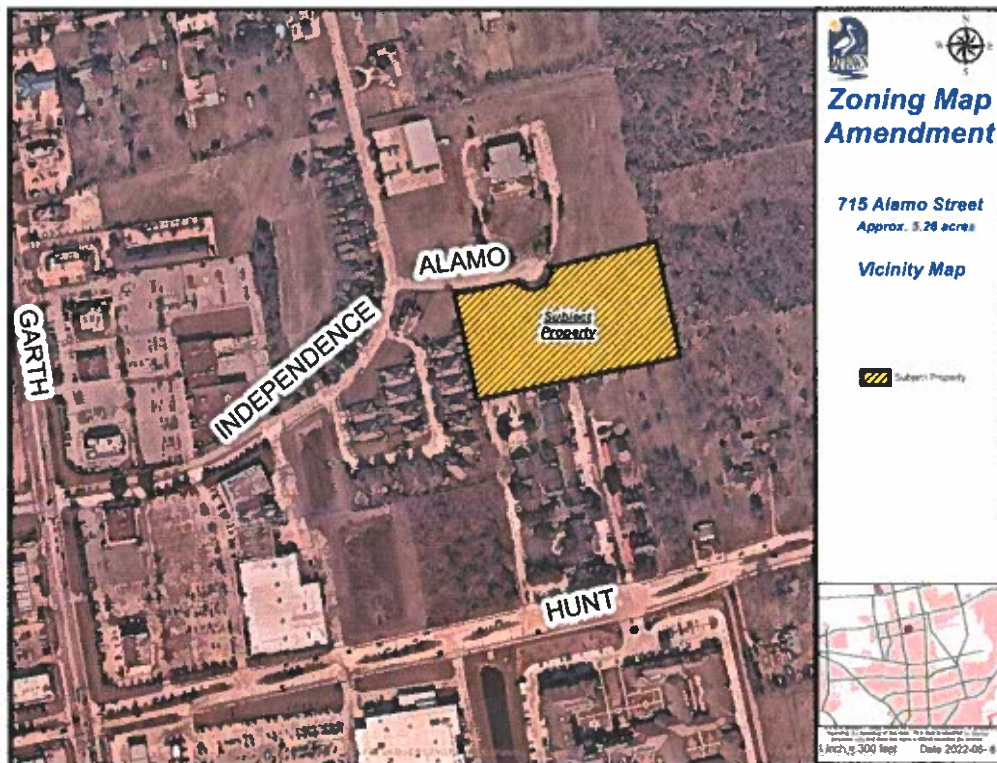
TO: City Council
FROM: Planning and Zoning Commission
RE: Zoning Map Amendment from GC to SF2
DATE: June 21, 2022

This is the report required to be submitted by the Planning and Zoning Commission per Section 1.26 of the Unified Land Development Code, Baytown Code of Ordinances to the City Council. This report also serves as the final report that is to be used by the Council in its consideration of the amendment as set forth in Section 1.26 of the code.

Requested Action: Zoning Map Amendment to the official zoning map to rezone approximately 5.26 acres addressed as 715 Alamo Street, legally described as Parcel G in the San Jacinto Crossing Subdivision, Baytown, Harris County, Texas, from General Commercial (GC) to Mixed Residential at Low to Medium Densities (SF2) Zoning District.

Applicant: Ronnie Gonzales – Center Point Survey

Subject Property: Approximately 5.26 acres addressed as 715 Alamo Street, legally described as Parcel G in the San Jacinto Crossing Subdivision, Baytown, Harris County, Texas.



Parcel Map

Parcel Information

Current Use: Vacant

Proposed Use: Residential

Future Land Use Map: Mixed Density Residential

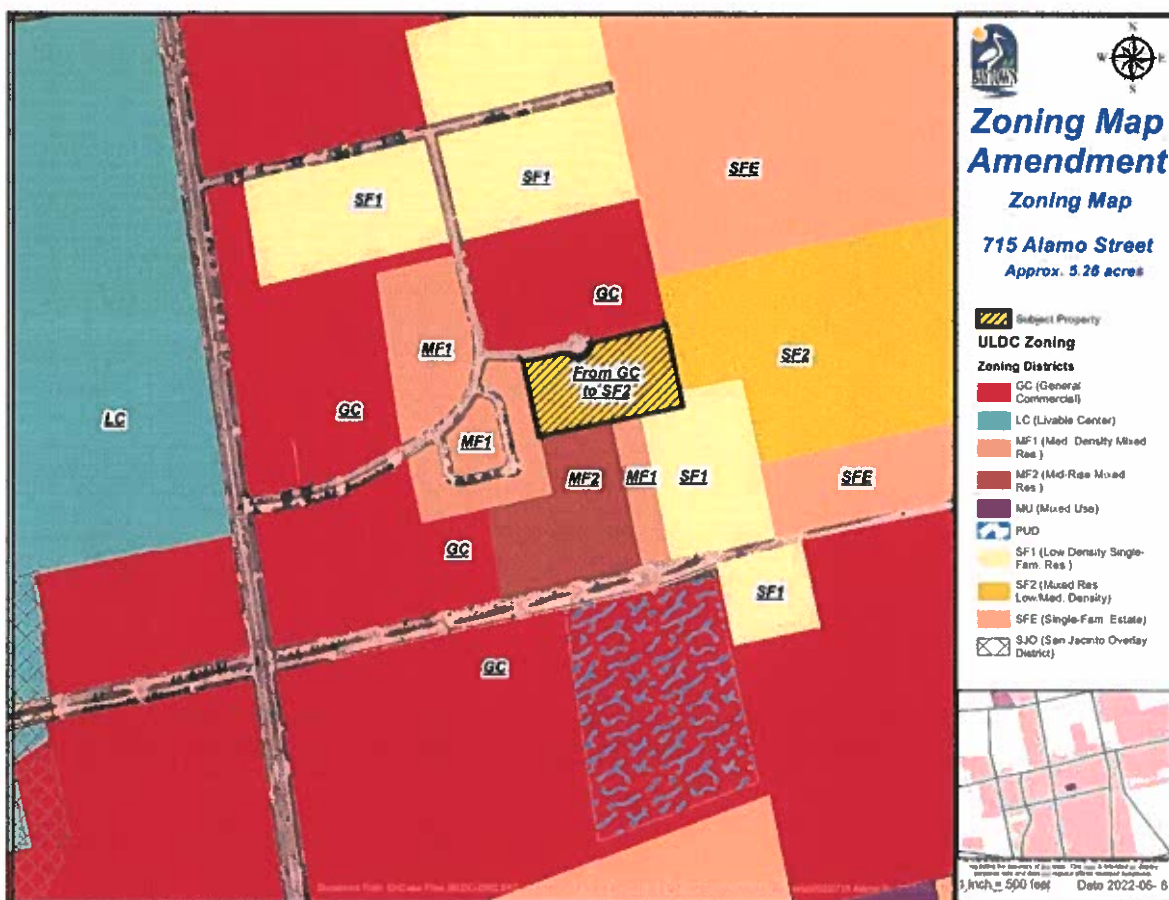
Adjacent Parcel Information

North: General Commercial (GC), San Jacinto Christian Church INC, and a vacant parcel

South: Mid-Rise Mixed Residential (MF2), Medium Density Mixed Residential (MF1), and Low Density Single-Family Residential (SF1)

East: Mixed Residential at Low to Medium Densities (SF2)

West: Medium Density Mixed Residential (MF1)



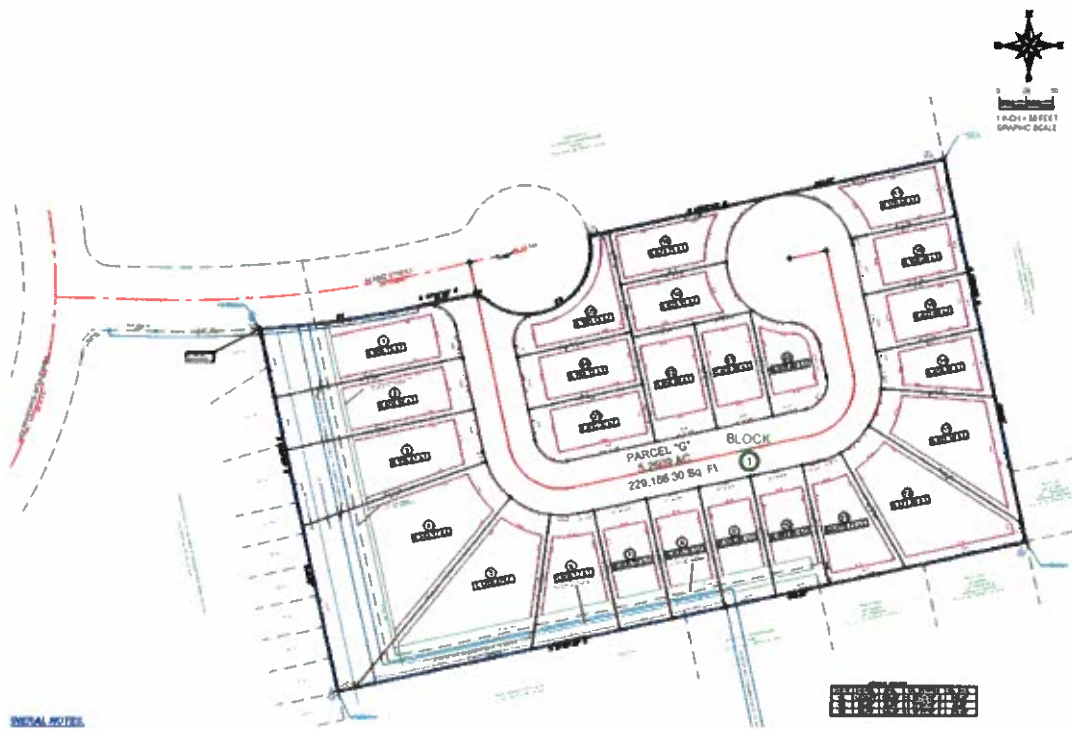
Zoning Map

Staff Analysis (Background):

The applicant is requesting to rezone the subject property, which is vacant, from GC to SF2 to allow for the construction of 25 single-family residential homes. The preliminary plan includes 25 lots with a minimum size of 5,400 square feet. The surrounding properties to the west and south are residential developments in various residential zones. An active preliminary plat application for single-family (SF2) residential development is located to the immediate east of the subject property.

History:

The subject property was previously platted in the San Jacinto Subdivision as Parcel G. A replat will be necessary to develop into single-family lots. Since the proposed development includes additional right-of-way and other public infrastructure; a Preliminary Plat, Engineering Letter, and Final Plat will be required.



Proposed Plot plan

In order to recommend approval of an application for a zoning amendment, the Planning and Zoning Commission shall consider the following factors:

1. Consistency with Guiding Documents.

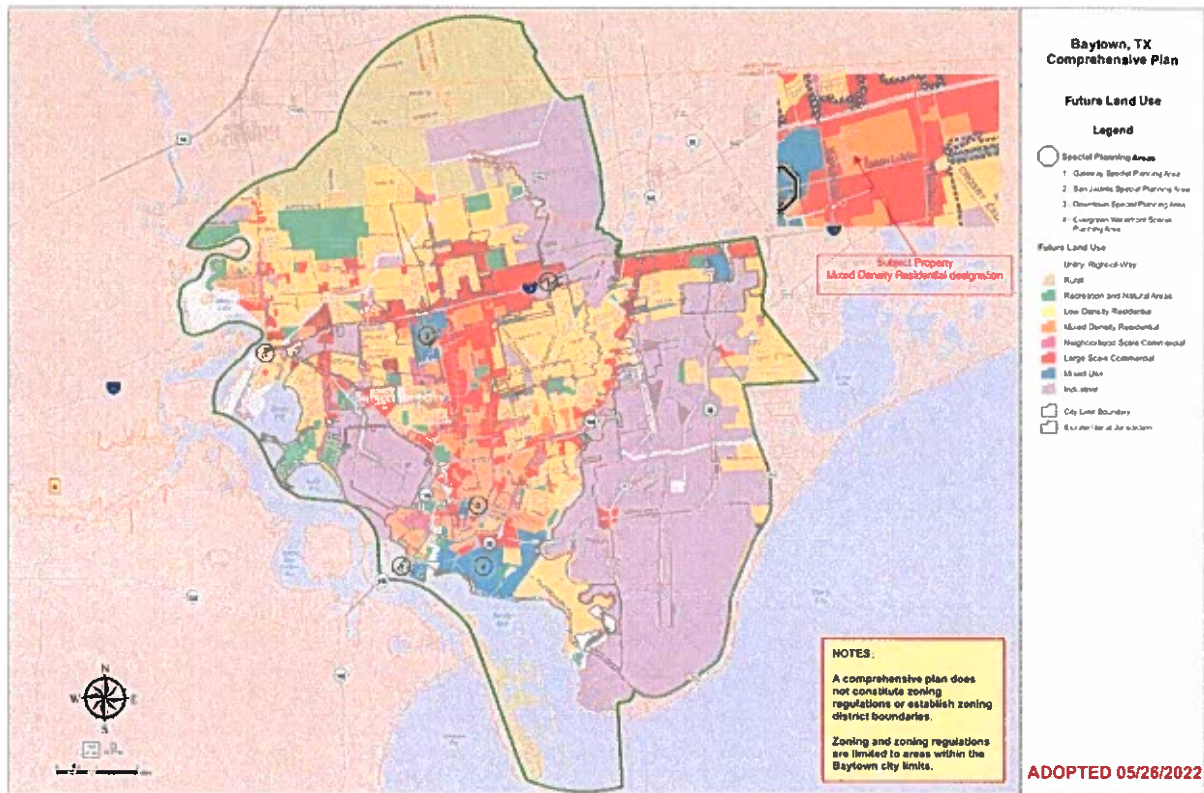
The *Baytown 2040 Comprehensive Plan*, approved by City Council on May 26, 2022, is a policy document that sets forth a City's long-range planning policies in order to reflect the aspirations and values of residents, property owners, businesses and organizations within the community. The Comprehensive plan provides guidance for the City's zoning map and related decisions (zone change requests, variance applications, etc.). The Future Land Use Map (FLUM) graphically illustrates general future land uses based upon the recommendations made throughout the City's Comprehensive Plan. The FLUM designates the subject property as "Mixed Density Residential".

According to the 2040 Comprehensive Plan, Mixed Density Residential offers a mix of housing types and densities. The density of such areas permits between 6 and 23+ dwelling units per acre depending on the mix of building types and location of the housing as specified by zoning. Mixed infill development of multiple use types is encouraged in these areas.

Primary Land Use Types in Mixed Density Residential:

- Conservation subdivisions that concentrate the overall development footprint through cluster designs, with increased open space set-aside and semi-rural character.

- Detached residential dwellings, including suburban style single-family homes.
- Attached residential dwellings, including duplexes and townhomes.
- Patio homes or other small-lot housing types with common walls.
- Accessory dwelling units (attached and detached).
- Multi-family developments, including:
 - Small multi-family developments (up to 15 du/acre and no more than 50 units)
 - Low to medium density multi-family developments (up to 23 du/acre).
 - High density multi-family (more than 23 du/acre).



FLUM

The proposed ZMA from GC to SF2 is consistent with the 2040 Comprehensive Plan guidance and the FLUM in respect to detached residential dwellings. Although the proposed development provides a density of approximately 4.8 dwelling units per acre which is less dense than the Comprehensive Plan's guideline of six dwelling units per acre. However, it is considered in line with the density provided on an adjacent development to the east Bayview Heights Development. The proposed development meets the ULDC Design and Compatibility Standards in the SF2 zoning district with respect to lot frontage and lot size.

2. Compatible with the Surrounding Area.

Existing development in the surrounding area is predominantly a mix of residential uses that are in close proximity to commercial businesses on Garth Road. Semi-detached dwellings are located to the immediate west of the subject property and off of Independence Boulevard; San Jacinto Church and a vacant parcel are located across Alamo Street and north of the subject property; and Hunt Garden Apartments are backing onto the south side of the subject property. The proposed residential zoning will complement existing residential dwellings in the surrounding area and will provide a single-family detached housing option within the neighborhood. The proposed rezoning of the subject property from GC to SF2 is considered compatible with the surrounding area (Please see Zoning Map). Compatible zoning districts with SF2

category include Single Family Estate (SFE), Low Density Single-family Residential (SF1), Neighborhood Serving Commercial (NSC), Medium Density Mixed Residential (MF1), and Open Space/Recreation (OR).

3. **Promotion of health, safety, or general welfare.**

It is not anticipated that the proposed SF2 zoning district and the proposed residential use would be detrimental to the health, safety, or general welfare of the general area. The proposed public road will be built to city standards to ensure adequate access for fire, police, and other services. Sidewalks will be required along the city right-of-way for pedestrian safety. However, the proposed development will be required to meet all current adopted codes of the City of Baytown and therefore promote the health, safety and welfare of the community.

4. **Facilitation of infrastructure.**

City utilities are provided in Alamo Street; however, the subject development is proposing a U-shaped public street that ends with a cul de sac within the boundaries of the property (please see proposed plan). Proposed public street alignment and utility expansion will be evaluated by City staff once platting and development applications are submitted for this property.

5. **There are changed conditions.**

Continued population-growth demands for more quality residential developments and a variety of housing options within the City of Baytown. The proposed residential development will: facilitate the expansion of public roads and public utilities; add 25 new residential units to the housing market; and make better use of existing resources within the neighborhood.

6. **Effect on natural environment.**

The subject development will provide for streetscape along this section of Alamo Street as well as along the proposed public streets. Moreover, the applicant is required to mitigate any adverse impacts on the natural environment and surrounding developments by implementing standards contained throughout the City of Baytown Code of Ordinances.

7. **Community need.**

The proposed utilization of a vacant lot with a single-family detached development will: be compatible with the surrounding existing uses; will add 25 units to the City of Baytown housing market; and provide infill development for this area of city.

The Commission recommends ☒ approval / ☐ disapproval of the proposed zoning map amendment from GC to SF2 on the 21st day of June 2022.



Tracey Wheeler, Chairman
City of Baytown, Texas
Planning and Zoning Commission



CITY COUNCIL MEETING

3. a.

Meeting Date: 08/11/2022

Subject: Consider Authorizing the Negotiation of Joint Election Agreement with Harris County.

Prepared for: Angela Jackson, City Clerk's Office

Prepared by: Angela Jackson, City Clerk's Office

Department: City Clerk's Office

Information

ITEM

Consider an ordinance authorizing the City Manager to negotiate and execute a Joint Election Agreement with Harris County for the Municipal Election to be held on November 8, 2022.

PREFACE

This proposed ordinance authorizes the City Manager to negotiate and execute a Joint Election Agreement with Harris County for the Municipal Election to be held on November 8, 2022, in an amount not to exceed \$125,000.00, under terms and conditions deemed acceptable to the City Manager and the City Attorney.

This election will include the office of Council Member District Nos. (1) One, (2) Two, and (3) Three

In the past, Harris County was responsible for the following under the agreement:

- The voting equipment and supplies for early voting (EV) by personal appearance and mail; and for Election Day (ED);
- The polling places for EV and ED, election personnel and set-up of the polling places for EV and ED; Harris County will utilize county-wide polling locations on Election Day;
- The appointment of the Early Voting Ballot Board and the employment of staff to program and operate the automatic tabulating equipment;
- The establishment and organization of the Central Counting Station; and
- The compensation for the election workers, which will be reimbursed, in part, by the City.

Also in the past, the City was responsible for the following under the agreement:

- Furnishing the County with a list of race titles in four languages (English, Spanish, Vietnamese & Chinese - Traditional);
- Furnishing the County with list of candidates' names and ballot positions;
- Verifying jurisdictional boundaries and streets;
- Preparing, posting and publishing any and all notices required by state law;
- Preparing election notices, orders and other election related documents; and
- Canvassing election results.

The City will pay a pro-rata share of the total costs of the Joint Election of which the final determination

will be decided once the election is completed.

Attachments

Ordinance - Joint Election Agreement with Harris County

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A JOINT ELECTION AGREEMENT WITH HARRIS COUNTY FOR THE MUNICIPAL ELECTION TO BE HELD ON THE 8TH DAY OF NOVEMBER, 2022, UNDER TERMS AND CONDITIONS ACCEPTABLE TO THE CITY MANAGER AND THE CITY ATTORNEY; AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$125,000.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Baytown is holding its municipal election on November 8, 2022, for the purpose of electing council members for Council Districts One (1), Two (2) and Three (3) of the City of Baytown; and

WHEREAS, Harris County (the "County") is holding an election on the same uniform election date; and

WHEREAS, the City and the County desire to hold joint elections in the election precincts that can be served by common polling places; and

WHEREAS, pursuant to Section 271.002 of the Texas Election Code, the terms of the joint election include the City agreeing to pay a portion of the County's election costs in exchange for the County:

- providing the voting equipment and supplies for early voting by personal appearance and mail and for election day;
- providing election workers;
- setting up the polling places;
- serving as the Early Voting Ballot Board;
- programming and operating the automatic tabulating equipment; and
- establishing and organizing the Central Counting Station; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown, Texas, hereby authorizes the City Manager to negotiate and enter into a joint election agreement with Harris County for the municipal election to be held on the 8th day of November, 2022, under terms and conditions acceptable to the City Manager and the City Attorney.

Section 2: That the City Council of the City of Baytown, Texas, authorizes payment to Harris County in an amount not to exceed ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$125,000.00), pursuant to the agreement identified in Section 1 hereof.

Section 3: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney



CITY COUNCIL MEETING

4. a.

Meeting Date: 08/11/2022

Subject: Public Hearing: Regarding the Baytown Crime Control and Prevention District FY 2022-23 Proposed Budget.

Prepared for: Victor Brownlees, Finance

Prepared by: Monica Fabela, Finance

Department: Finance

Information

ITEM

Conduct a public hearing on the Baytown Crime Control and Prevention District Fiscal Year 2022-23 Proposed Budget.

PREFACE

Conduct a public hearing regarding the Fiscal Year 2022-23 Budget as adopted by the Board of Directors (the "Board") of the Baytown Crime Control and Prevention District ("CCPD") and submitted to the City Council. The CCPD Board adopted the budget on July 12, 2022, and submitted it to City Council on July 14, 2022.

As set forth in state law, the local governing body must hold a public hearing on the budget adopted by the Board. Notice of the public hearing was published in *The Baytown Sun* on August 4, 2022, and posted on the City's notice boards and website on August 1, 2022.

Fiscal Impact

Fiscal Year:

Acct Code:

Source of Funds (Operating/Capital/Bonds):

Funds Budgeted Y/N:

Amount Needed:

Fiscal Impact (Additional Information):

There is no fiscal impact associated with this item.

Attachments

FY23 CCPD Proposed Budget

BAYTOWN
**CRIME CONTROL AND
PREVENTION DISTRICT
(CCPD)**

ANNUAL PROGRAM OF SERVICES
2022-23

PROPOSED BUDGET



CRIME CONTROL AND PREVENTION DISTRICT (CCPD)

BOARD OF DIRECTORS

RIKKI WHEELER, President

JAMES COKER, Vice President

CITY CLERK, Secretary

STEELE ARTHUR, Director

LLOYD J. HERRERA, Director

NICHOLAS RICE, Director

DR. CHRIS L. WARFORD, Director

LORETTA WHITE, Director



BAYTOWN
CRIME CONTROL PREVENTION DISTRICT (CCPD) FUND 206
BUDGET SUMMARY

	Actual 2020-21	Budget 2021-22	Estimated 2021-22	Proposed 2022-23
Revenues				
Sales Tax	\$ 2,246,811	\$ 2,006,313	\$ 2,303,439	\$ 2,406,699
Interest Income	103	171	284	296
Total Revenues	2,246,914	2,006,484	2,303,723	2,406,995
Expenditures				
Personnel	1,684,771	1,667,307	1,551,616	-
Supplies	-	139,000	139,000	141,100
Maintenance	432,754	-	97,083	533,422
Services	47,387	60,200	-	-
Total Operating	2,164,912	1,866,507	1,787,699	674,522
Capital Outlay	-	165,000	-	1,985,453
Unforeseen/New Initiatives	-	35,769	-	496,861
Total Expenditures	2,164,912	2,067,276	1,787,699	3,156,836
Excess (Deficit) Revenues				
Over Expenditures	82,002	(60,792)	516,024	(749,841)
Fund Balance - Beginning	151,815	233,817	233,817	749,841
Fund Balance - Ending	\$ 233,817	\$ 173,025	\$ 749,841	\$ -

20601 CRIME CONTROL PREVENTION DISTRICT (CCPD) - BUDGET NOTES

Acct #	Account Name	Amount
<u>SUPPLIES</u>		
72007	Wearing Apparel	82,700
	Regular Uniforms - 15 @\$600 (14 Officers and 1 Sergeant)	9,000
	Body Armor Vest - 40@\$1000	40,000
	SWAT Vests, Helmets, Etc. - 25@\$1000	25,000
	SWAT Uniforms - 29@\$300	8,700
<u>MINOR TOOLS</u>		
72021	Minor Tools	23,100
	Replace Batteries for MDTs	4,000
	Hostage Negotiation Team Equipment	9,500
	Protech Ballistic Shields - 8@\$1200	9,600
<u>EDUCATIONAL SUPPLIES</u>		
72041	Educational Supplies	35,300
	SWAT & Bomb Squad Training Materials	35,300
TOTAL SUPPLIES		141,100
<u>MAINTENANCE</u>		
73042	Machinery & Equip Maint	533,422
	Flock Safety License Plate Recognition (LPR) Camera System	159,100
	Laptop/MDT Repair/Replace/Upgrade	14,000
	AXON BWC, In Car Video, Taser & Interview Room	360,322
TOTAL MAINTENANCE		533,422
TOTAL OPERATING		674,522
<u>CAPITAL OUTLAY</u>		
80001	Furniture & Equip <\$10000	165,000
	Law Enforcement Network Search (LENS)	165,000
84043	Motor Vehicles	1,820,453
	Vehicle Replacement (22 @\$82,593)	1,784,453
	4-Wheeler/Mule Replacement (3@\$12,000)	36,000
TOTAL CAPITAL OUTLAY		1,985,453
<u>CONTINGENCY</u>		
99002	Unforeseen/New Initiative	496,861
TOTAL CONTINGENCY		496,861
TOTAL CCPD		\$ 3,156,836



CITY COUNCIL MEETING

4. b.

Meeting Date: 08/11/2022

Subject: Public Hearing: Regarding the Baytown Fire Control, Prevention, and EMS District FY 2022-23 Proposed Budget

Prepared for: Victor Brownlees, Finance

Prepared by: Monica Fabela, Finance

Department: Finance

Information

ITEM

Conduct a public hearing on the Baytown Fire Control, Prevention, and Emergency Medical Services District Fiscal Year 2022-23 Proposed Budget.

PREFACE

Conduct a public hearing regarding the Fiscal Year 2022-23 Budget as adopted by the Board of Directors (the "Board") of the Baytown Fire Control, Prevention, and Emergency Medical Services District ("FCPEMSD") and submitted to the City Council. The FCPEMSD Board adopted the budget on July 19, 2022, and submitted it to City Council on July 28, 2022.

As set forth in state law, the local governing body must hold a public hearing on the budget adopted by the Board. Notice of the public hearing was published in *The Baytown Sun* on August 4, 2022, and posted on the City's notice boards and website on August 1, 2022.

Fiscal Impact

Fiscal Year:

Acct Code:

Source of Funds (Operating/Capital/Bonds):

Funds Budgeted Y/N:

Amount Needed:

Fiscal Impact (Additional Information):

There is no fiscal impact associate with this item.

Attachments

FY23 FCPEMSD Proposed Budget

**BAYTOWN
FIRE CONTROL, PREVENTION
AND EMERGENCY MEDICAL
SERVICE DISTRICT (FCPEMSD)**

**ANNUAL PROGRAM OF SERVICES
2022-23**

PROPOSED BUDGET



FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT (FCPEMSD)

BOARD DIRECTORS

BRENDA BRADLEY SMITH, President

JOHN ADKINS, Vice President

CITY CLERK, Secretary

RICHARD CARR, Director

BARRY L. HAWKINS, Director

RHONDA LOPEZ, Director

PREET SINGH, Director

MAURICE WATTS, Director



BAYTOWN
FIRE - EMS SPECIAL DISTRICT FUND 207
BUDGET SUMMARY

	Actual 2020-21	Budget 2021-22	Estimated 2021-22	Proposed 2022-23
Revenues				
Sales Tax	\$ 2,263,349	\$ 1,935,812	\$ 2,331,868	\$ 2,437,493
Investment Interest	327	621	662	691
Total Revenues	2,263,675	1,936,433	2,332,529	2,438,185
Expenditures				
Personnel	317,267	415,420	332,162	-
Supplies	6,200	17,500	8,740	120,000
Total Operating	392,369	470,620	356,102	120,000
Capital Outlay	986,241	1,063,501	1,114,059	452,415
Transfers Out	1,151,300	782,125	782,125	1,668,855
Unforeseen/New Initiatives	-	294,579	-	-
Total Expenditures	2,529,910	2,610,825	2,354,586	2,241,270
Excess (Deficit) Revenues Over Expenditures	(266,235)	(674,392)	(22,056)	196,915
Fund Balance - Beginning	1,031,573	765,338	765,338	743,284
Fund Balance - Ending	\$ 765,338	\$ 90,947	\$ 743,284	\$ 940,199

BAYTOWN
FIRE - EMS SPECIAL DISTRICT FUND 207
SPECIAL DISTRICT - FIRE/EMS - 20701

	Actual 2020-21	Budget 2021-22	Estimated 2021-22	Proposed 2022-23
Expenditures				
71002 Regular Wages	\$ 214,557	\$ 294,484	\$ 233,365	\$ -
71009 Overtime	2,561	-	341	-
71021 Health Insurance	24,777	26,345	20,160	-
71022 TMRS	41,023	56,155	43,587	-
71023 FICA	16,622	23,630	18,307	-
71028 Workers Compensation	3,772	406	4,114	-
71041 Allowances	13,955	14,400	12,288	-
Personnel	317,267	415,420	332,162	-
72021 Minor Tools	-	-	-	120,000
72026 Cleaning & Janitorial Sup	618	1,500	1,021	-
72031 Chemical Supplies	5,582	16,000	7,720	-
Supplies	6,200	17,500	8,740	120,000
73011 Buildings Maintenance	21,515	-	-	-
Maintenance	21,515	-	-	-
74070 Elections	47,387	15,000	15,000	-
74280 Bonds	-	200	200	-
Services	47,387	15,200	15,200	-
Total Operating	392,369	448,120	356,102	120,000
80001 Furniture & Equip <\$10000	3,187	332,234	331,922	-
84042 Machinery & Equipment	-	87,980	77,980	160,000
84043 Motor Vehicles	983,053	698,287	704,157	292,415
84045 Radio & Testing Equipment	-	-	-	-
Total Capital	986,241	1,118,501	1,114,059	452,415
85011 Engineering	-	102,300	102,300	-
Total Construction in Progress	-	102,300	102,300	-
91350 To Gen Capital Proj Fund	-	-	-	342,946
91401 To G O I S	851,300	782,125	782,125	783,125
91101 To General Fund	300,000	-	-	542,784
Total Transfers Out	1,151,300	782,125	782,125	1,668,855
99001 Contingencies	-	159,778	-	-
Total Contingencies Out	-	159,778	-	-
Total Expenditures	\$ 2,529,910	\$ 2,610,824	\$ 2,354,586	\$ 2,241,270

20701 FIRE CONTROL PREVENTION & EMERGENCY MEDICAL SERVICES DISTRICT FCPMSD - BUDGET NOTES
--

Acct #	Account Name	Amount
7200	<u>Supplies</u>	
72021	Minor Tools	120,000
	Equipment for (2) Pierce Velocity Pumper Trucks	
	TOTAL SUPPLIES	120,000
8000	<u>Capital Outlay</u>	
84042	Machinery & Equipment	160,000
	Rescue Tools (2@\$15,000)	30,000
	Zoll X Series Advanced EKG Monitor/Defibrillator (2)	90,000
	Forklift (Training Field)	40,000
84043	Motor Vehicles	292,415
	Ambulance	292,415
	TOTAL CAPITAL OUTLAY	452,415
9100	<u>Transfers Out</u>	
91101	To General Fund	1,668,855
	Payment 1 of 2 for (2) Pierce Velocity Pumper Trucks and Equipment for Engine 3	542,784
91350	To General Fund	
	Contribution to Vehicle Replacement Fund	342,946
91401	To G O I S	
	Principal & Interest Payment for Series 2020 GO Ref Bond for Training Facility – Phase III	783,125
	TOTAL TRANSFERS OUT	1,668,855
	TOTAL FCPMSD	\$ 2,241,270



CITY COUNCIL MEETING

5. a.

Meeting Date: 08/11/2022

Subject: Consider an Ordinance Awarding the Solid Waste Contract to Best Trash, LLC

Prepared for: Frank Simoneaux, Public Works/Engineering/BAWA

Prepared by: Frank Simoneaux, Public Works/Engineering/BAWA

Department: Public Works/Engineering/BAWA

Information

ITEM

Consider an ordinance awarding the Annual Residential Solid Waste Collection, Disposal, and Recycling Services Contract for the City of Baytown to Best Trash, LLC.

PREFACE

This proposed ordinance authorizes the Annual Residential Solid Waste Collection, Disposal, and Recycling Services Contract with Best Trash.

The contract is for a five-year term with a 6th year option at a substantially reduced price.

The residential collection services that the citizens will receive including:

4-day route week;

2x week trash collection in customer provided containers, up to ten (10) 30-gal bags.

Pink Tags can be purchased from the City for any extra bags needing to be picked up.

1x week recycling collection in new 65-gal Best Trash carts.

Bulky pickup once a week on the second day of service four (4) Cy limit.

Rates for unusual accumulations:

\$300 per hour per truck and crew plus disposal fee of \$50.00 per CY.

The City will continue to provide brush collection. The cost for such services shall be as follows for the five-year term:

Year 1 \$21.45 per house monthly

Year 2 \$22.31 per house monthly + 4% CIP

Year 3 \$23.20 per house monthly + 4% CIP

Year 4 \$24.13 per house monthly + 4% CIP

Year 5 \$25.09 per house monthly + 4% CIP

Fiscal Impact

Fiscal Year:

23-24

Acct Code: 32010-74034

Source of Funds (Operating/Capital/Bonds): Operating

Funds Budgeted Y/N: Y

Amount Needed: \$5,276,957

Fiscal Impact (Additional Information):

Attachments

Ordinance - Residential Solid Waste Collection, Disposal, and Recycling Services Contract
Indebtedness Certification

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE ANNUAL RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING SERVICES CONTRACT WITH BEST TRASH, L.L.C.; AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN AN AMOUNT NOT TO EXCEED FIVE MILLION TWO HUNDRED SEVENTY-SIX THOUSAND NINE HUNDRED FIFTY-SEVEN AND NO/100 DOLLARS (\$5,276,957.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown hereby authorizes and directs the City Manager to execute and the City Clerk to attest to the Annual Residential Solid Waste Collection, Disposal, and Recycling Services Contract with Best Trash, L.L.C. A copy of said agreement is attached hereto as Exhibit "A" and incorporated herein for all intents and purposes.

Section 2: That the City Council hereby authorizes payment to Best Trash, L.L.C., in an amount not to exceed FIVE MILLION TWO HUNDRED SEVENTY-SIX THOUSAND NINE HUNDRED FIFTY-SEVEN AND NO/100 DOLLARS (\$5,276,957.00), in accordance with the contract authorized in Section 1.

Section 3: That pursuant to the provisions of Texas Local Government Code Annotated § 252.048, the City Manager is hereby granted general authority to approve any change order involving a decrease or an increase in costs of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) or less, provided that the original contract price may not be increased by more than twenty-five percent (25%) or decreased by more than twenty-five percent (25%) without the consent of the contractor to such decrease.

Section 4: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney

CITY OF BAYTOWN, TEXAS
INDEBTEDNESS CERTIFICATION

Project Name: Anual Residential Solid Waste Services Contract

Company Name: Best Trash

Department: Public Works

Date: 8/03/2022

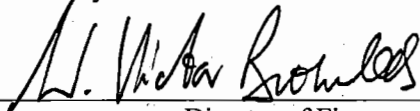
Council Date: 08/11/2022

A review of the above-described company was made in accordance with 2-663 of the City of Baytown Code of Ordinances and the aforementioned company was found:

☐ to be indebted to the City in the following areas:

☒ not to be indebted to the City.

It is hereby certified the above is true and correct based on the best information available.



Director of Finance

8/03/2022

Date

For information regarding this certificate, please contact the Finance Director at 281-420-6531.

If an appeal to this determination is to be filed under section 2-664 of this code, please forward to the following address:

City of Baytown
Director of Finance
P O Box 424
Baytown, TX 77522-0424



CITY COUNCIL MEETING

6. a.

Meeting Date: 08/11/2022

Subject: Presentation of New City Mobile App

Prepared for: Brian Moran, Administration

Prepared by: Brian Moran, Administration

Department: Administration

Information

ITEM

Receive and discuss a presentation for the City of Baytown's new mobile app.

PREFACE

This item will allow the City Council to receive and discuss a presentation regarding the development the City's new mobile application. This replaces the City's existing app and will be available for download on the Apple App Store and Google Play.

Fiscal Impact

Fiscal Year: 21/22

Acct Code: NA

Source of Funds (Operating/Capital/Bonds):

Funds Budgeted Y/N: Y

Amount Needed: \$0.00

Fiscal Impact (Additional Information):

Attachments

Better Baytown App Presentation



 **BETTER**
Baytown

August 11, 2022

Baytown City Council

Brian Moran

Agenda

- 1 Project Timeline
- 2 Branding
- 3 See Click Fix
- 4 Marketing
- 5 Questions

Project Timeline



Branding



 **BETTER**
Baytown

BETTER Baytown



ios



Android

See Click Fix

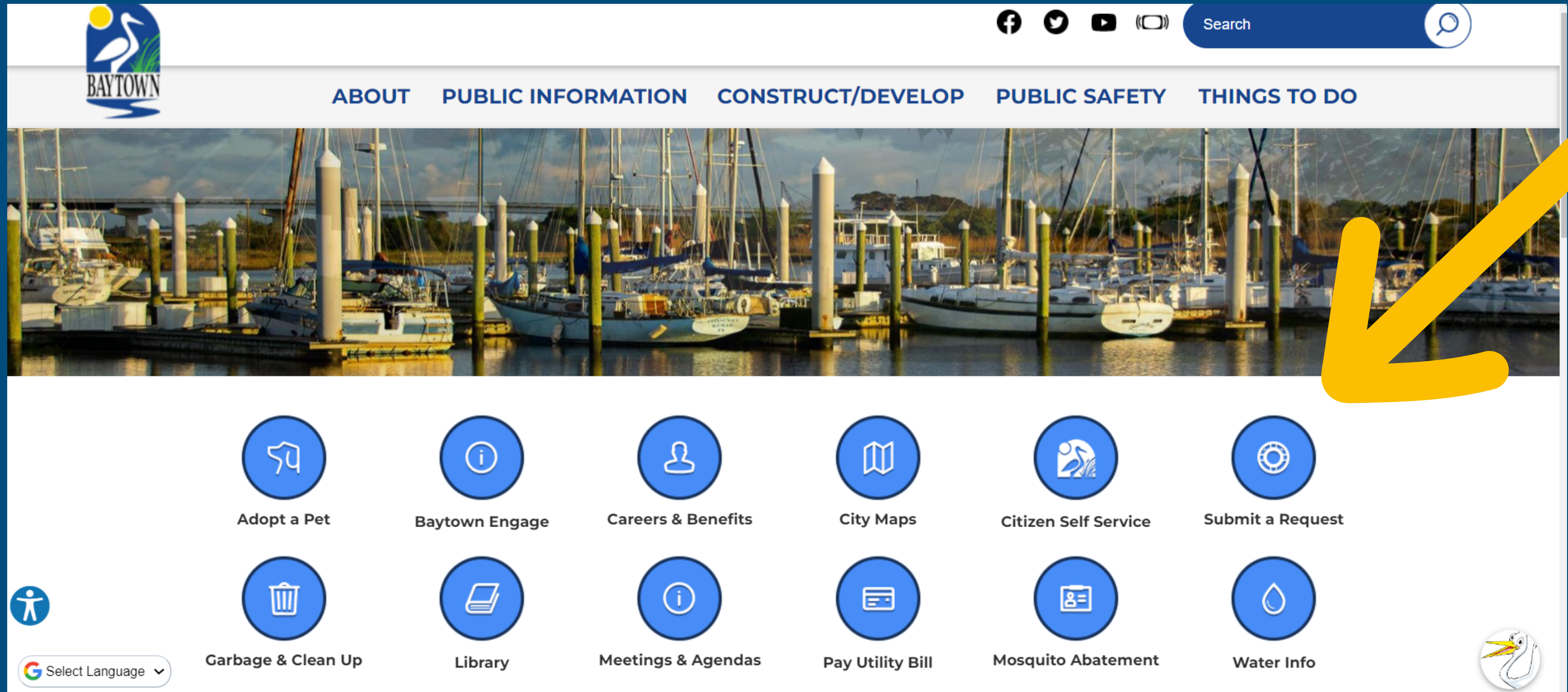
- **Citizen Request Management Software**
- Web and mobile app services
 - iOS & Android
- Citizens can:
 - Provide pictures, video, descriptions
 - View, track, comment on issues
 - Receive status notifications
 - Access Baytown Voice & Amenities
 - Find Council District
- Launch
- Improved efficiencies

Get Connected Get Results.

The Better Baytown app is the fastest, easiest way to track non-emergency request and stay updated.



Submit A Request



Submit A Request

[Home](#) > [About](#) > Better Baytown App

Better Baytown App

Better Baytown
Submit Non-Emergency Requests & Track their Resolution
Using SeeClickFix, residents can submit concerns to City Hall and receive status updates on their progress. Submit requests on this webpage, or download the SeeClickFix Better Baytown app and submit requests on the go.

[Make a Request](#)

Baytown, TX

Submit a Request

Baytown, TX

Construction without a permit

Front Yard Parking

High Grass/ Weeds on Private Property

Abandoned/ Junk Vehicle

Animal

Food Safety

Garbage on Curb not Collected

Graffiti

High Grass - Roadway

Litter on Public Roadway/ Illegal Dumping

Select a category to get started

[Home](#) > [About](#) > Better Baytown App

Better Baytown App

Better Baytown
Submit Non-Emergency Requests & Track their Resolution
Using SeeClickFix, residents can submit concerns to City Hall and receive status updates on their progress. Submit requests on this webpage, or download the SeeClickFix Better Baytown app and submit requests on the go.

[Make a Request](#)

Baytown, TX

Add Photo

Please add a photo. It helps us to better identify your request, plus we can often pull your location from the photo.

Add an image

No Photo

Streetlight Issues

420 W Texas Ave, Baytown, TX, 77520, USA

Public

Baytown, TX

Using SeeClickFix, residents can submit concerns to City Hall and receive status updates on their progress. Submit requests on this webpage, or download the SeeClickFix Better Baytown app and submit requests on the go.

[Make a Request](#)

Baytown, TX

Submit

How would you like to submit this request?

Visibility: **Public**

Receiving organization: **Baytown, TX**

Submit as yourself

Your username will be visible publicly and your email will be shared with the receiving organization.

Submit as a guest

No account required. This request will be sent to the receiving organization but you will not receive updates.

Next

Streetlight Issues

420 W Texas Ave, Baytown, TX, 77520, USA

test

Public

Baytown, TX

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Better Baytown App

Better Baytown

Submit Non-Emergency Requests & Track their Resolution

Using SeeClickFix, residents can submit concerns to City Hall and receive status updates on their progress. Submit requests on this webpage, or download the SeeClickFix Better Baytown app and submit requests on the go.

[Make a Request](#)

×

Complete

Your request #12939580 has been submitted

Streetlight Issues

420 W Texas Ave Baytown, TX, 77520, USA

Open

2 Seconds Ago

test

Public

Baytown, TX Neighbor

12939580

Baytown

Comments (0)

Public commenting and status changes are not available for this request.

Powered by SeeClickFix • [Terms of Use](#)

Share with Neighbors

[Facebook](#) [Twitter](#) [Email](#) [NextDoor](#) [Copy link](#)

Download the App

Stay up to date on this request and discover more services

[Download on the App Store](#) [GET IT ON Google Play](#)

SeeClickFix

Your issue has been successfully reported

Test

757-799 W Cedar Bayou Lynchburg Rd Baytown, TX, 77521, USA

Test for Brian [more...](#)

Who was Notified

Agencies who were notified:

- Baytown

Public watchers who were notified:

- City of Baytown City Manager
- City of Baytown Police Department
- City of Baytown Parks and Recreation
- City of Baytown Public Works

Change Due Date

Recategorize

Assign

1 Acknowledged

Traffic Sign and Signal Issues

2123 Market St Baytown, Texas, 77520

Assignee: Unassigned

Test

Check integration

2 Closed

Other

757-799 W Cedar Bayou Lynchburg Rd Baytown, TX, 77521, USA

Assignee: Unassigned

20

1

2



Download on the
App Store



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Google Play

Better Baytown Marketing

Social Media

**City of Baytown
Website**

Baytown Sun

Baytown Voice

Download Better Baytown

Submit and Track
Requests



Stay updated on local
information and
events.



The Better Baytown app is the fastest, easiest way for you to submit non-emergency requests.

Stay updated and initiate change in your community.



Questions



SeeClickFix
POWERED BY CIVICPLUS



CITY COUNCIL MEETING

7. a.

Meeting Date: 08/11/2022

Subject: Authorize Change Order No. 4 for the Citizens Bank Renovation Project

Prepared for: Andrea Brinkley, Public Works/Engineering/BAWA, C.I.P

Prepared by: Marvaughon Bolin, Public Works/Engineering/BAWA

Department: Public Works/Engineering/BAWA

Information

ITEM

Consider an ordinance authorizing Change Order No. 4 for the Citizens Bank Renovation Project.

PREFACE

This proposed ordinance authorizes Change Order No. 4 to the Citizens Bank Renovation Project (the "Project") between the City of Baytown and Construction Masters of Houston LLC. in an amount of \$17,907.53.

The City Council approved the contract with Construction Masters of Houston LLC for Project on February 10, 2022. Three previous change orders have been approved administratively and are described below.

- Change Order No. 1 was in the amount of \$9,141.26 for the required abatement and removal of asbestos material identified on the black mastic of the pre-existing building.
- Change Order No. 2 was in the amount of \$37,022.96 for additional demolition of the pre-existing concrete basement substructure from the former bank which was in conflict with water and sanitary utilities serving the new building, the parking lot and proposed building foundations.
- Change Order No. 3 was in the amount of \$12,024.86 for electrical conduit, 2 outdoor rated junction boxes for camera equipment, mounting hardware, and lobby tile material alternate selection due to material shortage in the specified material.

The items included in Change Order No. 4 are as follows:

1. Backflow Preventer: Irrigation meter backflow preventer, concrete pad, and solid insulated cover with heating trace element.
2. Storm Line: Storm drain demolition, slurry containment, installation of 18-inch reinforced concrete pipe, compacted with cement stabilized sand, red concrete dye protective pour for high voltage illumination conduit, and replacement of 150 square feet sidewalk. Additionally, a credit was added back to the project due to incorrect manhole ordered which resulted in a slight savings for the storm line work.
3. Houston Builders Hardware: Hardware for nine (9) of thirty-six (36) doors, including changes to original door schedule for functional benefit and consistence across the City on new construction. Three (3) door hardware sets revised to include card reader, aluminum door closers, floor stops, power transfer, and wire harnesses. The associated doors and frames could not be ordered until a

decision finalized on door access and lock standardization. This delay caused price escalation due to industry-wide inflation.

These changes are summarized below:

Description	Total (All Lump Sum)	
1. Backflow Preventer	\$6,925.46	
2. Storm Line	\$1,418.03	
3. Houston Builders Hardware	\$9,564.04	
Change Order No. 4 Total	\$17,907.53	

Fiscal Impact

Fiscal Year: 2022
Acct Code: 52704-85001-WWSF1801-85001
Source of Funds (Operating/Capital/Bonds): Capital
Funds Budgeted Y/N: Y
Amount Needed: \$17,907.53
Fiscal Impact (Additional Information):

Attachments

Ordinance - Change Order No. 4
Exhibit A - Change Order No. 4
Indebtedness Certification

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING CHANGE ORDER NO. 4 FOR THE CITIZENS BANK RENOVATION PROJECT WITH CONSTRUCTION MASTERS OF HOUSTON, INC., IN AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND NINE HUNDRED SEVEN AND 53/100 DOLLARS (\$17,907.53); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown, Texas, does hereby authorize Change Order No. 4 for the Citizens Bank Renovation Project with Construction Masters of Houston, Inc., in an amount not to exceed SEVENTEEN THOUSAND NINE HUNDRED SEVEN AND 53/100 DOLLARS (\$17,907.53). A copy of said change order is attached hereto, marked Exhibit "A" and made a part hereof for all intents and purposes.

Section 2: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney



EXHIBIT "A"

CITY OF BAYTOWN
PUBLIC WORKS & ENGINEERING
2123 Market St.
Baytown, Texas 77520

CHANGE ORDER

Citizens Bank Renovation

Date of Issuance: 8/11/2022
Contractor: Construction Masters of Houston, Inc.
Designer: Element Architects, LLC

Change Order No. 4
CoB Project No.: FA1801
P.O. No.: 2203812

Explanation:

This change order encompasses the following:

4.1) Addition of an irrigation backflow preventer and accessories including concrete pad, and insulated cover with heated cable for weatherproofing against severe freezing temperatures.

4.2) Original plans called for tie in to storm system with one new manhole. The manhole was precast with incorrect elevations and returned for a credit. The work is for an additional 22LF of 18" storm sewer connecting to an existing adjacent 24" storm sewer, as well as the removal and replacement of disturbed sidewalk.

4.3) Hardware for nine (9) of thirty-six (36) doors, including changes to original door schedule for functional benefit. Three (3) door hardware sets revised to include card reader, aluminum door closers, floor stops, power transfer, and wire harnesses. The associated doors and frames could not be ordered until a decision was made on door access and lock standardization. This delay caused price escalation due to industry wide escalation.

Description of Work

	<u>Cost</u>	<u>Time</u>
1 All labor, material and equipment to complete install of site irrigation blackflow preventor with concrete pad and insulated inclosure with heating element on existing water meter.	\$ 6,925.46	0 Days
2 All labor, material to complete demolition of sidewalk, installation of 18" RCP, and placement of 4" thick replacement sidewalk.	\$ 1,418.03	
3 All door hardware and assecories for nine (9) access doors.	\$ 9,564.04	
Total	\$ 17,907.53	0 Days

Please attach back-up documentation: Construction Masters Change Proposal Request No. 4 dated 7/15/2022

Cost & Time Change Summary

	<u>Cost</u>	<u>Time</u>
Original Contract:	\$ 3,467,695.00	559 Days
Previous Change Order(s):	\$ 58,189.08	35 Days
Contract prior to this change order:	\$ 3,525,884.08	594 Days
Net increase (decrease) from this change order	\$ 17,907.53	0 Days
Revised Contract:	\$ 3,543,791.61	594 Days

Finance Approval: _____

Date: _____

RECOMMENDED:

By: P. Helemann (P. Helemann) Date: 08/02/2022
Design Engineer / Architect

Andre P. Helemann

RECOMMENDED:

By: Fred K. ... Date: 08/02/2022
Director of Public Works & Engineering

ACCEPTED*:

By: Dennis Busby Date: 8/1/2022
Contractor

APPROVED:

By: _____ Date: _____
City Manager

*Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes included all costs associated with this Change Order.

No work is to be done until this change order is executed. No payment to the Contractor (or Consultant) shall be made for work included in the change order until the Contractor's pay estimate is updated.

Revise the project plans and specifications as referenced and insofar as the original project drawings and specifications are inconsistent, this Change Order governs. Upon execution by all parties, the following changes identified for the contract value and/or contract time shown, are made part of the contract.



P.O. Box 1587 – Pearland, Texas 77588 – 281/997-2640 – Fax: 281 / 485-4702

Change Proposal Request

Project: City of Baytown Utility Service Building

Date: 7/15/22

Change Proposal No: 4

To: Marvaughon Bolin

Construction Masters proposes to make the following changes to the original scope of work to provide labor, materials, and supervision to provide changes.

Backflow Preventer

Irrigation Meter Backflow Preventor (Spring Creek)	\$	5,390.00
Irrigation BFP Concete (GTS)	\$	300.00
BFP Cover (Eastgate)	\$	808.20
Subtotal	\$	6,498.20
OH&P	\$	324.91
Additional Bond Premium (2.5% up to \$100K; 1.5% up to \$500K)	\$	102.35
Total Change Proposal Request	\$	6,925.46

Storm Line

Ashton	\$	1,185.00
Spring Creek	\$	(1,154.45)
GTS - Pour Back	\$	900.00
GTS - Red Dye Concrete	\$	400.00
Subtotal	\$	1,330.55
OH&P	\$	66.53
Additional Bond Premium (2.5% up to \$100K; 1.5% up to \$500K)	\$	20.96
Total Change Proposal Request	\$	1,418.03

Houston Builders Hardware	\$	8,974.00
Subtotal	\$	8,974.00
OH&P	\$	448.70
Additional Bond Premium (2.5% up to \$100K; 1.5% up to \$500K)	\$	141.34
Total Change Proposal Request	\$	9,564.04

Additional Time Requested: None

Scope:

1. Install backflow preventor with pad and enclosure on existing water meter.
 2. Storm Line changes per onsite meeting and RFI.
 3. Door hardware Door hardware changes from submittals review. A113, A113A, A117, A119, A127, A128, A152B, A156A, A159.
- 2 months of cost increases on hardware, P-lam doors, and aluminum. From date of submittal return on 4/15 to order on hold pending RFI 6 response received on 6/10.

Dennis Busby,
Construction Masters of Houston, Inc

Baytown Utility Services Building

Date: July 26, 2022

To: Construction Masters of Houston

From: Adam Sydnor
Spring Creek Contracting, LLC.
PO Box 690029
Houston, TX 77269
asydnor@springcreekllc.com

Re: Baytown Utility Services Building
Change Order Request No.4R - Irrigation Backflow
Preventer

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL
1	Irrigation Backflow Preventer	EA	1.00		
	Labor & Equipment	Day	1.00	\$ 2,250.00	\$ 2,250.00
	Backflow Preventer	EA	1.00	\$ 2,500.00	\$ 2,500.00
	Miscellaneous Pipe & Fittings	EA	1.00	\$ 150.00	\$ 150.00
Subtotal				\$	4,900.00
Overhead & Profit (10%)				\$	490.00
Total				\$	5,390.00

Accepted By:

Company _____

Signature _____

Printed Name _____

Date _____



Project: Baytown USB

Change Order #: 4
Date: 7/26/2022

TO: Construction Masters
Attention: Dennis Busby

Phone: 281-780-3871

The work covered by this proposal shall be performed under the same terms and conditions of the original contract

Reference:

Description of Change: BFP Pad

Item	Description	Quantity	Unit	Cost	Item Total
1	10" x 36" pad w#4 bar for BFP				\$ 300.00
TOTAL					\$ 300.00

Kindly acknowledge receipt of this Change Order Proposal by signing and returning a copy to our office

NOTE: The Change Order Proposal becomes part of and in conformance with the existing contract.

Signature of the General Contractor indicates agreement herewith, including adjustment of contract sum

Notes:

GTS Concrete LLC

Greg Schoener, Partner

(Authorized GC Signature and Date)

Free Shipping On All Orders



What are you looking for?



Questions?

Call (800) 583-4891

[Home](#) > Backflow Enclosure - 100S-AL - Lift-Off - Safe-T-Cover

Backflow Enclosure - 100S-AL - Lift-Off - Safe-T-Cover

\$808.20

FREE SHIPPING

SKU 100S-AL

This American made back flow enclosure features a lift-off design for maximum accessibility, and comes with an ASSE Standard 1060 compliant drain flap. It is recommended to add the Chromalox Heat Cable #30 with 90W of heat to protect from freezing temperatures. This enclosure is made from marine grade aluminum, polyisocyanurate foam insulation board, and a glass fiber reinforced facer on each side. The 100S-AL enclosure is easy to set up, safe for testers, and helps offer protection from vandalism.

Dimensions: 7" W x 32" L x 22" H

Pipe Size: 1"



Backflow Enclosure - 100S-AL - Lift-Off - Safe-T-Cover

\$808.20

FREE SHIPPING

SKU 100S-AL

This American made back flow enclosure features a lift-off design for maximum accessibility, and comes with an ASSE Standard 1060 compliant drain flap. It is recommended to add the Chromalox Heat Cable #30 with 90W of heat to protect from freezing temperatures. This enclosure is made from marine grade aluminum, polyisocyanurate foam insulation board, and a glass fiber reinforced facer on each side. The 100S-AL enclosure is easy to set up, safe for testers, and helps offer protection from vandalism.

Dimensions: 7" W x 32" L x 22" H

Pipe Size: 1"

Heater/No Heater
Without Heater

Quantity
1

Add to cart

Share this:

Safe-T-Cover™
BACKFLOW PREVENTION ASSEMBLY ENCLOSURE
SPECIFICATION

PART 1 GENERAL

1.1 WORK INCLUDED

- A. Provide manufactured backflow prevention assembly enclosure.

1.2 QUALITY ASSURANCE

- A. Qualifications: The backflow prevention assembly enclosure manufacturer shall be a company specializing in the manufacture of backflow prevention assembly enclosures with at least 5 years of successful experience designing and selling enclosures to various customers in different climatic regions.

1.3 STORAGE AND HANDLING

- A. Store products in shipping containers and maintain in dry place until installation.

1.4 ACCEPTABLE MANUFACTURERS

- A. **Safe-T-Cover™** or Engineer approved equal.

1.5 REFERENCES

- A. ASTM B209.
- B. ASSE 1060-Performance Requirements for Outdoor Enclosures for Backflow Prevention Assemblies.

PART 2 PRODUCTS

2.1 MODEL NO. & SIZE

- A. Model No. shall be 100S-AL.
- B. Inside dimensions shall be 7"W x 32"L x 22"H.

2.2 MATERIALS OF FABRICATION

- A. Material of fabrication shall be 5052-H32 marine grade aluminum (.050/18 gauge), mill finish and shall meet ASTM B209.
- B. Insulation shall be 1.5" (9.0 "R" value) minimum thickness polyisocyanurate foam laminated to a glass fiber reinforced facer (each side). The insulation shall have the following properties:
 - 1. Dimensional Stability-Less than 2% linear change, ASTM D-2126;
 - 2. Compressive Strength-20PSI, ASTM D-1621;
 - 3. Water Absorption-Less than 1% by volume, ASTM C-209;
 - 4. Moisture Vapor Transmission-Less than one (1) perm, ASTM E-96;
 - 5. Product Density-Nominal 2.0 lbs. per cubic foot, ASTM D-1622;
 - 6. Flame Spread=25, ASTM E-84;
 - 7. Service Temperature= -100°F to +250°F maximum.
 - 8. The insulation shall be of uniform thickness.

2.3 ROOF & WALLS

- A. The roof and walls of the enclosure shall be constructed of 5052-H32 (.050/18 gauge) marine grade aluminum, mill finish, ASTM B209 outside with insulation 1 1/2" (9.0 "R" value) thick in the walls and roof.
- B. The enclosure shall be completely removable for access for testing and maintenance.
- C. The complete assembly shall be protected by being inside the enclosure.
- D. Clear opening drain panel area shall be 7"W x 5 1/4"H.
- E. Drain flap shall have a stainless steel hinge and a stainless steel light strength spring as a positive means of closure so that it will not be activated by wind.
- F. The drain flap shall be constructed of the same materials that is used in the walls and roof of the enclosure.

2.4 Heating Equipment

- A. Heating equipment shall be furnished and designed by the manufacturer of the enclosure to maintain an interior temperature of +40°F with an outside temperature of -30°F. Install heating equipment as per manufacturer's instructions and governing local and national codes.

2.5 MOUNTING HARDWARE

- A. Mounting hardware shall be furnished and shall be constructed of 5052-H32 aluminum.
- B. All masonry fasteners shall be metal hit anchors.
- C. All necessary drill bits shall be furnished.
- D. All mounting brackets shall be on the inside of the enclosure. The enclosure shall be mounted in such a way that removal will be by removal of lockable stainless steel rod only.

PART 3 INSTALLATION

- A. Enclosure shall be mounted on a concrete pad 11"W x 36"L x 4"- 6"Thick.
- B. Enclosure shall be assembled and mounted to concrete pad according to manufacturer's instructions.



Ashton Sawing and Drilling
P.O Box 1709
Conroe, TX 77305

Quote

QUOTE NO.: 125156

Prepared for Construction Masters of
Houston

Prepared by Raymond Brown

Contact rbrown@ashtonsawing.com
o. +19364452461
m. +19365371900

Job Name 315 W Texas Ave Paving
Demo

Address 315 W Texas Ave

Email josh@cmhou.com

Contact

Josh Moore
Baytown, TX
77520

Phone+17138902949

Fax

NAME

PRICE

SUBTOTAL

Diesel Saw

Diesel saw area for bobcat removal. Saw into 5'x5' blocks. Over cuts to be ok.

150sq'x4"

Est sawing-90'x4"

\$375.00

\$375.00

Slurry Containment

Water/slurry control and containment.

\$250.00

\$250.00

Break & Haul

Use bobcat to remove paving, load and haul off.

150sq'x4" (2 cubic yds)

\$500.00

\$500.00

Fuel Surcharge

Saw crew: \$30.00

L&H: \$30.00

\$60.00

\$60.00

Total without tax

\$1,185.00

2022-07-05

Baytown Utility Services Building

Date: July 5, 2022

To: Construction Masters of Houston

From: Adam Sydnor
Spring Creek Contracting, LLC.
PO Box 690029
Houston, TX 77269
asydnor@springcreekllc.com

Re: Baytown Utility Services Building
Change Order Request No.3 - Storm Sewer Tie-In Revision

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL
1	ADD 18" RCP	LF	22.00		
	Labor & Equipment	Day	0.50	\$ 2,750.00	\$ 1,375.00
	Cement Stabilized Sand	Load	2.00	\$ 400.00	\$ 800.00
	Pipe	LF	22.00	\$ 45.00	\$ 990.00
2	DEDUCT Storm Manhole	EA	-1.00		
	Labor & Equipment	Day	-0.10	\$ 2,750.00	\$ (275.00)
	Cement Stabilized Sand	Load	-1.00	\$ 400.00	\$ (400.00)
	Manhole	EA	-1.00	\$ 2,000.00	\$ (2,000.00)
3	DEDUCT 18" HDPE	LF	-18.00		
	Labor & Equipment	Day	-0.25	\$ 2,750.00	\$ (687.50)
	Cement Stabilized Sand	Load	-1.50	\$ 400.00	\$ (600.00)
3	Pipe	LF	-18.00	\$ 14.00	\$ (252.00)
Subtotal				\$	(1,049.50)
Overhead & Profit (10%)				\$	(104.95)
Total				\$	(1,154.45)

Accepted By:

Company _____

Signature _____

Printed Name _____

Date _____



Project: Baytown USB

Change Order #: 3
Date: 7/12/2022

TO: Construction Masters
Attention: Dennis Busby

Phone: 281-780-3871

The work covered by this proposal shall be performed under the same terms and conditions of the original contract

Reference:

Description of Change: Add 150sf of 4" Sidewalk

Item	Description	Quantity	Unit	Cost	Item Total
1	Addition of 150sf of 4" sidewalk				\$ 900.00
TOTAL					\$ 900.00

Kindly acknowledge receipt of this Change Order Proposal by signing and returning a copy to our office

NOTE: The Change Order Proposal becomes part of and in conformance with the existing contract.

Signature of the General Contractor indicates agreement herewith, including adjustment of contract sum

Notes:

GTS Concrete LLC

Greg Schoener, Partner

(Authorized GC Signature and Date)



Project: Baytown USB

Change Order #: 4
Date: 7/14/2022

TO: Construction Masters
Attention: Dennis Busby

Phone: 281-780-3871

The work covered by this proposal shall be performed under the same terms and conditions of the original contract

Reference:

Description of Change: 1 yard of red dye concrete.

Item	Description	Quantity	Unit	Cost	Item Total
1	Red dye concrete				\$ 400.00
TOTAL					\$ 400.00

Kindly acknowledge receipt of this Change Order Proposal by signing and returning a copy to our office

NOTE: The Change Order Proposal becomes part of and in conformance with the existing contract.

Signature of the General Contractor indicates agreement herewith, including adjustment of contract sum

Notes:

GTS Concrete LLC

Greg Schoener, Partner

(Authorized GC Signature and Date)

HOUSTON BUILDERS HARDWARE, INC.

Quality & Service

10535 S. Wilcrest, Suite 170, Houston, Texas 77099-2888
Phone 281-495-0595 Fax 281-495-0428

July 1, 2022

Dennis Busby
Construction Masters of Houston
PO Box 1587
Pearland, TX 77588

Re: Baytown Utility Services Building
Explanation of price increases & changes

Dear Dennis,

I am pleased to extend to you, the following explanation of the price increases incurred on this project:

Add due to hardware changes	ADD \$3,968.00
Add for hardware due to loss of price concession	ADD \$2,021.00
Add for aluminum due to loss of price concession	ADD \$2,200.00
Add for p-lam doors due to loss of price concession	ADD \$785.00

TOTAL ADD \$8,974.00

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Keith T. Barzilla

Keith T. Barzilla

KTB/lbm



3908 Third St., Pearland, TX 77581
P: (281)997-2640 F: (281)485-4702

SUBMITTAL COVER

Project Name: Baytown Utility Services Building
Date: 3/10/2022
Architect: Element Architects, LLC
Architect Address: 1250 Wood Branch Park Drive, #480
Architect City, State, Zip: Houston, TX 77079
General Contractor: Construction Masters of Houston, Inc.
Submitted By: Justin Davis
General Contractor Address: 3908 Third Street
General Contractor City, State, Zip: Pearland, TX 77581
Subcontractor or Supplier: Houston Builders Hardware
Address:
City, State, Zip:
Contact:
Phone:
Manufacturer:
Submittal Number: 08 71 00.02.A
Submittal Item: Door Hardware - Schedule
Specifications Sections: 08 71 00
Drawing Numbers & Detail References: A603 / Door Schedule / Hardware Set
Location of Installation:

General Contractor Approval

☒ NO EXCEPTIONS TAKEN


☒ EXCEPTIONS NOTED- Correct and Proceed

☐ EXCEPTIONS NOTED - REVISE AND RESUBMIT

☐ Approved AS NOTED

Construction Masters has reviewed this submittal prior to transmittal to the architect. Approval does not relieve the subcontractor or vendor of the responsibility for accuracy, completeness, quantities, dimensions and compliance with contract documents.

Reviewed by Dennis Busby



A&E Approval

ELEMENT ARCHITECTS

☐ Accepted ☒ Accepted as Noted
☐ Returned for Correction ☐ Rejected

This review is only for general conformance with the design concept of the project and general compliance with the information given in the Contract Documents. Corrections or comments made on the shop drawings during this review do not relieve contractor from compliance with the requirements of the plans and specifications. Approval of a specific item shall not include approval of an assembly of which the item is a component. Contractor is responsible for: dimensions to be confirmed and correlated at the jobsite; information that pertains solely to the fabrication processes or to the means, methods, techniques, sequences and procedures of construction; coordination of the work of all trades and for performing all work in a safe and satisfactory manner.

Element Project No. 20024 Submittal No. _____
Reviewed by: S Dailey Date: 4/13/2022
☐ 1st Submittal ☐ 2nd Submittal

Additional Notes:

For your approval

ITEM No.	DESCRIPTION OF PRODUCT	FINISH	MANUFACTURER	REFERENCE	TOTAL QTY.	UNIT	EXTENSION
B1	HINGES 5BB1 4.5X4.5	652	IVES				
B2	HINGES 5BB1 4.5X4.5 NRP	652	IVES				
B3	HINGES 5BB1HW 4.5X4.5 NRP	630	IVES				
L1	CORE C7	L1S15	CORBIN				
L2	CYL LOCK/OFF CL3351 C7 P2D	626	CORBIN				
L3	CYL LOCK/STDRM CL3357 C7 P2D	626	CORBIN				
L4	CYL LOCK/CLASSRM CL3355 C7 P2D	626	CORBIN				
L5	CYL LATCH/PASSNGE CL3310 P2D	626	CORBIN				
L6	CYL LOCK/ELEC CL3390S C7 P2D	626	CORBIN				
L7	WIRELESS LOCK P231 (ADVISE LEVER DESIGN)	626	KABA				
L8	MTS CYL C987 X CONST CORE	626	FALCON				
E1	ELEC EXIT DEVICE MEL 25 R NL CON 24VDC	626	FALCON				
C1	DDDR CLOSER 1450 RW/PA FC	AL	LCN				
C2	DDDR CLOSER 4050A CUSH	AL	LCN				
OH1	OVER HEAD STOP 450S	630	GJ				

All locks need to be capable of receiving 7-pin SFIC cores. Provide construction cores. Owner will order SFIC cores on their own and handle final keying.

JOB

ITEM SUMMARY SHEET

PAGE 520FSZ

DATE: _____ **REV.** _____ **REV.** _____

JOB # _____

[illegible]

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TAG NO.	QTY.	SGL PR.	DOOR NO.	LOCATION	SIZE			MATERIAL			HAND	HW ST	KEY SET	Hinges		Locks		Bolts		Stop Holder		Closer		Push		Pull		Kick Armor		Silence		Misc.		Misc.		Misc.	
					W	HT	TK	DR	FR	TY				Qty	Item	Qty	Item	Qty	Item	Qty	Item	Qty	Item	Qty	Item	Qty	Item	Qty	Item	Qty	Item	Qty	Item	Qty	Item	Qty	Item
2	1	P	A107	EXTERIOR FRM LOBBY	2130	80	13/4	AL	AL		RH	RA	714A																								
2	1		A108	FRM LOBBY	1	1					RH	RA	714A																								
1		S	A112B	LOBBY TO CORR.	30	80		PL	AL		LH		7201	4	B1	1	L6			1	SZ	1	CI									1	M1	1	M2	1	M3
1			A112C	FRM DEPOSIT							LH	R	2085	4	B2	1	L3			1	OH																
3			A113	CORR TO CONF				AL	AL		RH		403	4	B1	1	L2			1	SI																
1			A113B	BREAK TO				PL	AL		RH		K201	4	B1	1	L2			1	SZ	1	CI					1	K1								
1			A114	REP DESK TO OFF							RH		103	4	B1	1	L2			1	SI																
1			A115	CORR TO OFF							LH		103	4	B1	1	L2			1	SI																
1			A117	TO METER TEST				HM	HM		LH		203	4	B1	1	L3			1	SI								3	S3							
1			A118	CIRC. TO OFF				PL	AL		LH		103	4	B1	1	L2			1	SI																
1			A119	CORR TO METER TECHS							LH		203	4	B1	1	L3			1	SI																
1			A120	TO R R		70					LH		201	4	B1					1	SZ	1	CI	1	P1	1	P2	1	K1								
1			A121	TO R R		70					RH		201	4	B1					1	SZ	1	CI	1	P1	1	P2	1	K1								
1	1	S	A125	CIRC. TO OFF	30	80	13/4	PL	AL		RH		103	4	B1	1	L2			1	SI																
1			A127	BREAK TO UPS							RH		503	4	B1	1	L3			1	SI																
1			A128	ALCOVE TO RR							LH		K301	4	B1	1	L3			1	SI	1	CI														
1			A129	CIRC TO OFF							RH		103	4	B1	1	L2			1	SI																
1			A130	TO OFF							LH		103	4	B1	1	L2			1	SI																
1			A148	REP DESK TO OFF							RH		103	4	B1	1	L2			1	SI																
1			A151	CIRC TO OFF							RH		103	4	B1	1	L2			1	SI																
1			A152	TO CUST. MTG							RH		401	4	B1	1	L5			1	SI	1	CI														
1			A152B	CORR TO							LH		501	4	B1	1	L4			1	SI	1	CI														
1			A154	TO FUTURE OFF							RH		103	4	B1	1	L2			1	SI																
4			A156A	EXTERIOR FRM CORR				HM	HM		RH	R	715	4	B3	1	L1	1	E1			1	C2														
1			A156B	CIRC TO CIRC				PL	AL		RH		7201	4	B1	1	L6			1	SZ	1	CI														
2	1	P	A157	EXTERIOR FRM CIRC	2130			AL	AL		RH	RA	714A																								
1	1	S	A159	ALCOVE TO RR	30	80	13/4	PL	AL		LH		K301	4	B1	1	L3			1	SI	1	CI														

Use CL3320 for customer restrooms.

Needs electrified lever to connect to card reader

Needs electrified lever to connect to card reader ✓

Oberst, Heather

From: Kevin.Harvill <Kevin.Harvill@baytown.org>
Sent: Friday, June 10, 2022 10:42 AM
To: Justin Davis
Cc: Moe, Brent; Dennis Busby; Oberst, Heather; Pearson, Stephen
Subject: RE: Baytown USB Door Hardware

7 pin please.

From: Justin Davis <justin@cmhou.com>
Sent: Friday, June 10, 2022 9:06 AM
To: Kevin.Harvill <Kevin.Harvill@baytown.org>
Cc: Moe, Brent <BMoe@dbrinc.com>; Dennis Busby <dennis@cmhou.com>; heatherOberst@hillintl.com; Pearson, Stephen <stephenpearson@hillintl.com>
Subject: Baytown USB Door Hardware

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin,

On Tuesday you gave direction to order locks capable of receiving SFIC (Small Format Interchangeable Cores). Should this be 6-pin or 7-pin?

Best Regards,

Justin Davis
Construction Masters
Office: 281.997.2640
Cell: 281.960.4491
www.cmhou.com

CITY OF BAYTOWN, TEXAS
INDEBTEDNESS CERTIFICATION

Project Name: Change Order No. 4 for the Citizens Bank Renovation Project

Company Name: Construction Masters of Houston, Inc

Department: Public Works

Date: 08/02/2022

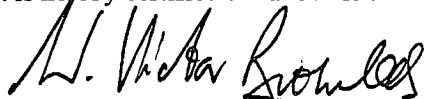
Council Date: 08/11/2022

A review of the above-described company was made in accordance with 2-663 of the City of Baytown Code of Ordinances and the aforementioned company was found:

☐ to be indebted to the City in the following areas:

☒ not to be indebted to the City.

It is hereby certified the above is true and correct based on the best information available.



Director of Finance

08/02/2022

Date

For information regarding this certificate, please contact the Finance Director at 281-420-6531.

If an appeal to this determination is to be filed under section 2-664 of this code, please forward to the following address:

City of Baytown
Director of Finance
P O Box 424
Baytown, TX 77522-0424



CITY COUNCIL MEETING

7. b.

Meeting Date: 08/11/2022

Subject: West District WWTP Second Feed Change Order No. 2

Prepared for: Gregerz Joseph, Public Works/Engineering/BAWA, C.I.P

Prepared by: Gregerz Joseph, Public Works/Engineering/BAWA

Department: Public Works/Engineering/BAWA

Information

ITEM

Consider an ordinance authorizing Change Order No. 2 for West District Wastewater Treatment Plant Second Feed Project.

PREFACE

This proposed ordinance authorizes Change Order No. 2 for West District Wastewater Treatment Plant Second Feed Project between the City of Baytown and T Construction in an amount of \$90,000.00.

The City of Baytown approved the contract with T Construction on December 9, 2021. The main purpose of the project is to redirect sanitary sewer flows and provides additional capacity for sanitary sewer service in the West District Waste Water Treatment Plant (WDWWTP) service area. The Project includes the construction of two sanitary sewer force mains from Thompson Road, along Thompson Park Drive and Thompson View Drive within Harris County MUD 473 to the WDWWTP.

It is now necessary to approve a change order for additional quantities of air release valves contained within manholes. The original project plans included six air release valves, however, the bid document quantities did not match, and only included four units. The contractor is providing the additional units at the contract bid price with no increase.

One previous change order was approved by Council in January 2022 and is described below.

- Change Order No. 1 was in the amount of \$702,556.00. The requirement for pipe pressure as designed did not meet the TCEQ Chapter 217.64 (b). The changes were made to the design and plans were issued as correction to address compliance with Texas Commission on Environmental Quality (TCEQ) regulations.

The items included in the proposed Change Order No. 2 are as follows:

- Two (2) Air Release Valves within a 5-foot diameter manhole. The price includes mobilization, labor, equipment, materials, required trench Safety, confined Space Entry and supervision. These changes are summarized below:

Description	Quantity	Cost (EA)	Total
-------------	----------	-----------	-------

Air Release Valves and associated parts, in 5 ft diameter manhole	2	\$45,000.00	\$90,000.00
---	---	-------------	-------------

The total value of the construction contract with this change order is \$3,986,072.00. The total value of change orders, including this item, is 24.8% of the total contract amount.

Fiscal Impact

Fiscal Year: 2022
Acct Code: 52703-85001-WWSF7500-85001
Source of Funds (Operating/Capital/Bonds): CIP
Funds Budgeted Y/N: Y
Amount Needed: \$90,000.00
Fiscal Impact (Additional Information):

Attachments

Ordinance - Change Order No. 2
Exhibit A - Change Order No. 2
Indebtedness Certification

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING CHANGE ORDER NO. 2 FOR THE WEST DISTRICT WASTEWATER TREATMENT PLANT SECOND FEED PROJECT WITH T CONSTRUCTION L.L.C., IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND AND NO/100 DOLLARS (\$90,000.00); AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown, Texas, does hereby authorize Change Order No. 2 for the West District Wastewater Treatment Plant Second Feed Project with T Construction L.L.C., in an amount not to exceed NINETY THOUSAND AND NO/100 DOLLARS (\$90,000.00). A copy of said change order is attached hereto, marked Exhibit "A" and made a part hereof for all intents and purposes.

Section 2: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney

EXHIBIT "A"



CITY OF BAYTOWN
PUBLIC WORKS & ENGINEERING
2123 Market St.
Baytown, Texas 77520

CHANGE ORDER

For WEST DISTRICT WWTP SECOND FEED

Date of Issuance: <u>4/29/2022</u>	Change Order No.: <u>2</u>
Contractor: <u>T Construction</u>	CoB Project No.: <u>SS2101</u>
Designer: <u>Culp Engineering</u>	P.O. No.: <u>2201605</u>

Explanation:

This change order encompasses the following:

Contractor is directed to install four (4) air release valves with manholes, as shown on the drawings. It is understood that only two air release valves were included in the bid schedule (Bid Item 14: \$45,000 each), but four are shown on the Drawings. This change order increases the contract price by \$90,000 (\$45,000 x 2) to pay for two additional air release valves with manholes and related appurtenances.

Description of Work

<u>Description of Work</u>	<u>Cost</u>	<u>Time</u>
1 Two additional air release valves @ \$45,000 each.	\$ 90,000.00	0 Days
2	\$ -	Days
3	\$ -	Days
4	\$ -	Days

Please attach back-up documentation**Cost & Time Change Summary**

<u>Cost & Time Change Summary</u>	<u>Cost</u>	<u>Time</u>
Original Contract:	\$ 3,193,516.00	319 Days
Previous Change Order(s):	\$ 702,556.00	120 Days
Contract prior to this change order:	\$ 3,896,072.00	439 Days
Net increase (decrease) from this change order	\$ 90,000.00	0 Days
Revised Contract:	\$ 3,986,072.00	439 Days

Finance Approval: _____ Date: _____

RECOMMENDED:

By: Wayne Elup Date: May 01, 2022
Design Engineer

RECOMMENDED:

By: Fred Date: 07/20/2022
Director of Public Works & Engineering

ACCEPTED*:

By: Brandon Flores Date: 04-29-22
Contractor

APPROVED:

By: _____ Date: _____
City Manager

*Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes included all costs associated with this Change Order

No work is to be done until this change order is executed. No payment to the Contractor (or Consultant) shall be made for work included in the change order until the Contractor's pay estimate is updated

Revise the project plans and specifications as referenced and insofar as the original project drawings and specifications are inconsistent, this Change Order governs. Upon execution by all parties, the following changes identified for the contract value and/or contract time shown, are made part of the contract

Project Manager

Juan Maciel 07-13-2022
Construction

Construction Manager

[Signature] 13-2022



T CONSTRUCTION, L.L.C.

12605 McNair St * Houston, Texas 77015 * Ph. 832-582-8420 * Fx. 832-582-8421

April 19, 2022

City of Baytown
Att. Mr. Neil Barnsdale
10375 Richmond Ave, Suite 1625
Houston TX 77042

RE: RFI #9 – Additional Air Release Valves

Mr. Barnsdale,
T Construction, LLC is pleased to provide a proposal for performing "Installation of Two Additional Air Release Valves" the following is a breakdown of cost;

Original Contract Item

ITEM	DESCRIPTION	UNIT	QTY	UNIT PRICE	EXTENDED
14	Furnish and Install Air Release Valve including all parts and 5' manhole, Complete in Place	EA	2	\$45,000.00	\$90,000.00
Total					\$90,000.00

This price includes Mobilization, Labor, Equipment, Material, Trench Safety, Confined Space Entry and Supervision.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Brandon Flores
Project Manager
T Construction, LLC
Phone: (832)582-8420
Fax: (832)582-8421
Email: bflores@tconstructionllc.com

Reference item 14 on the attached bid form. The unit price bid for each Air Release Valve Manhole is \$45,000.

Accepted By: _____ Date: _____

Title: _____

West District Wastewater Treatment Plant Second Feed (#7971962)

Owner: City of Baytown

Solicitor: City of Baytown

10/07/2021 02:30 PM CDT

				T Construction			
Section Title	Line Item	Item Code	Item Description	UoM	Quantity	Unit Price	Extension
General Items							
	1	1505	Project Mobilization, Not to Exceed 3% of the Total Bid	LS	1	\$95,000.00	\$95,000.00
	2	1565	SWPPP Maintenance & Inspection, Complete in Place	LS	1	\$25,000.00	\$25,000.00
	3	1568	Concrete Truck Washout, Installation, Maintenance, and Removal	EA	1	\$6,500.00	\$6,500.00
	4	1566	Install and Remove Inlet Protection Barriers on Thompson View Drive/Thompson Park Drive, as Directed by Engineer, Complete in Place	EA	16	\$80.00	\$1,280.00
	5	1580	Install and Remove Back-Slope Interceptor Inlet Protection Barriers	EA	4	\$500.00	\$2,000.00
	6	1565	Install and Remove Reinforced Filter Fabric Fence, Complete in Place	LF	\$100	\$1.75	\$8,925.00
	7	1550	Install and Remove Stabilized Construction Exit, Complete in Place	EA	2	\$18,000.00	\$36,000.00
Sanitary Sewer							
	8	1570	Furnish and Install Trench Safety for Sanitary Sewer Construction, Complete in Place	LF	8097	\$2.00	\$16,194.00
	8a	2318	Additional Cost for 6-inch Seal Slab in the event that weak soils are confirmed by the Testing Laboratory, and the Testing Laboratory recommends a seal slab. Seal Slab must be authorized by Engineer and City Project Manager prior to implementation.	CF	2000	\$39.00	\$78,000.00
	9	02138, 025325, 02533	Furnish and Install 26" IPS DR 17 HDPE (Black with Green Stripes) Sanitary Sewer Pipe including Backfill, Haunching, & Bedding & Embedment Foundations As Required,	LF	7300	\$175.00	\$1,277,500.00
	9A	02138, 025325, 02533	Furnish and Install 30" IPS DR 13 HDPE (Black with Green Stripes) Sanitary Sewer Pipe including Backfill, Haunching, & Bedding & Embedment Foundations As Required,	LF	600	\$250.00	\$150,000.00
	10	025325	Furnish and Install 26" IPS DR 17 45 Degree Bend with Thrust Block, Complete in Place	EA	20	\$1,200.00	\$24,000.00
	11	025325	Furnish and Install 26" IPS DR 17 22.5 Degree Turn with Thrust Block, Complete in Place	EA	4	\$2,000.00	\$8,000.00
	11B	025325	Furnish and Install 30" IPS DR 13 35 Degree Turn and Thrust Block, Complete in Place	EA	2	\$2,630.00	\$5,260.00
	11C	025325	Furnish and Install 30" IPS DR 13 55 Degree Turn and Thrust Block, Complete in Place	EA	2	\$3,012.00	\$6,024.00
	11D	2534	Furnish and Install 26" IPS DR 17 x 30" IPS DR 13 PVC Reducer with Thrust Block, Complete in Place	EA	8	\$2,005.00	\$16,040.00
	12	2415	Furnish, Install, Bore, and Jack 36" ID Steel Pipe Casing with RACI Spacers Under Thompson Park Drive, Complete in Place	LF	170	\$925.00	\$157,250.00
	13	2415	Additional Cost for Bore and Jack Under Existing Driveways or Open Cut with Replacement of Existing Driveways at Clean as New Gulf Coast Property	LF	145	\$600.00	\$87,000.00
	14	2542	Furnish and Install Air Release Valve including all parts and 5' manhole, Complete in Place	EA	2	\$45,000.00	\$90,000.00
	15	02534, 02533	Furnish and Install Connection to Existing 16" Sanitary Sewer Force Main including 90 Degree Bend, Thrust Block and Mechanical Joint, Complete in Place	EA	1	\$6,946.00	\$6,946.00
	16	02534, 02533	Furnish and Install Connection to Existing 20" Sanitary Sewer Force Main including 90 Degree Bend, Thrust Block and Mechanical Joint, Complete in Place	EA	1	\$9,385.00	\$9,385.00
	17	2534	Furnish and Install 16" PVC Force Main Cap or Plug at Cut end of Proposed Connection, Complete in Place	EA	1	\$2,495.00	\$2,495.00
	18	2534	Furnish and Install 20" PVC Force Main Cap or Plug at Cut end of Proposed Connection, Complete in Place	EA	1	\$3,175.00	\$3,175.00
	19	02318, 02533, 02534	Furnish and Install 16" C905 PVC DR 18 Sanitary Sewer (Black with Green Stripes) for Force Main including Backfill, Haunching, and Bedding & Embedment Foundations As Required, Complete in Place	LF	47	\$150.00	\$7,050.00
	20	02318, 02533, 02534	Furnish and Install 20" C905 PVC DR 18 Sanitary Sewer (Black with Green Stripes) for Force Main including Backfill, Haunching, and Bedding & Embedment Foundations As Required, Complete in Place	LF	71	\$200.00	\$14,200.00
	21	02318, 02533, 02534	Furnish and Install 24" C905 PVC DR 18 Sanitary Sewer (Black with Green Stripes) for Force Main including Backfill, Haunching, and Bedding & Embedment Foundations As Required, Complete in Place	LF	79	\$275.00	\$21,725.00
	22	2534	Furnish and Install 16" C905 DR 18 PVC 22.5 Degree Bend with Thrust Block, Complete in Place	EA	1	\$3,228.00	\$3,228.00
	23	2534	Furnish and Install 20" 22.5 Degree C905 DR 18 PVC Bend with Thrust Block, Complete in Place	EA	1	\$4,445.00	\$4,445.00
	24	2534	Furnish and Install 16"x20" PVC Reducer with Thrust Block, Complete in Place	EA	1	\$3,670.00	\$3,670.00
	25	2534	Furnish and Install 20"x24" PVC Reducer with Thrust Block, Complete in Place	EA	2	\$5,190.00	\$10,380.00
	26	2534	Furnish and Install 24" PVC x 26" IPS HDPE DR 17 Adaptor with Thrust Block, Complete in Place	EA	2	\$7,050.00	\$14,100.00
	27	2530	Furnish and Install 36" Connection to Existing Sanitary Sewer Manhole in Wastewater Treatment Plant	EA	1	\$1,425.00	\$1,425.00
	28	2542	Furnish and Install 8' Diameter Sanitary Sewer Manhole, Up to 10' Depth, Complete in Place	EA	1	\$35,000.00	\$35,000.00
	29	2542	Furnish and Install 8' Diameter Sanitary Sewer Manhole, Up to 22' Depth, Complete in Place	EA	1	\$70,975.00	\$70,975.00
	30	02530, 025325	Furnish and Install 36" PVC Gravity Sewer Connection & 2- 26" IPS DR 17 Force Main Connection to Force Main Discharge Structure, Complete in Place	EA	1	\$47,300.00	\$47,300.00

(Table Continues on Next Page)

IRT

00300

	31	03300, 03310, 03600	Furnish and Install Force Main Discharge Structure per Plan sheets 4.10-4.12, Complete in Place	EA	1	\$225,000.00	\$225,000.00
	32	02318, 02530, 02534	Furnish and Install 36" PVC Gravity Sanitary Sewer (Black with Green Stripes) Constructed 20-24" Deep within Wet Sand Environment Including Backfill, Haunching, and Bedding & Embedment Foundations As Required, Complete in Place	LF	500	\$500.00	\$250,000.00
	33	1564	Groundwater Control Setup per Spec 01564 including Design Plan by Engineer	EA	1	\$25,000.00	\$25,000.00
	34	1564	Daily Charge for Groundwater Control per Spec 01564	DA	5	\$4,800.00	\$24,000.00
	35	2980	Remove and Replace portion of Concrete Driveway Pavement in Wastewater Treatment Plant at Connection to Existing Manhole per Sheet 2.11, Complete in Place	SF	1247	\$18.00	\$22,446.00
	36	02632, 03310, 02628	Remove and Replace Portion of 6" Concrete Overflow From Detention Facility (including rebar) or to Bore Under it, Complete in Place	CYDS	5.6	\$500.00	\$2,800.00
	37	02632, 03310, 02628	Replace HCFCD Urban Back Slope Interceptors Damaged During Construction	EA	3	\$7,495.00	\$22,485.00
	38	1562	Offsite Disposal of Spoils from Excavation	CYDS	13608	\$5.75	\$78,246.00
	39	02534, 03600	Excavate Pipe, Furnish and Install Two 16" PVC Force Main Cap or Plug, Install 603 cf of Grout, Refill, Re-establish Vegetation, Complete in Place	EA	1	\$35,780.00	\$35,780.00
	40	02534, 03600	Excavate Pipe, Furnish and Install Two 20" PVC Force Main Cap or Plug, Install 3052 cf of Grout, Refill, Re-establish Vegetation, Complete in Place	EA	1	\$42,890.00	\$42,890.00
Traffic Control							
	41	1555	Implementation of Traffic Control and Regulations including Flaggers	LS	1	\$16,805.00	\$16,805.00
Restoration							
	42	2770	Site Restoration w/ Replace Existing 6" Concrete Curb as Necessary in Driveways and ROW	LF	100	\$12.00	\$1,200.00
	43	1563	Site Restoration -Remove Oak and Crepe Myrtle from Utility Easement, Re-plant onto Owner Property, Complete in Place	EA	12	\$1,050.00	\$12,600.00
	44	2922	Site Restoration w/ Sodding 5' of ROW along Impacted Private Properties along Thompson View Drive, Complete in Place	LF	620	\$6.00	\$3,720.00
	45	2921	Site Restoration w/ Hydromulch Seeding of Non-Sodded Areas Impacted by Work, Complete in Place	AC	5.6	\$1,825.00	\$10,220.00
	46	2770	Site Restoration w/ Replace/Repair Curb of Flowerbed as needed, Complete in Place	LF	120	\$9.00	\$1,080.00
	47	2821	Furnish and Install 15' Wide x 8' High Lockable Security Gates, Complete in Place	EA	3	\$4,130.00	\$12,390.00
	48	2821	Replacement 8' High Chain Link Fence Similar to Existing Fencing, Complete in Place	LF	58	\$34.00	\$1,972.00
	49	2821	Removal and Disposal of Chain Link Fence to Facilitate Entry into the Detention Facility and Wastewater Treatment Plant, Complete in Place	LF	45	\$9.00	\$405.00
	50	02220, 02980	Sawcut, remove, dowel, and replace existing 7-inch concrete pavement with #3 dowels at 18" C-C both directions and 8" subgrade with equivalent pavement and subgrade on Teal Thompson tract, Complete in Place	SF	3000	\$15.00	\$45,000.00
Signs and Pothole							
	51	1580	Sign/Notice Holder for SWPP Notice, Complete in Place	EA	1	\$8,000.00	\$8,000.00
	52	1580	City of Saytown Construction Notification Sign at Thompson Road and Thompson Park Drive, Complete in Place	EA	2	\$1,150.00	\$2,300.00
	53	NA	Excavate Open Cut Pot Hole to Determine Depth of Backslope Intereceptor, Complete in Place	EA	3	\$1,235.00	\$3,705.00

Base Bid Total:

\$3,193,516.00

JRT

CITY OF BAYTOWN, TEXAS
INDEBTEDNESS CERTIFICATION

Project Name: West District WWTP Second Feed Change Order No. 2

Company Name: T Construction, LLC

Department: Public Works

Date: 08/02/2022

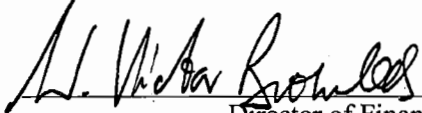
Council Date: 08/11/2022

A review of the above-described company was made in accordance with 2-663 of the City of Baytown Code of Ordinances and the aforementioned company was found:

☐ to be indebted to the City in the following areas:

☒ not to be indebted to the City.

It is hereby certified the above is true and correct based on the best information available.



Director of Finance

08/02/2022

Date

For information regarding this certificate, please contact the Finance Director at 281-420-6531.

If an appeal to this determination is to be filed under section 2-664 of this code, please forward to the following address:

City of Baytown
Director of Finance
P O Box 424
Baytown, TX 77522-0424



CITY COUNCIL MEETING

7. c.

Meeting Date: 08/11/2022

Subject: Consider an ordinance approving emergency bypass pumping services for the Central District Wastewater Treatment Plant Influent Lift Station

Prepared for: Sterling Beaver, Public Works/Engineering/BAWA, Utilities

Prepared by: LaTia Jutan, Public Works/Engineering/BAWA

Department: Public Works/Engineering/BAWA

Information

ITEM

Consider an ordinance authorizing the purchase of bypass pumping services from Xylem Dewatering Solutions Inc., for emergency bypassing within City's wastewater system.

PREFACE

This proposed ordinance authorizes the purchase of bypass pumping services from Xylem Dewatering Solutions Inc. for the emergency bypass of wastewater at the Central District Wastewater Treatment Plant in the amount of \$127,877.73. Bypass pumping was required due to a failure of the influent lift station, and per Texas Local Government Code 252.022 (a) (2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents was initiated.

Failure of the influent lift station pumps necessitated bypass pumping services to maintain treatment operations and avoid a sanitary sewer overflow. Bypass pumping was performed while repairs were made to the influent lift station. Repairs are complete, and the lift station is operating normally.

Xylem Dewatering Solutions Inc., has a proven success rate during previous bypass events for the City and was chosen for their reliability and expertise.

Fiscal Impact

Fiscal Year: 2022
Acct Code: 30520- 74011
Source of Funds (Operating/Capital/Bonds): Operating
Funds Budgeted Y/N: Y
Amount Needed: 127,877.73

Fiscal Impact (Additional Information):

Funds have already been expensed. No additional charges are expected.

Attachments

Ordinance - Emergency Bypass Pumping Services
Indebtedness Certification

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT OF ONE HUNDRED TWENTY-SEVEN THOUSAND EIGHT HUNDRED SEVENTY-SEVEN AND 73/100 DOLLARS (\$127,877.73) TO XYLEM DEWATERING SOLUTIONS INC., FOR THE EMERGENCY BYPASS OF WASTEWATER AT THE CENTRAL DISTRICT WASTEWATER TREATMENT PLANT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, Section 252.022 of the Texas Local Government Code exempts from competitive bidding requirements procurements necessary to preserve or protect the public health or safety of the City's residents; and

WHEREAS, the emergency bypass of wastewater at the Central District Wastewater Treatment Plant (the "Project") was required due to a failure of the influent lift station; and

WHEREAS, failure of the influent lift station pumps necessitated bypass pumping services to maintain treatment operations and avoid a sanitary sewer overflow; and

WHEREAS, the Project was necessary in order to preserve or protect the public health and safety of the City's residents; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown, Texas, hereby declares that the emergency bypass of wastewater at the Central District Wastewater Treatment Plant was necessary to preserve or protect the public health and safety of the City's residents and was an emergency project.

Section 2: That the City Council of the City of Baytown, Texas, hereby authorizes payment in the amount of ONE HUNDRED TWENTY-SEVEN THOUSAND EIGHT HUNDRED SEVENTY-SEVEN AND 73/100 DOLLARS (\$127,877.73) to Xylem Dewatering Solutions, Inc., for the Project.

Section 3: That pursuant to the provisions of Texas Local Government Code Annotated §252.048, the City Manager is hereby granted general authority to approve any change order involving a decrease or an increase in costs of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) or less, subject to the provision that the original contract price may not be increased by more than twenty-five percent (25%) or decreased by more than twenty-five percent (25%) without the consent of the contractor to such decrease.

Section 4: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney

CITY OF BAYTOWN, TEXAS
INDEBTEDNESS CERTIFICATION

Project Name: Central District Wastewater Treatment Plant Influent Lift Station

Company Name: Xylem Dewatering Solutions

Department: Public Works

Date: 06/30/2022

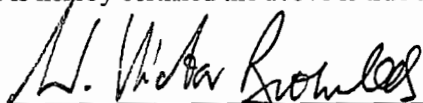
Council Date: 07/14/2022

A review of the above-described company was made in accordance with 2-663 of the City of Baytown Code of Ordinances and the aforementioned company was found:

☐ to be indebted to the City in the following areas:

☒ not to be indebted to the City.

It is hereby certified the above is true and correct based on the best information available.



Director of Finance

06/30/2022

Date

For information regarding this certificate, please contact the Finance Director at 281-420-6531.

If an appeal to this determination is to be filed under section 2-664 of this code, please forward to the following address:

City of Baytown
Director of Finance
P O Box 424
Baytown, TX 77522-0424

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

Xylem Dewatering Solutions Inc

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 *Tami Moreno*

Signature of vendor doing business with the governmental entity

6/29/2022

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;
or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

- (a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

- (2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.



CITY COUNCIL MEETING

7. d.

Meeting Date: 08/11/2022

Subject: Consider Authorizing the Payment for Ad Valorem Tax Assessment and Collection Services

Prepared for: Victor Brownlees, Finance

Prepared by: Elizabeth Donato, Finance

Department: Finance

Information

ITEM

Consider an ordinance authorizing payment to Goose Creek Consolidated Independent School District for ad valorem tax assessment and collection services.

PREFACE

This proposed ordinance authorizes payment for ad valorem tax assessment and collection services for FY 2021-2022 to Goose Creek Consolidated Independent School District in the amount of \$76,761.60. In accordance with the contract, payment for this service is billed annually at tax year-end.

The per parcel rate for the current fiscal year is \$2.40 per parcel. There were 31,984 parcels billed for current year taxes.

Fiscal Impact

Fiscal Year: FY 2022

Acct Code: 10320-74021

Source of Funds (Operating/Capital/Bonds):

Funds Budgeted Y/N: Y

Amount Needed: \$76,761.60

Fiscal Impact (Additional Information):

Attachments

Ordinance - Payment for Ad Valorem Tax Assessment and Collection Services
FY2021-2022 Tax Collection Services

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING THE PAYMENT FOR AD VALOREM TAX ASSESSMENT AND COLLECTION SERVICES FOR FY 2021-2022 TO GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IN THE AMOUNT OF SEVENTY-SIX THOUSAND SEVEN HUNDRED SIXTY-ONE AND 60/100 DOLLARS (\$76,761.60); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown hereby authorizes the payment for ad valorem tax assessment and collection services for FY 2021-2022 to Goose Creek Consolidated Independent School District in the amount of SEVENTY-SIX THOUSAND SEVEN HUNDRED SIXTY-ONE AND 60/100 DOLLARS (\$76,761.60).

Section 2: That the City Manager is hereby granted general authority to approve a decrease or an increase in costs of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) or less, provided that the amount authorized in Section 1 may not be increased by more than twenty-five percent (25%).

Section 3: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney



July 19, 2022

Mr. Victor Brownlees
Director of Finance
City of Baytown
P. O. Box 424
Baytown, Texas 77522

Ref: Tax Collection Services Fee FY2021-2022

Dear Mr. Brownlees:

Attached for your review is the City of Baytown summary tax roll for the 2021 tax year. The total parcels for the City of Baytown this fiscal year billed thus far for current year taxes is 31,984. The per parcel rate for this fiscal year is \$2.40/per parcel which results in a billed amount due to Goose Creek CISD of **\$76,761.60**.

Please direct your remittance to our P. O. Box 2805, Baytown, Texas 77522 for processing. It has been our pleasure to provide this service for the City of Baytown and we look forward to our continued partnership.

Sincerely,

Charlene Piggott, RTA, CSTA

Encls. (1)

2021 TAX ROLL SUMMARY

51 - CITY OF BAYTOWN

	Amount	Count
NUMBER OF ACCOUNTS		31,984
MARKET VALUES		
ROLLCODE: MINERAL		
Mineral	\$54,509,298	
Personal	\$0	
ROLLCODE: PERSONAL		
Improvement	\$1,840,650	
Improvement Non-Home Site	\$162,320	
Mineral	\$1,070,950	
Personal	\$533,219,652	
ROLLCODE: REAL		
Agriculture	\$135,194,455	
Improvement	\$4,120,036,790	
Improvement Non-Home Site	\$29,414,133	
Land	\$1,790,733,739	
Land Aq Land	\$382,417	
Land Non-Home Site	\$36,241,229	
TOTAL MARKET VALUE	\$6,702,805,633	
DEFERRALS		
Aq	\$114,722,652	187
Timber	\$16,641,693	13
TOTAL DEFERRALS	\$131,364,345	
EXEMPTIONS		
<\$500 Income Producing Property	\$12,014	63
0	\$37,903	2
Absolute Exemption , XN	\$4,018,637	9
Cap Adjustment , XT	\$107,857,589	5,589
Contract Abatement	\$59,773,040	3
Disabled	\$35,914,159	671
Disabled Veteran	\$20,234,129	414
Disaster	\$626,222	7
Full	\$544,482,079	1,907
Homestead	\$37,894,472	14,069
Homestead Optional	\$395,598,275	12,800
Interstate Foreign Commerce	\$1,774,673	1
Low Income Housing , XD, XA	\$0	1
Nominal Value	\$4,324	19
Over 65	\$256,142,763	8,500
Partial Total	\$48,311	1
Pollution Control	\$6,518,545	10
Prorated	\$1,143,736	11
Solar/Wind	\$1,197,536	44
Surviving Spouse Disabled Person	\$0	8
Tax Increment Finance Zone	\$1,385,400	776
TOTAL EXEMPTIONS	\$1,474,663,807	

2021 TAX ROLL SUMMARY

51 - CITY OF BAYTOWN

GRAND TOTAL FOR DEFERRALS AND EXEMPTIONS	\$1,606,028,152	
TOTAL MARKET VALUE	\$6,702,805,633	
TAXABLE VALUE	\$5,096,777,481	
TAX RATE	0.785	
ROLLCODE: MINERAL		
Levy	\$427,893.02	52
ROLLCODE: PERSONAL		
Levy	\$4,137,146.33	3,291
ROLLCODE: REAL		
Aq Levy	\$30,066.36	1
Levy	\$34,658,988.87	28,641
TOTAL LEVY	\$39,254,094.58	
LEVY LOST DUE TO FROZEN	\$766,488.90	
OTHER LOST LEVY	\$0.00	
TOTAL LOST LEVY	\$766,488.90	

Calculation Analysis

	Calc Levy	- Tax Amount	=	Diff.	Market Value	Exemption	Taxable Value
Frozen	2,526,623.40	1,760,134.50		766,488.90	823,669,176	501,806,376	321,862,800
DV100 (Excl. Frozen)	3,759.15	3,759.15		0.00	11,704,030	8,427,787	3,276,243
Prorated (Excl. Frozen)	0.00	0.00		0.00	0	0	0
Other	37,490,200.93	37,490,200.93		0.00	5,867,432,427	1,095,793,989	4,771,638,438
Total	40,020,583.48	39,254,094.58		766,488.90	6,702,805,633	1,606,028,152	5,096,777,481
DV100 (Incl. Frozen)	1.77	1.77		0.00	14,413,025	6,580,322	7,832,703
Prorated (Incl. Frozen)	0.00	0.00		0.00	0	0	0
				\$0.00			
						\$0.00	



CITY COUNCIL MEETING

7. e.

Meeting Date: 08/11/2022

Subject: Consider an ordinance renewing the Annual Mowing, Edging and Trimming Services Contract

Prepared for: Victor Brownlees, Finance

Prepared by: Carla Hommel, Finance

Department: Finance

Information

ITEM

Consider an ordinance renewing the Annual Mowing, Edging and Trimming Services Contract with NeoGlobal Enterprises, LLC dba Horticare Landscape Management.

PREFACE

This proposed ordinance authorizes the first renewal of the Annual Mowing, Edging and Trimming Services Contract to NeoGlobal Enterprises, LLC dba Horticare Landscape Management, in the amount of \$107,200.13. NeoGlobal Enterprises, LLC, dba Horticare Landscape Management, has elected to take the CPI increase of 8.6%. Pricing herein reflects the CPI increase, as well as two added locations.

Fiscal Impact

Fiscal Year:

Acct Code:

Source of Funds (Operating/Capital/Bonds):

Funds Budgeted Y/N:

Amount Needed:

Fiscal Impact (Additional Information):

FY 2022:

30520-73001: \$4409.70

30410-73001: \$1785.39

20305-73001: \$868.80

20210-73001: \$1498.68

20060-73001: \$4094.22

20020-73001: \$3078.84

20065-73001: \$210.68

30010-73001: \$1086.00

11810-73011: \$358.40

10710-73011: \$217.20

30930-74021: \$1200.00

FY 2022 Total: \$18,807.91

FY 2023

10340-73001: \$88,392.52

Attachments

Ordinance - Renewal of Annual Mowing, Edging and Trimming Services Contract
Indebtedness Certification

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, RENEWING THE ANNUAL CITY FACILITIES MOWING, EDGING AND TRIMMING SERVICES CONTRACT WITH NEOGLOBAL ENTERPRISES, LLC, D/B/A HORTICARE LANDSCAPE MANAGEMENT, AND AUTHORIZING PAYMENT BY THE CITY OF BAYTOWN IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVEN THOUSAND TWO HUNDRED AND 13/100 DOLLARS (\$107,200.13); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, NeoGlobal Enterprises, LLC, d/b/a Horticare Landscape Management, was awarded the Annual City Facilities Mowing, Edging and Trimming Services Contract on July 22, 2021, pursuant to competitive bidding procedures, which contract included an option by the parties to renew for additional one-year periods; and

WHEREAS, NeoGlobal Enterprises, LLC, d/b/a Horticare Landscape Management, has indicated its willingness to renew the contract for an additional year with a CPI increase of 8.6%, as well as two added locations; and

WHEREAS, the Administration has reviewed the market conditions and recommends renewal as being in the best interest of the City; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown hereby renews the Annual City Facilities Mowing, Edging and Trimming Services Contract with NeoGlobal Enterprises, LLC, d/b/a Horticare Landscape Management, for an amount not to exceed ONE HUNDRED SEVEN THOUSAND TWO HUNDRED AND 13/100 DOLLARS (\$107,200.13) and authorizes payment thereof.

Section 2: That pursuant to the provisions of Texas Local Government Code Annotated §252.048, the City Manager is hereby granted general authority to approve any change order involving a decrease or an increase in costs of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) or less, subject to the provision that the original contract price may not be increased by more than twenty-five percent (25%) or decreased by more than twenty-five percent (25%) without the consent of the contractor to such decrease.

Section 3: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMOND, City Attorney

CITY OF BAYTOWN, TEXAS
INDEBTEDNESS CERTIFICATION

Project Name: Annual Mowing, Edging & Trimming Contract

Company Name: NeoGlobal, dba Horticare

Department: Finance

Date: 6/30/22

Council Date: 07/14/2022

A review of the above-described company was made in accordance with 2-663 of the City of Baytown Code of Ordinances and the aforementioned company was found:

☐ to be indebted to the City in the following areas:

☒ not to be indebted to the City.

It is hereby certified the above is true and correct based on the best information available.



Director of Finance

6/30/22

Date

For information regarding this certificate, please contact the Finance Director at 281-420-6531.

If an appeal to this determination is to be filed under section 2-664 of this code, please forward to the following address:

City of Baytown
Director of Finance
P O Box 424
Baytown, TX 77522-0424



CITY COUNCIL MEETING

7. f.

Meeting Date: 08/11/2022

Subject: Meet and Confer Agreement with the Baytown Municipal Police Association

Prepared for: Rick Davis, City Management **Prepared by:** Carol Flynt, Human Resources

Department: Human Resources

Information

ITEM

Consider an ordinance authorizing a Meet and Confer Agreement with the Baytown Municipal Police Association, Inc.

PREFACE

This proposed ordinance approves a Meet & Confer Agreement with the Baytown Municipal Police Association, Inc. (the "Association"). Similar to the previous agreement with the Association, the proposed agreement provides for recruiting incentives in the form of academy reimbursement (up to \$2,500), signing incentives (up to \$10,000), and relocation reimbursement (up to \$4,000). The relocation reimbursement is also available to current employees to encourage them to move into the City if they currently live outside the city limits. This agreement also expands Field Training assignment pay and adds holiday premium pay, shift differential pay and special team assignment pay. The alternative hiring process was modified to provide year for year credit for past service up to 8 years. The proposed agreement is for a term of three (3) years commencing on October 1, 2022, and establishes the salary for each of the first two years with a wage re-opener.

The Association has voted and approved the agreement.

Attachments

Ordinance - Meet and Confer Agreement

Exhibit A - Meet and Confer Agreement

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN,
TEXAS, AUTHORIZING A MEET AND CONFER AGREEMENT WITH THE
BAYTOWN MUNICIPAL POLICE ASSOCIATION, INC.; AND PROVIDING
FOR THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown, Texas, hereby authorizes the Mayor to execute and the City Clerk to attest to a Meet and Confer Agreement with the Baytown Municipal Police Association, Inc. A copy of said agreement is attached hereto, marked Exhibit "A," and made a part hereof for all intents and purposes.

Section 2: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney

EXHIBIT "A"

AGREEMENT

Between

THE CITY OF BAYTOWN, TEXAS

And

BAYTOWN MUNICIPAL POLICE ASSOCIATION, INC.

October 1, 2022 – September 30, 2025

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ARTICLE 1
INTENT AND PURPOSE

It is the intent and purpose of this Agreement, entered into by the City of Baytown, Texas, a home rule municipality hereinafter referred to as the "City" and the Baytown Municipal Police Association, Inc., hereinafter referred to as the "Association," to achieve and maintain harmonious relations between the Parties related to working conditions and other conditions of employment in accordance with Subchapter B of Chapter 142 Texas Local Government Code and not deny local control by the City. The Agreement has been reached by the City and the Association, collectively hereinafter referred to as the "Parties," through the process of Meet and Confer with the objective of fostering effective cooperation between the City and its Police Officers.

ARTICLE 2
AUTHORITY AND RECOGNITION

The City recognizes the Association as the sole and exclusive bargaining agent for all covered police officers as defined in Texas Local Government Code Section 143.003, excluding the employees exempt under Section 142.058 (b) of the Police Department, hereinafter referred to as "Police Officers," pursuant to Texas Local Government Code, Section 142.051, *et seq.*

ARTICLE 3
PREEMPTION PROVISION

During the term of this Agreement and to the extent of any conflict, the provisions of this Agreement shall supersede the provisions of all contrary statutes, Executive Orders, local ordinances, and rules, including for example and not by way of limitation, the contrary provisions of Texas Local Government Code Chapters 141, 142 and 143, Ordinances of the City of Baytown, Texas, and the Rules and Regulations of the Police and Firefighter's Civil Service Commission for the City of Baytown, Texas. This preemption provision is authorized by Section 142.067 of the Texas Local Government Code, and the Parties have expressly agreed that each and every provision involving or creating such a conflict shall have the effect of superseding the statutory standard or result, which would otherwise be obtained in the absence of this Agreement.

It is understood and agreed that unless specifically modified by this Agreement, the City's Personnel Policies and Administrative Rules, the City of Baytown's Civil Service Rules and Regulations, as well as the Baytown Police Department's Rules and Regulations and general and special orders shall continue to apply to employees covered by this Agreement.

ARTICLE 4
REIMBURSEMENT OF ACADEMY TRAINING TUITION

Subject to the provisions of this article, a Police Officer who has completed a course of instruction at an accredited peace officer academy within one (1) year of his/her hire date, shall be reimbursed the cost of the academy tuition in an amount not to exceed \$2,500 in accordance with this article. This reimbursement shall be paid as follows: \$1,500 within 30 days after successful completion of the Field Training program and the balance in equal monthly installments of \$250 for the next four (4) months; provided, however, should the Police Officer fail to complete his/her probation period for any reason, such Police Officer shall reimburse the City all monies paid to him/her pursuant to this article. Reimbursement shall be made only if the Police Officer has expended his/her personal funds for such instruction, has not been reimbursed for the same by any governmental entity, and provides necessary documentation, as determined by the City, for reimbursement.

ARTICLE 5
PROBATIONARY PERIOD

Any person initially appointed to any position in the class of Probationary Police Officer must serve a probationary period beginning on that person's date of employment as a Probationary Police Officer and ending twelve (12) months after the officer is sworn in as a Police Officer.

ARTICLE 6
SIGNING INCENTIVE

Subject to the conditions listed below, any person initially appointed to any position in the class of Probationary Police Officer or Police Officer Trainee on or after the effective date of this agreement, but no later than September 30, 2025, shall receive \$10,000 as follows: \$3,000 upon successful completion of the FTO program and the balance in equal monthly installments until the end of the probationary period for a total payment of \$10,000; provided, however, should the Police Officer fail to complete three (3) years of service from their hire date for any reason, such Police Officer shall reimburse the City all monies paid to him/her pursuant to this article. This is available on a one time basis.

ARTICLE 7
ALTERNATIVE HIRING

Notwithstanding any provisions in Texas Local Government Code Chapter 143, the Parties have agreed that the needs of the Police Department for qualified and capable personnel require the adoption and implementation of these provisions to modify the hiring provisions in Texas Local Government Code Chapter 143:

- a. The City shall be authorized and entitled to hire peace officers from other law enforcement agencies, or who have left such employment in good standing, in accordance with the provisions and limitations contained in this article.
- b. There shall not be a gap of more than two (2) years from the proceeding agency, nor shall there be a gap of more than two (2) years throughout the officers combined tenure of service.
- c. For purposes of the pay scale, Police Officers, who (i) have experience in another law enforcement agency as a peace officer, (ii) otherwise meet the qualifications for a Police Officer in the Baytown Police Department, and (iii) are hired by the City, shall be credited with up to eight (8) years of service, following certification as a Texas Peace Officer, as follows:

Total Number of Completed Years of Service as a Peace Officer	Credited Years of Service in the Baytown Police Department
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8

This service credit applies only to the pay scale and does not apply to City longevity, seniority, or department seniority for the purposes of shift picks, vacation picks or promotional opportunities.

- d. The training program for officers hired under this article shall be determined by Chief of the Police Department.

The expiration of this Agreement after the hiring of any officer shall not affect the employment of such officer, irrespective of the fact that the officer may not have finished the academy or other training programs or requirements. This Article shall supersede all contrary provisions in Texas Local Government Code Chapters 141, 142 and 143, including Sections 143.021 – 143.025.

ARTICLE 8

RELOCATION EXPENSES FOR NEW HIRES

The City shall reimburse the cost of moving household goods and effects to the City of Baytown for officers hired during the term of this Agreement for, 1) up to a maximum of \$2,000 if moving from within a 150 mile radius of Baytown, or 2) up to a maximum of \$4,000 if moving from outside the 150 mile radius. Moving reimbursement is available only for moves from outside the city limits to inside the city limits of Baytown. Should the police officer fail to complete his/her probationary period for any reason, such officer shall reimburse the City for all monies paid.

ARTICLE 9

CLOSING COST REIMBURSEMENT FOR POLICE OFFICERS

Existing City of Baytown police officers, residing outside the City limits wishing to move into the City limits will be eligible for closing cost reimbursement of up to \$5,000 to purchase a conventional home within the City limits. This assistance will be provided only once to a police officer and only when the police officer moves from outside the City limits and purchases a conventional home within the City limits and establishes that home as his/her primary residence. The police officer must file proof of expenses along with a request for reimbursement within thirty (30) days of the closing. Mobile homes, manufactured homes, and homes purchased under a contract for deed will not be eligible for this benefit. A police officer, whose home is annexed into the City after the effective date of this Agreement, will not be eligible for this benefit. Should the police officer fail to complete three (3) additional years from the filing of the reimbursement request for any reason, such officer shall reimburse the City for all monies paid.

ARTICLE 10

DUES DEDUCTIONS

Upon receipt of a proper and signed authorization from an Association member and written approval by the Association, the City will deduct from the Association member's pay, regular Association dues in the amount set by the Association. The authorization shall be made on a form supplied by the City. The Association shall notify the City of any change in the amount of regular dues.

ARTICLE 11

COMPENSATION

Section 1. Base Compensation.

Effective the first full pay period of October 2022, Police Officers covered by this Agreement shall be paid base compensation as reflected by the chart in Appendix A, which is incorporated herein for all intents and purposes.

Market is defined as Texas municipalities with police departments that fall under Texas Civil Service Texas LGC 143 and have a population range of 75,000 to 350,000 excepting those located in the counties contiguous with Mexico and located within the Texas Panhandle. Comparative data will be aged with geographical differential applied and compared to the 65th percentile to determine market alignment.

Section 2. Certificate Pay.

Police Officers, who have completed the FTO program and have the following certifications, shall be paid the following monthly certificate pay:

Certification	Monthly Certificate Pay
Intermediate	\$100
Advanced	\$175
Master	\$250

Section 3. Field Training Program.

Police Officers who are appointed and assigned to the Field Training Program shall receive the following monthly assignment pay:

Assignment	Monthly Certification Pay
FTO (PO)	\$250
FTO (SGT)	\$100
FTO (Coordinator)	\$100

Section 4. Education Pay.

Police Officers with a college degree shall be paid the following monthly incentive:

Degree Level	Education Pay
Associate's	\$75
Bachelor's	\$125
Master's	\$150

An Associate's degree must be specific to Policing, Criminal Justice or a closely related field as approved by the Police Chief. Bachelor's and Master's degrees must be in Policing, Criminal Justice, Public Administration, Business Administration, Emergency Management, Leadership, or another field as approved by the Police Chief. Employees may receive only one of the above education pay monthly incentives.

Section 5. Holiday Premium Pay.

Police Officers shall be entitled to a holiday premium pay of \$350.00, in addition to their regular pay, when they are scheduled, drafted, or called in to work for any portion of the designated holiday.

Designated Holidays: Thanksgiving, Day after Thanksgiving, Christmas Day, New Year's Day

The Holiday premium pay shall be applicable to the above holidays, on the days designated by the City.

Example: if the City designates two days as a holiday for Thanksgiving, then both days shall qualify for holiday pay. If an officer works both designated days, they shall be paid the holiday premium of \$350 for each day they work.

Section 6. Shift Differential Pay.

Police Officers who are assigned through the shift selection process to the night shift for the patrol bureau shall receive a 1% shift differential pay of the officer's pay. Shift differential will not be paid to individuals working a night shift for the patrol bureau on an occasional, non-routine basis.

Section 7. Special Team Assignment Pay.

Police Officers who are certified and assigned to a Special Team by the Police Chief shall receive Special Team Assignment Pay. Once approved, the team members must maintain all training and certification requirements for continued assignment pay. Team member status shall be verified on an annual basis. Officers are eligible to receive only one (1) Special Team Assignment Pay. Team members shall be paid the following monthly assignment pay:

Assignment	Monthly Assignment Pay
K9	\$100.00
Bomb Squad	\$100.00
SWAT	\$100.00
CNT	\$100.00
Dive Team	\$100.00
Mental Health	\$100.00
Intoxilyzer	\$100.00
DRE	\$100.00
Drone	\$100.00
Crime Scene	\$100.00
Detective	\$100.00
Mounted Patrol	\$100.00
Polygraph	\$100.00
Accident Recon	\$100.00
Bike Patrol	\$100.00

ARTICLE 12

OVERTIME

Section 1. Definitions.

The following terms when used in this Article shall have the meanings ascribed to them in this section:

Additional Hours Worked means hours worked other than the hours of a regularly assigned shift.

Non-Worked Time means and includes all time and leaves not included as Time Worked.

Overtime Worked means Time Worked in excess of the number of hours as specified by the City in accordance with the Fair Labor Standards Act for the Work Period of the employee.

Time Worked means and includes not only the hours worked as a Police Officer pursuant to this Agreement during the Work Period but also all hours charged to the following leaves of absences during the Work Period:

1. vacation leave,
2. holidays,
3. workers' compensation leave,
4. administrative absence with pay associated with workers' compensation, and
5. administrative absence with pay not associated with discipline.

Work Period shall be that period of time established by the City in compliance with the Fair Labor Standards Act.

Section 2. FLSA Provisions.

The City will comply with the Fair Labor Standards Act, which provides overtime after an employee works a specified number of hours in a designated work period. Only Time Worked will be considered for purposes of computing overtime compensation.

The parties agree that the City has the right to require that overtime hours be compensated in the form of pay or compensatory time, as determined appropriate by the Police Chief. Overtime compensated monetarily shall be calculated in compliance with FLSA. Overtime compensated as compensatory time shall be calculated at the rate of one and one-half hours for each hour of Overtime Worked. All overtime to be worked must be approved in advance by the Police Chief or his designee.

Assistant Police Chiefs will not be exempt from payment of overtime in Year 1 and 2 of this Agreement. Assistant Police Chiefs shall be exempt from payment of overtime beginning in Year 3 of this Agreement. The status of Assistant Police Chiefs, beginning January 1, 2018, as exempt from payment of overtime shall survive after the expiration or termination of this Agreement and shall not thereafter be subject to repeal, amendment or modification unless agreed to by the parties.

When leave classified as Non-Worked Time is taken or used by a Police Officer in the same Work Period that the Police Officer earns Additional Hours Worked; Additional Hours Worked that do not qualify for overtime under FLSA shall be paid hour-for-hour as compensatory time or regular pay, as determined by the Police Chief.

The maximum number of hours of accrued compensatory time shall not exceed the cap established in the City of Baytown Personnel Policy Manual. There shall be no pyramiding of overtime under this Agreement, that is, hours shall not be paid for or credited to leave balances more than once.

Section 3. Preemption.

To the extent that any provision of this Article conflicts with or changes Chapters 142 or 143 of the Texas Local Government Code or any other applicable statute, executive order, or local ordinance or rule, this Agreement shall supersede such provisions, as authorized by Chapter 142 of the Texas Local Government Code.

ARTICLE 13 **INTERNAL AFFAIRS COMPLAINT PROCEDURE**

The Association and the City agree that the Internal Affairs Complaint Procedure issued on March 23, 2022, under Directive No. BPD-GO 08.03, which is attached hereto as Appendix B and incorporated herein for all intents and purposes, shall be effective throughout the term of this Agreement.

ARTICLE 14 **TERMINAL LEAVE**

Sick Time Payout Upon Retirement.

- A. Employees covered by this Agreement who retire while this Agreement is in effect will be entitled to be paid \$0.10 (ten cents) on the dollar for accumulated, unused sick leave provided that they have at least 30 years of service with the City of Baytown.
- B. This payout will be based on current salary and will be applied to sick leave amounts remaining after the 120 payout authorized by City policy.

ARTICLE 15 **FITNESS PROGRAM**

It is agreed that no officer hired before October 1, 2019, will be terminated because of his/her inability to meet the standards of the physical fitness rowing program. The standards of the physical fitness rowing program shall be set by the chief. All officers are required to participate in all aspects of the program. Failure to participate, without the approved waiver, may result in disciplinary action.

Qualifying participants shall receive:

Tier	Total Annual Incentive
80% - 89%	\$1,000.00
90% - 100%	\$2,000.00

To be paid as determined by the City

This article is not intended to preempt Texas Local Government Code Section 143.081.

ARTICLE 16
COMPLETE AGREEMENT CLAUSE

This Agreement constitutes the full and complete Agreement of the parties and there are no others, oral or written, except as specified in this Agreement. It is understood and agreed that the Agreement may be amended only by mutual consent of the Parties to this Agreement subject to the provisions of Chapter 142 of the Texas Local Government Code.

ARTICLE 17
SAVINGS CLAUSE

Should any provision of this Agreement be found to be inoperative, void or invalid by a court of competent jurisdiction, all other provisions of this Agreement shall remain in full force and effect for the duration of this Agreement, it being the intention of the Parties that no portion of this Agreement or provision herein shall become inoperative or fail by reason of the invalidity of any other portion or provision.

ARTICLE 18
DURATION OF AGREEMENT

This agreement shall become effective on October 1, 2022, after execution by the Mayor of the City Council of the City after ratification by the affected employees pursuant to a vote conducted by the Association and after approval by the City Council. It shall continue in effect until September 30, 2025, unless terminated in accordance with Section 142.065 of the Texas Local Government Code.

ARTICLE 19
REOPENER

Section 1. Wage Reopener.

The Association may reopen this Agreement for the sole purpose of negotiation of wages for Year 3 of this Agreement. The year shall commence and end as follows:

Year 3 – October 1, 2024 through September 30, 2025

If the Association desires to reopen this Agreement, it shall notify the Employer in writing. Such notice shall include a detailed list of the modifications or changes desired and supporting documentation and must be received by the City prior to the following dates:

Year 3 – One hundred twenty (120) days prior to September 30, 2024

Upon receipt of such written notice by the Employer, negotiations will commence. Except as provided below nothing herein shall be construed to allow reopening any other provisions of this Agreement. This section only authorizes the Association to reopen only Article 11 Section 1 concerning wages for the year hereinabove stated.

Should the Association notify the City of its intent to reopen Article 11 Section 1 then the City may designate one article of this Agreement to reopen.

Section 2. Status Once Contract is Reopened.

If the Contract is reopened pursuant to Section 1 hereinabove, it is expressly understood and agreed that until a new agreement concerning the opened article is reached, the opened article as specified in the Agreement will be in full force and effect and will be binding upon the parties hereto.

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED TO HAVE THIS AGREEMENT TO BE SIGNED BY THEIR DULY AUTHORIZED REPRESENTATIVES ON THIS ____ DAY OF _____, 2022.

CITY OF BAYTOWN

BAYTOWN MUNICIPAL POLICE
ASSOCIATION, INC.

BRANDON CAPETILLO, Mayor

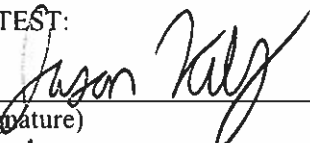


WILLIAM NELSON, President

ATTEST:

ATTEST:

ANGELA JACKSON, City Clerk



(Signature)

Jason Kelly

(Printed Name)

Second Vice President

(Title)

APPENDIX A SALARY CHARTS

Year 1

Effective the first full pay period of October 2022

Police Officer

Year in Rank	Base Annual	Night Shift Annual
Probationary	\$ 71,684	\$ 72,401
1	\$ 74,193	\$ 74,935
2	\$ 76,790	\$ 77,558
3	\$ 79,477	\$ 80,272
4	\$ 82,259	\$ 83,082
5	\$ 85,138	\$ 85,989
6	\$ 88,544	\$ 89,429
7	\$ 92,085	\$ 93,006
8	\$ 95,769	\$ 96,727

Sergeant

Year in Rank	Base Annual	Night Shift Annual
Yrs <3	\$ 106,079	\$ 107,140
Yrs >3	\$ 112,572	\$ 113,698

Lieutenant

Year in Rank	Base Annual	Night Shift Annual
Yrs <3	\$ 124,357	\$ 125,601
Yrs >3	\$ 129,381	\$ 130,675

Assistant Chief

Year in Rank	Base Annual
Yrs <3	\$ 154,620
Yrs >3	\$ 164,036

Police Officers who are assigned through the shift selection process to the night shift for the patrol bureau shall receive a 1% shift differential pay of the officer's pay. Shift differential will not be paid to individuals working a night shift for the patrol bureau on an occasional, non-routine basis.

Year 2

Effective the first full pay period of October 2023

Police Officer

Year in Rank	Base Annual	Night Shift Annual
Probationary	\$ 74,551	\$ 75,297
1	\$ 77,161	\$ 77,932
2	\$ 79,862	\$ 80,660
3	\$ 82,656	\$ 83,483
4	\$ 85,549	\$ 86,405
5	\$ 88,544	\$ 89,429
6	\$ 92,086	\$ 93,007
7	\$ 95,768	\$ 96,726
8	\$ 99,600	\$ 100,596

Sergeant

Year in Rank	Base Annual	Night Shift Annual
Yrs <3	\$ 110,322	\$ 111,425
Yrs >3	\$ 117,075	\$ 118,246

Lieutenant

Year in Rank	Base Annual	Night Shift Annual
Yrs <3	\$ 129,331	\$ 130,625
Yrs >3	\$ 134,556	\$ 135,902

Assistant Chief

Year in Rank	Base Annual
Yrs <3	\$ 160,805
Yrs >3	\$ 170,597

Police Officers who are assigned through the shift selection process to the night shift for the patrol bureau shall receive a 1% shift differential pay of the officer's pay. Shift differential will not be paid to individuals working a night shift for the patrol bureau on an occasional, non-routine basis.

APPENDIX B

GENERAL ORDER

Directive No: BPD-GO 08.03

Date Re-Issued: 03/23/2022

Subject: INTERNAL AFFAIRS –
COMPLAINT PROCEDURE

Replaces: BPD - GO 08.03 dated
06/28/2016

Reference Best Practices: 2.04, 2.05, 2.06, 2.07, 2.09, 2.10, 2.14

Reviewed By: Chief of Police & Program Manager
Distribution: A

I. PURPOSE

- 1.01 The purpose of this directive is to inform all Civilian and Civil Service employees of the Baytown Police Department procedures for addressing complaints of misconduct.

II. POLICY

- 2.01 It is the policy of this department to investigate all complaints of alleged employee misconduct, and to equitably determine whether the allegations are valid or invalid and to take appropriate action.

III. DEFINITIONS

- 3.01 Administrative Complaint - A complaint that alleges the Police Department employee violated a department policy and / or procedure.
- 3.02 Civil Service Employee – An employee as defined under Texas Local Government Code, Chapter 143.
- 3.03 Civilian Employee – An employee not categorized as a Civil Service employee.
- 3.04 Criminal Complaint - A complaint that alleges the Police Department employee violated a statute that could result in a jail sentence and / or a fine.
- 3.05 External Complaint - An external complaint is any complaint initiated by a member of the public, or any person outside the employment of the Baytown Police Department.
- 3.06 Internal Affairs Unit - The office ultimately responsible for conducting investigations into allegations of employee misconduct. The I. A. Unit is directly under the direction of the Chief of Police.
- 3.07 Internal Complaint - An internal complaint is any complaint initiated by an employee of the Baytown Police Department.
- 3.08 Interrogation - The specific **questioning of an employee** regarding alleged criminal conduct in violation of a City, State, or Federal statute where Constitutional protections apply.
- 3.09 Personnel Complaint - A personnel complaint is any charge of misconduct against an employee, which, if true, would adversely affect the department's operational efficiency or relations with the public and / or fellow City of Baytown employees. The complaint may be internal or external, and includes but is not limited to a formal complaint, a citizen's concern, and a department initiated review of an incident.
- 3.10 Questioning / Interview - The questioning / interview of an employee regarding the violation of an internal policy or procedure, or other employee rule, where the employee is required to respond as a condition of employment.

IV. PROCEDURES

4.01 Supervisor's Role

- A. The primary responsibility for maintaining and reinforcing employee conformance with the standards of professionalism and conduct of this department shall be with the employee and the first line supervisors.
- B. Should the violation involve an incident of a serious nature (see section C-1 below), the supervisor detecting the violation or potential pattern of misconduct shall, as soon as practical, relieve the employee of their duties and order them to report to the central police station.
- C. As soon as practical, the sergeant / first-line supervisor shall notify the lieutenant, and then the lieutenant shall notify the effected Bureau Commander. In the event the lieutenant is unavailable, the sergeant shall notify the Bureau Commander. The Internal Affairs Unit may be notified immediately through computer electronic mail or other method at the Bureau Commander's discretion, but within twenty-four (24) hours of receiving notification of the violation. The Bureau Commander shall determine the seriousness of the violation and, if warranted, shall relieve the offender from duty and take custody of his / her badge, credentials, city-issued firearm, and vehicle if applicable. The offender will be instructed to report to the office of the Chief of Police or his designee at a time determined by the Chief of Police or his designee. *(Refer to section 3.08 of Code of Conduct BPD G.O. # 1.02) (BP 2.07)*
 1. The Bureau Commander shall immediately relieve the offending employee from duty in any of the below listed violations:
 - a. Drinking of an intoxicating beverage while on duty (except where approval has been granted by a Bureau Commander due to a special assignment);
 - b. Showing up for work under the influence of alcohol or drugs of any kind;
 - c. Willful disobedience of any lawful order issued to him / her;
 - d. Unnecessary violence toward any person;
 - e. Sleeping on duty;
 - f. Disrespect shown to a supervisor or acting supervisor;
 - g. Accepting a bribe;
 - h. Cowardice;
 - i. Conduct subversive to the good order and discipline of the department;
 - j. Gross Misconduct; or
 - k. Lying to a supervisor or acting supervisor. **(BP 2.14)**
- D. A written report of the incident shall be submitted by the supervisor, who shall also be present at the office of the Chief of Police, or his designee at the time the offender reports.
- E. Supervisors shall familiarize themselves with the employees in their charge, and closely observe their general conduct and appearance on a daily basis and direct adjustments when appropriate and necessary.
- F. The supervisor may use and document counseling as follows:
 1. To determine the extent of any personal or job problems that may be affecting performance and to offer assistance and guidance;
 2. To discuss minor and infrequent rule violations, and to discuss the substance and importance of the rules with the employee;
 3. To refer the employee to a peer that may be able to provide assistance or counsel; or
 4. Referring or making the employee aware of, or directing them to, the City's Employee Assistance Program or other formal professional service, remedial training, or other training that may assist the employee.

4.02 Complaints

- A. All complaints pertaining to departmental policies or procedures, or those that allege employee misconduct shall be documented and investigated by the department. **(BP 2.04, 2.06)**
 - 1. Complaints may be received in person, over the telephone, by mail, or computer e-mail.
 - 2. Anonymous complaints, or complaints from citizens who wish their names to be held in confidence, shall be accepted for investigation. If the anonymous complaint can be substantiated through investigation, the Administration of the Baytown Police Department may become the complainant and will verify the complaint in writing.
 - a. Any complaint that is not received in writing and / or is not signed, or the complainant's identity cannot be verified, cannot be considered by the Chief of Police regarding disciplinary action. *(Refer to H.B. No. 639, Subchapter B, Sections 614.022 and 614.023)*
- B. Any supervisor of the department who is approached for such assistance may accept internal or external personnel complaints.
 - 1. Citizens wishing to make a personnel complaint between 0800 and 1600 may be referred directly to the Internal Affairs Unit for assistance if they are available. However, first and second line supervisors should make all reasonable efforts to resolve complaints that are considered minor or common such as rudeness, speeding, etc.
- C. The supervisor receiving the complaint shall document the complaint in the BlueTeam computer database as soon as possible.
 - 1. The supervisor taking the initial complaint shall access the BlueTeam database through a link on the department Intranet, follow the on-screen directions, and include all available information regarding the allegation provided by the complainant.
 - 2. Upon completing the initial complaint in the BlueTeam database, the supervisor shall print a copy of the complaint and provide it without cost to the complainant as a receipt that the allegation has been received for investigation. **(BP 2.10)**
 - 3. After completing any follow-up, as outlined in section 4.03 (Investigations by a Supervisor), the complaint shall be forwarded through the chain-of-command, via the BlueTeam database.
- D. In the event the computer is malfunctioning or otherwise unavailable, the complaint shall be submitted to the Internal Affairs Unit in writing on the Personnel Complaint Form, BPD Form #140.
 - 1. The supervisor taking the complaint will fill out the top half of the form, getting the appropriate information from the complainant.
 - a. If the complainant is present, have them write a brief statement of the incident about which he or she is complaining. Additional sheets of paper may be attached to the original complaint document.
 - b. The written statement may be dictated to the supervisor receiving the complaint, typed on a typewriter or computer, or handwritten by the complainant as is their preference. The supervisor shall review the statement for attention to detail and clarity before the complainant signs the statement.
 - c. Once the supervisor and complainant have reviewed the statement, **the complainant should read the warning about false reports to a police officer and then sign and date the form.**
 - 2. If the complaint is taken over the phone or by any means other than in person, the supervisor shall complete the narrative portion of the complaint entitled "Nature of Complaint."

3. The supervisor taking the complaint shall complete the "Complaint received by" section of the form and show location and / or extension where the complaint was received.
 4. After completing the Personnel Complaint form, the supervisor shall promptly forward the complaint to the Internal Affairs Unit before completion of their duty shift.
 - a. The submission of the complaint in writing will be accomplished by placing the document under the door to the office of the Internal Affairs Unit.
 - E. The supervisor may attempt to resolve a complaint by an explanation of departmental policies and procedures, where applicable. Attempts to resolve complaints may be noted on a separate narrative sheet of paper and attached to the Personnel Complaint Form.
 - F. When applicable, the receiving supervisor should also:
 1. Take digital or 35mm photos of injuries or damaged property; and
 2. Get medical releases signed, in duplicate, for each doctor or hospital treating an injured complainant.
 - G. The supervisor receiving the complaint shall notify the Chief of Police as soon as practical, when the complaint involves an allegation of a serious nature such as, but not limited to: **(BP 2.07)**
 1. A citizen dying in police custody or as a result of police action;
 2. A citizen becoming seriously injured, and / or hospitalized due to the actions of an employee;
 3. A fleet accident or other incident where a citizen is injured or property damage is significant;
 4. A felony criminal allegation against an employee;
 5. An employee being relieved of duty; or
 6. Other circumstances that may result in additional inquiries made by the public and / or media representatives.
 - H. Minor or common complaints alleging the violation of policies or procedures such as rudeness or speeding, etc., does **not** require the immediate notification of the Chief of Police. **(BP 2.07)**
- 4.03 Investigations by a Supervisor
- A. Upon becoming aware of or receiving notification of potential misconduct by an employee, a supervisor shall begin an immediate investigation into such allegations. The types of complaints that may be handled by the front line supervisors are those that are related to but not limited to rudeness, tardiness, insubordination, and uniform or equipment violations, or procedural violations. **(BP 2.06)**
 - B. The supervisor's investigation shall include questioning the employee, witnesses and complainant(s), and securing all relevant evidence if possible.
 - C. Prior to his / her duty shift ending, the supervisor shall forward the complaint and any follow-up investigation to the Bureau Commander, via chain-of-command.
- 4.04 Responsibilities of Internal Affairs Unit (I.A.)
- A. While investigating a complaint of misconduct, the Internal Affairs Unit is delegated the authority of, and reports directly to, the Chief of Police for the purposes of directing and reviewing any investigation.
 1. The Chief of Police shall be granted unlimited access to all Internal Affairs hard files or computer databases, except for specific files where the Chief of Police is the subject of the investigation.
 - B. Internal Affairs shall have primary supervisory responsibility for the review and investigation of all complaints against employees, whether initiated by a citizen or the department. **(BP 2.06)**

- C. Upon receipt of a complaint, an initial determination whether to assume primary investigative responsibility for the case or to refer it to an appropriate supervisor shall be made. The Internal Affairs Unit shall review and number all new complaints entered into the IAPro BlueTeam database. Any serious allegations will be forwarded to the Internal Affairs Unit for investigation. Minor rule violations will remain in the BlueTeam database for assignment. A supervisor's investigation may be ordered stopped at any time, and full investigative authority assumed by the I.A. Unit. **(BP 2.06)**
- D. Allegations of misconduct that could result in discharge, suspension, or demotion shall be investigated by the I.A. Unit. **(BP 2.06)**
- E. Allegations of criminal misconduct may be referred to the Investigations Division for investigation, but the Internal Affairs Unit shall be advised of the investigation.
- F. Upon receipt of a citizen's complaint, the I.A. Unit shall contact the complainant and advise them that the allegation is under investigation, and that the complainant shall receive written notice of the final disposition of the case. I.A. shall advise the complainant of departmental procedures for the processing and investigation of citizen complaints. **(BP 2.10)**
 - 1. The assigned Internal Affairs investigator or assigned supervisor shall provide a periodic status report to each complainant, particularly within ninety (90) days after the complaint is received if the investigation has not yet been completed. **(BP 2.10)**
 - 2. Upon conclusion of the investigation, the complainant shall be notified in writing by the Internal Affairs Unit of the "conclusion of fact", or complete results of the investigation. **(BP 2.10)**
 - 3. This notification shall be accomplished by sending a letter to the last known address of the complainant. The notification shall outline the results of the concluded investigation to include the final disposition of any allegation of misconduct made or discovered during the investigation, as well as a contact number in the event of any questions. **(BP 2.10)**
- G. The Internal Affairs Unit shall have the following additional responsibilities:
 - 1. Maintenance of a complaint log;
 - 2. Maintenance of a central file for complaints in secure file cabinets in a location designated by the Chief of Police, kept in conformity with state law;
 - a. The computerized database IAPro shall be password protected and access limited as directed by the Chief of Police. **(BP 2.09)**
 - 3. Conducting a regular audit of complaints to ascertain the need for changes in training, equipment, or policy;
 - a. An Internal Affairs Investigator shall be the administrator of the IAPro computer database.
 - b. The IAPro administrator shall collaborate with the Chief of Police to set the database parameters that will trigger an alarm if a complaint against an employee exceeds the established limits for that employee, for that category of complaint, use of force, fleet accidents, or other established criterion for conduct and behavior.
 - 4. Continually make available to the public, as well as City and department employees, information on the procedure for registering complaints against or to commend a Police Department employee. This availability is accomplished by, but not limited to:
 - a. Placing Department approved brochures outlining the process in public areas of the primary police buildings at 3200 North Main Street and 220 West Defee Street;
 - b. Web page outlining process on the City of Baytown Internet web site; and
 - c. Providing a specific extension and telephone number in the regularly published telephone book.

5. Internal Affairs may recommend to the Chief that a case be referred to the Harris County District Attorney's Office for criminal charges.
- 4.05 Refusal to comply with an order to answer such questions truthfully or fully cooperate in the administrative investigation is viewed as refusing a lawful order, which will subject the employee to additional discipline up to, and including indefinite suspension. **(BP 2.14)**
- A. Any required self-incriminating admission made during the interview may **only** be used in subsequent administrative proceedings, and **shall not** be used against the employee in subsequent criminal proceedings if applicable. *(Refer to Garrity v. New Jersey, 385 U.S. 493 (1967))*
- 4.06 The employee may electronically record the interview / interrogation in any manner (audio and / or video), but all equipment shall be furnished by the employee, except that a power source at the interview / interrogation location may be used if available.
- 4.07 Counsel at Administrative Interview
- A. Employees will be permitted to have an attorney, union or association representative, supervisor, or other personal representative with them in the room during any interview concerning allegations of misconduct by the employee.
- B. The employee's representative is limited to acting as an observer of the interview. Except when the interview focuses on, or leads to evidence of potential criminal activity by the employee, an employee's legal representative may not advise and confer with the employee during the interview.
- C. The employee's representative will not be permitted to actively participate in the interview regarding an administrative investigation.
- 4.08 Special Examinations
- A. An employee under investigation may request a breath test, blood, urine, polygraph, psychological, or medical examination if it is believed that such an examination would be beneficial to his or her defense. Also, the department may require such examination upon the direction of the Chief of Police. The requesting party is responsible for any cost associated with the request.
- B. An on-duty supervisor shall order an employee to submit to a breath, blood, or urine test when a level of inebriation or drug usage is suspected as the factor directly related to duty performance or operating a department vehicle. The Police Department employee is expected to comply with such an order *(Refer to Command and Control BPD G.O. # 1.03, section 3.02-D and Chapter 4, section 4.09 of Baytown Local Civil Service Rules.)*
- C. Police Department employees may be required to voluntarily provide a financial disclosure statement when specific and narrowly defined parameters are established that outline the focus of the investigation.
1. In the event the Police Department employee refuses to provide the financial statement, the investigator may attempt to obtain a court order so as to produce the information.
2. When the request for the financial records is in reference to an administrative investigation only, the police department employee cannot refuse the order to produce the records.
- D. If an identification line-up is solely for administrative purposes, and criminal prosecution is not anticipated, an employee can be required to participate in a line-up. However, whenever possible, the employee images that are digitally maintained by the department can be used in lieu of a physical line up for identification purposes.
- E. Property belonging to the department is subject to inspection where the employer has a reasonable suspicion that evidence of work-related misconduct will be found therein. Property includes, but is not limited to, vehicles, desks, files, and storage lockers.
- F. In the event that the department orders a polygraph for an employee, the complainant must also agree to submit to a polygraph and then pass the examination, before the employee must take the examination.

1. The subject matter of the polygraph shall be confined to the internal operations of the organization employing the employee, and only administered when the complaint does not appear to be invalid based on information available when the polygraph is ordered.
 - G. The Chief of Police or his designee may require the employee to submit to a polygraph examination under section 614.063 of the Texas Local Government Code if the Chief considers the circumstances to be extraordinary, and the Chief believes that the integrity of a peace officer or the organization is in question. The Chief of Police or his designee shall provide the officer or non-sworn employee with a written explanation of the nature of the extraordinary circumstances, and how the integrity of an officer or the department, or the City of Baytown may be in question.
- 4.09 Employee's Rights during an Administrative Investigation conducted by the Internal Affairs Unit
- A. The department employee shall be notified of their Constitutional rights and the specific allegations against them.
 1. Notification will be in writing (but perhaps not verbatim) and will include:
 - a. That the employee is the subject of an internal investigation concerning allegations of administrative violations,
 - b. The specific allegation(s) of misconduct the employee must answer to,
 - c. That the employee can be required within a specified time period to answer all questions specifically, narrowly, and directly related to the performance of his or her official duties, and
 - d. That the employee can be required to answer these questions truthfully and honestly. **(BP 2.14)**
 - B. The employee under investigation must receive the written notification at least forty-eight hours prior to any interview or special examination.
 - C. When possible, interviews will be conducted while the employee is on duty.
 - D. The interview will be held at the police station or at a location agreeable to both parties.
 - E. An investigator should not conduct an interrogation or interview of a police employee who is the subject of an investigation, or any part of the investigation, at the employee's home without permission.
 - F. Before an investigator may interrogate a Police Department employee who is the subject of a criminal investigation,
 1. The investigator must inform the employee in writing of:
 - a. The nature of the investigation;
 - b. The specific allegation(s); and
 - c. The name of each person who complained about the employee.
 2. The investigator shall read the police employee the "Miranda" rights. The provisions of *Miranda v. Arizona* (legal statutory warning) will be adhered to throughout the interrogation.
 - G. An investigator may not conduct an interrogation of a Police Department employee based solely on an allegation by a complainant who is not an officer, unless the complainant verifies the complaint in writing by signing the document.
 - H. An investigator may interrogate a police department employee about events or conduct reported by a witness who is not a complainant without disclosing the name of the witness.
 - I. Employees under investigation shall be treated professionally at all times during the investigative process. No promise or reward shall be made by members of the I.A. Unit as an inducement to answer any questions.

- J. An Internal Affairs investigator may electronically record the interview in any manner to include, but is not limited to, audio and / or video, but all equipment needs shall be furnished by the investigator / department, except that a power source available at the interview location may be used by either the employee and / or the investigator.
- K. Accused employees may contact the assigned investigator to ascertain the status of the investigation of a complaint filed against them.
- L. The accused employee shall be given an opportunity to explain his / her actions to the Chief of Police prior to the imposition of any disciplinary action.

4.10 Intervention

- A. Supervisors should remain alert for indications of behavioral problems or changes that may affect an employee's normal job performance. The supervisor should document such information in the computerized database Patrol Chronology, Internal Employee Consultation, BPD Form #110, Employee Performance Notice, BPD Form #111, as they are crucial elements in the detection and early intervention of potential problems.
- B. Where a supervisor perceives that an employee may be having or causing problems, the supervisor should assess the situation, determine the most appropriate action, and attempt to work with the employee while providing direction and assistance.
- C. A supervisor should recommend and facilitate additional training to refresh and reinforce an employee's skills, particularly when necessary skills are found to be lacking. This is particularly noted regarding firearms qualification in section X of *Duty Weapons BPD G.O. # 7.02*.
- D. In the event the Internal Affairs Unit discovers a potential pattern of behavior or conduct that could warrant intervention, the Internal Affairs Unit or any Bureau Commander discovering a potential need for intervention, should call for a meeting of all Bureau Commanders to discuss intervention necessity and options.
- E. The Internal Affairs Unit will provide to the Bureau Commander's meeting, a brief synopsis of an employee's history known by Internal Affairs, as it pertains to any complaints regardless of the finding. This synopsis should also be supplied to the Disciplinary Review Board whenever it convenes. A more detailed brief may be requested by the Bureau Commanders.

4.11 Command Action

- A. Upon receipt of a supervisor's report concerning a violation of rules, the Bureau Commander shall forward a copy to the Internal Affairs Unit.
- B. Upon review of the case, the Bureau Commander may determine that further investigation is required, and order such investigation. Where I. A. has assumed responsibility for an investigation, the Bureau Commander's investigation will be suspended.
- C. After completion of all investigations, the Bureau Commander shall forward to Internal Affairs a full report stating recommendations for disposition of the case, along with the supporting evidence for such recommendations.

4.12 Chief's Action

- A. Upon receipt of a supervisor's findings on a disciplinary matter, or upon completion of an internal investigation, the investigating entity shall submit findings to the Chief as to whether a violation has been sustained according to the evidence.
- B. The Chief shall review the report and supporting documents, and shall give final approval of the disposition of the case as follows:
 - 1. Sustained: Evidence sufficient to prove allegations.
 - 2. Not sustained: The complaint can be neither proved nor disproved.
 - 3. Exonerated: Incident occurred but was lawful or proper.
 - 4. Unfounded: The available evidence does not support the complaint.
 - 5. Policy Failure: Flaw in policy caused the incident.

6. Administratively Closed:
 - a. When an administrative inquiry has been conducted and no misconduct is discovered;
 - b. the Chief of Police has reviewed the complaint and confirmed that the case should be closed; or
 - c. the complainant failed to follow through with the complaint process.
 - C. Upon final approval, the Chief of Police shall:
 1. Affix his actual or electronic signature to the case indicating its closure with no action taken against the employee;
 2. Return the disciplinary actions and / or remedial training recommendations to the employee's supervisor for service and execution of the decision; or
 3. Convene the Disciplinary Review Board and provide the Board with the probable cause and documentation, with which to discuss and arrive at a consensus for the presentation of a discipline and / or remedial action recommendation back to the Chief.
- 4.13 Time Limitations (**BP 2.05**)
- A. Administrative Investigations will be completed within sixty (60) days.
 1. The Chief of Police may grant extensions when an administrative investigation cannot be completed within a sixty (60) day time frame from when the complaint was first received.
 2. For Civil Service employees only, there are no provisions available for an extension of an alleged administrative violation beyond the 180 days from the time the incident is to have occurred.
 - B. Criminal Investigations will be completed with ninety (90) days.
 1. The Chief of Police may grant extensions when a criminal investigation cannot be completed within a ninety (90) day time frame from when the complaint was first received.
 - C. If the act is allegedly related to criminal activity including the violation of a federal, state, or local law for which the officer is subject to a criminal penalty, the department head may not complain of an act that is discovered earlier than the one hundred eightieth (180th) day preceding the date the department head suspends the officer.
 1. The department head must allege that the act complained of is related to criminal activity.
 2. Any desired extension of these limitations requires written approval of the Texas Attorney General.
 3. Only a criminal investigation may be extended with the approval of the Attorney General.
- 4.14 Disciplinary actions will be in accordance with Texas Local Government Code, Chapter 143, the City of Baytown Police Officers' and Firefighters' Civil Service Rules and Regulations and the City of Baytown Personnel Rules as well as any and all applicable Departmental Directives.

- 4.15 Appeals of disciplinary actions shall be presented and handled according to the City of Baytown Personnel Policy; Discipline, Appeals, Grievances, Chapter 10; in particular Sections 8 & 9; and Local Civil Service Rules Chapter 12 when applicable.

APPROVED BY:

J. Stringer

J. Stringer
Chief of Police



CITY COUNCIL MEETING

7. g.

Meeting Date: 08/11/2022

Subject: Annual renewal of Central Square software

Prepared for: Edward Tomjack, Information Technology Services

Prepared by: Edward Tomjack, Information Technology Services

Department: Information Technology Services

Information

ITEM

Consider an ordinance authorizing the annual renewal of Central Square (aka Superion) software.

PREFACE

This proposed ordinance authorizes payment to Central Square (aka Superion) in the amount of \$75,368.42 for the renewal of the City's software maintenance agreement. This software directly supports all financial and utility billing activities.

Fiscal Impact

Fiscal Year: FY22

Acct Code: 10710-73042

Source of Funds (Operating/Capital/Bonds): Operating

Funds Budgeted Y/N: Y

Amount Needed: \$75,368.42

Fiscal Impact (Additional Information):

Attachments

Ordinance - Annual Renewal of Central Square Software

Invoice 357762

Indebtedness Certification

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AUTHORIZING PAYMENT IN THE SUM OF SEVENTY-FIVE THOUSAND THREE HUNDRED SIXTY-EIGHT AND 42/100 DOLLARS (\$75,368.42) TO CENTRAL SQUARE, F/K/A SUPERION, F/K/A SUNGARD PUBLIC SECTOR INC., FOR THE RENEWAL OF THE SOFTWARE MAINTENANCE AGREEMENT; MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, in 2003, the City of Baytown installed SunGard FinancePlus and CommunityPlus software on its servers, which it acquired on a sole source basis; and

WHEREAS, since such time, maintenance and upgrades to the software have been authorized and obtained; and

WHEREAS, the City of Baytown has a significant investment in the current version of the software suite and desires to renew its maintenance agreement with Central Square, f/k/a Superion, f/k/a Sungard Public Sector Inc.; and

WHEREAS, Texas Local Government Code Annotated § 252.022 provides that when the functional requirements of the City can only be satisfied by one source, the requirement for competitive bids is not applicable; and

WHEREAS, the procurement of maintenance services for SunGard FinancePlus and CommunityPlus can be satisfied by only one source, Central Square, f/k/a Superion, f/k/a Sungard Public Sector Inc.; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown, Texas, hereby declares that only one source can satisfy the needs of the City for the procurement of maintenance services for SunGard FinancePlus and CommunityPlus.

Section 2: That the City Council of the City of Baytown, Texas, authorizes payment in the sum of SEVENTY-FIVE THOUSAND THREE HUNDRED SIXTY-EIGHT AND 42/100 DOLLARS (\$75,368.42) to Central Square, f/k/a Superion, f/k/a Sungard Public Sector Inc., as the sole source, for the renewal of the maintenance agreement for SunGard FinancePlus and CommunityPlus.

Section 3: That pursuant to the provisions of Texas Local Government Code Annotated § 252.048, the City Manager is hereby granted general authority to approve any change order involving a decrease or an increase in costs of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) or less, subject to the provision that the original contract price may not be increased by more than twenty-five percent (25%) or decreased by more than twenty-five percent (25%) without the consent of the contractor to such decrease.

Section 4: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney



Invoice

Invoice No (1 of 1)
357762

Date
7/5/2022

Page
1 of 3

Superior, LLC, a CentralSquare Company
1000 Business Center Drive
Lake Mary, FL 32746

Billing Inquiries: Accounts.Receivable@centralsquare.com

Bill To
BAYTOWN, CITY OF
Levi Masterson
P.O. Box 424
Baytown TX 77520
United States

Ship To
BAYTOWN, CITY OF
Levi Masterson
3200 N Main Street
Baytown TX 77521-4112
United States

Customer No	Customer Name	Customer PO #	Currency	Terms	Due Date
1071	BAYTOWN, CITY OF		USD	Net 30	8/31/2022

	Description	Units	Rate	Extended
Contract No. Q-97122				
1	BI Analytics PLUS Multi-Data Source - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	15	\$527.98	\$7,919.70
2	PLUS eGOV Utility Billing - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$1,221.77	\$1,221.77
3	Four Js Runtime - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	40	\$107.38	\$4,295.20
4	Optio ECI - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$2,519.54	\$2,519.54
5	Optio ECI - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$592.85	\$592.85
6	Datango Unmodified Content Silverlight PLUS - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$276.07	\$276.07
7	PLUS Employee Access Center - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$1,942.08	\$1,942.08
8	BI Analytics PLUS Multi-Data Source - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$3,643.99	\$3,643.99
9	Cognos BI: Professional - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$634.94	\$634.94
10	PLUS - Finance Custom Mod Annual Maintenance Fee - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$1,987.63	\$1,987.63



Invoice

Invoice No (1 of 1)	Date	Page
357762	7/5/2022	2 of 3

Superior, LLC, a CentralSquare Company
1000 Business Center Drive
Lake Mary, FL 32746

Billing Inquiries: Accounts.Receivable@centralsquare.com

Bill To
BAYTOWN, CITY OF
Levi Masterson
P.O. Box 424
Baytown TX 77520
United States

Ship To
BAYTOWN, CITY OF
Levi Masterson
3200 N Main Street
Baytown TX 77521-4112
United States

Customer No	Customer Name	Customer PO #	Currency	Terms	Due Date
1071	BAYTOWN, CITY OF		USD	Net 30	8/31/2022

	Description	Units	Rate	Extended
11	MKS SQL - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$593.53	\$593.53
12	Optio ECI - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$759.17	\$759.17
13	Optio ECI - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$897.87	\$897.87
14	PLUS Utility Billing - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$8,823.17	\$8,823.17
15	PLUS Financial Accounting - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$11,554.14	\$11,554.14
16	PLUS Fixed Assets-Annual Maintenance Fee-NSP - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$2,520.91	\$2,520.91
17	PLUS Human Resources Payroll - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$7,982.87	\$7,982.87
18	PLUS Central Receipting - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$1,680.60	\$1,680.60
19	PLUS Personnel Budgeting-Annual Maintenance Fee-NSP - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$1,680.60	\$1,680.60
20	PLUS - State Reporting - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$4,884.25	\$4,884.25



Invoice

Invoice No (1 of 1)	Date	Page
357762	7/5/2022	3 of 3

Superior, LLC, a CentralSquare Company
1000 Business Center Drive
Lake Mary, FL 32746

Billing Inquiries: Accounts.Receivable@centralsquare.com

Bill To
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Levi Masterson
P.O. Box 424
Baytown TX 77520
United States

Ship To
BAYTOWN, CITY OF
Levi Masterson
3200 N Main Street
Baytown TX 77521-4112
United States

Customer No	Customer Name	Customer PO #	Currency	Terms	Due Date
1071	BAYTOWN, CITY OF		USD	Net 30	8/31/2022

	Description	Units	Rate	Extended
21	WEB BUDGET REQUEST - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$1,869.66	\$1,869.66
22	PLUS Position Control-Annual Maintenance Fee-NSP - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$1,680.60	\$1,680.60
23	PLUS eGOV Core - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$3,141.69	\$3,141.69
24	Four Js Compiler - Annual Maintenance Fee Maintenance: Start:9/1/2022, End: 8/31/2023	1	\$2,265.59	\$2,265.59

Please include invoice number(s) on your remittance advice,
made payable to Superior, LLC
ACH:
Routing Number 121000358
Account Number 1416612641
E-mail payment details to: Accounts.Receivable@CentralSquare.com

Check:
12709 Collection Center Drive
Chicago, IL 60693

Subtotal	\$75,368.42
Tax	\$0.00
Invoice Total	\$75,368.42
Payments Applied	\$0.00
Balance Due	\$75,368.42

CITY OF BAYTOWN, TEXAS
INDEBTEDNESS CERTIFICATION

Project Name: Annual renewal of Central Square software

Company Name: Superion,LLC

Department: Information Technology Service (ITS)

Date: 07/25/2022

Council Date: 08/11/2022

A review of the above-described company was made in accordance with 2-663 of the City of Baytown Code of Ordinances and the aforementioned company was found:

☐ to be indebted to the City in the following areas:

☒ not to be indebted to the City.

It is hereby certified the above is true and correct based on the best information available.



Director of Finance

07/25/2022

Date

For information regarding this certificate, please contact the Finance Director at 281-420-6531.

If an appeal to this determination is to be filed under section 2-664 of this code, please forward to the following address:

City of Baytown
Director of Finance
P O Box 424
Baytown, TX 77522-0424



CITY COUNCIL MEETING

7. h.

Meeting Date: 08/11/2022

Subject: Gateway 10 Business Park Amendment to Covenants, Conditions and Restrictions

Prepared for: Bret Gardella, Development Manager

Prepared by: Bret Gardella, Development Manager

Department: Development Manager

Information

ITEM

Consider and Ordinance authorizing the First Amendment to the Declaration of Covenants, Conditions and Restrictions for Gateway 10 Business Park.

PREFACE

This First Amendment to the Declaration of Covenants, Conditions & Restrictions is to allow Gateway 10 Business Park the opportunity to build the Texas Headquarters for a national business. The headquarters campus will encompass 2 buildings built on two adjacent lots of which this amendment will permit the allowable sizes of structures to be built on these specific lots.

Specifically, Article III Section 16 is modified by replacing the 4th sentence as follows:

The following limits apply to building footprints (but not building size, as multiple story buildings are permitted):

- Development Site north of the pipeline easement - 52,500 gross square feet
- Development Site south of the pipeline easement - 30,000 gross square feet.

Fiscal Impact

Fiscal Year:

Acct Code:

Source of Funds (Operating/Capital/Bonds):

Funds Budgeted Y/N:

Amount Needed:

Fiscal Impact (Additional Information):

There is no fiscal impact to the city.

Attachments

Ordinance - First Amendment to Gateway 10 Business Park Covenants, Conditions and Restrictions
Exhibit A - First Amendment to Gateway 10 Business Park Covenants, Conditions and Restrictions
Site Plan

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN,
TEXAS, APPROVING THE FIRST AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GATEWAY 10
BUSINESS PARK; AND PROVIDING FOR THE EFFECTIVE DATE
THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown, Texas, hereby approves the First Amendment to the Declaration of Covenants, Conditions and Restrictions for Gateway 10 Business Park. Said declaration is attached hereto as Exhibit "A" and incorporated herein for all intents and purposes.

Section 2: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

SCOTT LEMON, City Attorney

EXHIBIT "A"

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GATEWAY 10 BUSINESS PARK

This First Amendment to Declaration of Covenants, Conditions, and Restrictions for Gateway 10 Business Park (this "**Amendment**") is entered into effective as of the ____ day of _____, 2022, by Gateway Ten Business Park, LLC, a Texas limited liability company ("**Declarant**" and "**Owner**"), Ratcliff Companies, Inc., a Louisiana limited liability company ("**Administrator**"), The City of Baytown, Texas ("**City**"), and Harris County Municipal Utility District NO. 473 ("**MUD 473**").

RECITALS:

A. Declaration of Covenants, Conditions, and Restrictions for Gateway 10 Business Park was executed by the above parties and then land owner New Sjolander, L.L.C., a Texas limited liability company, dated effective July 10, 2020, and recorded July 14, 2020, in the Official Public Records of Harris County, Texas under Clerk's File No. RP-2020-310753 (the "**Declaration**") affecting the real property generally described on the attached Exhibit "A" (which is the same Exhibit "A" as attached to the Declaration) and more commonly known as "Gateway 10 Business Park" (the "**Development Project**"); and

B. New Sjolander, L.L.C., a Texas limited liability company, conveyed the Development Project by Special Warranty Deed executed effective July 13, 2000 and recorded under Clerk's File No. RP-2020-310752 on July 14, 2020 in the Official Public Records of Harris County Texas to Gateway Ten Business Park, LLC, a Texas limited liability company, the current owner of all of the real property encumbered by the Declaration; and

C. The Declaration can be amended by an instrument signed by owners of 75% of the gross square footage of the Development Project (the "**Required Majority of Owners**"); and

D. Owner hold all votes allocated under the Declaration; and

E. City and MUD 473 consent to this amendment; and

F. Therefore, Declarant and Owner now desire to amend the Declaration in accordance with the following.

NOW THEREFORE, for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby amends the Declaration as follows:

1. Exhibits "B" and "C" to the Declaration are replaced by Exhibits "B" and "C" to this amendment.

2. Article III Section 16 is modified by replacing the 4th sentence as follows:

The following limits apply to building footprints (but not building size, as multiple story buildings are permitted):

- Development Site north of the pipeline easement- 52,500 gross square feet
- Development Site south of the pipeline easement- 30,000 gross square feet.

3. Except as amended hereby, all other terms and provisions of the Declaration are ratified and shall remain unchanged and in full force and effect and this Amendment and the Declaration shall be construed as one instrument. In the event of any inconsistency, the terms and provisions of this Amendment shall control over and modify the terms and provisions of the Declaration.

4. All terms defined in the Declaration and used herein with initial capital letters shall have the same meanings herein as are ascribed to such terms in the Declaration, except to the extent that the meaning of any such term is specifically modified by the provisions hereof. In addition, other terms not defined in the Declaration but defined herein will, when delineated with initial capital letters, have the meanings ascribed thereto in this Amendment. Terms and phrases used herein which are not delineated by initial capital letters shall have the meanings commonly ascribed thereto.

SIGNATURE PAGE TO FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR GATEWAY 10 BUSINESS PARK

IN WITNESS WHEREOF, this Declaration is executed on the date set forth below to be effective as of the Effective Date first set forth above.

DECLARANT and
OWNER:

GATEWAY TEN BUSINESS PARK, LLC,
a Texas limited liability company

By: _____
Name: Robert Ratcliff, Sr.
Title: Manager

THE STATE OF TEXAS §
 §

COUNTY OF HARRIS §

This instrument was acknowledged before me on this ____ day of June, 2022, by Robert Ratcliff, Sr., Manager of GATEWAY TEN BUSINESS PARK, LLC, in that capacity and on behalf of said limited liability company.

Notary Public in and for The State of Texas

SIGNATURE PAGE TO FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR GATEWAY 10 BUSINESS PARK

IN WITNESS WHEREOF, this Declaration is executed on the date set forth below to be effective as of the Effective Date first set forth above.

ADMINISTRATOR:

RATCLIFF COMPANIES, LLC,
a Louisiana limited liability company

By: _____
Name: Gregg H. Thompson
Title: Manager

THE STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on this ____ day of June, 2022, by Gregg H. Thompson, Manager of Ratcliff Companies, LLC, a Louisiana limited liability company, on behalf of said limited partnership.

Notary Public in and for The State of Texas

[JOINDER PAGES FOLLOW]

JOINDER PAGE
TO FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR GATEWAY 10 BUSINESS PARK

The City of Baytown, Texas

The city consents to this amendment.

CITY OF BAYTOWN, TEXAS

By: _____

Name: _____

Title: _____

Date: June ____, 2022

JOINDER PAGE
TO FIRST AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR GATEWAY 10 BUSINESS PARK

Harris County Municipal Utility District
No. 473

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 473 consents to this amendment.

HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT NO. 473

By: _____

Name: _____

Title: _____

Date: June ____, 2022

EXHIBIT " A "

Legal Description of the Development Project

FIELD NOTES of a 58.708 acre tract of land situated in the Ashbel Smith Survey, Abstract 954, Harris County, Texas and being all of that same land conveyed by Fireside Holdings LLC & 1-10 Sjolander LLC to New Sjolander LLC by Deed dated May 19, 2017 and recorded under County Clerk's File #RP-2017-222808 of the Official Public Records of Real Property of Harris County, Texas. This 58.708 acre tract of land is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE STATE PLANE BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAO 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.0000000. REFERENCE IS MADE TO THE MAP OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

BEGINNING at a 1 inch iron pipe inside a 2 inch iron pipe found in the South right-of-way line of Interstate Highway 10 (right-of-way width varies) at the Northeast corner of that certain 8.00 acres conveyed by Virginia Evans, et al, to Roy Valladares, et al, by Deed dated March 12, 2003 and recorded under County Clerk's File #W753526 of the Official Public Records of Real Property of Harris County, Texas. Said point being the Northwest corner and POINT OF BEGINNING of this tract and has a State Plane Coordinate Value of Y=13,864,666.79 and X=3,254,674. 16.

THENCE: North 78°05'06" East along the Westernmost North line of this tract and the South right-of- way line of said Interstate Highway 10 for a distance of 1301.80 feet to a 1/2 inch iron rod, with cap (BHA), set for the Northernmost Northeast corner of this tract and the Northwest corner of 1-10 Sjolander Minor Plat as recorded under Film Code #677339 of the Map Records of Harris County, Texas. Said point has a State Plane Coordinate Value of Y=13,864,935.56 and X=3,255,947. 91; from which a 1/2 inch iron rod, with busted cap, found for the Northeast corner of that certain 15 feet wide right-of-way strip conveyed to City of Baytown by said Minor Plat bears North 78°05'06" East 320.00 feet.

THENCE: South 16°46'54" East along the Northernmost East line of this tract and the West line of said 1-10 Sjolander Minor Plat for a distance of 203.86 feet to a 1/2 inch iron rod, with cap (BHA), set for an interior corner of this tract and the Southwest corner of said 1-10 Sjolander Minor Plat. Said point has a State Plane Coordinate Value of Y=13,864,740.38 and X=3,256,006. 77.

THENCE: North 78°05'06" East along the Easternmost North line of this tract and the South line of said 1-10 Sjolander Minor Plat for a distance of 320.00 feet to an "x" cut in concrete set for the Easternmost Northeast corner of this tract, the Southeast corner of said 15 feet wide right-of-way strip and an interior corner of Sjolander Road (right-of-way width varies). Said point has a State Plane Coordinate Value of Y=13,864,806.45 and X=3,256,319.88.

THENCE: South 16°46'54" East along the Southernmost East line of this tract and the West right-of-way line of said Sjolander Road for a distance of 307.84 feet to a 1/2 inch iron rod, with cap (BHA), set for an angle point in said line. Said point has a State Plane Coordinate Value of Y=13,864,511.72 and X=3,256,408.76.

THENCE: South 10°56'54" East along the Southernmost East line of this tract and the West right-of-way line of said Sjolander Road for a distance of 1076.40 feet to a 1/2 inch iron rod, with cap (SHA), found for the Southeast corner of this tract and the Easternmost Northeast corner of that certain 32.85 acres conveyed by Jonathan Groves, et ux, to JCG Real Estate, LLC by Deed dated July 1, 2013 and recorded under County Clerk's File #20130335919 of the Official Public Records of Real Property of Harris County, Texas. Said point has a State Plane Coordinate Value of Y=13,863,454.91 and X=3,256,613.19; from which a 1/2 inch iron rod found for the Easternmost Southeast corner of said 32.85 acres bears South 11°52'16" East 61.03 feet.

THENCE: South 78°00'07" West along the South line of this tract and the Easternmost North line of said 32.85 acres for a distance of 1647.05 feet to a 1 inch iron rod found for the Southwest corner of this tract and the Southeast corner of said 8.00 acres. Said point has a State Plane Coordinate Value of Y=13,863,112.52 and X=3,255,002.12.

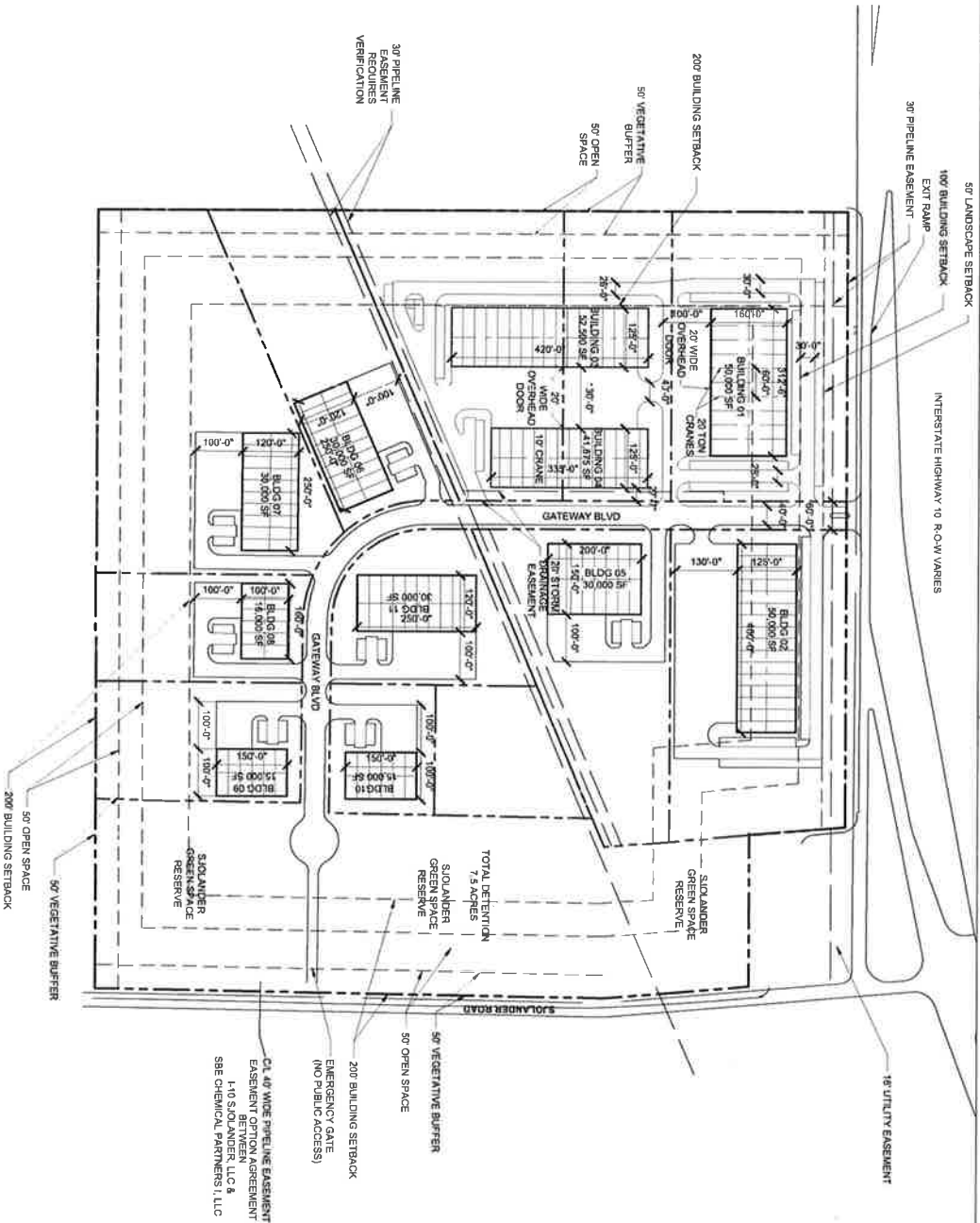
THENCE: North 11°54'54" West along the West line of this tract and the East line of said 8.00 acres for a distance of 1588.49 feet to the PLACE OF BEGINNING and containing within these boundaries 58.708 acres or 2,557,316.997 square feet of land.

EXHIBIT "B"

Site Plan for the Development Project

OVERALL SITE AREA = 58.7 AC (2,557,317 SF) TOTAL BUILDING AREA = 360,375 SF COVERAGE = 14.09 %

EXHIBIT "B" PROPOSED SITE PLAN



CONCEPTUAL ONLY - FOR ARCHITECTURAL CHARACTER ONLY - ACTUAL BUILDING MAY VARY
PRELIMINARY NOT FOR CONSTRUCTION. PERMIT OR REGULATORY APPROVAL. VERRING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOGRAPHIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.
ALL BUILDING AREAS ARE APPROXIMATED WITH BUILDING FOOTPRINT ENTRY DESIGN ARE FINALIZED

GATEWAY 10 BUSINESS PARK
a proposal for
RATCHLIFE

04/17/2024

28 JAN 2022

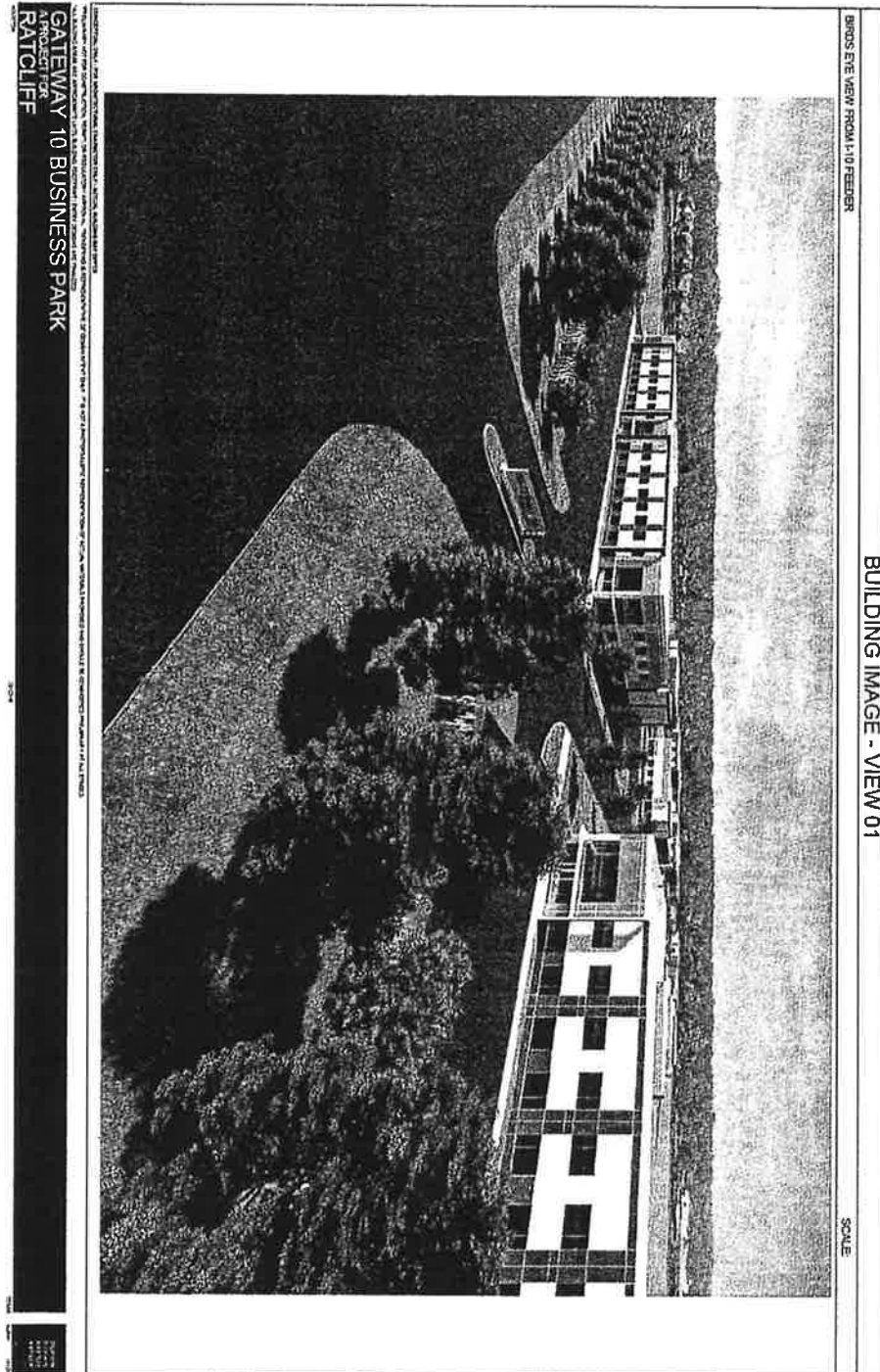
70x40

211114

BRUNNEN
BROWN
REINHOLD

EXHIBIT " C "

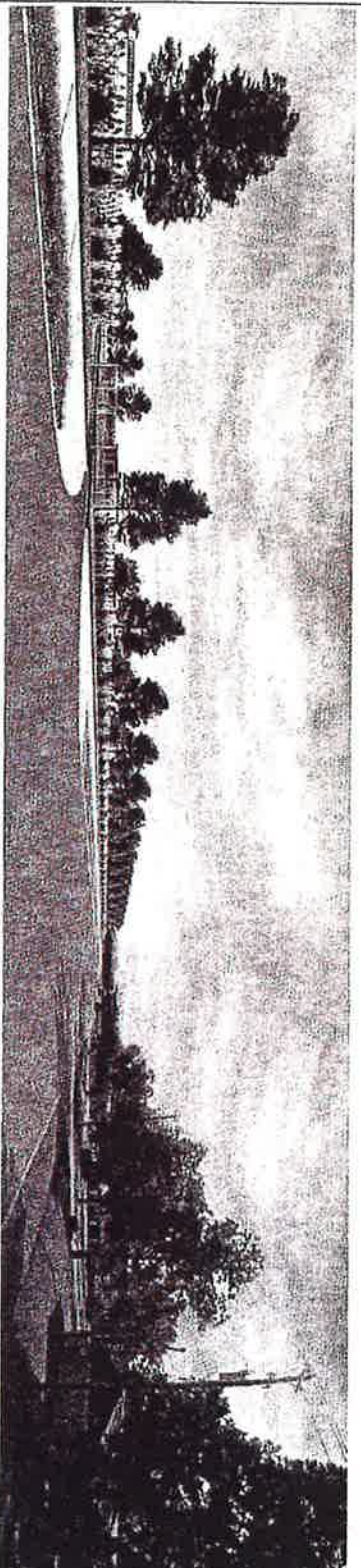
Conceptual Architectural Renderings



RP-2020-310753

VIEW FROM SQUANDER ROAD

BUILDING IMAGE - VIEW 02

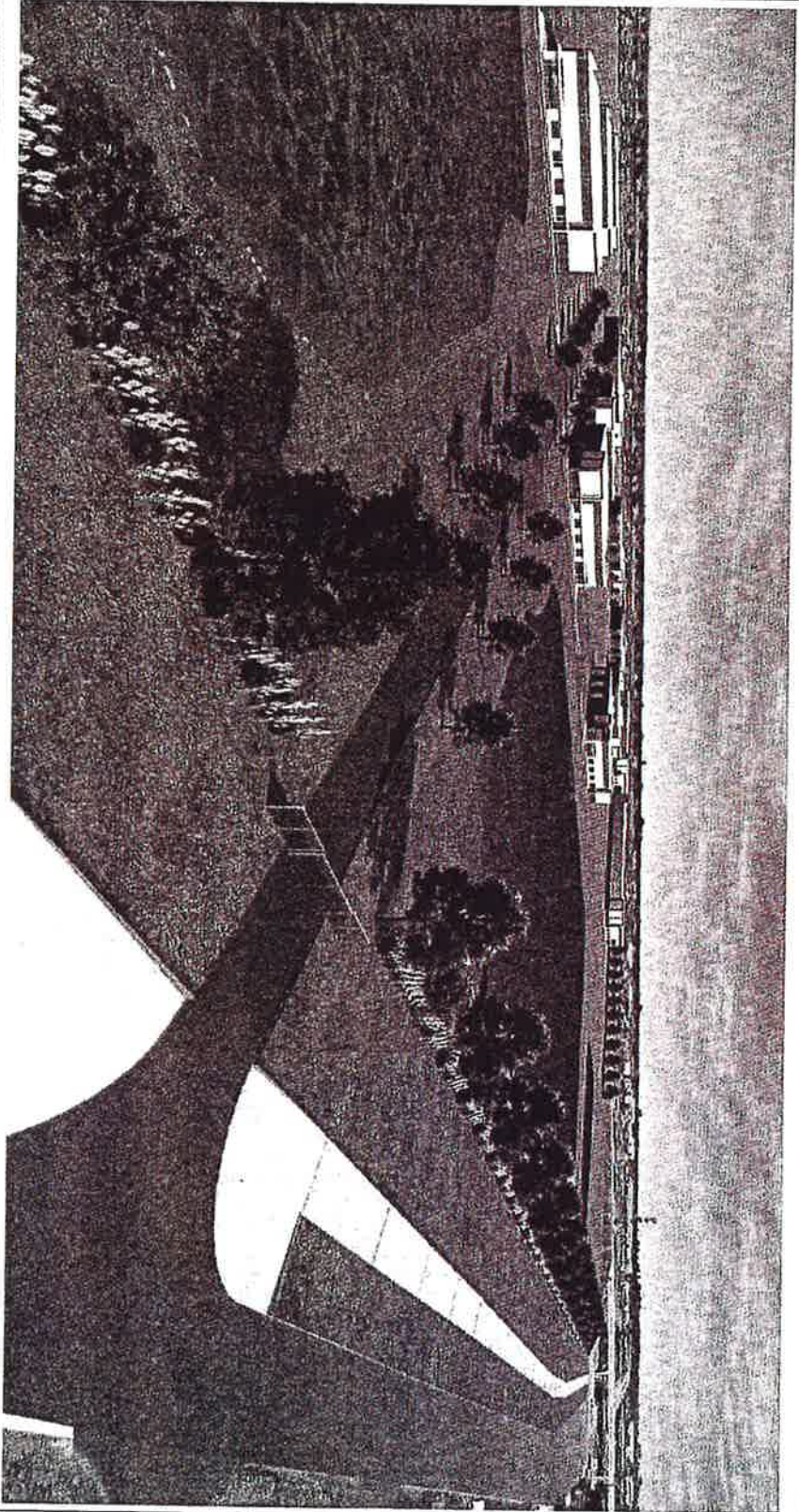


CONCEPTUAL SITE PLAN AND BUILDING FOOTPRINTS FOR GATEWAY 10 BUSINESS PARK
A PROJECT FOR
RATCLIFF

BIRDSEYE VIEW FROM SLOLANDER

BUILDING IMAGE - VIEW 03

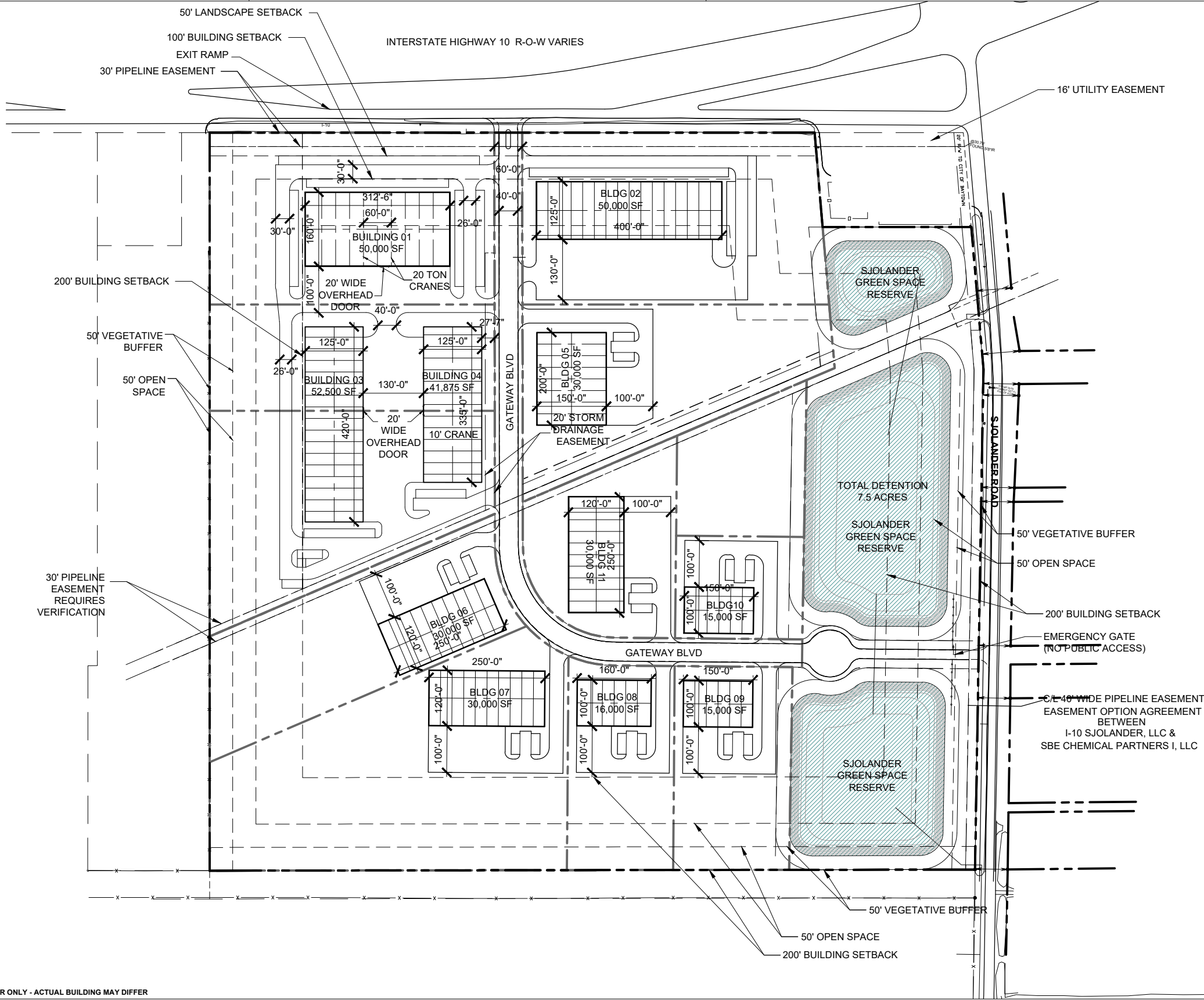
SCALE



PROPOSED AND ADJACENT BUILDINGS, INCLUDING EXISTING AND NEW
ALL BUILDING HEIGHTS AND DISTANCES TO EXISTING BUILDINGS
GATEWAY 10 BUSINESS PARK
ARCHITECT FOR
RATCLIFF

PROPOSED SITE PLAN

OVERALL SITE AREA = 58.7 AC (2,557,317 SF) TOTAL BUILDING AREA = 360,375 SF COVERAGE = 14.09 %



CONCEPTUAL ONLY - FOR ARCHITECTURAL CHARACTER ONLY - ACTUAL BUILDING MAY DIFFER

*PRELIMINARY NOT FOR CONSTRUCTION, PERMIT, OR REGULATORY APPROVAL *RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.
*ALL BUILDING AREAS ARE APPROXIMATED UNTIL BUILDING FOOTPRINT / ENTRY DESIGNS ARE FINALIZED.

GATEWAY 10 BUSINESS PARK
a project for
RATCLIFF



CITY COUNCIL MEETING

7. i.

Meeting Date: 08/11/2022

Subject: Consider a resolution granting consent to the creation of the Harris County Municipal Utility District No. 555 over certain property within the extraterritorial jurisdiction of the City of Baytown, Texas

Prepared for: Scott Lemond, Legal

Prepared by: Scott Lemond, Legal

Department: Legal

Information

ITEM

Consider a resolution granting consent to the creation of the Harris County Municipal Utility District No. 555 over certain property within the extraterritorial jurisdiction of the City of Baytown, Texas

PREFACE

This resolution grants consent to the creation of the Harris County Municipal Utility District No. 555 over certain property within the extraterritorial jurisdiction of the City of Baytown, Texas; provides conditions to the granting of consent; and provides an effective date.

Fiscal Impact

Fiscal Year:

Acct Code:

Source of Funds (Operating/Capital/Bonds):

Funds Budgeted Y/N:

Amount Needed:

Fiscal Impact (Additional Information):

There is no fiscal impact associated with this item.

Attachments

Resolution - Consent to Creation of Harris County MUD No. 555

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, GRANTING CONSENT TO THE CREATION OF THE HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 555 OVER CERTAIN PROPERTY WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BAYTOWN, TEXAS; PROVIDING CONDITIONS TO THE GRANTING OF CONSENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Forestar (USA) Real Estate Group, a Texas corporation (the "Petitioner"), has petitioned for the City of Baytown, Texas (the "City") to consent to the creation of the Harris County Municipal Utility District No. 555 (the "District") to serve that certain approximately 119.328 acres of land in Harris County, Texas, more particularly depicted and described in the attached Exhibit "A" (the "Petitioner's Land"); and

WHEREAS, land within the extraterritorial jurisdiction of a city may not be included within a municipal utility district without the written consent of such city; and

WHEREAS, the City desires to consent to the creation of the District subject to the terms and conditions set forth herein and in the attached Exhibit "B", with such conditions being in accordance with Section 54.016(e) of the Texas Water Code; and

WHEREAS, the general nature of the work to be done by and within the District is:

- (i) the design, construction, acquisition, improvement, extension, maintenance, and operation of a waterworks and sanitary sewer system for municipal, domestic, industrial, and commercial purposes;
- (ii) the design, construction, acquisition, improvement, extension, maintenance, and operation of works, improvements, facilities, systems, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the District;
- (iii) to control, gather, conduct, divert, abate, and amend local storm waters or other harmful excesses of waters, and such other design, construction, acquisition, improvement, extension, maintenance, and operation of such additional facilities, systems, plants, and enterprises as are helpful or necessary for such purposes;
- (iv) the design, construction, acquisition, extension, maintenance, and operation of macadamized, graveled, paved roads, or turnpikes, or improvement in aid of those roads or turnpikes, inside or outside the District; and
- (v) the financing, developing, and maintaining of parks and recreational facilities for the people in the District, as shall be consonant with all of the purposes for which the District is created; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That the City Council of the City of Baytown, Texas, finds the matters and facts set out in the Recitals of this resolution are true and correct.

Section 2: That the City Council of the City of Baytown, Texas, hereby grants consent to the creation of the Harris County Municipal Utility District No. 555 subject to the terms and conditions set forth herein and in Exhibit "B" attached to this resolution.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 11th day of August, 2022.

BRANDON CAPETILLO, Mayor

ATTEST:

ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:

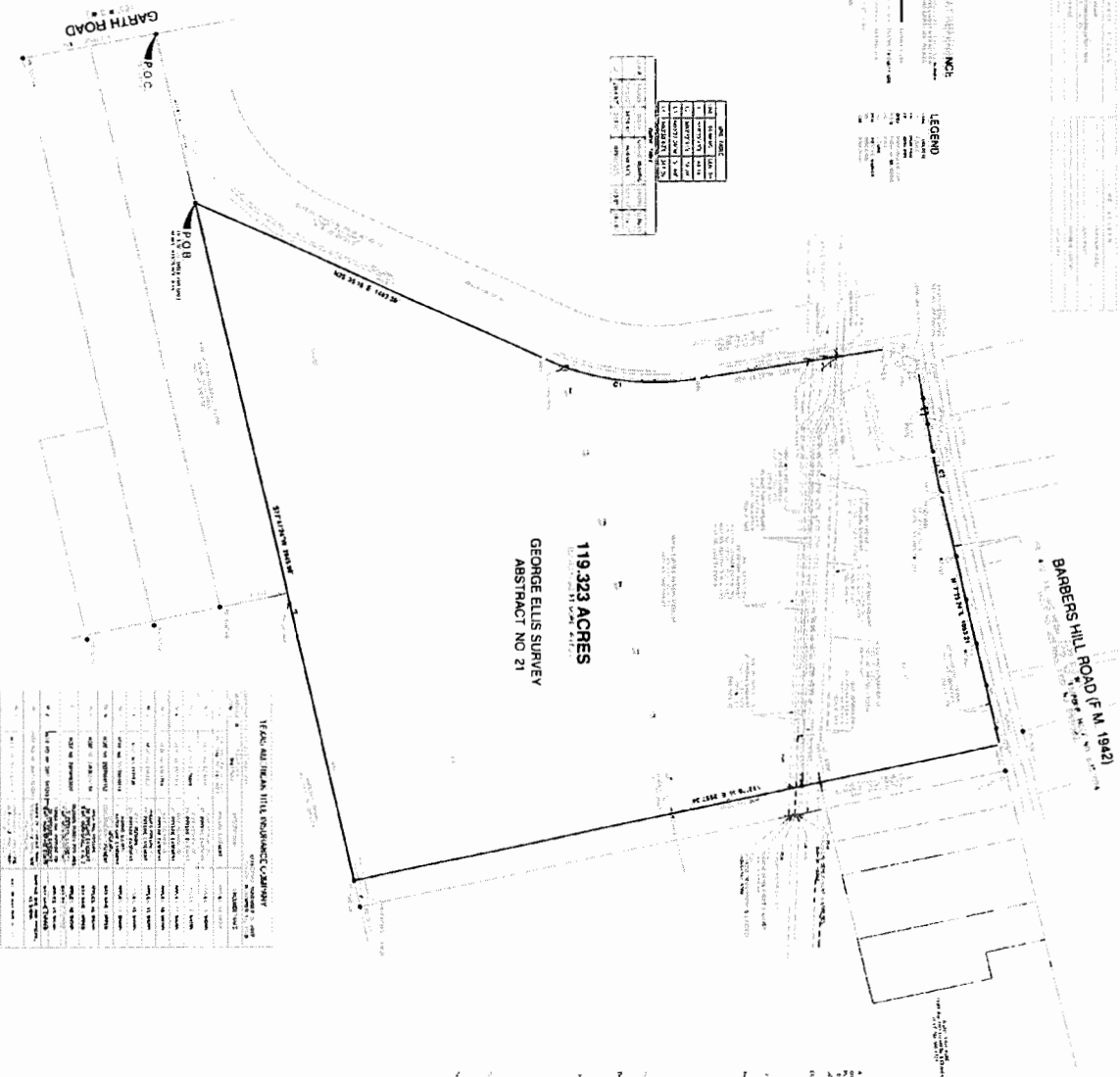
SCOTT LEMON, City Attorney

EXHIBIT A – DEPICTION & DESCRIPTION OF PETITIONER’S LAND

1. Survey	2. Easement	3. Right of Way	4. Encumbrance	5. Other
6. Unrecorded	7. Recorded	8. Easement	9. Right of Way	10. Encumbrance
11. Other	12. Unrecorded	13. Recorded	14. Easement	15. Right of Way
16. Encumbrance	17. Other	18. Unrecorded	19. Recorded	20. Easement
21. Right of Way	22. Encumbrance	23. Other	24. Unrecorded	25. Recorded
26. Easement	27. Right of Way	28. Encumbrance	29. Other	30. Unrecorded
31. Recorded	32. Easement	33. Right of Way	34. Encumbrance	35. Other
36. Unrecorded	37. Recorded	38. Easement	39. Right of Way	40. Encumbrance
41. Other	42. Unrecorded	43. Recorded	44. Easement	45. Right of Way
46. Encumbrance	47. Other	48. Unrecorded	49. Recorded	50. Easement
51. Right of Way	52. Encumbrance	53. Other	54. Unrecorded	55. Recorded
56. Easement	57. Right of Way	58. Encumbrance	59. Other	60. Unrecorded
61. Recorded	62. Easement	63. Right of Way	64. Encumbrance	65. Other
66. Unrecorded	67. Recorded	68. Easement	69. Right of Way	70. Encumbrance
71. Other	72. Unrecorded	73. Recorded	74. Easement	75. Right of Way
76. Encumbrance	77. Other	78. Unrecorded	79. Recorded	80. Easement
81. Right of Way	82. Encumbrance	83. Other	84. Unrecorded	85. Recorded
86. Easement	87. Right of Way	88. Encumbrance	89. Other	90. Unrecorded
91. Recorded	92. Easement	93. Right of Way	94. Encumbrance	95. Other
96. Unrecorded	97. Recorded	98. Easement	99. Right of Way	100. Encumbrance

LEGEND

1. Survey	2. Easement	3. Right of Way	4. Encumbrance	5. Other
6. Unrecorded	7. Recorded	8. Easement	9. Right of Way	10. Encumbrance
11. Other	12. Unrecorded	13. Recorded	14. Easement	15. Right of Way
16. Encumbrance	17. Other	18. Unrecorded	19. Recorded	20. Easement
21. Right of Way	22. Encumbrance	23. Other	24. Unrecorded	25. Recorded
26. Easement	27. Right of Way	28. Encumbrance	29. Other	30. Unrecorded
31. Recorded	32. Easement	33. Right of Way	34. Encumbrance	35. Other
36. Unrecorded	37. Recorded	38. Easement	39. Right of Way	40. Encumbrance
41. Other	42. Unrecorded	43. Recorded	44. Easement	45. Right of Way
46. Encumbrance	47. Other	48. Unrecorded	49. Recorded	50. Easement
51. Right of Way	52. Encumbrance	53. Other	54. Unrecorded	55. Recorded
56. Easement	57. Right of Way	58. Encumbrance	59. Other	60. Unrecorded
61. Recorded	62. Easement	63. Right of Way	64. Encumbrance	65. Other
66. Unrecorded	67. Recorded	68. Easement	69. Right of Way	70. Encumbrance
71. Other	72. Unrecorded	73. Recorded	74. Easement	75. Right of Way
76. Encumbrance	77. Other	78. Unrecorded	79. Recorded	80. Easement
81. Right of Way	82. Encumbrance	83. Other	84. Unrecorded	85. Recorded
86. Easement	87. Right of Way	88. Encumbrance	89. Other	90. Unrecorded
91. Recorded	92. Easement	93. Right of Way	94. Encumbrance	95. Other
96. Unrecorded	97. Recorded	98. Easement	99. Right of Way	100. Encumbrance



Tract	Acres	Owner	Survey	Abstract	Section	Range	County	State
1	119.323	George Ellis	Survey	21	1	10	Barber	Texas
2	119.323	George Ellis	Survey	21	1	10	Barber	Texas
3	119.323	George Ellis	Survey	21	1	10	Barber	Texas
4	119.323	George Ellis	Survey	21	1	10	Barber	Texas
5	119.323	George Ellis	Survey	21	1	10	Barber	Texas
6	119.323	George Ellis	Survey	21	1	10	Barber	Texas
7	119.323	George Ellis	Survey	21	1	10	Barber	Texas
8	119.323	George Ellis	Survey	21	1	10	Barber	Texas
9	119.323	George Ellis	Survey	21	1	10	Barber	Texas
10	119.323	George Ellis	Survey	21	1	10	Barber	Texas

NOTES

1. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.

2. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.

3. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.

4. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.

5. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.

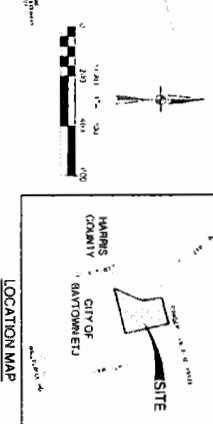
6. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.

7. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.

8. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.

9. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.

10. The survey was made by the undersigned on the 10th day of June, 1942, and the same was found to be correct and true.



LAND TITLE SURVEY

119.323 ACRES TRACT OF LAND SURVEYED BY GEORGE ELLIS, BARBER COUNTY, TEXAS

PAPE-DAWSON ENGINEERS
 1001 N. W. 10th St., Oklahoma City, Oklahoma 73106
 Phone: 241-1111

NO.	REVISION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

43908-18
 State of Texas
 Professional Engineer Seal

RP-2021-63890

Exhibit A

DESCRIPTION OF A TRACT OF LAND CONTAINING 119.328 ACRES (5,197,923 SQUARE FEET) SITUATED IN THE GEORGE ELLIS SURVEY, A-21 IN FORT HARRIS COUNTY, TEXAS

Being a tract of land containing 119.328 acres (5,197,923 square feet) situated in the George Ellis Survey, A-21 in Harris County, Texas and being all of a called 119.327-acre tract as conveyed unto Forester (USA) Real Estate Group, Inc by deed recorded under County Clerk's File No. RP-2021-55748 of the Official Public Records of Real Property of Harris County, Texas, said 119.328-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with cap stamped "Pape-Dawson" found for the common northeast corner of the herein described tract and said 119.327-acre tract and for the northwest corner of a called 6.400-acre tract as conveyed unto Carlos Benavides and Cecilia Benavides by deed recorded by under County Clerk's File No. 20150187373 of the Official Public Records of Real Property of Harris County, Texas and being located on the south right of way line of Barbers Hill Road (100 feet wide), also known as F.M. 1942, as recorded under County clerk's File Numbers B328808, B357094 and B357095 of the Official Public Records of Real Property of Harris County, Texas;

THENCE South 12° 28' 47" East departing from the south right of way line of said Barbers Hill Road and with the common boundary line of said 119.327-acre tract and said 6.400-acre tract, a distance of 2,557.53 feet (called 2,557.40 feet) to a 5/8-inch iron rod with cap stamped "RPLS #5206" found for the common southeast corner of the herein described tract and said 119.327-acre tract and for the southwest corner of said 6.400-acre tract and being located on the north boundary line of a tract of land conveyed unto Malcom O. Brown by deed recorded in Volume 1708, Page 211 of the Deed Records of Harris County, Texas from which a 5/8-inch iron rod with a cap (not legible) found for the southeast corner of said 6.400-acre tract bears South 77° 47' 26" West, a distance of 109.00 feet;

THENCE South 77° 47' 26" West departing from the west boundary line of said 6.400-acre tract and with the south boundary line of said 119.327-acre tract and in part with the north boundary line of said Malcom O. Brown tract and the north boundary line of a called 14.044-acre tract as conveyed unto Word of Faith Fellowship Church by deed recorded by under County Clerk's File No. U757159 of the Official Public Records of Real Property of Harris County, Texas, a distance of 2,845.80 feet (called 2,845.90 feet) to a 5/8-inch iron rod with yellow cap stamped "Cobb Fendley & Associates" set for the for the common southwest corner of said tract herein described and said 119.327-acre tract and for the southeast corner of a called 18.67-acre tract as conveyed unto Coastal Industrial Water Authority by deed recorded under County Clerk's File Number D282570 of the Official Public Records of Real Property of Harris County, Texas from which a 1/2-inch iron rod in concrete found for the northwest corner of said 14.044-acre tract bears South 77° 47' 26" West, a distance of 711.37 feet;

THENCE North 25° 37' 08" East departing from the north boundary line of said 14.044-acre tract and with the west boundary line of said 119.327-acre tract and the east boundary line of said 18.67-acre tract, a distance of 1,483.38 feet (called 1,483.52 feet) to a 5/8-inch iron rod with cap (not legible) found for an angle point for the common west boundary line of said tract herein described and said 119.327-acre tract, the east boundary line of said 18.67-acre tract and for the beginning of a tangent curve to the left;

THENCE continuing with the west boundary line of said 119.327-acre tract and the east boundary line of said 18.67-acre tract and with said tangent curve to the left whose central angle is 34° 57' 24" and whose radius is 1,000.00 feet (chord bears North 08° 08' 37" East, a distance 600.69 feet), for a curve length of 610.11 feet to a 5/8-inch iron rod found for an angle point for the common west boundary line of said tract herein described and said 119.327-acre tract, the east boundary line of said 18.67-acre tract and for the point of tangency;

THENCE North 09° 26' 56" East continuing with the west boundary line of said 119.327-acre tract and the east boundary line of said 18.67-acre tract, a distance of 732.88 feet (called 733.28 feet) to a 5/8-inch iron rod with a cap stamped "Pate-Dawson" found for an angle point for the common west boundary line of said tract herein described and said 119.327-acre tract and for the east boundary line of said 18.67-acre tract;

THENCE North 18° 36' 40" East continuing with the west boundary line of said 119.327-acre tract and the east boundary line of said 18.67-acre tract, a distance of 68.63 feet (called 68.12 feet) to a 5/8-inch iron rod with a cap stamped "Pate-Dawson" found for an angle point for the common west boundary line of said tract herein described and said 119.327-acre tract and for the southwest corner of a called 0.0729-acre tract as conveyed unto County of Harris by deed recorded under County Clerk's File Number 20070645146 of the Official Public Records of Real Property of Harris County, Texas;

THENCE North 80° 14' 17" East departing from the east boundary line of said 18.67-acre tract and with the north boundary line of said 119.327-acre tract and the south boundary line of said 0.0729-acre tract, a distance of 77.00 feet to a 5/8-inch iron rod with a cap stamped "Pate-Dawson" found for a common corner of said 119.327-acre tract and said tract herein described and for the southeast corner of said 0.0729-acre tract;

THENCE North 09° 45' 56" West with the east boundary line of said 0.0729-acre tract and the west boundary line of said 119.327-acre tract, a distance of 49.84 feet to a 5/8-inch iron rod with a cap stamped "Pate-Dawson" found for the common northwest corner of said 119.327-acre tract and said tract herein described and for the northeast corner of said 0.0729-acre tract and being located on the south right of way line of said Barbers Hill Road;

THENCE North 80° 25' 17" East departing from the east boundary line of said 0.0729-acre tract and with the north boundary line of said 119.327-acre tract and the south right of way line of said Barbers Hill Road, a distance of 348.35 feet to a 5/8-inch iron rod with a cap stamped "Pape-Dawson" found for an angle point for the north boundary line of said tract herein described, said 119.327-acre tract, the south right of way line of said Barbers Hill Road and for the beginning of a tangent curve to left;

THENCE continuing with the north boundary line of said 119.327-acre tract, the south right of way line of said Barbers Hill Road and with said tangent curve to the left whose central angle is $03^{\circ} 13' 16''$ and whose radius is 2,914.79 feet (chord bears North $79^{\circ} 07' 54''$ East, a distance 163.84 feet), for a curve length of 163.86 feet to a concrete monument found for an angle point for the north boundary line of said tract herein described, said 119.327-acre, the south right of way line of said Barbers Hill Road and for the point of tangency;

THENCE North $77^{\circ} 31' 02''$ East continuing with the north boundary line of said 119.327-acre tract and south right of way line of said Barbers Hill Road, a distance of 1,053.78 feet to the **POINT OF BEGINNING** and containing 119.328 acres (5,197,923 square feet) of land, more or less.

Notes:

1. All bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone No. 4204, NAD83 (2011).
2. Square footage area shown is for information only and surveyor does not certify accuracy of survey to nearest square foot.
3. This metes and bounds description is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated June 23, 2021 and titled "A BOUNDARY SURVEY OF A 119.328 ACRE (5,197,923 SQ. FT.) TRACT SITUATED IN THE GEORGE ELLIS SURVEY, A-21, IN HARRIS COUNTY, TEXAS".

Cobb, Fendley & Associates, Inc.
TBPELS Firm Registration No. 100467
13430 NW Freeway, Suite 1100
Houston, TX 77040
Phone: 713-462-3242

Job Number 2110-004-06-01
June 23, 2021



EXHIBIT B – TERMS & CONDITIONS TO CITY'S CONSENT OF THE DISTRICT

I. Bond Purposes

To the extent authorized by law, the District will issue bonds only for the purpose of purchasing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, parks and recreational facilities, or road facilities, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District.

II. Bond Restrictions

(a) Such bonds will expressly provide that the District reserves the right to redeem said bonds on any date not later than subsequent to the fifteenth (15th) anniversary of the date of issuance without premium and that such bonds, other than refunding bonds, will be sold only after the taking of public bids therefor, and none of such bonds, other than refunding bonds, will be sold for less than ninety-five percent (95%) of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one (1) month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given.

(b) The resolution authorizing the issuance of the District's bonds will contain a provision that the pledge of the revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds, if any, will terminate when and if the City of Baytown, Texas dissolves the District, takes over the assets of the District, and assumes all of the obligations of the District.

III. No Unilateral Annexation of City Land

No land located within the extraterritorial jurisdiction of the City of Baytown, Texas will be added or annexed to the District until the City of Baytown, Texas has given its written consent by resolution or ordinance of the City Council to such addition or annexation.

IV. District Facilities

(a) Prior to construction of any District facilities, the District shall submit to the City all plans and specifications of all District facilities for review and approval of the City.

(b) The District shall construct all District facilities according to the plans and specifications approved by the City, including those approved by the City in a development or utility agreement regarding the District.

(c) The City shall have a right to inspect District facilities in all phases of construction – from design through final completion.

(d) All District facilities related to water, sewer, and wastewater shall be designed with the capability to connect with existing or planned City facilities of the same purposes.

(e) All District facilities related to parks and roads shall be designed to connect with existing or planned City parks and roads.

V. Development Plan

Prior to any subdivision of land within the District, the Developer shall provide a development plan to the City for its approval that clearly indicates that the proposed subdivision is in conformance with the City's subdivision regulations.