

**CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING**

*** * AGENDA * ***

**WEDNESDAY, APRIL 2, 2008 - 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM - CITY HALL**

- 1. INVOCATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PROCLAMATIONS AND PRESENTATIONS**
- 4. REPORTS**
 - a. Report on City of Texas City's Comprehensive Annual Financial Report for the year ended September 30, 2007. (Financial Department)
- 5. CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items unless a Commission Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
 - a. Consider approval of the Minutes from the March 19, 2008 Regular Called City Commission Meeting.
 - b. Consider approval of **Resolution No. 08-028** awarding a contract for the **repair and painting of the Orchid Elevated Water Storage Tank Project**. (Purchasing Dept.)
 - c. Consider approval of **Resolution No. 08-027** awarding the contract for the **Gene Nelson Building Roof Replacement**. (Purchasing Dept.)
 - d. Consider approval of **Resolution No. 08-029** authorizing Klotz Associates, Inc. to proceed with Construction Phase Services of a 1200 GPM **Aquifer Storage and Recovery Water Well**, west of FM 2004. (Transportation & Planning Dept.)
- 6. REGULAR ITEMS**
 - a. Consider approval of **Ordinance No. 08-14 amending** the City of Texas City's fiscal year 2007/2008 **budget to provide funding for** the contract with Klotz Associates, Inc. for the Construction Phase Services of a **1200 GPM Aquifer Storage & Recovery Water Well**. (Finance Dept.)
- 7. PUBLIC COMMENTS**
- 8. MAYOR'S COMMENTS**

9. COMMISSIONERS' COMMENTS

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

NOTICE: The City of Texas City will furnish free transportation to handicapped individuals via a 4-door sedan for anyone wishing to attend the City Commission meetings. Call 948-3111, City Secretary's Office before noon on Monday preceding the meeting to make arrangements.

I CERTIFY THAT THE ABOVE NOTICE OF THE MEETING WAS POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS ON THE DATE LISTED BELOW AT 5:00 P.M.

**PAMELA A. LAWRENCE
CITY SECRETARY**

DATED: MARCH 28, 2008

4.a.

**Report on City of Texas City's Comprehensive Annual Financial Report
for the year ended September 30, 2007.**

CITY COMMISSION AGENDA 2

Date: 04/02/2008
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Reports

Information

ACTION REQUEST (Brief Summary)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

*No file(s)
attached.*

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	03/26/2008 01:19 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	03/26/2008 01:21 PM	APRV
2	Finance (Originator)	Cheryl Hunter	03/26/2008 01:23 PM	APRV
3	Paralegal	Rachel Wyatt	03/26/2008 02:43 PM	APRV
4	City Attorney Office	Bobby Gervais	03/26/2008 03:07 PM	APRV
5	Mayor			NEW
6	City Secretary			
Form Started By: Cheryl Hunter		Started On: 03/26/2008 01:19 PM		

5.a.

March 19, 2008 City Commission Minutes CITY COMMISSION AGENDA 2

Date: 04/02/2008
Submitted By: Pam Lawrence, Administration
Submitted For: Pam Lawrence
Department: Administration
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of the Minutes from the March 19, 2008 Regular Called City Commission Meeting.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [March 19, 2008 CC Minutes](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Pam Lawrence	03/28/2008 07:36 AM	CREATED
1	City Secretary (Originator)	Pam Lawrence	03/28/2008 01:13 PM	APRV
2	Finance			NEW
3	Paralegal			
4	City Attorney Office			
5	Mayor			
6	City Secretary (Originator)			

Form Started By: Pam Lawrence Started On: 03/28/2008 07:36 AM

**CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING**

*** * M I N U T E S * ***

**WEDNESDAY, MARCH 19, 2008 – 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM – CITY HALL**

A **Regular Called Meeting of the City Commission** was held on **Wednesday, March 19, 2008, at 5:00 P.M.** in the Kenneth T. Nunn Council Room in City Hall, Texas City, Texas, with the following in attendance: Mayor Matthew T. Doyle; Commissioners: Tommy Clark, Dee Ann Haney, Mike Land; and Donald Singleton. Commissioners Dedrick Johnson, and Carl Sullivan were not able to attend.

The Mayor declared a quorum present and called the meeting to order at 5:00 p.m.

The **Mayor** called upon **Father Tom Ponzini, St. Mary of the Miraculous Medal**, to offer the **Invocation**. The Mayor thanked Father Ponzini for his attendance and offering the invocation. **Commissioner Donald Singleton** led all present in the **recitation of the Pledge of Allegiance**.

PROCLAMATIONS AND PRESENTATIONS

The **Mayor** made the following **presentation**:

SERVICE YEAR AWARD PINS were presented to the following:

VINCENT FIGUEROA	PUBLIC WORKS DEPT.	10 YEARS
DUANE CRAWFORD	FIRE DEPT.	20 YEARS
DAVID ZACHERL	FIRE DEPT.	20 YEARS

RETIREMENT APPRECIATION GIFTS were presented to the following:

TERRENCE BELL	PUBLIC WORKS DEPT.	24 YEARS
JAMES MCWHORTER	CITY ENGINEER	20 YEARS

Mayor presented a **CERTIFICATE OF APPRECIATION** to **Firefighter Sean Coutorie, Firefighter Jonathan Lee and Firefighter Chad Smith**.

Certificate of Appreciation

The City of Texas City, Texas, on behalf of the citizens and City Commission does hereby present to

Firefighter Sean Coutorie, Jonathan Lee and Chad Smith

In appreciation of

Your compassionate and caring detail for coordinating the burial of Ranger. A gift from former Mayor Charles T. Doyle and Mary Ellen Doyle, Ranger proudly served as the Central Fire Station Mascot from December 1994 until his death in December 2007. Ranger was used in fire prevention functions across the City and was best known for his ability to "STOP, DROP & ROLL" which he proudly displayed for the school children. The City of Texas City is proud of your commitment to the safety of our community, your professionalism and human spirit that enables our City to have one of the most premier fire departments in the County.

PRESENTATION TO FIRE DEPARTMENT

The Mayor presented the Fire Department with a new dog for their fire house. The dog was rescued from the animal shelter.

PUBLIC HEARING

City of Texas City request to establish a Commercial Industrial/Mixed Use District for a tract of land out of Blocks 82, 83, 84, 86, 87, and 88 of San Leon Farm Home Tracts located in the Dickinson Bayou area, Texas City, Texas.

Don Carroll, City Planner, this issue was discussed during the public hearing held on February 5, 2008. All affected property owners within 200 feet were provided notice as prescribed by the Zoning Enabling Statutes and our Zoning Ordinance. In addition, the City over the last year has met with several of the property owners/stake holders and articulated the problems and opportunities along with the City's vision and intent for future development in this area. We were successful in obtaining the property owners support for this rezoning intent. The initial concerns raised by the property owners in the area were properly addressed and after hearing all concerns, the explanation and data provided by Staff, the Zoning Commission members present unanimously voted to recommend approval of the recommendation to rezone the property from O-Open Space to CIMU.

Commissioner Land made a MOTION to CLOSE the Public Hearing; Commissioner Singleton SECONDED the motion. All present voted AYE. MOTION CARRIED.

CONSENT AGENDA: All of the following items on the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items unless a Commission Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.

Mayor Doyle requested that item h., *Consider approval of Resolution No. 08-024 suspending the effective date of Centerpoint Energy Gas' rate increase for the maximum period permitted by law to allow the City time to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue; also participation in Gulf Coast Coalition and hire legal and consulting services,* be pulled from the agenda for further discussion.

- a. Consider approval of the Minutes from the March 5, 2008 Regular Called City Commission Meeting.
- b. Consider approval of Resolution No. 08-020 for an annual contract for the purchase and delivery of Polymer.

RESOLUTION NO. 08-020

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR THE PURCHASE AND DELIVERY OF POLYMER ANNUAL CONTRACT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- c. Consider approval of Resolution No. 08-025 awarding the annual contract for the purchase and delivery of Janitorial Supplies.

RESOLUTION NO. 08-025

A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO ANNUAL CONTRACT WITH KLEEN SUPPLY COMPANY FOR ALL SECTIONS EXCEPT TRASH LINERS AND UNIPAK FOR TRASH LINERS FOR THE PURCHASE AND DELIVERY OF JANITORIAL SUPPLIES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- d. Consider approval of Resolution No. 08-022 awarding contract to Claunch & Miller, Inc. for Engineering and Construction Phase Services for "Paving, Drainage, Water, and Sanitary Sewer Improvements along Amburn Road, between Monticello Drive and Jones Road.

RESOLUTION NO. 08-022

A RESOLUTION APPROVING A PROPOSAL AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CLAUNCH AND MILLER, INC., TO PROVIDE ENGINEERING AND CONSTRUCTION PHASE SERVICES FOR PAVING, DRAINAGE, WATER AND SANITARY SEWER IMPROVEMENTS ALONG AMBURN ROAD (BETWEEN MONTICELLO DRIVE AND JONES ROAD); AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- e. Consider approval of Resolution No. 08-023 allowing the installation of additional T-Mobile radio transmission and related equipment to the currently existing T-Mobile equipment on and around the Goddard Elevated Water Tank located at 2801 21st Street N.

RESOLUTION NO. 08-023

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO LICENSE TO USE AGREEMENT WITH T-MOBILE ALLOWING FOR A NEW SITE PLAN AND THE INSTALLATION OF ADDITIONAL RADIO TRANSMISSION AND RELATED EQUIPMENT ON AND AROUND THE GODDARD ELEVATED WATER TANK LOCATED AT 2801 21ST STREET NORTH, TEXAS CITY, TEXAS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- f. Consider approval of Resolution No. 08-021 to restate the 2008 Extraterritorial Jurisdictional Boundary agreement between the City of League City and City of Texas City.

RESOLUTION NO. 08-021

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE RESTATED 2008 EXTRATERRITORIAL JURISDICTIONAL BOUNDARY AGREEMENT BETWEEN THE CITY OF LEAGUE CITY, TEXAS AND THE CITY OF TEXAS CITY, TEXAS; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- g. Consider approval of Resolution No. 08-026 authorizing the Mayor to execute an agreement between the Galveston County Fire Fighters Association and City of Texas City (Fire Department) for Mutual Aid Agreement.

RESOLUTION NO. 08-026

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE GALVESTON COUNTY FIRE FIGHTER'S ASSOCIATION AND THE CITY OF TEXAS CITY (FIRE DEPARTMENT) FOR MUTUAL AID; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Clark made a MOTION to APPROVE CONSENT AGENDA items a., b., c., d., e., f., and g.; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.

PUBLIC COMMENTS

Vicki Walker, Michael Belk, Trish Hart, Joe Hensley, Sr., Tommy Lambright, and Mr. Swartzman addressed the City Commission concerning the canal on the east side of 17th Street and its need of dredging.

Speaking as a citizen of Texas City, the Mayor stated it is not easy to take the position that he has to take from time to time. This is a personal issue – the navigation of that canal is for your recreation and your recreation only. The people, my family being one of them, just recently had Moses Lake dredged, about 3 or 4 years ago, so they could maneuver through there; it was at their expense not at someone else's expense. Those of us that choose to live on the water especially on the salt water with tidal action; it is something that we know that maintenance needs to be done to make sure that you have those navigational powers. I don't think that it is the tax payers' job to maintain the canal for 21 citizens. I am certainly willing to talk to see if we can find a solution to help you.

- h. Consider approval of Resolution No. 08-024 suspending the effective date of Centerpoint Energy Gas' rate increase for the maximum period permitted by law to allow the City time to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue; also participation in Gulf Coast Coalition and hire legal and consulting services.

Douglas Ward, CenterPoint Energy District Manager, reported on the rate increase. He reported that if the City of Texas City approves the rates proposed by CenterPoint Energy and if the Railroad Commission of Texas shall subsequently establish a lower level of division-wide base rates for customers in CenterPoint Energy's Texas Coast Division, CenterPoint Energy shall file such lower level of base rates with the City of Texas City immediately on the issuance of the final, non-appealable order of the Railroad Commission establishing such lower base rates. By approving the proposed rates, the City of Texas City and its citizens will avoid potentially substantial litigation expenses associated with proceedings undertaken by other municipalities or coalitions of municipalities or the Railroad Commission of Texas. Mr. Ward said that while customers have paid more in recent years for the natural gas itself, the company has not raised the rates it charges to recoup operating expenses in 30 years.

Bobby Gervais, City Attorney, recommended approving the resolution and joining the coalition. Consultants who have worked rate cases against natural gas utilities for decades told him that in 20 years, the benefit of challenging rate increases has always outweighed the cost. The Railroad Commission does not devote a whole room of attorneys to challenge the rate cases; they rely on the cities to do that. The resolution suspends the effective date of the Company's rate increase for the maximum period permitted by law to allow the City time to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. The law provides that a rate request made by a natural gas utility cannot become effective until 35 days following the filing of the application to change rates. The law permits the City to suspend the effective date for 90 days. If the City does not take action to suspend the filing, CenterPoint may begin charging increased rates after April

10, 2008. According to CenterPoint, annual rates would increase by approximately \$42 for residential customers.

Historically, the City has participated in prior rate matters with a coalition of cities now known as Gulf Coast Coalition of Cities (GCCC). Cities, negotiating clout and efficiency are enhanced by the City cooperating with other GCCC cities in a common review and common purpose. As to cost, the City Attorney pointed out that cities by statute are entitled to recover their reasonable rate case expenses from the utility.

RESOLUTION NO. 08-024

RESOLUTION OF THE CITY OF TEXAS CITY SUSPENDING THE APRIL 10, 2008, EFFECTIVE DATE OF CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS (CENTERPOINT) REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE GULF COAST COALITION OF CITIES AND OTHER CITIES IN THE CENTERPOINT AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; RATIFYING THE SELECTION OF LLOYD GOSSELINK AS LEGAL COUNSEL; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Land made a MOTION to APPROVE Resolution No. 08-024 suspending the effective date of Centerpoint Energy Gas' rate increase for the maximum period permitted by law to allow the City time to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue; also participation in Gulf Coast Coalition and hire legal and consulting services; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.

REGULAR ITEMS

- a. Consider approval of Ordinance No. 08-10 to rezone from "A" (Single Family Residential) to "S-P" (Site Plan) to erect a 195' cell tower, being the west ½ of the south ½ of Lot N. Jones Subdivision located at 11711 Strom Road.

A building permit has been issued for the new cell tower and the property is now ready to be permanently rezoned.

ORDINANCE NO. 08-10

AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, ALSO KNOWN AS THE ZONING ORDINANCE, BY REZONING FROM DISTRICT "A", SINGLE FAMILY RESIDENTIAL, TO DISTRICT "S-P", SITE PLAN, TO ERECT A 195 FOOT CELL TOWER, BEING THE WEST ONE-HALF OF THE SOUTH ONE-HALF OF LOT N, JONES SUBDIVISION, FIVE ACRES, LOCATED AT 11711 STROM ROAD, TEXAS CITY, GALVESTON COUNTY, TEXAS; ORDERING SAID CHANGES MADE ON THE CITY ZONING MAP; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; DISPENSING WITH THE CHARTER REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

Commissioner Land made a MOTION to APPROVE Ordinance No. 08-10 to rezone from "A" (Single Family Residential) to "S-P" (Site Plan) to erect a 195' cell tower, being the west ½ of the south ½ of Lot N. Jones Subdivision located at 11711 Strom Road; the motion was SECONDED by Commissioner Clark. All present voted AYE. MOTION CARRIED.

- b. Consider approval of Ordinance No. 08-11 establishing a Commercial Industrial/Mixed Use District for a tract of land out of Blocks 82, 83, 84, 86, 87 and 88 of San Leon Farm Home Tracts located in the Dickinson Bayou area, Texas City, Texas.

ORDINANCE NO. 08-11

AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, ALSO KNOWN AS THE ZONING ORDINANCE, BY REZONING, BY REZONING FROM DISTRICT "O", (OPEN SPACE), TO "CIMU" (COMMERCIAL/INDUSTRIAL/MIXED USE), BEING A TRACT OF LAND OUT OF BLOCKS 82, 83, 84, 86, AND 88 OF SAN LEON FARM HOME TRACTS, IN TEXAS CITY, GALVESTON COUNTY, TEXAS; ORDERING SAID CHANGES MADE ON THE CITY ZONING MAP; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; DISPENSING WITH THE CHARTER REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

Commissioner Clark made a MOTION to APPROVE Ordinance No. 08-11 establishing a Commercial Industrial/Mixed Use District for a tract of land out of Blocks 82, 83, 84, 86, 87 and 88 of San Leon Farm Home Tracts located in the Dickinson Bayou area, Texas City, Texas; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED.

- c. Consider approval of Ordinance No. 08-12 amending the City of Texas City's fiscal year 2007/2008 budget to provide funding for the engineering contract for the Street Improvements Project on 9th Street (between 8th Avenue & 7th Avenue) and 7th Street (between 11th Avenue & 7th Avenue).

This budget amendment is needed to provide funding for the engineering contract awarded to Claunch & Miller for the street improvement project on 9th Street (between 8th Avenue & 7th Avenue) and 7th Street (between 11th Avenue & 7th Avenue). This is the second phase of a multi-phase drainage improvements project to address flooding along 9th Avenue east of 10th Street. The engineering contract for this project totals \$528,000 and funding is available in the General Fund.

ORDINANCE NO. 08-12

AN ORDINANCE AMENDING ORDINANCE NO. 07-32, ADOPTING THE 2007-2008 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE ENGINEERING CONTRACT AWARDED TO CLAUNCH & MILLER FOR THE STREET IMPROVEMENTS PROJECT ON 9TH STREET AND 7TH STREET; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Land made a MOTION to APPROVE Ordinance No. 08-12 amending the City of Texas City's fiscal year 2007/2008 budget to provide funding for the engineering contract for the Street Improvements Project on 9th Street (between 8th

Avenue & 7th Avenue) and 7th Street (between 11th Avenue & 7th Avenue); the motion was SECONDED by Commissioner Clark. All present voted AYE. MOTION CARRIED.

- d. Consider approval of Ordinance No. 08-13 amending the City of Texas City's fiscal year 2007/2008 budget to provide funding for the engineering fees for the Amburn Road Paving Improvement Project.

This budget amendment is needed to provide funding for engineering fees for the Amburn Road paving improvement project. This project will be included in Galveston County's upcoming \$75 million bond election for Road Bond Funds. The City will have the engineering complete and be in a position to be one of the first projects funded with this issue. The engineering contract totals \$480,000 and funds are available in the General Fund.

ORDINANCE NO. 08-13

AN ORDINANCE AMENDING ORDINANCE NO. 07-32, ADOPTING THE 2007-2008 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE AMBURN ROAD PAVING IMPROVEMENT PROJECT; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Clark made a MOTION to APPROVE Ordinance No. 08-13 amending the City of Texas City's fiscal year 2007/2008 budget to provide funding for the engineering fees for the Amburn Road Paving Improvement Project; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED.

The Mayor acknowledged the presence of Scooter Wilson and Steven Lyle, both running for Commissioner District 2. He also acknowledged the presence of Abel Garza, George Jones, Warren Jones, Jack Cross and Jose Boix.

Having no further business, **Commissioner Haney made a MOTION to ADJOURN at 6:00 p.m.; the motion was SECONDED by Commissioner Land. All present voted AYE. MOTION CARRIED.**

MATTHEW T. DOYLE, MAYOR

ATTEST:

Pamela A. Lawrence, City Secretary

pal: 03-28-2008

5.b.

Bid # 2008-172 Repair & Painting of the Orchid Elevated Water Storage Tank

CITY COMMISSION AGENDA 2

Date: 04/02/2008

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve and award Bid # 2008-172 for the repair and painting of the Orchid Elevated Water Storage Tank Project. Funds are available in the Water Revenue Fund/Water Distribution Capital Account.

BACKGROUND

Bid packets were picked up or mailed to seven (7) area vendors on February 27, 2008. A bid tabulation is attached for your review.

Bids opened Wednesday, March 5, 2008 at 2:00 p.m.

ANALYSIS

The low responsible bid meeting all specifications was received from M.K. Painting Inc., for the total bid of \$126,000.00. Their quoted bid completion time is forty-five (45) calendar days.

It is my recommendation to award the contract for the Orchid Water Tank Project to M.K. Painting, Inc. for the total bid amount of \$126,000.00 and that the Mayor is authorized to execute a contract on behalf of the City Commission. I further recommend that the Mayor be authorized to approve any change orders, not to exceed 25% of the contract amount, without bringing the matter before the Commission.

Thank you

ALTERNATIVES CONSIDERED

Fiscal Impact

Funds Available Y/N: Y

Amount Requested: \$126,000

Source of Funds: Water Revenue

Account #: 501-705-55560-08502

Fiscal Impact:

Attachments

Link:
Exhibit
A
Link:
Res
08-028

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	03/25/2008 09:11 AM	CREATED
1	Utilities	Mike Hogan	03/26/2008 02:22 PM	APRV
2	Purchasing (Originator)	Rita Williams	03/27/2008 10:59 AM	APRV
3	Finance	Cheryl Hunter	03/27/2008 11:49 AM	APRV
4	Paralegal	Rachel Wyatt	03/28/2008 07:58 AM	APRV
5	City Attorney Office	Rachel Wyatt	03/28/2008 08:04 AM	APRV
6	Mayor			NEW
7	City Secretary			

Form Started By: Rita Williams Started On: 03/25/2008 09:11 AM

BID TABULATION

BID #2008-172 REPAIR AND PAINTING OF ORCHID ELEVATED WATER STORAGE TANK

DSR PROJECT 4340-II

BID DATE: MARCH 5, 2008

TIME: 2:00 PM, CST

M. K. PAINTING, INC.	ARNDT ENTERPRISES	UTILITY SERVICES CO.	S & L PAINTING	DMS PAINTING	DIAMOND ENTERPRISES	MAGUIRE IRON, INC.
\$12,000.00	\$18,656.00	\$23,500.00	\$16,000.00	\$7,800.00	\$18,700.00	\$45,000.00
\$1,000.00	\$450.00	\$550.00	\$750.00	\$425.00	\$800.00	\$2,500.00
\$7,000.00	\$22,896.00	\$23,000.00	\$28,000.00	\$28,000.00	\$32,000.00	\$42,000.00
\$10,000.00	\$15,100.00	\$26,000.00	\$16,000.00	\$10,000.00	\$25,000.00	\$50,000.00
\$6,000.00	\$7,564.00	\$6,000.00	\$9,500.00	\$14,000.00	\$15,820.00	\$20,500.00
\$80,000.00	\$73,270.00	\$71,300.00	\$105,000.00	\$148,000.00	\$165,000.00	\$182,350.00
\$8,000.00	\$5,410.00	\$8,000.00	\$4,500.00	\$3,500.00	\$10,000.00	\$12,500.00
\$2,000.00	\$1,500.00	\$1,000.00	\$1,500.00	\$850.00	\$2,500.00	\$7,500.00
\$126,000.00	\$144,846.00	\$159,350.00	\$181,250.00	\$212,575.00	\$269,820.00	\$362,350.00
45	*	75	100	120	75	365
YES	YES	YES	YES	YES	YES	YES
	*NO CALENDAR DAYS STATED					

RESOLUTION NO. 08-028

A RESOLUTION AWARDDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE REPAIR AND PAINTING OF THE ORCHID ELEVATED WATER STORAGE TANK PROJECT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on February 27, 2008, bids were picked up and/or mailed to seven (7) area vendors for the repair and painting of the Orchid Elevated Water Storage Tank Project, Bid No. 2008-172; and

WHEREAS, bids opened on March 5, 2008, and the lowest bid received meeting specifications was submitted by M. K. Painting Inc.; and

WHEREAS, funds are available in the Water Revenue Fund – Water Distribution Capital Account.

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

SECTION 1: That the successful bidder for the repair and painting of the Orchid Elevated Water Storage Tank Project, Bid No. 2008-172, is M. K. Painting Inc.

SECTION 2: That the Mayor is hereby authorized to enter into a contract with M. K. Painting Inc. for the repair and painting of the Orchid Elevated Water Storage Tank Project, Bid No. 2008-172, for the respective unit price bid in Exhibit “A”, as attached hereto and incorporated herein for all intents and purposes.

SECTION 3: That the Mayor is hereby further authorized to approve change orders, not to exceed 25% of the contract amount, without bringing the change orders before the City Commission.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 2nd day of April, 2008.

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

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney

Bid # 2008-174 Gene Nelson Building Roof Replacement Project CITY COMMISSION AGENDA 2

Date: 04/02/2008

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve and award Bid # 2008-174 for the Gene Nelson Building Roof Replacement. Funds are available in the Street and Bridge Department Capital Account.

BACKGROUND

Bid packets were mailed to four (4) area vendors on February 29, 2008. A bid tabulation is attached for your review.

Bids opened Tuesday, March 18, 2008 at 2:00 p.m.

ANALYSIS

The low responsible bid meeting all specifications was received from Con-Tex Services, LP, in Houston, for the total bid amount of \$117,900.00.

It is my recommendation to award the roof replacement contract to Con-Tex Services, LP, for the total bid amount of \$117,900.00 and that the Mayor is authorized to execute a contract on behalf of the City Commission. I further recommend that the Mayor be authorized to approve any change orders, not to exceed 25% of the contract amount, without bringing the matter before the Commission.

Thank you

ALTERNATIVES CONSIDERED

Fiscal Impact

Funds Available Y/N: Y

Amount Requested: \$117,900

Source of Funds: General Fund

Account #: 101-301-55010-08005

Fiscal Impact:

Attachments

Link:
[Exhibit](#)
[A](#)

Link:

Res

08-027

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	03/26/2008 10:59 AM	CREATED
1	Public Works	Tommy Maris	03/27/2008 09:25 AM	APRV
2	Purchasing (Originator)	Rita Williams	03/27/2008 10:59 AM	APRV
3	Finance	Cheryl Hunter	03/27/2008 11:51 AM	APRV
4	Paralegal	Rachel Wyatt	03/28/2008 07:57 AM	APRV
5	City Attorney Office	Rachel Wyatt	03/28/2008 08:04 AM	APRV
6	Mayor			NEW
7	City Secretary			

Form Started By: Rita Williams

Started On: 03/26/2008 10:59 AM

BID TABULATION

BID # 2008-174

GENE NELSON BUILDING ROOF REPLACEMENT

Bid Opening: Tuesday, March 18, 2008 @ 2:00 p.m.

VENDOR	TOTAL BID AMOUNT
Con-Tex Services, LP Houston, Texas	\$117,900.00
Texas Liqua Tech Services, Inc. Houston, Texas	\$130,000.00
John A. Walker Roofing Co., Inc. Texas City, Texas	\$153,183.00
F.W. Walton, Inc. Houston, Texas	157,000.00

RESOLUTION NO. 08-027

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO CONTRACT WITH CON-TEX SERVICES, LP FOR THE GENE NELSON BUILDING ROOF REPLACEMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on February 29, 2008 bid packets were mailed to four (4) area vendors for the Gene Nelson Building Roof Replacement, Bid #2008-174; and

WHEREAS, bids were opened on Tuesday, March 18, 2008; and

WHEREAS, the low responsible bids meeting all specifications was received from Con-Tex Services, LP.

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

SECTION 1: That the successful bidder for Bid #2008-174 for the Gene Nelson Building Roof Replacement is Con-Tex Services, LP.

SECTION 2: That the Mayor is hereby authorized to contract with Con-Tex Services, LP, for the Gene Nelson Building Roof Replacement, for the amount specified in Exhibit "A", as attached hereto and incorporated herein for all intents and purposes.

SECTION 3: That the Mayor is hereby further authorized to approve change orders, not to exceed 25% of the contract amount, without bringing the change orders before the City Commission

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 2nd day of April, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Water Well - Klotz CITY COMMISSION AGENDA 2

Date: 04/02/2008
Submitted By: Edna Patterson, Transportation and Planning
Submitted For: Doug Kneupper
Department: Transportation and Planning
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approval to authorize Klotz Associates, Inc. to proceed with Construction Phase Services of a 1200 GPM Aquifer Storage and Recovery Water Well, west of FM 2004 in the amount of \$83,600.00. (Funding to come from Capital Recovery Funds.)

BACKGROUND

Commission approved design phase May 4, 2005 for \$120,000 (Resolution #05-54). This design intent was to address that there was no backup emergency water supply for the northwest end of Texas City and an additional water well was needed to provide this supply. The well will also be designed as an aquifer storage and recovery to assist the City in providing adequate quantities of water to this region of the City.

Early in the design phase, City staff requested additional facilities be included in the project and Klotz received approval for an additional fee of \$3,000. This brought the total Engineering Fee amount to \$203,600.

ANALYSIS

The award of the contract was only for the design and special services at a budget of \$120,000.00 with the remaining funds being retained until the project progress. The original budget amount of \$200,600.00 was budgeted in The City's Capital Recovery Fund.

ALTERNATIVES CONSIDERED

Fiscal Impact

Funds Available Y/N: Budget Amend

Amount Requested: \$84,000

Source of Funds: Capital Recovery

Account #: 208-070-53684

Fiscal Impact:

Attachments

Resolution05_54

08-029

Route Seq	Inbox	Approved By	Date	Status
		Edna Patterson	03/26/2008 10:56 AM	CREATED
1	Transportation and Planning	Doug Kneupper	03/26/2008 11:12 AM	APRV
2	Finance	Cheryl Hunter	03/26/2008 01:22 PM	APRV
3	Paralegal	Rachel Wyatt	03/26/2008 02:52 PM	APRV
4	City Attorney Office	Bobby Gervais	03/26/2008 02:58 PM	APRV
5	Mayor			NEW
6	City Secretary			
Form Started By: Edna Patterson			Started On: 03/26/2008 10:56 AM	

RESOLUTION NO. 05-54

A RESOLUTION ACCEPTING A PROPOSAL AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH KLOTZ & ASSOCIATES, INC., TO DESIGN A 1200 GPM AQUIFER STORAGE AND RECOVERY WATER WELL SYSTEM WEST OF FM 2004; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Northwest end of the City does not have any emergency back up water supply to facilitate adequate distribution water within its area.

WHEREAS, due to the none existence of a water well system in the Northwest End of the City, Klotz & Associates, Inc., has submitted a proposal to design a 1200 GPM Aquifer Storage and Recovery Water Well System West of FM 2004;and,

WHEREAS, the total amount for Klotz & Associates, Inc., to design the 1200 GPM Aquifer Storage and Recovery Water Well System West of Fm 2004 is \$200,600.00, which is budgeted in the City's Capital Recovery Fund; and,

WHEREAS, in order to address and resolve the City's back up emergency water supply on the Northwest End of the City, the City Engineer recommends entering into an agreement with Klotz & Associates, Inc., to begin the initial design and special services phase for an amount of \$120,000.00, and for the remaining funds to be retained until the project progresses further; and,

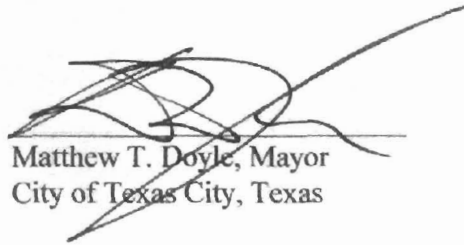
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission hereby accepts the proposal submitted by Klotz & Associates, Inc., to, design a 1200 GPM Aquifer Storage and Recovery Water Well System West of FM 2004.

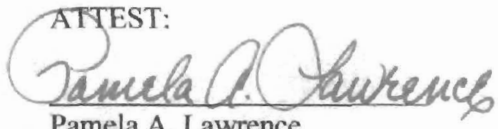
SECTION 2: That the Mayor is hereby authorized to enter into an Agreement with Klotz & Associates, Inc., to design a 1200 GPM Aquifer Storage and Recovery Water Well System West of FM 2004 for an amount not to exceed TWO HUNDRED THOUSAND SIX HUNDRED DOLLARS AND NO/100 (\$200,600.00), a copy of which is attached hereto as Exhibit A and made a part hereof for all intents and purposes. Klotz & Associates, Inc. has been authorized to complete the design and special services phase of the project for an amount not exceed \$120,000.00 of the \$200,600.00 allocated.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

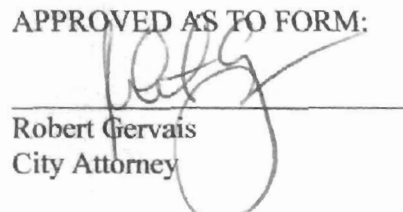
PASSED AND ADOPTED this 4th day of May, 2005.


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

ATTEST:


Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:


Robert Gervais
City Attorney

Attachment –
Klotz & Associates Professional Services Agreement-FM 2004 Water Well

L:Resolutions/No.05-54-Klotz&Assoc.
Professional Services Agreement-FM 2004 Water Well

RESOLUTION NO. 08-029

A RESOLUTION APPROVING AND AUTHORIZING KLOTZ ASSOCIATES, INC. TO PROCEED WITH CONSTRUCTION PHASE SERVICES OF A 1200 GPM AQUIFER STORAGE AND RECOVERY WATER WELL, WEST OF FM 2004; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Resolution 05-54 the City of Texas City approved design phase May 4, 2005 to address that there was no backup emergency water supply for the northwest end of Texas City and an additional water well was needed to provide this supply; and

WHEREAS, it is now necessary to authorize Klotz Associates Inc. to proceed with Construction Phase Services of a 1200 GPM Aquifer Storage and Recovery Water Well, west of FM 2004.

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

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby approves and authorizes Klotz Associates, Inc. to proceed with Construction Phase Services of a 1200 GPM Aquifer Storage and Recovery Water Well, west of FM 2004, in the amount of \$83,600.00. The Mayor is authorized to execute an Agreement if necessary.

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

PASSED AND ADOPTED this 2nd day of April, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

6.a.

Budget amendment to provide funding engineering fees on the 1200 GPM Aquifer Storage & Recovery Water Well.

CITY COMMISSION AGENDA 2

Date: 04/02/2008
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider approval of a request to amend the City of Texas City's fiscal year 2007/2008 budget.

BACKGROUND

A budget amendment is needed to provide funding for the contract with Klotz Associates, Inc. for the Construction Phase Services of a 1200 GPM Aquifer Storage & Recovery Water Well. The total amount of the contract is \$83,600 to be funded from the Capital Recovery-Water-Zone 1 Fund.

ANALYSIS

Budget amendment is as follows:

Capital Recovery-Water-Zone 1 Fund-208:

208-070-53684-Engineering Fees \$84,000.00
208-000-79999-Undesignated Budget Balance <\$84,000.00>

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
Ord
08-14

Form Routing/Status

Route	Seq	Inbox	Approved By	Date	Status
			Cheryl Hunter	03/26/2008 11:56 AM	CREATED
1		Finance (Originator)	Cheryl Hunter	03/26/2008 01:21 PM	APRV
2		Finance (Originator)	Cheryl Hunter	03/26/2008 01:23 PM	APRV
3		Paralegal	Rachel Wyatt	03/26/2008 02:44 PM	APRV
4		City Attorney Office	Bobby Gervais	03/26/2008 03:07 PM	APRV
5		Mayor			NEW

ORDINANCE NO. 08-14

AN ORDINANCE AMENDING ORDINANCE NO. 07-32, ADOPTING THE 2007-2008 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE CONTRACT WITH KLOTZ ASSOCIATES, INC. FOR THE CONSTRUCTION PHASE SERVICES OF A 1200 GPM AQUIFER STORAGE & RECOVERY WATER WELL; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 07-32, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2007-2008; and,

WHEREAS, a budget amendment is needed to provide funding for the contract with Klotz Associates, Inc. for the Construction Phase Services of a 1200 GPM Aquifer Storage & Recovery Water Well.

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

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

SECTION 2: That the budget for Fiscal Year 2007-2008 of the City of Texas City, Texas, is hereby amended as follows:

Capital Recovery-Water-Zone 1 Fund-208:

208-070-53684-Engineering Fees	\$84,000.00
208-000-79999-Undesignated Budget Balance	<\$84,000.00>

SECTION 3: That the chief executive officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk and the State Comptroller's Office.

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

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

PASSED AND ADOPTED this 2nd day of April, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney