

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

*** * AGENDA * ***

**WEDNESDAY, DECEMBER 17, 2008 - 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM - CITY HALL**

- 1. INVOCATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PROCLAMATIONS AND PRESENTATIONS**
- 4. PUBLIC HEARING**
 - a. Public Hearing to consider approval of a project involving the relocation of the Sanders Community Center and the Calvin Vincent Learning Center.
- 5. CONSENT AGENDA**
 - a. Consider approval of the Minutes from the Regular Called City Commission meeting held on December 3, 2008.
 - b. Consider approval of **Resolution No. 08-111 endorsing the appointment** of Mr. Wayne Rast **to the Galveston County United Board of Health.** (Management Services)
 - c. Consider approval of **Resolution No. 08-110** awarding a contract for **motor control center equipment** for the Knox Wastewater Treatment Facility. (Utilities)
 - d. Consider approval of **Resolution No. 08-109** authorizing collection fees pursuant to Article 103.0031 of the Texas Code of Criminal Procedure and authorizing the Mayor to enter into an **agreement to collect outstanding fines, warrants, etc. for Municipal Court.** (Management Services Dept.)
 - e. Consider approval of **Resolution No. 08-115** approving the **purchase and delivery of one Komatsu Backhoe/Loader** through the Texas Association of School Board (TASB), a Texas Local Government Purchasing Cooperative. (Purchasing Dept.)
 - f. Consider approval of **Resolution No. 08-114** awarding the **annual contract** for the **Residential Solid Waste Collection and Disposal.** (Purchasing Dept.)
 - g. Consider approval of **Resolution No. 08-113** awarding the **annual contract** for the **Commerical Waste Collection and Disposal.** (Purchasing Dept.)

- h. Consider approval of **Resolution No. 08-112** allowing a **variance** from Section 110-37(b) in the City's Subdivision Ordinance to **allow the issuance of Building Permits prior to recordation of a Final Plat** for the Mudd 66 improvements. (Planning Dept.)

6. REGULAR ITEMS

- a. Consider approval of **Ordinance No. 08-52 amending Code of Ordinances City of Texas City, Texas**, Chapter 90, "Personnel", Section 90-151 "Classes of Positions," by **creating the classification of Assistant Fire Chief; reducing the number of positions within the classification of Captain; prescribing the number of positions in each classification of the classified service of the Fire Department; authorizing the Fire Chief to appoint person(s) to the classification of Assistant Fire Chief.** (Fire Dept.)
- b. Consider approval of **Ordinance No. 08-53** changing the title of **Municipal Court Clerk** to Municipal Court Administrator. (Management Services)
- c. Consider approval of **Ordinance 08-55 amending** the City of Texas City's fiscal year 2008-2009 **budget to provide additional funding needed to stock and carry inventories for the Bayou Golf-Pro Shop.** (Finance Dept.)
- d. Consider approval of **Ordinance No. 08-54**, approving **relocation of the Sanders/Vincent Center** to Central High Park; approving the change in use of the former Sanders/Vincent Center site as provided for by Texas Parks & Wildlife Code Section 26.001(B); declaring the site of the former Sanders/Vincent Center "surplus" and approving the property to be put out for public bid consistent with State law. (Management Services Dept.)
- e. Consider approval of the **first reading of Ordinance No. 08-56 amending the City of Texas City Code of Ordinances** amending **Chapter 54, Article I, Fire Prevention and Protection**, by amending Sec. 54-2 to increase the award for arson from \$300.00 to \$500.00; amending **Chapter 54, Article III. Fire Prevention Code, Section 54-71** by adopting the 2006 Edition of the International Fire Code as the Fire Code of the City of Texas City, including Appendices A, B, C and D; amending **Chapter 54, Article III, "Fire Prevention Code", Sec. 54-72** by adopting local amendments to the Fire Code; containing a savings clause; providing for the repeal of all ordinances in conflict therewith. (Fire Dept.)

7. RECONVENE INTO REGULAR MEETING

8. PUBLIC COMMENTS

9. MAYOR'S COMMENTS

10. 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.

**/s/ Pamela A. Lawrence
PAMELA A. LAWRENCE
CITY SECRETARY**

DATED: December 12, 2008

4.a.

Public Hearing-relocation of the Sanders Community Center and the Calvin Vincent Learning Center

CITY COMMISSION AGENDA 2

Date: 12/17/2008

Submitted By: Pam Lawrence, Administration

Department: Administration

Agenda Area: Public Hearing

Information

ACTION REQUEST (Brief Summary)

Public hearing notifying of intent to relocate the Sanders Community Center and the Calvin Vincent Learning Center.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Public Hearing Notice](#)

NOTICE OF PUBLIC HEARING

Pursuant to Chapter 26.001(b) of the Texas Parks & Wildlife Code, the City of Texas City hereby gives notice of a public hearing to be given on:

December 17, 2008, at 5:00 p.m.

at Kenneth T. Nunn Council Room- City Hall, 1801-Ninth Avenue North, Texas City, Texas, to consider approval of a project involving the relocation of the Sanders Community Center and the Calvin Vincent Learning Center to a new location.

The former location is situated at:

Parcel 1: ABST 77 PAGE 1 LOTS 1 THRU 16 BLK 224 TEXAS CITY

Parcel 2: ABST 77 PAGE 1 LOTS 1 THRU 3 BLK 226 LOTS 1 THRU 4 BLK 227 & ALLEY TRACTS 1, 2, 5, 6 WEDDEL TR ADJ, TEXAS CITY

Parcel 3: ABST 77 PAGE 1 LOTS 1 THRU 16 BLK 223, TEXAS CITY

Parcel 4: ABST 77 PAGE 1 LOTS 1 THRU 16 BLK 225, TEXAS CITY

Parcel 5: ABST 77 PAGE 1 & 2 LOTS 1 THRU 16 OF BLKS 176, 177, 178, 179, TEXAS CITY.

The project involves relocation and improvements to the construction of a new Sanders Community Center/Calvin Vincent Learning Center. The City intends to no longer own, hold or claim the former property as a park or recreation area but seeks to change the use to a use consistent with the greenbelt industrial buffer zone concept approved by the City Commission.

The new location is situated at:

TEXAS CITY SUBDIVISION, BLOCK 53 LOTS 1-3 & W 9FT OF LOT 4, BLOCK 78 LOTS 7&8, BLOCK 140 LOTS 1-6 & W 9FT OF LOT 7, BLOCK 141 LOTS 13-16 AND ABND ROW, TEXAS CITY .

Any citizen wishing to voice his or her opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to this rezoning request, you must submit valid reasons for opposition in writing to the City Commission of Texas City, P. O. Drawer 2608, Texas City, TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing to the City Commission.

/s/ Pamela A. Lawrence
Pamela Lawrence, City Secretary
City of Texas City

Date of posting: November 24, 2008

CITY COMMISSION AGENDA 2

Date: 12/17/2008

Submitted By: Pam Lawrence, Administration

Department: Administration

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of the Minutes from the Regular Called City Commission meeting held on December 3, 2008.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [CC Minutes](#)
[12-03-2008](#)

REGULAR CALLED CITY COMMISSION MEETING

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

**WEDNESDAY, DECEMBER 3, 2008 – 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM – CITY HALL**

A **Regular Called Meeting of the City Commission** was held on **Wednesday, December 3, 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, Dedrick Johnson, Mike Land, Donald Singleton and John W. Wilson.

The **Mayor** called upon Pastor Kevin Herrin, The Fellowship Church, to offer the **Invocation**. The Mayor thanked Pastor Herrin for his attendance and offering the invocation. **Commissioner Clark** led all present in the **recitation of the Pledge of Allegiance**.

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

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations.

REPORTS

- a. Investment Report for the quarter ending September 30, 2008. (Finance Dept.)

Cheryl Hunter, Financial Director, gave the investment report for quarter ending September 30, 2008. A summary of the transactions in the portfolio for the quarter are as follows: *Investments at the Beginning of the Period-Book Value* equaled \$44,141,863; *Investment Purchases/Additions* - \$1,215,201; *Investment Maturities/Deletions* - (\$9,775,787); *Amortization (Premium/Discount)* \$3,260; *Accrued Interest 09-30-08* - \$178,844; *Investments at the End of the Period-Book Value* equaled \$35,763,381. *Investments at the Beginning of the Period - Market Value* equaled \$44,214,548; *Investment Purchases/Additions* \$1,215,201 *Investment Maturities/Deletions* (\$9,775,787); *Change in Fair Market Value* came to (\$90,170); *Accrued Interest 09-30-08* - \$178,844; *Investments at the End of the Period-Market Value* equaled \$35,742,636. *The Portfolio Composition* is composed of 59% in Agency Securities, 41% in Bank Deposits. Ms. Hunter reported that the *Benchmark Rate of Return* on the 3-month T-Bill was .06850; the 6-month, 1.3700; the 1-year, 1.8007 and the City's is 2.8083 (101 bp over 1 Year T-Note). The Weighted Average Maturity of Portfolio was 195 days.

- b. City Financial Status Report on Hurricane Ike. (Finance Dept.)

Hurricane Ike expenses as of December 3, 2008: Debris Removal, \$1,800,000; Emergency Protective Measures, \$300,000 (includes fire and police labor); Roads and Bridges, \$5,000,000 (Dike); Buildings and Equipment, \$500,500; Utilities, \$76,000; Parks, Recreational, and Other, \$66,000. Status of Windstorm Insurance: City personnel have met with the adjuster and are waiting on his report.

Status of FEMA: City personnel have met with FEMA; project worksheets are being prepared for filing with FEMA. FEMA will review and determine the reimbursement to the city.

c. 2007 Annual Report for Tax Increment Reinvestment Zone Number One
Texas City, Texas.

Sue Darcy, Marsh & Darcy, Partners, reported that in accordance with the Tax Increment Financing Act (Chapter 311, Tax Code), Ordinance 06-45 of the City of Texas City, Texas (the "City") established Reinvestment Zone Number One, City of Texas City, Texas (the "Zone") on December 20, 2006. The Zone, also known as "The Lago Mar TIRZ, consists of approximately 3,350 acres located in Galveston County, Texas (the "County"). The Project Plan was adopted by City Commission on January 2, 2008 by Ordinance 08-01. In addition to City participation in the Zone, the County and College of the Mainland (the "College") agreed to participate in the Zone. To aid and assist in the implementation of the Plan, the City created the Lago Mar Development Authority, a Local Government Corporation incorporated on August 8, 2007. To further facilitate development within the Zone, the City, the Authority, the TIRZ and Galveston County Municipal Utility District No. 54 entered into an agreement, effective December 19, 2007, detailing the respective roles and responsibilities of the parties in implementing the Plan. The private sector developer for Lago Mar is Land Tejas Texas City Limited, a Texas Limited Partnership, whose General Partner is Land Tejas Corporation. The Authority and the Developer entered into a Master Developer Reimbursement Agreement effective January 3, 2008. The Zone is situated near the western boundary of Texas City, is bisected by I-45, and at creation was vacant. The purpose of the Zone is to facilitate the development of a quality master-planned community, including a large mixed-use component, with amenities and sustainability that will contribute to the growth of the tax base for the City, the County, and the College. The City Commission, in adopting the ordinance creating the Zone, found that the projects described in the Plan provided a focused planning and financing mechanism to promote and monitor this significant development effort to the benefit of all the citizens of the City, individual and corporate, as well as all participating jurisdictions. But for the creation of the Zone and the participating jurisdictions, this area would not likely experience the magnitude of private investment necessary for this property to develop in the proposed manner or to the standards and quality planned in the foreseeable future. The City Commission further found that improvements in the Zone will enhance the value of all taxable real property within the Zone and will be of general benefit to the City. The methods of financing and the sources of funding available to the Zone, including the participation levels of the entities, are described in the Project Plan. The Plan sets forth a two-tiered participation schedule. Lago Mar is proposed to be a large master planned community with strong residential and commercial components. The commercial areas of the TIRZ are the very gateway of Texas City and the City seeks to promote the development of these critical unique in Galveston County. The City understands that the commercial areas will need time to reach the highest and best uses based on market conditions and to that end the City has proposed and secured a two-tiered participation structure: 100% participation by the City for 31 years and by the County and the College for 30 years in the commercial area and 60% for 10 years followed by 40% for 10 years by all entities in the residential areas. Ms. Darcy reviewed Revenues and Expenditures.

John Havenstrite reported on the status of the development. He reported that they will finish the two construction projects that are ongoing, which is the Surface Water Plant and 16" Water Line that brings surface water supply to the west side of I-45. After that we do not see, under the current market conditions in Houston, much point in putting more lots on the ground until 2010. We think the market will turn around in 2010. The market gurus in Houston say that there are approximately 70,000 lots that are in the Houston metropolitan area at this time, 50,000 of which are buildable lots. Houston in the past had been absorbing 30,000 a year; their estimate for this next year is about 20,000 -22,000 - that means there is a little over 2 years supply of lots that need to be absorbed by builders. It takes us about 18 months to bring most of the infrastructure on line and complete with graded lots and major thoroughfares through the project; so, we think just by doing some of the construction plans and to coin a common phrase 'hunkering down' until the market comes back is our best plan. There are some master plan communities in Houston that are shutting down or holding. Most of the master plan communities in the Houston area are reducing their inventory of developed lots and will probably bring on lots based upon the market conditions - hopefully, it will be 2010.

The Mayor asked Mr. Havenstrite what kind of price mark he thought these houses will carry. He responded that most of the sales that are in the market right now are in the \$200,000+ price range. We do see in our project that we do have some lower price ranges that are about \$150,000 to about \$300,000. We have movement in our projects. We think that with new mortgage financing that will be put out towards the end of next year that you will see increase in house sales with the lower price ranges.

PUBLIC HEARING

- a. Public Hearing to consider Chance Bennett/Access Companies request to rezone from "A" (Single Family Residential) to "E-4" (Commercial Warehouse) for climate controlled warehouse; includes Abstract 176, page 3, Lot 4 & part of Lots 1-3 & 5 (204-0), Block 2 Subdivision H Kohfeldts Resubdivision; being approximately a 3 acres portion of 10.4886 acre out of the James Smith Survey; located at north Palmer Highway, west of Lowes, and east of railroad, Texas City, Texas. (Planning Dept.)

Don Carroll, City Planner, reported that this issue came before the Zoning Commission on October 7, 2008. There were no controversial issues associated with the request to build a commercial storage warehouse. The applicant provided his development intent to the Zoning Commission members present. He provided pictures of existing facilities that they have built in the past in order to provide a conceptual illustration of how this project will look. The proposal will meet all of our regulations and/or development stipulations. After reviewing all the data presented to the Zoning Commission members present, the members unanimously voted to recommend approval of the request.

Mr. Bennett addressed the Commission. He stated that this would be residential storage only. There will be approximately 200-215 climate controlled mixed sized units with rolled doors.

- b. Public Hearing to consider Sterling Chemical Inc.'s request to rezone from "IBD" (Industrial Business District) to SP (Site Plan) "H" (Heavy Industry) for prospective chemical manufacturing facility; includes abstract 77, page 2, Blocks 64, 65, 66, 67, bordered by 2nd Avenue S, 3rd Avenue S, 6th Street and 4th Street, includes 64 Lots; being approximately 9 acres; located at 103 2nd Avenue South, Texas City, Texas. (Planning Dept.)

Mr. Carroll reported that this issue came before the Zoning Commission on October 7, 2008. The Zoning Commission, Staff and applicant reviewed the proposal in a very deliberate and detailed manner. This request due to the complexity and recent Land Use formulation actions that was recently approved by the Zoning and City Commission required Staff to conduct a Decision Criteria Analysis for this new request. This Decision Criteria Analysis is the basis for the ultimate recommendations provided to the City Commission from our Zoning Commission.

Mr. Carroll reviewed the talking points for this request, which are as follows: *Why change the recently approved IBD Zoning District to Heavy Industry?* The request to change the Zoning designation to Heavy Industry was initiated by the applicant. The applicant indicated that this request is an opportunity to bring capital investment, jobs and an increase in ad valorem taxes to the community; in short, a beneficial socio economic impact that on its face was reviewed as positive for the community. *What are those projected socio economic benefits?* Based upon the data provided by the representative of Sterling this project will generate approximately 800 million dollars in capital investments and provide X number of construction jobs and Y number of permanent jobs. The expansion of Heavy Industry from IBD is not a threat to the health, safety and general welfare. The intent to create and operate a bio diesel facility at this location does not create any toxic dangerous emissions into the atmosphere. The City in fact, has approved a similar proposal – The Texas City Clean Fuels project. In short, the dynamics as it relates to the safety and general welfare does not change with the change of the four blocks from IBD to Site Plan 'H' Heavy Industry. *Are there any threats to the neighborhood if this rezoning request is approved?* No – Sterling will be bound by the recommended 'SP' Site Plan designation recommended by Staff and the Commission. This is binding and only a bio diesel facility is recommended to be developed at this site. This will also require adequate screening, buffering berming elements for safety checks and balance controls. Also, the Plant has initiated a plan to buy residential properties located within this IBD District – All factors cited enable the request to be reviewed as reasonable. The City Staff and Zoning Commission offer no objection; they recommended "SP" Site Plan to be amended to the "H" Heavy Industry request which limits the Heavy Industrial Use to a bio diesel operation only.

- c. City of Texas City's proposal to amend the Zoning Ordinance Section 40-59. Screening requirements and Section 40-92. Required screening. (Planning Dept.)

Mr. Carroll reported that this is a proposal to amend the Zoning Ordinance, Section 40-59 deleting chain link fences with slat inserts as an allowable screening alternative. This recommendation is based upon the following reasons: This is a logical and reasonable progression which follows the recent work completed and approved in updating the Subdivision, Zoning and Development Plan Ordinances (the City's effort to have contemporary ordinances with enhanced performance standards). A recent issue rose during a rezoning Public Hearing request, which

revealed to Staff and our Land Use Boards the need for clarity in our Zoning Ordinance provisions. This change would articulate exactly what the requirements are in order for new development to achieve the City's vision for aesthetics and sustain ability within our Gateway Corridors as it relates to screening. Staff has conducted a reconnaissance taking pictures of existing developments utilizing chain link fences with slat inserts and contrasting this concept with masonry fences and other fence combinations. This would include wrought iron fencing with shrubs that should be aesthetically pleasing and not onerous or cost prohibitive for future developments striving to look attractive and appealing.

Commissioner Land made a MOTION to CLOSE the PUBLIC HEARING; Commission Haney seconded the motion. All present voted AYE. MOTION CARRIED.

PRELIMINARY ZONING APPROVAL

- a. Consider preliminary approval of rezoning requested by Chance Bennett/Access Companies to rezone from "A" (Single Family Residential) to "E-4" (Commercial Warehouse) for climate controlled warehouse

Commissioner Land made a MOTION to APPROVE rezoning requested by Chance Bennett/Access Companies to rezone from "A" (Single Family Residential) to "E-4" (Commercial Warehouse) for climate controlled warehouse; the motion was seconded by Commissioner Clark.

- b. Consider preliminary approval of rezoning requested by Sterling Chemical Inc.'s to rezone from "IBD" (Industrial Business District) to SP (Site Plan) "H" (Heavy Industry) for prospective chemical manufacturing facility

Commissioner Land made a MOTION to giving preliminary approval of rezoning requested by Sterling Chemical Inc.'s to rezone from "IBD" (Industrial Business District) to SP (Site Plan) "H" (Heavy Industry) for prospective chemical manufacturing facility; the motion was seconded by Mayor Doyle. Mayor Doyle, Commissioner Land, Commissioner Wilson, Commissioner Singleton voted AYE; Commissioner Haney, Commissioner Johnson, and Commissioner Clark voted Nay. Motion Passed.

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.

Commissioner Johnson requested that item b., *Consider approval of Resolution No. 08-101 notifying of intent to relocate Sanders Community Center and Calvin Vincent Learning Center; Calling for a public hearing as provided for by Texas Parks & Wildlife Code for change in use of park and recreation land*, be pulled for further discussion. Commissioner Wilson requested that item i., *Consider approval of Resolution No. 08-107 for the purchase of 500 Visa gift cards to be given to all City Employees as an incentive for continued outstanding customer service and performance*, be pulled for further discussion.

- a. Consider approval of the **Minutes** from the November 5, 2008 Regular Called City Commission Meeting.
- c. Consider approval of **Resolution No. 08-100** authorizing the replacement of the siren located next to the main Fire Station on 25th Avenue North, Texas City. (Purchasing Dept.)

RESOLUTION NO. 08-100

A RESOLUTION APPROVING THE PURCHASE, DELIVERY AND INSTALLATION OF A REPLACEMENT SIREN SYSTEM AT FIRE STATION ON 25TH AVENUE NORTH WHICH WAS DESTROYED BY HURRICANE IKE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- d. Consider approval of **Resolution No. 08-103** awarding the contract for the Bayou Golf Course Cart Path Project- Phase 3. (Purchasing Dept.)

RESOLUTION NO. 08-103

A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH EL DORADO PAVING COMPANY, INC. FOR THE BAYOU GOLF COURSE CART PATH PROJECT – PHASE III; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- e. Consider approval of **Resolution No. 08-105** authorizing the purchase and installation of a new Sports Lighting System at Robinson Stadium through the Texas Association of School Board (TASB), a Texas Local Government Purchasing Cooperative. (Purchasing Dept.)

RESOLUTION NO. 08-105

A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF A SPORTS LIGHTING SYSTEM AT ROBINSON STADIUM THROUGH THE TEXAS ASSOCIATION OF SCHOOL BOARD (TASB), A TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- f. Consider approval of **Resolution No. 08-102** authorizing the purchase and delivery of one (1) Vermeer D7X11 II Navigator Boring Machine/Backhoe through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program. (Purchasing Dept.)

RESOLUTION NO. 08-102

A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF ONE (1) VERMEER D7X11 II NAVIGATOR BORING MACHINE/BACKHOE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING PROGRAM FOR THE UTILITIES DEPARTMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- g. Consider approval of Resolution No. 08-104 establishing a date for a Public Hearing on Updated Land Use, Capital Improvements and Impact Fees. (Transportation and Planning)

RESOLUTION NO. 08-104

A RESOLUTION SETTING A PUBLIC HEARING ON JANUARY 21, 2009, TO DISCUSS AND REVIEW AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN AND IMPACT FEES ASSOCIATED WITH THE CAPITAL RECOVERY PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- h. Consider approval of Resolution No. 08-106 authorizing the purchase of Emergency Equipment for 15 new Police Vehicles. (Police Dept.)

RESOLUTION NO. 08-106

A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF EMERGENCY EQUIPMENT FOR 15 NEW POLICE VEHICLES, INCLUDING LIGHTBARS, SIRENS, MOUNTING EQUIPMENT, CONSOLES, PARTITIONS AND BACK SEAT PROTECTORS FROM FLEET SAFETY EQUIPMENT, INC., THROUGH THE BUY BOARD; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- j. Consider approval of Resolution No. 08-108 finding that Texas –New Mexico Power Company's (TNMP) requested increase to its electric transmission and distribution rates and charges within the city should be denied and that the City's reasonable rate case expenses shall be reimbursed by TNMP. (City Attorney)

RESOLUTION NO. 08-108

A RESOLUTION FINDING THAT TEXAS-NEW MEXICO POWER COMPANY'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY TEXAS-NEW MEXICO POWER COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUESTING 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 Clark made a MOTION to APPROVE the CONSENT AGENDA items a., c., d., e., f., g., h., and j.; the motion was SECONDED by Commissioner Land. All present voted AYE. MOTION CARRIED.

- b. Consider approval of **Resolution No. 08-101** notifying of intent to relocate Sanders Community Center and Calvin Vincent Learning Center; Calling for a public hearing as provided for by Texas Parks & Wildlife Code for change in use of park and recreation land. (Recreation & Tourism Dept.)

Mayor addressed this item stating that this is basically declaring that the City is moving Calvin Vincent and the Sanders Center Park to the new Sanders Vincent Center area at the old Central High School Park. That means this will become surplus property; the City's intent is to put the property up for auction in a sealed bid and auction the property off. The public hearing is scheduled for December 17th.

RESOLUTION NO. 08-101

A RESOLUTION NOTIFYING OF INTENT TO RELOCATE SANDERS/VINCENT CENTER; CALLING FOR A PUBLIC HEARING AS PROVIDED FOR BY TEXAS PARKS & WILDLIFE CODE §26.001(B) FOR CHANGE IN USE OF RECREATION AREA; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Johnson made a MOTION to APPROVE item b. of the CONSENT AGENDA, Resolution No. 08-101 notifying of intent to relocate Sanders Community Center and Calvin Vincent Learning Center; calling for a public hearing as provided for by Texas Parks & Wildlife Code for change in use of park and recreation land; the motion was SECONDED by Commissioner Clark. All present voted AYE. MOTION CARRIED.

- i. Consider approval of Resolution No. 08-107 for the purchase of 500 Visa gift cards to be given to all City Employees as an incentive for continued outstanding customer service and performance. (Finance Dept.)

The Mayor remarked that due to the great effort during the storm and especially the ongoing outstanding customer service of our City employees, we are going to give out \$100 gift card to each of our employees this year.

Commissioner Wilson explained that he wanted this pulled so it could be addressed individually. He said that he did want to take the time to tell the department heads and city employees that he has never been prouder of being a citizen of Texas City than the recovery effort during Hurricane Ike and after Hurricane Ike and he said that he wished it could be more than the \$100.00.

RESOLUTION NO. 08-107

A RESOLUTION APPROVING THE PURCHASE OF 500 VISA GIFT CARDS IN THE AMOUNT OF \$100.00 EACH, TO BE GIVEN TO ALL CITY EMPLOYEES (FULL AND PART-TIME), AS AN INCENTIVE FOR CONTINUED OUTSTANDING CUSTOMER SERVICE AND PERFORMANCE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Wilson made a MOTION APPROVE item i. of the CONSENT AGENDA, Resolution No. 08-107 for the purchase of 500 Visa gift cards to be given to all City Employees as an incentive for continued outstanding customer service and performance; the motion was SECONDED by Commissioner Clark. All present voted AYE. MOTION CARRIED.

REGULAR ITEMS

- a. Consider approval of the **third and final reading** of **Ordinance No. 08-43** amending the Code of Ordinances, City of Texas City, by including text requiring adherence to the Brick Masonry Ordinance Provision. (Planning Dept.)

Mr. Carroll reported that there had been no changes.

ORDINANCE NO. 08-43

AN ORDINANCE AMENDING APPENDIX "A" ZONING, SECTION 40-38 AND 40-40 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY,

TEXAS, ALSO KNOWN AS THE ZONING ORDINANCE; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE READING OF 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 the THIRD and FINAL READING of Ordinance No. 08-43 amending the Code of Ordinances, City of Texas City, by including text requiring adherence to the Brick Masonry Ordinance Provision; the motion was SECONDED by Commissioner Singleton. Commissioner Clark and Commissioner Johnson voted NAY. Mayor Doyle, Commissioner Singleton, Commissioner Wilson, Commissioner Haney, Commissioner Land voted AYE. MOTION CARRIED.

- b. Consider approval of Ordinance No. 08-48 amending the Code of Ordinances City of Texas City, Sections 40-59 and 40-92, Screening requirements. (Planning Dept.)

This was addressed during the Public Hearing.

ORDINANCE NO. 08-48

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 AMENDING SECTION 40-59 "REQUIRED SCREENING" BY DELETING SUBSECTION (D)(5) ALLOWING CHAINLINK FENCES FOR SCREENING; AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY BY AMENDING SECTION 40-92 "SCREENING REQUIREMENTS" BY REQUIRING ANY FENCING IN THE GATEWAY CORRIDOR TO BE SOLID, BRICK OR STONE WALL OF NOT LESS THAN SIX FEET IN HEIGHT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; 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 AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

Commissioner Clark made a MOTION to APPROVE Ordinance No. 08-48 amending the Code of Ordinances City of Texas City, Sections 40-59 and 40-92, Screening requirements; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED.

- c. Consider approval of Ordinance No. 08-51 for the removal of the City's statutory maximum contribution rate for the Texas Municipal Retirement System (TMRS). (Finance Dept.)

Ms. Hunter, Finance Director, reported that in early 2007, Texas Municipal Retirement System (TMRS) informed each member cities that the current actuarial assumptions did not take into account Updated Service Credits (USC) or cost of living increases which are granted to retirees. These benefits, which the City has adopted, have been historically funded on a pay-as-you-go basis. This has led to regular increases in member cities' rates and a decrease in the overall funding of the retirement system. TMRS announced that it intended to study the impact of these benefit components and make potential changes in the

way benefits are being funded. After careful deliberation, the TMRS board approved several changes to the actuarial methods and plan assumptions. The board changed the actuarial method from unit credit to projected unit credits. Projected unit credit will allow the actuaries to consider the future financial impact of updated service credits and cost of living increases, and these benefits will begin to be pre-funded instead of funded on a pay-as-you-go basis. To mitigate the impact of this change, the board approved an eight-year transition period. During this time, cities will be able to phase in the higher contribution rates instead of being required to fund these new rates immediately. Also, the board changed the amortization period from a 25-year open period to a 30-year closed period. Under a closed amortization period, contribution rates are higher, but a greater percentage of the unfunded balance is paid off each year. Finally, the board approved changes to the investment policy. TMRS has historically invested solely in fixed income investments. The board authorized the selection of an investment advisor to begin shifting a portion of investments into equity securities as a way to diversify the portfolio's holdings and earn higher returns than could be obtained with fixed income investments. The City's maximum rate is 19.79% and the phase-in rate for 2008-09 is 15.63%, which the City chose the phase-in rate. The phase-in rate exceeds the maximum contribution rate that TMRS can require the City pay under state law. Based on the employees deposit rate of 7% and the City's 2 to 1 matching ratio, the City's statutory maximum contribution rate is 15.50%. If the City chose to pay less than the retirement cost rate, the difference will be reflected as an increase in the City's unfunded actuarial liability and will cause a decline in the City's funded ratio. Under the new actuarial cost method and assumptions, the City's unfunded actuarial accrued liability (UAAL) as of December 31, 2007 is \$23,690,613 which is 151.1% of covered payroll. Of the rate increase, eighty-percent (80%) is attributed to Updated Service Credits and twenty-percent (20%) is attributed to Cost of Living Annuity (COLA) increases. The City can only modify these two areas in order to reduce the financial impact. It cannot change vesting requirements, buy-back or prior service credits, or the twenty (20) year/any age eligibility, which were all approved by ordinance in prior years. The City could opt to "turn off" the Updated Service Credits and Cost of Living Annuity increases rather than have them on an "annual repeating basis", this would mean the City would have to adopt them year-to-year on an ad hoc basis, it is important to note the ad-hoc adoption does not reduce the costs of these benefits. Therefore, after much discussion with TMRS, the decision has been made to take a "wait and see" attitude for the next year before recommending changes, as the plan is still in transition due to the changes mentioned above. Lastly, as mentioned above, the City's contribution rate for 2009 is 15.63%, which is over the City's statutory maximum contribution rate of 15.50%. The statutory maximum contribution rate was mandated in the TMRS Act when the City became a participating member in the late 1950's, this has now since changed, since 2001, all new participating Cities are not mandated by a statutory maximum contribution rate. Since the City's plan falls under the older TMRS Act, an ordinance is needed to lift the statutory maximum contribution rate and it is recommended *no* maximum statutory contribution rate be stated under the new ordinance.

ORDINANCE NO. 08-51

AN ORDINANCE REMOVING THE CITY'S STATUTORY MAXIMUM CONTRIBUTION RATE FOR THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS) AND ELECTING FOR THE CITY TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE MUNICIPAL ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS) AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION; 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. 08-51 for the removal of the City's statutory maximum contribution rate for the Texas Municipal Retirement System (TMRS); the motion was SECONDED by Commissioner Clark. All present voted AYE. MOTION CARRIED.

- d. Consider approval of Ordinance 08-50, amending the City of Texas City's fiscal year 2008-2009 budget for replacement of the carpet and AV equipment at the Doyle Convention Center. (Finance Dept.)

A budget amendment is needed to provide funding for the replacement of carpet in the Convention Center and the Audio Visual Equipment. The carpet and AV equipment was installed when the Convention Center was completed in December 2000; it is eight years old and in need of replacement. The estimated cost of the carpet is \$120,000 and the estimated cost for the AV equipment is \$25,000. Funds are available in the General Fund.

ORDINANCE NO. 08-50

AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE REPLACEMENT OF CARPET AND AUDIO VISUAL EQUIPMENT AT THE CONVENTION CENTER; 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 08-50, amending the City of Texas City's fiscal year 2008-2009 budget for replacement of the carpet and AV equipment at the Doyle Convention Center; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.

- e. Consider approval of Ordinance No. 08-49 amending the City of Texas City's fiscal year 2008-2009 budget to provide funding for the Central Park and Magnolia Park project.

A budget amendment is needed to provide funding for the Central Park and Magnolia Park project. The Central Park Project will consist of a 200+ acres in the northwestern portion of the City and the Magnolia Park Project consists of about 50 acres in the central part of the City. BP has donated \$2.5 million to support the

creation and development of these parks, as well as installing solar panels at the new Sanders-Vincent Community Center in the eastern part of the City. This \$2.5 million contribution is the first installment on a \$5.5 million contribution toward the Parks projects, including \$2 million in 2009 and \$1 million in 2010. Since 2005, BP has contributed about \$11 million to various projects and organizations in the Greater Galveston County area, with a significant part serving initiatives in the immediate Texas City area.

ORDINANCE NO. 08-49

AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE CENTRAL PARK AND MAGNOLIA PARK PROJECTS; 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. 08-49 amending the City of Texas City's fiscal year 2008-2009 budget to provide funding for the Central Park and Magnolia Park project; the motion was SECONDED by Commissioner Wilson. All present voted AYE. MOTION CARRIED.

PUBLIC COMMENTS

Rick Tatum, Texas City Rangers ABA Professional Basketball team 2008-2009 Season, addressed the Commission. He reintroduced the team and asked that the City continue to give its support.

Barbara White reported that the Thanksgiving Feast went very well; this year we fed over 800 people.

MAYOR'S COMMENTS

Important dates: The 2008 Texas City Christmas Parade is scheduled for Thursday, December 4, 2009. The parade will begin at 5:30.

COMMISSIONERS' COMMENTS

Having no further business, **Commissioner Land made a MOTION to ADJOURN at 6:10 p.m.; the motion was SECONDED by Commissioner Johnson. All present voted AYE. MOTION CARRIED.**

MATTHEW T. DOYLE, MAYOR

ATTEST:

Pamela A. Lawrence, City Secretary

5.b.

New appointment to the Galveston County United Board of Health CITY COMMISSION AGENDA 2

Date: 12/17/2008

Submitted By: Pam Lawrence, Administration

Submitted For: Nick Finan

Department: Management Services

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Resolution endorsing the appointment of Mr. Wayne Rast to the Galveston County United Board of Health.

BACKGROUND

On Monday, November 24, 2008 the Galveston County Commissioner's Court approved the recommendation that Member Cities appoint Mr. Wayne Rast as the Municipality representative on the United Board of Health. Mr. Rast will complete Mary Anne Holcomb's term expiring on April 30, 2009.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res
08-111](#)

Link:
[Wayne Rast
Biography](#)

RESOLUTION NO. 08-111

A RESOLUTION ENDORSING THE APPOINTMENT OF ONE (1) BOARD MEMBER TO THE GALVESTON COUNTY UNITED BOARD OF HEALTH; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, members of the Galveston County United Board of Health are nominated by the Galveston County Commissioners' Court and confirmed by the Member Governments of the Health District; and

WHEREAS, the appointment of one (1) board member is under consideration; and

WHEREAS, the Galveston County Commissioners' Court approved the recommendation that Member Cities appoint Wayne Rast as the Municipality representative on the United Board of Health to complete the term of Mary Anne Holcomb expiring on April 30, 2009.

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 endorses the appointment of Wayne Rast to the Galveston County United Board of Health, with said term of office to expire April 30, 2009.

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

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Wayne Rast Biography

Birth info: Place: San Antonio, Texas

Education: University of Texas at Austin – Aerospace Engineering, 1990 graduate
(Wayne is a very proud Longhorn alumnus)

Wayne has been married to wife Nanette for 25 years, and they have two children.

Wayne is currently employed on the Senior Engineering Staff for the Astronaut Office at Johnson Space Center, where he works on the International Space Station Program.

Wayne is proud to be a Senior Member in American Institute of Aeronautics and Astronautics (AIAA). In 1995 and 1996, he was selected as AIAA Congressional Fellow to work on Capital Hill, in the office of the U.S Representative of the 9th district of Texas—home of Johnson Space Center. Upon return to Houston, Wayne became Public Policy Chairman for AIAA Houston Section for 2 years, and he remains active in the yearly AIAA Congressional Visits Day. Wayne is currently serving his second year as the Vice President, Public Policy for Region IV of AIAA. In that role he is also a member of the national Public Policy committee for AIAA.

Wayne also became President of his Homeowners association soon after returning to Houston from his Congressional Fellowship. Wayne served for two years in that capacity, and he prepared all budgets during his tenure, and left with small decrease in assessments for homeowners even while bringing non-existent reserves up to a 20% reserve level in his final budget.

Starting in 2000 Wayne was selected by the Kemah Mayor (and approved by City Council) to serve as a member on the Kemah Community Development Corporation (KCDC) Board of Directors. Wayne went on to serve several years as the President of KCDC. As President Wayne originated and prepared all budgets. Through thorough review and aggressive bidding, Wayne was responsible for decreasing monthly fees for the major service providers by over 50%, while growing reserves.

From KCDC Wayne went on to serve an open position on Kemah City council that was vacated through resignation. Wayne then ran for that same City Council Position 4 seat, and is currently serving his 4th term as a Kemah City Councilman. Wayne prides himself with public service and representation of his constituents. He remains active in technical, governance, and budgetary issues on Kemah City Council. In 2007 Wayne was also chosen by the Mayor and approved by Council to serve as Mayor Pro Tem, a position that he currently holds.

Authorizing Award of Contract for Motorized Control Center Equipment for the Knox Wastewater Treatment Plant

CITY COMMISSION AGENDA 2

Date: 12/17/2008
Submitted By: Mike Hogan, Utilities
Submitted For: Mike Hogan
Department: Utilities
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of Resolution No. 08-110 authorizing award of contract for motor control center equipment for the Knox Wastewater Treatment Facility.

BACKGROUND

This contract is to provide programmable logic controllers (PLCs) and Motor Control Center (MCC) equipment as part of ongoing project #08303.

Project #08303 is a comprehensive program to upgrade the automated controls of pumps and other operating equipment at the wastewater treatment plant. The program includes installation of programmable logic controllers (PLCs) which are computer chips which process data from pumps and other equipment related to the operating status of the equipment. The PLCs then communicate electronically with the Motor Control Center (MCC) switches and the pumps/equipment are turned on/off or adjusted according to the programmed instructions included in the PLCs. The PLCs also communicate with the plant-wide System Control and Data Acquisition (SCADA) system to provide plant operators with information on the operating status of equipment. The SCADA system is a computerized system which monitors and assists in controlling the optimum operation of the plant process units. This project to upgrade the computerized controls of the plant operations will assist operators in optimizing the operation of the plant and to assure that regulatory treatment requirements are met.

ANALYSIS

Three bids for supply of this equipment were received. The low bidder was Graybar at \$66,419.21.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res 08-110](#)

Link: [Award](#)

[Recommendation](#)

Link: Quotes
Summary

RESOLUTION NO. 08-110

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR MOTOR CONTROL CENTER EQUIPMENT FOR THE KNOX WASTEWATER TREATMENT FACILITY TO GRAYBAR; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Project #08303 was established to upgrade the computerized controls of the plant operations and assist operators in optimizing the operation of the Knox Wastewater Treatment Facility and assure that regulatory treatment requirements are met;

WHEREAS, the upgrade program includes installation of programmable logic controllers (PLCs) and Motor Control Center (MCC) switches to communicate with the plant-wide System Control and Data Acquisition (SCADA) system to provide plant operators with information on the operating status of equipment. The SCADA system is a computerized system which monitors and assists in controlling the optimum operation of the plant process units;

WHEREAS, a contract is needed to provide programmable logic controllers (PLCs) and Motor Control Center (MCC) equipment as part of ongoing Project #08303; and

WHEREAS, Graybar was the low bidder for supply of this equipment;

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 bid of Graybar of \$66,419.21 to provide programmable logic controllers (PLCs) and Motor Control Center (MCC) equipment as part of the ongoing Project #08303, for the price of \$66,491.21, as set out on the attached Exhibit "A", and made a part hereof.

SECTION 2: That the Mayor is hereby authorized to enter into an Agreement with Graybar to provide the Motorized Control Center Equipment for the Knox Wastewater Treatment Plant.

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

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney

**CITY OF TEXAS CITY
UTILITY DEPARTMENT- WASTEWATER DIVISION
INTEROFFICE MEMORANDUM**

TO: MIKE HOGAN P.E., DIRECTOR OF UTILITIES
FROM: CALVIN D. BREMER, WASTEWATER SUPERINTENDENT
SUBJECT: MOTOR CONTROL CENTER UPGRADE
DATE: 12/8/2008
CC: FILE

The motor control center upgrade is an ongoing project at the wastewater treatment plant. This project is near completion and cannot be completed without the attached PLCs and necessary hardware. These PLCs have had numerous failures over the past five plus years due to heat, moisture, and sewer gas contamination. The new PLCs are conformally coated to prevent corrosion from moisture and sewer gas. We have sealed the MCC buildings and installed air conditioner units to provide protection from the summer heat. All process units requiring a PLC to communicate to the SCADA computer will be located within the MCC buildings. Our plant SCADA system provides alarm status for call outs in the event of an emergency or process problem. This gives us the ability to have operators on the clock eight hours per day without using an evening shift to monitor the plant around the clock. Without this upgrade it will become very difficult to monitor the plant and prevent violations of the TPDES discharge permit. The following is a brief scope of work for this project.

SCOPE OF WORK

Replace failing Allen Bradley PLCs with Modicon Momentum PLCs. The Momentum PLCs are conformal coated to prevent corrosion. Install PLCs where remote IO was used to allow control event if communication lines fail. Rewrite all PLC programs for new controllers. Reconfigure WonderWare HMI software for new controllers and give operators a better interface with more control and history. Install mini HMI faceplates in each MCC and control room to allow operators to maintain automatic control and monitoring in the event of communications or main computer failure. Install wireless Ethernet to replace failing hardwire in conduits throughout the plant.

As you will notice, Graybar is the least expensive of the three proposals attached.

CDB

**WASTEWATER TREATMENT PLANT
MOTOR CONTROL CENTER UPGRADE EQUIPMENT
QUOTES COMPARISON
DEC, 2008
UTILITIES DEPARTMENT**

No.	Company	Quote
1	Graybar	\$66,419.21
2	Puffer Sweiven	\$73,337.78
3	Wildcat Electric Supply, Ltd.	\$73,682.70

Enter Into Agreement with Linebarger Goggan, et. al. for Collection Services for Municipal Court
CITY COMMISSION AGENDA 2

Date: 12/17/2008
Submitted By: Nick Finan, Management Services
Submitted For: Nick Finan
Department: Management Services
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Resolution authorizing collection fees pursuant to Article 103.0031 of the Texas Code of Criminal Procedure and authorizing the Mayor to enter into an agreement with Linebarger Goggan, et. al. to collect outstanding fines, warrants, etc. for Municipal Court.

BACKGROUND

In 2003, the Texas Legislature passed a law (Senate Bill 782) that allowed municipalities to utilize and assess a fee for the collection of outstanding fines, fees, etc. passed 60 days due. Many cities utilize this tool to contract or outsource collections. Before a city purges or dismisses old fines, it is usually good to have attempted every possible way to receive the payment from the individual. Often the City has invested a great deal of expense in the court proceedings, notices, filings, salaries, warrants, etc. on an individual. With Linebarger Goggan, the attempt to reduce the expense, get quick payment, and to attempt to reduce the amount an individual has to pay if they can locate an individual who has an outstanding fine before it goes to warrant.

Linebarger Goggan's fees are assessed on top of the city's fines, fees, etc. The end result is that there is no added expense to the City. In addition, Linebarger Goggan does not collect any fees; the City still does all of the collections. This allows the City to calculate and determine the payment to Linebarger Goggan. Linebarger Goggan only receives payment if the city receives payment. If an individual is located and the fine or warrant is dismissed, Linebarger Goggan receives nothing. If the fine or fee is reduced, Linebarger Goggan's assessment of 30% is based upon only what is paid. If payments are made in installments, only as the installments are paid is the assessment levied upon the portion paid.

ANALYSIS

The City considered other options. Warrant officers through the PD are limited geographically. Linebarger Goggan is a national firm and has several locations throughout the state and therefore has developed a comprehensive data base. Warrant Officers are more costly with payment regardless of the success of collections. Linebarger Goggan receives payment only on the success they have with the City's ability to collect after contact. Linebarger is set up to notify the City where an applicant is if there is a need to actually serve a warrant and take an individual into custody.

ALTERNATIVES CONSIDERED

The City can still have officers serve warrants, but they do not have to dedicate manpower to the search process and data collection necessary to locate individuals with outstanding fines. The City still has the Omni-Base system of working with the Texas Department of Public Safety to have licenses withheld until fines and fees are paid, but that is only effective at the time of license renewal (if an individual possesses a license or lives in Texas) and can be up to five years before a renewal is necessary. This system allows the city to act more quickly and possibly can save the City and the individual additional costs. Linebarger Goggan has been chosen because of their presence in the Houston area as well as across the State and nation. Information is available on them in the attachments and they will be present to discuss any details.

Fiscal Impact

Attachments

Link: [Res
08-109](#)

Link: [Collection
Contract](#)

Link: [LGBS
Brochure](#)

Link: [Houston
Area
Clients](#)

Link: [Sample
Reports](#)

RESOLUTION NO. 08-109

RESOLUTION AUTHORIZING A COLLECTION FEE AS PROVIDED BY ARTICLE 103.0031, TEXAS CODE OF CRIMINAL PROCEDURE; AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Article 103.0031 of the Texas Code of Criminal Procedure authorizes the City to contract with a private firm for the collection of fees and to impose an additional collection fee in the amount of thirty percent (30%) on each debt or account receivable that is more than sixty days past due and which has been referred to the private firm for collection; and

WHEREAS, the City has determined that it is in the public interest to ensure the prompt payment of delinquent court-imposed fines and fees as provided by said statute; and

WHEREAS, the City seeks to enter into a contract with a private firm to provide services for the collection of debts and accounts receivable, i.e., fines, fees, restitution, other debts, and costs ordered to be paid by a court serving the City.

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

SECTION 1: (a) A collection fee is hereby authorized and imposed, as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of 30% of debts and accounts receivable, such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by a Municipal Court serving the City when such debt or account receivable is more than 60 days past due and has been referred to an attorney or private vendor for collection; and

(b) A collection fee is hereby authorized and imposed, as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of 30% of amounts in cases in which the accused has failed to appear:

- (1) As promised under Subchapter A, Chapter 543, Transportation Code, or other law;
- (2) In compliance with a lawful written notice to appear issued under Article 14.06(b) or other law;
- (3) In compliance with a lawful summons issued under Article 15.03(b) or other law;
- (4) In compliance with a lawful order of a court serving the City; or
- (5) As specified in a citation, summons, or other notice authorized by Section 682.002, Transportation Code, that charges the accused with a parking or stopping offense,

when such amounts are more than 60 days past due and have been referred to an attorney or private vendor for collection.

SECTION 2: That the Mayor is authorized to enter into a Contract with Linebarger, Goggan, Blair & Sampson, LLP, in substantially the same form attached hereto as Exhibit “A” and incorporated herein for all purposes.

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

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela Lawrence
City Secretary

Robert Gervais
City Attorney

CONTRACT FOR FINES AND FEES COLLECTION SERVICES

STATE OF TEXAS

COUNTY OF GALVESTON

THIS CONTRACT (hereinafter "AGREEMENT") is made and entered into by and between TEXAS CITY, acting herein by and through its governing body, hereinafter styled "CLIENT", and LINEBARGER GOGGAN BLAIR & SAMPSON, LLP, hereinafter styled "FIRM".

Article 1 – Nature of Relationship and Authority for Contract

1.01 The parties hereto acknowledge that this AGREEMENT creates an attorney-client relationship between CLIENT and FIRM.

1.02 The CLIENT hereby employs the FIRM to provide the services hereinafter described for compensation hereinafter provided.

1.03 This AGREEMENT is entered into pursuant to and as authorized by Subsection (a) of ART. 103.0031, Texas Code of Criminal Procedure.

Article 2 – Scope of Services

2.01 CLIENT agrees to employ and does hereby employ FIRM to provide specific legal services provided herein and enforce the collection of delinquent court fees and fines that are subject to this AGREEMENT, pursuant to the terms and conditions described herein. Such legal services shall include but not be limited to recommendations and legal advice to CLIENT to take legal enforcement action; representing CLIENT in any dispute or legal challenge over authority to collect such court fees and fines; defending CLIENT in litigation or challenges of its collection authority; and representing CLIENT in collection interests in bankruptcy matters as determined by FIRM and CLIENT. This AGREEMENT supersedes all prior oral and written agreements between the parties regarding court fees and fines, and can only be amended if done so in writing and signed by all parties. Furthermore, this contract cannot be transferred or assigned by either party without the written consent of all parties.

2.02 The CLIENT may from time-to-time specify in writing additional actions that should be taken by the FIRM in connection with the collection of the fines and fees that are subject to this AGREEMENT. CLIENT further constitutes and appoints the FIRM as CLIENT's attorneys to sign all legal instruments, pleadings, drafts, authorizations and papers as shall be reasonably necessary to pursue collection of the CLIENT's claims.

2.03 Fines and fees shall become subject to this AGREEMENT upon their becoming more than sixty (60) days past due. As used in this section, "more than 60 days past due" has that meaning assigned by Subsection (f) of Art. 103.0031, Texas Code of Criminal Procedure [as

amended by Senate Bill 782, 78th Legislature (2003), effective June 18, 2003]. The meaning assigned to the phrase "more than 60 days past due" shall, for the term and purposes of this AGREEMENT, survive any future amendments to, or repeal of, Article 103.0031, Texas Code of Criminal Procedure, or any parts thereof.

2.04 The CLIENT agrees to provide to the FIRM data regarding any fines and fees that are subject to this AGREEMENT. The data shall be provided by electronic medium in a file format specified by the FIRM. The CLIENT and the FIRM may from time-to-time agree in writing to modify this format. The CLIENT shall provide the data to the FIRM not less frequently than bi-weekly. (e.g., "weekly", "monthly", etc).

2.05 The FIRM, in all communications seeking the collection of fines and fees, shall direct all payments directly to the CLIENT at an address designated by the CLIENT. If any fines and fees are paid to the FIRM, said payments shall be expeditiously turned over to the CLIENT.

Article 3 - Compensation

3.01 The CLIENT agrees to pay the FIRM as compensation for the services required hereunder thirty (30%) percent of the total amount of all the fines and fees [exclusive of any collection fee assessed by the CLIENT pursuant to Subsection (b) of Article 103.0031, Texas Code of Criminal Procedure] subject to the terms of this AGREEMENT as set forth in Section 2.03 above that are collected by the CLIENT during the term of this AGREEMENT. All compensation shall become the property of the FIRM at the time payment of the fines and fees is made to the CLIENT.

3.02 The CLIENT shall pay the FIRM by the twentieth day of each month all compensation earned by the FIRM for the previous month as provided in this Article 3. The CLIENT shall provide an accounting showing all collections for the previous month with the remittance.

Article 4 - Intellectual Property Rights

4.01 The CLIENT recognizes and acknowledges that the FIRM owns all right, title and interest in certain proprietary software that the FIRM may utilize in conjunction with performing the services provided in this AGREEMENT. The CLIENT agrees and hereby grants to the FIRM the right to use and incorporate any information provided by the CLIENT ("CLIENT Information") to update the databases in this proprietary software, and, notwithstanding that CLIENT Information has been or shall be used to update the databases in this proprietary software, further stipulates and agrees that the CLIENT shall have no rights or ownership whatsoever in and to the software or the data contained therein, except that the CLIENT shall be entitled to obtain a copy of such data that directly relates to the CLIENT's accounts at any time.

4.02 The FIRM agrees that it will not share or disclose any specific confidential CLIENT Information with any other company, individual, organization or agency, without the prior written consent of the CLIENT, except as may be required by law or where such information is otherwise publicly available. It is agreed that the FIRM shall have the right to use CLIENT Information for internal analysis, improving the proprietary software and database, and generating aggregate data

and statistics that may inherently contain CLIENT Information. These aggregate statistics are owned solely by the FIRM and will generally be used internally, but may be shared with the FIRM's affiliates, partners or other third parties for purposes of improving the FIRM's software and services.

Article 5 - Costs

5.01 The FIRM and CLIENT recognize that certain costs may be incurred in the process of providing any additional services contemplated in Section 2.02 above or in providing any special litigation services. The CLIENT agrees that all such costs shall be billed to the CLIENT, but that the FIRM will either (i) advance such costs on behalf of the CLIENT or, (ii) when possible, arrange with the vendor or agency providing the service that the costs of services will not be paid unless and until such costs are recovered by the CLIENT from the debtor.

5.02 The CLIENT acknowledges that the FIRM may provide such services with its own employees or with other entities or individuals who may be affiliated with the FIRM, but the FIRM agrees that any charges for such services will be reasonable and consistent with what the same services would cost if obtained from a third party.

5.03 The CLIENT agrees that upon the recovery of such costs, the CLIENT will (i) pay the FIRM for any such costs that have been advanced by the FIRM or performed by the FIRM and (ii) pay any third party agency or vendor owed for performing such services.

Article 6 - Term and Termination

6.01 This AGREEMENT shall be effective *****, **, 20** (the "Effective Date") and shall expire on *****, **, 20** (the "Expiration Date") unless extended as hereinafter provided.

6.02 Unless prior to sixty (60) days before the Expiration Date, the CLIENT or the FIRM notifies the other in writing that it does not wish to continue this AGREEMENT beyond its initial term, this AGREEMENT shall be automatically extended for an additional one year period without the necessity of any further action by either party. In the absence of any such sixty (60) day notice by either the CLIENT or the FIRM, the AGREEMENT shall continue to automatically renew for additional and successive one-year terms in the same manner at the end of each renewal period.

6.03 If, at any time during the initial term of this AGREEMENT or any extension hereof, the CLIENT determines that the FIRM's performance under this AGREEMENT is unsatisfactory, the CLIENT shall notify the FIRM in writing of the CLIENT's determination. The notice from the CLIENT shall specify the particular deficiencies that the CLIENT has observed in the FIRM's performance. The FIRM shall have sixty (60) days from the date of the notice to cure any such deficiencies. If, at the conclusion of that sixty (60) day remedial period, the CLIENT remains unsatisfied with the FIRM's performance, the CLIENT may terminate this AGREEMENT effective

upon the expiration of thirty (30) days following the date of written notice to the FIRM of such termination ("Termination Date").

6.04 Whether this AGREEMENT expires or is terminated, the FIRM shall be entitled to continue to collect any items and to pursue collection of any claims that were referred to and placed with the FIRM by the CLIENT prior to the Termination Date or Expiration Date for an additional ninety (90) days following termination or expiration. The CLIENT agrees that the FIRM shall be compensated as provided by Article 3 for any such item or pending matters during the ninety (90) day period.

6.05 The CLIENT agrees that the FIRM shall be reimbursed for any costs advanced and shall be paid for any services performed pursuant to Article 5 when such costs are recovered by or on behalf of the CLIENT, regardless of the date recovered. It is expressly agreed that neither the expiration nor the termination of this AGREEMENT constitutes a waiver by the FIRM of its entitlement to be reimbursed for such costs and to be paid for such services. It is further expressly agreed that the expiration of any ninety (90) day period under Section 6.04 does not constitute any such waiver by the FIRM.

Article 7 – Miscellaneous

7.01 Subcontracting. The FIRM may from time-to-time obtain co-counsel or subcontract some of the services provided for herein to other law firms or entities. In such cases, the FIRM will retain supervisory control and responsibility for any services provided by such co-counsel or subcontractors and shall be responsible to pay any compensation due to any such co-counsel or subcontractor.

7.02 Arbitration. Any controversy between the parties to this AGREEMENT involving the construction or application of any of the terms, covenants, or conditions of this AGREEMENT shall, on the written request of one party served on the other, be submitted to arbitration, and such arbitration shall comply with and be governed by the provisions of the Texas General Arbitration Act.

7.03 Integration. This AGREEMENT contains the entire AGREEMENT between the parties hereto and may only be modified in a written amendment, executed by both parties.

7.04 Representation of Other Governmental Entities. The CLIENT acknowledges and consents to the representation by the FIRM of other governmental entities that may be seeking the payment of fines and fees or other claims from the same person(s) as the CLIENT.

7.05 Notices. For purposes of sending any notice under the terms of this contract, all notices from CLIENT shall be sent to FIRM by certified United States mail, or delivered by hand or by courier, and addressed as follows:

Linebarger Goggan Blair & Sampson, LLP
Attention: Director of Client Services
P.O. Box 17428
Austin, Texas 78760

or

1949 South IH 35
Austin, Texas 78741

All notices from the FIRM to the CLIENT shall be sent to CLIENT by certified United States mail, or delivered by hand or by courier, and addressed as follows:

EXECUTED THIS _____ DAY OF _____, 20__.

NAME OF CLIENT: TEXAS CITY

By: _____

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

By: Richard S. Hill
For the FIRM



COURT FEES & FINES

Collection Services

The law firm of Linebarger Goggan Blair & Sampson, LLP (Linebarger Goggan) has assembled a highly qualified group of experienced attorneys and professional collection teams. Our fees and fines collection services offer courts new opportunities for improving collections and increasing revenue to the public coffers. We possess 32 years of experience in collecting government receivables, the most extensive array of advanced collection tools in the industry, and professional legal representation, something a general collection agency cannot offer.

Profile

- Three decades of experience in collecting government receivables
- Over 1,600 dedicated professionals, including 122 attorneys
- 48 offices, including Austin, Baltimore, Chicago, Dallas, Houston, Jacksonville, Philadelphia, and San Antonio
- Annually file thousands of lawsuits, mail millions of demand letters, and make hundreds of thousands of collection calls
- Customized collection programs that are aggressive but fair
- Industry leader in computer systems and software support

Professional Memberships

Linebarger Goggan is a member of the American Collectors' Association in several states, which also grants our law offices in those states membership in ACA International. We are corporate members of the National Association of Counties and the U.S. Conference of Mayors. In addition, we actively participate in a multitude of organizations throughout the country in order to support our clients and their various public interest and educational opportunities. Our professional memberships in Texas include:

National/Texas Memberships

- ACA International
- ACA Government Services Program
- ACA Members' Attorneys Program
- CLLA – Commercial Law League of America
- USCM – United States Conference of Mayors
- NACO – National Association of Counties
- NACM – National Association of Court Management



COURT FEES & FINES

Collection Services

- Texas Association of Counties
- Texas Municipal League

Court Association Support

- Texas JP & Constable Association
- Texas Justice Court Judges Association
- Texas Court Clerk Association
- Texas County & District Clerk Association
- Texas Municipal Courts Association
- Government Collectors Association of Texas

Experience

Since 1976, our focus has been collecting government receivables. We currently serve over 1,900 clients, including:

- State, County, and Municipal Courts and Clerks;
- States, Cities, Counties, Schools, and Special Districts; and,
- Federal Government

Professional Services

Linebarger Goggan offers turn-key collection programs and full-service legal representation to our governmental entities.

Comprehensive Delinquent Collection Programs

- Fees
- Fines
- State & Local Taxes
- Tolls
- Service Charges
- Healthcare
- Other Local, State and Federal Government Receivables



COURT FEES & FINES

Collection Services

Legal & Support Programs

- Administrative Wage Garnishment
- Bankruptcy Representation
- Complex Litigation
- Tax Sales and Seizures
- Tax Resale Programs
- Community-based Educational Programs
- Delinquent Account Holder Assistance
- Property Value Appeals
- Legislative Involvement

The hallmark of our collection program is customer service.

Fees and Fines Collection Program

Linebarger Goggan believes that a successful collection program must be multi-faceted, flexible and tailored to each client's specific needs.

Collection services commence immediately following the client's approval of a work plan developed to collect its outstanding receivables. The goal is to maximize the collection of delinquent fees and fines while maintaining full compliance with all applicable laws and regulations. The work plan is monitored on a regular basis and modified as necessary to meet the client's objectives.

Work Plan Highlights

- Load the client's referral information into the firm's database, and acknowledge all accounts received.
- Confirm and/or update all available addresses for defendants prior to the first mailing using integrated skip-tracing software.
- Generate letters for newly placed accounts. Included with these mailings are all active client citations in the Linebarger Goggan database belonging to a defendant.
- Our notices clearly identify the client and contain the total amount due, including fees, fines, and collection fee, if applicable. They also warn that failure to pay the outstanding amount will result in a recommendation to



COURT FEES & FINES

Collection Services

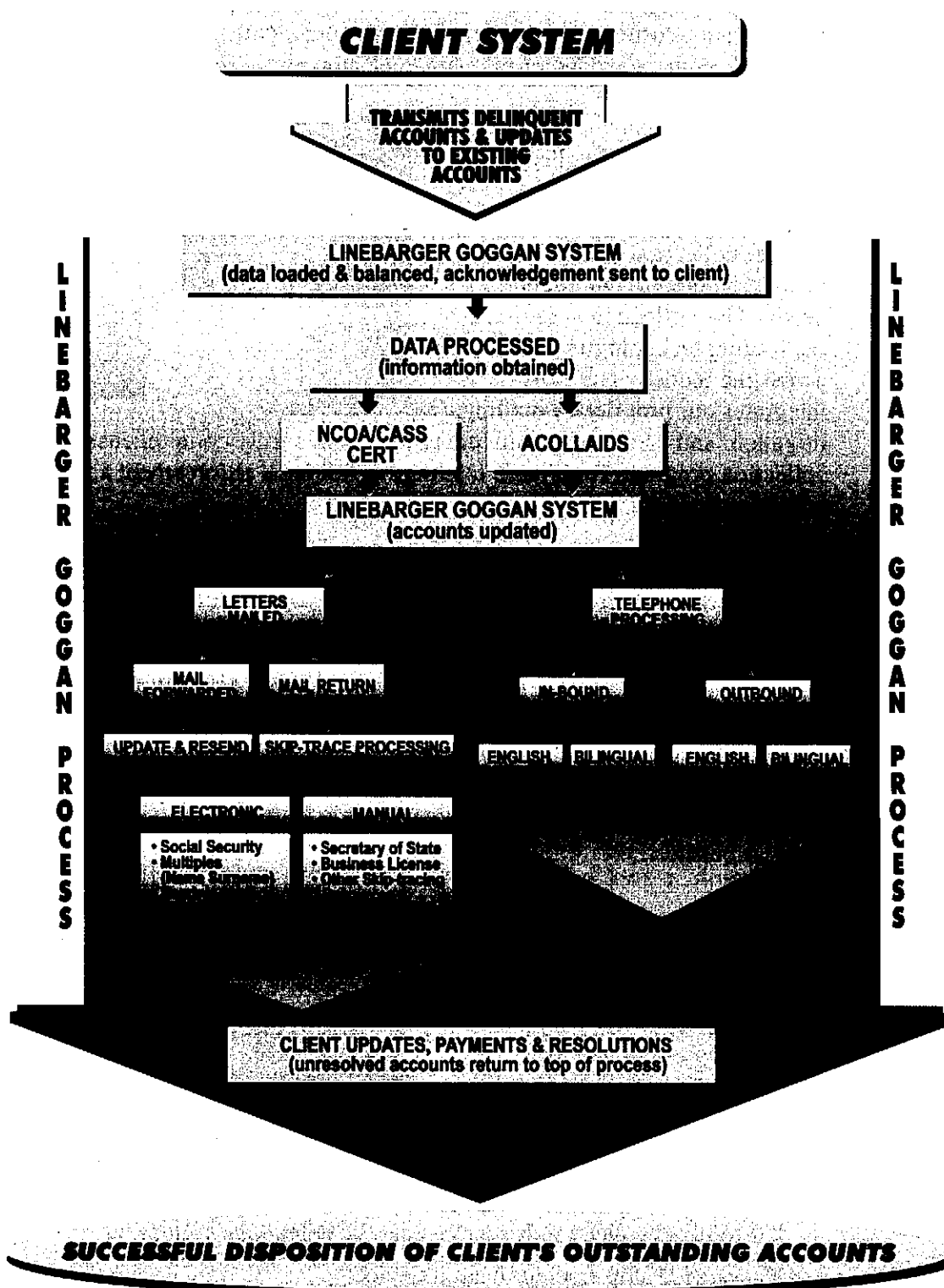
the client that it use all possible enforcement mechanisms to collect the amount owed.

- Send a series of stronger, follow-up letters to those individuals who do not pay or respond as required. All collection notices will be approved by the client prior to use.
- Scan bar codes on returned mail, update the account files, and send the returned mail file to the skip-tracing unit.
- Research bad defendant addresses, using online skip-tracing tools to identify the correct telephone numbers and addresses.
- Update all defendant information and forward to the collection queue.
- Contact all accounts with valid phone numbers. Coordinated with all mailings, the telephone collectors will make repeated efforts to contact the defendant and secure full payment of their delinquent fees and fines owed to the client. Linebarger Goggan has a professional call center staff that works weekdays, nights, and Saturdays.
- Maintain a detailed activity and payment history on every account. Defendants with broken promises to pay (i.e., payment plans in default) are contacted promptly.
- Apply all legal and ethical enforcement mechanisms, as authorized and approved by the client.
- Work with the client's staff to find other methods for enhancing the collection program, such as media campaigns and warrant sweeps.
- Identify uncollectibles (deceased and/or incarcerated defendants) and return those accounts to the client with appropriate documentation and recommendations on future actions, as instructed.
- Submit management reports that provide details on collection activities.

Our clients can be assured that the collection strategies and techniques used by Linebarger Goggan will be lawful, ethical, and totally professional in manner. Furthermore, all information supplied to our firm is kept strictly confidential. Only persons directly involved in our collection program or authorized in writing by the client have access to the fees and fines data.

Our collection process is illustrated in Figure A on the following page.

FIGURE A. COLLECTION PROCESS



Technology

Linebarger Goggan has invested millions in advanced collection technologies to assist our attorneys and paralegals in their daily collection efforts. Over 120 programmers and technical personnel support our information technology collection operations.

We use a customized collection system in tandem with our predictive dialer to design and manage collection call programs that are tailored to our clients' needs. Our collection system takes the leading technologies from across the industry and fully integrates our proprietary mailing, litigation, and bankruptcy software to offer you a truly comprehensive collection program, from basic mailings to full legal enforcement actions where appropriate.



We have customized our software to improve overall efficiency in skip-tracing operations. This customization also assures uniformity in dealing with all defendants as well as adherence to all applicable laws.

Collection Program Features

Our collection efforts are structured to your needs. Our collection team will discuss your particular collection goals prior to initiating any collection action on your behalf.

- Personalized work plans for maximizing your collections.
- Advanced telephone collection software for managing your call campaigns and making thousands of collection calls.
- Dedicated call center (toll-free number) staffed by trained bilingual professional collectors.
- Customized collection letters that get the defendant's attention.
- Nationwide skip-tracing/locator service.





COURT FEES & FINES

Collection Services

- Regular performance reports.
- Proprietary data processing technology for managing all aspects of your collection program.

Client Benefits

Linebarger Goggan's comprehensive collection programs and litigation services allow the courts to focus on dispensing justice while maintaining control over our collection activities. Our mission is to generate the maximum revenue possible with the least administrative burden to the client.

Benefits to Our Clients

- Increase your court revenue.
- Improve efficiency for your courts and law enforcement operations.
- Add the resources of a respected national law firm with hundreds of professional collection personnel to your staff without raising taxes or using tax dollars.
- Reduce your backlog of outstanding court fees & fines.
- Increase current collections by heightened awareness of aggressive delinquent collections.

Payment Processing

A detachable payment coupon and return envelope are standard with all Linebarger Goggan collection notices. If defendants wish to pay in person, they will be directed to the client's existing payment processing center. Defendants will also be informed of any additional payment options offered by the defendants (by mail, phone, web site, etc.).

Linebarger Goggan's professional collectors will explain the terms for payment (in full for each individual case – no partial payments), as well as other case resolution options approved by the client. In the event that English is not the first language for the defendant, a bilingual (Spanish) collection employee will provide assistance.



COURT FEES & FINES

Collection Services

Professional Recognition

- Winner, U.S. Conference of Mayors' 2007 Award for Outstanding Achievement in partnership with the City of Houston to redevelop blighted and abandoned properties in inner-city neighborhoods.
- Winner, U. S. Conference of Mayors' 2004 Award for Outstanding Achievement in Partnership with the City of Chicago for collecting delinquent receivables.
- Winner U. S. Conference of Mayors' 2001 Award for Excellence in Partnership with the City of Dallas – a delinquent tax client.



*2007 U. S. Conference of Mayors'
Award for Outstanding Achievement in
Partnership with the City of Houston*

Equal Opportunity Employer

Linebarger Goggan is committed to providing ownership and career opportunities for minorities and women within our law firm as well as supporting Minority and Women Business Enterprises (MWBE). We believe it is important that our organization be as diversified as the governments that we represent. We are proud of our record of hiring an ethnically and gender diverse workforce, and we continue to promote new opportunities for women and minorities throughout our law firm.

Why Hire Linebarger Goggan?

- Collection programs customized to your needs
- Three decades of experience in providing legal services in collecting delinquent government receivables
- Professional, dedicated collection operation using advanced technologies for skip tracing and defendant contact
- Exceptional customer service
- Ability to collect nationwide
- Licensed attorneys with experience in collections and legal practices

LEGISLATURE PASSES COLLECTION FEE

Texas Code of Criminal Procedure – as Amended June 2003 Provides for 30% Collection Fee

In June 2003, the Texas Governor signed Senate Bill 782 into law, amending Art.103.0031 of the Texas Code of Criminal Procedure and addressing concerns the Attorney General had raised with respect to an add-on collection fee for certain outsourced court collections. Effective immediately, county and municipal courts can assess a collection fee that is passed on to defendants for all adjudicated cases and for unadjudicated cases that occurred after June 18, 2003. The new language allows for a flat 30% fee to be added to outsourced collection efforts that meet these criteria.

This fee applies to all cases 60 days past due from the date of summons, appearance date, or judgment date as notified or ordered by the court. Prior to enforcing the 30% add-on fee, a county or city must authorize the additional fee.

The collection fee does not apply to a case that has been dismissed by a court of competent jurisdiction or to any amount that has been satisfied through time-served credit or community service. The collection fee may be applied to any balance remaining after a partial credit for time served or community service if the balance is more than 60 days past due.

For more information on our fees and fines collection services, contact Communications & Marketing Services at 800/262-7229 or visit our Web site at www.publicans.com for a convenient local office.

HOUSTON OFFICE FEES & FINES CLIENTS

Municipalities

City of Houston

City of Baytown

City of Brookshire

City of Cleveland

City of Dickinson

City of Humble

City of Katy

City of Magnolia

City of Missouri City

City of Pasadena

City of Pearland

City of Wharton

City of Kemah

City of Dayton

Counties

Harris County

Ft. Bend County

Galveston County

Jackson County

Liberty County

Matagorda County

As of 11/10/2008

Pearland City

Assigned		Assigned		Collected			Liquidated		
Year	Month	#	\$	#	\$	%	#	\$	%
2003	1	4,553	\$1,040,234	988	\$220,415	21%	3,189	\$695,695.25	67%
2003	5	1,056	\$256,646	343	\$82,429	32%	725	\$178,245.83	69%
2003	6	283	\$70,795	111	\$25,204	36%	217	\$54,335.95	77%
2003	7	322	\$66,520	128	\$28,164	42%	262	\$53,603.50	81%
2003	8	297	\$71,808	79	\$18,060	25%	191	\$47,558.20	66%
2003	9	207	\$47,726	64	\$14,786	31%	150	\$34,301.80	72%
2003	10	100	\$21,423	26	\$5,025	23%	68	\$14,626.00	68%
2003	11	145	\$37,108	48	\$11,129	30%	102	\$24,585.00	66%
2003	12	432	\$112,073	102	\$24,846	22%	291	\$74,556.20	67%
2004	3	1,141	\$318,243	324	\$85,832	27%	752	\$209,092.20	66%
2004	7	2,505	\$753,024	858	\$235,115	31%	1,696	\$499,380.50	66%
2004	11	890	\$276,206	292	\$83,519	30%	558	\$171,256.17	62%
2004	12	66	\$18,660	23	\$5,645	30%	40	\$11,323.60	61%
2005	1	81	\$27,052	27	\$7,161	26%	61	\$19,899.00	74%
2005	2	328	\$109,424	106	\$29,997	27%	242	\$79,152.70	72%
2005	3	712	\$235,507	196	\$56,903	24%	477	\$152,654.20	65%
2005	4	1,132	\$377,604	295	\$82,706	22%	718	\$228,819.56	61%
2005	5	694	\$230,692	199	\$59,273	26%	453	\$148,261.20	64%
2005	7	966	\$302,650	217	\$60,685	20%	596	\$188,277.60	62%
2005	8	603	\$201,842	125	\$33,957	17%	357	\$117,844.40	58%
2005	10	877	\$297,867	206	\$57,483	19%	561	\$187,420.70	63%
2005	11	305	\$104,140	47	\$13,327	13%	195	\$65,154.90	63%
2005	12	316	\$108,433	75	\$20,417	19%	207	\$68,858.40	64%
2006	1	123	\$42,172	23	\$5,209	12%	66	\$21,818.60	52%
2006	2	457	\$159,636	74	\$21,657	14%	286	\$96,650.35	61%
2006	3	319	\$111,485	72	\$20,976	19%	205	\$70,876.80	64%
2006	4	377	\$128,366	60	\$14,541	11%	183	\$59,660.35	46%
2006	5	384	\$143,580	52	\$13,348	9%	192	\$74,875.80	52%
2006	6	389	\$141,186	64	\$18,257	13%	208	\$75,076.10	53%
2006	7	293	\$108,731	46	\$13,997	13%	165	\$56,465.10	52%
2006	8	493	\$182,192	98	\$31,798	17%	277	\$99,628.30	55%
2006	9	296	\$106,131	64	\$20,148	19%	164	\$58,246.00	55%
2006	10	546	\$199,863	103	\$31,564	16%	302	\$105,793.76	53%
2006	11	478	\$179,787	88	\$25,926	14%	253	\$93,625.20	52%
2006	12	380	\$140,407	96	\$29,066	21%	233	\$86,184.15	61%

As of 11/10/2008

2007	1	377	\$138,567	72	\$19,527	14%	206	\$68,988.40	50%
2007	2	437	\$157,108	103	\$31,170	20%	229	\$79,607.50	51%
2007	3	457	\$167,707	120	\$35,742	21%	261	\$91,833.26	55%
2007	4	301	\$112,477	49	\$16,704	15%	123	\$45,225.20	40%
2007	5	127	\$47,538	30	\$9,833	21%	70	\$23,902.97	50%
2007	6	512	\$187,914	103	\$31,861	17%	235	\$83,546.92	44%
2007	7	325	\$120,396	68	\$19,120	16%	138	\$48,627.15	40%
2007	8	531	\$196,041	128	\$40,201	21%	229	\$80,069.16	41%
2007	9	412	\$151,515	103	\$32,785	22%	165	\$56,979.45	38%
2007	10	319	\$119,868	79	\$24,829	21%	119	\$39,963.70	33%
2007	11	139	\$52,813	37	\$12,455	24%	51	\$18,915.30	36%
2007	12	595	\$221,892	203	\$67,270	30%	255	\$90,470.05	41%
2008	1	280	\$105,162	74	\$22,555	21%	90	\$32,495.59	31%
2008	2	399	\$158,952	97	\$31,926	20%	135	\$47,029.86	30%
2008	3	168	\$66,885	48	\$14,961	22%	66	\$23,354.50	35%
2008	4	323	\$126,759	60	\$18,814	15%	83	\$29,807.00	24%
2008	5	227	\$90,204	18	\$5,073	6%	38	\$12,862.20	14%
2008	6	348	\$136,160	46	\$13,925	10%	65	\$20,993.00	15%
2008	7	272	\$107,065	8	\$2,786	3%	28	\$10,184.30	10%
2008	8	112	\$42,549	8	\$2,426	6%	11	\$4,326.70	10%
2008	9	479	\$193,949	12	\$4,023	2%	20	\$6,672.56	3%
2008	10	163	\$63,781	5	\$1,262	2%	5	\$1,261.90	2%
Totals		29,849	\$9,494,513	7,190	\$1,967,808	21%	17,264	\$5,140,920	54%

Status Code	COUNT
RCL	15,564
ACT	5,636
PIF	5,200
SKP	2,415
PRM	312
WAR	159
REF	151
DCN	100
INC	91
DIS	90
ATT	51

As of 11/10/2008

DEC	37
PTC	14
DOC	9
BKR	6
SWC	5
RST	3
BPS	3
PPA	2
PRH	1

As of 11/10/2008

CITY OF KEMAH, TX

Assigned		Assigned		Collected			Liquidated		
Year	Month	#	\$	#	\$	%	#	\$	%
2006	11	3,832	\$1,358,664	860	\$289,130	21%	1,296	\$475,623.36	35%
2006	12	156	\$60,180	65	\$21,073	35%	91	\$34,282.30	57%
2007	1	110	\$44,394	32	\$11,719	26%	67	\$26,913.80	61%
2007	3	233	\$96,183	54	\$22,095	23%	136	\$49,821.00	52%
2007	5	38	\$14,855	18	\$6,047	41%	23	\$8,616.60	58%
2007	6	107	\$42,030	31	\$10,645	25%	49	\$18,646.50	44%
2007	7	174	\$70,054	57	\$19,964	28%	106	\$41,259.30	59%
2007	8	283	\$109,091	80	\$27,411	25%	144	\$53,922.66	49%
2007	9	13	\$4,995	6	\$2,190	44%	7	\$2,689.70	54%
2007	11	226	\$94,185	52	\$18,726	20%	100	\$41,555.30	44%
2007	12	95	\$35,789	31	\$9,356	26%	42	\$15,179.30	42%
2008	2	108	\$41,800	29	\$9,211	22%	44	\$15,164.80	36%
2008	3	124	\$48,036	31	\$10,815	23%	50	\$18,728.60	39%
2008	5	21	\$7,908	5	\$1,479	19%	8	\$2,887.30	37%
2008	6	102	\$42,130	11	\$3,828	9%	13	\$5,443.80	13%
2008	7	138	\$55,982	17	\$4,678	8%	26	\$9,456.70	17%
2008	8	58	\$24,423	5	\$1,550	6%	13	\$5,706.00	23%
2008	9	60	\$24,843	5	\$1,756	7%	5	\$1,756.30	7%
2008	10	117	\$48,238	5	\$1,958	4%	5	\$1,957.80	4%
2008	11	138	\$54,415	0	\$0	0%	0	\$0.00	0%
Totals		6,133	\$2,278,197	1,394	\$473,630	21%	2,225	\$829,611	36%

Status Code	COUNT
ACT	2,386
RCL	1,369
SKP	1,244
PIF	745
SWC	130
PRM	129
REF	65
INC	27

As of 11/10/2008

DCN	19
PTC	7
ATT	5
DEC	4
DOC	3

As of 11/10/2008

City of Dickinson Municipal Court

Assigned			Assigned		Collected			Liquidated		
Year	Month	#	\$	#	\$	%	#	\$	%	
2004	12	1,385	\$265,805	199	\$39,020	15%	319	\$60,035.10	23%	
2005	2	7,211	\$2,074,493	2,114	\$658,196	32%	3,117	\$978,731.81	47%	
2005	4	542	\$209,850	248	\$91,930	44%	368	\$140,769.05	67%	
2005	5	256	\$101,475	133	\$50,525	50%	192	\$74,449.12	73%	
2005	6	308	\$120,103	145	\$56,040	47%	208	\$79,588.80	66%	
2005	7	334	\$112,630	131	\$43,744	39%	198	\$64,751.05	57%	
2005	8	128	\$52,695	50	\$17,839	34%	89	\$35,713.40	68%	
2005	10	210	\$82,603	103	\$35,975	44%	149	\$57,055.50	69%	
2005	11	317	\$119,346	150	\$55,044	46%	204	\$74,095.40	62%	
2005	12	250	\$92,941	95	\$33,366	36%	132	\$50,114.54	54%	
2006	2	98	\$34,083	34	\$11,726	34%	41	\$13,677.30	40%	
2006	3	245	\$86,463	84	\$28,805	33%	101	\$34,650.90	40%	
2006	5	353	\$141,036	138	\$51,266	36%	204	\$82,499.56	58%	
2006	6	334	\$122,297	93	\$32,990	27%	163	\$60,525.90	49%	
2006	8	115	\$44,571	54	\$19,942	45%	75	\$29,573.29	66%	
2006	9	250	\$90,399	77	\$26,978	30%	112	\$39,540.85	44%	
2006	10	98	\$36,651	31	\$9,830	27%	53	\$20,480.00	56%	
2006	11	112	\$39,802	40	\$14,615	37%	50	\$17,797.50	45%	
2006	12	586	\$211,167	207	\$70,574	33%	273	\$94,106.75	45%	
2007	3	95	\$36,056	29	\$9,848	27%	39	\$12,924.20	36%	
2007	4	186	\$69,494	73	\$24,803	36%	99	\$33,859.53	49%	
2007	5	194	\$71,255	52	\$17,428	24%	84	\$29,613.70	42%	
2007	6	113	\$39,692	35	\$11,094	28%	43	\$13,888.60	35%	
2007	7	140	\$52,664	39	\$13,393	25%	51	\$17,803.20	34%	
2007	8	127	\$46,669	40	\$13,896	30%	63	\$24,226.50	52%	
2007	9	144	\$50,614	26	\$8,539	17%	50	\$15,127.90	30%	
2007	10	131	\$46,901	37	\$12,068	26%	53	\$18,173.45	39%	
2007	11	185	\$68,436	34	\$12,404	18%	60	\$22,504.79	33%	
2007	12	82	\$33,052	18	\$6,464	20%	34	\$13,074.70	40%	
2008	1	153	\$54,616	16	\$4,614	8%	45	\$15,382.00	28%	
2008	2	179	\$68,180	29	\$8,885	13%	51	\$18,498.40	27%	
2008	4	251	\$96,795	57	\$19,978	21%	89	\$31,836.30	33%	
2008	5	135	\$53,374	18	\$5,915	11%	31	\$11,026.20	21%	
2008	6	109	\$42,275	13	\$4,198	10%	16	\$4,743.30	11%	
2008	7	178	\$68,970	11	\$3,540	5%	22	\$7,032.90	10%	

As of 11/10/2008

2008	8	62	\$23,875	15	\$4,039	17%	24	\$8,077.30	34%
2008	9	69	\$25,892	0	\$0	0%	0	\$0.00	0%
2008	10	119	\$47,868	1	\$244	1%	3	\$1,051.70	2%
2008	11	135	\$56,354	0	\$0	0%	0	\$0.00	0%
Totals	15,919		\$5,091,439	4,669	\$1,529,756	30%	6,905	\$2,307,000	45%

Status Code	COUNT
PIF	6,473
ACT	5,248
SKP	3,377
PRM	199
REF	135
INC	132
DCN	92
DIS	71
DEC	59
SWC	39
ATT	34
RCL	33
PTC	13
DOC	12
RST	1
BKR	1

As of 11/10/2008

City of Pasadena Municipal Court

Assigned			Assigned		Collected		Liquidated		
Year	Month	#	\$	#	\$	%	#	\$	%
2004	12	2,098	\$3,297,205	3,907	\$997,018	30%	5,600	\$1,524,063.80	46%
2005	8	4,678	\$1,377,672	2,121	\$568,384	41%	3,138	\$907,349.18	66%
2006	3	2,782	\$835,474	1,211	\$339,545	41%	1,880	\$553,912.85	66%
2006	6	1,698	\$516,792	791	\$225,723	44%	1,189	\$360,094.72	70%
2006	9	2,726	\$817,660	1,151	\$318,081	39%	1,744	\$508,187.05	62%
2006	12	3,264	\$991,489	1,169	\$325,324	33%	1,890	\$559,773.73	56%
2007	3	1,366	\$414,970	588	\$157,770	38%	851	\$249,357.88	60%
2007	6	1,579	\$519,127	528	\$146,801	28%	879	\$281,216.14	54%
2007	9	3,036	\$969,014	956	\$275,421	28%	1,489	\$467,618.77	48%
2007	12	2,320	\$743,186	647	\$184,247	25%	1,064	\$324,329.50	44%
2008	3	1,210	\$401,722	309	\$94,757	24%	427	\$139,253.83	35%
2008	6	1,452	\$470,154	210	\$57,061	12%	380	\$108,867.42	23%
2008	9	2,345	\$758,770	134	\$37,260	5%	261	\$78,485.18	10%
Totals		40,554	\$12,113,236	13,722	\$3,727,392	31%	20,792	\$6,062,510	50%

Status Code	COUNT
PIF	19,932
ACT	7,276
SKP	6,855
WAR	4,661
PRM	801
REF	351
DCN	212
INC	136
DEC	104
RCL	65
DIS	65
PTC	30
ATT	24
SWC	11
DOC	9
RST	8
BKR	7

As of 11/10/2008

PPA	5
BPS	2

Purchase of Backhoe / Loader CITY COMMISSION AGENDA 2

Date: 12/17/2008

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve the purchase and delivery of one (1) Komatsu Backhoe / Loader through the Texas Association of School Board (TASB), a Texas Local Government Purchasing Cooperative, for the total contract price of \$70,825.60. The equipment will be utilized by the Utilities - Sewer Department.

The TASB quotation is attached for your review.

BACKGROUND

Funds are available in the Utilities - Sewer Capital Outlay Account.

The delivering dealer is Waukesha-Pearce Industries, Inc., in Houston.

ANALYSIS

It is my recommendation to award the purchase and delivery of one Komatsu Backhoe / Loader, through the Texas Association of School Board (TASB) Purchasing Cooperative, for the total contract price of \$70,825.60.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
Res
08-115

Link:
Exhibit
A

RESOLUTION NO. 08-115

A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF ONE (1) KOMATSU BACKHOE/LOADER THROUGH THE TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB), A TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, FOR UTILITIES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Purchasing Coordinator is recommending that the City purchase one (1) Komatsu Backhoe/Loader through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative, for Utilities – Sewer Department;

WHEREAS, the delivering dealer is Waukesha-Pearce Industries, Inc. of Houston, Texas;
and

WHEREAS, funds are available in the Utilities – Sewer Capital Outlay Account.

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

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby approves the purchase and delivery of one (1) Komatsu Backhoe/Loader through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative, for the Utilities – Sewer Department, for a total price of \$70,825.60, as attached as Exhibit “A” and made a part hereof for all intents and purposes.

SECTION 2: That the Mayor is hereby authorized to negotiate and execute any documentation necessary for the purchase and delivery of one (1) Komatsu Backhoe/Loader through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative, for Utilities – Sewer Department, for an amount not to exceed SEVENTY THOUSAND EIGHT HUNDRED TWENTY-FIVE DOLLARS AND SIXTY CENTS (\$70,825.60).

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

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney



Waukesha-Pearce Industries, Inc.

Construction Machinery Division

PO Box 35068 12320 S. Main St Houston, TX 77235-5068

Phone: 713-551-0506

FAX: 713-551-0796

Richard Gonzales -- Cell Phone: 832-221-1425

Texas Association of School Boards Quotation

Quote Date:

November 19, 2008

Distributor Name:	Waukesha Pearce Industries Inc.
Sales Person:	Richard Gonzales
Phone Number:	713-551-0506

Price List Dated:

April 1, 2008

Customer Name:	City of Texas City
Customer Contact:	David Reeves

Model Discount: 20.00%

Factor 80.00%

Machine Make	Model	Description	Sales Code	Factory List Price	Customer Price
KOMATSU	WB146-5	Backhoe / Loader	WB146-5/A	\$ 92,411.00	\$ 73,928.80
		Standard Stick		\$ -	\$ -
		Cab & Air		\$ -	\$ -
				\$ -	\$ -

Factory Options & Attachments

	24" B/H BUCKET	WB5A0136	\$ 1,454.00	\$ 1,163.20
	1.25 CU YD LOADER BUCKET	WB5A089	\$ 2,597.00	\$ 2,077.60
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -

Non-Factory Options & Attachments

	EDGE ON B/H BUCKET		\$ 369.00	\$ 369.00
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -

Sub Total - Non Factory Options

\$ 369.00

Standard Buy Board Sales Price

\$ 77,538.60

Customer Loyalty Discount

\$ 6,713.00

Total Sale Price

\$ 70,825.60

Delivery	2-3 Weeks
FOB	Your Yard, Texas City, Texas

Bid # 2008-914 Residential Solid Waste Collection and Disposal Annual Contract**CITY COMMISSION AGENDA 2**

Date: 12/17/2008

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information**ACTION REQUEST (Brief Summary)**

Approve and award Bid # 2008-914 for the Residential Solid Waste Collection and Disposal Annual Contract.

A bid tabulation and letter of recommendation are attached for your review.

BACKGROUND

Bid packets were mailed to area vendors on July 17, 2008.

Bids opened Tuesday, August 12, 2008 at 2:00 p.m.

ANALYSIS

It is my recommendation to award the annual contract for Residential Solid Waste Collection and Disposal to Waste Management, for the unit prices bid.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res 08-114](#)

Link:

[Recommendation Letter](#)

Link: [Exhibit A](#)

RESOLUTION NO. 08-114

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on July 17, 2008, bid packets were mailed to area vendors for the Residential Solid Waste Collection and Disposal Annual Contract, Bid No. 2008-914; and,

WHEREAS, bid were opened on Tuesday, August 12, 2008; and,

WHEREAS, the lowest bid received meeting specifications was received by Waste Management for the unit prices bid on the attached Bid Calculation Table.

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

SECTION 1: That the successful bidder for the Residential Solid Waste Collection and Disposal Annual Contract is Waste Management.

SECTION 2: That the Mayor is hereby authorized to enter into an annual contract with Waste Management for Residential Solid Waste Collection and Disposal, Bid No. 2008-914 for the unit prices bid, as set out on the attached Exhibit "A" and made a part hereof.

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

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Interoffice Memo

To: Matthew T. Doyle – Mayor of Texas City
Tom Kessler – Director of Public Works

Date: December 10, 2008

From: Michael V. Stump – Solid Waste Manager

RE: Award of solid waste collection contracts

Our current solid waste collection agreement expires on January 31, 2009.

Staff solicited bids for solid waste collection services. Five companies responded. Attached is a bid comparison showing Waste Management as the lowest price for residential solid waste collection and Allied Waste (formerly known as BFI) as the lowest for commercial solid waste collection.

I recommend Waste Management be awarded the residential collection contract. The Waste Management bid reflects an increase of approximately 3% and is over 23% lower than the next closest bid.

I recommend Allied Waste be awarded the commercial collection contract. The Allied bid reflects an increase of 4.5% and is over 7% lower than the next closest bid.

MVS

**SUMMARY PAGE
COMMERCIAL SERVICE**

	ALLIED	IESI	WM	REPUBLIC	AMERIWASTE
COMMERCIAL TOTAL	\$78,411.00	\$83,920.00	\$98,414.82	\$110,720.00	\$120,105.72
RANK	1	2	3	4	5
SEPARATION MONTHLY	\$0.00	\$5,509.00	\$20,003.82	\$32,309.00	\$41,694.72
SEPARATION ANNUAL	\$0.00	\$66,108.00	\$240,045.84	\$387,708.00	\$500,336.64

**SUMMARY PAGE
CURRENT SERVICE**

NUMBER OF HOMES 12,700.00

	WM	IESI	ALLIED	AMERIWASTE	REPUBLIC
SM. COMM. RATE	\$32.25	\$25.00	\$17.50	\$27.84	\$19.55
RESIDENTIAL RATE	\$8.75	\$10.78	\$11.75	\$11.79	\$13.55
RESIDENTIAL TOTAL	\$120,800.00	\$144,406.00	\$154,475.00	\$158,085.00	\$177,950.00
RANK	1	2	3	4	5
SEPARATION MONTHLY	\$0.00	\$23,606.00	\$33,675.00	\$37,285.00	\$57,150.00
SEPARATION ANNUAL	\$0.00	\$283,272.00	\$404,100.00	\$447,420.00	\$685,800.00

SUMMARY PAGE ONCE PER WEEK SERVICE

NUMBER OF HOMES 12,700.00

	WM	IESI	ALLIED	AMERIWASTE	REPUBLIC
SM. COMM. RATE	\$32.25	\$25.00	\$17.50	\$27.84	
RESIDENTIAL RATE	\$7.50	\$9.20	\$10.98	\$11.59	
RESIDENTIAL TOTAL	\$104,925.00	\$124,340.00	\$144,696.00	\$155,545.00	

SUMMARY PAGE BAGS ONLY SERVICE

NUMBER OF HOMES 12,500.00

	WM	IESI	ALLIED	AMERIWASTE	REPUBLIC
SM. COMM. RATE	\$32.25	\$25.00	\$17.50	\$27.84	
SM. COMM. TOTAL	\$9,675.00	\$7,500.00	\$5,250.00	\$8,352.00	
RESIDENTIAL RATE	\$8.75	\$8.80	\$12.48	\$11.39	
RESIDENTIAL TOTAL	\$120,800.00	\$119,260.00	\$163,746.00	\$153,005.00	

5.g.

Bid # 2008-915 Commerical Solid Waste Collection and Disposal Annual Contract

CITY COMMISSION AGENDA 2

Date: 12/17/2008

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve and award Bid # 2008-915 for the Commerical Waste Collection and Disposal Annual Contract.

A bid tabulation and letter of recommendation are attached for your review.

BACKGROUND

Bid packets were mailed to area vendors on July 17, 2008.

Bids opened Tuesday, August 12, 2008 at 2:00 p.m.

ANALYSIS

It is my recommedation to award the annual contract for Commerical Waste Collection and Disposal to Allied Waste, for the monthly total price bid.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res 08-113](#)

Link:

[Recommendation](#)
[Letter](#)

Link: [Exhibit A](#)

RESOLUTION NO. 08-113

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR COMMERCIAL WASTE COLLECTION AND DISPOSAL; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on July 17, 2008, bid packets were mailed to area vendors for the Commercial Waste Collection and Disposal Annual Contract, Bid No. 2008-915; and,

WHEREAS, bid were opened on Tuesday, August 12, 2008; and,

WHEREAS, the lowest bid received meeting specifications was received by Allied Waste for the monthly total price bid of 78,411.00.

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

SECTION 1: That the successful bidder for the Commercial Waste Collection and Disposal Annual Contract is Allied Waste.

SECTION 2: That the Mayor is hereby authorized to enter into an annual contract with Allied Waste for Commercial Waste Collection and Disposal, Bid No. 2008-915 for the monthly total price bid of \$78,411.00, as set out on the attached Exhibit "A" and made a part hereof.

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

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Interoffice Memo

To: Matthew T. Doyle – Mayor of Texas City
Tom Kessler – Director of Public Works

Date: December 10, 2008

From: Michael V. Stump – Solid Waste Manager

RE: Award of solid waste collection contracts

Our current solid waste collection agreement expires on January 31, 2009.

Staff solicited bids for solid waste collection services. Five companies responded. Attached is a bid comparison showing Waste Management as the lowest price for residential solid waste collection and Allied Waste (formerly known as BFI) as the lowest for commercial solid waste collection.

I recommend Waste Management be awarded the residential collection contract. The Waste Management bid reflects an increase of approximately 3% and is over 23% lower than the next closest bid.

I recommend Allied Waste be awarded the commercial collection contract. The Allied bid reflects an increase of 4.5% and is over 7% lower than the next closest bid.

MVS

SUMMARY PAGE COMMERCIAL SERVICE

	ALLIED	IESI	WM	REPUBLIC	AMERIWASTE
COMMERCIAL TOTAL	\$78,411.00	\$83,920.00	\$98,414.82	\$110,720.00	\$120,105.72
RANK	1	2	3	4	5
SEPARATION MONTHLY	\$0.00	\$5,509.00	\$20,003.82	\$32,309.00	\$41,694.72
SEPARATION ANNUAL	\$0.00	\$66,108.00	\$240,045.84	\$387,708.00	\$500,336.64

SUMMARY PAGE CURRENT SERVICE

NUMBER OF HOMES 12,700.00

	WM	IESI	ALLIED	AMERIWASTE	REPUBLIC
SM. COMM. RATE	\$32.25	\$25.00	\$17.50	\$27.84	\$19.55
RESIDENTIAL RATE	\$8.75	\$10.78	\$11.75	\$11.79	\$13.55
RESIDENTIAL TOTAL	\$120,800.00	\$144,406.00	\$154,475.00	\$158,085.00	\$177,950.00
RANK	1	2	3	4	5
SEPARATION MONTHLY	\$0.00	\$23,606.00	\$33,675.00	\$37,285.00	\$57,150.00
SEPARATION ANNUAL	\$0.00	\$283,272.00	\$404,100.00	\$447,420.00	\$685,800.00

SUMMARY PAGE ONCE PER WEEK SERVICE

NUMBER OF HOMES 12,700.00

	WM	IESI	ALLIED	AMERIWASTE	REPUBLIC
SM. COMM. RATE	\$32.25	\$25.00	\$17.50	\$27.84	
RESIDENTIAL RATE	\$7.50	\$9.20	\$10.98	\$11.59	
RESIDENTIAL TOTAL	\$104,925.00	\$124,340.00	\$144,696.00	\$155,545.00	

SUMMARY PAGE BAGS ONLY SERVICE

NUMBER OF HOMES 12,500.00

	WM	IESI	ALLIED	AMERIWASTE	REPUBLIC
SM. COMM. RATE	\$32.25	\$25.00	\$17.50	\$27.84	
SM. COMM. TOTAL	\$9,675.00	\$7,500.00	\$5,250.00	\$8,352.00	
RESIDENTIAL RATE	\$8.75	\$8.80	\$12.48	\$11.39	
RESIDENTIAL TOTAL	\$120,800.00	\$119,260.00	\$163,746.00	\$153,005.00	

**Phil Newton – Variance Request to Section 110-37 (b) of the Cities
Subdivision Ordinance information****CITY COMMISSION AGENDA 2**

Date: 12/17/2008
Submitted By: Julie Morreale, Planning
Submitted For: Don Carroll
Department: Planning
Agenda Area: Consent

Information**ACTION REQUEST (Brief Summary)**

Consider approval of Resolution allowing a variance from Section 110-37(b) in the City's Subdivision Ordinance to allow the issuance of Building Permits prior to recordation of a Final Plat for the Mudd 66 improvements. This request as prescribed by Subdivision Ordinance is required to first be reviewed by our Planning Board (ref) Section 110-38, subsection (a)Variances. The Planning Board will consider this variance request on Monday, December 15, 2008 and the recommendations from the Planning Board will be coming for the City Commission Review and decision for this variance request. Please reference background information from the applicant which provides the ration and nexus.

BACKGROUND**ANALYSIS****ALTERNATIVES CONSIDERED**

Fiscal Impact

Attachments

Link:
Res
08-112
Link:
Newton

RESOLUTION NO. 08-112

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S SUBDIVISION ORDINANCE, SECTION 110-37(B), TO ALLOW THE ISSUANCE OF BUILDING PERMITS PRIOR TO THE APPROVAL AND RECORDATION OF A FINAL PLAT TO NRP GROUP AND HWY. 66 PARTNERS FOR THE MUD 66 PROJECT, SUBJECT TO CONDITIONS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Section 110-37(b) "Subdivisions" of **The City Code** provides that: "No building, repair, plumbing or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, or for any structure on a lot within a subdivision in which the standards contained or referred to in this article have not been complied with in full."

WHEREAS, NRP Group and Hwy. 66 Partners seeks to build an apartment complex and the lender for this project is requiring a building permit prior to issuing necessary funding to close escrow on the land transaction; and

WHEREAS, section 110-38 provides that the City Commission may grant a variance from the Subdivision Ordinance provided that the Commission finds that the applicant meets certain requirements; and

WHEREAS, section 110-38 also provides that in granting a variance, the commission may prescribe conditions that it deems necessary or desirable in the public interest; and

WHEREAS, the City Commission finds that undue hardship would result from requiring strict compliance and approves a variance for NRP Group and Highway 66 Partners to allow issuance of Building Permits prior to the recordation of Final Plat.

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 grants a variance from the requirement of Building Permits prior to the recordation of Final Plat to NRP Group and Highway 66 Partners for the property described in the attached Exhibit "A", and made a part hereof. As a condition of granting said variance, the City Commission shall require an agreement from NRP Group and Hwy. 66 Partners and a surety bond, both to the satisfaction of the City Engineer and City Attorney, to guarantee the performance of all requirements for the approval and recordation of a final plat.

SECTION 2: As required by section 110.38 of **The City Code**, the City Commission of the City of Texas City, Texas, expressly finds that:

- (1) There are special circumstances or conditions affecting the land involved

such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

(3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this article.

SECTION 3: The findings of the City Commission, together with the specific facts upon which the findings are based, shall be incorporated into the official minutes of the commission meeting at which the variance is granted.

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

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Memorandum

To: Planning Board

From: Don Carroll *DR.C*

Date: December 10, 2008

RE: Request for Variance to Section 110-37 (b)

This request is based upon a desire of the applicant to meet time constraints placed upon them by their lender. The rationale and nexus is clearly articulated in the letter dated December 9, 2008 from Mr. Brad Knolle, Director of Acquisition for the NRP Group. Please also reference the letter from Mr. Phil Newton of Highway 66 Partners. Both principals for these firms are the responsible parties for this requests as it relate to this pending project. The request is simply asking to not be required to adhere to the strict sequential order prescribed in meeting the final platting requirements of our Subdivision Ordinance for the construction of their apartment complex. As the Planning Board will recall, this is a component of a Special District /PUD approved project for Highway 66 Partners. This is a 15 acre tract of land. The pending apartment complex is projected to have 252 units. If approval is granted, there are still checks and balance and reasonable safeguards in place for maintaining the health safety and general welfare while the project is being constructed. The checks and balance issues were properly coordinated with Staff (i.e., the City Engineer, Fire Chief, City Planner and Developers). Staff because of these safeguards and sensitivity to the needs of the developer staff offers no objections to the request (as long as the terms and conditions articulated in Mr. Knolle's letter are adhered to). The request for a variance is allowed under Section 110-38 Subsections (a)... (b)

NRP

December 9, 2008

Mr. Doug Kneupper, P.E.
City Engineer
City of Texas City
928 5th Avenue North
Texas City, TX 77592

RE: Costa Mariposa / Mainland Medical Center – Section 1 Variance Request

Dear Mr. Kneupper,


We respectfully request a variance from Section 110-37(b) in the City of Texas City's Subdivision Ordinance. The approval of this variance will allow the issuance of Building Permits prior to the recordation of a Final Plat. A building permit is a requirement by the lender prior to issuing necessary funding needed to close escrow on the land transaction.

NRP Contractors LLC and Hwy 66 Partners will work together to begin construction of the offsite/MUD 66 improvements once a building permit is issued. A surety bond will be posted in the amount of the improvements or in an amount required by the City of Texas City to guarantee their completion.

NRP Contractors will be the general contractor for the multi-family project. NRP will begin construction of the on-site improvements once a building permit is issued; however we will not begin framing of any buildings until such time as we have approved fire protection consisting of all weather access and adequate water supply to the site. Additionally we understand that we will not be issued a Certificate of Occupancy until all improvements are complete and accepted by the City of Texas City.

Enclosed with this request is a survey of the subject multi-family site and a proposed layout of the multi-family development. We appreciate your consideration of this request.

Sincerely,


Brad D. Knolle
Director of Acquisitions



Land Development

December 8, 2008

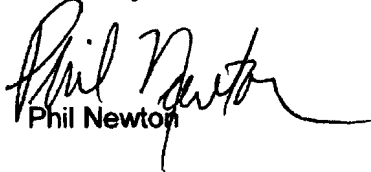
Mr. Doug Kneupper, P.E.
City Engineer
CITY OF TEXAS CITY
928 5th Avenue North
Texas City, TX 77592

RE: Mainland Medical Center – Section 1
Variance Request

Dear Doug:

We respectfully request a variance from Section 110-37(b) in the City of Texas City's Subdivision Ordinance. The approval of this variance would allow the issuance of Building Permits prior to the approval and recordation of a Final Plat. Thank you in advance for your consideration.

Sincerely,


Phil Newton

1514 THIRD STREET
SEABROOK, TEXAS 77586
(281) 474-4474



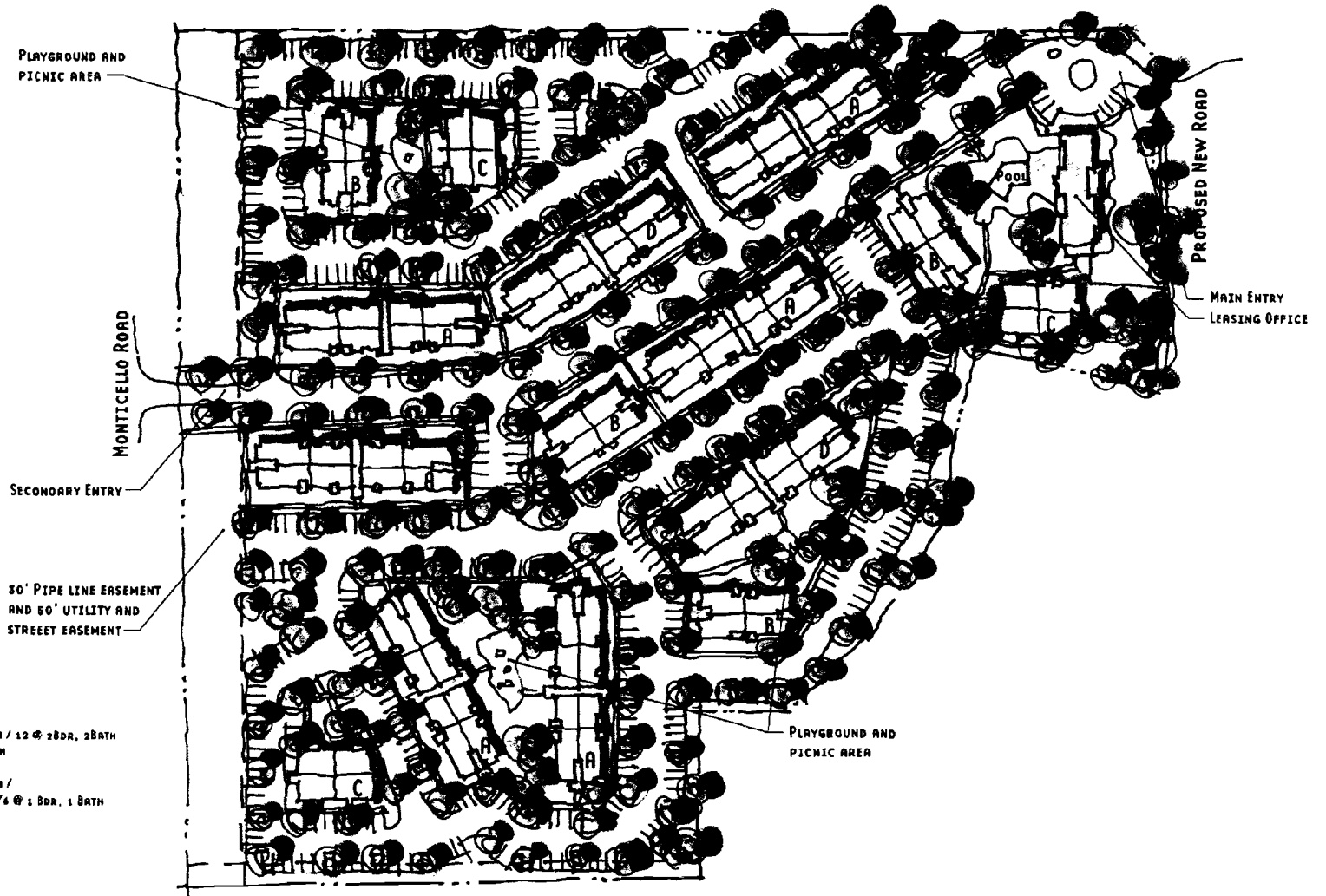
2015 2016 2017

1991

NAME-NAME THE COMPANY		ADDRESS LAST ADDRESS & CITY		DATE OF BIRTH		DATE OF DEATH		DATE OF BURIAL		DATE OF CREMATION		DATE OF INTERMENT		DATE OF REINTERMENT		DATE OF REINTERMENT		DATE OF REINTERMENT		DATE OF REINTERMENT	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22

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PROJECT SUMMARY

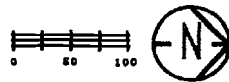
6 @ BUILDING TYPE A - 12 @ 3BDR, 2 BATH / 12 @ 2BDR, 2BATH
 4 @ BUILDING TYPE B - 12 @ 2BDR, 2 BATH
 3 @ BUILDING TYPE C - 4 @ 4BDR, 2 BATH
 2 @ BUILDING TYPE D - 12 @ 3BDR, 2 BATH /
 6 @ 2BDR, 2BATH/6 @ 1 BDR, 1 BATH

12 @ 1 BDR, 1 BATH
 132 @ 2 BDR, 2 BATH
 96 @ 3 BDR, 2 BATH
 12 @ 4 BDR, 2 BATH
 282 UNITS

COSTA MARIPOSA, TEXAS CITY, TEXAS

11-19-08

ALAMO ARCHITECTS



CREATING ASST. FIRE CHIEF POSITION CITY COMMISSION AGENDA 2

Date: 12/17/2008

Submitted By: Linda Jennings, City Attorney Office

Submitted For: Joseph Gorman

Department: Fire Department

Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider approval of Ordinance No. 08-52 amending Code of Ordinances City of Texas City, Texas, Chapter 90, "Personnel", Section 90-151 "Classes of Positions," by creating the classification of Assistant Fire Chief; reducing the number of positions within the classification of Captain; prescribing the number of positions in each classification of the classified service of the Fire Department; authorizing the Fire Chief to appoint person(s) to the classification of Assistant Fire Chief.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Ord
08-52

ORDINANCE NO. 08-52

AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 90, "PERSONNEL", SECTION 90-151 "CLASSES OF POSITIONS," BY CREATING THE CLASSIFICATION OF "ASSISTANT FIRE CHIEF"; REDUCING THE NUMBER OF POSITIONS WITHIN THE CLASSIFICATION OF CAPTAIN BY ONE; PRESCRIBING THE RESULTING NUMBER OF POSITIONS IN EACH CLASSIFICATION OF THE CLASSIFIED SERVICE OF THE FIRE DEPARTMENT; AUTHORIZING THE FIRE CHIEF TO APPOINT PERSON(S) TO THE CLASSIFICATION OF ASSISTANT FIRE CHIEF; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; 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 AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, section 143.021 of the **Texas Local Government Code** requires the governing body of a municipality to provide for the classification of all fire fighters by ordinance; and

WHEREAS, section 143.021 provides that the governing body must establish the classifications as well as the number of positions within each classification; and

WHEREAS, the City Commission of the City of Texas City deems it is in the best interest of the City to create the classification of "Assistant Fire Chief" as the classification immediately below department head; and

WHEREAS, the Attorney General, by issuance of opinion No. GA-0662 (September 11, 2008), has opined that section 143.014 of the **Texas Local Government Code** permits a civil service municipality, that is also covered by Chapter 174 of the Texas Local Government Code, to authorize the fire chief to appoint persons to the classification immediately below his own classification, instead of filling these positions by examination; and

WHEREAS, on December 17, 2008, the Civil Service Commission met and approved the creation of the Assistant Fire Chief classification; and

WHEREAS, the City Commission of the City of Texas City deems it is in the best interest of the City to authorize the Fire Chief to appoint person(s) to this classification, instead of filling the position by examination; and

WHEREAS, the City Commission of the City of Texas City budgeted funds in the Fire Department's salary line item for an additional Captain's position that would make the total number of budgeted and authorized Captains to 13, but now has concluded it is in the best interests of the Fire Department to reduce the number of budgeted/authorized Captains from thirteen (13) to twelve (12), and authorize instead the creation of a new classification of

Assistant Fire Chief and create one such position; and

WHEREAS, the City Commission of the City of Texas City deems it is in the best interest of the City to amend Chapter 90, "Personnel", by decreasing the number of budgeted/authorized Captain positions from thirteen (13) to twelve (12), and by increasing the number of Assistant Fire Chief positions from 0 to 1, and to thereby prescribe the resulting number of positions in each classification of the classified service of the Fire Department by ordinance;

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

SECTION 1: That the classification of "Assistant Fire Chief" is hereby created in accordance with **Texas Local Government Code** §143.021. The position shall be the classification immediately below department head. The Fire Chief is authorized to appoint the person(s) to this classification, instead of filling any vacancy of this classification by examination.

SECTION 2: That Chapter 90, "Personnel" of **The City Code of the City of Texas City** is amended by amending section 90-151 to prescribe the number of positions in each classification of the classified service of the Fire Department, which shall read and provide as follows:

"Sec. 90-151. Classes of Positions.

Effective on October 1, 2008, the ~~The~~ following classes of positions, and number of positions within each classification, were ~~are~~ hereby established in the classified service of the City's Fire Department:

(1)	Firefighter.....	45
(2)	Engineer.....	<u>18</u> 19
(3)	Captain.....	<u>13</u> 12
Total:		76

Effective on December 17, 2008, at 12:01 a.m., the following classes of positions and number of positions within each classification are hereby established in the classified service of the City's Fire Department:

(1)	<u>Firefighter.....</u>	<u>45</u>
(2)	<u>Engineer.....</u>	<u>18</u>
(3)	<u>Captain.....</u>	<u>12</u>
(4)	<u>Assistant Fire Chief</u>	<u>1</u>

...”

SECTION 3: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable.

SECTION 4: That it is further provided that, in the event any section, clause, sentence, paragraph or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 5: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of the City Commission.

SECTION 7: 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 and publication by caption only in the official newspaper of the City.

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela Lawrence
City Secretary

Robert Gervais
City Attorney

Change of Title of Municipal Court Clerk to Municipal Court Administrator

CITY COMMISSION AGENDA 2

Date: 12/17/2008
Submitted By: Nick Finan, Management Services
Submitted For: Nick Finan
Department: Management Services
Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider approval of ordinance requesting to change the title of the Municipal Court Clerk to Municipal Court Administrator.

BACKGROUND

The City Charter does not specify a specific title for the head of Municipal Court. The duties and division of duties as well as the appointment are to be done by the Commission by ordinance (Article X., Sections 5, 6, and 7). The charter speaks to clerks and deputy clerks, but does not mention specific titles.

Ellen Guerrant was appointed by ordinance as the Municipal Court Clerk. To better reflect her duties and to be more in line with other Municipal Courts that have multiple clerks and diverse responsibilities, Ms. Guerrant and Mr. Finan would like the title changed to Municipal Court Administrator. Ms. Guerrant's duties are more than clerking including supervision, budgeting, assignment, process control and management, staying up with State requirements, etc. The change in title would assist her in her communication with cities, organizations, the State and other entities that she deals with as well as internally reflect better her functions.

There is no change in compensation or job duties. It is merely a title change.

Since her appointment reflected a title and was done by ordinance, it requires an ordinance to change her title.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
Ord
08-53

ORDINANCE NO. 08-53

AN ORDINANCE CHANGING TITLE OF MUNICIPAL COURT CLERK TO MUNICIPAL COURT ADMINISTRATOR; 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.

WHEREAS, City staff is requesting to change the title of the Municipal Court Clerk to Municipal Court Administrator;

WHEREAS, the City Charter does not specify a specific title for the head of Municipal Court;

WHEREAS, the duties and division of duties, as well as the appointment are to be done by the Commission by Ordinance (Article X, Sections 5, 6 and 7);

WHEREAS, the Charter speaks to clerks and deputy clerks, but does not mention specific titles; and

WHEREAS, the duties of the Municipal Court Clerk are more than clerking, including supervision, budgeting, assignment, process control and management, staying up with State requirements, etc.;

WHEREAS, the change in title would assist her in communication with cities, organizations, the State and other entities as well as internally reflect better her functions.

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

SECTION 1: That the City Commission hereby approves the title of the Municipal Court Clerk be changed to Municipal Court Administrator.

SECTION 2: That there is no change in compensation or job duties.

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

SECTION 4: That this Ordinance shall be passed and adopted on the date of its introduction, and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela Lawrence
City Secretary

Robert Gervais
City Attorney

Budget Amendment to Increase Funding for Bayou Golf-Pro Shop Inventories

CITY COMMISSION AGENDA 2

Date: 12/17/2008
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider approval of ordinance to amend the City of Texas City's fiscal year 2008-09 Budget.

BACKGROUND

A budget amendment is needed to provide additional funding needed to stock and carry inventories for the Bayou Golf-Pro Shop. During the 2008-09 budget workshop, Larry Boyle originally requested an additional \$20,000 for the Pro Shop inventories, the account was not adjusted in the final adoption of the budget. The expense of the Pro Shop inventories is offset by the revenues recieved from sales. Inventory items include but not limited to, hats, balls, tees, gloves, bags, shirts, towels and socks. Calculated prices for items include recouping costs and a profit margin.

ANALYSIS

The following budget amendment is needed to provide additional funding for Bayou Golf-Pro Shop inventories:

General Fund:(101)-Bayou Golf (403):	
101-403-52780-Misc. Materials & Supplies	\$20,000
101-000-79999-Undesignated Budget Balance	<\$20,000>

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
Ord
08-55

ORDINANCE NO. 08-55

AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING TO STOCK AND CARRY INVENTORY FOR THE BAYOU GOLF-PRO SHOP; 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. 08-37, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2008-2009;

WHEREAS, a budget amendment is needed to provide funding to stock and carry inventory for the Bayou Golf-Pro Shop;

WHEREAS, during the 2008-09 budget workshop, Larry Boyle originally requested an additional \$20,000 for the Pro-Shop inventory; however, the account was not adjusted in the final adoption of the budget;

WHEREAS, the expense of the Pro Shop inventories is offset by the revenues received from sales from items including, but not limited to, hats, balls, tees, gloves, bags, shirts, towels and socks;

WHEREAS, the calculated prices for the items sold includes recouping costs and a profit margin.

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 2008-2009 of the City of Texas City, Texas, is hereby amended as follows:

General Fund (101) – Bayou Golf (403):

101-403-52780-Misc Materials and Supplies	\$	20,000.00
101-000-79999-Undesignated Budget Balance	< \$	20,000.00>

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 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Relocation of Sanders/Vincent; Change in Use CITY COMMISSION AGENDA 2

Date: 12/17/2008

Submitted By: Linda Jennings, City Attorney Office

Submitted For: Nick Finan

Department: Management Services

Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Ordinance 08-54 approving relocation of the Sanders/Vincent Center to Central High Park; approving the change in use of the former Sanders/Vincent Center site as provided for by Texas Parks & Wildlife Code Section 26.001(B); declaring the site of the former Sanders/Vincent Center "surplus" and approving the property to be put out for public bid consistent with State law.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Ord
08-54

ORDINANCE NO. 08-54

AN ORDINANCE APPROVING RELOCATION OF THE SANDERS/VINCENT CENTER TO CENTRAL HIGH PARK; APPROVING THE CHANGE IN USE OF THE FORMER SANDERS/VINCENT CENTER SITE AS PROVIDED FOR BY TEXAS PARKS & WILDLIFE CODE §26.001(B); DECLARING THE SITE OF THE FORMER SANDERS/VINCENT CENTER “SURPLUS” AND APPROVING THE PROPERTY TO BE PUT OUT FOR PUBLIC BID CONSISTENT WITH STATE LAW; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; 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 AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, the City seeks to relocate the Sanders/Vincent Center to Central High Park; and

WHEREAS, the City intends to improve the new Central High Park and erect a new Sanders/Vincent Center; and

WHEREAS, the City intends to no longer own, hold or claim the former site of the Sanders/Vincent Center as a recreation area but seeks to change the use to a use consistent with the greenbelt industrial buffer zone concept approved by the City Commission; and

WHEREAS, the **Texas Parks & Wildlife Code** Chapter 26 requires notice and a public hearing before approval of any program or project that requires the use of land designated as a park or recreation area; and

WHEREAS, on December 17, 2008, the City Commission held a public hearing to consider approval of said project, including feasible and prudent alternatives and enunciated local preferences for the change in use of said land; and

WHEREAS, the City Commission declares the site of the former Sanders/Vincent Center as surplus and approves the property to be put out for public bid consistent with state law; and

WHEREAS, the City Commission requires that the proceeds from said sale be used for the new Sanders/Vincent Center and other recreation improvements;

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

SECTION 1: That the City Commission of the City of Texas City approves the relocation of the Sanders/Vincent Center to Central High Park.

SECTION 2: That the City Commission of the City of Texas City approves the change in use of the former site to a use consistent with the greenbelt industrial buffer zone concept approved by the City Commission. The City Commission finds that there is no feasible and prudent alternative to the use of such land and the project includes all reasonable planning to minimize harm to the land as a recreation area resulting from the use.

SECTION 3: That the City Commission of the City of Texas City finds that it is in the best interest of the City to no longer own, hold or claim the former site of the Sanders/Vincent Center as a recreation area and to declare the site of the former Sanders/Vincent Center as “surplus.” The City Commission finds that it is in the best interest of the City to place the property out for public bid consistent with state law and for a minimum bid amount of \$1.45 Million, and other conditions as listed in the bid documents. The City Commission stipulates that the proceeds from the sale of the de-commissioned Sanders/Vincent Center site shall be used for the new Sanders/Vincent Center and other recreation improvements.

SECTION 4: That the Mayor is authorized to approve the sale of the property and execute any necessary documentation, without further action of the City Commission, provided the minimum bid amount and other conditions listed in the bid documents are met.

SECTION 5: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 6: 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 7: That this Ordinance shall be finally passed upon the date of its introduction and shall become effective from and after its passage and adoption and publication by caption only in the official newspaper of the City.

PASSED AND ADOPTED this 17th day of December, 2008.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Adopt 2006 International Fire Code and Amendments CITY COMMISSION AGENDA 2

Date: 12/17/2008
Submitted By: Jane Tull, Fire Department
Submitted For: Joseph Gorman
Department: Fire Department
Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Ordinance No. 04-15 duly passed and approved by the City Commission of the City of Texas City on May 19, 2004, and codified as Article III, Fire Prevention Code, of Chapter 54 of the Code of Ordinances, is hereby repealed in its entirety.

Adopt 2006 International Fire Code, and a new amended Article III, Chapter 54 of the City's Code of Ordinances.

Must have three (3) readings.

BACKGROUND

With this adoption a new sprinkler ordinance will be in place including a \$2000.00 fine for each offense, changing square footage to a smaller number from 12000 to 5000 square feet.

ANALYSIS

Fire sprinklers are the first line of defense prior to the fire department's arrival. Reducing the square footage from 12000 square feet to 5000 square feet will include many more more structures that would not currently be protected by a sprinkler system.

ALTERNATIVES CONSIDERED

none.

Fiscal Impact

Attachments

Link:
Ord
08-56

ORDINANCE NO. 08-56

AN ORDINANCE OF THE CITY OF TEXAS CITY, TEXAS, AMENDING CHAPTER 54, ARTICLE I, "FIRE PREVENTION AND PROTECTION", OF THE CITY CODE BY AMENDING SECTION 54-2 TO INCREASE THE AWARD FOR ARSON FROM \$300 TO \$500; AMENDING CHAPTER 54, ARTICLE III, "FIRE PREVENTION CODE", SECTION 54-71 OF THE CITY CODE BY ADOPTING THE 2006 EDITION OF THE *INTERNATIONAL FIRE CODE* AS THE FIRE CODE OF THE CITY OF TEXAS CITY, INCLUDING APPENDICES A, B, C AND D; AMENDING CHAPTER 54, ARTICLE III, "FIRE PREVENTION CODE", SECTION 54-72 OF THE CITY CODE BY ADOPTING LOCAL AMENDMENTS TO THE FIRE CODE; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE READING OF 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.

WHEREAS, on _____, 2008, the Building Standards Commission held a public hearing to discuss adoption of the 2006 Edition of the *International Fire Code* and the establishment of regulations thereunder and to receive input from the general public and all persons who may be affected by the proposed ordinance; and

WHEREAS, upon recommendation of the Building Standards Commission and full review and consideration of all matters related and attendant thereto, the City Commission is of the opinion that the 2006 Edition of the *International Fire Code* including appendixes A, B, C and D, along with the local amendments thereto, should be adopted as the Fire Code for the City of Texas City and that regulations and fees should be established thereunder.

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

SECTION 1: Chapter 54 of The City Code, Article I, "Fire Prevention and Protection" is hereby amended by amending Article I, section 54-2 to read and provide as follows:

"ARTICLE I. FIRE PREVENTION AND PROTECTION

...

Sec. 54-2. Arson reward established.

The mayor is hereby required, authorized and empowered to offer a reward of not less than ~~\$300.00~~ \$500.00 payable to the person who shall be responsible for the arrest and

conviction of any person committing in the city the crime of arson as arson is now defined by the state penal code.

...”

SECTION 2: Chapter 54 of The City Code, is amended by amending Article III, “Fire Prevention Code,” section 54-71(a) to read and provide as follows:

“ARTICLE III. FIRE PREVENTION CODE

Sec. 54-71. International Fire Code adopted; conflicting regulations.

(a) There is hereby adopted for and by the city a fire prevention code known as the *International Fire Code, 2006*, ~~2003~~, with appendices and amendments thereto, passed and recommended by the International Code Council, Inc., which code is published in book form and which is referred to, incorporated in this article and made a part of this article for all purposes. A copy of such code is filed of record in the office of the city secretary.

(b) If there is any conflict between the provisions of the fire prevention code and the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations, the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations shall preempt and be controlling.

...”

SECTION 3: Chapter 54 of The City Code, is amended by amending Article III, “Fire Prevention Code,” section 54-72 to read and provide as follows:

“Sec. 54-72. Amendments to Standard Fire Prevention Code.

The code adopted by this article is amended as provided in this section.

~~Section 602.6, Access to Buildings by Fire Apparatus, is amended by adding subsection 602.6.8, to read as follows:-~~

~~602.6.8. When access to or within a structure, a facility or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire official may require a key box to be installed in an accessible location. The key box shall be of a type approved by the fire official and shall contain keys to gain necessary access as required by the fire official. The key box shall be located and installed as approved by the fire official.~~

~~Section 603.1.2, Installation, is amended to read as follows:-~~

~~603.1.2. In occupancies of a hazardous nature in the judgment of the fire official, additional safeguards may be required by the fire official, and such safeguards may consist of one or more of the following: automatic fire detection system, fire alarm systems, automatic fire extinguishing system, standpipe systems, portable or fixed fire extinguisher, fire blankets, breathing apparatus, manual or automatic covers, or key boxes. Fire protection extinguishing apparatus required under this section shall be installed in accordance with the applicable NFPA standards referenced in chapter 3.~~

Sec. 101.1 Administration.

Title. These regulations shall be known as the Fire Code of the City of Texas City, hereinafter referred to as “this code.”

Sec. 102.6 is amended by the addition of the following:

Sec. 102.6 Referenced codes and standards. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Sec. 103.1, 103.2, and 103.3 are amended to read as follows:

Sec. 103 Department of Fire Prevention

Sec. 103.1 General. The Fire Code shall be enforced by the Division of Fire Prevention. The Division of Fire Prevention is hereby established as a division of the Fire Department of the City of Texas City and shall be operated under the supervision of the Fire Marshal, and Chief of the Fire Department.

Sec. 103.2 Appointment. The Fire Marshal in charge of the Division of Fire Prevention shall be appointed by the Fire Chief on the basis of proper qualification.

Sec. 103.3 Deputies. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary and each member so assigned shall be authorized to enforce the provisions of the International Fire Code. ...[remainder of section 103 unchanged]...

Sec. 105. Permits.

Sec. 105.6 is amended to read as follows:

Sec. 105.6 Required Operational Permits. Operational permits are required for: Installation of New Fire Alarm Systems, Re-Test of New Fire Alarm Systems, Above ground fuel storage tank (stationary), Flammable/Combustible liquid dispensing operations, Dry cleaning plant, Flammable Finish booths(spray booths), Day Care Center, Open burning, New or upgraded Fixed Fire Suppression systems, New sprinkler system installation, Tents & Air supported structures. Operating without the required operational permit shall result in a stop work order, as well as a permit fee at twice the rate of the originally required permit. Permit fee schedule is available at Texas City Fire Administration as well as the Fire Department web page <http://www.texas-city-tx.org/Fire.htm>.

Sec. 109.3 is amended by the addition of the following:

Sec. 109.3 Any person, firm, or corporation intentionally, knowingly or with criminal negligence ,violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense, and each and every day any such violation shall continue and shall be deemed to constitute a separate offense.

Sec. 111 is amended to read as follows:

Sec. 111 Stop Work Orders. Any person, firm, or corporation operating without the required applicable operational permit listed in **Sec.105.6** amendment shall be guilty of a misdemeanor, and upon conviction in the Municipal Court, shall be subject to a fine of not less than TWO HUNDRED AND NO/100 (200.00), and not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense.

Sec. 111.4 is amended to read as follows:

Sec. 111.4 Any person who shall continue any work after having been served with a stop work order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to for a fine not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Sec. 202 is amended by the addition of the following:

Sec. 202 General Definitions

HIGH-RISE BUILDING. A building having floors used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief, or Fire Marshal. Charges for utilization shall be as normally calculated by the jurisdiction.

Open Burning.

Sec. 307.2.2 is amended to read as follows:

Sec. 307.2.2 Prohibited Open Burning. Open burning shall be prohibited within the City of Texas City.

Exception:

1. Permits may be issued for open burn, trench burn, not to exceed 15 feet in diameter and 8 feet in height, and are located a minimum of 50 feet from any structure or property line. Additional requirements may be imposed, and are at the discretion of the Fire Marshal.

Standby Personnel.

Sec. 316; is amended by the addition of the following:

Sec. 316 Standby Personnel

Sec. 316.1 Standby personnel/Crowd managers. When, in the opinion of the code official or designee, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ standby personnel, to remain on duty 1 hour prior to times such places are open to the public, or when such activity is being conducted.

Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted to take prompt measures as directed by the Fire Marshal. Such duties may include, but not be limited to, extinguishment of fires that occur and assist in the evacuation of the public from the structure.

There shall be trained crowd managers or crowd manager supervisors at a ratio determined by the Fire Chief, or Fire Marshal.

Sec. 405.1; change to read as follows:

Sec. 405.1 General. Emergency evacuation drills complying with the provisions of this section shall be conducted in the occupancies listed in Table 405.2 or when required by the fire code official. Drills shall be designed in cooperation with the local authorities.

Sec. 408.5.4; change to read as follows:

Sec. 408.5.4 Drill frequency. Emergency evacuation drills shall be conducted at least twelve times per year, four times per year on each shift.

Sec. 503.2.3 Surface is amended to read as follows:

Sec. 503.2.3 Surface. Fire lanes shall be constructed of an asphalt or concrete surface capable of supporting the imposed loads of fire apparatus and meeting the requirements of the City of Texas City parking lot standards. Those portions of the fire lane within sixty feet (60') of the structure to be protected shall be constructed with 6-inch thick, 3000 psi concrete or 5-inch thick, 3600 psi concrete reinforced with No. 3 bars spaced 24 inches on centers both ways and with sub-grade to a density not less than 95 percent as determined by TSDHPT Test Method Tex-113. Portions of the fire lane constructed of asphalt shall be ninety-five (95) percent compaction with a 6-inch asphalt stabilized base and 2-inch type D hot mix asphalt concrete. State Highway specification number 292. Whenever forty percent (40%) of existing, non-conforming fire lanes are replaced within a twelve month period, the entire fire lane shall be replaced according to current standards.

All fire lanes shall be maintained and kept in a good state of repair at all times by the owner and the City of Texas City shall not be responsible for the maintenance thereof. It shall further be the responsibility of the owner to insure that all fire lane markings required by Sec. 503.3 be kept so that they are easily distinguishable by the public.

Sec. 503.3 is amended to read as follows:

Sec. 503.3 Marking. Approved striping or, when allowed by the code official, signs, and or both shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when deemed necessary by fire code official to provide adequate visibility.

(1) STRIPING – Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “fire lane no parking” shall appear in four inch (4”) white letters at

25 foot intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) SIGNS – shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief or Fire Marshal.

Section 503.6 is amended to read as follows:

Sec. 503.6 Security gates. Where security fencing is necessary, the owner shall provide gates or openings which may be secured. Gates when provided must open fully in either direction or be of a sliding or raised arm type. The main entry gates serving Group R & I occupancies shall be equipped with an approved automated entry system. All other entry points along the fire lane must be automated or Knox compatible as approved by the Fire Marshal, to permit immediate access by fire personnel and equipment in the event of fire or emergency.

Fire Protection Water Supplies.

Sec. 508.5.1 of the International Fire Code is amended to read as follows:

Sec. 508.5.1 Where Required. And as properties develop, fire hydrants shall be located at not more the maximum spacing indicated in Table 903.4.2. Distances between hydrants shall be measured along the route that fire hose is laid by a fire vehicle from hydrant to hydrant.

Maximum Distance Between Hydrants

<u>OCCUPANCY</u>	<u>SPRINKLERED</u>	<u>NOT SPRINKLERED</u>
<u>Residential (1 & 2 Family)</u>	<u>600 feet</u>	<u>500 feet</u>
<u>Residential (Multi Family)</u>	<u>400 feet</u>	<u>300 feet</u>
<u>All Other</u>	<u>500 feet</u>	<u>300 feet</u>

Table 903.4.2

2. PROTECTED PROPERTIES. Fire hydrants required to provide a supplemental water supply for automatic fire protection system shall be within 100 feet of the fire department connection for such system.

3. FIRE HYDRANT LOCATIONS. Fire hydrants shall be located 2 feet to 6 feet back of curb or fire lane and shall not be located in the bulb of a cul-de-sac. Hydrant discharges must be a minimum of (18”) inches in height from final grade to lowest point of discharge.

4. **MINIMUM NUMBER OF FIRE HYDRANTS.** There shall be a minimum of two (2) fire hydrants serving each property within the prescribed distances listed above.

System approval and testing.

Sec. 901.5 of the International Fire Code is amended by the addition of the following:

Sec. 901.5 Installation acceptance testing. All required tests shall be conducted by and at the expense of the owner or his representative. The Fire Department shall not be held responsible for any damages incurred in such test. Where it is required that the Fire Department witness any such test, such test shall be scheduled with a minimum of 48 hour notice to the Fire Marshal or his representative.

Sec. 903.2.10.5 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Sec. 903.2.10.6 Buildings Over 5,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings over 5,000 sq. ft. For the purpose of this provision, fire walls shall not define separate buildings.

Exceptions:

1. Open parking garages in compliance with Section 406.3 of the International Building Code.

2. When of non-combustible construction, the area of awning extension or free-standing canopies, both sides, and not used for display or storage shall not be considered for requiring sprinkler protection for areas greater than 5,000 square feet but less than otherwise required in this code.

Sec. 903.3.1.1.1; change to read as follows:

Sec. 903.3.1.1.1 Exempt locations. When approved by the code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.

3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

Sec. 903.3.1.4 is amended by the addition of the following:

Sec. 903.3.1.4 Installation. Automatic sprinkler and standpipe systems shall be installed with the following:

1. A single underground supply and point for the Fire Department Connection (FDC) shall be provided for all buildings.
2. Fire department connections serving more than 500 GPM shall be provided with one 5-inch Storz connection and one 2-1/2 inch national standard thread connection.

Add Sec. 903.6.2 to read as follows:

Sec. 903.6.2 Spray booths and rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 1504.

Fire alarm and detection systems.

Sec. 907.1.1; shall be amended by the addition of the following:

Sec. 907.1.1 Construction documents. Plans for fire alarm systems shall be in accordance with Texas City Fire Department Fire Alarm Submittal Guidelines.

Sec. 907.2.3; change to read as follows:

Sec. 907.2.3 Group E. A manual fire alarm system shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care. Where automatic fire sprinklers are not provided, a full-coverage smoke detection system shall be provided in all Group E occupancies. Unless separated by a minimum of 100 feet open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Sec. 907.2.3 is amended to read as follows:

Sec. 907.2.3; change exception 1 and add exception 1.1 to read as follows:

1. Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.

1.1 Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 ½ or less years of age, see Section 907.2.6)

Sec. 907.2.6 of the International Fire Code is amended by the addition of the following:

Sec. 907.2.6.3 Group I 4 Occupancies. An approved smoke detection system shall be installed in Group I 4 occupancies where automatic fire sprinklers are not required, a full-coverage smoke detection system shall be provided in all Group I 4 occupancies.

Sec. 907.2.12; change to read as follows:

Sec. 907.2.12 High-rise buildings. Buildings having floors used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access shall be provided with an approved automatic fire alarm system and an emergency voice/alarm communication system in accordance with Section 907.2.12.2.

Sec. 907.2.12, exception # 3; change to read as follows:

3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code, when used for open air seating; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

Sec. 907.4 is amended by the addition of the following:

Sec. 907.4.6 Manual alarm actuating devices shall be an approved double action type.

Add Sec. 907.6.1 to read as follows:

Sec. 907.6.1 Installation. All fire alarm systems shall be installed in such a manner that the failure of any single alarm-actuating or alarm-indicating devices will not interfere with the normal operation of any other such devices. All systems shall be Class “A” wired with a minimum of six feet separation between supply and return loops. IDC – Class “A” style – D – SLC Class “A” Style 6 – notification Class “B” Style Y.

Sec. 907.9.2; change to read as follows:

Sec. 907.9.2 High-rise buildings. In buildings that have floors located more than 55 feet (16,764 mm) above the{remainder of the section unchanged}.

Sec. 1504.6 to read as follows:

Sec. 1504.6 Fire Protection. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system ... {remainder of section unchanged} complying with Chapter 9 which shall also protect all exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used.

Standby personnel.

Sec. 2404.20; change to read as follows:

Sec. 2404.20 Standby personnel/Crowd managers. When, in the opinion of the code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ approved standby personnel, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures as directed by the Fire Marshal. Such duties may include, but not be limited to, extinguishment of fires that occur and assist in the evacuation of the public from the structure.

There shall be trained crowd managers or crowd manager supervisors at a ratio as designated by the Fire Chief, or Fire Marshal.

Fireworks.

Sec. 3404.2.9.5.1 is amended to read as follows:

Sec. 3404.2.9.5.1 Location Where Above-Ground Tanks are Prohibited. The storage of flammable or combustible liquids in outside above ground tanks is prohibited within each and every zoning district within the City of Texas City with the exception of those districts which are zoned for light industrial zoning use. Installation of above ground tanks in all zoning districts shall be permitted at the discretion of the Fire Marshal following his review of the proposed installation location, and the fire protection for the storage area. Tanks shall not be located within one hundred feet (100') of the property line of any Group E, I or R occupancies.

Sec. 3406.5.4.5 and 3406.5.4.5.1 through 3406.5.4.5.3 to read as follows:

Sec. 3406.5.4.5 Commercial, industrial, governmental or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with Sections 3406.5.4.5.1 through 3406.5.4.5.3.

Section 3406.5.4.5.1 Site requirements.

1. Dispensing may occur at sites that have been permitted to conduct mobile fueling.
2. A detailed site plan shall be submitted with each application for a permit. The site plan must indicate:
 - a) All buildings, structures, and appurtenances on site and their use or function;
 - b) All uses adjacent to the property lines of the site;
 - c) The locations of all storm drain openings, adjacent waterways or wetlands;
 - d) Information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and,
 - e) The scale of the site plan.
3. The Code Official is authorized to impose limits upon: but not limited to the times and/or days during which mobile fueling operations are allowed to take place, and specific locations on a site where fueling is permitted.
4. Mobile fueling operations shall be conducted in areas not generally accessible to the public. Mobile fueling shall not take place within 15 feet (4.572 m) of buildings, property lines, or combustible storage.

Sec. 3406.5.4.5.2 Refueling Operator Requirements.

1. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates financial ability, readiness to respond to a fuel spill, carry out appropriate mitigation measures, and to indicate its process to properly dispose of contaminated materials when circumstances require.
2. The tank vehicle shall comply with the requirements of NFPA 385 and Local, State and Federal requirements. The tank vehicle's specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.

3. Signs prohibiting smoking or open flames within 25 feet (7.62 m) of the tank vehicle or the point of fueling shall be prominently posted on 3 sides of the vehicle including the back and both sides.
4. A fire extinguisher with a minimum rating of 40:BC shall be provided on the vehicle with signage clearly indicating its location.
5. The dispensing nozzles and hoses shall be of an approved and listed type.
6. The dispensing hose shall not be extended from the reel more than 100 feet (30.48m) in length.
7. Absorbent materials, non-water absorbent pads, a 10 foot (3.048 m) long containment boom, and approved container with lid, and a non-metallic shovel shall be provided to mitigate a minimum 5-gallon fuel spill.
8. Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch, limiting the amount of a single fueling operation to a maximum of 500 gallons (1,893 L) between re-settings of the limit switch.

Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.

9. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of fire, leak, or spill. Training records shall be maintained by the dispensing company and shall be made available to the Code Official upon request.
10. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an approved emergency communications device to notify the proper authorities in the event of an emergency.

Sec. 3406.5.4.5.3 Operational Requirements.

1. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
2. Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.
3. The engines of vehicles being fueled shall be shut off during dispensing operations.
4. Night time fueling operations shall only take place in adequately lighted areas.

5. The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.
6. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.
7. Motor vehicle fuel tanks shall not be topped off.
8. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.
9. The Code Official and other appropriate authorities shall be notified when any reportable spill or unauthorized discharge occurs.

Flammable Gas.

Sec. 3504.2 shall be amended by the addition of the following:

Sec. 3504.2 Maximum capacity within established limits. Tanks shall not be located within one hundred feet (100') of the property line of any Group A, E, I, or R occupancies.

Sec. 3804.2 is amended to read as follows:

Sec. 3804.2 Maximum capacity within established limits. Above ground storage of LP gas is prohibited within each and every zoning district within the City of Texas City. Installation of above ground tanks shall be permitted only at the discretion of the Fire Marshal following his review of the proposed installation location, and the fire protection for the storage area. Storage shall not be located within one hundred feet (100') of the property line of E, A, I, or R occupancies.

The Fire Code shall be shall be amended by the addition of the following:

Authorizing suites for injunctive relief.

Notwithstanding any penal provision of this Ordinance, the City Attorney is authorized to file on behalf of the City of Texas City, the Fire Chief or his authorized representative, or both for injunctive relief as may be necessary to enforce the provisions of this Ordinance."

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 4: That this Ordinance shall be read on three (3) separate days and shall become effective upon its final reading, passage, and adoption.

SECTION 5: That this Ordinance shall be finally passed upon the date of its introduction and shall become effective from and after its passage and adoption and publication by caption only in the official newspaper of the City.

PASSED ON FIRST READING this 17th day of December, 2008.

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

ATTEST:

Pamela A. Lawrence
City Secretary

PASSED ON SECOND READING this _____ day of _____, 2009.

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

ATTEST:

Pamela A. Lawrence
City Secretary

PASSED AND FINALLY ADOPTED this _____ day of _____, 2009.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney