

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

**\* \* AGENDA \* \***

**WEDNESDAY, FEBRUARY 18, 2009 - 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM - CITY HALL**

- 1. INVOCATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PROCLAMATIONS AND PRESENTATIONS**
- 4. CONSENT AGENDA**
  - a. Consider approval of the **minutes** from the February 4, 2009 Regular Called City Commission meeting.
  - b. Consider approval of **Resolution No. 09-011** awarding the contract for the **Water Line Replacement Project - Phase 9**. (Utilities Dept.)
  - c. Consider approval of **Resolution No. 09-010 amending** the Texas Department of Transportation (TxDOT) **Landscape Maintenance Agreement**. (Transportation and Planning Dept.)
  - d. Consider approval of **Resolution No. 09-013 scheduling a Public Hearing for the disannexation of an approximate 110-acre tract**, previously annexed August 24, 2005 by the City of Texas City. (Transportation & Planning Dept.)
  - e. Consider approval of **Resolution No. 09-012** awarding the bid for **re-roofing various facilities** for the City of Texas City. (Purchasing Dept.)
- 5. REGULAR ITEMS**
  - a. Consider approval of **Ordinance No. 09-07** permanently **rezoning property** located on the corner of Amburn Road and FM 1765 **from "A" (Single Family Residential) to "E" (General Business) to develop a neighborhood retail service center**, being Reserve A, Amburn Oaks Subdivision, Texas City, Texas. [requested by Harvin Moore/Amburn Oaks] (Inspections Dept.)
  - b. Consider approval of **Ordinance No. 09-06 amending Ordinance No. 08-52** and amending the **City Code, Chapter 90, "Personnel", Section 90-151 "Classes of Positions,"** by **increasing the number of positions within the classification of engineer** by one; prescribing the resulting number of positions in each classification of the classified service of the fire department. (Fire Dept.)
- 6. PUBLIC COMMENTS**

**7. MAYOR'S COMMENTS**

**8. 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: February 13, 2009**

## CITY COMMISSION AGENDA 2

**Date:** 02/18/2009

**Submitted By:** Pam Lawrence, Administration

**Department:** Administration

**Agenda Area:** Consent

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### Information

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

Consider approval of the minutes from the February 4, 2009 Regular Called City Commission meeting.

#### **BACKGROUND**

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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### Fiscal Impact

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### Attachments

Link: [2-04-2009 City  
Commission Minutes](#)

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**REGULAR CALLED CITY COMMISSION MEETING**

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

**WEDNESDAY, FEBRUARY 4, 2009 – 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM – CITY HALL**

A **Regular Called Meeting of the City Commission** was held on **Wednesday, February 4, 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, Dedrick Johnson, Mike Land, Donald Singleton and John W. Wilson. Commissioner Dee Ann Haney was not able to attend.

The **Mayor** called upon **Reverend Tim Franklin, The Crossing Church in Texas City**, to offer the **Invocation**. The Mayor thanked Reverend Franklin for his attendance and for offering the invocation. **Mayor Doyle** 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**

**James D. Ross**, Assistant Supervisor of the Disabled American Veterans, **presented an Award of Appreciation to the Texas City Police Department** and to **Reverend Franklin** for their support during Hurricane Ike.

The **Mayor** made the following **presentations**:

**SERVICE YEAR AWARD PINS** were presented to the following:

JANET MARCUM	RECREATION & TOURISM DEPT.	10 YEARS
JEANETTE CALIGONE	ADMINISTRATION	10 YEARS
ALEX AMIEVA	FIRE DEPT.	10 YEARS
JONATHAN LEE	FIRE DEPT.	10 YEARS
CHARLES ROBERTSON	RECREATION & TOURISM DEPT.	20 YEARS
MICHAEL BROWN	RECREATION & TOURISM DEPT.	25 YEARS

The Mayor welcomed the FFA Officers and he purchased the first ticket to the Wild Game Dinner which will be held on February 21<sup>st</sup>.

The Mayor presented a Proclamation to the Texas City Lions Club and Team BP Texas City. The proclamation read as follows:

**February 13, 2008**

**Harlem Ambassadors Basketball Team vs. Team BP Texas City  
Goodwill Day**

**The Texas City Lions Club proudly presents the Harlem Ambassadors Basketball team to play Team BP Texas City. It is with great pleasure that**

Texas City welcomes the Harlem Ambassadors to our City and pledge the hospitality of our citizens and beauty of our City. We wish Team BP Texas City much success on Friday night and support you in your quest for victory. It is our hope that Team BP will conquer the Harlem Ambassadors however the City of Texas City assures Team BP our total City services by way of ambulance availability and EMS staff should you so need it.

The Mayor recognized Eagle Scout Justin Kelly and Boy Scout Clifford Wood; the Mayor signed Boy Scout Wood's paper as proof of him attending the City Commission meeting.

## **PUBLIC HEARING**

- a. Public Hearing to consider Aristidis John Pontikas request to rezone from "A" (Single Family Residential) to "A-2" (Patio Home) to construct new homes; being approximately .85 acres; all of Lot 1 and the west 40.00' of Lot 2 in Block 4 of Lakeview Subdivision; located at 36<sup>th</sup> Avenue North, Texas City, Texas.

This issue came before the Zoning Commission on November 18, 2008. One letter of opposition was received from Mr. Steve Capps regarding property values. 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. After reviewing all the data presented to the Zoning Commission members present, the members unanimously voted to recommend approval of the request with the stipulation of the Board of Adjustments approving a variance to the 1 Acre minimum for "A-2" (Patio Homes) performance standards. The Board of Adjustments approved the variance request on December 9, 2008.

Mr. Carroll read Mr. Steve Capps' letter of opposition into the record.

To whom it may concern,

I vehemently oppose the petition to rezone my neighbourhood from an "A" (Single Family Residence) to an "A2" (Patio Home) on all of Lot 1 and the West 40" of Lot 2 in Block 4 of Lakeview Subdivision.

The reasoning for this decision is that this type of housing will lower my property value. I will not support this in any way when it will directly affect the market value of my home. The houses will be very small and close together and will not only be an eye sore, but the small value of the houses on the property will lower the value of all of the homes around them.

Thanks.

Steve V Capps  
1817 36<sup>th</sup> Avenue North  
77590

The Mayor asked if there were anyone that wished to speak for or against the public hearing; there were none.

**Commission Clark made a MOTION TO CLOSE THE PUBLIC HEARING; the motion was SECONDED by Commissioner Johnson. All present voted AYE. MOTION CARRIED.**

## PRELIMINARY ZONING APPROVAL

- a. Consider preliminary approval of Aristidis John Pontikas request to rezone from "A" (Single Family Residential) to "A-2" (Patio Home) to construct new homes. (Planning Dept.)

**Commission Wilson made a MOTION APPROVE preliminary approval of Aristidis John Pontikas request to rezone from "A" (Single Family Residential) to "A-2" (Patio Home) to construct new homes; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED.**

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

Mayor Doyle requested that item c., *Consider approval of Resolution No. 09-007 appointing a Municipal Court Associate Judge*, be pulled for further discussion.

- a. Consider approval of the **Minutes** from the January 21, 2009 Regular Called City Commission Meeting.
- b. Consider approval of **Resolution No. 09-006 amending the Land Use, Capital Improvements and Impact Fee.** (Transportation and Planning Dept.)

### RESOLUTION NO. 09-009

**A RESOLUTION APPROVING THE AMENDMENTS TO LAND USE ASSUMPTION, CAPITAL IMPROVEMENT PLAN AND UTILITY IMPACT FEES ASSOCIATED WITH THE CAPITAL RECOVERY PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- d. Consider approval of **Resolution No. 09-008** appointing a **new board member to the Recreation and Tourism Board.** (Mayor)

Ms. Winfred Gilmore was appointed as a member of the Board of Directors to the Recreation & Tourism Board.

### RESOLUTION NO. 09-008

**A RESOLUTION APPOINTING A NEW MEMBER TO THE RECREATION AND TOURISM BOARD OF DIRECTORS TO FILL VACANCY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

**Commissioner Clark made a MOTION to APPROVE CONSENT AGENDA Items a., b., and d.; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED.**

- c. Consider approval of **Resolution No. 09-007** appointing a **Municipal Court Associate Judge.**

Darrell Apffel was appointed as the new Associate Judge. The Oath of Office was given to Associate Judge Darrell Apffel by Mayor Matthew T. Doyle.

**RESOLUTION NO. 09-007**

**A RESOLUTION APPOINTING A NEW ASSOCIATE JUDGE TO PRESIDE OVER MUNICIPAL COURT DURING THE ABSENCE OF THE MUNICIPAL COURT JUDGE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

**PUBLIC COMMENTS**

None.

**MAYOR'S COMMENTS**

The Mayor expressed his appreciation over Mike Stump's negotiation skills. Mr. Stump was able to negotiate the commercial and residential trash pick up pricing to stay practically the same as the prices of the previous contract resulting in no increase to the residents.

Don Carroll informed the group that the 2010 Census will begin in April.

Sheila Bowden expressed her gratitude to the various departments that helped in the outreach program in the Chelsea Area.

Jay Williams announced that the Father/Daughter Dance will take place next weekend.

**COMMISSIONERS' COMMENTS**

Commissioner Wilson said that he had received a call from Mike Nelson; Mr. Nelson complimented our Inspection Department – they are doing a great job.

Commissioner Johnson remarked that the Good Neighbor Program was off to a good start. He also reminded everyone of Black History Month.

Having no further business, **Commissioner Wilson made a MOTION to ADJOURN at 5:25 p.m.; the motion was SECONDED by Commissioner Johnson. All present voted AYE. MOTION CARRIED.**

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**MATTHEW T. DOYLE, MAYOR**

**ATTEST:**

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**Pamela A. Lawrence, City Secretary**

## **Bid # 2009-192 Water Line Replacemnt Project - Phase 9 CITY COMMISSION AGENDA 2**

**Date:** 02/18/2009

**Submitted By:** Rita Williams, Purchasing

**Submitted For:** Utilities

**Department:** Purchasing

**Agenda Area:** Consent

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### **Information**

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

Approve and award Bid # 2009-192 Water Line Replacement Project - Phase 9. This project is part of the City's ongoing effort to replace deteriorated and undersized water lines through the City.

#### **BACKGROUND**

On December 21, 2008 bid packets were mailed and/or picked up by area vendors. A letter of recommendation and bid tabulation are attached for your review.

Bids opened Tuesday, January 13, 2009 at 2:00 p.m.

Funds are available in the Water Department Capital Project Account [Account/Project # 501-705-55690-08504]

#### **ANALYSIS**

The low, responsible bid meeting all specifications was received from D.L. Elliott Enterprises, Inc., in Sugarland, for the total base bid and Alternate # 1 and # 2 for a total of \$987,671.50. D.L. Elliott Enterprises, Inc. appears to be a responsible firm that is capable of performing the specified work in a satisfactory manner.

It is my recommendation to award the Water Line Replacement Project - Phase 9 to D.L. Elliott Enterprises, Inc, for the total base bid and Add Alternate # 1 and # 2 for a total of \$987,671.50 and that the Mayor is authorized to execute a contract on behalf of the City Commission. I further recommend that the Mayor be authorized to approve change orders, not to exceed 25% of the contract amount, without bringing the matter to before the Commission.

Thank you

#### **ALTERNATIVES CONSIDERED**

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### **Fiscal Impact**

**Funds Available Y/N:** Y

**Amount Requested:**

**Source of Funds:** User Fees

**Account #:** 501-705-55690-08504

**Fiscal Impact:**

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**Attachments**

Link:

Res  
09-011

Link:

Exhibit  
A

Link:

Exhibit  
A

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**Form Routing/Status**

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	02/06/2009 04:45 PM	CREATED
1	Utilities	Mike Hogan	02/10/2009 08:28 AM	APRV
2	Purchasing (Originator)	Rita Williams	02/12/2009 01:21 PM	APRV
3	Finance			NEW
4	Paralegal			
5	City Attorney Office			
6	Mayor			
7	City Secretary			
Form Started By: Rita Williams		Started On: 02/06/2009 04:45 PM		

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## **RESOLUTION NO. 09-011**

**A RESOLUTION AWARDING A CONSTRUCTION CONTRACT AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH D. L. ELLIOTT ENTERPRISES, INC. FOR THE BASE PROPOSAL AND ACCEPTANCE OF ALTERNATE NO. 1 AND NO. 2 FOR WATER LINE REPLACEMENT PROJECT – PHASE 9; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, funds are available in the Water Department Capital Project Account (Account/Project #501-705-55690-08504) for the Water Line Replacement Project – Phase 9;

**WHEREAS**, this project is part of the City's ongoing effort to replace deteriorated and undersized water lines throughout the City;

**WHEREAS**, on December 21, 2008, bid packets were mailed and/or picked up by area vendors and bids were opened on January 13, 2009, at 2:00 p.m.;

**WHEREAS**, the low responsible bid meeting all specifications was received from D. L. Elliott Enterprises, Inc., in Sugarland, Texas.

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

**SECTION 1:** That the low, responsible bid meeting all specifications for the Water Line Replacement Project – Phase 9, was received from D. L. Elliott Enterprises, Inc., in Sugarland, for the total base bid and Alternate No. 1 and No.2 for a total of \$987,671.50, as set out on Exhibit "A", attached hereto and made a part hereof.

**SECTION 2:** That the Mayor is hereby authorized to enter into a contract with D.L. Elliott Enterprises, Inc. for the Water Line Replacement Project – Phase 9.

**SECTION 3:** That the Mayor is hereby authorized to approve change orders, not to exceed 25% (twenty-five percent) of the contract amount, without bringing the matter before the Commission.

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

**PASSED AND ADOPTED this 18th day of February, 2009.**

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

ATTEST:

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Pamela A. Lawrence  
City Secretary

APPROVED AS TO FORM:

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Robert Gervais  
City Attorney

# **HDR** | **CLAUNCH & MILLER** Engineering Consultants

February 4, 2009

Mr. Mike Hogan, P.E.  
Director of Utilities  
City of Texas City  
301 6th St N  
Texas City, TX 77592

Re: Letter of Recommendation for Water Line Replacement Project – Phase 9  
City of Texas City  
CMI Job No. 07-091

Dear Mr. Hogan:

On January 13, 2009, eleven (11) bids were received on the above referenced project. The following is a summary of our bid evaluation:

**Bid Tabulation Sheet** - Eleven (11) construction firms participated in the bidding process. Each bid was checked for mathematical errors and/or bid irregularities. The project was bid with a base bid and two (2) add alternate bids. The base bid includes water line replacement at seven (7) locations throughout the City. Add Alternate #1 included water line replacement on Cobb Street between Texas Avenue and Carver. Add Alternate #2 included water line replacement on 9<sup>th</sup> Avenue N. between 27<sup>th</sup> Street and 25th Street. As discussed with the City of Texas City, Add Alternates #1 & #2 were utilized as a basis for award of the contract.

The bids for the total project are as follows:

<b>Contractor</b>	<b>Total Base Bid</b>	<b>Add Alternate #1</b>	<b>Add Alternate #2</b>	<b>Total Bid*</b>
D.L. Elliott Enterprises, Inc.	\$839,052.50	\$78,077.00	\$70,542.00	\$987,671.50
Hurtado Construction Co.	\$835,456.50	\$80,071.00	\$72,405.00	\$987,932.50
RWL Construction	\$868,782.50	\$79,672.00	\$72,462.00	\$1,020,916.50
RK Wheaton, Inc.	\$883,257.50	\$83,302.00	\$74,342.00	\$1,040,901.50
SKE Construction, LLC.	\$894,040.70	\$89,247.00	\$80,047.00	\$1,063,334.70
Scohil Construction Services, LLC	\$930,182.50	\$98,837.00	\$86,837.00	\$1,115,856.50
Metro City Construction, Ltd.	\$975,317.92	\$125,287.00	\$72,337.00	\$1,172,941.92
Triple B Services, LLP.	\$1,082,087.50	\$104,957.00	\$92,152.00	\$1,279,196.50
Big StateExcavation, Inc.	\$1,217,925.50	\$110,202.00	\$94,413.00	\$1,422,540.50
Cravens Partners Ltd.	\$1,212,382.50	\$116,522.00	\$102,757.00	\$1,431,661.50
C.E Barker	\$1,239,296.57	\$140,250.61	\$112,176.26	\$1,491,723.44

\*Contract Award was based on Total Base Bid and Add Alternates #1 & #2.

A copy of the bid tabulation is attached.

**Qualification Statement with References** – D.L. Elliott Enterprises, Inc. provided a Name and Qualifications of Key Construction Personnel list, Qualifications Statement for Jobs Completed within the Last Seven Years, Qualifications Statement for Jobs in Progress, and a Financial Statement with References.

D.L. Elliott Enterprises, Inc. has been performing water line replacement in the Houston Galveston area for over 15 plus years. HDR | Claunch & Miller staff have provided construction management and inspection services on projects constructed by D.L. Elliott Enterprises, Inc. HDR | Claunch & Miller met with D.L. Elliott Enterprises, Inc. staff that will be performing work on this project to discuss the project requirements and expectations. D.L. Elliot staff have indicated that they can perform the work as specified on the plans and specifications.

HDR|Claunch & Miller is satisfied with D.L. Elliott Enterprises, Inc experience on water line replacement projects. D.L. Elliott Enterprises, Inc appears to be a responsible firm that is capable of performing the specified work in a satisfactory manner.

For these reasons, we recommend that the City of Texas City award the Water Line Replacement Project – Phase 9 project to D.L. Elliott Enterprises, Inc for a total of \$987,671.50.

If you have any questions, please contact me.

Sincerely,

HDR|CLAUNCH & MILLER



Madhu Kilambi, P.E.  
Senior Project Manager

MK/kl

Cc: Mr. Tom Kessler, P.E. – City of Texas City  
Mr. Doug Knuepper, P.E. – City of Texas City



## Amended TxDOT Maintenance Agreement CITY COMMISSION AGENDA 2

**Date:** 02/18/2009

**Submitted By:** Edna Patterson, Transportation and Planning

**Submitted For:** Doug Kneupper

**Department:** Transportation and Planning

**Agenda Area:** Consent

### Information

#### ACTION REQUEST (Brief Summary)

Approve resolution amending Texas Department of Transportation (TxDOT) Landscape Maintenance Agreement.

#### BACKGROUND

Texas City and TxDOT entered into a Right-of-Way Landscape Maintenance Agreement dated August 16, 2000 for the installation of Longhorn Statues in the vicinity of FM 1764 and IH 45 and for the installation of landscaping along FM 1764 at Century Blvd.

#### ANALYSIS

Texas City requests to amend these Agreements to install additional landscaping at the steer/longhorn locations. The City has hired a qualified Landscape Architecture firm to prepare plans and specifications in compliance with TxDOT standards.

#### ALTERNATIVES CONSIDERED

### Fiscal Impact

### Attachments

Link: [Res 09-010](#)

Link: [Hwy 1764](#)

[Improvements](#)

[TxDOT](#)

### Form Routing/Status

#### Route Seq Inbox

#### Approved By Date

#### Status

		Edna Patterson	09/10/2008 11:36 AM	CREATED
1	Transportation and Planning	Doug Kneupper	02/05/2009 09:08 AM	APRV
2	Finance			NEW
3	Paralegal			

4 City Attorney Office

5 Mayor

6 City Secretary

Form Started By: Edna Patterson

Started On: 09/10/2008 11:36 AM

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**RESOLUTION NO. 09-010**

**A RESOLUTION AMENDING RIGHT-OF-WAY LANDSCAPE MAINTENANCE AGREEMENTS BETWEEN THE CITY OF TEXAS CITY AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR PROPERTY LOCATED AT FM1764 AND IH-45 AND PROPERTY LOCATED AT FM 1764 AT CENTURY BOULEVARD; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the City and Texas Department of Transportation (“TxDOT”) entered into a Right-of-Way Landscape Maintenance Agreement dated August 16, 2000, for the installation of Longhorn Statues in the vicinity of FM 1764 and IH-45; and

**WHEREAS**, the City and TxDOT entered into a similar Right-of-Way Landscape Maintenance Agreement dated August 16, 2000, for the installation of landscaping along FM 1764 at Century Blvd.; and

**WHEREAS**, the City intends to amend these Agreements and install additional landscaping at both locations; and

**WHEREAS**, the City has hired a qualified landscape architecture firm to prepare plans and specifications in compliant with TxDOT standards; and

**WHEREAS**, the City will provide all funding associated with the landscape improvements.

**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 funding and amendments to Right-of-Way Landscape Maintenance Agreement, dated August 16, 2000, for the installation of Longhorn Statues in the vicinity of FM1764 and IH45 and Right-of-Way Landscape Maintenance Agreement, dated August 16, 2000, for the installation of landscaping along FM 1764 at Century Blvd., said amendments allowing for installation of additional landscaping at both locations in accordance with specifications provided by a qualified landscape architecture firm in compliance with TxDOT standards.

**SECTION 2:** That the City Commission authorizes the Mayor to execute the Amendments to both Right-of-Way Landscape Maintenance Agreements.

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

**PASSED AND ADOPTED this 18th day of February, 2009.**

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

ATTEST:

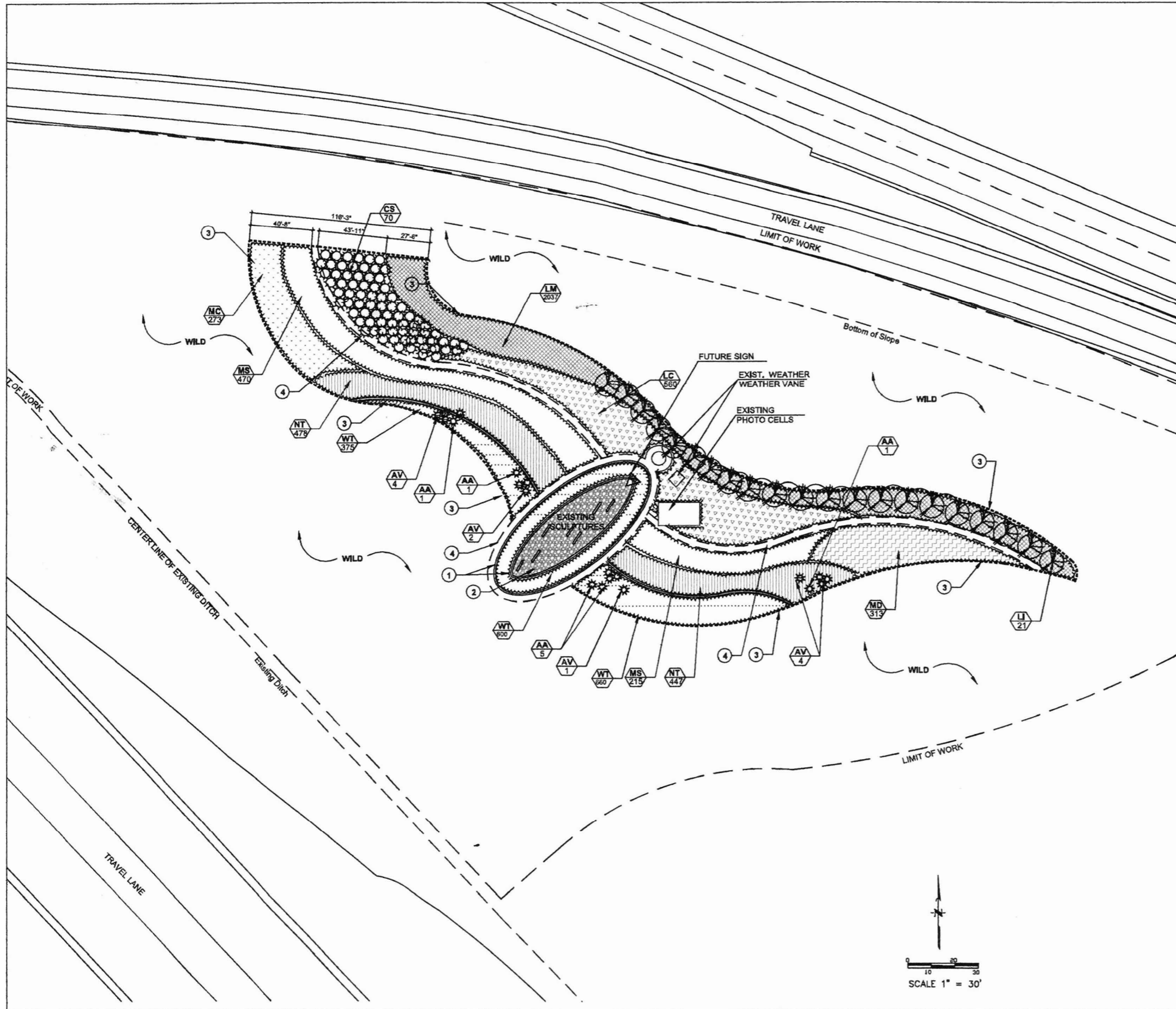
APPROVED AS TO FORM:

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Pamela A. Lawrence  
City Secretary

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Robert Gervais  
City Attorney



4 PLANTING LAYOUT PLAN

- GENERAL NOTES**
- A. CONTRACTOR TO LAYOUT ALL PLANTING BED LIMITS AND LOCATIONS OF ALL PROPOSED TREES IN THE FIELD FOR APPROVAL OF LANDSCAPE ARCHITECT.
  - B. TREES SHALL BE PLANTED NO CLOSER THAN 5'-0" (AS MEASURED FROM CENTER OF TRUNK) FROM ANY WALKWAY, FENCE, BUILDING, OR OTHER HARDSCAPE ITEM.
  - C. CONTRACTOR SHALL FINE GRADE ALL LANDSCAPE AREAS.
  - D. CONTRACTOR TO PROVIDE MINIMUM 2" OF APPROVED TOPSOIL WORKED INTO EXISTING SOIL. FOR ALL AREAS TO RECEIVE HYDROMULCHING AND TOP DRESS ALL AREAS TO RECEIVE SOLID SOD WITH 1" SAND/TOP SOIL MIXTURE.
  - E. WHERE INDICATED ON THE DRAWINGS AS TURF, THIS SHALL MEAN FULL COVERAGE HYDROMULCHING PER SPECIFICATIONS. WHERE INDICATED ON THE DRAWINGS AS SOD, THIS SHALL MEAN SOLID SOD COVERAGE PER SPECIFICATIONS.
  - F. CONTRACTOR TO PROVIDE METAL PLANTING BED EDGING FOR ALL AREAS WHERE TURF AREAS ADJOIN PLANTING BEDS.
  - G. SEE SHEET L 5.1 OR PLANTING LEGEND, DETAILS, AND NOTES

3 GENERAL NOTES

- PLANTING NOTES**
- 1. 12" WIDE X 5" DEEP CONCRETE MAINTENANCE STRIP. SEE DETAIL #5 SHEET L4.1.
  - 2. 3" TEXAS PINK, GRANITE GRAVEL PAVING OVERMIRAFI 140-N FILTER FABRIC.
  - 3. RECYCLED PLASTIC BED EDGING. SEE DETAIL #6 SHEET L4.1.
  - 4. DECOMPOSED GRANITE MAINTENANCE PATH. SEE DETAIL #7 SHEET L4.1.
  - 5. GRAVEL TRENCH DRAIN. SEE DETAIL #8 SHEET L4.1.
  - 6. CONCRETE MAINTENANCE PATH. SEE DETAIL #9, SHEET L4.1.

2 PLANTING NOTES

SHRUBS AND GRASSES		
SYMBOL	SCIENTIFIC NAME	COMMON NAME
AA	Agave americana	Century Plant
AV	Agave americana 'variegata'	Variiegated Century Plant
CS	Cortaderia selloana 'pumila'	Pampas Grass
LM	Lantana monticola	Purple Trailing Lantana
MC	Muhlenbergia capillaris 'Regal Mist'	Gulf Coast Muhly
MD	Muhlenbergia dumosa	Bamboo
MS	Miscanthus sinensis	Japanese Silver Grass
NT	Nassella tenuifolia	Medion Feather Grass
LC	Lonicera chrysantha	Chinese Fing Tree
WT	Wedelia trilobata	Wedelia
WLD	Willow	Mixed Willows

TREES		
SYMBOL	SCIENTIFIC NAME	COMMON NAME
LI	Lagerstroemia indica 'Natchez'	Natchez Crepe Myrtle

1 PLANTING LEGEND

**M2L**  
Associates Inc.  
9320 Westview, Suite 18  
Houston, Texas 77055  
T: (713)722-8897 F: (713)722-8048  
• Landscape Architecture •  
• Land Planning •  
• Urban Design •

RECORD OF ISSUE		Issue	50% CD Submittal						
Revision	Date								
Client		X							
Architect									
Engineer									
General Contractor									
Sub-contractor									

PREPARED FOR:  
City of Texas City  
1809 9th Avenue North  
Texas City, Texas 77592

HWY 1764  
IMPROVEMENTS  
CITY OF TEXAS CITY, Texas

	Name	Date
Drawn By:	PAS	3-13-08
Check By PIC:		
Check by PM:		
Approved By:		

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER AUTHORITY OF MICHAEL MAUER, REGISTERED LANDSCAPE ARCHITECT, STATE OF TEXAS, LICENSE NO. 1510.

Date Created: 3-03-08  
Project Number: TEX0801  
Project Name:  
I.H. 45  
@ F.M. 1764  
IMPROVEMENTS

Drawing Title:  
PLANTING PLAN

Sheet Number:  
L 4.1

**Disannexation****CITY COMMISSION AGENDA 2****Date:** 02/18/2009**Submitted By:** Edna Patterson, Transportation and Planning**Submitted For:** Doug Kneupper**Department:** Transportation and Planning**Agenda Area:** Consent**Information****ACTION REQUEST (Brief Summary)**

Resolution to set Public Hearing for the Commission meeting of March 4, 2009 for disannexation of approximately a 110-acre tract, previously annexed August 24, 2005 by the City of Texas City.

**BACKGROUND**

This area was part of a larger annexation that occurred on August 24, 2005 (Ordinance # 05-34) Tract Two of the original annexed area is approximately a 1300-acre tract is bounded by Caroline Street on the west, Hwy. 146 on the east, the City of League City on the north and the City of Texas City's current city limit on the south. The area being considered for disannexation is just south of FM 646 and bounded by Caroline Street on the west and Gum Bayou on the east.

League City's ETJ extended farther than thought at the time of annexation by Texas City. In our partnering with League City, it was agreed to release this tract.

**ANALYSIS**

State statutes require a Public Hearing prior to consideration of an Ordinance disannexing land. Upon approval of this disannexation, the area will be covered by League City's ETJ.

**ALTERNATIVES CONSIDERED****Fiscal Impact****Attachments**

Link: [Res 09-013](#)

Link:  
[Disannexation](#)  
[Legal](#)  
[Description](#)

**Form Routing/Status****Route Seq Inbox****Approved By Date****Status**

Edna Patterson 02/05/2009 01:59 PM CREATED

1 Transportation and Planning Doug Kneupper 02/09/2009 09:26 AM APRV  
2 Finance NEW  
3 Paralegal  
4 City Attorney Office  
5 Mayor  
6 City Secretary

Form Started By: Edna Patterson

Started On: 02/05/2009 01:59 PM

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## **RESOLUTION NO. 09-013**

**A RESOLUTION CALLING PUBLIC HEARING TO BE HELD ON THE PROPOSED DISANNEXATION OF CERTAIN PROPERTY BY THE CITY OF TEXAS CITY, TEXAS; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH ALL REQUIRED NOTICES OF THE PUBLIC HEARING; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the City of Texas City is considering disannexation of a 110-acre tract, previously annexed August 24, 2005, as part of a larger annexation by the City of Texas City; and

**WHEREAS**, the original annexed area ("Tract Two") is an approximately 1300-acre tract bounded by Caroline Street on the west, Highway 146 on the east, the City of League City on the north and the City of Texas City's current city limit on the south; and

**WHEREAS**, the area within Tract Two being considered for disannexation is just south of FM646 and bounded by Caroline Street on the west and Gum Bayou on the east; and

**WHEREAS**, before disannexation of the area, the City Commission of the City of Texas City proposes to hold a public hearing on March 4, 2009.

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

**SECTION 1:** That the City Commission hereby calls a public hearing giving all interested persons the right to appear and be heard on the proposed disannexation by the City of Texas City, Texas, of that certain property described in Exhibit "A", attached hereto and made a part hereof.

**SECTION 2:** That the public hearing shall be set for the following date:

March 4, 2009, at 5:00pm at Kenneth T. Nunn Council Chambers, City Hall

**SECTION 3:** That the City Secretary is hereby authorized and directed to cause notice of such public hearing to be published at least once in a newspaper having general circulation in the City and in the above-described territory; cause notice of such public hearing to be published on the City's Internet Website; and to provide additional notice, as required, by certified mail, to public entities, public utility providers, and railroad companies providing service within the proposed disannexation area. The notice shall contain the place and time of said public hearing.

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

**PASSED AND ADOPTED this 18th day of February, 2009.**

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

ATTEST:

APPROVED AS TO FORM:

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Pamela A. Lawrence  
City Secretary

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Robert Gervais  
City Attorney

**PROPOSED DE-ANNEXATION PARCEL  
FROM THE CITY OF TEXAS CITY  
GALVESTON COUNTY TEXAS  
TRACT 1**

BEING a tract of land of approximately 110 acres bounded on the west by the east line of Caroline Street (60' Right of Way), bounded on the south by the north line, and extensions thereof, of the Branding Iron Community Subdivision as per the map or plat recorded in Volume 18 Page 18 of the Galveston County Map Records, bounded on the east by the east line of the Galveston County Drainage Easement along Gum Bayou, and bounded on the north by the south line of League City Semi-Tropical Gardens Subdivision as recorded in Volume 11 Page 4 of the Galveston County Map Records, and said 110 acre parcel being more particularly described by metes and bounds as follows;

BEGINNING at the intersection of the westerly extension of the north line of the Branding Iron Community Subdivision as per the map or plat recorded in Volume 18 Page 18 of the Galveston County Map Records with the east line of Caroline Street (60' right of way)

THENCE in a northerly direction along the said east line of Caroline Street to the point of intersection with the south line of League City Semi-Tropical Gardens Subdivision as recorded in Volume 11 Page 4 of the Galveston County Map Records;

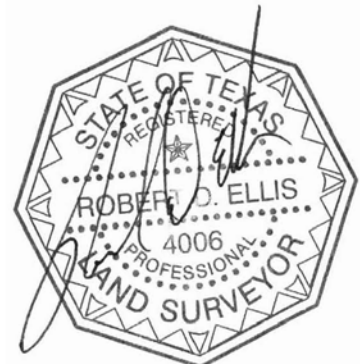
THENCE in an easterly direction along the said south line of said League City Semi-Tropical Gardens Subdivision to the point of intersection with the east line of the Galveston County Drainage Easement along Gum Bayou;

THENCE in a southerly direction along the said east line of the Galveston County Drainage Easement along Gum Bayou to the point of intersection with the easterly extension of the north line of the Branding Iron Community Subdivision;

THENCE in a westerly direction with the said easterly extension of the north line of the Branding Iron Community Subdivision, the north line of Branding Iron Community Subdivision, and the westerly extension of the north line of the Branding Iron Community Subdivision to the Place of Beginning at the point of intersection with the east line of Caroline Street.

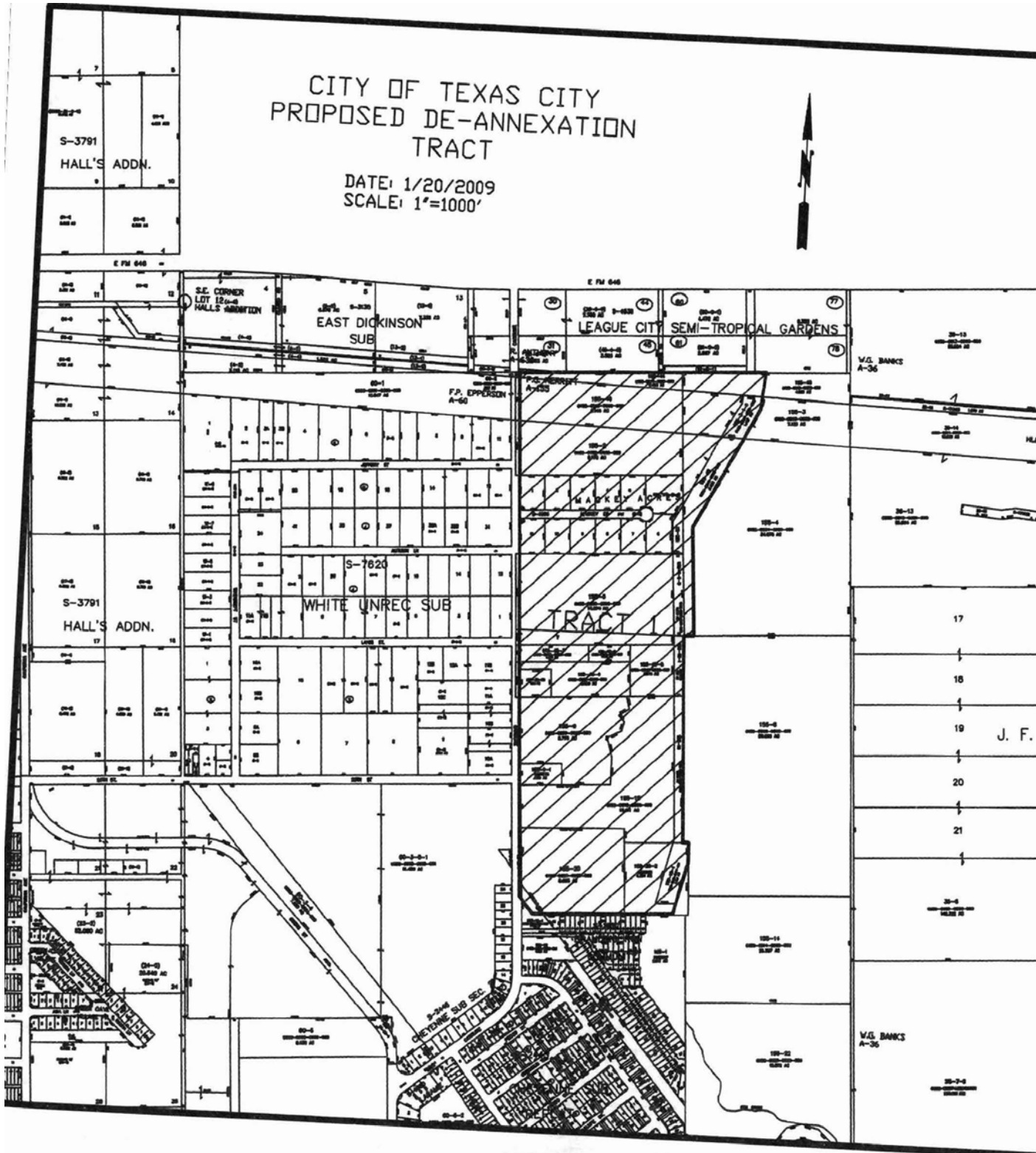
NOTE: THIS DOCUMENT HAS BEEN PREPARED UNDER 22 TAC § 663.23; DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND; IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT HAS BEEN PREPARED.

**PREPARED  
JAN. 20, 2009  
BY  
ELLIS SURVEYING SERVICES  
8419 E.F. LOWRY EXPRESSWAY  
TEXAS CITY, TEXAS 77591  
TEL: 409-938-8700 FAX 409-938-8706**



CITY OF TEXAS CITY  
PROPOSED DE-ANNEXATION  
TRACT

DATE: 1/20/2009  
SCALE: 1"=1000'



**Bid # 2009-194 Re-Roofing Various Facilities for City of Texas City  
CITY COMMISSION AGENDA 2**

**Date:** 02/18/2009

**Submitted By:** Rita Williams, Purchasing

**Department:** Purchasing

**Agenda Area:** Consent

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**Information**

**ACTION REQUEST (Brief Summary)**

Approve and award Bid # 2009-194 Re-Roofing Various Facilities for City of Texas City.

**BACKGROUND**

On January 23, 2009, five (5) bid packets were mailed to area vendors. A bid tabulation is attached for your review.

Bids opened Tuesday, February 10, 2009 at 2:00 p.m.

A budget amendment of \$465,000.00 was approved by City Commission on January 21, 2009, providing the funds to award roofing projects related to damages incurred by Hurricane Ike.

**ANALYSIS**

The low responsible bids meeting all specifications were received as follows:

Con-Tex Services, Inc., in Houston

Item #1 Doyle Convention Center \$63,910.00

Item #4 Carver Park Community Center \$164,000.00

John A. Walker Roofing, Inc. in La Marque

Item #2 Fire Station #2 \$117,700.00

Item #3 Wastewater Treatment Plant \$39,000.00

Grand total price for the projects:

\$384,610.00

Both vendors are approved to install Garland Roofing - per project specifications.

It is my recommendation to award the re-roofing projects to Con-Tex Services, Inc., for a total bid of \$227,910.00 and John A. Walker Roofing, Inc., for a total bid of \$156,700.00 and that the Mayor is authorized to execute the contracts on behalf of the City Commission. I further recommend that the Mayor be authorized to approve change orders, not to exceed 25% of the contract amounts, without bringing the matter before the Commission.

Thank you.

## ALTERNATIVES CONSIDERED

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### Fiscal Impact

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### Attachments

Link:

Res  
09-012

Link:

Exhibit  
A

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### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	02/11/2009 02:45 PM	CREATED
1	Public Works	Tommy Maris	02/11/2009 03:39 PM	APRV
2	Purchasing (Originator)	Rita Williams	02/12/2009 01:21 PM	APRV
3	Finance			NEW
4	Paralegal			
5	City Attorney Office			
6	Mayor			
7	City Secretary			
Form Started By: Rita Williams		Started On: 02/11/2009 02:45 PM		

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## **RESOLUTION NO. 09-012**

### **A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE RE-ROOFING OF VARIOUS FACILITIES DUE TO DAMAGE CAUSED BY HURRICANE IKE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, on January 23, 2009, five (5) bid packets were mailed to area vendors for re-roofing various facilities for the City under Bid No. 2009-194;

**WHEREAS**, bids opened on February 10, 2009, and the lowest bids received meeting specifications were submitted by Con-Tex Services, Inc., Houston, Texas and John A. Walker Roofing, Inc., LaMarque, Texas, as set out on the attached Exhibit "A", and made a part hereof.

**WHEREAS**, funds are available from a budget amendment of \$465,000.00, which was approved by the City Commission on January 21, 2009, providing funds to award roofing projects related to damages incurred by Hurricane Ike.

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

**SECTION 1:** That the successful bidder for the re-roofing of various City facilities were received as follows:

Con-Tex Services, Inc.	Item #1 Doyle Convention Center	\$ 63,910.00
Con-Tex Services, Inc.	Item #4 Carver Park Community Center	164,000.00
John A. Walker Roofing	Item #2 Fire Station #2	117,000.00
John A. Walker Roofing	Item #3 Wastewater Treatment Plant	39,000.00

**SECTION 2:** That the purchasing agent is recommending to award the re-roofing projects to Con-Tex Services, Inc., for a total bid of \$227,910.00 and John A. Walker Roofing, Inc., for a total bid of \$156,700.00.

**SECTION 3:** That the Mayor is hereby authorized to enter into a contract with Con-Tex Services, Inc. and John A. Walker Roofing, for the total bid amount of \$384,610.00 for the re-roofing of damaged City facilities.

**SECTION 4:** That the Mayor is hereby further authorized to approve change orders, not to exceed 25% of the contract amount, without bringing the change orders before the City Commission.

**SECTION 5:** That this Resolution shall be in full force and effect from and after its passage and adoption.

**PASSED AND ADOPTED this 18th day of February, 2009.**

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

ATTEST:

APPROVED AS TO FORM:

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Pamela A. Lawrence  
City Secretary

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Robert Gervais  
City Attorney

## **BID TABULATION**

### **RE-ROOFING VARIOUS FACILITIES FOR CITY OF TEXAS CITY**

**BID #2009-194**

Bid Opening: Tuesday, February 10, 2009 @ 2:00 p.m.

	<b>VENDORS</b>			
<b>ITEM 1</b>	<b>Con-Tex Services, Inc. Houston, Texas</b>	<b>John A. Walker Roofing, Inc. La Marque, Texas</b>	<b>F.W. Walton, Inc. Houston, Texas</b>	<b>Liqua-Tech Houston, Texas</b>
<b>DOYLE CONVENTION CENTER TOTAL BID</b>	<b>\$63,910.00 60 calendar days to complete</b>	<b>\$75,000.00</b>	<b>\$79,177.00</b>	<b>\$91,000.00</b>
<b>ITEM 2</b>				
<b>FIRE STATION #2 TOTAL BID</b>	<b>\$124,500.00</b>	<b>\$117,700.00 45 calendar days to complete</b>	<b>\$147,000.00</b>	<b>\$175,000.00</b>
<b>ITEM 3</b>				
<b>WASTEWATER TREATMENT PLANT TOTAL BID</b>	<b>\$41,000.00</b>	<b>\$39,000.00 30 calendar days to complete</b>	<b>\$47,007.00</b>	<b>\$54,000.00</b>
<b>ITEM 4</b>				
<b>CARVER PARK COMMUNITY CENTER TOTAL BID</b>	<b>\$164,000.00 60 calendar days to complete</b>	<b>\$181,000.00</b>	<b>\$187,009.00</b>	<b>\$210,500.00</b>

5.a.

## Ordinance to Permanently Rezone Property for Harvin Moore/Amburn Oaks

### CITY COMMISSION AGENDA 2

**Date:** 02/18/2009

**Submitted By:** Jean Vincent, Inspections

**Submitted For:** Brian Falk

**Department:** Inspections

**Agenda Area:** Regular Items

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#### Information

##### ACTION REQUEST (Brief Summary)

We need to place this item on the agenda to permanently rezone property for Harvin Moore/Amburn Oaks to rezone from "A" (Single Family Res) to "E" (General Business) to develop a neighborhood retail service center. Being Reserve A, Amburn Oaks S/d. Located on the corner of Amburn Road and FM 1765. A building permit has been issued and this is now ready for permanent rezoning.

##### BACKGROUND

This item was previously given approval by the Zoning Commission on October 2, 2007 and the City Commission on November 7, 2007. It has now been issued a building permit and is ready to go for the ordinance to give the final rezoning on the property. There was no opposition to the rezoning request.

##### ANALYSIS

##### ALTERNATIVES CONSIDERED

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#### Fiscal Impact

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#### Attachments

Link:

Ord  
09-07

Link:

memo

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#### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Jean Vincent	02/09/2009 10:20 AM	CREATED
1	Jean Vincent (Originator)	Jean Vincent	02/09/2009 10:26 AM	APRV
2	Paralegal	Linda Jennings	02/09/2009 10:31 AM	APRV
3	Inspections			NEW
4	Finance			
5	Paralegal			
-				

6 City Attorney Office

7 Mayor

8 City Secretary

Form Started By: Jean Vincent

Started On: 02/09/2009 10:20 AM

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## **ORDINANCE NO. 09-07**

**AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, ALSO KNOWN AS THE ZONING ORDINANCE, BY REZONING FROM DISTRICT "A", SINGLE FAMILY RESIDENTIAL TO DISTRICT "E", GENERAL BUSINESS, FOR HARVIN MOORE / AMBURN OAKS TO DEVELOP A RETAIL SERVICE CENTER; ORDERING SAID CHANGES MADE ON THE CITY ZONING MAP; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; DISPENSING WITH THE CHARTER REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.**

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**WHEREAS**, due and proper notice has been given and public hearing held and all other required action taken to amend the Zoning Ordinance for the City of Texas City, Texas, and it is the considered opinion of the City Commission that said Ordinance be amended and changed as follows for the public welfare, good, economy, and enjoyment;

**WHEREAS**, this property was previously granted preliminary rezoning approval by both the zoning commission and the city commission; and

**WHEREAS**, a building permit has been issued for the construction to begin.

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

**SECTION 1:** That certain property located within the City of Texas City, being Reserve A, Amburn Oaks Subdivision, approximately 9.5 acres out of the S. F. Austin League, located on the corner of Amburn Road and FM 1765, in Texas City, Galveston County, Texas, currently zoned as District "A" (Single Family Residential), is hereby rezoned and classified as District "E" (General Business), to construct a neighborhood retail service center.

**SECTION 2:** That the City Engineer shall designate said changes from District "A", Single Family Residential, to District "E", General Business, as hereinabove provided on the original zoning map, as amended, and on the duplicate copy thereof kept in the Office of the City Planning Board.

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

**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 AND ADOPTED the 18th day of February, 2009.**

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Pam Lawrence  
City Secretary

\_\_\_\_\_  
Robert Gervais  
City Attorney

# MEMO

**To:** Mayor Doyle and City Commission  
**From:** Brian Falk, Building Official  
**Subject:** Permanent Rezoning  
**Date:** February 13, 2009

The property listed below is ready to have the final ordinance to permanently rezone the property. A building permit was issued for the construction to begin. Please place on the next available agenda for final rezoning.

Harvin Moore/Amburn Oaks to rezone from "A" (Single Family Res) to "E" (General Business) to develop a neighborhood retail service cent. Being Reserve A, Amburn Oaks S/d. Approximately 9.5 acres out of the S.F. Austin League. Located on the corner of Amburn Road and FM 1765.

BRF:jv

## **Fire Classification Ordinance CITY COMMISSION AGENDA 2**

**Date:** 02/18/2009

**Submitted By:** Linda Jennings, City Attorney Office

**Submitted For:** Joseph Gorman

**Department:** Fire Department

**Agenda Area:** Regular Items

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### **Information**

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

Ordinance correcting the City Code, Chapter 90, Class of Positions, Section 90-151, Personnel, Section 90-151 "Classes of Positions," by increasing the number of engineers by one.

#### **BACKGROUND**

#### **ANALYSIS**

An Ordinance is needed to correct Ordinance No. 08-52 and amending the City Code, Chapter 90, "Personnel", Section 90-151 "Classes of Positions," by increasing the number of positions within the classification of engineer by one; prescribing the resulting number of positions in each classification of the classified service of the fire department.

#### **ALTERNATIVES CONSIDERED**

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### **Fiscal Impact**

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### **Attachments**

Link:

Ord

09-06

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**ORDINANCE NO. 09-06**

**AN ORDINANCE CORRECTING ORDINANCE NO. 08-52 AND AMENDING THE CITY CODE, CHAPTER 90, "PERSONNEL", SECTION 90-151 "CLASSES OF POSITIONS," BY INCREASING THE NUMBER OF POSITIONS WITHIN THE CLASSIFICATION OF ENGINEER BY ONE; PRESCRIBING THE RESULTING NUMBER OF POSITIONS IN EACH CLASSIFICATION OF THE CLASSIFIED SERVICE OF THE FIRE DEPARTMENT; 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.**

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**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**, on December 17, 2008, the City Commission adopted Ordinance No. 08-52 which added the classification of Assistant Fire Chief and provided for the resulting number of firefighters within each classification; and

**WHEREAS**, Ordinance No.08-52 incorrectly stated the number of authorized engineers within said classification as 18, when it should have stated 19 engineers; and

**WHEREAS**, the City Commission of the City of Texas deems it is in the best interest of the City to correct Ordinance No.08-52 and amend Chapter 90, "Personnel", by increasing the number of authorized engineer positions from eighteen (18) to nineteen (19), 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 Chapter 90, "Personnel" of **The City Code of the City of Texas City** is amended by amending section 90-151 to add one engineer position and to prescribe the number of resulting 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 following classes of positions, and number of positions within each classification, were hereby established in the classified service of the City's Fire Department:

(1)	Firefighter.....	45
(2)	Engineer.....	18
(3)	Captain.....	13
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)	Firefighter.....	45
(2)	Engineer.....	<del>18</del> 19
(3)	Captain.....	12
(4)	Assistant Fire Chief .....	1
Total:		<del>76</del> 77

...”

**SECTION 2:** 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 3:** 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 4:** That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5:** 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 6:** 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 18<sup>th</sup> day of February, 2009.**

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Pamela Lawrence  
City Secretary

\_\_\_\_\_  
Robert Gervais  
City Attorney