

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

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

**WEDNESDAY, APRIL 1, 2009 - 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 receive input from the public on a proposal for the City of Texas City to annex certain territory in Galveston County Municipal Utility District No. 52 for limited purposes and to impose the City of Texas City's sales and use tax in such territory, and implement certain other City functions enumerated in the Strategic Partnership Agreement.
- 5. CONSENT AGENDA**
  - a. Consider approval of the minutes from the March 18, 2009 City Commission Meeting.
  - b. Consider approval of **Resolution No. 09-030** authorizing the Mayor to execute an **Interlocal Agreement/Contract for the hiring** by the City of League City and sharing the expenses by local agencies in need **of a State Certified Breath Alcohol Test Supervisor**. (Police Dept.)
  - c. Consider approval of **Resolution No. 09-031** awarding the contract for the **demolition/clearance of twenty (20) properties**. (Purchasing Dept.)
  - d. Consider approval of **Resolution No. 09-032** appointing **two new members to the City's Library Board**. (Library)
  - e. Consider approval of **Resolution No. 09-033** amending the existing **TxDOT Right-of-Way Landscape Maintenance Agreement to allow the installation of landscaping and irrigation around the Longhorn statues**. (Transportation and Planning Dept.)
  - f. Consider approval of **Resolution No. 09-034** awarding the **annual contract for Solid Waste Disposal**. (Purchasing Dept.)
  - g. Consider approval of **Resolution No. 09-036** awarding a contract for the **Repair and Paint One Elevated Water Tank and One Ground Storage Reservoir Project**. (Purchasing Dept.)

- h. Consider approval of **Resolution No. 09-035** awarding a contract for the Tax/Finance office remodeling project. (Finance Dept.)

**6. REGULAR ITEMS**

- a. Consider approval of **Ordinance No. 09-13 amending the Code of Ordinances, City of Texas City, Appendix A Zoning**, Section 40-11(a) Zoning District Map Description by rezoning from District “O” (Open Space) to “S-P” (Site Plan) being approximately 6.672 acres out of Block 7 and Block 8, Semi-Tropical Gardens Subdivision; located at **5730 FM 646 East, Galveston County, Texas City** [requested by Brand Energy Services]. (Inspection Dept.)
- b. Consider approval of **Ordinance No. 09-14 amending the Code of Ordinances, City of Texas City, Appendix A Zoning**, Section 40-11(a) Zoning District Map Description by rezoning from District “IBD” (Industrial Business District) to “S-P” (Site Plan) being part of Abstract 77, page 2, all Blocks 64, 65, 66, and 67, bordered by 2nd Avenue South, 3rd Avenue South, 6th Street and 4th Street, includes 64 lots, being approximately 9 acres; located at **103 2nd Avenue South, Galveston County, Texas City** [requested by Sterling Chemical Inc.]. (Inspection Dept.)
- c. Consider approval of **Ordinance No. 09-15 amending** the 2008-2009 fiscal year budget to to carry forward the **Renewal/Painting of Godard Elevated Tank project**, which was originally funded in the 2007-08 fiscal year. (Finance Dept.)

**7. PUBLIC COMMENTS**

**8. MAYOR'S COMMENTS**

**9. COMMISSIONERS' COMMENTS**

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

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

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

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

**DATED: March 27, 2009**



## Limited Purpose Annexation for Grand Cay Harbour CITY COMMISSION AGENDA 2

**Date:** 04/01/2009  
**Submitted By:** Julie Morreale, Planning  
**Submitted For:** Don Carroll  
**Department:** Planning  
**Agenda Area:** Public Hearing

### Information

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

We need to provide the notice of the City's intent to hold Two (2) public hearings for a pending Limited Purpose Annexation for Grand Cay Harbour subdivision aka MUD 52.

#### **BACKGROUND**

The date, time and text for the proposed public hearing will be provided by Bobby Gervais. We already have template language provided by Daniel Oliver Esq. Bobby also has the aforementioned templates and I have spoken with Bobby regarding this pending proposal and it is my understanding that he is in agreement with the prescribed approach and required action steps to be taken.

Please find the outline of steps required.

We will initiate this Limited Purpose Annexation in order to adhere to the covenant established between the City and Developer. More specifically in agreement with the Strategic Partnership Agreement the Developers Agreement and the Utility Agreement approved for the development of Grand Cay subdivision.

Finally, we will initiate the Limited Purpose Annexation in order for the City to legally have the authority to collect sales tax from the Development at the appropriate time.

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

### Fiscal Impact

### Attachments

Link: [CC Public Hearing Notice-Limited Purpose Annexation](#)  
 Link: [Map of Grand Cay](#)  
 Link: [PB minutes](#)

### Form Routing/Status

Route Seq Inbox

Approved By Date

Status



		Julie Morreale	02/20/2009 11:32 AM	CREATED
1	Planning (Originator)	Don Carroll	02/20/2009 02:00 PM	APRV
2	Finance	Cheryl Hunter	02/24/2009 10:49 AM	APRV
3	Paralegal	Linda Jennings	02/24/2009 10:55 AM	APRV
4	City Attorney Office	Linda Jennings	02/24/2009 10:56 AM	APRV
5	Mayor	Matthew Doyle	03/26/2009 07:12 AM	APRV
6	City Secretary			NEW
Form Started By: Julie Morreale			Started On: 02/20/2009 11:32 AM	

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## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City Commission of the City of Texas City will conduct a **PUBLIC HEARING at 5:00 p.m. on Wednesday, April 1, 2009 and Wednesday, April 15, 2009** in the Kenneth T. Nunn Room, City Hall, 1801-Ninth Avenue North, Texas City, Texas 77590.

The purpose of the Public Hearing is to receive input from the public on a proposal for the City of Texas City to annex certain territory in Galveston County Municipal Utility District No. 52 for limited purposes and to impose the City of Texas City's sales and use tax in such territory, and implement certain other City functions enumerated in the Strategic Partnership Agreement.

All persons desiring to attend such public hearing may view the City Council's agenda to confirm the scheduling of the hearing. The agenda will be available at City of Texas City- City Hall, City Hall, 1801-Ninth Avenue North, Texas City, Texas 77590 at least 72 hours preceding the hearing. All persons desiring to be heard at such hearing are invited to attend the hearing. Copies of a report concerning the proposed limited-purpose annexation are now available in the Office of the City Secretary at such address on weekdays between the hours of 8:00 a.m. and 5:00 p.m. The report contains the results of a planning study conducted for the territory proposed to be annexed for limited purposes and also a regulatory plan prepared for such territory.

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Pamela Lawrence, City Secretary  
City of Texas City

Date of posting: March 5, 2009



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Image Houston-Galveston Area Council  
© 2009 Tele Atlas

Google

29°26'15.89" N 94°54'37.77" W

Jan 9, 2008 Eye alt 2.45 km

## **APPROVAL OF MINUTES**

On Monday, February 16, 2009 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were Jose Boix, Mayor Doyle, Commissioner Haney and Dickie Campbell. Staff members present were Don Carroll, Doug Kneupper and Julie Morreale. No citizens were present.

**APPROVAL OF MINUTES.** A motion to approve the minutes of February 2, 2009 was made by Commissioner Haney/Dickie Campbell. All members present voted aye. Mr. Jose Boix presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

**ITEM NO. 1. Mr. Donald Carroll presentation of Planning Study for Grand Cay Harbour- Limited Purpose Annexation. (Action)** Mr. Donald Carroll presented the Planning Study proposal for the pending Limited Purpose Annexation for Grand Cay Harbour. (Memorandum attached). He also presented the Limited Purpose Annexation procedures and a report on the Proposed Limited Purpose Annexation of Certain Property (Attached). Commissioner Haney asked why this area was disannexed. Mr. Carroll stated this was part of the requirements established in the special district policy (Specifically in accordance with the established strategic partnership and utility agreements). Mr. Doug Kneupper also stated this was a part of the Development Agreement and to assist with taxes, but not as an incorporated so they must develop using the City Codes and Zoning Ordinances, meet nuisance codes, fire codes. Mayor Doyle stated that once platted the lots will have an annual fee of \$600 (Citing some of the provisions associated with the disannexation and Limited Purpose Annexation). He stated Grand Cay will not be allowed to vote or run for City offices but will be allowed use of City facilities and to run and/or vote on school board issues. He continued the Limited Annexation of Grand Cay will support the Bay Street extension roadway and bridge work. Commissioner Haney asked if they will be required to plat the area. Mr. Carroll stated they will have to meet all standard requirements. General discussion followed, there being no further discussion, **a motion to approve the Planning Study for Grand Cay - Limited Purpose Annexation was made by Commissioner Haney/Dickie Campbell. All members present voted aye.**

**There being no further business, a motion was made to adjourn by Commissioner Haney/Dickie Campbell. All members present voted aye.**

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**Jose Boix, Acting-Chairperson**

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**Donald Carroll, Secretary**

5.a.

**Minutes from the March 18, 2009 City Commission Meeting**  
**CITY COMMISSION AGENDA 2**

**Date:** 04/01/2009

**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 March 18, 2009 City Commission Meeting.

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

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**Attachments**

Link: [March 18, 2009 City  
Commission Minutes](#)

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**REGULAR CALLED CITY COMMISSION MEETING**

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

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

A **Regular Called Meeting of the City Commission** was held on **Wednesday, March 18, 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 and Donald Singleton. Commissioner John W. Wilson was not able to attend.

The **Mayor** called upon **Father Tom Ponzini, St. Mary's of the Miraculous Medal Community Church**, to offer the **Invocation**. The Mayor thanked Father Ponzini for his attendance and for offering the invocation. **Commissioner Johnson** 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**

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

<b>SAMUEL SIFUENTES</b>	<b>BAYOU GOLF CLUB</b>	<b>20 YEARS</b>
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**RETIREES:**

<b>MARK ALLEN</b>	<b>FIRE DEPT.</b>	<b>23 YEARS</b>
<b>DONALD BROOKS</b>	<b>PUBLIC WORKS DEPT.</b>	<b>18 YEARS</b>

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

- a. Consider approval of the **Minutes** from the March 2, 2009 Regular Called City Commission Meeting.
- b. Consider approval of **Resolution No. 09-020 updating the signatories** on accounts held at Texas First Bank. (Finance Dept.)

**RESOLUTION NO. 09-020**

**A RESOLUTION UPDATING THE SIGNATURE CARDS DESIGNATING CITY OFFICIALS AS SIGNATORIES AT TEXAS FIRST BANK FOR THE CITY'S BANK ACCOUNTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- c. Consider approval of **Resolution No. 09-025** authorizing the Mayor to enter into an **agreement with the Mainland Communities United Way**.

**RESOLUTION NO. 09-025**

**A RESOLUTION APPROVING AN AGREEMENT WITH MAINLAND COMMUNITIES UNITED WAY AND THE CITY OF TEXAS CITY FOR THE SENIOR PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- d. Consider approval of **Resolution No. 09-021** awarding the annual contract for the **purchase of Packaged Concrete, Cement and Lime**. (Purchasing Dept.)

**RESOLUTION NO. 09-021**

**A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR THE PURCHASE AND DELIVERY OF PACKAGED CONCRETE, CEMENT AND LIME ANNUAL CONTRACT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- e. Consider approval of **Resolution No. 09-22** awarding the contract for the **purchase and delivery of Reinforced Concrete Pipe and Joint Sealer**. (Purchasing Dept.)

**RESOLUTION NO. 09-022**

**A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR THE PURCHASE AND DELIVERY OF REINFORCED CONCRETE PIPE AND JOINT SEALER; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- f. Consider approval of **Resolution No. 09-23** awarding the annual contract for the **purchase of Picked-Up Packaged Concrete, Cement and Lime**. (Purchasing Dept.)

**RESOLUTION NO. 09-023**

**A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR THE PURCHASE OF PICKED-UP PACKAGED CONCRETE, CEMENT AND LIME ANNUAL CONTRACT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- g. Consider approval of **Resolution No. 09-024** award the **annual contract** for the purchase and delivery of **Quicklime**. (Purchasing Dept.)

**RESOLUTION NO. 09-024**

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

- h. Consider the approval of **Resolution No. 09-026** authorizing the **purchase and delivery of two (2) Vapex systems for Lift Stations #10 & #30** for odor and corrosion control. (Utilities Dept.)

**RESOLUTION NO. 09-026**

**A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF TWO (2) VAPEX SYSTEMS FOR LIFT STATIONS 10 AND 30 FOR ODOR AND CORROSION CONTROL; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- i. Consider approval of **Resolution No. 09-027** awarding the contract for the **Lift Station Improvements Project**. (Purchasing Dept.)

**RESOLUTION NO. 09-027**

**A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE LIFT STATION IMPROVEMENT PROJECT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- j. Consider approval of **Resolution No. 09-029** authorizing the purchase, delivery and **installation of new carpet for the Doyle Convention Center**. (Recreation & Tourism Dept.)

**RESOLUTION NO. 09-029**

**A RESOLUTION APPROVING THE PURCHASE, DELIVERY AND INSTALLATION OF CARPET FOR THE DOYLE CONVENTION CENTER THROUGH A TXMAS QUALIFIED VENDOR; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

Due to a conflict of interest concerning item b., Mayor Doyle excused himself from voting on this issue.

**Commissioner Haney made a MOTION to APPROVE the CONSENT AGENDA; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED.**

**REGULAR ITEMS**

- a. Consider approval of **Resolution No. 09-028** appointing **signatories for the CDARS account** with SWBC Investment Services, LLC. (Financial Dept.)

The Certificate of Deposit Account Registry Service or CDARS program is a deposit placement service offered by nearly 3,000 financial institutions that are members of the CDARS network. CDARS works by allocating funds into CDs issued by banks that are members of the CDARS network. This occurs in increments below the standard FDIC insurance maximum, so that both principal and interest are eligible for complete FDIC protection. As a result, the City can access multi-million dollar FDIC insurance coverage from many sources while working with just one financial institution and receiving one regular, consolidated account statement summarizing its CD's. It's one of the safest vehicles for investors and is an excellent alternative to



investing in Treasuries or other fixed income investments. The City has chosen SWBC Investment Service LLC, a registered broker/dealer, to serve as its financial institution for the CDARS program. SWBC will handle the City's deposit placements, which will be at the full discretion of the City and its investment needs. CDARS is in compliance with the Texas Public Funds Investment Act (TPFIA). The authorized signers for this account will be Matthew T. Doyle, Mayor, Cheryl T. Hunter, Director of Finance and Laura R. Boyd, Assistant Director of Finance.

**RESOLUTION NO. 09-028**

**A RESOLUTION AUTHORIZING SIGNATORIES FOR THE CDARS ACCOUNT WITH SWBC INVESTMENT SERVICES, LLC.; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

Due to a conflict of interest Mayor Doyle excused himself from voting on this issue.

**Commissioner Land made a MOTION to APPROVE Resolution No. 09-028 appointing signatories for the CDARS account with SWBC Investment Services, LLC; Commissioner Clark SECONDED the motion. All present voted AYE. MOTION CARRIED.**

- b. Consider approval of **Ordinance No. 09-11 amending the City of Texas City's fiscal year 2008/2009 budget allocating funds for the annual funding of Texas City's fixed route bus service** (Connect Transportation), which is sponsored by the Gulf Coast Center. (Finance Dept.)

In early 2008, the City agreed to help fund Texas City's fixed route bus service (Connect Transportation), which is sponsored by the Gulf Coast Center. The City's portion of the annual funding is \$80,000 and was discussed during last year's budget process; but was mistakenly not included in the final adopted budget for 2008-09. Funding for this service is available in the General Fund.

**ORDINANCE NO. 09-11**

**AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR TEXAS CITY'S FIXED ROUTE BUS SERVICE (CONNECT TRANSPORTATION); 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 Johnson made a MOTION to APPROVE Ordinance No. 09-11 amending the City of Texas City's fiscal year 2008/2009 budget allocating funds for the annual funding of Texas City's fixed route bus service (Connect Transportation), which is sponsored by the Gulf Coast Center; Commissioner Singleton SECONDED the motion. All present voted AYE. MOTION CARRIED.**

- a. Consider approval of **Ordinance No. 09-12 amending the City of Texas City's fiscal year 2008/2009 budget to provide funding for expenses related to the City's "Good Neighbor Program".** (Finance Dept.)

A budget amendment is needed to provide funding for expenses related to the City's "Good Neighbor Program". Funds in the amount of \$10,000 are available in the Renaissance Texas City Fund.

**ORDINANCE NO. 09-12**

**AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR EXPENSES RELATED TO THE CITY'S "GOOD NEIGHBOR PROGRAM"; 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 Johnson made a MOTION to APPROVE Ordinance No. 09-12 amending the City of Texas City's fiscal year 2008/2009 budget to provide funding for expenses related to the City's "Good Neighbor Program"; Commissioner Haney SECONDED the motion. All present voted AYE. MOTION CARRIED.**

**PUBLIC COMMENTS**

Lance D. Cleveland, Jr. addressed the City Commission concerning City employees. He stated that some of the City employees are afraid to talk about issues on the job; they are afraid if they speak up they will lose their jobs. Issues that employees would like to discuss include: 1. racial determination of union members vs. non-members; racial determination over minority employee vs. white employee; equal discipline between the class of employees; and hiring practices between minorities and white. Responding to Mr. Cleveland's comments, the Mayor said that he appreciated Mr. Cleveland's concerns and asked that Mr. Cleveland have whoever these people are contact Ms. Wyatt, Director of Human Resources. If they have a complaint that they would like to file they are more than welcome to do that and we would want for them to do that. The Mayor said that he has not experienced anyone that has a complaint not having the will or the want to be able to do that.

Carey Rogers informed the public on the Texas P.R.I.D.E. Crisis Counseling Program for individuals who have been affected by Hurricane Ike. Texas P.R.I.D.E. offers free in-home and community based services for individuals, families, groups and organizations impacted by Hurricane Ike. Services include: social support, linking to community resources, individual counseling, and group counseling school groups.

**MAYOR'S COMMENTS**

The Mayor voiced his appreciation for a great St. Patrick's Day last week. He also acknowledged the presence of School Board Member, Ms. Melba Anderson. He

noted that the School Board recently voted to build a new Administration Building, which will sit out in front of the school instead of behind it.

**COMMISSIONERS' COMMENTS**

Having no further business, Commissioner Johnson made a MOTION to ADJOURN at 5:30 p.m.; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.

\_\_\_\_\_  
MATTHEW T. DOYLE, MAYOR

ATTEST:

\_\_\_\_\_  
Pamela A. Lawrence, City Secretary

pal: 03-25-2009

## **Approval of InterLocal Agreement Contract for Breath Alcohol Tech Supervisor**

### **CITY COMMISSION AGENDA 2**

**Date:** 04/01/2009  
**Submitted By:** Carla Costello, Police Department  
**Submitted For:** Robert Burby  
**Department:** Police Department  
**Agenda Area:** Consent

#### **Information**

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

A Presentation for the Approval and acceptance by the Mayor and Commission of an Interlocal Agreement Contract for the hiring by the City of League City and sharing the expenses by local agencies in need of a State Certified Breath Alcohol Test Supervisor for this area. A Breath Alcohol Technical Supervisor is to be hired as a full time employee of the City of League City.

An InterLocal Agreement between either (7) or (9) local agencies will be put in place, in which each Agency will commit to the Agreement for a period of 5 years. Each Agency will pay approximately \$11K per year to the City of League City defray the employment costs of this person. This will include all State mandated certifications on the Intoxilyzer, mandated re-certification and training for our Departmental Intoxilyzer operators, court testimony, and maintenance of the Intoxilyzer machine, which each Agency included in the Agreement is responsible for purchasing. We do have funding available in our current budget to purchase the intoxilyzer and contract with League City for the Technical Supervisor Agreement. The Texas Department of Public Safety recommended this Interlocal Agreement between agencies and our District Attorney's Office for proper supervision and management of the Intoxilyzer Operators and machines in our area. League City plans to have a Technical Supervisor hired and on-board by May of this year.

##### **BACKGROUND**

##### **ANALYSIS**

##### **ALTERNATIVES CONSIDERED**

#### **Fiscal Impact**

#### **Attachments**

Link: [Res 09-030](#)

Link: [Breath Alcohol Test](#)

Link:  
BATcosts

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### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Carla Costello	03/13/2009 07:03 AM	CREATED
1	Police Department	Robert Burby	03/16/2009 08:13 AM	APRV
2	Finance	Cheryl Hunter	03/25/2009 02:55 PM	APRV
3	Paralegal	Linda Jennings	03/25/2009 02:58 PM	APRV
4	City Attorney Office	Linda Jennings	03/25/2009 03:01 PM	APRV
5	Mayor	Matthew Doyle	03/26/2009 07:13 AM	APRV
6	City Secretary			NEW

Form Started By: Carla  
Costello

Started On: 03/13/2009 07:03 AM

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## **RESOLUTION NO. 09-030**

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF LEAGUE CITY FOR THE SHARING OF EXPENSES OF AN INTOXILYZER MACHINE AND A STATE-CERTIFIED BREATH ALCOHOL TEST SUPERVISOR FOR PROPER SUPERVISION AND MANAGEMENT OF THE INTOXILYZER OPERATORS AND MACHINES IN THE GALVESTON COUNTY AREA; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, a State-Certified Breath Alcohol Test Supervisor is to be hired as a full time employee of the City of League City;

**WHEREAS**, the City of Texas City, as well as other local governmental entities, wish to enter into an Interlocal Agreement with the City of League City for the common use and sharing of expenses of the State-Certified Breath Alcohol Test Supervisor and an intoxilyzer machine; and

**WHEREAS**, the Interlocal Agreement has been recommended by the Texas Department of Public Safety and the Galveston County District Attorney for proper supervision and management of the intoxilyzer operators and machines in our area;

**WHEREAS**, an Interlocal Agreement between either seven (7) or nine (9) local agencies will be put in place, in which each agency will commit to the Agreement for a period of five (5) years, with each agency paying approximately \$11,000.00 per year to the City of League City to defray the employment cost of this person;

**WHEREAS**, the State Certified Breath Alcohol Test Supervisor, to be hired and on-board by May 2009, shall have all state-mandated certifications on the intoxilyzer, mandated re-certification and training for departmental intoxilyzer operators, court testimony, and maintenance of the intoxilyzer machine;

**WHEREAS**, each agency will pay for a portion of the intoxilyzer machine;

**WHEREAS**, funding is available in our current budget to the contract with League City for the Supervisor and intoxilyzer machine.

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

**SECTION 1:** That the City Commission hereby approves an Interlocal Agreement with the City of League City for cost sharing of the expense of an intoxilyzer machine and for the proportionate costs of the State-Certified Breath Alcohol Test Supervisor hired by the City of League City, to provide maximum efficiency to benefit the citizens and taxpayers of the City of Texas City and League City.

**SECTION 2:** That the City Commission authorizes the Mayor to execute an Interlocal Agreement in substantially the same form as the agreement attached hereto as Exhibit “A”, and made a part hereof for all intents and purposes.

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

**PASSED AND ADOPTED this 1st day of April, 2009.**

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

ATTEST:

APPROVED AS TO FORM:

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Pamela Lawrence  
City Secretary

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Robert Gervais  
City Attorney

**INTERLOCAL CONTRACTUAL AGREEMENT  
CONCERNING BREATH ALCOHOL TECHNICAL SUPERVISOR**

This is an Agreement entered into on the \_\_\_\_ day of \_\_\_\_\_, 2009, by and between the CITY OF LEAGUE CITY, TEXAS, a home rule City existing in Galveston County, Texas, (hereinafter sometimes called "COLC") and the following governmental entities: THE COUNTY OF GALVESTON, TEXAS, acting on behalf of the offices of its Criminal District Attorney and its Sheriff a Texas County, CITY OF KEMAH, TEXAS, a general law City in Galveston County, Texas, CITY OF WEBSTER, TEXAS, a home rule City in Harris County, Texas, CITY OF SEABROOK, TEXAS, a home rule City in Harris County, Texas, CITY OF SOUTH HOUSTON, TEXAS, a home rule City in Harris County, Texas, CLUTE, TEXAS, a home rule City in Brazoria County, Texas, TEXAS CITY, TEXAS, a home rule City in Galveston County, Texas, PEARLAND, TEXAS, a home rule City in Brazoria County, Texas, pursuant to the Interlocal Cooperation Act of Texas (Chapter 791, Texas Government Code).

**WITNESS:**

**WHEREAS**, all of the contracting parties hereto have need for the services of a certified (by the Scientific Director, Alcohol Testing Program, Texas Department of Public Safety) Breath Alcohol Technical Supervisor, hereinafter sometimes collectively called "Breath Alcohol Technical Supervisor", and for an Evidential Breath Alcohol Instrument (also certified by the same Texas DPS Scientific Director) for use in law enforcement and prosecution of Driving While Intoxicated (hereafter "DWI") arrests; and

**WHEREAS**, each party shall provide its own certified Evidential Breath Alcohol Instrument including all enhancements, betterments or upgrades selected by COLC during the term of this agreement at its own cost but COLC has committed to providing the Breath Alcohol Technical Supervisor for the provision of services described herein for COLC and all the collective governmental entities named herein, using and supervising the use of said in house Evidential Breath Alcohol Instrument at the offices of the various contracting parties. That employee/Breath Alcohol Technical Supervisor of COLC shall be a Breath Alcohol Technical Supervisor at the COLC, whose job description shall be that he/she shall, in a capable and professional manner:

1. Comply with and meet all Breath Alcohol Testing Regulations set forth in the Texas Breath Alcohol Regulations Title 37 Public Safety and Corrections, Part 1 Texas Department of Public Safety Chapter 19, Breath Alcohol Testing Regulations, Subchapter A, Breath Alcohol Testing Regulations attached hereto and incorporated herein by reference as Exhibit "A" is a recitation of said regulations.
2. Perform any other duties by the Scientific Director, Alcohol Testing Program, Texas Department of Public Safety, which are either required now or in the future as a predicate to admissibility of evidence related to the Evidential Breath Alcohol Instrument equipment or the methods, processes or procedures utilized or followed by each entity.
3. Provide all breath testing needs including mouthpieces and all other collateral supplies [except an ample supply of blood tubes and all State mandated and



required paperwork for filing as part of a Driving While Intoxicated (DWI) arrest which shall be provided by the applicable governmental entity].

4. Recognize that he/she is an employee at will of COLC who has no express or implied contract of employment and whose employment may be terminated at any time for any lawful reason; and

**WHEREAS**, there are significant savings by the various contracting parties hereto if this service provided by the employee/Breath Alcohol Technical Supervisor of one entity for the joint use of all named entities herein on a collective cost sharing basis; and

**WHEREAS**, COLC shall hire the employee/Breath Alcohol Technical Supervisor ~~for its own purposes and for purposes of this agreement and all other duties as required~~; and

**WHEREAS**, all other entities named herein seek the benefit of such services from COLC and understand that in return COLC requires the predictability of a minimum term for the agreement and a predictable allocation of the costs receivable over that term, but not thereafter unless renewed and agreed in writing; and

**WHEREAS**, COLC has (or shall have by the time the program is initiated) adequate personnel for this service and it would be more cost efficient for the other entities; to share in the subject costs, as made the basis of this agreement; and

**NOW THEREFORE**, for the consideration hereinafter stated the parties do hereby agree as follows:

I.

The terms of this contract shall be for a period of sixty (60) months commencing \_\_\_\_\_ 1, 2009, and continuing until \_\_\_\_\_, 2014. Any Renewal and/or Proposals concerning this, or subsequent, contract(s), shall be submitted to all parties in contract form, ready for signature no later than sixty (60) days prior to the ending date of this contract.

II.

The objective of this contract is to achieve economies of scale by reducing the cost of multiple Breath Alcohol Technical Supervisors for the respective governmental entities.

III.

The recitals in the preamble are incorporated herein as findings and terms. Each entity shall purchase and make available the standardized Intoxylzer hardware called for in the preamble herein. COLC shall provide the Breath Alcohol Technical Supervisor more particularly described in the same preamble. The job performance, duties and responsibilities of the certified Breath Alcohol Technical Supervisor shall be the responsibility of COLC because the certified Breath Alcohol Technical Supervisor shall be an employee of COLC, shall be subject to COLC employee benefits, job performance standards and merit raises and the cost of same has been estimated and calculated to be a gross annual amount of \$45,925.00 for the first year including start up costs and \$77,877.00 for each year after for the cost to COLC to provide this employee

to meet the objectives contained herein. That cost shall be prepaid annually to COLC by each contracting party in an amount equal to a fraction determined by a numerator of the total or gross cost indicated and a denominator of the total signatory parties to this agreement. In the first quarter of the year after each full year is experienced, the real costs actually incurred shall be calculated and compared to the amount prepaid for the year in question and the pro rata cost (and the new prepaid estimate to be charged) shall be adjusted accordingly. The obligation to pay an equal share for the full five year term shall be enforceable by COLC against any other party whether or not that party decides to withdraw during the term. Such a take or pay provision shall expire after the first five year term unless agreed otherwise in writing.

#### IV.

All parties shall abide by reasonable ~~the~~ Rules and Regulations established by COLC concerning maintenance of the Evidential Breath Alcohol Instrument equipment, record keeping, documentation or the upgrades or changes to standard equipment and the procedures to follow in the implementation of this contract. COLC agrees that, at a minimum, all Rules and Regulations it establishes will be in strict compliance with Texas Department of Public Safety Rules and Regulations. COLC shall notify all parties in writing, as to any changes to such Rules and Regulations. No changes in Rules and Regulations shall be implemented without the notification of all parties prior to the effective date of such changes. Should any party disagree with or object to the proposed Rules and Regulations, COLC will meet with such party and attempt to reach a mutually agreed upon solution to the disagreement or objection.

#### V.

Should any party to this Agreement note any material deficiency in the performance of services provided by the Breath Alcohol Technical Supervisor, such deficiency will be reported to the COLC City Manager. The City Manager shall ensure such deficiencies are corrected within ten (10) days. If however, the deficiencies are not corrected, the reporting party may terminate its further involvement in this Agreement with no further obligations.

#### VI.

This contract may be terminated by COLC upon sixty (60) days written notice. Upon the effective date of such termination, all prepaid but unused payments for services will be refunded by COLC to each party. Any other party may terminate its participation in this agreement upon thirty (30) days written notice to the other parties. Upon termination by a party no prepaid but unused payment for services shall be refunded. Unless a withdrawing party terminates its participation in this Agreement in accordance with Article V, the withdrawing party shall pay as it accrues the pro rata share of the withdrawing party for the remainder of the full five (5) year term. There shall be no refunds.

To the extent permitted by the laws and Constitution of the State of Texas, all parties shall be obligated to make payments under this contract from funds budgeted and appropriated for that purpose. Should a party be delinquent in any payment during the first five (5) year term or should a party fail to appropriate funds to make payments during any fiscal year during the term of this contract, COLC shall cease to be obligated to provide the services unless and until the delinquency is cured but the obligation of the party to pay shall not expire.

In conformance with Texas Government Code Section 791.011(d)(3), each payment due from a party to COLC for services provided for herein are payable from the party's then current revenues.

This Contract is hereby signed and fully executed in multiple parts, on this \_\_\_\_ day of \_\_\_\_\_ 2009.

**CITY OF LEAGUE CITY, TEXAS**

\_\_\_\_\_  
By: Toni Randall, MAYOR

**CITY OF KEMAH, TEXAS**

\_\_\_\_\_  
By: Greg Collins, MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary, City of Kemah, Texas

**CITY OF PEARLAND, TEXAS**

\_\_\_\_\_  
By: Tom Reid, MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary, City of Pearland, Texas

**CITY OF CLUTE, TEXAS**

\_\_\_\_\_  
By: Calvin Shifflet, MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary, City of Clute, Texas

**CITY OF SEABROOK, TEXAS**

\_\_\_\_\_  
By: Gary Renola, MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary, City of Seabrook, Texas

**CITY OF WEBSTER, TEXAS**

\_\_\_\_\_  
By: Floyd Myers, MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary, City of Webster, Texas

**CITY OF TEXAS CITY, TEXAS**

\_\_\_\_\_  
By: Matthew Doyle, MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary, City of Texas City, Texas

**GALVESTON COUNTY, TEXAS**

---

James D. Yarbrough  
County Judge

Attest:

---

Mary Ann Daigle, County Clerk

**CITY OF SOUTH HOUSTON, TEXAS**

---

By: Joe Soto, MAYOR

Attest:

---

City Secretary, City of South Houston, Texas

## **EXHIBIT "A"**

**Texas Breath Alcohol Regulations Title 37  
Public Safety and Corrections Part 1,  
Texas Department of Public Safety Chapter 19,  
Breath Alcohol Testing Regulations,  
Subchapter A, Breath Alcohol Testing Regulations**

(a) Certification.

- (1) Prior to certification an applicant must establish proof of participation in a breath test program meeting the requirements set forth in §19.4 of this title (relating to Approval of Techniques, Methods, and Programs).
- (2) Conviction history:
  - (A) persons convicted of a felony or a Class A misdemeanor shall not be eligible to be a certified operator;
  - (B) persons convicted of a Class B misdemeanor within the last ten years shall not be eligible to be a certified operator;
  - (C) persons receiving a driver license suspension for refusal to submit to a chemical test as per the provisions of Chapter 724 or Chapter 522, Texas Transportation Code within the last ten years shall not be eligible to be a certified operator.
- (3) Prior to initial certification as a breath test operator an applicant must successfully complete a course of instruction meeting the criteria set forth in §19.7 of this title (relating to Approval of Courses of Instruction).
- (4) Prior to certification as an operator of a breath alcohol testing instrument, an applicant must satisfactorily complete examinations, prepared and given by the scientific director or a designated representative, which shall include the following:
  - (A) a written examination;
  - (B) a practical examination establishing proficiency in the operation of the instrument and reference sample device on which the operator is to be certified and the proper completion of all required reports and records. The practical examination will involve the completion of simulated subject analyses and/or practice test (s). If the simulated subject analyses and/or practice tests are not completed correctly and/or there are one or more errors in the reports or records the applicant will be offered a second set of simulated subject analyses. Any error(s) in the second set of analyses will result in a failure of the practical examination;
  - (C) failure of the written and/or practical examination will cause the applicant to be ineligible for reexamination for a period of 30 days. A subsequent failure will require that the candidate attend and satisfactorily complete the initial course of instruction for certification of a breath testing operator.
- (5) Upon successful completion of the requirements for certification, the scientific director will issue the individual an operator certificate valid for a period of time designated by the scientific director or until the next examination for renewal unless inactivated or suspended.
- (6) If an operator is certified to operate a specific brand and/or model of equipment and is required to be certified on an additional brand and/or model of equipment, the scientific



director may waive portions of this section and require only that instruction needed to acquaint the applicant with proper operation of the new brand and/or model of equipment.

- (b) **Renewal of current certification.** In order to maintain current certification, the operator is required to renew certification prior to its expiration date. The minimum requirement for renewal of operator certification will be:
  - (1) A practical examination in accordance to subsection (a)(4)(B) of this section establishing proficiency of the operator in the operation of the instrument and reference sample device on which the operator is certified and the proper completion of all required reports and records. The operator will be evaluated on the basis of ability to:
    - (A) use proper techniques;
    - (B) follow established procedures including, but not limited to, the operation of the instrument and reference sample device and the proper reporting procedures for analysis results;
  - (2) The satisfactory biennial completion of a course of instruction, the contents of which should include, but not be limited to, topics such as:
    - (A) a brief review of the theory and operation of the breath alcohol test equipment;
    - (B) a detailed review of the breath alcohol analysis and reporting procedures;
    - (C) a discussion of procedural updates resulting from recent court decisions and legislation;
    - (D) a discussion of current issues in the field of breath alcohol testing;
    - (E) a written examination
  - (3) Renewal of certification will be denied and current certification will be inactivated in accordance with subsection (d) of this section when the operator:
    - (A) fails to follow established procedures;
    - (B) uses other than proper technique;
    - (C) fails the practical examination; or
    - (D) fails the written examination.
  - (4) An operator who fails renewal will be given the reason for failure and is not eligible to be reexamined for a period of 30 days. Reexamination will be pursuant to subsection (a)(4) of this section. A resulting failure will require that the operator attend and satisfactorily complete the initial course of instruction for certification of a breath test operator in order to regain current certification.
  - (5) Upon successful completion of the requirements for renewal of certification, the scientific director will issue the individual an operator's certificate valid for a period of time designated by the scientific director or until next renewal unless inactivated or suspended.
- (c) **Proficiency requirements.**
  - (1) The scientific director or a designated representative or the operator's technical supervisor may at any time require an operator to demonstrate proficiency and ability to properly operate the instrument and reference sample device.
  - (2) It is the responsibility of the individual operator to maintain proficiency.
  - (3) Failure to pass a proficiency test will result in the suspension of the operator's certification for 30 days.

(d) Certification inactivation and suspension.

(1) Inactivation may be initiated by the certified operator in case of voluntary surrender of certification or by anyone having authority to suspend. The technical supervisor or operator shall, without delay, notify the office of the scientific director of any such inactivation. Challenges to involuntary inactivation will be resolved at the discretion of the scientific director. Inactivation will be utilized in, but not limited to the following situations:

- (A) an operator transfers to a position where certification as a breath test operator is no longer desired;
- (B) an operator fails to renew certification prior to its expiration;
- (C) an operator terminates employment under which certification was acquired;
- (D) administrative program control to safeguard the scientific integrity of the breath alcohol testing program.

(2) Suspension of certification will be utilized when the scientific director and/or a technical supervisor determines an operator intentionally or purposefully disregards or violates these regulations, or commits a violation of law relating to breath testing, or falsely or deceitfully obtains certification, or for malfeasance or noncompliance with any provision of these regulations, or when in the technical supervisor's judgment the operator's performance is unreliable or the operator is incompetent.

- (A) The technical supervisor shall, without delay, notify the scientific director in writing of any such suspension and furnish a copy of such notice to the suspended operator and the operator's appropriate supervisor or department head. The suspended operator shall not be permitted to operate the instrument until such time as certification has been restored pursuant to subsection (e) of this section.
- (B) Upon receipt of the notification of suspension, the scientific director shall initiate, if not previously completed, an inquiry culminating in sustaining the suspension, or setting aside the suspension.
- (C) The minimum period of suspension as determined by the scientific director will be for a period of time not less than 30 days. The technical supervisor or a designated representative of the scientific director may recommend a specific period of suspension to the scientific director.
- (D) Due to the immediate nature and the procedure for appeal, the individual initiating the suspension shall not be required to confer, consult, or obtain permission or approval from anyone prior to the initiation of the suspension. However, all suspensions must be consistent with procedures outlined in this title.

(3) An operator whose certification has been suspended may appeal such action in writing to the director, Texas Department of Public Safety, who will determine if the action of the scientific director will be affirmed or set aside. The director may reinstate the certification under such conditions as deemed necessary and notify the scientific director in writing.

(e) Recertification.

(1) Certification that has been inactivated or suspended must be regained before evidential analyses may be administered. It will be the responsibility of the inactivated or suspended operator to notify the scientific director in writing of such intent. Recertification shall take place pursuant to the following:

- (A) recertification after inactivation for the failure to complete the renewal process prior to the expiration of current certification will be pursuant to subsection (a)(4) of this section;
  - (B) recertification after inactivation or suspension will be pursuant to subsection (a)(4) of this section;
  - (C) recertification after an inactivation or suspension period of greater than five years the operator must attend and satisfactorily complete the initial course of instruction for certification of a breath test operator pursuant to subsection (a) of this section.
  - (D) recertification after a change in instrumentation or testing methodologies will be at the discretion of the scientific director, pursuant to subsection (a)(6) of this section.
- (f) Certificate. The issuance of a certificate to the breath test operator shall be evidence that the operator has met the requirements for initial certification and/or renewal of certification.
- (g) Verification. The technical supervisor, when required, shall provide direct testimony or by written affidavit verifying all aspects of certification of operators within an assigned area.

#### **§RULE 19.6 TECHNICAL SUPERVISOR CERTIFICATION**

- (a) The primary function of the technical supervisor is to provide the technical, administrative and supervisory expertise in safeguarding the scientific integrity of the breath alcohol testing program and to assure the breath alcohol testing program's acceptability for evidential purposes. The technical supervisor, in matters pertaining to breath alcohol testing, is the field agent of the scientific director. Supervision by the technical supervisor in accordance with the provisions stated in these regulations shall include, but not be limited to:
- (1) supervision of certified operators in performance of breath alcohol test operations, including the proper completion of forms and records and operator's compliance with the provisions stated in these regulations;
  - (2) supervision of certified instrumentation, reference sample devices and affiliated equipment in an assigned area;
  - (3) supervision of data gathered for initial certification and/or approval of individual instruments and reference sample devices in an assigned area;
  - (4) supervision of techniques of testing, maintaining scientific integrity and upholding these regulations as they apply to the certification of a total testing program;
  - (5) selection and supervision of a site location as it applies to security and technical suitability for testing;
  - (6) supervision of compliance with the policy of public information and/or demonstrations of breath alcohol testing instruments and equipment;
  - (7) all technical, administrative and regulatory aspects of breath alcohol testing within a designated area; and
  - (8) expert testimony by direct testimony or by written affidavit concerning all aspects of breath alcohol testing within an assigned area.



(b) The minimum qualifications for certification as a technical supervisor are:

- (1) a baccalaureate degree from an accredited college or university with a major in chemistry, or as an alternative, a major in another scientific field with sufficient semester hours in chemistry or other qualifications as determined by the scientific director (For the purposes of these regulations, sufficient hours in chemistry shall be defined as successful completion of the equivalent of a minimum of 18 semester hours of chemistry, no more than 8 of which may be freshman level.);
- (2) satisfactory completion of a course of instruction as set forth in §19.5(a)(3) of this title (relating to Operator Certification);
- (3) satisfactory completion of technical supervisor training that is approved by the scientific director, the content of which shall include, but not be limited to:
  - (A) advanced survey of current information concerning alcohol and its effects on the human body;
  - (B) operational principles and theories applicable to the program;
  - (C) instrument operations, maintenance, repair and calibration;
  - (D) legal aspects of breath alcohol analysis;
  - (E) principles of instruction;
- (4) knowledge and understanding of the scientific theory and principles as to the operation of the instrument and reference sample device;
- (5) prior to receiving certification, a technical supervisor candidate must establish proof of engagement in an approved program or a certified school of instruction or proof of pending engagement upon receipt of certification. If the technical supervisor candidate or certified technical supervisor cannot establish proof of being actively engaged in an approved program or approved school of instruction, certification will, at the discretion of the scientific director, be denied or inactivated;
- (6) Conviction history:
  - (A) persons convicted of a felony or a Class A misdemeanor shall not be eligible to be a certified technical supervisor;
  - (B) persons convicted of a Class B misdemeanor within the last ten years shall not be eligible to be a certified technical supervisor;
  - (C) persons receiving a driver license suspension for refusal to submit to a chemical test as per the provisions of Chapter 724 or Chapter 522, Texas Transportation Code, within the last ten years shall not be eligible to be a certified technical supervisor.

(c) Certification.

- (1) Upon satisfactory proof to the scientific director by the applicant that the minimum qualifications set forth in subsection (b) of this section has been met, the scientific director will issue certification that will be valid for a period of time designated by the scientific director unless inactivated or suspended.
- (2) Technical supervisor certification may be voluntarily inactivated when it is no longer needed or inactivated at the discretion of the scientific director if the technical supervisor is no longer actively engaged in an approved program or certified school of instruction.
- (3) Technical supervisor certification may be suspended only by the scientific director for malfeasance, falsely or deceitfully obtaining certification or failure to carry out the responsibilities set forth in this title.

- (4) A technical supervisor whose certification has been suspended may appeal such action in writing to the director, Texas Department of Public Safety, who will decide whether the action of the scientific director will be affirmed or set aside. The director may reinstate certification of the technical supervisor making such appeal under such conditions deemed necessary and notify the scientific director in writing.
- (d) Certificate. The issuance of a certificate to the technical supervisor shall be evidence that the technical supervisor has met the requirements for certification.
- (e) Renewal of current certification and recertification. In order to maintain current certification, the Technical Supervisor is required to renew certification prior to its expiration. The scientific director shall determine the minimum requirement for renewal of technical supervisor certification and for recertification after inactivation or suspension.

**Breath Alcohol Technical Supervisor  
First and Second Year Costs**

	<b>FY '09</b>	<b>FY '10</b>
Salary& Benefits*	27,825	66,777
Start Up**	7,050	0
Operating Budget	1,300	2,500
Training &Travel	2,000	2,000
Certifications**	5,000	0
Vehicle	2,250	5,400
Cell Phone	500	1,200
	<b>45,925</b>	<b>77,877</b>

\*May to September - 5 months salary

\*\*Onetime Costs

***Cost to Each Agency***

7 Agencies	\$6,561	\$11,125
9 Agencies	\$5,103	\$8,653

## **Bid # 2009-198 Demolition / Clearance - 20 Properties CITY COMMISSION AGENDA 2**

**Date:** 04/01/2009

**Submitted By:** Rita Williams, Purchasing

**Department:** Purchasing

**Agenda Area:** Consent

### **Information**

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

Approve and award Bid # 2009-198 for the Demolition / Clearance of twenty (20) Properties.

#### **BACKGROUND**

Bid packets were mailed to nine (9) area vendors on February 23, 2009. A bid tabulation is attached for your review.

Bids opened Thursday, March 12, 2009 at 2:00.m.

Funds are available in the 2008 Community Development Block Grant budget.

#### **ANALYSIS**

The low responsible bid meeting all specifications was received from JTB Services Inc., in Houston, for the total bid amount of \$53,200.00.

It is my recommendation to award the Demolition / Clearance - twenty (20) Properties to JTB Services Inc., for the total bid amount of \$53,200.00 and that the Mayor is authorized to execute a contract on behalf of the City Commission. I further recommend that the Mayor be authorized to approve change orders, not to exceed 25% of the contract amount, without bringing the matter before the Commission.

Thank you.

#### **ALTERNATIVES CONSIDERED**

### **Fiscal Impact**

### **Attachments**

Link: [Res  
09-031](#)

Link: [Bid  
Tabulation](#)

### **Form Routing/Status**

**Route Seq Inbox**

**Approved By Date**

**Status**

Rita Williams 03/17/2009 07:31 AM CREATED



**RESOLUTION NO. 09-031**

**A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JTB SERVICES, INC. FOR THE DEMOLITION AND CLEARANCE OF TWENTY (20) PROPERTIES IN TEXAS CITY; AUTHORIZING THE MAYOR TO APPROVE CHANGE ORDERS, NOT TO EXCEED 25% OF THE CONTRACT AMOUNT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS**, on February 23, 2009, bids were mailed to nine (9) area vendors for the demolition and clearance of twenty (20) properties in Texas City, Bid No. 2009-198; and

**WHEREAS**, bids opened on March 12, 2009, and the lowest bid received meeting specifications was submitted by JTB Services, Inc.

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

**SECTION 1:** That the successful bidder for the demolition and clearance of twenty (20) properties in Texas City, Bid No. 2009-198, is JTB Services, Inc.

**SECTION 2:** That the Mayor is hereby authorized to enter into a contract with JTB Services, Inc. for the demolition and clearance of twenty (20) properties in Texas City, for the unit price bid in Exhibit "A", attached hereto and incorporated herein for all intents and purposes.

**SECTION 3:** That the Mayor is hereby authorized to approve change orders, not to exceed 25% 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 1st day of April, 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**

### **BID #2009-198 DEMOLITION / CLEARANCE – 20 PROPERTIES**

Bid Opening: Thursday, March 12, 2009 @ 2:00 p.m.

<b>Vendor</b>	<b>Total Bid Amount</b>
<b>JTB Services Inc. Houston, Texas</b>	<b>\$53,200.00</b>
Tree Experts, Inc. dba Demolition Experts Houston, Texas	\$56,950.00
R & M Demolition Victoria, Texas	\$59,000.00 Error made in addition
Grant Mackay Company Houston, Texas	\$65,200.00
American Builders League City, Texas	\$71,887.00
Sprint Logistics, L.P. Houston, Texas	\$76,755.50
Bradley-Barnes Construction Company Kemah, Texas	\$135,905.00

## Appointment to Library Board CITY COMMISSION AGENDA 2

**Date:** 04/01/2009  
**Submitted By:** Matthew Doyle, Mayor's Office  
**Submitted For:** Matthew Doyle  
**Department:** Mayor's Office  
**Agenda Area:** Consent

### Information

#### ACTION REQUEST (Brief Summary)

Appointment of two new members to the City's Library Board.  
 Two members of the Community have accepted a position on the City's Library Board  
 (Mr. Clay West) is a graduate of SMU, a retired account and a regular library user.  
 (Mrs. Halle Ketchum) is a retired TCISD teacher and a life-long library user and active in  
 the community.

#### BACKGROUND

There have been two recent vacancies to the City's Library Board.  
 One Position was vacated by the member moving out of the City.  
 One position was vacated due that member passing away.

#### ANALYSIS

#### ALTERNATIVES CONSIDERED

The Library Board will appoint  
 Mr. Clay West and Mrs. Halle Ketchum.

### Fiscal Impact

### Attachments

Link: [Res  
09-032](#)

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Matthew Doyle	03/20/2009 07:47 AM	CREATED
1	Mayor (Originator)	Matthew Doyle	03/20/2009 07:53 AM	APRV
2	Finance	Cheryl Hunter	03/25/2009 02:55 PM	APRV
3	Paralegal	Linda Jennings	03/25/2009 02:58 PM	APRV
4	City Attorney Office	Linda Jennings	03/25/2009 03:01 PM	APRV
5	Mayor (Originator)	Matthew Doyle	03/26/2009 07:13 AM	APRV
6	City Secretary			NEW

Form Started By: Matthew  
 Doyle

Started On: 03/20/2009 07:47 AM





**RESOLUTION NO. 09-032**

**A RESOLUTION APPROVING THE APPOINTMENT OF CLAY WEST AND MRS. HALLE KETCHUM TO THE LIBRARY BOARD; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS**, the Library Board is composed of nine (9) members; and

**WHEREAS**, there have been two recent vacancies to the City's Library Board; one position vacated by a member moving from the City and one position vacated when the member passed away; and

**WHEREAS**, it is recommended that Clay West, a graduate of SMU, a retired accountant and a regular library user and Mrs. Halle Ketchum, a retired TCISD teacher and life-long library user who is active in the community, be appointed to fill the vacated positions, to foster and encourage the utilization of the library facilities, to promote future development of the library, and to act in an advisory capacity to the Librarian and City Commission; and

**WHEREAS**, the City Commission of the City of Texas City, Texas deems it is in the best interest of the City to appoint Clay West and Mrs. Halle Ketchum to the Library Board.

**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 appointment of Clay West and Mrs. Halle Ketchum to serve on the Library Board, replacing the two vacant positions.

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

**PASSED AND ADOPTED this 1st day of April, 2009.**

---

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

## Amendment to Right-of-Way Landscape Maintenance Agreement CITY COMMISSION AGENDA 2

**Date:** 04/01/2009

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

**Department:** Transportation and Planning

**Agenda Area:** Consent

### Information

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

Consider approval of a Resolution that would amend an existing TxDOT Right-of-Way Landscape Maintenance Agreement.

#### **BACKGROUND**

In August of 2000, the City entered into an agreement with TxDOT that provided for the installation of the Longhorn Statues within the area of IH 45 and FM 1764. Now the City is requesting an amendment to that agreement which would allow the installation of landscaping and irrigation around the Longhorn statues.

#### **ANALYSIS**

This amendment is similar to the original agreement. The City is responsible for 100% funding of the project. In addition, the City is responsible for plant maintenance (watering, replacement, fertilizing, mowing and trimming, etc.), irrigation systems, illumination (already installed), and maintenance of all the structures.

#### **ALTERNATIVES CONSIDERED**

Previously, TxDOT supported a 50/50 Landscape Cost Sharing Program. Based on budgetary constraints, TxDOT has abandoned this cost sharing program and cannot predict when it might be reinstated. For that reason, the City has elected to move forward with a scaled-back landscape project that we can provide 100% funding for. (Originally, there were other locations along FM 1764 that would receive landscape improvements. Now the project is just at the Longhorns)

### Fiscal Impact

### Attachments

Link: [Res 09-033](#)

Link:

[ROWamendTxDOTdoc](#)

Link:

[ROWamendExhibitB14\\_22](#)

### Form Routing/Status

Route Seq Inbox

Approved By Date

Status

Doug Kneupper 03/24/2009 09:55 AM CREATED

1	Transportation and Planning (Originator)	Doug Kneupper	03/25/2009 10:07 AM	APRV
2	Finance	Cheryl Hunter	03/25/2009 02:55 PM	APRV
3	Paralegal	Linda Jennings	03/25/2009 02:58 PM	APRV
4	City Attorney Office	Linda Jennings	03/25/2009 03:01 PM	APRV
5	Mayor	Matthew Doyle	03/26/2009 07:13 AM	APRV
6	City Secretary			NEW
Form Started By: Doug Kneupper			Started On: 03/24/2009 09:55 AM	

---

## **RESOLUTION NO. 09-033**

**A RESOLUTION APPROVING AN AMENDMENT TO THE RIGHT-OF-WAY LANDSCAPE MAINTENANCE AGREEMENT WITH THE STATE OF TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT); PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS**, the City entered into an Agreement with TXDOT in August, 2000, that provided for the installation of the Longhorn statues within the area of IH45 and FM 1764;

**WHEREAS**, the City is now requesting an amendment to that agreement which would allow the installation of landscaping and irrigation around the Longhorn statues;

**WHEREAS**, previously TXDOT supported a 50/50 landscape cost sharing program; however, based on budgetary constraints, TXDOT has abandoned this cost sharing program and cannot predict when it might be reinstated; and

**WHEREAS**, for the reasons stated above, the City has elected to move forward with a scaled back landscape project with the City providing 100% of funding;

**WHEREAS**, the amendment to the Agreement, in the form attached hereto, is similar to the original agreement, with the City being responsible for 100% funding of the project as well as the plant maintenance (watering, replacement, fertilizing, mowing and trimming, etc), irrigation system, illumination (already installed), and maintenance of all the structures.

**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 amending the TXDOT Right-of-Way Landscape Maintenance Agreement, wherein the City will fund the landscape and maintenance of the Longhorn statues at IH45 and FM1764;

**SECTION 2:** That the Mayor is hereby authorized to execute the Amendment to Right-of-Way Maintenance Agreement in substantially the same form as attached hereto as 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 1st day of April, 2009.**

---

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

ATTEST:

APPROVED AS TO FORM:

---

Pamela A. Lawrence  
City Secretary

---

Robert Gervais  
City Attorney

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

**AMENDMENT TO AGREEMENT FOR  
RIGHT-OF-WAY MAINTENANCE AGREEMENT**

**THIS AMENDMENT IS MADE** by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the State; and the City of Texas City, Texas, hereinafter called the "Local Government", and it becomes effective when fully executed by all parties.

**W I T N E S S E T H**

**WHEREAS**, the State, and Local Government executed an agreement on August 25, 2000, wherein Local Government is authorized to perform services generally described as structures, plant maintenance, and illumination system within the right of way of IH 45 at FM 1764; and,

**WHEREAS**, Local Government has requested State permission to provide right-of-way landscape maintenance, hereinafter called the "Project," and as show on the attached EXHBIT "B"; and

**WHEREAS**, Article 3 specifies that this Agreement responsibilities of parties for supplemental mowing, debris, and litter control unless otherwise specified by an amendment; and,

**WHEREAS**, it has become necessary and desirable to amend the agreement.

**A G R E E M E N T**

**NOW, THEREFORE**, premises considered, the State, and Local Government do agree that the agreement is amended as follows:

**WHEREAS**, Local Government has requested State permission to provide right-of-way landscape development and maintenance, hereinafter called the "Project," and as show on the attached EXHBIT "B"; and

ARTICLE 3, Section A. 4.

Plant Maintenance

For the work of plant maintenance, all reasonable means shall be employed to preserve the plants and vegetative material existing within the project limits in a healthy and vigorous growing condition. This maintenance activity shall include but not be limited to the following:

- (1) Provide vegetative watering of plant material.
- (2) Plant bed and basin maintenance including shaping, weed control, mulch layer, and ring construction.
- (3) Plant replacement.
- (4) Insect, Disease, and Animal Control.
- (5) Fertilizing.
- (6) Mowing and Trimming.
- (7) Restaking, Reguying, Rebracing and/or Removal of Staking, Guying, and Bracing.
- (8) Pruning.
- (9) Litter pick-up

Irrigation System Operation and Maintenance

Permanent irrigation system operation and maintenance shall include, but not be limited to, water, monitoring, adjustment, repair, and proper operation of the existing irrigation system as required to ensure adequate moisture to the plant material existing on the site. All replacement parts shall be of the same type and manufacturer as originally installed. Substitute parts may be allowed with the approval of the State, prior to replacement.

Illumination System(s) Operation and Maintenance

Illumination system operation and maintenance shall include, but not be limited to, electricity, monitoring, adjustment, repair, and proper operation of the illumination system in accordance with the National Electric Code (NEC). All replacement parts should be of the same type and manufacturer as originally installed. Substitute parts may be allowed with the approval of the State prior to replacement.

Structure(s) and Surface(s) Maintenance

All structures and surfaces shown in the Project Plan shall be maintained same as originally installed. All replacement parts should be of the same type and manufacturer as originally installed. Substitute parts may be allowed with the approval of the State prior to replacement. All surfaces shall be maintained free of graffiti and vegetation.

All other provisions are unchanged and remain in full force and effect.



**IN WITNESS WHEREOF**, the parties hereto have executed this amendment to effectuate this agreement.

**LOCAL GOVERNMENT**

Signature: \_\_\_\_\_

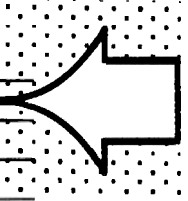
Title: Mayor \_\_\_\_\_

Address: P.O. Box 2608 Texas City, Texas 77592-2608 \_\_\_\_\_

Typed/Printed Matthew T. Doyle \_\_\_\_\_

Date: \_\_\_\_\_

Phone: (409) 643-5902 \_\_\_\_\_



**THE STATE OF TEXAS**

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved by the Texas Transportation Commission under the authority of Minute Order 100002.

Signature: \_\_\_\_\_

Title: District Engineer \_\_\_\_\_

Address: P. O. Box 1386, Houston, Texas 77251-1386 \_\_\_\_\_

Typed/Printed Name: Delvin L. Dennis, P.E. \_\_\_\_\_

Date: \_\_\_\_\_

Phone: (713) 802-5001 \_\_\_\_\_

# F.M. 1764 LANDSCAPE

## Texas City, Texas

### HASE 1 LANDSCAPE

INSTALLATION OF LANDSCAPE  
AND IRRIGATION  
@ I.H. 45 AND F.M. 1764

**PREPARED FOR:**

City of Texas City  
1801 9th Ave. North  
Texas City, Texas 77592-2068

**KEY MAP**



FM 1764 @ I.H. 45

**DRAWING LIST**

LANDSCAPE GRADING	L 1.0
IRRIGATION MAINLINE	L 2.0
IRRIGATION PLAN	L 3.0
IRRIGATION DETAILS I	L 4.1
IRRIGATION DETAIL II	L 4.2
PLANTING PLAN	L 5.0
PLANTING DETAILS	L 6.0
MONUMENT PLAN & DETAILS	L 7.0



Associates Inc.  
8953 Katy Hwy., Suite 300  
Houston, Texas 77054  
T: (713)722-8897 F: (713)722-8048  
• Landscape Architecture •  
• Land Planning •  
• Urban Design •

F.M. 1764 LANDSCAPE

TEXAS CITY, TEXAS



**RECORD OF ISSUE**

Revision	Date	Comment
1	10-1-06	10% CD review
2	10-1-06	10% CD
3	10-1-06	10% CD
4	10-1-06	10% CD
5	10-1-06	10% CD
6	10-1-06	10% CD
7	10-1-06	10% CD
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100	10-1-06	10% CD

Exhibit B

Amendment No.

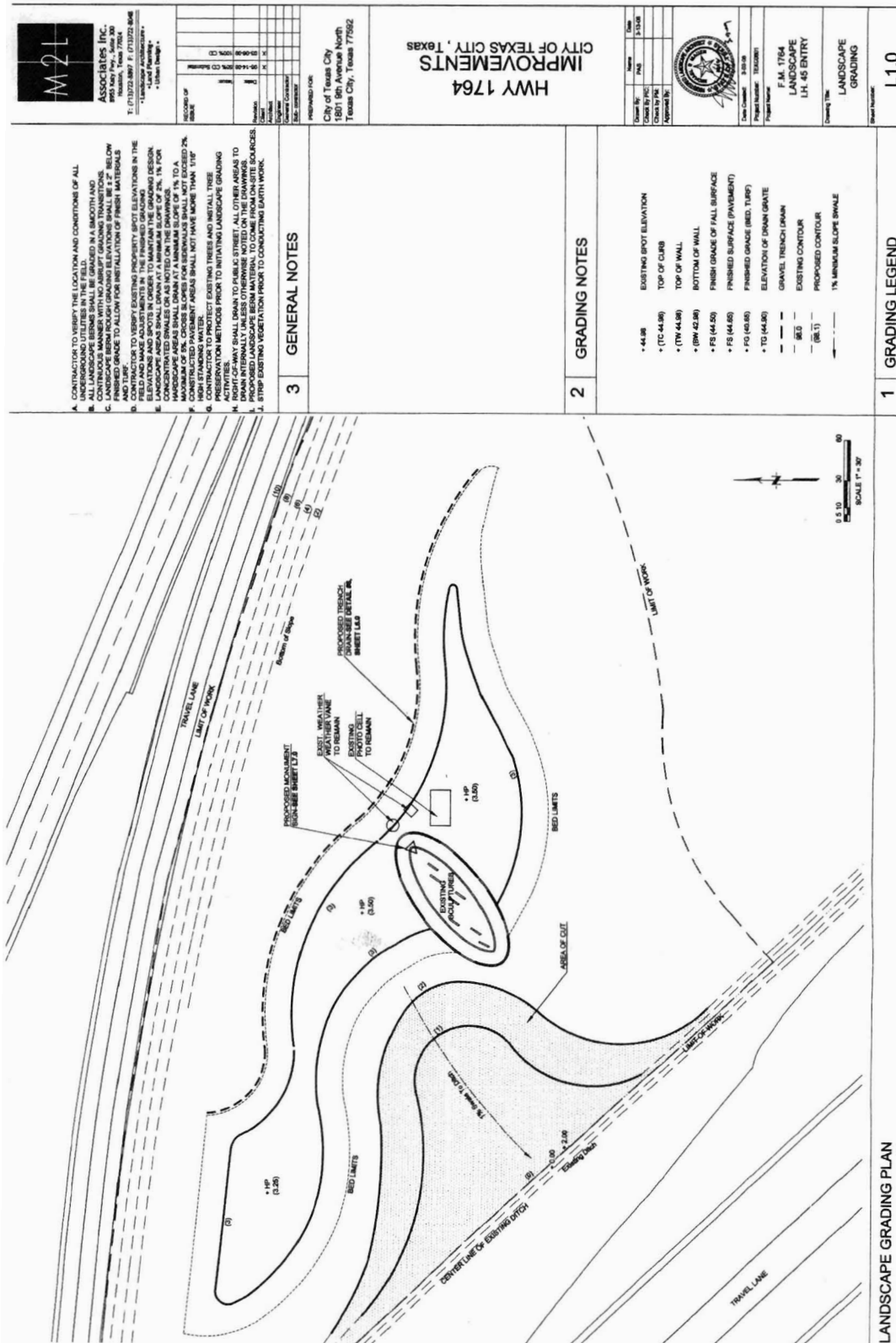
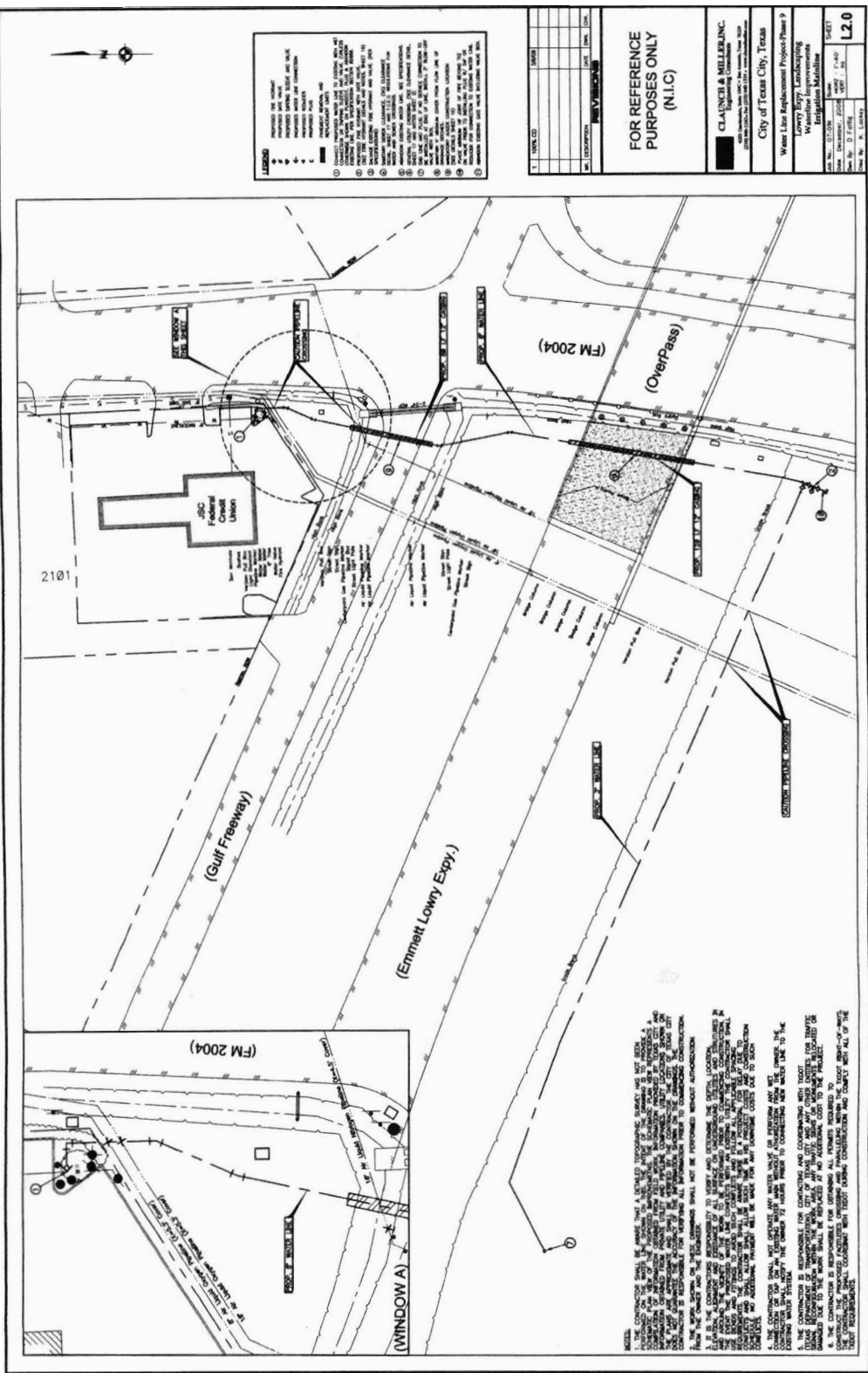
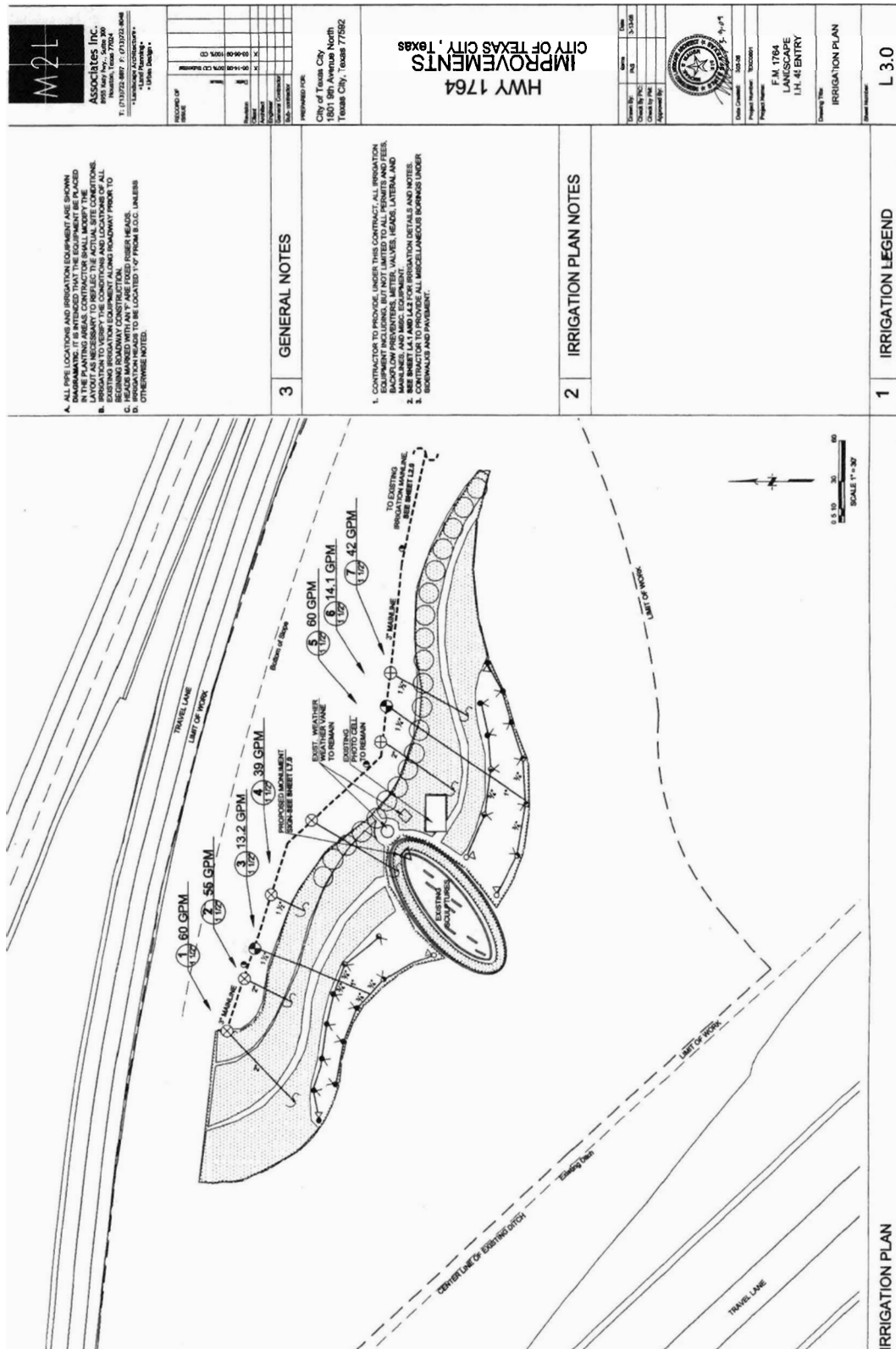
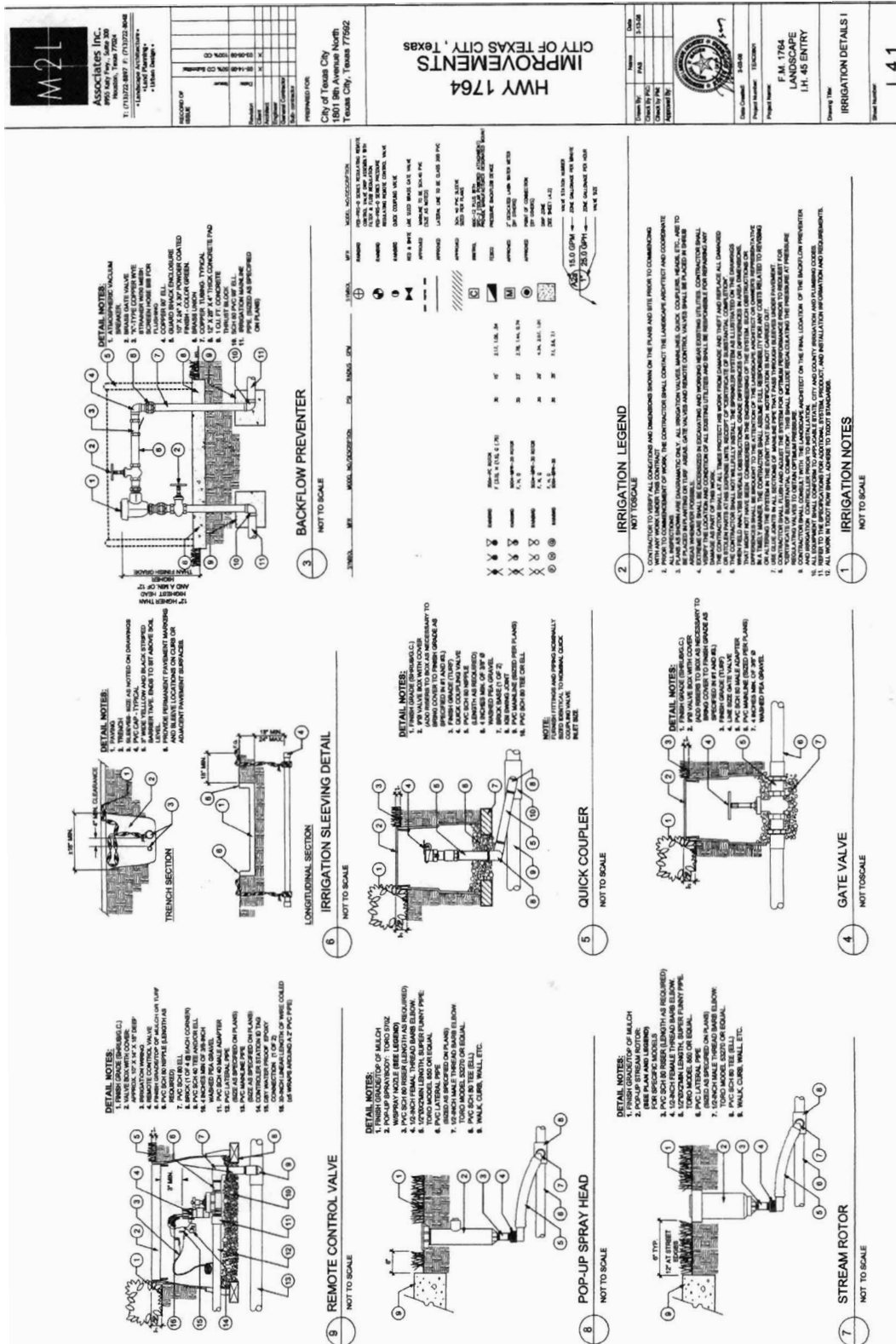


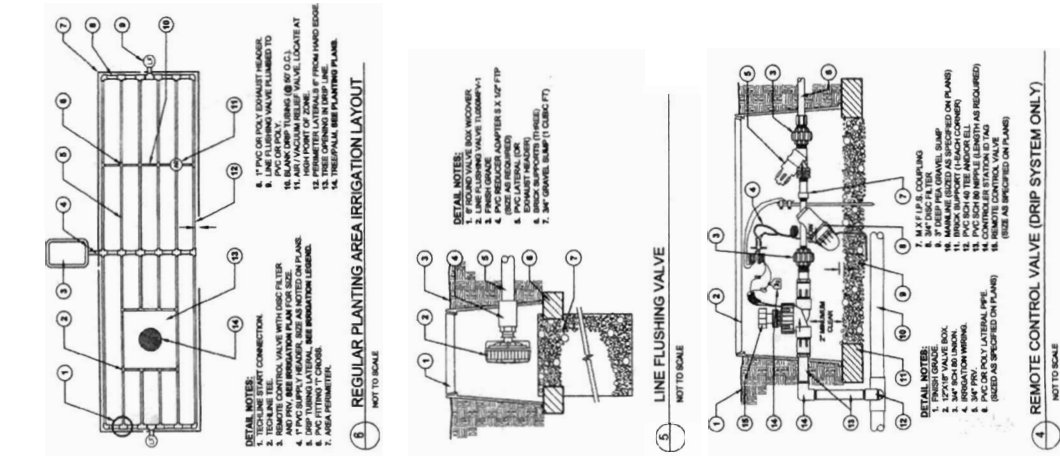
Exhibit B



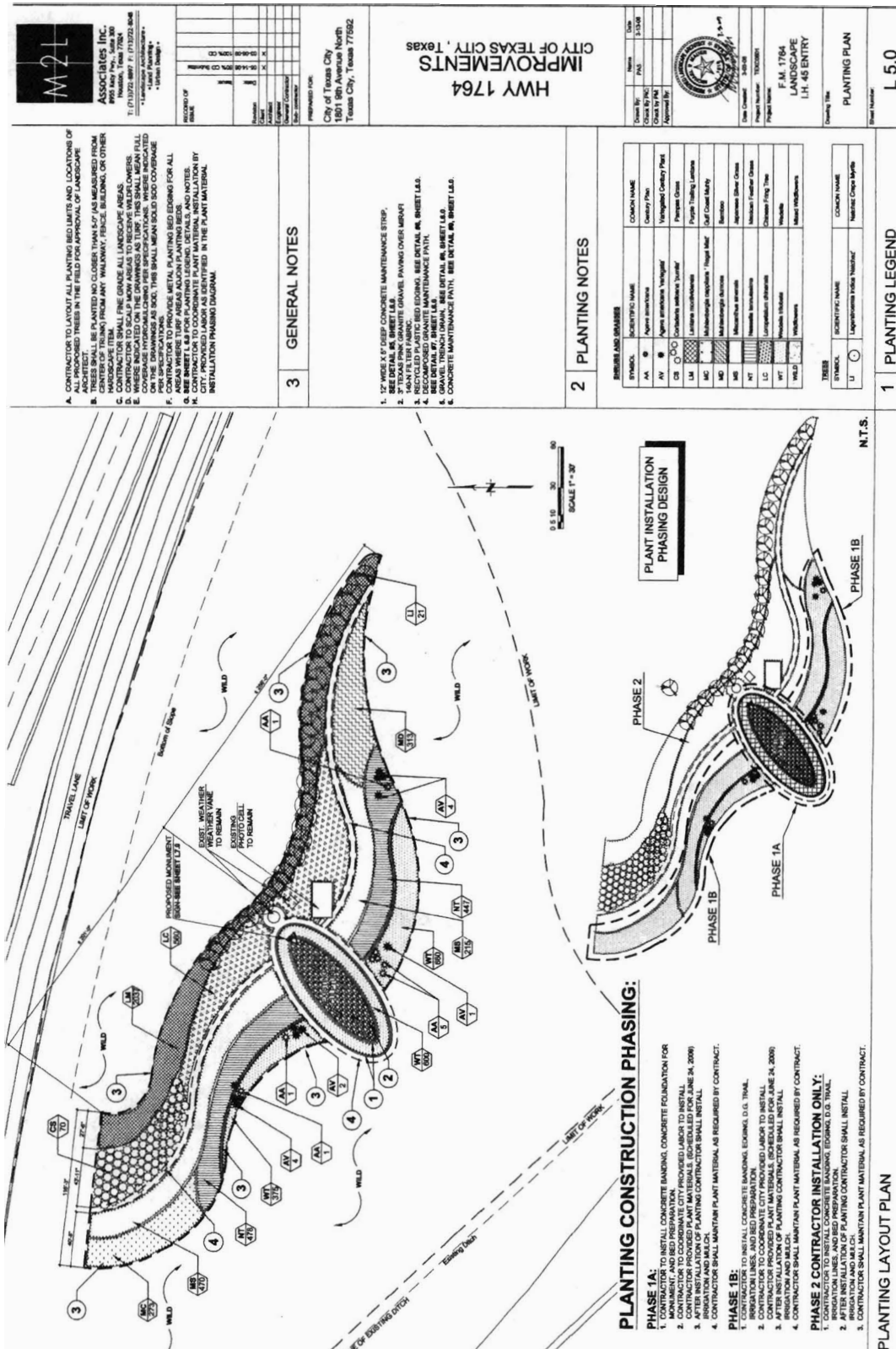




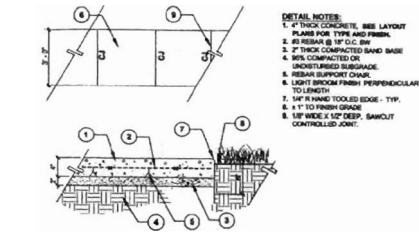
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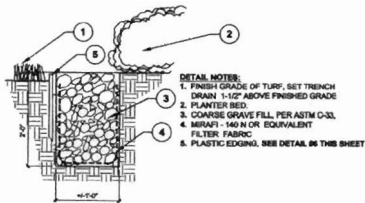
## Exhibit B



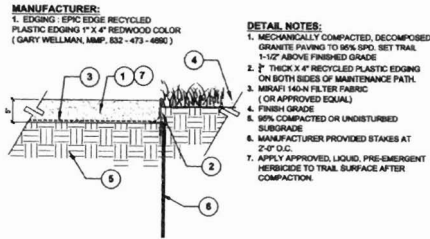




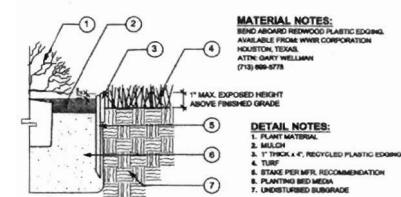
9 CONCRETE MAINTENANCE PATH  
NOT TO SCALE



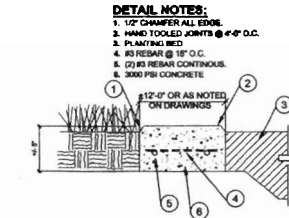
8 GRAVEL TRENCH DRAIN EDGE  
NOT TO SCALE



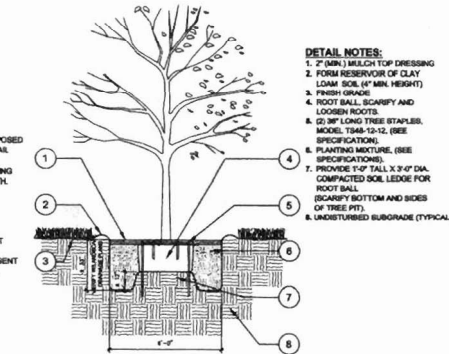
7 DECOMPOSED GRANITE PATH  
NOT TO SCALE



6 EDGING @ PLANTING BED EDGE  
NOT TO SCALE



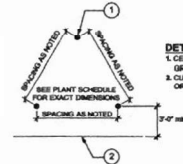
5 12" WIDE CONCRETE MAINTENANCE STRIP  
NOT TO SCALE



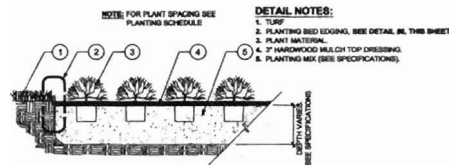
4 TREE PLANTING DETAIL (TREE STAPLES)  
NOT TO SCALE

SPACING PLANTING F.

8" O.C.	4.81
10" O.C.	2.00
12" O.C.	1.78
14" O.C.	1.56
16" O.C.	1.35
18" O.C.	1.20
20" O.C.	1.07
24" O.C.	0.83
30" O.C.	0.61
36" O.C.	0.52
48" O.C.	0.37



3 SHRUB & GROUND COVER SPACING DIAGRAM  
NOT TO SCALE



2 SHRUB & GROUND COVER PLANTING DETAIL  
NOT TO SCALE

**SHRUBS AND GRASSES**

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE/SPACING
AA	Agave americana	Century Plant	15 Gal.
AV	Agave americana 'variegata'	Variegated Century Plant	15 Gal.
CB	Centrosema sepioides 'jungle'	Pampas Grass	5 Gal @ 24" o.c.
LM	Lantana montevidensis	Purple Trailing Lantana	1 Gal @ 24" o.c.
MC	Muhlenbergia capillaris 'Ragel Mist'	Gulf Coast Muhly	3 Gal @ 36" o.c.
MD	Muhlenbergia dumosa	Bamboo	3 Gal @ 36" o.c.
MS	Miscanthus sinensis	Japanese Silver Grass	1 Gal @ 36" o.c.
NT	Nassella tenuissima	Mexican Feather Grass	1 Gal @ 36" o.c.
LC	Lupinus albus chinensis	Chinese Fing Tree	3 Gal @ 42" o.c.
WT	Wickstroemia	Wickstroemia	4" Pot @ 24" o.c.
WLD	Wickstroemia	Wickstroemia	4" Pot @ 24" o.c.

**TREES**

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
LI	Ligustrum indica 'Natchez'	Natchez Crepe Myrtle	100 Gallon

1 PLANTING LIST  
NOT TO SCALE

**M2L Associates Inc.**  
 8954 Katy Hwy., Suite 300  
 Houston, Texas 77054  
 T: (713) 722-8897 F: (713) 722-8848

• Landscape Architecture •  
 • Land Planning •  
 • Urban Design •

RECORD OF CHANGES

No.	Date	By	For
1	10/10/08	MD	ISSUED FOR BIDDING

PREPARED FOR:  
 City of Texas City  
 1501 9th Avenue North  
 Texas City, Texas 77562

**HWY 1764 IMPROVEMENTS CITY OF TEXAS CITY, TEXAS**

Drawn By: PAS Date: 3-13-08  
 Check by: PAS  
 Approved by: [Signature]

Date Created: 3-13-08  
 Project Number: TDC0801

F.M. 1764  
 LANDSCAPE  
 L.H. 45 ENTRY

Drawing Title:  
 PLANTING DETAILS

Sheet Number:  
 L 6.0

## Exhibit B

[illegible]

**Bid # 2009-934 Solid Waste Disposal Annual Contract  
CITY COMMISSION AGENDA 2****Date:** 04/01/2009**Submitted By:** Rita Williams, Purchasing**Department:** Purchasing**Agenda Area:** Consent

---

**Information****ACTION REQUEST (Brief Summary)**

Approve and award Bid # 2009-934 for the Solid Waste Disposal Annual Contract.

**BACKGROUND**

On March 2, 2009 bid packets were mailed to area vendors. A bid tabulation is attached for your review.

**ANALYSIS**

The low responsible bids were received as follows, for the unit prices bid:

Republic/Allied Waste Services - North County Landfill  
Loose Rubbish \$5.25 per cubic yard

Republic/Allied Waste Services - Galveston County Landfill  
Loose Garbage \$5.45 per cubic yard  
Compacted Garbage \$6.55 per cubic yard  
Compacted Rubbish \$6.55 per cubic yard

It is my recommendation to award the Solid Waste Disposal Annual Contract to Republic/Allied Waste Services - North County Landfill and Republic/Allied Waste Services - Galveston County Landfill, for the unit prices bid, and that the Mayor is authorized to execute a contract on behalf of the City Commission.

Thank you.

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

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**Attachments**

---

Link:  
Res  
09-034

Link:  
Bid Tab

---

**Form Routing/Status**

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Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	03/25/2009 02:05 PM	CREATED
1	Public Works	Tommy Maris	03/26/2009 07:02 AM	APRV
2	Purchasing (Originator)	Rita Williams	03/26/2009 08:25 AM	APRV
3	Finance	Cheryl Hunter	03/26/2009 10:38 AM	APRV
4	Paralegal	Linda Jennings	03/26/2009 12:06 PM	APRV
5	City Attorney Office			NEW
6	Mayor			
7	City Secretary			
Form Started By: Rita Williams			Started On: 03/25/2009 02:05 PM	

---

**RESOLUTION NO. 09-034**

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

---

**WHEREAS**, on March 2, 2009, bids were opened for the annual contract for solid waste disposal; and,

**WHEREAS**, the lowest bids meeting specifications was submitted by:

Republic/Allied Waste Services – North County Landfill

Loose Rubbish \$5.25 per cubic yard

Republic/Allied Waste Services – Galveston County Landfill

Loose Garbage \$5.45 per cubic yard

Compacted Garbage \$6.55 per cubic yard

Compacted Rubbish \$6.55 per cubic yard

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

**SECTION 1:** That the successful bidder for the solid waste disposal is Republic/Allied Waste Services.

**SECTION 2:** That the Mayor is hereby authorized to enter into an agreement with Republic/Allied Waste Services – North County Landfill and Republic/Allied Waste Services – Galveston County Landfill, for the unit prices bid as set out on Exhibit A attached hereto, and incorporated herein for all intents and purposes.

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

**PASSED AND ADOPTED this 1st day of April, 2009.**

---

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

ATTEST:

---

Pamela A. Lawrence  
City Secretary

APPROVED AS TO FORM:

---

Robert Gervais  
City Attorney

## **BID TABULATION**

**BID # 2009-934**

### **Solid Waste Disposal Annual Contract**

Bid Opening: Wednesday, March 18, 2009 @ 2:00 p.m.

<b>SERVICE</b>	<b>VENDOR</b>		
	<b>Republic/Allied Waste Services North County Landfill Houston, Texas</b>	<b>Republic/Allied Waste Services Galveston County Landfill Houston, Texas</b>	<b>Waste Management of Texas, Inc. Houston, Texas</b>
Receive & Dispose of <b><u>Loose</u></b> Garbage	NO BID	<b>\$ 5.45 per cubic yard</b>	\$ 6.00 per cubic yard
Receive & Dispose of <b><u>Compacted</u></b> Garbage	NO BID	<b>\$ 6.55 per cubic yard</b>	\$ 8.50 per cubic yard
Receive & Dispose of <b><u>Loose</u></b> Rubbish	<b>\$ 5.25 per cubic yard</b>	\$ 5.45 per cubic yard	\$ 6.00 per cubic yard
Receive & Dispose of <b><u>Compacted</u></b> Rubbish	NO BID	<b>\$ 6.55 per cubic yard</b>	\$ 8.50 per cubic yard

**Bid # 2009-197 Repair and Paint One Elevated Water Tank and One Ground Storage Reservoir****CITY COMMISSION AGENDA 2**

**Date:** 04/01/2009

**Submitted By:** Rita Williams, Purchasing

**Department:** Purchasing

**Agenda Area:** Consent

---

**Information****ACTION REQUEST (Brief Summary)**

Approve and award Bid # 2009-197 Repair and Paint One Elevated Water Tank and One Ground Storage Reservoir Project.

**BACKGROUND**

On February 16, 2009 bid packets were mailed/picked up by area vendors. A letter of recommendation and bid tabulation are attached for your review.

Bids opened Wednesday, March 11, 2009 at 2:00 p.m.

**ANALYSIS**

The low responsible bid meeting all specifications was received by DMS Painting, Inc., in Pasadena, for the total bid amount of \$391,890.00. DMS Painting has provided a recent project list and is available to review upon request.

It is my recommendation to award the contract to DMS Painting for the total bid amount of \$391,890.00 and that the Mayor is authorized to execute a contract on behalf of the City Commission. I further recommend that the Mayor be authorized to approve change orders, not to exceed 25% of the contract amount without bringing the matter before the Commission.

Thank you.

**ALTERNATIVES CONSIDERED**

---

**Fiscal Impact**

---

**Attachments**

Link:  
Res  
09-036

Link:  
Award  
letter



Link:  
Bid Tab

---

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	03/25/2009 02:25 PM	CREATED
1	Public Works	Tommy Maris	03/26/2009 07:03 AM	APRV
2	Purchasing (Originator)	Rita Williams	03/26/2009 08:25 AM	APRV
3	Finance	Cheryl Hunter	03/31/2009 04:03 PM	APRV
4	Paralegal			NEW
5	City Attorney Office			
6	Mayor			
7	City Secretary			
Form Started By: Rita Williams		Started On: 03/25/2009 02:25 PM		

---

**RESOLUTION NO. 09-036**

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

---

**WHEREAS**, on February 16, 2009, bids were picked up and/or mailed to area vendors for the repair and painting of one elevated water tank and one ground storage reservoir, Bid No. 2009-197; and

**WHEREAS**, bids opened on March 11, 2009, and the lowest bid received meeting specifications was submitted by DMS Painting, Inc., Pasadena, Texas, for a total bid amount of \$391,890.00.

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

**SECTION 1:** That the successful bidder for the repair and painting of one elevated water tank and one ground storage reservoir, Bid No. 2009-197, is DMS Painting Inc.

**SECTION 2:** That the Mayor is hereby authorized to enter into a contract with DMS Painting, Inc, for the repair and painting of one elevated water tank and open ground storage reservoir, for the respective unit price bid in Exhibit "A", as attached hereto an incorporated herein for all intents and purposes.

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

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

**PASSED AND ADOPTED this 1st day of April, 2009.**

---

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

ATTEST:

APPROVED AS TO FORM:

---

Pamela A. Lawrence  
City Secretary

---

Robert Gervais  
City Attorney



5010 Jerry Ware Drive  
Southeast Texas Regional Airport  
Beaumont, TX 77705  
OFFICE (409) 722-2242  
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EMAIL rreichle@tankdoc.com

March 18, 2009

**Mr. Les Dodson, Superintendent Water Distribution**  
**City Of Texas City**  
P. O. Box 3837  
Texas City, TX 77592

Re: Proposed Water Tank Project  
Recommendation For Contract Award  
DSR 4372-II

Dear Mr. Dodson,

Bid Proposals for the project "Bid #2009-197 Repair & Paint One Elevated Storage Tank And One Ground Storage Reservoir" were received and opened on March 11, 2009 at 2:00 PM. Five (5) proposals were received and all bid data is shown on the attached Bid Tabulation.

The low bidder is DMS Painting, Inc. at a total bid of \$391,890.00. Their quoted bid completion time is one hundred-eighty (180) calendar days.

This project consisted of routine interior maintenance painting on the 9th & 9th Ground Reservoir and a combination of routine maintenance and Hurricane Ike storm damage repairs to the Godard Elevated Tank.

Our engineer's estimate for the project was \$380,200.00.

We requested a recent project list from DMS Painting list and have attached the received copy. Please note that DMS Painting was the contractor on the City's recent Godard ground reservoir repair and painting project. They are also currently engaged in the repainting of three clarifiers at the City's wastewater treatment plant.

We recommend that the City award the contract to DMS Painting, Inc. at their bid of \$391,890.00 and one hundred-eighty (180) calendar-day completion time. At your direction, we will provide the Notice of Award, assemble the required contract documents and forward to the contractor for their action and execution.

Please contact our office if you have any questions.

Sincerely yours,

Randy S. Reichle, President  
Project Manager

*Enclosures*

# BID TABULATION

CITY OF TEXAS CITY, TX  
 BID DATE: MARCH 11, 2009  
 2:00 P.M.

## **BID #2009-197 REPAIR AND PAINT ONE ELEVATED WATER TANK AND ONE GROUND STORAGE RESERVOIR**

BID BREAKDOWN	DMS PAINTING, INC.	UTILITY SERVICE CO.	BLASTCO TX., INC.	M.K. PAINTING, INC.	TEXAS BRIDGE
<b>9TH &amp; 9TH GROUND STORAGE RESERVOIR:</b>					
1. INTERIOR PAINTING-ROUTINE MAINTENANCE	\$9,550.00	\$24,000.00	\$22,000.00	\$20,000.00	\$60,304.00
2. INTERIOR DISINFECTION-ROUTINE MAINTENANCE	\$150.00	\$500.00	\$1,000.00	\$2,000.00	\$1,500.00
3. BLAST DEBRIS DISPOSAL-ROUTINE MAINTENANCE	\$1,500.00	\$5,000.00	\$3,500.00	\$500.00	\$2,000.00
9TH & 9TH GSR SUB-TOTAL =	\$11,200.00	\$29,500.00	\$26,500.00	\$22,500.00	\$63,804.00
<b>GODARD ELEVATED STORAGE TANK:</b>					
4. STEEL REPAIRS-ROUTINE MAINTENANCE	\$73,505.00	\$112,000.00	\$45,500.00	\$93,000.00	\$112,000.00
5. STEEL REPAIRS-HURRICANE DAMAGE	\$5,360.00	\$8,000.00	\$5,500.00	\$8,000.00	\$10,000.00
6. MISC. WELDING-ROUTINE MAINTENANCE (5 HOURS)	\$425.00	\$750.00	\$750.00	\$1,500.00	\$625.00
7. INT. WATER COMP. PAINT ABOVE HWL-ROUTINE MAINT.	\$25,000.00	\$32,000.00	\$25,000.00	\$20,000.00	\$150,000.00
8. INT. WATER COMP. PAINT BELOW HWL-ROUTINE MAINT.	\$9,000.00	\$18,000.00	\$20,000.00	\$20,000.00	\$20,000.00
9. INT. DRY AREA PAINTING-ROUTINE MAINTENANCE	\$12,500.00	\$25,500.00	\$7,500.00	\$5,000.00	\$35,000.00
10. INT. WATER COMP. DISINFECTION-ROUTINE MAINT.	\$350.00	\$500.00	\$1,500.00	\$2,000.00	\$2,000.00
11. BLAST DISPOSAL (INTERIOR)-ROUTINE MAINT.	\$3,500.00	\$6,000.00	\$3,500.00	\$2,500.00	\$3,000.00
12. EXTERIOR PAINTING-HURRICANE DAMAGE	\$166,050.00	\$200,000.00	\$360,000.00	\$268,000.00	\$305,000.00
13. LOGO-HURRICANE DAMAGE	\$4,500.00	\$12,000.00	\$6,500.00	\$14,000.00	\$8,000.00
14. BLAST CONTAINMENT SYSTEM-HURRICANE DAMAGE	\$65,000.00	\$90,000.00	\$45,000.00	\$250,000.00	\$75,000.00
15. BLAST DISPOSAL(EXTERIOR)-HURRICANE DAMAGE	\$15,500.00	\$14,000.00	\$6,500.00	\$2,500.00	\$10,000.00
GODARD EST SUB-TOTAL =	\$380,690.00	\$518,750.00	\$527,250.00	\$686,500.00	\$730,625.00
<b>TOTAL BASE BID =</b>	<b>\$391,890.00</b>	<b>\$548,250.00</b>	<b>\$553,750.00</b>	<b>\$709,000.00</b>	<b>\$794,429.00</b>
<b>CALENDAR DAY COMPLETION TIME =</b>	180	200	180	160	140
<b>BID BOND</b>	YES	YES	YES	YES	YES
<b>ADDENDUM NO. 1 ACKNOWLEDGED</b>	YES	YES	YES	YES	YES
<b>COMMENTS</b>					

5.h.

**Consider Commission approval to award bid for the Tax/Finance office remodeling project.**

## **CITY COMMISSION AGENDA 2**

**Date:** 04/01/2009  
**Submitted By:** Cheryl Hunter, Finance  
**Submitted For:** Cheryl Hunter  
**Department:** Finance  
**Agenda Area:** Consent

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### **Information**

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

Consider Commission approval to award bid for the Tax/Finance office remodeling project.

#### **BACKGROUND**

The 2008-09 adopted budget included funding for the remodeling of the Tax/Finance offices. The remodeling will include asbestos abatement, carpet replacement and the installation of new furniture modules for each office. I would like to recommend the award of bid to McCoy Workplace Solutions at a total costs of \$93,025. I would also like to request the 25% rule, should change orders be needed. The breakdown of project cost are as follows:

Furniture Modules (includes Installation)	\$73,290
Carpet Replacement (includes Installation)	\$19,735

McCoy Workplace Solutions, LP is a Texas Multiple Award Schedule (TXMAS) contractor, contract# TXMAS-7-7110140-10.

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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### **Fiscal Impact**

**Funds Available Y/N:** Y

**Amount Requested:** \$93,025

**Source of Funds:** General Fund

**Account #:** 101-101-55010-08002

**Fiscal Impact:**

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### **Attachments**

Link:  
Res  
09-035

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**Form Routing/Status**

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	03/25/2009 02:06 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	03/25/2009 02:55 PM	APRV
2	Finance (Originator)	Cheryl Hunter	03/25/2009 02:55 PM	APRV
3	Paralegal	Linda Jennings	03/25/2009 02:57 PM	APRV
4	City Attorney Office	Linda Jennings	03/25/2009 03:01 PM	APRV
5	Mayor	Matthew Doyle	03/26/2009 07:13 AM	APRV
6	City Secretary			NEW
Form Started By: Cheryl Hunter			Started On: 03/25/2009 02:06 PM	

**RESOLUTION NO. 09-035**

**A RESOLUTION APPROVING THE TXMAS CONTRACTOR, MCCOY WORKPLACE SOLUTIONS, LP, TO REMODEL THE TAX/FINANCE OFFICES, INCLUDING FURNITURE MODULES AND CARPET; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the 2008-09 adopted budget included funding for the remodeling of the Tax/Finance offices;

**WHEREAS**, the remodeling will include asbestos abatement, carpet replacement and the installation of new furniture modules for each office; and

**WHEREAS**, it is recommended to award McCoy Workplace Solutions, LP, a Texas Multiple Award Schedule (TXMAS) contractor, Contract No. TXMAS-7-7110140-10, for a total cost of \$93,025.00 (\$73,290 for Furniture Modules, including installation and \$19,735 for carpet replacement, including installation);

**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 remodeling, purchase and installation of furniture modules and carpeting for the Tax/Finance Offices by McCoy Workplace Solutions, LP, a TXMAS contractor, for a total cost of \$93,025.00.

**SECTION 2:** That the Mayor is hereby authorized to negotiate and execute any documentation necessary for the remodeling, purchase and installation of furniture models and carpeting for the Tax/Finance Office.

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

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

**PASSED AND ADOPTED this 1st day of April, 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



## Permanent Rezoning for Brand Energy CITY COMMISSION AGENDA 2

**Date:** 04/01/2009

**Submitted By:** Jean Vincent, Inspections

**Submitted For:** Brian Falk

**Department:** Inspections

**Agenda Area:** Regular Items

### Information

#### ACTION REQUEST (Brief Summary)

This property is ready for the ordinance to permanently rezone the property. A building permit has been issued for the site and we are now ready to permanently rezone the property. There was no opposition to the rezoning request and approval was given by both the Zoning and City Commissions during the public hearing process.

#### BACKGROUND

This item was given approval by the Zoning Commission on June 17, 2008 and by City Commission on August 6, 2008. A building permit has been issued for the construction and we are now ready for permanent rezoning of the property.

#### ANALYSIS

#### ALTERNATIVES CONSIDERED

### Fiscal Impact

### Attachments

Link:

Ord  
09-13

Link:

memo

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Jean Vincent	03/17/2009 08:15 AM	CREATED
1	Jean Vincent (Originator)	Jean Vincent	03/17/2009 09:56 AM	APRV
2	Paralegal	Linda Jennings	03/24/2009 11:39 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: 03/17/2009 08:15 AM

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## **ORDINANCE NO. 09-13**

**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 “O”, OPEN SPACE, TO DISTRICT “S-P”, SITE PLAN, LOCATED AT 5730 FM 646 EAST, TEXAS CITY, GALVESTON COUNTY, TEXAS, FOR BRAND ENERGY FOR CONSTRUCTION OF A BUILDING; 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; and

**WHEREAS**, approval was given by the Zoning Commission on June 17, 2008, and preliminary rezoning approved by the City Commission on August 6, 2008; and

**WHEREAS**, a building permit has been issued for the construction and this property is now ready for permanent rezoning.

**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 at 5730 FM 646 East, more specifically described as being approximately 6.672 acres out of Block 7 and Block 8, Semi-Tropical Gardens Subdivision, Texas City, Galveston County, Texas, currently zoned as District “O” (Open Space), is hereby rezoned and classified as District “S-P”, (Site Plan), to Brand Energy for construction of a building.

**SECTION 2:** That the City Engineer shall designate said changes 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 1st day of April, 2009.**

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

ATTEST:

APPROVED AS TO FORM:

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Pam Lawrence  
City Secretary

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Robert Gervais  
City Attorney

# MEMO

**To:** Mayor Doyle and City Commission  
**From:** Brian Falk, Building Official  
**Subject:** Permanent Rezoning  
**Date:** April 1, 2009

The properties listed below are ready to have the final ordinance to permanently rezone the property. A building permit was issued for the construction to begin on Brand Energy and Sterling Chemicals request did not involve buildings. Please place on the next available agenda for final rezoning.

Brand Energy rezoning from “O” (Open Space) to “S-P” (Site Plan) located at 5730 FM 646 East.

Sterling Chemicals rezoning from “IBD” (Industrial Business District) to “H” (Heavy Industry). Located at 103 2<sup>nd</sup> Ave. So.

BRF:jv

## Permanent Rezoning for Sterling Chemicals CITY COMMISSION AGENDA 2

**Date:** 04/01/2009

**Submitted By:** Jean Vincent, Inspections

**Department:** Inspections

**Agenda Area:** Regular Items

### Information

#### ACTION REQUEST (Brief Summary)

This property is now ready to go for the ordinance to permanently rezone the property. No buildings were constructed in conjunction with this rezoning request. Approval for rezoning the property was given by both the Zoning and City Commissions during a Public Hearing.

#### BACKGROUND

This item was given approval by the Zoning Commission on October 7, 2008 and by City Commission on December 3, 2008. No building permit has been issued as no buildings were being constructed. This property was already being utilized and this just brings the property into conformance with the Zoning Ordinance.

#### ANALYSIS

#### ALTERNATIVES CONSIDERED

### Fiscal Impact

### Attachments

Link:

Ord  
09-14

Link:

memo

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Jean Vincent	03/17/2009 08:29 AM	CREATED
1	Jean Vincent (Originator)	Jean Vincent	03/17/2009 09:56 AM	APRV
2	Paralegal	Linda Jennings	03/24/2009 11:39 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: 03/17/2009 08:29 AM



## **ORDINANCE NO. 09-14**

**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 “IBD”, INDUSTRIAL BUSINESS DISTRICT, TO DISTRICT “H”, HEAVY INDUSTRY, LOCATED AT 103 SECOND AVENUE SOUTH, TEXAS CITY, GALVESTON COUNTY, TEXAS, FOR STERLING CHEMICALS; 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; and

**WHEREAS**, approval was given by the Zoning Commission on October 7, 2008, and preliminary rezoning approved by the City Commission on December 3, 2008; and

**WHEREAS**, no building permit has been issued as no buildings were being constructed; and

**WHEREAS**, this property was already being utilized and this ordinance is to bring the property into conformance with the Zoning Ordinance.

**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 at 103 Second Avenue South, more specifically described as being part of Abstract 77, Page 2, all Blocks 64, 65, 66 and 67, bordered by 2<sup>nd</sup> Avenue South, 3<sup>rd</sup> Avenue South, 6<sup>th</sup> Street and 4<sup>th</sup> Street, includes 64 lots, being approximately 9 acres, Texas City, Galveston County, Texas, currently zoned as District “IBD” (Industrial Business District), is hereby rezoned and classified as District “H”, (Heavy Industry), to Sterling Chemicals.



**SECTION 2:** That the City Engineer shall designate said changes 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 1st day of April, 2009.**

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

ATTEST:

APPROVED AS TO FORM:

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Pam Lawrence  
City Secretary

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Robert Gervais  
City Attorney

# MEMO

**To:** Mayor Doyle and City Commission  
**From:** Brian Falk, Building Official  
**Subject:** Permanent Rezoning  
**Date:** April 1, 2009

The properties listed below are ready to have the final ordinance to permanently rezone the property. A building permit was issued for the construction to begin on Brand Energy and Sterling Chemicals request did not involve buildings. Please place on the next available agenda for final rezoning.

Brand Energy rezoning from “O” (Open Space) to “S-P” (Site Plan) located at 5730 FM 646 East.

Sterling Chemicals rezoning from “IBD” (Industrial Business District) to “H” (Heavy Industry). Located at 103 2<sup>nd</sup> Ave. So.

BRF:jv

## Amend budget to carry forward renewal of Godard Elevated Tank project from 2007-08.

### CITY COMMISSION AGENDA 2

**Date:** 04/01/2009  
**Submitted By:** Cheryl Hunter, Finance  
**Submitted For:** Cheryl Hunter  
**Department:** Finance  
**Agenda Area:** Regular Items

#### Information

##### ACTION REQUEST (Brief Summary)

Consider approval of a request to amend the City of Texas City's fiscal year 2008/2009 budget.

##### BACKGROUND

A budget amendment is needed to carry forward the Renewal/Painting of Godard Elevated Tank project, which was originally funded in the 2007-08 fiscal year. Funds in the amount of \$275,000 were approved in the 2007-08 adopted budget. These funds are needed to award the bid for the Painting of the Elevated Tank located at Godard Park.

##### ANALYSIS

The budget amendment is as follows:

##### Water Revenue Fund (501)-Water Distribution (705):

501-705-55560-08503-Renewal of Godard Elevated Tank	\$275,000
501-000-79999-Undesignated Budget Balance	<\$275,000>

##### ALTERNATIVES CONSIDERED

#### Fiscal Impact

#### Attachments

Link:  
[Ord](#)  
[09-15](#)

#### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	03/25/2009 02:44 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	03/25/2009 02:55 PM	APRV
2	Finance (Originator)	Cheryl Hunter	03/25/2009 02:55 PM	APRV
3	Paralegal	Linda Jennings	03/25/2009 02:57 PM	APRV
4	City Attorney Office	Linda Jennings	03/25/2009 03:00 PM	APRV
5	Mayor	Matthew Doyle	03/26/2009 07:13 AM	APRV



**ORDINANCE NO. 09-15**

**AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FOR THE RENEWAL/PAINTING OF GODARD ELEVATED TANK PROJECT; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**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 award the bid for carrying out the plan for the renewal/painting of the Godard elevated tank project, which was originally funded in the 2007-08 fiscal year;

**WHEREAS**, funds in the amount of \$275,000.00 were approved in the 2007-08 adopted budget.

**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:

**Water Revenue Fund (501)-Water Distribution (705):**

**501-705-55560-08503 Renewal of Godard Elevated Tank \$ 275,000.00**

**501-000-79999 – Undesignated Budget Balance < \$ 275,000.00>**

**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 1st day of April, 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