

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

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

**WEDNESDAY, APRIL 15, 2009 - 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM - CITY HALL**

- 1. INVOCATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PROCLAMATIONS AND PRESENTATIONS**
- 4. REPORTS**
  - a. Report on City of Texas City's Comprehensive Annual Financial Report for the year ended September 30, 2008.
- 5. 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.
  - b. Wesson Sand Company Inc - c/o Herb Wesson requests to rezone from "A" (Single Family Residential) to "SP" (Site Plan) for mining of clay and sand, being 15 lots in the W. K. Wilson, Abstract No. 208, approximately 10 acres; located at 8211 Deats Lane, Texas City, Texas.
- 6. PRELIMINARY ZONING APPROVAL**
  - a. Consider preliminary approval of Wesson Sandpit Inc.'s request to rezone from "A" (Single Family Residential) to "SP" Site Plan for mining of clay and sand. (Planning Dept.)
- 7. CONSENT AGENDA**
  - a. Consider approval of the minutes of the Regular Called City Commission Meeting held on April 1, 2009.
  - b. Consider approval of **Resolution No. 09-037** accepting **funding from Supplemental Environmental Protection (SEP)**. (Dept. of Emergency Management)

- c. Consider approval of **Resolution No. 09-038** requesting an **amendment to Resolution No. 08-099** by removing a 1995 Cadillac as a surplus vehicle. (Purchasing Dept.)
- d. Consider approval of **Resolution No. 09-039 suspending the May 5, 2009 effective date** of Texas-New Mexico Power Company's ("TNMP'S") requested supplemental application **to change rates** to permit the City time to study the request and to establish reasonable rates. (Legal Dept.)
- e. Consider approval of **Resolution No. 09-040 amendment to the Communications Facilities License Agreement.** (Legal Dept.)
- f. Consider approval of **Resolution No. 09-042** authorizing the **purchase and delivery of one ambulance**, radio system included. (Dept. of Emergency Management)
- g. Consider approval of **Resolution No. 09-043** authorizing the **purchase and delivery of one OPTICOM System.** (Dept. of Emergency Management)
- h. Consider approval of **Resolution No. 09-044** supporting the **restoration of UTMB's Level 1 Trauma Center.** (Fire Dept.)
- i. Consider approval of **Resolution No. 09-041** supporting the **restoration of Shriners Hospital** located in Galveston. (Fire Dept.)

## 8. **REGULAR ITEMS**

- a. Consider approval of **Ordinance No. 09-16 abandoning** the following **right-of-ways**: (1) 4th Avenue South lying between Kohfeldt and Braun Subdivisions Block C and South Logan Street (25th Street South) comprised of two tracts, to-wit: 0.3157 acres and 1.3039 acres; (2) 4th Avenue South lying between South Logan Street (25th Street South and 27th Street South) comprising 1.2833 acres; (3) Alley right-of-ways lying between 5th Avenue South and the Southeast corner of Westmont Subdivision comprising 0.2710 acres. (Planning Dept.)
- b. Consider approval of the **first reading of Ordinance No. 09-10 amending the City of Texas City Code of Ordinances, Chapter 94 - Secondhand Goods**, by adding *Article III (Garage Sales), Section 94-69 through 94-75 to provide for permits for community garage sales.* (Community Development)
- c. Consider approval of **Ordinance No. 09-17 amending** the City of Texas City's fiscal year 2008/2009 **budget transferring monies from the Hotel-Motel Tax fund to the Texas City Economic Development Corporation** to provide funding for the Landscaping Project. (Finance Dept.)
- d. Consider approval of **Ordinance No. 09-18 amending** the City of Texas City's fiscal year 2008/2009 **budget to accept the Supplemental Environmental Protection (SEP) funds** from BP Products. (Finance Dept.)

## 9. **PUBLIC COMMENTS**

## 10. **MAYOR'S COMMENTS**

**11. 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: April 9, 2009**

4.a.

**Report on City of Texas City's Comprehensive Annual Financial Report  
for the year ended September 30, 2008.**

**CITY COMMISSION AGENDA 2**

**Date:** 04/15/2009  
**Submitted By:** Cheryl Hunter, Finance  
**Submitted For:** Cheryl Hunter  
**Department:** Finance  
**Agenda Area:** Reports

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**Information**

**ACTION REQUEST (Brief Summary)**

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

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**Attachments**

*No file(s)  
attached.*

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**Form Routing/Status**

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	04/08/2009 04:40 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	04/08/2009 05:15 PM	APRV
2	Finance (Originator)	Cheryl Hunter	04/08/2009 05:15 PM	APRV
3	Paralegal	Linda Jennings	04/09/2009 08:42 AM	APRV
4	City Attorney Office	Linda Jennings	04/09/2009 08:45 AM	APRV
5	Mayor			NEW
6	City Secretary			
Form Started By: Cheryl Hunter		Started On: 04/08/2009 04:40 PM		

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## CITY COMMISSION AGENDA 2

**Date:** 04/15/2009  
**Submitted By:** Pam Lawrence, Administration  
**Submitted For:** Don Carroll  
**Department:** Planning  
**Agenda Area:** Public Hearing

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### 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**

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### Fiscal Impact

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### Attachments

Link: [Public Hearing Notice - Limited Purpose Annexation](#)  
Link: [Grand Cay Map](#)  
Link: [Planning Board Minutes 02-16-2009](#)

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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**



## Rezoning request by Lynn Honeycutt/Wesson Sandpit CITY COMMISSION AGENDA 2

**Date:** 04/15/2009  
**Submitted By:** Jean Vincent, Inspections  
**Submitted For:** Don Carroll  
**Department:** Planning  
**Agenda Area:** Public Hearing

### Information

#### ACTION REQUEST (Brief Summary)

Lynn Honeycutt/ Wesson Sandpit requests to rezone from "A" Single Family Residential) to "SP" Site Plan for mining of clay and sand. Also, requesting extension of hours of operation up to 2:00 PM on Saturdays. Being 15 lots in the W.K. Wilson, Abstract No. 208. Being approximately 10 acres. Located at 8211 Deats Lane.

#### BACKGROUND

This proposed rezoning request was given approval by the Planning Board on December 8, 2008 and the Zoning Commission on March 3, 2009. It is ready to go before the City Commission for final disposition.

#### ANALYSIS

#### ALTERNATIVES CONSIDERED

### Fiscal Impact

### Attachments

Link: [CC](#)  
[Public](#)  
[Hearing](#)  
[Notice -](#)  
[Wesson Sand](#)  
[Pit](#)

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Jean Vincent	03/12/2009 11:22 AM	CREATED
1	Transportation and Planning	Doug Kneupper	03/12/2009 12:22 PM	APRV
2	Paralegal	Linda Jennings	03/12/2009 12:42 PM	APRV
3	Planning	Don Carroll	03/12/2009 12:45 PM	APRV
4	Finance	Cheryl Hunter	03/25/2009 02:55 PM	APRV
5	Paralegal	Linda Jennings	03/25/2009 02:57 PM	APRV
6	City Attorney Office	Linda Jennings	03/25/2009 03:01 PM	APRV
7	Mayor	Matthew Doyle	03/26/2009 07:13 AM	APRV
8	City Secretary			NEW

Form Started By: Jean Vincent

Started On: 03/12/2009 11:22 AM

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## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City Commission of Texas City will hold a **PUBLIC HEARING** on **Wednesday, April 15, 2009 at 5:00 p.m.** in the Kenneth T. Nunn Room, City Hall, 1801-Ninth Avenue North, Texas City, Texas 77590. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City rezoning requests.

**REQUEST BY:** Wesson Sand Company Inc - c/o Herb Wesson requests to rezone from "A" (Single Family Residential) to "SP" (Site Plan) for mining of clay and sand.

**BEING:** 15 lots in the W. K. Wilson, Abstract No. 208; being approximately 10 acres.

**LOCATED :** 8211 Deats Lane, Texas City, Texas.

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

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

Date of posting: March 24, 2009

## Rezoning request by Lynn Honeycutt/Wesson Sandpit CITY COMMISSION AGENDA 2

**Date:** 04/15/2009  
**Submitted By:** Jean Vincent, Inspections  
**Submitted For:** Don Carroll  
**Department:** Planning  
**Agenda Area:** Zoning Preliminary Approval

### Information

#### ACTION REQUEST (Brief Summary)

Lynn Honeycutt/ Wesson Sandpit requests to rezone from "A" Single Family Residential) to "SP" Site Plan for mining of clay and sand. Also, requesting extension of hours of operation up to 2:00 PM on Saturdays. Being 15 lots in the W.K. Wilson, Abstract No. 208. Being approximately 10 acres. Located at 8211 Deats Lane.

#### BACKGROUND

This proposed rezoning request was given approval by the Planning Board on December 8, 2008 and the Zoning Commission on March 3, 2009. It is ready to go before the City Commission for final disposition.

#### ANALYSIS

#### ALTERNATIVES CONSIDERED

### Fiscal Impact

### Attachments

*No file(s)  
attached.*

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Jean Vincent	03/12/2009 10:48 AM	CREATED
1	Transportation and Planning	Doug Kneupper	03/12/2009 12:21 PM	APRV
2	Paralegal	Linda Jennings	03/12/2009 12:42 PM	APRV
3	Planning	Don Carroll	03/12/2009 12:45 PM	APRV
4	Finance	Cheryl Hunter	03/25/2009 02:55 PM	APRV
5	Paralegal	Linda Jennings	03/25/2009 02:57 PM	APRV
6	City Attorney Office	Linda Jennings	03/25/2009 03:01 PM	APRV
7	Mayor	Matthew Doyle	03/26/2009 07:13 AM	APRV
8	City Secretary			NEW
Form Started By: Jean Vincent			Started On: 03/12/2009 10:48 AM	

7.a.

**April 1, 2009 City Commission Minutes**  
**CITY COMMISSION AGENDA 2**

**Date:** 04/15/2009

**Submitted By:** Pam Lawrence, Administration

**Department:** Administration

**Agenda Area:** Consent

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**Information**

**ACTION REQUEST (Brief Summary)**

Consider approval of the minutes of the Regular Called City Commission Meeting held on April 1, 2009.

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Fiscal Impact**

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**Attachments**

Link: [April 1, 2009 CC Minutes](#)

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**REGULAR CALLED CITY COMMISSION MEETING**

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

**WEDNESDAY, APRIL 1, 2009 – 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM – CITY HALL**

A **Regular Called Meeting of the City Commission** was held on **Wednesday, April 1, at 5:00 P.M.** in the Kenneth T. Nunn Council Room in City Hall, Texas City, Texas, with the following in attendance: Mayor Matthew T. Doyle; Commissioners: Tommy Clark, Dee Ann Haney, Dedrick Johnson, Mike Land, Donald Singleton, and John W. Wilson.

The **Mayor** called upon **Pastor Daniel Keur, Trinity Baptist Church**, to offer the **Invocation**. The Mayor thanked Pastor Keur for his attendance and for offering the invocation. **Commissioner Land** 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**

Certificates of Recognition for TAAF State Tournament were presented to the coaches as follows:

Texas City Nuggets (8 and under)      Placed 2<sup>nd</sup> in the Championships  
Coach Richard Solomon and Coach Herman Houston

Texas City Pistons (8 and under)      Placed 2<sup>nd</sup> in Consolation  
Coach Kirk Greene

Texas City Pistons (10 and under)      Placed 3<sup>rd</sup> in the Championships  
Coach Jerald Ford and Coach Royce McCuin

Texas City Bulls (10 and under) Placed 1<sup>st</sup> in the Championships  
Coach Quentin Chavis and Coach William Holmes

Texas City Celtics (12 and under)      Placed 1<sup>st</sup> in Consolation  
Coach Howard Bernard

**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.

Don Carroll, City Planner, reported that the City 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. The Planning Study/Service Plan was formulated and presented to the Planning Board and Zoning Commission. A copy was made available the City Secretary and the City's web site. An ordinance calling for notice of hearing was initiated at the City Commission meeting on March 4, 2009. Today's City Commission meeting is the first of two hearings as prescribed by Statute to meet the 20/40 day stipulation mandated by statute. The next public hearing is scheduled for April 15, 2009.

Mayor Doyle asked if there were anyone that would like to speak for or against this limited purpose annexation; there were none.

**Commissioner Land made a MOTION to CLOSE the PUBLIC HEARING; the motion was SECONDED by Commissioner Haney. All presented voted AYE. MOTION CARRIED.**

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

- a. Consider approval of the **Minutes** from the March 18, 2009 Regular Called 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.)

**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.**

- c. Consider approval of **Resolution No. 09-031** awarding the contract for the demolition/clearance of twenty (20) properties. (Purchasing Dept.)

**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.

- d. Consider approval of **Resolution No. 09-032** appointing two new members to the City's Library Board. (Library)

**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.

- 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.)

**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.

- f. Consider approval of **Resolution No. 09-034** awarding the annual contract for Solid Waste Disposal. (Purchasing Dept.)

**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.

- g. Consider approval of **Resolution No. 09-036** awarding a contract for the Repair and Painting One Elevated Water Tank and One Ground Storage Reservoir Project. (Purchasing Dept.)

**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.

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

**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.

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

Addressing Consent Agenda item e., Mayor Doyle noted that BP will hold its BP Classic on June 24th; the BP Classic will consist of 100-150 volunteers that will help with the landscaping project.

## **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 [request by Brand Energy Services]. (Inspection Dept.)

A building permit was issued for the construction to begin on Brand Energy and the property (located at 5730 FM 646 East) is ready to be permanently rezoned from "O" (Open Space) to "S-P" (Site Plan).

### **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.

**Commissioner Clark made a MOTION to APPROVE 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; Commissioner Singleton SECONDED the motion. All present voted AYE. MOTION CARRIED.**

Mayor announced that item b. has been removed from the agenda.

- 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 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; located at 103 2<sup>nd</sup> Avenue South, Galveston County, Texas City [requested by Sterling Chemical Inc.]. (Inspection Dept.)

- c. Consider approval of **Ordinance No. 09-15** amending the City of Texas City's fiscal year 2008/2009 budget to carry forward the Renewal/Painting of Godard Elevated Tank project, which was originally funded in the 2007-2008 fiscal year. (Finance Dept.)

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.

#### **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.**

**Commissioner Clark made a MOTION to APPROVE Ordinance No. 09-15 amending the City of Texas City's fiscal year 2008/2009 budget to carry forward the Renewal/Painting of Godard Elevated Tank project; Commissioner Singleton SECONDED the motion. All present voted AYE. MOTION CARRIED.**

#### **PUBLIC COMMENTS**

John Slatter, resident of Texas City, stated a problem with a pack of dogs running at large in his neighborhood.

Morris Jenkins, 7318 Mallard Drive, and Kenny Robbins, Meadowlark; voiced their complaints concerning noise – boom boxes, drugs and lack of police protection.

#### **MAYOR'S COMMENTS**

Responding to Mr. Slatter's complaint, the Mayor commented that he would have Mr. Fuller, who handles Animal Control for the City, look into that issue. Noting the presence of the Police Chief, the Mayor assured Mr. Jenkins and Mr. Robbins that Chief Burby has already noted their complaints and will send officers out to patrol that area.

Sheila Bowden, Community Development, reported that the Good Neighbor Program is going along smoothly.

## COMMISSIONERS' COMMENTS

Commissioner Johnson congratulated the Recreation and Tourism Department on a successful basketball season. The Commissioner gave his condolences to the families of both girls that were killed in a car crash over the weekend. Addressing the noise complaint, the Commissioner said they are putting speakers on the outside of cars now and he said that he would like to bring that before the Commission to make it illegal to have those outside speakers.

Having no further business, **Commissioner Clark made a MOTION to ADJOURN at 5:45 p.m.; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.**

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MATTHEW T. DOYLE, MAYOR

ATTEST:

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Pamela A. Lawrence, City Secretary

pal: 04-02-2009

## Acceptance of SEP CITY COMMISSION AGENDA 2

**Date:** 04/15/2009  
**Submitted By:** Bruce Clawson, Emergency Management  
**Submitted For:** Bruce Clawson  
**Department:** Emergency Management  
**Agenda Area:** Consent

### Information

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

Accept Supplemental Environmental Protection (SEP). Total of \$365,000.

#### **BACKGROUND**

The Environmental Protection Agency has entered into an approved BP Products funding of a SEP as part of an agreed order.

The SEP is item specific and is as follows:

one ambulance, repeaters for present radio system, computers for eoc, one optigon system, a light tower for Emergency Management, remodeling for EOC- main room.

#### **ANALYSIS**

new ambulance is needed to maintain fleet effectiveness; repeaters are a backup system and will be used when present system is destroyed by some event such as a hurricane. This will place us in a position to restore our radio system in a short period of time; new computers for the EOC conference room will allow us to move information quicker and in much larger quantities during an emergency; optigon system will be a system that begins with the fire department and gives that discipline the ability to change red lights to green as they approach an intersection ensuring safe passage. All fire will be covered and most intersections will be included, to be expanded to other emergency vehicles in the near future; a light tower for emergency management was identified as a deficiency during Hurricane Ike. As we deployed our mobile command post we needed much more light than was available; remodel the EOC-main room is a much needed upgrade to electronic systems present in a ten year old building.

#### **ALTERNATIVES CONSIDERED**

None, N/A

### Fiscal Impact

**Funds Available Y/N:**

**Amount Requested:** \$365,000.00

**Source of Funds:** SEP

**Account #:**



## **RESOLUTION NO. 09-037**

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT SUPPLEMENTAL ENVIRONMENTAL PROTECTION (SEP) FUNDING FOR PURCHASE OF EMERGENCY MANAGEMENT EQUIPMENT, IN THE AMOUNT OF \$365,000.00; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS**, the Environmental Protection Agency has entered into an agreed order with BP Products resulting in the Supplemental Environmental Protection (“SEP”) funding in the amount of \$365,000.00;

**WHEREAS**, the SEP is item specific as follows: one ambulance, repeaters for present radio system, computers for EOC, one Opticom system, a light tower for Emergency Management, remodeling for EOC-main room;

**WHEREAS**, a new ambulance is needed to maintain fleet effectiveness and repeaters are needed as a backup system and will be used when the present system is damaged or destroyed and will allow for quicker restoration of our radio system in the event of an event such as a hurricane.

**WHEREAS**, new computers are needed for the EOC conference room to allow for quicker movement of larger quantities of information during an emergency;

**WHEREAS**, an Opticom system is needed which allows the Fire Department to change red lights to green as they approach, ensuring safe passage, this system can later be expanded to other emergency vehicles;

**WHEREAS**, a light tower is needed for emergency management as this was identified as a deficiency during Hurricane Ike when we deployed mobile command post and the lighting was not adequate;

**WHEREAS**, remodeling of the EOC main room is needed in order to upgrade an electronic system present in a ten-year old building; and

**WHEREAS**, the City Commission of the City of Texas City, Texas, feels it is in the best interest of the citizens to accept the \$365,000.00 SEP funding.

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

**SECTION 1:** That the Mayor is hereby authorized to execute any documentation necessary to receive funding of a SEP to be item specific for: one ambulance, repeaters for present radio

system, computers for EOC, one Opticom system, a light tower for emergency management and remodeling for EOC main room.

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

**PASSED AND ADOPTED this 15<sup>th</sup> day of April, 2009.**

---

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

## Amendment to Res.08-099 CITY COMMISSION AGENDA 2

**Date:** 04/15/2009

**Submitted By:** Rita Williams, Purchasing

**Department:** Purchasing

**Agenda Area:** Consent

### Information

#### ACTION REQUEST (Brief Summary)

Request modification of Res. 08-099 to remove the 1995 Cadillac as a surplus vehicle.

Thank you.

#### BACKGROUND

#### ANALYSIS

#### ALTERNATIVES CONSIDERED

### Fiscal Impact

### Attachments

Link: [Res\\_09-038](#)

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	04/07/2009 04:25 PM	CREATED
1	Purchasing (Originator)	Rita Williams	04/08/2009 07:48 AM	APRV
2	Finance	Cheryl Hunter	04/08/2009 05:13 PM	APRV
3	Paralegal	Linda Jennings	04/09/2009 08:43 AM	APRV
4	City Attorney Office	Linda Jennings	04/09/2009 08:45 AM	APRV
5	Mayor			NEW
6	City Secretary			
Form Started By: Rita Williams			Started On: 04/07/2009 04:25 PM	



**RESOLUTION NO. 09-038**

**A RESOLUTION AMENDING RESOLUTION 08-099, WHICH DECLARED CERTAIN CITY VEHICLES AS “SURPLUS” AND DIRECTED THEIR DISPOSAL, BY DELETING ONE VEHICLE FROM THE SURPLUS LIST; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, on November 19, 2008, the City Commission adopted Resolution No. 08-099, which declared certain city vehicles as “surplus” and directed they be auctioned off or otherwise disposed of; and

**WHEREAS**, the Police Department desires to amend Resolution No. 08-099, by deleting the '95 Cadillac (seized contraband) from the surplus list to be liquidated; and

**WHEREAS**, the City intends to amend Resolution No. 08-099 to continue to allow the above-referenced vehicle to be used by the City;

**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 amends Resolution No. 08-099 by deleting the 1995 Black Cadillac Fleetwood, VIN 1G6DW52P1SR710646, Texas License Plate 207ZNS from the list of surplus vehicles.

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

**PASSED AND ADOPTED this 15th 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

## CITY COMMISSION AGENDA 2

**Date:** 04/15/2009

**Submitted By:** Pam Lawrence, Administration

**Department:** Administration

**Agenda Area:** Consent

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### Information

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

Consider approval of Resolution No. 09-XXX suspending the May 5, 2009 effective date of Texas-New Mexico Power Company's ("TNMP'S") requested supplemental application to change reates to permit the City time to study the request and to establish reasonable rates. (Legal Dept.)

#### **BACKGROUND**

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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### Fiscal Impact

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### Attachments

Link: [Res  
09-039](#)

Link: [Exhibit A  
TNMP  
Memo](#)

Link: [Exhibit B  
TNMP  
Model  
Staff  
Report](#)

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## **RESOLUTION NO. 09-039**

**RESOLUTION OF THE CITY OF TEXAS CITY SUSPENDING THE MAY 5, 2009 EFFECTIVE DATE OF TEXAS-NEW MEXICO POWER COMPANY'S ("TNMP'S") REQUESTED SUPPLEMENTAL APPLICATION TO CHANGE RATES TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL**

---

**WHEREAS**, on or about August 29, 2008, Texas-New Mexico Power Company ("TNMP"), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Texas City a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area effective October 3, 2008; and

**WHEREAS**, on or before October 3, 2008 the City of Texas City adopted a resolution suspending the rate application, approving cooperation with other TNMP cities and the Gulf Coast Coalition of Cities, and authorizing the hiring of Lloyd Gosselink and consulting services; and

**WHEREAS**, the City of Texas City was granted intervenor status in the *Application of Texas-New Mexico Power Company for Authority to Change Rates*, PUC Docket No. 36025; and

**WHEREAS**, on or before January 2, 2009 the City of Texas City adopted a resolution denying TNMP's Statement of Intent;

**WHEREAS**, on or about March 31, 2009, TNMP pursuant to PURA §§ 33.001 and 36.001 filed with the City of Texas City a Supplemental Application and Statement of Intent to Change Rates in all municipalities exercising original jurisdiction within its service area effective May 5, 2009; and

**WHEREAS**, in the Supplemental Application and Statement of Intent to Change Rates, TNMP is seeking to increase rates by approximately \$18.2 million over current rates, or an 11.75% overall increase.

**WHEREAS**, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

**WHEREAS**, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

**SECTION 1:** That the May 5, 2009 effective date of the rate request submitted by TNMP on or about March 31, 2009, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

**SECTION 2:** That the City is authorized to cooperate with other cities served by TNMP to coordinate efforts to protect the interests of the City and protect the interests of TNMP's end-use customers residing and conducting business within municipal limits.

**SECTION 3:** That the reasonable rate case expenses of the City's attorneys, Lloyd Gosselink, and consultants shall be reimbursed by TNMP.

**SECTION 4:** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**SECTION 5:** A copy of this Resolution shall be sent to TNMP, care of Scott Seamster, Corporate Counsel, 225 E. John Carpenter Freeway, Suite 1500, Irving, Texas 75062-2282 and to Thomas Brocato, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PASSED AND ADOPTED this 15th 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

Mr. Brocato's Direct Line: (512) 322-5857  
Email: [tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com)

## MEMORANDUM

TO: TNMP Cities/Gulf Coast Coalition of Cities

FROM: Thomas L. Brocato  
Chris Brewster

DATE: April 7, 2009

RE: Texas-New Mexico Power Company's Supplemental Statement of Intent to Increase Rates Suspension Packet

### **ACTION REQUIRED TO SUSPEND THE EFFECTIVE DATE BY MAY 5, 2009**

On March 31, 2009, Texas-New Mexico Power Company ("TNMP") filed a Supplemental Application and Statement of Intent to Change Rates in PUC Docket 36025. This is an update to the rate request they filed on August 29, 2008 which was abated in order for the Company to include the costs associated with Hurricane Ike and to update their cost of debt request.

In the initial case, the Company sought an \$8.7 million rate increase. If approved, the \$8.7 million increase would raise rates for the average residential customers by \$78 per year. TNMP's supplemental rate filing, requests a net increase of approximately \$18.2 million over current rates, or an 11.75% overall increase. The increase is comprised of 1) the \$8.7 million increase initially requested; 2) an additional \$3.5 million as a result of a correction to rate base as stated in the initial request; and 3) increased debt costs of approximately \$6 million through base rates associated with refinancing approximately \$315.5 million. In addition, TNMP is requesting recovery of \$20.2 million for Hurricane Ike restoration costs to be collected over 5 years with carrying charges and \$1.1 million associated with carrying charges on TNMP's competition transition charge.

The rate increase requested by TNMP will become effective on May 5, 2009, unless the city takes action to suspend the effective date. The statute permits cities to extend the effective date by up to 90 days in order to study the filing. **The city must take action to suspend the effective date by May 5, 2009.** If your city does not have a regular council meeting scheduled before May 5 or is otherwise unable to take action on the suspension resolution by May 5, please contact me as soon as possible.

Attached to this memo is a model suspension resolution and staff report. It is possible that TNMP local managers may be providing cities with a model denial resolution and recommending that the city immediately deny the rate request. We do not recommend that you

deny the request at this time. Suspending the effective date allows cities more time to review the application and decide on the final action, including settlement or denial of TNMP's requested rate increase.

The TNMP Cities and the Gulf Coast Coalition of Cities will hold a meeting of all Coalition members in late September to discuss TNMP's rate request in greater detail. In the meantime, if you have any questions, please feel free to contact Thomas (512/322-5857, [tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com)).

## MODEL STAFF REPORT

**\*\*\*ACTION MUST BE TAKEN TO SUSPEND THE EFFECTIVE DATE ON OR BEFORE MAY 5, 2009\*\*\***

### **PURPOSE**

Texas-New Mexico Power Company ("TNMP" or "the Company") filed an application on August 29, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$8.7 million. This included a 24% increase in residential rates and a 79% increase in street lighting rates. In December, the Company requested an abatement of the case in order for them to update their filing to include costs associated with Hurricane Ike and to update their cost of debt request.

On March 31, 2009, the Company filed a Supplemental Application and Statement of Intent to Change Rates. In the Supplemental Application, the Company requests a net increase of approximately \$18.2 million over current rates, or an 11.75% overall increase. The increase is comprised of 1) the \$8.7 million increase initially requested; 2) an additional \$3.5 million as a result of a correction to rate base as stated in the initial request; and 3) increased debt costs of approximately \$6 million through base rates associated with refinancing approximately \$315.5 million. In addition, TNMP is requesting recovery of \$20.2 million for Hurricane Ike restoration costs to be collected over 5 years with carrying charges and \$1.1 million associated with carrying charges on TNMP's competition transition charge.

Because the Company is seeking a larger rate increase in the Supplemental Application, they are required to file the case with all cities having original jurisdiction. In addition, the filing of the Supplemental Application resets the procedural timeline previously established.

The resolution suspends the May 5, 2009 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other cities served by TNMP, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, TNMP's rate request is deemed administratively approved.**

### **DISCUSSION**

The City of \_\_\_\_\_ is a member of a coalition of cities known alternatively as the Cities Served by TNMP and the Gulf Coast Coalition of Cities ("TNMP Cities"). The Coalition has been in existence since the early 1990s. TNMP Cities have been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for nearly 20 years.

### **Explanation of "Be It Resolved" Paragraphs:**

Section 1. The city is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as “the maximum period allowed by law” rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on TNMP's request to raise rates by August 3, 2009.

Section 2. This provision simply reaffirms that the City is participating in a coalition of cities served by TNMP in order to more efficiently represent the interests of the City and their citizens.

Section 3. This provision reaffirms that the Company will reimburse the Cities for their reasonable rate case expenses. Legal counsel and consultants approved by the TNMP Cities will submit monthly invoices that will be forwarded to TNMP for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both TNMP's counsel and counsel for the cities will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.



## CITY COMMISSION AGENDA 2

**Date:** 04/15/2009

**Submitted By:** Pam Lawrence, Administration

**Department:** Administration

**Agenda Area:** Consent

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### Information

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

Consider approval of **Resolution No. 09-XXX** amendment to the Communications Facilities License Agreement. (Legal Dept.)

#### **BACKGROUND**

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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### Fiscal Impact

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### Attachments

Link: [Res 09-040](#)

Link: [Exhibit A -  
Amend License  
Agmt](#)

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**RESOLUTION NO. 09-040**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO COMMUNICATIONS FACILITIES LICENSE AGREEMENT WITH AT & T MOBILITY TEXAS, LLC TO CHANGE THE SITE PLAN AT 718 14TH STREET NORTH, TEXAS CITY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS**, AT & T Mobility Texas, LLC, a Delaware limited liability company, is requesting a first amendment to Restated and Amended License Agreement 2001, to change the site plan for the tower located at 718 14<sup>th</sup> Street North, Texas City, Texas, and,

**WHEREAS**, the City owns the said premises upon which the tower will be moved and feels that it is in the best interest of the City to allow AT & T Mobility Texas, LLC to amend the Restated and Amended License Agreement 2001; and,

**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 First Amendment to Communications Facilities License Agreement (Restated and Amended License Agreement 2001, which changes the site plan.

**SECTION 2:** That the City Commission authorizes the Mayor to execute the First Amendment 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 15th 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

Cell Site No. HX 1018  
Cell Site Name: Bay Street  
Fixed Asset No. 10038205  
Market: STX  
Address: 718 14<sup>th</sup> St., Texas City, TX

## FIRST AMENDMENT TO COMMUNICATIONS FACILITIES LICENSE AGREEMENT

THIS FIRST AMENDMENT TO COMMUNICATIONS FACILITIES LICENSE AGREEMENT ("**Amendment**"), dated as of the latter of the signature dates below, is by and between the City of Texas City, having a mailing address of P.O. Box 2608, Texas City, TX 77592 (hereinafter referred to as "**Licensor**") and AT&T Mobility Texas, LLC, a Delaware limited liability company, as successor in interest to Houston Cellular Telephone Company, having a mailing address of 6100 Atlantic Boulevard, Norcross, Georgia 30071 (hereinafter referred to as "**Licensee**").

WHEREAS, Licensor and Licensee entered into a Communications Facilities License Agreement dated May 3<sup>rd</sup>, 2001, whereby Licensor leased to Licensee certain Premises, therein described, that are a portion of the Property located at 718 14<sup>th</sup> St N, Texas City, TX 77590 ("**Agreement**"); and

WHEREAS, Licensor and Licensee desire to amend the Agreement to modify the notice section thereof; and

WHEREAS, Licensor and Licensee desire to amend the Agreement to extend the leased Premises as more fully described in the attached Appendix A-1 for the purpose of installing a generator for emergency situations; and

WHEREAS, Licensor and Licensee desire to amend the Agreement to increase the rent; and

WHEREAS, Licensor and Licensee, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Licensor and Licensee agree as follows:

1. The notices Section the Agreement is hereby deleted in its entirety and replaced with the following: **NOTICES.** All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows. As to Licensee, AT&T Mobility Texas, LLC, Attn: Network Real Estate Administration Re: Cell Site # HX 1018, Cell Site Name Bay Street, FA No: 10038205, 6100 Atlantic Boulevard, Norcross, GA 30071, with a copy to AT&T Mobility Texas, LLC, Attn: Legal Department 15 East Midland Avenue, Paramus, NJ 07652 Re: Cell Site # HX 1018, Cell Site Name Bay Street, FA: 10038205; and as to Licensor, P.O. Box 2608, Texas

City, TX 77592. Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

2. Lessor and Licensee agree and acknowledge that the Premises will be extend to 39'3" x 17'6" from 29'3" x 17'6" as more fully depicted on the Appendix A-1. Lessor and Licensee further agree and acknowledge that that as of the Commencement Date of this First Amendment, Licensee's equipment information set forth in Appendix A of the Agreement shall hereby be deleted in its entirety and shall be replaced with Appendix A-1 attached hereto and incorporated by this reference. In the event of inconsistency or discrepancy between the Appendix A of the Agreement and the Premises information set forth in the Agreement, Appendix A-1 attached hereto shall control.

3. Lessor and Licensee agree and acknowledge that Licensee's Rent shall increase by One Thousand Eight Hundred and No/100 Dollars (\$1,800.00) per year to \$20,049.79 on May 1, 2009 ("Commencement Date") from the current Rent of \$18,249.79 and shall thereafter increase in accordance with Appendix B of the Agreement.

4. Other Terms and Conditions Remain. In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall control. Except as expressly set forth in this Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment.

5. Capitalized Terms. All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

*[SIGNATURES APPEAR ON THE NEXT PAGE]*

IN WITNESS WHEREOF, the parties have caused this Agreement to be effective as of the last date written below.

WITNESSES:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

**"LICENSOR"**

The City of Texas City

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

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

**"LICENSEE"**

AT&T Mobility Texas, LLC ,  
a Delaware limited liability company, as  
successor in interest to Houston Cellular  
Telephone Company, L.P.

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

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

**[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]**

**LICENSEE ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_, 2009, before me personally appeared \_\_\_\_\_, and acknowledged under oath that he is the \_\_\_\_\_ of \_\_\_\_\_, the \_\_\_\_\_ named in the attached instrument, and as such was authorized to execute this instrument on behalf of the \_\_\_\_\_.

\_\_\_\_\_  
Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**LICENSOR ACKNOWLEDGMENT**

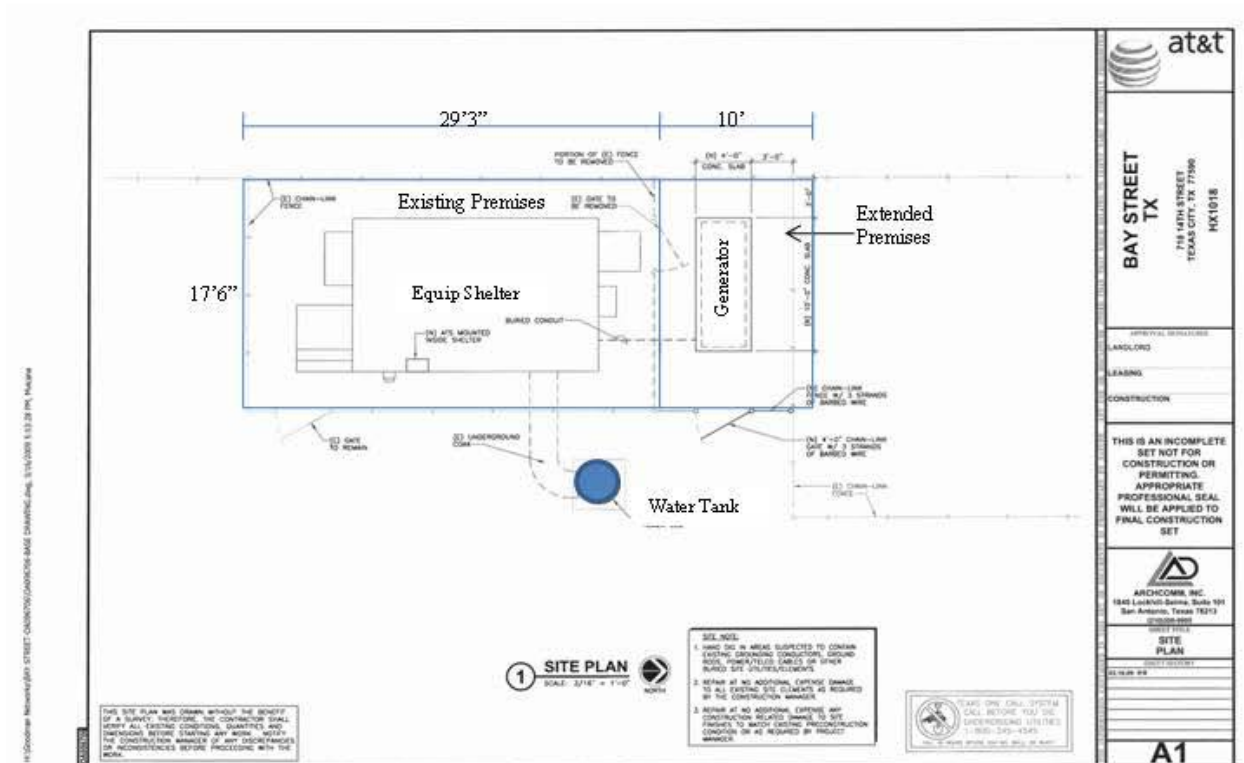
STATE OF TEXAS )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2009 before me, the subscriber, a person authorized to take oaths in the State of Texas, personally appeared \_\_\_\_\_ who, being duly sworn on his/her/their oath, deposed and made proof to my satisfaction that he/she/they is/are the person(s) named in the within instrument; and I, having first made known to him/her/them the contents thereof, he/she/they did acknowledge that he/she/they signed, sealed and delivered the same as his/her/their voluntary act and deed for the purposes therein contained.

\_\_\_\_\_  
Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

# APPENDIX A-1

## DESCRIPTION OF PREMISES



## Purchase of Ambulance - SEP CITY COMMISSION AGENDA 2

**Date:** 04/15/2009  
**Submitted By:** Rita Williams, Purchasing  
**Submitted For:** Bruce Clawson  
**Department:** Emergency Management  
**Agenda Area:** Consent

### Information

#### ACTION REQUEST (Brief Summary)

Approve the purchase and delivery of one Ambulance, radio system included.

#### BACKGROUND

This is part of an agreed to order between the EPA and BP. The agreement is item or program specific.

#### ANALYSIS

Standard H-GAC bid used and itemized contract sheets are attached for your review.

Thank you.

#### ALTERNATIVES CONSIDERED

### Fiscal Impact

**Funds Available Y/N:** Y

**Amount Requested:** \$139,319.40

**Source of Funds:** SEP

**Account #:**

**Fiscal Impact:**

### Attachments

Link: [Res 09-042](#)

Link: [Ambulance  
SEP 2009](#)

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	04/08/2009 08:58 AM	CREATED
1	Purchasing (Originator)	Rita Williams	04/08/2009 11:32 AM	APRV
2	Finance	Cheryl Hunter	04/08/2009 05:15 PM	APRV
3	Paralegal	Linda Jennings	04/09/2009 08:43 AM	APRV
4	City Attorney Office	Linda Jennings	04/09/2009 08:45 AM	APRV



5

Mayor

NEW

6

City Secretary

Form Started By: Rita Williams

Started On: 04/08/2009 08:58 AM

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**RESOLUTION NO. 09-042**

**A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF ONE AMBULANCE WITH RADIO SYSTEM INCLUDED FOR EMERGENCY MANAGEMENT SERVICES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, funds are available from funding provided by a Supplemental Environmental Protection ("SEP") and BP Products for one ambulance with radio system equipment included for Emergency Management Services; and

**WHEREAS**, these funds are provided in agreement for specific items through the standard H-GAC bid process.

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

**SECTION 1:** That the City Commission of the City of Texas City, Texas, hereby approves the purchase of one ambulance with radio system equipment to be purchased through H-GAC, for the amount set out on the attached itemized contract sheets as Exhibit "A", and made a part hereof.

**SECTION 2:** That the Mayor is hereby authorized to negotiate and execute any documentation necessary to purchase the ambulance with radio system equipment.

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

**PASSED AND ADOPTED this 15th 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



March 30, 2009

Mr. Robert Ebert  
Texas City Fire Department  
Email: rebert@texas-city-tx.org

Quote #5761A-HGAC

Mr. Ebert,

Below is itemized pricing from contract number AM04-08 for one (1) Type I 12' Generator Powered Module mounted on a Ford F-350 6.4L diesel chassis.

HA03: Type I 12' on Ford F-350 Diesel DRW Cab/Chassis, Gen Pwr Mod \$ 98,000.00

Published Options (Form E):

1	Module upgrade for diesel chassis	\$	1,500.00
26	Granning air suspension system	\$	5,000.00
343	Stryker Power-PRO XT cot w/ 3 stage IV pole, head end storage flat, and antler & bar (All products listed in the current Stryker "List Price Book" ; in Section 2)	\$	13,582.00
343	Stryker Stair-PRO Stair Chair 6252 (All products listed in the current Stryker "List Price Book" ; in Section 2)	\$	2,780.00
118	2 high powder coated aluminum "D" cylinder holder	\$	150.00
197	EVS captain's chair with built-in child safety seat	\$	700.00
114	Triple blank insert	\$	150.00
174	Squad bench cabinet with padding on the end	\$	500.00
19	Buell dual 10" & 12" air horns with compressor	\$	1,700.00
143	Oxygen regulator and cylinder changing wrench	\$	150.00
216	Double 8" 3M reflective stripe with non-reflective pinstripe and basic reflective lettering	\$	2,300.00
212	3M diamond grade conspicuity tape in Chevron pattern on rear of module including entry doors	\$	1,400.00
48	Exterior treadbrite on front corners, over wheel wells and in rear in lieu of std.	\$	200.00
37	Dual Kussmaul 20 amp auto ejects with red or yellow covers in lieu of std.	\$	850.00
228	Install new self-contained radio and related equipment	\$	650.00
126	3 high powder coated aluminum glove box holder/ end rail combination at end of squad bench	\$	450.00
157	3 receptacle 12VDC outlet with medical diode isolator	\$	150.00
22	Stainless steel wheel covers	\$	400.00
248	Exterior compartment modification (x 4)	\$	2,000.00

Unpublished Options:

Energy/ fuel surcharge	\$	888.00
------------------------	----	--------

Module and chassis	\$ 98,000.00
Published Options	\$ 34,612.00
Unpublished Options	\$ 888.00
HGAC	\$ <u>1,000.00</u>
Total	\$ 134,500.00

Per TMVCC we are quoting this through our licensed franchise dealer, Freeway Ford.

Please make your purchase order out to Freeway Ford (6445 Southwest Freeway Houston, TX 77074). Please email a copy of your purchase order and this quote to Tim Kettle with Freeway Ford at [tkettle@freeway-ford.com](mailto:tkettle@freeway-ford.com), La Wanda James with HGAC at [lawanda.james@h-gac.com](mailto:lawanda.james@h-gac.com), and to Laura Richardson at [lrichardson@frazerbilt.com](mailto:lrichardson@frazerbilt.com).

Thank you for the opportunity to quote this job. If you have any questions please call me at 888-372-9371.

Best Regards,



Laura Richardson  
Frazer, Ltd.

LGR:KL.

**City of Texas City****H-GAC Quote for Subscribers/Accessories**

Prepared by: G. Ebel

Line	Item	Qty	Model	Description	List Price	Price	Extended	Summary
<b>XTL 5000 Series</b>								
<b>XTL 5000 DIGITAL UNITS ("O5" Head Remote Mount)</b>								
1	1	M20URS9PW1_N	XTL 5000 ASTRO DIGITAL		\$1,497.00	\$ 1,197.60	\$ 1,197.60	
1a	1	Q806	DIGITAL CAI OPERATION		\$515.00	\$ 412.00	\$ 412.00	
1b	1	G51	SMARTZONE SYSTEM		\$1,500.00	\$ 1,200.00	\$ 1,200.00	
1c	1	G442	XTL5000 CONTROL HEAD		\$432.00	\$ 345.60	\$ 345.60	
1d	1	G444	XTL5000 SOFTWARE		\$0.00	\$ -	\$ -	
1e	1	G67	REMOTE MOUNT OPTION		\$297.00	\$ 237.60	\$ 237.60	
1e	1	GA00092	DUAL CONTROL HEAD		\$570.00	\$ 456.00	\$ 456.00	
1e	1	G618	REMOTE MOUNT CABLE 10'		\$10.00	\$ 8.00	\$ 8.00	
1f	1	W484	3dB GAIN ANTENNA		\$38.00	\$ 30.40	\$ 30.40	
1g	2	W22	PALM MIC		\$72.00	\$ 57.60	\$ 115.20	
1h	2	B18	AUXILARY SPEAKER 5 WATT		\$60.00	\$ 48.00	\$ 96.00	
1i	1	G114	ENHANCED RADIO ID		\$75.00	\$ 60.00	\$ 60.00	
1j	1	G170	RADIO TRACE AND MONITOR		\$75.00	\$ 60.00	\$ 60.00	
1k	1	G361	ASTRO PROJECT 25 TRUNKING SOFTWARE		\$300.00	\$ 240.00	\$ 240.00	
1l	1	G996	PROGRAMMING OVER PROJECT 25		\$100.00	\$ 80.00	\$ 80.00	
1m	1	W947	RS232 & IV&D PACKET DATA INTERFACE		\$200.00	\$ 160.00	\$ 160.00	
1n	1	G24	EXPRESS SRV PLUS		\$121.00	\$ 121.00	\$ 121.00	\$ 4,819.40
(3 YEAR TOTAL DEPOT WARRANTY)								

**Total Extended Pricing: \$ 4,819.40****HGAC Fee: Included****Total \$ 4,819.40****\*Note: The consolettes /mobiles do not include programming and installation..****\*Note: The following pricing is based on H-GAC terms and conditions.**

**OPTICOM System  
CITY COMMISSION AGENDA 2**

**Date:** 04/15/2009  
**Submitted By:** Rita Williams, Purchasing  
**Submitted For:** Bruce Clawson  
**Department:** Emergency Management  
**Agenda Area:** Consent

---

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

Approve the purchase and delivery of one OPTICOM System.

**BACKGROUND**

This is part of an agreed to order between EPA and BP. This agreement is item or program specific.

**ANALYSIS**

This system is installed at key intersections and on fire equipment and when activated turns the lights at intersections green facilitating the movement of emergency equipment.

Standard H-GAC bid used and the pricing worksheet is attached for your review.

Thank you.

**ALTERNATIVES CONSIDERED**

none

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**Fiscal Impact**

**Funds Available Y/N:** Y

**Amount Requested:** \$109,319.85

**Source of Funds:** SEP

**Account #:**

**Fiscal Impact:**

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**Attachments**

Link: [Res  
09-043](#)

Link:  
[OPICOM  
System 2009](#)

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**Form Routing/Status**



**RESOLUTION NO. 09-043**

**A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF OPTICOM SYSTEM FOR EMERGENCY MANAGEMENT SERVICES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, funds are available from funding provided by a Supplemental Environmental Protection (“SEP”) and BP Products for the purchase of an Opticom System; and

**WHEREAS**, the Opticom System is to be installed at key intersections and on fire equipment and when activated turns the lights at intersections green facilitating the movement of emergency equipment; and

**WHEREAS**, these funds are provided in agreement for specific items through the standard H-GAC bid process.

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

**SECTION 1:** That the City Commission of the City of Texas City, Texas, hereby approves the purchase of the Opticom System to be purchased through H-GAC, for the amount set out on the attached itemized contract sheets as Exhibit “A”, and made a part hereof.

**SECTION 2:** That the Mayor is hereby authorized to negotiate and execute any documentation necessary to purchase the ambulance with radio system equipment.

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

**PASSED AND ADOPTED this 15th 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



**CONTRACT PRICING WORKSHEET**  
For Catalog & Price Sheet Type PurchasesContract  
No.:

PE05-07

Date  
Prepared:

4/2/2009

Buying Agency:	City of Texas City	Contractor:	Consolidated Traffic Controls, Inc.
Contact Person:	Captain Jesse Rubio	Prepared By:	Jerry Priester <i>Jerry Priester</i>
Phone:	409-643-5728	Phone:	817-265-3421
Fax:	409-643-5719	Fax:	817-274-3610
Email:	jrubio@texas-city-tx.org	Email:	HJPriester@aol.com

Catalog / Price Sheet  
Name:

Emergency Vehicle Preemption / GTT Opticom System - IR

Quan	Description	Unit Pr	Total
GTT IR Opticom Equipment Quote			
15	Model 752, Phase Selector Discriminator Module	\$1,624.75	\$24,371.25
5	Model 754 Phase Selector	\$2,541.40	\$12,707.00
43	Model 721 Opticom Detector	\$402.55	\$17,309.65
43	Model 500B Mounting Bracket	\$20.00	\$860.00
12500	Model 138 Opticom Cable	\$0.3783	\$4,728.75
180	Installation Hours	\$150.00	\$27,000.00
20	380 Card Racks	\$240.00	\$4,800.00
16	Model 792H Emitter	\$965.15	\$15,442.40
16	Model 793 Emitter Switch	\$135.80	\$2,172.80
		\$500.00	\$0.00
			\$0.00
			\$0.00
Total From Other Sheets, If Any:			\$0.00
Subtotal A:			\$109,391.85

B. Unpublished Options, Accessories, Service Items (Call Item # for Details)  
(Note: Unpublished hardware items must be priced at 25% of the published price.)

Quan	Description	Unit Pr	Total
			\$0.00
			\$0.00
			\$0.00
			\$0.00
Total From Other Sheets, If Any:			\$0.00
Subtotal B:			\$0.00

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 0%

C. Other Allowances And/Or Special Discounts			
Subtotal D:			0

Delivery Date: 90-120 Days ARO H: Total Purchase Price (A+B+C): \$109,391.85

## **Opticom Controlled Intersections**

**April 3, 2009**

The following is a list of intersections that will be outfitted with the Opticom system.

- 1.) F.M. 1765 @ 21<sup>st</sup> St. **East, West and Southbound**
- 2.) F.M. 1765 @ 25<sup>th</sup> St. **East, West and Southbound**
- 3.) F.M. 1765 @ 29<sup>th</sup> St. **East, West, and Southbound**
- 4.) F.M. 1765 @ 34<sup>th</sup> St. **East, and Westbound**
- 5.) F.M. 1765 @ S.H. 146, **East, West and Southbound**
- 6.) F.M. 1765 @ Oak **East, and Westbound**
- 7.) Palmer @ 21<sup>st</sup> St. **East and Westbound**
- 8.) Palmer @ 25th street N., **East, West and Southbound**
- 9.) Palmer @ 29<sup>th</sup> St. **East and Westbound**
- 10.) Palmer @ 34<sup>th</sup> St. **East and Westbound**
- 11.) Palmer Hwy. @ S.H. 146, **East and Westbound**
- 12.) 25<sup>th</sup> Ave. N. @ 21<sup>st</sup> St. **East and Westbound**
- 13.) 25<sup>th</sup> Ave. N. @ 23<sup>rd</sup> St. **East and Westbound**
- 14.) 25<sup>th</sup> Ave N. @ 25th St. North, **East and Westbound**
- 15.) 25<sup>th</sup> Ave N. @ 29<sup>th</sup> St. **East and Westbound**
- 16.) 25<sup>th</sup> Ave. N. @ S.H. 146, **East and Westbound**
- 17.) Emmitt F Lowery feeder road @ Amburn, **North and Westbound**
- 18.) Amburn @ F.M. 1765 **Southbound**
- 19.) Monticello @ Century blvd. **Westbound**
- 20.) Century Blvd. @ E.F.L feeder **North and Westbound**

16 vehicles will be outfitted with the Opticom system, they are as follows:

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Frontline apparatus:

1. L-18
2. E-16
3. R-13
4. E-21
5. M-20
6. Unit 25
7. M-30
8. E-33
9. R-R-11
10. R-M-15
11. RE-23
12. RE-34
13. New Ambulance
14. Chief Gorman
15. Chief Zacherl
16. Captain Ebert

7.h.

## UTMB Resolution Supporting Restoration Level 1 Trauma Center CITY COMMISSION AGENDA 2

**Date:** 04/15/2009

**Submitted By:** Jane Tull, Fire Department

**Submitted For:** Joseph Gorman

**Department:** Fire Department

**Agenda Area:** Consent

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### Information

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

Approving UTMB resolution

#### **BACKGROUND**

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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### Fiscal Impact

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### Attachments

Link: [Res\\_09-044](#)

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### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Jane Tull	04/08/2009 04:36 PM	CREATED
1	Fire Department			NEW
2	Finance			
3	Paralegal			
4	City Attorney Office			
5	Mayor			
6	City Secretary			
Form Started By: Jane Tull		Started On: 04/08/2009 04:36 PM		

## **RESOLUTION NO. 09-044**

### **A RESOLUTION SUPPORTING THE RESTORATION OF THE UNIVERSITY OF TEXAS MEDICAL BRANCH (UTMB) LEVEL 1 TRAUMA CENTER IN GALVESTON, TEXAS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS,** The University of Texas Medical Branch at Galveston (UTMB) operated one of the highest ranked Level 1 Trauma Centers in the country pre Hurricane Ike; and

**WHEREAS,** Texas City has one of the largest concentrations of heavy industry in the country and Texas City's Industry relies upon the close location of UTMB and its Level 1 for the safety of its workers and visitors; and

**WHEREAS,** UTMB has proven itself invaluable both on April 16, 1947, with the explosion of the ship Grand Camp where over 600 people died and thousands were injured in the worse industrial accident in the US, and again, on March 23, 2005, providing urgent top level medical care to numerous injured persons in another industrial accident that had 15 deaths and numerous injured; and

**WHEREAS,** UTMB has provided exceptional care to many of our citizens with special needs; and

**WHEREAS,** UTMB research has eased the suffering of untold persons and greatly advanced Medical care in the county, state and world; and

**WHEREAS,** The Houston metro area that includes Texas City and Galveston County is underserved in the number of Level 1 trauma centers according to the American College of Surgeons; and

**WHEREAS,** Many Texas City residents work at UTMB as they are our county's largest employer; and

**WHEREAS,** UTMB's reputation is world renowned for its quality care and excellent medical school training; and

**WHEREAS,** The next nearest Trauma Center is 60 miles away placing a burden on the Texas City Fire Department ambulances as well as all of Galveston County's Emergency Medical Service providers due to travel time and distance; and

**WHEREAS,** In Trauma Situations the first hour is known as the Golden Hour for survival and the long transports are using up most of that hour; and

**WHEREAS,** Local hospitals that are not Level 1 Trauma Centers are overcrowded taking patients that were going to UTMB and lack the resources UTMB could provide;

**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 expresses its support of the restoration of The University of Texas Medical Branch (UTMB) Level 1 Trauma Center in Galveston, Texas.

**SECTION 2:** And providing that this Resolution shall become effective from and after its passage and adoption.

**PASSED AND ADOPTED this 15th day of April, 2009.**

\_\_\_\_\_  
Matthew T. Doyle, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

## Resolution for Support of Restoration of Shriners CITY COMMISSION AGENDA 2

**Date:** 04/15/2009  
**Submitted By:** Jane Tull, Fire Department  
**Submitted For:** Joseph Gorman  
**Department:** Fire Department  
**Agenda Area:** Consent

### Information

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

Approving Shriner resolution for support

#### **BACKGROUND**

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

### Fiscal Impact

### Attachments

Link: [Res 09-041](#)

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Jane Tull	04/08/2009 04:38 PM	CREATED
1	Fire Department			NEW
2	Finance			
3	Paralegal			
4	City Attorney Office			
5	Mayor			
6	City Secretary			
Form Started By: Jane Tull		Started On: 04/08/2009 04:38 PM		

**RESOLUTION NO. 09-041**

**A RESOLUTION SUPPORTING THE RE-OPENING OF THE SHRINER'S HOSPITAL IN GALVESTON, TEXAS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS,** The Shriner's Hospital in Galveston provided world renowned care for the pediatric victims of burns; and

**WHEREAS,** The Shriner's Hospital leads the world in research in the treatment of pediatric burn treatments; and

**WHEREAS,** The Shriner's Hospital never charged their patients for care; and

**WHEREAS,** The Shriner's Hospital worked closely with the Blocker Burn Unit at UTMB; and

**WHEREAS,** The Shriner's Hospital established Galveston as a leading research location; and

**WHEREAS,** The Shriner's Hospital provided care not readily available anywhere else in the region; and

**WHEREAS,** The Shriner's Hospital provided numerous jobs for highly skilled doctors, nurses and researchers as well as various support staff; and

**WHEREAS,** The Shriner's Hospital provided relief for some of the most painful injuries ever;

**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 expresses its support of the restoration of Shriner's Hospital in Galveston, Texas.

**SECTION 2:** And providing that this Resolution shall become effective from and after its passage and adoption.

**PASSED AND ADOPTED this 15th day of April, 2009.**

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Matthew T. Doyle, Mayor

ATTEST:

APPROVED AS TO FORM:

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Pamela A. Lawrence  
City Secretary

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Robert Gervais  
City Attorney



## BP Right-of-Way abandonment CITY COMMISSION AGENDA 2

**Date:** 04/15/2009  
**Submitted By:** Julie Morreale, Planning  
**Submitted For:** Don Carroll  
**Department:** Planning  
**Agenda Area:** Regular Items

### Information

#### ACTION REQUEST (Brief Summary)

BP Products North America, Inc. requests to abandon Right-of-Ways (Action) (1) 4th Avenue South lying between Kohfeldt and Braun Subdivisions Block C and South Logan Street (25th Street South) comprised of two tracts, two-wit: 0.3157 acres and 1.3039 acres; (2) 4th Avenue South lying between South Logan Street (25th Street South and 27th Street South) comprising 1.2833 acres; (3) Alley rights-of –way lying between 5th Avenue South and the Southeast corner of Westmont Subdivision comprising 0.2710 acres.

#### BACKGROUND

This Right-of-Ways request was given approval by the Planning Board on March 16, 2009. It is ready to go before the City Commission for final disposition.

#### ANALYSIS

#### ALTERNATIVES CONSIDERED

### Fiscal Impact

### Attachments

Link: [Ord 09-16](#)

Link: [PB minutes](#)

Link: [bp attachments](#)

Link: [pub notice](#)

Link: [CC memo](#)

### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Julie Morreale	03/25/2009 09:55 AM	CREATED
1	Planning (Originator)	Don Carroll	03/25/2009 01:04 PM	APRV

2	Paralegal	Linda Jennings 03/25/2009 01:41 PM	APRV
3	Planning (Originator)		NEW
4	Finance		
5	Paralegal		
6	City Attorney Office		
7	Mayor		
8	City Secretary		

Form Started By: Julie Morreale

Started On: 03/25/2009 09:55 AM

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## **ORDINANCE NO. 09-16**

**AN ORDINANCE APPROVING BP PRODUCTS NORTH AMERICA, INC.'S REQUESTS FOR ABANDONMENT OF VARIOUS RIGHT-OF-WAYS IN TEXAS CITY, GALVESTON COUNTY, TEXAS; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR SAID PROPERTY UPON REQUEST; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS**, BP Products North America, Inc. requests abandonment of right-of-ways and alleys being located as follows:

1. 4<sup>th</sup> Avenue South, lying between Kohfeldt and Braun Subdivisions Block C and South Logan Street (25<sup>th</sup> Street South), comprised of two tracts, to-wit: 0.3157 acres and 1.3039 acres;
2. 4<sup>th</sup> Avenue South lying between South Logan Street (5<sup>th</sup> Street South and 27<sup>th</sup> Street South) comprising of 1.2833 acres;
3. Alley right-of-ways lying between 5<sup>th</sup> Avenue South and the Southeast corner of Westmont Subdivision, comprising 0.2710 acres.

Said right-of-ways and alleys being located in Texas City, Galveston County, Texas; and being more fully described in the Surveys, Exhibit "A," attached hereto and made a part hereof for all intents and purposes.

**WHEREAS**, the City has notified all interested utilities, City departments, and property owners who may have relied on the existing plat maps filed with the County Map Records in purchasing their property; and

**WHEREAS**, based upon the responses and comments from these entities and the property owners, the City finds it to be in the best interest of the City to vacate and abandon said right-of-ways and alleys.

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

**SECTION 1:** That the City Commission of the City of Texas City finds it in the best interest of the City to vacate and abandon the various rights-of-ways and alleys being and located as follows:

1. 4<sup>th</sup> Avenue South, lying between Kohfeldt and Braun Subdivisions Block C and South Logan Street (25<sup>th</sup> Street South), comprised of two tracts, to-wit: 0.3157 acres and 1.3039 acres;
2. 4<sup>th</sup> Avenue South lying between South Logan Street (5<sup>th</sup> Street South and 27<sup>th</sup> Street

- South) comprising of 1.2833 acres;
3. Alley right-of-ways lying between 5<sup>th</sup> Avenue South and the Southeast corner of Westmont Subdivision, comprising 0.2710 acres.

Said right-of-ways and alleys being located in Texas City, Galveston County, Texas; and being more fully described by Surveys in Exhibit "A," attached hereto and made a part hereof for all intents and purposes.

**SECTION 2:** That the above-described properties are hereby declared abandoned, and the responsibility of the City to maintain said properties is hereby terminated.

**SECTION 3:** That the City of Texas City hereby retains unto itself any existing public and private utility easements on said properties, if any.

**SECTION 4:** That the Mayor is hereby authorized to execute Quitclaim Deeds, if requested, by the abutting property owners.

**SECTION 5:** That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of the City Commission.

**SECTION 6:** That this Ordinance shall be passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

**PASSED AND ADOPTED this 14th 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

## **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**

EXHIBIT "A"

JO

- POINT OF BEGINNING  
FND. 1-1/2" I.P.  
X = 3265109.15  
Y = 13708583.51

ROBERT LOGAN SURVEY  
ABSTRACT-142

-N 88°00'23" E  
19.89'

LOT 7  
TEXAS CITY 20' WIDE R.D.W.  
TEXAS CITY HEIGHTS  
VOLUME 136. PAGE 2-7  
G.C.D.R.

GALVESTON COUNTY  
VOL. 609. PG. 29-30  
G. C. D. R.

0.2710 ACRE  
- 20' WIDE ROADWAY  
ABANDONMENT

S 88°37'55" W 19.89' 5TH. AVENUE S

NEH4-S<sub>2</sub>

1. ALL COORDINATES ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, AND ARE BASED ON NATIONAL GEODESIC SURVEY MOVEMENT "HSCD 60" AT TEXAS STATE PLANE COORDINATES X = 5756270.576 AND Y = 15700349.530.
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS. SCALE FACTOR = 0.99986564.
3. ALL ELEVATIONS SHOWN ARE MEAN SEA LEVEL ELEVATIONS, 1929 DATUM, AND ARE BASED ON U.S.G. & G.S. BENCHMARK "X 405" AT ELEVATION: 5.11 FEET.

11/16 DOYLE  
 DATE: 07 Apr '08 11/16/2008  
 /log/52-amco\properly mang\greenbelt re-plot\ abandonment alley plot.dgn

# GALVESTON COUNTY TEXAS

LOT 89

LOT 90

LOT 91

LOT 92

LOT 93

ABANDONED

LOT 94

PARK

ADDITION

LOT 95

LOT 96

LOT 97

38.0'

ALLEY

AMOCO OIL COMPANY  
FILE NO. 8457788  
G.C.D.R.

CITY OF TEXAS CITY  
30' WIDE R.O.W.  
FILM CODE NO. 002-67-1917  
G.C.D.R.

HSC PIPELINE PARTNERSHIP, L.P.  
12" PIPELINE 3' WIDE EASEMENT  
FILE NO. 2004014923  
G.C.D.R.

TEXAS CITY TRACT 8  
HEIGHTS

27TH STREET S

N 88°07'25" E

931.7

COUNTY OF GALVESTON  
60' WIDE R.O.W.  
VOL. 679, PG. 311-312  
G.C.D.R.

1.2833 ACRE  
4th AVENUE S R.O.W.  
ABANDONMENT

N 2°05'52" W  
60.00'

S 88°07'25" W

931.7

PAN AMERICAN PIPELINE CO.  
12" PIPELINE NO EASEMENT DEFINED  
VOL. 507, PG. 85-91  
G.C.D.R.

CITY OF TEXAS CITY  
30' WIDE R.O.W.  
FILM CODE NO. 002-67-1917  
G.C.D.R.

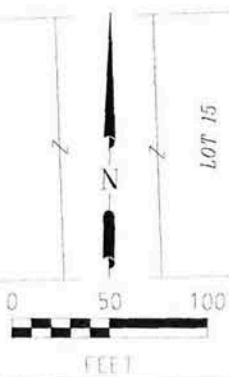
AMOCO OIL COMPANY  
FILE NO. 8457788  
G.C.D.R.

12" KINDER MORGAN  
7' WIDE EASEMENT

EPD TEXAS P  
7' WIDE EASE  
FILE NO. 200  
G.C.D.R.



VICINITY MAP  
SCALE: 1" = 2 MILES



LOT 15

LOT 14

WILEY & GILBERT  
SUBDIVISION

LOT 13

LOT 12

LOT 11

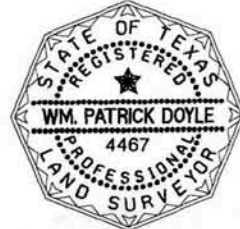
LOT 10

LOT 9

LOT 8

5TH AVENUE S

J. Wm. PATRICK DOYLE,  
DO HEREBY CERTIFY THAT THE  
REPRESENTATION OF A SURVEY MAP  
AND THAT THERE ARE NO EXCE  
EXCEPT AS SHOWN HEREON.  
DATE SURVEYED: MAY 18, 2006.



## NOTES:

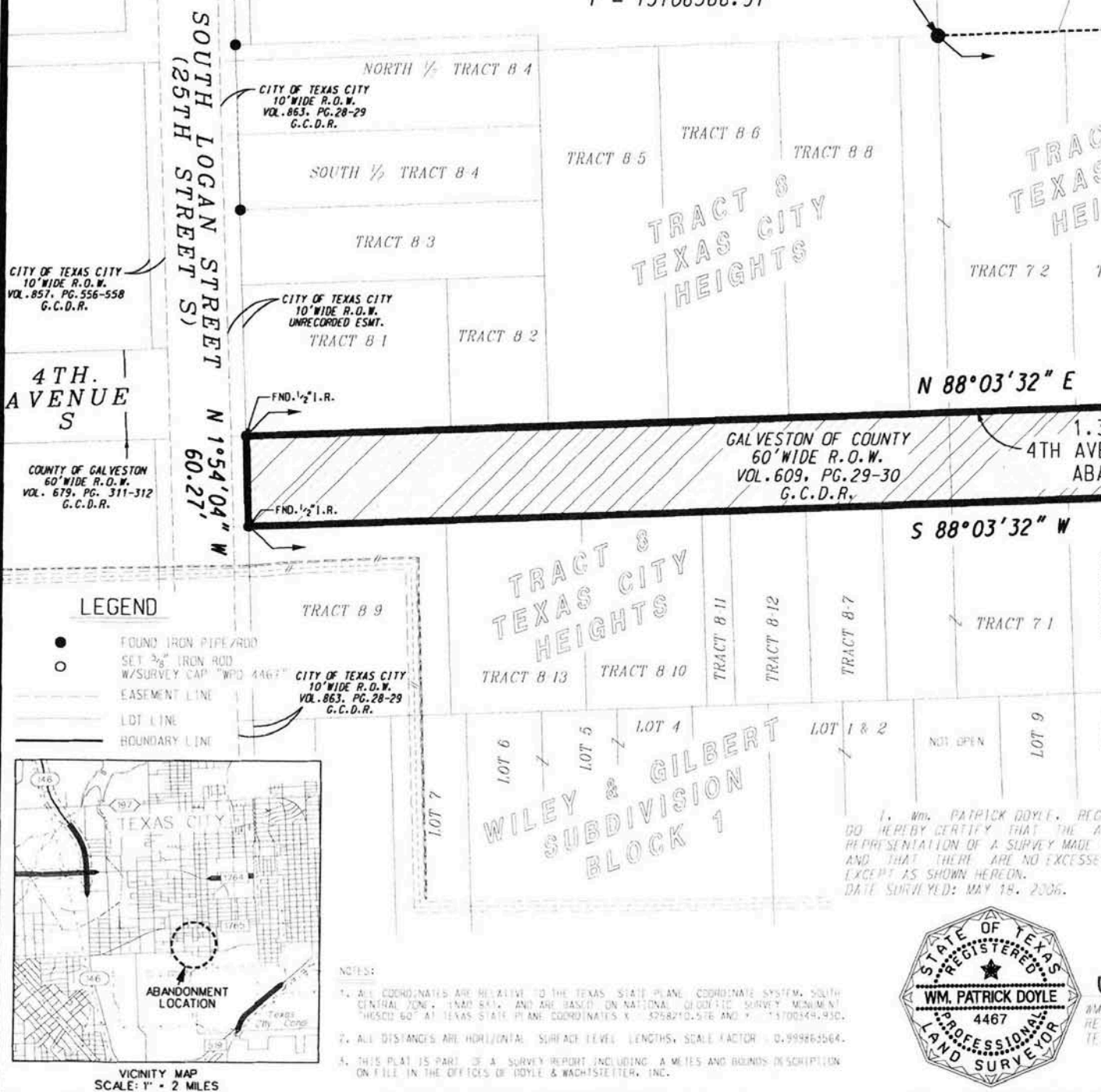
1. ALL COORDINATES ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, (NAD 83), AND ARE BASED ON NATIONAL GEODETIC SURVEY MONUMENT "HOSCO 60" AT TEXAS STATE PLANE COORDINATES X = 5258210.576 AND Y = 13700349.930.
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS. SCALE FACTOR = 0.999863564.
3. THIS PLAT IS PART OF A SURVEY REPORT INCLUDING A METES AND BOUNDS DESCRIPTION ON FILE IN THE OFFICES OF DOYLE & WACHSTEITER, INC.



# GALVESTON COUNTY TEXAS

POINT OF COMMENCEMENT  
FND. 2" I.P.  
X = 3264633.93  
Y = 13708566.97

ROBERT  
ABS



TRACT 11  
TEXAS CITY  
HEIGHTS

POINT OF COMMENCEMENT  
FND. 2" I.P.  
X = 3264633.93  
Y = 13708566.97

ROBERT LOGAN SURVEY  
ABSTRACT-142

N 88°00'23" E

495.47'

475.58'

FND. 1-1/2" I.P.

TEXAS CITY 20' WIDE R.O.W.  
VOLUME 136, PAGE 2-4  
G.C.D.R.

TRACT 8  
TEXAS CITY  
HEIGHTS

TRACT 7  
TEXAS CITY  
HEIGHTS

TRACT 7-2

TRACT 7-3

TRACT 7-4

TRACT 7-5

TRACT 7-6

TRACT 7-7

TRACT 7-8

POINT OF BEGINNING  
X = 3265138.14  
Y = 13708335.87

4TH. AVENUE S

GALVESTON COUNTY  
VOL. 609, PG. 29-30  
G.C.D.R.

N 2°06'03" W  
60.67'

S 2°06'03" E  
248.53'

TRACT 8  
TEXAS CITY  
HEIGHTS

TRACT 7-1

TRACT 7-10

TRACT 7-9

TRACT 7-12

TRACT 7-11

TRACT 7  
TEXAS CITY  
HEIGHTS

TRACT 7-13

TRACT 7-15

TRACT 7-16



VICINITY MAP  
SCALE: 1" = 2 MILES

WILEY  
SUBDIVISION

LOT 4 & 5

LOT 3

LOT 8

LOT 7

LOT 6

1-9 LOT

LOT 6-4

KOHF

NOTES:

1. ALL COORDINATES ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, ENAD 831, AND ARE BASED ON NATIONAL GEODETIC SURVEY MONUMENT "HOSCO 60" AT TEXAS STATE PLANE COORDINATES X = 3258210.506 AND Y = 13700349.830.
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS. SCALE FACTOR = 0.99986464.
3. THIS PLAT IS PART OF A SURVEY REPORT INCLUDING A METES AND BOUNDS DESCRIPTION ON FILE IN THE OFFICES OF DOYLE & WACHSSTETTER, INC.

I, WM. PATRICK DOYLE, REG.  
DO HEREBY CERTIFY THAT THE AD-  
REPRESENTATION OF A SURVEY MADE IN  
AND THAT THERE ARE NO EXCESSES  
EXCEPT AS SHOWN HEREON.  
DATE SURVEYED: MAY 18, 2006.



USER: DOY, EWP  
DATE: 01/04/08  
TIME: 14:26:56  
PROPERTY: Wm. Patrick Doyle  
PROJECT: Robert Logan Survey Abstract-142  
FILE: 4TH AVENUE S, PLAT E091.027

## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that a Public Hearing will be held before the Texas City Planning Board at 5:00 p.m. on Monday, March 16, 2009 in the Conference Room at **City Hall, 1801 9th Avenue North**. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City rezoning requests.

BP Products North America, Inc. **requests to abandon Right-of-Way**

**1) 4<sup>th</sup> Avenue South lying between Kohfeldt and Braun Subdivision Block C and South Logan Street (25<sup>th</sup> Street South) comprised of two tracts, two-wit: 0.3157 acres and 1.3039 acres;**

**2) 4<sup>th</sup> Avenue South lying between South Logan Street (25<sup>th</sup> Street South and 27<sup>th</sup> Street South) comprising 1.2833 acres;**

**3) Alley rights-of-way lying between 5<sup>th</sup> Avenue South and the Southeast corner of Westmont Subdivision comprising 0.2710 acres**

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

Respectfully,

Donald R. Carroll  
City Planner

# MEMO

**TO:** City Commission  
**FROM:** Don Carroll, City Planner  
**DATE:** March 24, 2009  
**RE:** BP Abandonment

This request went before the Planning Board on March 16<sup>th</sup>, 2009. All abandonment notice requirements and stipulations were properly addressed. Mr. Charles Herbeck, legal representative, provided an overview of the abandonment intent. There were no controversial issues associated with this intent and after a general discussion between applicant's representative and Planning Board the Board made a motion to recommend the approval of the abandonment.

The request is now before the City Commission for final disposition.

DRC:jm

## Approval Request to Amend the Code of Ordinances of the City of Texas City, Chapter 94

### CITY COMMISSION AGENDA 2

**Date:** 04/15/2009

**Submitted By:** Sheila Bowden, Community Development, Housing Autho

**Submitted For:** George Fuller

**Department:** Community Development, Housing Autho

**Agenda Area:** Regular Items

#### Information

##### ACTION REQUEST (Brief Summary)

Consider approval of request to amend the Code of Ordinances of the City of Texas City, Chapter 94 (Secondhand Goods), by adding ARTICLE III (Garage Sales), SECTION 94-69 through 94-75.

##### BACKGROUND

An amendment is needed that defines a Garage Sale, that Limits the number of Garage Sales a resident may have and that Governs the activities of Garage Sales throughout the City.

##### ANALYSIS

##### ALTERNATIVES CONSIDERED

#### Fiscal Impact

#### Attachments

Link:

Ord  
09-10

#### Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Sheila Bowden	03/31/2009 10:00 AM	CREATED
1	Community Development	Sheila Bowden	03/31/2009 10:50 AM	APRV
2	Finance	Cheryl Hunter	03/31/2009 04:02 PM	APRV
3	Paralegal	Linda Jennings	04/01/2009 08:21 AM	APRV
4	City Attorney Office	Linda Jennings	04/01/2009 08:40 AM	APRV
5	Mayor	Matthew Doyle	04/01/2009 10:01 AM	APRV
6	City Secretary			NEW
Form Started By: Sheila Bowden		Started On: 03/31/2009 10:00 AM		

## ORDINANCE NO. 09-10

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, CHAPTER 94, "SECONDHAND GOODS", BY ADDING A NEW ARTICLE III "GARAGE SALES" TO REGULATE GARAGE SALES IN THE CITY; AMENDING CHAPTER 98-135 "GARAGE SALE SIGNS"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE READING OF THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.**

---

**WHEREAS**, the City of Texas City, Texas, is a home-rule city; and,

**WHEREAS**, the City seeks to regulate garage sales throughout the City; and,

**WHEREAS**, the City of Texas City, Texas, seeks to amend the Code of Ordinances of the City of Texas City, Chapter 94, "Secondhand Goods", by adding a new Article III, "Garage Sales", and by amending section 98-135 "Garage Sale Signs";

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

**SECTION 1:** That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 94, "Secondhand Goods", is amended by adding a new Article III, "Garage Sales", to read and provide as follows:

### "ARTICLE III. GARAGE SALES

#### Sec. 94-69. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except when the context clearly indicates a different meaning:

Advertise means to seek to attract or direct the attention of the public to and including, but not limited to, goods, activities, information or messages.

Garage sale means the offering for sale of personal or household property belonging to or in the possession of the person conducting the sale. The term includes all sales entitled "garage sale," "lawn sale," "attic sale", "rummage sale," "flea market sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

Sec. 94-70. Permits.

(a) Garage sale permit.

(1) It shall be unlawful for any person to conduct a garage sale in the city without first filing with the inspections division the information specified in subsection 94-71(a) of this section and obtaining from the inspections division a permit to do so, to be known as a “garage sale permit.”

(2) The fee for such permit shall be \$5.00.

(3) Such permit shall be issued to any one person or location only once within a six-month period and such permit shall be issued for either

a. Three consecutive calendar days, or

b. Two calendar days within an eight-day period.

(4) Each permit issued under this section must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the permitted sale.

(b) Garage sale sign permit.

(1) It shall be unlawful to erect signs advertising a garage sale on any premises other than the location of the garage sale without having first obtained a garage sale sign permit. This permit is separate from, and in addition to, the garage sale permit.

(2) Application for such sign permit shall be made to the inspections division.

(3) No such permit shall be issued unless there is deposited with the city the sum of \$25.00, which sum shall be returned to the applicant if the applicant causes all such signs, posters or advertisements to be removed within the time prescribed by this section. If a permit holder does not cause the removal of the signs, posters or advertisements within the time specified by this section, then the \$25.00 deposit shall be forfeited to the city.

(4) A maximum of four (4) signs shall be allowed, and no such sign, poster or advertisement shall be permitted to remain for a period longer than four days. Signs may be erected one day before the date of the permitted sale and must be removed on the last day of the permitted sale.

(5) The person holding a garage sale shall be entitled to post a maximum of two on-premise and two off-premise temporary signs on private property only. Said signs shall not exceed two square feet in size.

(6) Each sign shall have prominently displayed thereon information from the garage sale sign permit, including, but not limited to the permit number, the term of the permit and the sign number.

#### Sec. 94-71. Applications

(a) Garage sale permit application. The information to be filed with the inspections division by an application for a garage sale permit shall include the following:

(1) name of each person conducting the garage sale;

(2) name of owner of each property on which the garage sale is to be conducted and consent of owner if applicant is other than the owner;

(3) location(s) at which the garage sale is to be conducted;

(4) number of days of the garage sale;

(5) date of the proposed garage sale;

(6) date, location and nature of any garage sale participated in or conducted by each person named in subsection (a)(1) of this section or held on the proposed premises listed in subsection (a)(3) of this section during the past 12-month period;

(7) an affirmative statement that the property to be sold at the garage sale is personal property owned by the applicant, was neither acquired nor consigned for the purpose of resale, and is not from an inventory or stock of goods in trade; and

(8) a sworn statement of affirmation by the applicant that the information provided in the application is true and correct.

Multiple locations under one permit must be located within the same subdivision.

(b) Garage sale sign permit application. The information to be filed with the inspections division by an applicant for a garage sale sign permit shall include, at a minimum, the following:



- (1) The garage sale permit number;
- (2) The number of signs proposed to be placed; and
- (3) The location of the proposed signs.

Sec. 94-72. Persons and sales excepted.

- (a) The provisions of this ordinance shall not apply to or affect the following persons or sales:
  - (1) Persons selling personal property or goods pursuant to an order or process of a court of competent jurisdiction;
  - (2) Persons acting in accordance with their power and duties as public officials;
  - (3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which do not exceed five in number; or
  - (4) Persons conducting a garage sale on property, which is:
    - a. Used for commercial purposes and is not used for residential purposes;  
or
    - b. Located in a mixed use, light industry or heavy industry zoning district and is not used for residential purposes.
- (b) If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted to the sign administrator, the city may, but shall not be required to, issue another permit to the applicant for a garage sale to be conducted at the same location within 30 days from the date when the first sale was to be held. No additional permit fee shall be required.

Sec. 94-73. Revocation and refusal of permit.

- (a) Any permit issued under this section may be revoked or any application for issuance of a permit may be refused by the city if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

- (b) If any individual is convicted of an offense under this section, the city may cancel any existing garage sale permit held by the individual convicted and shall not thereafter issue to such individual another garage sale permit for a period of one year.

Sec. 94-74. Unlawful sales.

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this article, property from an inventory or stock in trade or goods on consignment, or property other than goods as described in Section 94-69.

Sec. 94-75. Penalty.

Any person violating this article shall upon conviction be punished as provided in Section 1-7."

**SECTION 2:** That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 98-135, "Garage Sale Signs", is amended to read and provide as follows:

"Sec. 98-135. Garage sale signs.

The person holding a garage sale shall obtain a sign permit and erect all signs in compliance with Chapter 94, "Secondhand Goods", Article III. "Garage Sales". ~~be entitled to post two on premises and two off premises temporary signs on private property only. Said signs shall not exceed two square feet in size. All signs must be removed by Sunday at 6:00 p.m. after the sale, or the holder of the sale is subject to penalties."~~

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

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

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

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

**SECTION 7:** That the City Secretary is hereby directed, in accordance with Article III of the City Charter, to publish this ordinance, by caption only, in one issue of the official paper, and obtain proof of such publication made by the printer or publisher of such paper. An affidavit made by said printer or publisher before some officer authorized by law to administer oaths, and filed with the person performing the duties of city secretary shall be prima facie evidence of such

publication and promulgation of such ordinance in courts of the state. The ordinance so published shall take effect, and be in force, from and after ten days after publication thereof, unless otherwise expressly provided.

**PASSED ON FIRST READING this 15th day of April, 2009.**

---

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

ATTEST:

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Pamela A. Lawrence  
City Secretary

**PASSED ON SECOND READING this 6<sup>th</sup> day of May, 2009.**

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

ATTEST:

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Pamela A. Lawrence  
City Secretary

**PASSED AND FINALLY ADOPTED this 20th day of May, 2009.**

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

ATTEST:

---

Pamela A. Lawrence  
City Secretary

APPROVED AS TO FORM:

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Robert Gervais  
City Attorney

**Consider budget amendment transferring funds from Hotel Motel to TCEDC for landscaping project.**

## **CITY COMMISSION AGENDA 2**

**Date:** 04/15/2009  
**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**

In August 2008, Hotel-Motel funds were committed to partially fund the proposed landscaping project from E.F. Lowry Expressway to I-45. The project will be accounted for in the Texas City Economic Development Corporation. Funds in the amount of \$200,000 will be transferred from the Hotel-Motel Tax fund to the Texas City Economic Development Corporation, these funds will be an addition to the budget of \$200,000 in the TCEDC for a total project budget of \$400,000.

#### **ANALYSIS**

The budget amendment is as follows:

##### **Hotel-Motel Tax Fund (201):**

201-000-59014-Transfer to TCEDC	\$200,000
201-000-79999-Undesignated Budget Balance	<\$200,000>

##### **Texas City Economic Development Corporation (801):**

801-050-55010-80101-Landscaping Project	\$200,000
801-000-49002-Transfer from Hotel-Motel	<\$200,000>

#### **ALTERNATIVES CONSIDERED**

### **Fiscal Impact**

### **Attachments**

Link:  
Ord  
09-17

### **Form Routing/Status**

**Route Seq Inbox**

<b>Approved By</b>	<b>Date</b>	<b>Status</b>
Cheryl Hunter	04/08/2009 04:40 PM	CREATED

1	Finance (Originator) Cheryl Hunter	04/08/2009 05:15 PM	APRV
2	Finance (Originator) Cheryl Hunter	04/08/2009 05:15 PM	APRV
3	Paralegal Linda Jennings	04/09/2009 08:42 AM	APRV
4	City Attorney Office Linda Jennings	04/09/2009 08:45 AM	APRV
5	Mayor		NEW
6	City Secretary		

Form Started By: Cheryl Hunter

Started On: 04/08/2009 04:40 PM

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**ORDINANCE NO. 09-17**

**AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE LANDSCAPING PROJECT FROM E. F. LOWRY EXPRESSWAY TO I-45; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS**, by Ordinance No. 08-37, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2008-2009;

**WHEREAS**, a budget amendment is needed to provide funding for the landscaping project from E. F. Lowry Expressway to I-45;

**WHEREAS**, in August 2008, Hotel-Motel Funds were committed to partially fund the proposed landscaping project;

**WHEREAS**, the project will be accounted for in the Texas City Economic Development Corporation and funds in the amount of \$200,000 will be transferred from the Hotel-Motel Tax fund to the Texas City Economic Development Corporation;

**WHEREAS**, these funds will be in addition to the budget of \$200,000.00 in the TCEDC for a total project budget of \$400,000.00.

**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:

**Hotel-Motel Tax Fund (201):**

<b>201-000-59014-Transfer to TCEDC</b>	<b>\$ 200,000.00</b>
<b>201-000-79999-Undesignated Budget Balance</b>	<b>&lt; \$ 200,000.00 &gt;</b>

**Texas City Economic Development Corporation (801):**

<b>801-050-55010-80101-Landscaping Project</b>	<b>\$ 200,000.00</b>
<b>801-000-49002-Transfer from Hotel-Motel</b>	<b>&lt; \$ 200,000.00 &gt;</b>

**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 15th 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



**Consider budget amendment to accept the SEP funds from BP Products.**

## **CITY COMMISSION AGENDA 2**

**Date:** 04/15/2009  
**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 accept the SEP funds in the amount of \$365,000 as a result of an agreed order between BP Products and the Environmental Protection Agency. (As described by Bruce Clawson)

#### **ANALYSIS**

The budget amendment is as follows:

#### **General Fund (101) Emergency Management (206):**

101-206-55020-Operating Equipment & Vehicles \$365,000  
 101-000-48350-Contributions <\$365,000>

#### **ALTERNATIVES CONSIDERED**

### **Fiscal Impact**

### **Attachments**

Link:  
Ord  
09-18

### **Form Routing/Status**

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	04/08/2009 05:02 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	04/08/2009 05:15 PM	APRV
2	Finance (Originator)	Cheryl Hunter	04/08/2009 05:15 PM	APRV
3	Paralegal	Linda Jennings	04/09/2009 08:42 AM	APRV
4	City Attorney Office	Linda Jennings	04/09/2009 08:45 AM	APRV
5	Mayor			NEW
6	City Secretary			

Form Started By: Cheryl Hunter

Started On: 04/08/2009 05:02 PM

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## ORDINANCE NO. 09-18

**AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE ACCEPTANCE OF SUPPLEMENTAL ENVIRONMENTAL PROTECTION (“SEP”) FUNDS IN THE AMOUNT OF \$365,000.00, AS A RESULT OF AN AGREED ORDER BETWEEN BP PRODUCTS AND THE ENVIRONMENTAL PROTECTION AGENCY; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER’S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS**, by Ordinance No. 08-37, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2008-2009;

**WHEREAS**, a budget amendment is needed to provide for acceptance of Supplemental Environmental Protection (“SEP”) funds in the amount of \$365,000.00, as a result of an Agreed Order between BP Products and the Environmental Protection Agency;

**WHEREAS**, these funds are specific for their use and will be used by Emergency Management Services.

**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:

<b>General Fund (101) Emergency Management (206)</b>	
<b>101-206-55020-Operating Equipment &amp; Vehicles</b>	<b>\$ 365,000.00</b>
<b>101-000-48350-Contributions</b>	<b>&lt; \$ 365,000.00 &gt;</b>

**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 15th day of April, 2009.**

---

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

ATTEST:

APPROVED AS TO FORM:

---

Pamela A. Lawrence  
City Secretary

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Robert Gervais  
City Attorney