

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

*** * AGENDA * ***

**WEDNESDAY, MAY 20, 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. City of Texas City's Quarterly Investment Report for the quarter ending March 31, 2009. (Finance Dept.)
- 5. PUBLIC HEARING**
 - a. Chance Bennett/MicroSuites requests to rezone from "A" (Single Family Residential) to "E" (General Business) for development of single story Connecticut style micro cabins; being Lot 4 and part of Lots 1-3 and 5 (204-0), Block 2 Subdivision H, Kohfeldts Resubdivision, being approximately 3 acres; north Palmer Highway, west of Lowes, east of railroad a total of 7.4886 acres out of James Smith Survey; located at 3100 Block of E. F. Lowry Expressway, Texas City, Texas.
- 6. PRELIMINARY ZONING APPROVAL**
 - a. Consider preliminary approval of Chance Bennett/MicroSuites requests to rezone from "A" (Single Family Residential) to "E" (General Business) for development of single story Connecticut style micro cabins. (Planning Dept.)
- 7. CONSENT AGENDA**
 - a. Consider approval of the minutes from the May 6, 2009 City Commission meeting.
 - b. Consider approval of **Resolution No. 09-056 authorizing review of Centerpoint Energy gas' cost of service adjustment** tariff and approving cooperation with the Gulf Coast Coalition of Cities to review Centerpoint's Application, hiring legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals. (Legal)
 - c. Consider approval of **Resolution No. 09-057** supporting legislation **extending the confirmation election deadline for Galveston County MUD #67**. (Legal Dept.)

- d. Consider approval of **Resolution No. 09-054** authorizing the Mayor to enter into an **Interlocal Governmental Agreement** between the County of Galveston, the City of Galveston, City of LaMarque, City of Hitchcock, City of Friendswood, City of Dickinson, City of Santa Fe and the City of League City enabling the County of Galveston to apply **for funding made available via the Recovery Act**: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program. (Police Dept.)
- e. Consider approval of **Resolution No. 09-055** amending the **Interlocal Tax Collection Agreement** with Galveston County by extending the expiration date of the current contract.
- f. Consider approval of **Resolution No. 09-059** authorizing the Mayor to negotiate and enter into an agreement for legal services and the **appointment of City Attorney**. (Mayor)

8. **REGULAR ITEMS**

- a. Consider approval of **Resolution No. 09-058** authorizing the Mayor to execute a **Property Tax Refund Agreement** with Valero Refining-Texas, L.P. (Finance Dept.)
- b. Consider approval of **Ordinance No. 09-25 amending the** fiscal year 2008/2009 **budget to close 2007/2008 fiscal year purchase orders.** (Finance Dept.)

9. **PUBLIC COMMENTS**

10. **MAYOR'S COMMENTS**

11. **COMMISSIONERS' COMMENTS**

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

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

Pamela A. Lawrence
PAMELA A. LAWRENCE
CITY SECRETARY

DATED: May 15, 2009

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

4.a.

Consider approval of City of Texas City Quarterly Investment Report for quarter ending March 31, 2009.

CITY COMMISSION AGENDA 2

Date: 05/20/2009

Submitted By: Cheryl Hunter, Finance

Submitted For: Cheryl Hunter

Department: Finance

Agenda Area: Reports

Information

ACTION REQUEST (Brief Summary)

Consider approval of the City of Texas City's Quarterly Investment Report for the quarter ending March 31, 2009.

BACKGROUND

See attached.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: Quarterly
Investment Report
3-31-09

**CITY OF TEXAS CITY
INVESTMENT REPORT
FOR THE QUARTER ENDING March 31, 2009**

The City's Investment Policy requires the Director of Finance to submit quarterly reports to the City Commission.

A summary of the transactions in the portfolio for the quarter ending March 31, 2009 are as follows:

	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>
INVESTMENTS-BEG. OF PERIOD	\$26,663,744	\$26,718,468
INVESTMENT PURCHASES/ADDITIONS	30,095,598	30,095,598
INVESTMENT MATURITIES/DELETIONS	(3,000,000)	(3,000,000)
AMORTIZATION(PREMIUM/DISCOUNT)	2,597	-
CHANGE IN FAIR MARKET VALUE	-	(31,770)
INVESTMENTS-END OF PERIOD	<u>\$53,761,939</u>	<u>\$53,782,296</u>
ACCRUED INTEREST 03-31-09	<u>75,500</u>	<u>75,500</u>
INVESTMENTS-END OF PERIOD PLUS ACCRUED INTEREST	<u><u>\$53,837,439</u></u>	<u><u>53,857,796</u></u>

Portfolio Composition:

Agency Securities	17%
Bank Deposits	83%

Benchmark Rate of Return:

1 Year T-Note	.5500
6 Month T-Bill	.3500
3 Month T-Bill	.1600
City's Portfolio	1.1010

Weighted Average Maturity of Portfolio:

53 days

CITY OF TEXAS CITY

Investment Report

All Funds Combined

Portfolio Summary

Activity for Quarter Ending

March 31, 2009

CITY OF TEXAS CITY

Investment Report All Funds Combined

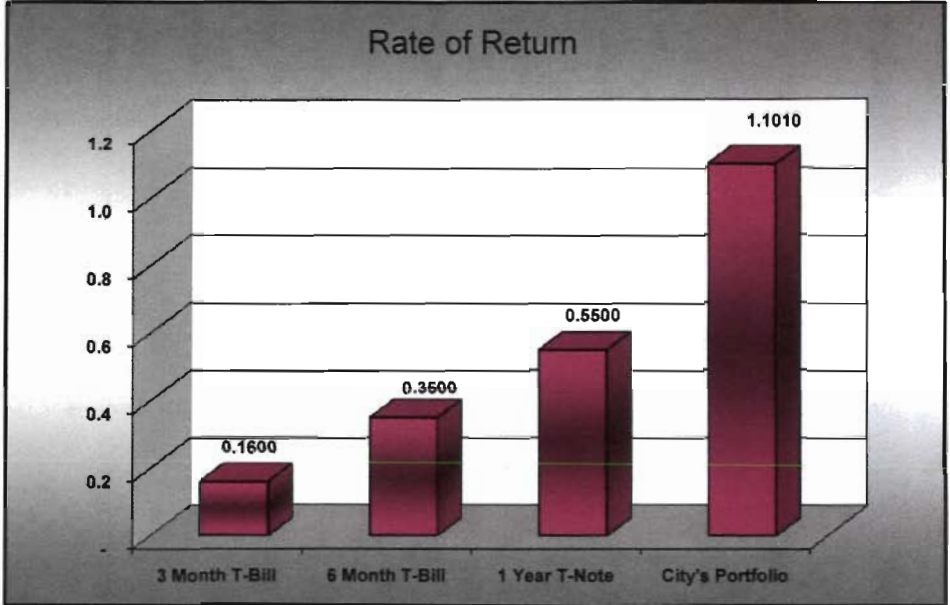
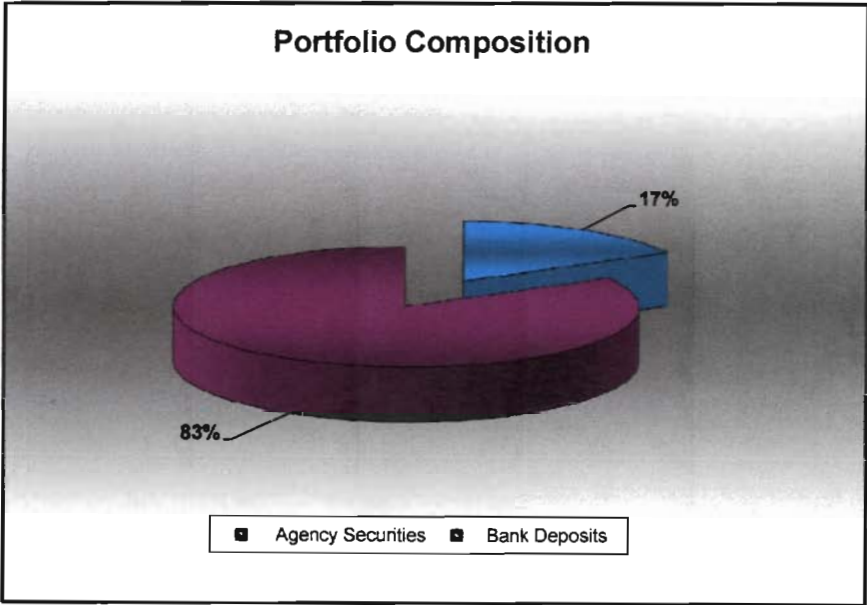
Portfolio Summary
Activity for Quarter Ending
March 31, 2009

	<u>Book Value</u>	<u>Market Value</u>	<u>Ratio</u>
Investments at Beginning of Period	\$26,663,744	\$26,718,468	1.0021
Investment Purchases/Deposits	30,095,598	30,095,598	
Investment Maturities/Withdrawals	(3,000,000)	(3,000,000)	
Amortization of Premium/Discount or Change in Fair Market Value	2,597	(31,770)	
Investments at End of Period	<u>\$53,761,939</u>	<u>\$53,782,296</u>	<u>1.0004</u>
Accrued Interest 12-31-08	75,500	75,500	
Investments at End of Period Plus Accrued Interest	<u>\$ 53,837,439</u>	<u>\$ 53,857,796</u>	

I, Cheryl T. Hunter, hereby certify that, to the best of my knowledge and belief, all investments have been made in compliance with the investment strategy of the City of Texas City, Texas, and the requirements of the Texas Public Funds Investment Act (TPFIA).



CITY OF TEXAS CITY
Investment Report
All Funds Combined



CITY OF TEXAS CITY
Investment Report
All Funds Combined

Description	Dates		Face Amount	12/31/08			Additions	Change in Market Value	Amortization Prem./Dis.	Retirements	03/31/09			Yield to Maturity	Weighted Average Maturity
	Buy	Maturity		Book Value	Market Value	Accrued Interest					Book Value	Market Value	Accrued Interest		
<u>Treasury Bills</u>															
				0	0	0	0	0	0	0	(0)	0	0	0.00%	0
											(0)	0	0	0.00%	0
<u>Treasury Notes</u>															
							0				0	0	0		0
				0	0	0	0	0	0	0	0	0	0		
<u>Agency Discount Notes</u>															
				0	0	0		0	0	0	0	0	0	0.000%	0
				0	0	0	0	0	0	0	0	0	0		
<u>Agency Coupon Notes</u>															
FHLB Notes	09/27/07	01/14/09	1,000,000	1,000,269	1,001,560	13,125		(1,560)	(269)	(1,000,000)	0	0	0	0.000%	0
FHLB Notes	09/27/07	02/13/09	1,000,000	1,000,925	1,005,630	13,125		(5,630)	(925)	(1,000,000)	0	0	0	0.000%	0
FNMA Notes	09/27/07	03/16/09	1,000,000	997,355	1,005,310	7,813		(5,310)	2,645	(1,000,000)	0	0	0	0.000%	0
FNMA Notes	09/27/07	04/14/09	1,000,000	998,381	1,009,690	8,235		(8,440)	1,415		999,796	1,001,250	9,625	4.441%	14
FNMA Notes	09/27/07	05/05/09	1,000,000	1,001,932	1,015,310	7,778		(11,250)	(1,402)		1,000,530	1,004,060	12,500	4.410%	35
FHLMC Notes	04/28/08	04/28/10	3,500,000	3,500,000	3,505,040	18,681		210	0		3,500,000	3,505,250	26,688	3.050%	388
FHLMC Notes	05/23/08	04/28/10	3,500,000	3,493,995	3,505,040	18,681		210	1,133		3,495,128	3,505,250	26,688	3.184%	388
				11,992,856	12,047,580	87,438	0	(31,770)	2,597	(3,000,000)	8,995,453	9,015,810	75,500		53
<u>Certificates of Deposit</u>															
				0	0	0	0	0	0	0	0	0	0		
<u>Bank Deposits</u>															
Savings Account	05/15/06	01/01/07	9,000,000	14,670,888	14,670,888	0	30,095,598	0	0	0	44,766,486	44,766,486	0	0.630%	1
				14,670,888	14,670,888	0	30,095,598	0	0	0	44,766,486	44,766,486	0		1
Summary:															
Treasury Securities				0	0	0	0	0	0	0	(0)	0	0		
Agency Securities				11,992,856	12,047,580	87,438	0	(31,770)	2,597	(3,000,000)	8,995,453	9,015,810	75,500		
Certificates of Deposit				0	0	0	0	0	0	0	0	0	0		
Bank Deposits				14,670,888	14,670,888	0	30,095,598	0	0	0	44,766,486	44,766,486	0		
				\$26,663,744	\$26,718,468	\$87,438	\$30,095,598	(\$31,770)	\$2,597	(\$3,000,000)	\$53,761,939	\$53,782,296	\$75,500	1.101%	53

Investment Report

City of Texas City

01/01/09 - 03/31/09

This report summarizes the investment position of City of Texas City for the period 01/01/09 to 03/31/09.

	12/31/08	03/31/09
Book Value	26,663,743.81	53,761,938.95
Market Value	26,718,468.00	53,782,295.92
Par Value	26,670,888.00	53,766,485.92
Change in Market Value		-31,770.00
Weighted Average Maturity (in Days)	141	53
Weighted Average Yield-to-Maturity of Portfolio	2.4852%	1.1010%
Yield-to-Maturity of 1 Yr. Treasury Note	0.2932%	0.5500%
Accrued Interest		75,500.00

This report is presented in accordance with the Texas Government Code Title 10 Section 2256.023. The below signed hereby certify that, to the best of their knowledge on the date this report was created, City of Texas City is in compliance with the provisions of Government Code 2256 and with the stated policies and strategies of City of Texas City.



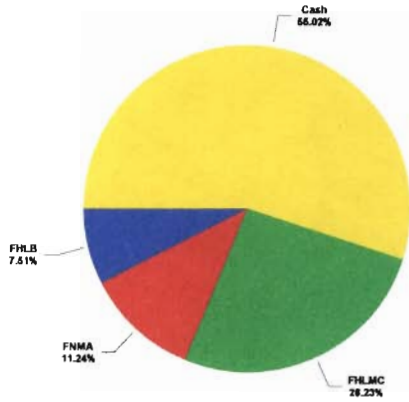
 5/5/09

Investment Report

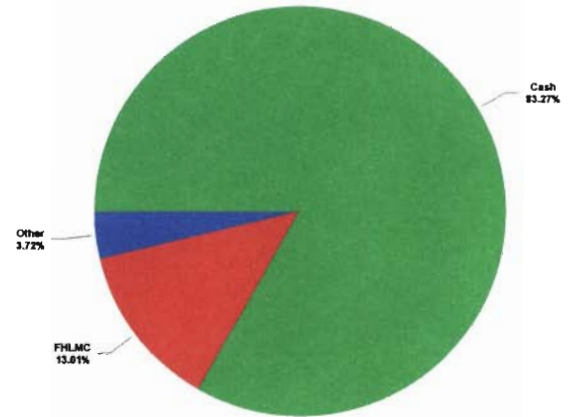
City of Texas City

01/01/09 - 03/31/09

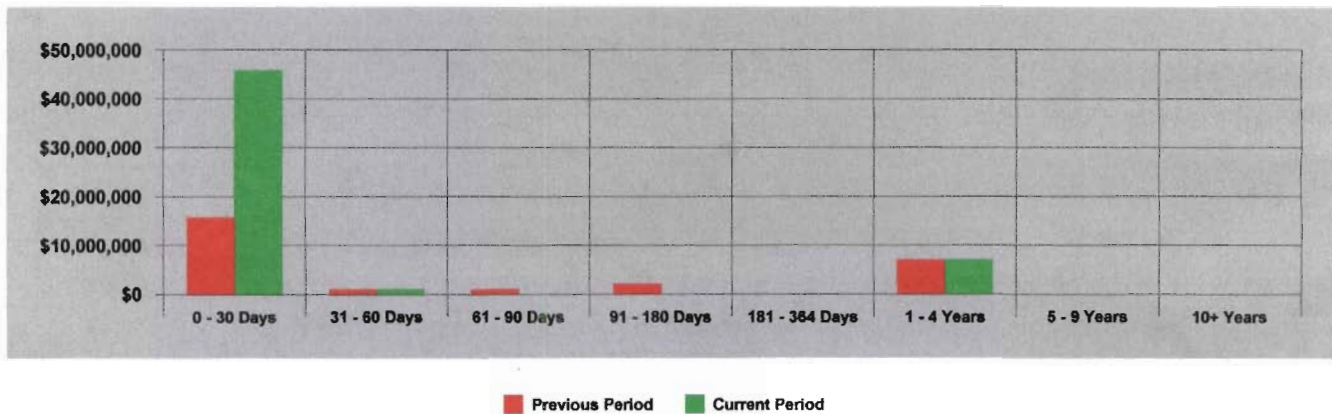
Portfolio Composition - 12/31/08



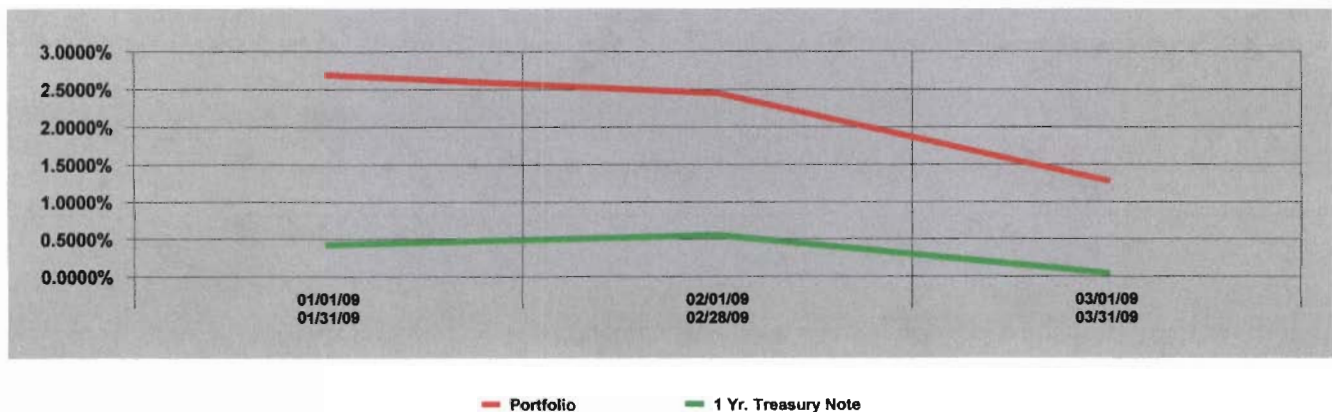
Portfolio Composition - 03/31/09



Maturity Aging - 12/31/08 vs 03/31/09



Portfolio Performance - 01/01/09 to 03/31/09



Rezoning for Chance Bennett/MicroSuites CITY COMMISSION AGENDA 2

Date: 05/20/2009
Submitted By: Julie Morreale, Planning
Submitted For: Don Carroll
Department: Planning
Agenda Area: Public Hearing

Information

ACTION REQUEST (Brief Summary)

Requests to rezone from "A" (Single Residential) to "E" (General Business) for development of single story Connecticut style micro cabins. Includes abstract 176, page 3, lot 4 & pt of lots 1-3 & 5 (204-0), Block 2 Sub H Kohfeldts Resub. Being approximately 3 Acres. Located at North Palmer Highway, West of Lowes, East of railroad. 7.4886 Acre out of the James Smith Survey. 3100 Block E.F. Lowry.

BACKGROUND

This proposed rezoning request was given approval by the Zoning Commission on April 7, 2009 and approval by the Planning Board on April 20, 2009. It is ready to go before City Commission for final disposition.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [CC](#)
[Notice of](#)
[Public Hearing](#)

Link:
[MicroSuites](#)
[information](#)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of Texas City will hold a **PUBLIC HEARING** on **Wednesday, May 20, 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: Chance Bennett/MicroSuites requests to rezone from "A" (Single Family Residential) to "E" (General Business) for development of single story Connecticut style micro cabins.

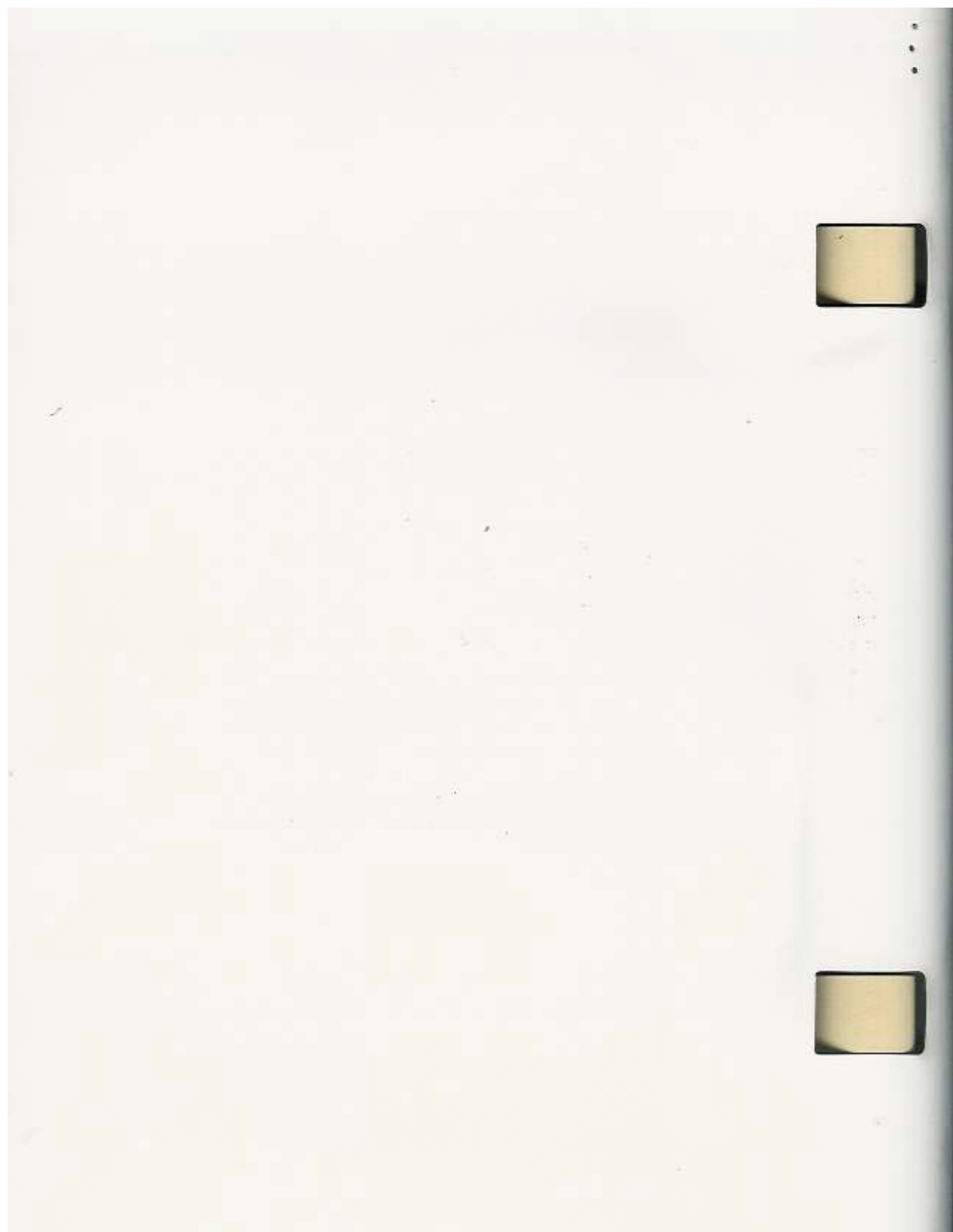
BEING: Lot 4 and part of Lots 1-3 and 5 (204-0), Block 2 Subdivision H, Kohfeldts Resubdivision, being approximately 3 acres; north Palmer Highway, west of Lowes, east of railroad a total of 7.4886 acres out of James Smith Survey.

LOCATED : 3100 Block of E. F. Lowry Expressway, 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: May 4, 2009



Memo

To: City Commission

From: Donald Carroll, City Planner D.R.C.

Date: 4/27/2009

Re: MicroSuites

Mr. Bennett has successfully obtained approval recommendation for this development intent to build a 61 unit hotel/extended stay cottage (aka micro suites). He provided pictures of existing facilities that they replicate. This is the conceptual illustration of how this project will look. All of the performance standard stipulations have been properly vetted with both the Zoning Commission and Planning Board. The proposal will meet all of our regulations and/or development stipulations mandated by the Planning Board. The applicant obtained tentative approval by the Zoning Commission on April 7, 2009 and approval by the Planning Board on April 20, 2009. A copy of those minutes is provided for review by the City Commission.

DC;jm

ZONING COMMISSION MINUTES

April 7, 2009

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, April 7, 2009 at 5:15 p.m. Board members present were: Chairman Tom Medlin, Yvonne Chatelain, and Perry O'Brien. Staff members present were: Donald Carroll, Brian Falk and Julie Morreale. Citizens present were: Chance Bennett.

Chairman Tom Medlin welcomed everyone.

APPROVAL OF MINUTES. The minutes from the March 3, 2009 meeting were approved on a motion by Perry O'Brien/Yvonne Chatelain. All members present voted aye.

ITEM NO. 1 Chance Bennett/MicroSuites to rezone from "A" (Single Residential) to "E" (General Business) for development of single story Connecticut style micro cabins. Being lot 4 & pt of lots 1-3 & 5 (204-0), Block 2, Sub. H Kohfeldts Resub. Being approximately 3 Acres. Located North of Palmer Highway, West of Lowes, East of the railroad. A total of 7.4886 Acres out of the James Smith Survey. **(Action)** Mr. Donald Carroll gave an overview of the request to rezone. He then stated that five property owners were notified of the intent to rezone and to date no letters of opposition have been received. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Planning Director, "No objection to the Land Use intent. I would like to ask for a business overview and elaboration on the amenities that will be offered and why the applicant feels that this is a viable business with a good chance to be successful and/or sustainable in our City. They must adhere to all provisions of our Zoning Ordinances and in particular the performance standards". Tax Assessor, "No taxes due on the property". Building Official, "No objections". City Engineer, "Appears to be a compatible use for this area. Utility systems can support this development". Public Works Director, "No objections". The Public Hearing was then opened on a motion by Perry O'Brien/Yvonne Chatelain. All members present voted aye. Mr. Chance Bennett gave an overview of his rezoning request. He stated this project has the ambiance of a cottage and will offer a more relaxed stay than a hotel for nightly and weekly stays in the City. He continued by stating this type of lodging is located in the Kemah and Baytown areas with positive responses from the community. Mrs. Chatelain asked what the parking accommodations would be. Mr. Bennett responded the parking would consist of 1½ to 2 parking spots per cottage. Mr. Carroll asked if the masonry provisions would be adhered to. Mr. Bennett stated that the MicroSuites would like to ask for a variance to the masonry provisions for the back areas of the property. Mr. Carroll stated that could be addressed through the Planning Board. Mr. Medlin asked how the structures would

be constructed. Mr. Bennett stated they would be on piers with bolts or on a block mechanism. Mr. Medlin asked for elaboration to the entrance of the MicroSuites. Mr. Bennett stated the entrance has been approved by TxDot to be shared by the MicroSuites and the previously approved climate controlled warehouse. The Public Hearing was then closed on **a motion by Yvonne Chatelain/Perry O'Brien. All members present voted aye.** Mr. Carroll stated the comment sheet was not received from the Fire Marshall at this time and there should be further review of the combination of uses of this entrance. **A motion to approve the rezoning request contingent to the Fire Marshall's approval on the project and approval of the masonry variance by the Planning Board was made by Perry O'Brien/Yvonne Chatelain. All members present voted aye.**

A motion was made by Perry O'Brien/Yvonne Chatelain to adjourn. All members presented voted aye.

The Fire Marshall's comments were received after the meeting and were as follows: Fire Marshall, "Will need to see more detailed drawings with measurements included in order to properly evaluate".

Tom Medline, Chairman



Donald Carroll, Secretary

APPROVAL OF MINUTES

On Monday, April 20, 2009 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were Eloise O'Bryant, Commissioner Haney and Dickie Campbell. Staff members present were Don Carroll, Doug Kneupper, Brian Falk and Julie Morreale. Citizens present were Chance Bennett, David Floyd, Paula Stephens, Dale Brittorial and Wilson Hillman.

APPROVAL OF MINUTES. A motion to approve the minutes of March 16, 2009 was made by Dickie Campbell /Commissioner Haney. All members present voted aye. Mrs. Eloise O'Bryant presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

Mr. Donald Carroll stated Item 1, Item 2 and Item 3 are renovations with the Texas City Independent School District (TCISD). He requested the items be discussed together. The Planning Board members in attendance agreed

ITEM NO. 1. TCISD request Site Plan approval for renovations of Northside Elementary. (Action)

ITEM NO. 2. TCISD requests Site Plan approval for renovations of Heights Elementary. (Action)

ITEM NO. 3. TCISD requests Site Plan approval for renovations of Roosevelt-Wilson Elementary. (Action) Mr. Carroll provided an overview concerning the request and memorandum (attached) regarding the Staff review. Mr. David Floyd presented the Board with an overview of the projects. After a brief discussion a motion to approve Item 1, 2 and 3 for Site Plan approvals for TCISD was made by Dickie Campbell/Commissioner Haney. All members presented voted aye.

ITEM NO. 4. Recommendation to amend section 40-58 (e) of the Zoning Ordinance, metal shipping containers used as accessory buildings. (Action) Mr. Carroll provided the recommended text, a memorandum with Staff recommendations and pictures regarding Section 40-58 (e) to amend the Zoning Ordinance. He stated once this recommendation for amendment is approved by the Planning Board it will be workshopped with the Zoning Commission and then move forward with a public hearing. Commissioner Haney asked if the existing containers would be removed. Mr. Carroll stated that businesses that currently have the containers would be grandfathered, but they would have to meet the required screening/fencing. Commissioner Haney asked if there are containers on residential properties will they be grandfathered. Mr. Brian Falk stated if not permitted the container will have to be removed, but he will grant the property owner time for this removal. Commissioner Haney asked if a POD was considered the same thing as a container. Mr. Falk stated that a POD is normally used by moving companies and if it is there for a short time period it will be allowed but it is not something that will be permitted for a long time span. Mr. Carroll stated the PODs are similar to the services of a U-Haul and are returned to the business once goods are off-loaded. Mr. Dickie Campbell asked how long is a container allowed once on a job site. Mr. Carroll stated for construction sites that one year is the standard time frame. After a brief discussion a motion to approve recommendations to amend section 40-58 (e) was made by Dickie Campbell/Commissioner Haney. All members presented voted aye.

ITEM NO. 5. Chance Bennett, representing MicroSuites, request a variance to the Brick Masonry Ordinance. Located North of Palmer Highway, West of Lowes, East of the railroad. Section 40-62, appeals process for Masonry Provisions of Zoning Ordinance. (Action) Mr. Carroll provided an overview of the variance request and overall project. He continued that Mr. Bennett has obtained approval from the Zoning Commission (minutes attached) contingent on the Planning Board approving the variance request. Mr. Chance Bennett presented drawings (attached) to the Board showing the architectural theme for the MicroSuites lodging. He continued by stating the development would be raised using piers with bolts or on a block mechanism and he would like to use the James Hardi masonry siding to follow the theme. He stated MicroSuites would have a cottage on the beach feel. Mr. Bennett stated this type of lodging is located in the Kemah and Baytown areas with positive responses from the community. Commissioner Haney asked if they planned to use a metal roof as seen in the pictures presented. Mr. Bennett stated the roofs would be shingled but he was unable to locate a picture for reference. Commissioner Haney asked for the Staff to express why this project should be allowed to have the variance approved. Mr. Doug Kneupper cited the variance provision under Section 40-62. He also stated in order to follow the architectural theme using the piers and beam; brick would not be possible for this type of project. Commissioner Haney asked for Mr. Falk to elaborate on recent problems with projects and the deterioration of Hardi Plank. Mr. Falk stated he believes this project will be maintained properly and keep a higher standard than some of the other projects that have used this product. He asked Mr. Bennett if the office that fronts the property will be a brick facade that would match the climate controlled storage that will be utilizing the same driveway entrance. Mr. Bennett agreed that would be supportable. Commissioner Haney asked how maintenance would be assured. Mr. Carroll stated a development agreement could be established to ensure the property is properly maintained. Mr. Falk stated that once the building plans are turned in for approval he will verify if prescribed areas will meet the brick masonry request. After a brief discussion **a motion for approval based on a system of check and balances and the information presented today (the variance to the Brick Masonry Ordinance) was made by Commissioner Haney/Dickie Campbell. All members presented voted aye.**

ITEM NO. 6. AT&T request Site Plan zoning review for cellular tower. Located at Bowerman Drive & Avenue U. (Action) Mr. Carroll provided an overview concerning the request and memorandum (attached) regarding the Staff review. Mr. Carroll also presented pictures of the proposed type of cellular tower to the Board. Ms. Paula Stephens, AT&T representative, presented the Site Plan for the AT&T tower. Commissioner Haney asked what type of cellular pole this is and the height measurement. Mr. Carroll stated the tower is a monopole and the height is 170 feet. Commissioner Haney asked if the Staff had addressed any issues regarding the setbacks. Mr. Carroll stated that all requirements have been successfully met. Commissioner Haney asked if there would be any issues with noise. Ms. Stephens stated there is only one residence nearby and the property owner, Mr. Hillman, has endorsed this project. She continued that Mr. Hillman is present if the Board would like to speak with him. Mr. Falk stated the tower would be screened which would aid to subdue noises. Mr. Carroll affirmed that all property owners would be properly notified. **A motion to approve the AT&T Site Plan was made by Commissioner Haney/Dickie Campbell. All members presented voted aye.**

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

Eloise O'Bryant, Chairperson



Donald Carroll, Secretary





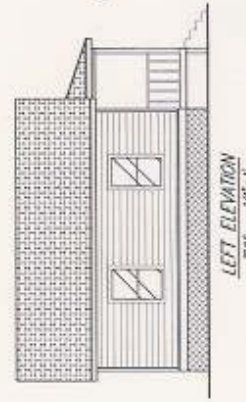
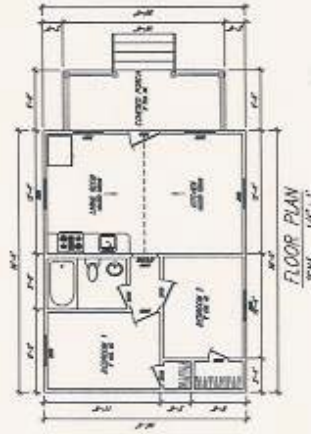
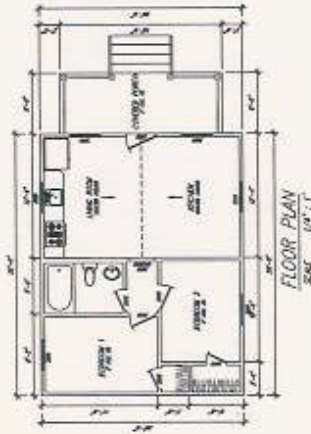
LEGEND

HURRICANE ENGINEERING
& INSPECTIONS SERVICES

8115 HIGHWAY 6
HITCHCOCK, TEXAS 77563
PHONE: (409) 988-8300
FAX: (409) 988-8089

Project Name
8115 Highway 6

Designed By
Checked By
Date
Scale



CABINS 140 THRU 142
NOT TO SCALE, LAYOUT ONLY



KC-480

Designer: Eric Moser

Bedrooms: 2

Bathrooms: 1

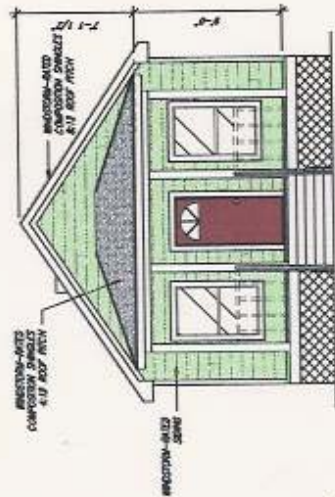
Ceiling Height: 9 ft.

HTD Living Area: 480 sq. ft.

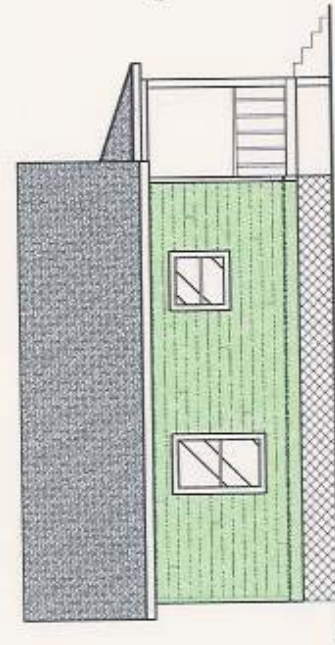
Overall Dimensions (including porch): 32' long x 20' wide

Putting two bedrooms in less than 500 sq. ft. is hard to accomplish, but this plan does so with craft. This design is ideal for a guest cottage, in-law flat or vacation home.





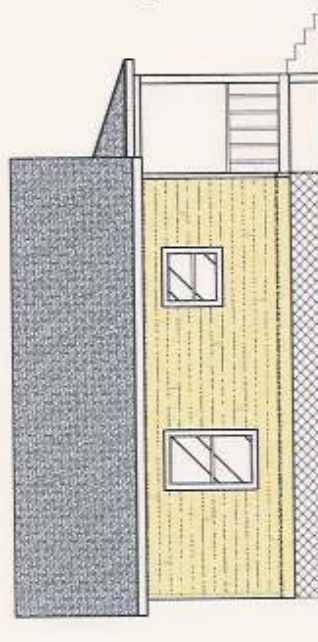
FRONT ELEVATION
SCALE 1/4" = 1'



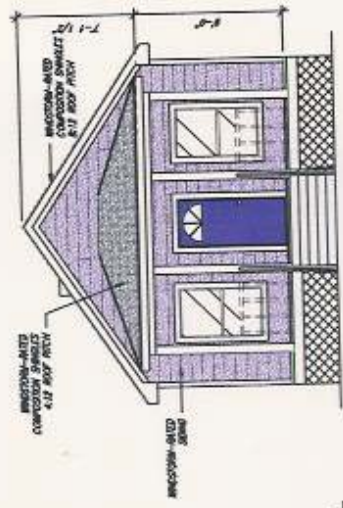
LEFT ELEVATION
SCALE 1/4" = 1'



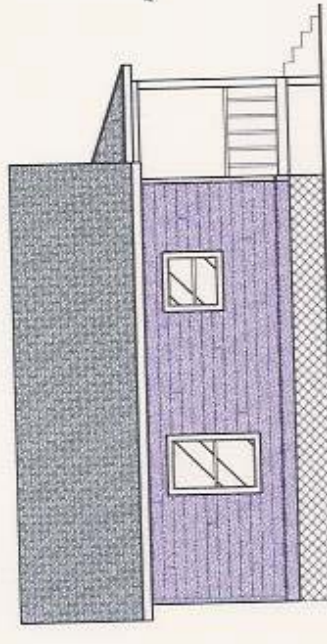
FRONT ELEVATION
SCALE 1/4" = 1'



LEFT ELEVATION
SCALE 1/4" = 1'



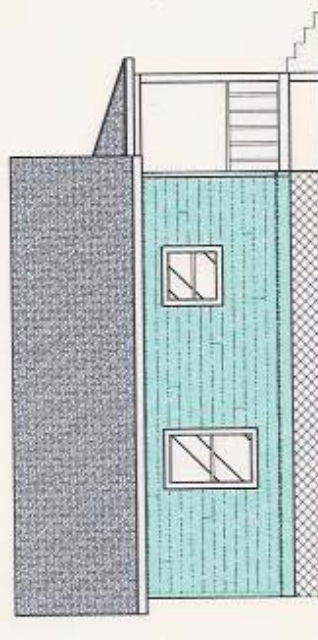
FRONT ELEVATION
SCALE 1/4" = 1'



LEFT ELEVATION
SCALE 1/4" = 1'



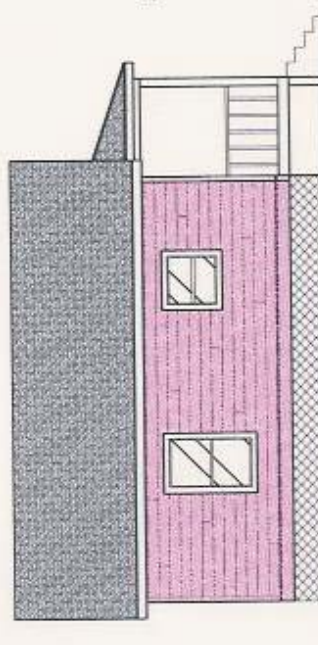
FRONT ELEVATION
SCALE 1/4" = 1'



LEFT ELEVATION
SCALE 1/4" = 1'



FRONT ELEVATION
SCALE 1/4" = 1'



LEFT ELEVATION
SCALE 1/4" = 1'

Rezoning for Chance Bennett/MicroSuites CITY COMMISSION AGENDA 2

Date: 05/20/2009

Submitted By: Julie Morreale, Planning

Submitted For: Don Carroll

Department: Planning

Agenda Area: Zoning Preliminary Approval

Information

ACTION REQUEST (Brief Summary)

Requests to rezone from "A" (Single Residential) to "E" (General Business) for development of single story Connecticut style micro cabins. Includes abstract 176, page 3, lot 4 & pt of lots 1-3 & 5 (204-0), Block 2 Sub H Kohfeldts Resub. Being approximately 3 Acres. Located at North Palmer Highway, West of Lowes, East of railroad. 7.4886 Acre out of the James Smith Survey. 3100 Block E.F. Lowry.

BACKGROUND

This proposed rezoning request was given approval by the Zoning Commission on April 7, 2009 and approval by the Planning Board on April 20, 2009. It is ready to go before City Commission for final disposition.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

*No file(s)
attached.*

7.a.

May 6, 2009 City Commission Minutes
CITY COMMISSION AGENDA 2

Date: 05/20/2009

Submitted By: Pam Lawrence, Administration

Department: Administration

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of the minutes from the May 6, 2009 City Commission meeting.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [5-6-2009 CC Minutes](#)

REGULAR CALLED CITY COMMISSION MEETING

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

**WEDNESDAY, MAY 6, 2009 – 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM – CITY HALL**

A **Regular Called Meeting of the City Commission** was held on **Wednesday, May 6, 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 **Commissioner Clark** to offer the **Invocation**. **Commissioner Johnson** led all present in the **recitation of the Pledge of Allegiance**.

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

PROCLAMATIONS AND PRESENTATIONS

The Mayor read and presented a Proclamation, proclaiming May 10 through May 16, 2009 as Police Week, to the Texas City Police Department. The proclamation read as follows:

P r o c l a m a t i o n

I, Matthew T. Doyle, Mayor of the City of Texas City, am honored to hereby proclaim May 10 – May 16, 2009 as Police Week.

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Texas City Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Texas City; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of the Texas City Police Department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Texas City Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, Matthew T. Doyle, Mayor of the City of Texas City, call upon all citizens of Texas City and upon all patriotic, civil, and educational organizations to observe the week of May 10 through 16, 2009 as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

CITY COMMISSION MINUTES

MAY 6, 2009

PAGE 2

I FURTHER call upon all citizens of Texas City to observe Wednesday, May 13, 2009, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

In testimony whereof, witness my hand and the Seal of the City of Texas City, this the 6th day of May, 2009.

Chief Burby accepted the proclamation on behalf of the department. He remarked that they plan on making the most of that week. There will be a Police Week Memorial in front of the Convention Center at 10:30 a.m. on May 13 and on May 14 the Texas City Police Department will have a Golf Tournament at noon at the Bayou Golf Course on Friday we will have a skeet shoot and a cook off at the Shooting Range.

Mayor Doyle read and presented a Proclamation, proclaiming May 2009 as National Electrical Safety Month, to Mr. Kim Astin, a representative of BP. The Proclamation read as follows:

P r o c l a m a t i o n

Whereas, hundreds of people die and thousands are injured each year in electrical accidents. There are, on average 500 civilian deaths related to electrical home structure fires and nearly three people are electrocuted in the home and five more in the workplace each week; and

Whereas, property damage due to home fires caused by electrical distribution, appliances and equipment, heating and air conditioning systems amounts to nearly \$1.6 billion annually; and

Whereas, following basic electrical safety precautions can help prevent injury or death to thousands of people each year. Citizens are encouraged to check their home and workplace for possible electrical hazards to help protect lives and property. It is imperative for citizens to test their smoke detectors and ground fault circuit interrupters monthly and after every major electrical storm; and

Whereas, the efforts of the Electrical Safety Foundation International (ESFI) and the U. S. Consumer Product Safety Commission (CPSC) promote and educate the public about the importance of respecting electricity and practicing electrical safety in the home, school and workplace; and

Whereas, The City of Texas City is actively helping to move this effort forward in order to reduce the number of electrical injuries and deaths from electrical hazards.

Now, therefore, I, Matthew T. Doyle, Mayor of the City of Texas City do hereby proclaim

May 2009 as National Electrical Safety Month

I call upon the people of Texas City to participate in Electrical Safety Month activities and to conduct an electrical safety check of their home, school, and workplace.

In testimony whereof, witness my hand and the seal of the City of Texas City this 6th day of May, 2009.

SPECIAL RECOGNITION for the Garza family. The Mayor commented that the Garza family has served this city for over 50 years. They have been an integral part of the community since 1947. I kind of brought the Garza family under false pretenses the reason we did that is as we talked about honoring Mr. Garza I thought the best way to

honor a father is to honor his son. Tonight we are going to vote on naming our new Sports Complex on Magnolia Street, City of Texas City Carlos Garza Sports Complex. Carlos Garza has served this city as Commissioner as Mayor Pro Temp as City Attorney and as Mayor.

The Carlos Garza Sports Complex will be 48 total acres. It will include Athletic Facilities, which will include one lighted youth football field, five lighted girls softball fields, two adult lighted softball fields; other facilities will include one playground area, one 100' x 80' covered pavilion with restrooms and concession area, two combination restroom/concession/announcer buildings, one maintenance yard with storage buildings, three concrete parking lots with 300 parking spaces, concrete curb and gutter streets, 4,000 feet of concrete walking paths and sidewalks. It is going to be the largest Sports Complex of its kind. James and Jay have gone around every park that they could find and took out the best parts and have designed this. We are really excited about it. The Mayor recognized former Commissioners Larry Edrozo, Carl Sullivan, Harold Fattig, Randy Dietel, and former Mayor Charles T. Doyle. The Mayor also recognized and thanked the Park Board for their support, the EDC, and the people that have dedicated their time and effort towards having good parks and recreation inside our community.

Former Mayor Carlos Garza stated that he didn't expect this at all, he is honored very honored.

The Mayor also pointed out that this wouldn't have happened without the generous donation from BP. The Mayor also recognized County Commissioner Pat Doyle and Stephen Holmes.

Commissioner Land made a MOTION to APPROVE the naming of the Carlos Garza Sports Complex; the motion was SECONDED by Commissioner Wilson. All present voted AYE. MOTION CARRIED.

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

- a. Consider approval of the **Minutes** from the April 15, 2009 Regular Called City Commission Meeting.
- b. Consider approval of **Resolution No. 09-045** authorizing the aerial spraying for mosquitoes funded by the County's **Mosquito Control Program**.

RESOLUTION NO. 09-045

A RESOLUTION APPROVING THE AERIAL SPRAYING OVER THE TERRITORY OF THE CITY OF TEXAS CITY, TEXAS, FOR THE ABATEMENT OF MOSQUITOES BY THE GALVESTON COUNTY MOSQUITO CONTROL DISTRICT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- c. Consider approval of **Resolution No. 09-046** authorizing intervention in **Centerpoint Energy Houston Electric, LLC's** Application for Determination of **Hurricane Restoration costs** filed at the Public Utility Commission of Texas, approving cooperation with the Gulf Coast Coalition

of Cities to review Centerpoint's applications, hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals. (Legal Dept.)

RESOLUTION NO. 09-046

A RESOLUTION AUTHORIZING INTERVENTION IN CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S APPLICATION FOR DETERMINATION OF HURRICANE RESTORATION COSTS FILED AT THE PUBLIC UTILITY COMMISSION OF TEXAS, APPROVING COOPERATION WITH THE GULF COAST COALITION OF CITIES TO REVIEW CENTERPOINT'S APPLICATION, HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; 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.

- d. Consider approval of **Resolution No. 09-047** approving the appointments and reappointments of board members to the City Technical Board and the Board of Electrical Examiners. (Mayor)

RESOLUTION NO. 09-047

A RESOLUTION APPOINTING AND/OR REAPPOINTING MEMBERS TO THE CITY OF TEXAS CITY TECHNICAL BOARD / BOARD OF ELECTRICAL EXAMINERS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- e. Consider approval of **Resolution No. 09-048** adopting an Identity Theft Prevention Program pursuant to the Federal Trade Commission's Red Flags Rule. (Human Resources)

RESOLUTION NO. 09-048

A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY IN ACCORDANCE WITH AN AMENDMENT TO THE FAIR AND ACCURATE CREDIT TRANSACTION ACT OF 2003; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.

- f. Consider approval of **Resolution No. 09-049** awarding the annual contract for the purchase and delivery of Water Meters. (Purchasing Dept.)

RESOLUTION NO. 09-049

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR THE PURCHASE AND DELIVERY OF WATER METERS WITH BADGER METER, INC., FOR THE RESPECTIVE SPECIFICATIONS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- g. Consider approval of **Resolution No. 09-050** awarding the annual contract for the purchase and delivery of Chemicals and Fertilizer. (Purchasing Dept.)

RESOLUTION NO. 09-050

A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO ANNUAL CONTRACT FOR THE PURCHASE AND DELIVERY OF VARIOUS TURF CHEMICALS AND FERTILIZER PRODUCTS FOR THE CITY'S BAYOU GOLF COURSE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- h. Consider approval of **Resolution No. 09-051** authorizing the purchase and delivery of one (1) **Ashland TR-1200 Trash Rake**, to be utilized by Pump Station B. (Purchasing Dept.)

RESOLUTION NO. 09-051

A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF A REPLACEMENT TRASH RAKE FOR PUMP STATION B; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- i. Consider approval of **Resolution No. 09-052** authorizing the Mayor to execute an Interlocal Agreement by and between Galveston County and the City of Texas City to provide **funding for construction of Amburn Road**. (Transportation and Planning Dept.)

RESOLUTION NO. 09-052

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH GALVESTON COUNTY, TEXAS, AND THE CITY OF TEXAS CITY TO PROVIDE FUNDING FOR CONSTRUCTION OF AMBURN ROAD; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- j. Consider approval of **Resolution No. 09-053** authorizing the Mayor to execute a contract for the purchase and installation of **Community Splash Parks** to be located at Carver Park and Sanders-Vincent Center. (Dept. of Recreation and Tourism)

RESOLUTION NO. 09-053

A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF SPLASH PARKS AT SANDERS-VINCENT PARK AND CARVER PARK; 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 Singleton. All present voted AYE. MOTION CARRIED.

Commissioner Johnson made mention of the Splash Parks that will be located at the Carver Park and Sanders Vincent Center. He remarked that he is happy to see that the Sanders Vincent Center is moving along and that the City is moving forward with this.

REGULAR ITEMS

- a. Consider approval of the **first reading of Ordinance No. 09-19 annexing certain territory within 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 and as prescribed by Chapter 43 of the State Local Government Code. (Planning Dept.)

Don Carroll, City Planner, reported that this is a Limited Purpose Annexation for the City of Texas City to annex certain territory within 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 as prescribed by Chapter 43 of the State Local Government Code. The City has conducted two public hearings on this item. The Strategic Partnership Agreement and other information concerning this Limited Purpose Annexation have been posted on the City's web site for public viewing, is available in the City Secretary's office and .

ORDINANCE NO. 09-19

AN ORDINANCE ANNEXING TO THE CITY OF TEXAS CITY, TEXAS FOR LIMITED PURPOSES A CERTAIN AREA LOCATED WITHIN GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 52, IN GALVESTON COUNTY, TEXAS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; ADOPTING A REGULATORY PLAN FOR CERTAIN AREAS IN THE VICINITY OF GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 52; IMPOSING THE SALES AND USE TAX OF THE CITY OF TEXAS CITY, TEXAS, IN THE AREA WITHIN GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 52 ANNEXED FOR LIMITED PURPOSES; AND PROVIDING FOR SEVERABILITY.

Commissioner Clark made a MOTION to APPROVE the FIRST READING of Ordinance No. 09-19 annexing certain territory within 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 and as prescribed by Chapter 43 of the State Local Government Code; Commissioner Singleton SECONDED the motion. All present voted AYE. MOTION CARRIED.

The Mayor pulled item b. from the agenda.

- ~~b. Consider approval of the **second 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)~~

Before moving on to item c., the Mayor announced that the City's had an improvement in their bond rating we went from an A+ to a AA-. There were 13 cities in Texas, Louisiana, Oklahoma that got a bond rating increase and we were one of them, which means we can borrow money cheaper and speaks to our financial soundness.

- c. Consider approval of **Ordinance No. 09-20 amending** the City of Texas City's Investment Policy. (Finance Dept.)

Cheryl Hunter, Finance Director, reported that in 1995, the City adopted an Investment Policy to comply with the Texas Public Funds Investment Act (TPFIA). The City of Texas City's Investment Policy mandates how City funds are to be managed and invested. The Investment Policy was updated in 1998, 2000, 2004, 2005 and 2006 and is in need of City Commission review and approval. The City's Investment Policy approved in 2006 has been updated to reflect changes in the City's investment policy and plan. The policy has a multitude of changes, many of the changes involve wording and are considered minor; the major changes are to the City's Investment Strategy and Diversification parameters.

ORDINANCE NO. 09-20

AN ORDINANCE APPROVING CHANGES TO THE CITY OF TEXAS CITY'S INVESTMENT POLICY AND STRATEGIES; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Land made a MOTION to APPROVE Ordinance No. 09-17 amending the City of Texas City's Investment Policy; Commissioner Haney SECONDED the motion. All present voted AYE. MOTION CARRIED.

- d. Consider approval of **Ordinance No. 09-21 amending** the City of Texas City's fiscal year 2008/2009 **budget to finance the construction of the Amburn Road Improvements Project.** (Finance Dept.)

A budget amendment is needed to finance the construction of the Amburn Road Improvements project, up to a maximum expenditure of \$3,620,000, as outlined in the inter-local agreement between the City and Galveston County. As stated in the inter-local agreement, the City will fund all Right-of-Ways (ROW) that may be required for an estimated cost of \$160,000.

ORDINANCE NO. 09-21

AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FOR THE FINANCE OF AMBURN ROAD IMPROVEMENTS 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 Land made a MOTION to APPROVE Ordinance No. 09-21 amending the City of Texas City's fiscal year 2008/2009 budget to finance the construction of the Amburn Road Improvements Project; Commissioner Haney SECONDED the motion. All present voted AYE. MOTION CARRIED.

- e. Consider approval of **Ordinance No. 09-22 amending** the City of Texas City's fiscal year 2008/2009 **budget** to provide funding for the purchase and installation of **lights at Tarpey Park Softball Field**, purchase and installation of **canopies over the skeet shoot stations** at the Shooting Range, and to provide additional funding for **cart path repairs.** (Finance Dept.)

A budget amendment is needed to provide funding for the purchase and installation of lights at Tarpey Park Softball Field and purchase and installation of canopies over the skeet shoot stations at the Shooting Range. A budget amendment is also needed to provide additional funding for cart path repairs. Funds totaling \$230,500 are available in the General Fund.

ORDINANCE NO. 09-22

AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR PURCHASE AND INSTALLATION OF LIGHTS AT TARPEY PARK SOFTBALL FIELD, CANOPIES AT THE SHOOTING RANGE AND CART PATH REPAIRS; 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 Wilson made a MOTION to APPROVE Ordinance No. 09-22 amending the City of Texas City's fiscal year 2008/2009 budget to provide funding for the purchase and installation of lights at Tarpey Park Softball Field, purchase and installation of canopies over the skeet shoot stations at the Shooting Range, and to provide additional funding for cart path repairs; Commissioner Haney SECONDED the motion. All present voted AYE. MOTION CARRIED.

- f. Consider approval of **Ordinance No. 09-23 amending** the City of Texas City's fiscal year 2008/2009 **budget** to carry forward funding for the **Phase 9 Water Line Improvement Project**, which was originally funded in the 2007/2008 adopted budget. (Finance Dept.)

A budget amendment is needed to carry forward funding for the Phase 9 Water Line Improvement Project, which was originally funded in the 2007/2008 adopted budget for a total budget of \$1,500,000.

ORDINANCE NO. 09-23

AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO PROVIDE FUNDING FOR THE PHASE 9 WATER LINE IMPROVEMENT PROJECT; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Johnson made a MOTION to APPROVE Ordinance No. 09-23 amending the City of Texas City's fiscal year 2008/2009 budget to carry forward funding for the Phase 9 Water Line Improvement Project; Commissioner Clark SECONDED the motion. All present voted AYE. MOTION CARRIED.

- g. Consider approval of **Ordinance No. 09-24 amending** the City of Texas City's fiscal year 2008/2009 **budget** to **establish a Special Revenue Fund** to account for revenues and expenditures related to Hurricane Ike. (Finance Dept.)

A budget amendment is needed to to establish a Special Revenue Fund to account for revenues and expenditures related to Hurricane Ike. This will allow City staff to better

monitor, control and account for expenditures and reimbursements/or amounts due from insurance and FEMA which are related to Hurricane Ike

ORDINANCE NO. 09-24

AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO ESTABLISH A SPECIAL REVENUE FUND TO ACCOUNT FOR REVENUES AND EXPENDITURES RELATED TO HURRICANE IKE; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Johnson made a MOTION to APPROVE Ordinance No. 09-24 amending the City of Texas City's fiscal year 2008/2009 budget to establish a Special Revenue Fund to account for revenues and expenditures related to Hurricane Ike; Commissioner Clark SECONDED the motion. All present voted AYE. MOTION CARRIED.

PUBLIC COMMENTS

Wade Provoski, Santos Park Road, reported that he is having trouble with drainage. He has reported it to the city departments and there has been no action taken on it; he requested that someone talk to him about it someone that can take some action or has the authority to provide some results. Mayor responded that he would have someone speak with him.

The Mayor asked Barbara White would like to talk about garage sales. Mrs. White stated at this time as long as you come out with something that is user friendly and the citizens have their garage sales without impeding the neighborhoods and they pick up their signs that will take care of it. Mayor commented that he thinks that signs will not be used you'll have to advertise in the newspaper; if you want to use signs where we may go you will have to get the signs from the city. We are going to control signs and we are going to control people that are having garage sales multiple times a year.

Vera Skaggs and Donna Lewis also addressed the Commission concerning garage sales. They both were against charging a fee; Ms. Lewis' concern was holding a garage sale for non-profit organizations and having them out of your house. Mayor stated non-profit organization needs to find a public place. They both agreed with the signs, they need to be picked up.

MAYOR'S COMMENTS

The Mayor commented that they had a great Cinco de Mayo parade last week end and that he looked forward to Police Week.

Bruce Clawson commented on the Swine Flu. There has not been any cases in Galveston County and certainly not in Texas City.

COMMISSIONERS' COMMENTS

Commissioner Johnson commented on the Summer Programs; he told the Recreation Department that they have done a wonderful job on the brochures. The brochures have been passed out to all the schools.

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

MATTHEW T. DOYLE, MAYOR

ATTEST:

Pamela A. Lawrence, City Secretary

pal: 05-12-2009

Centerpoint COSA
CITY COMMISSION AGENDA 2

Date: 05/20/2009
Submitted By: Linda Jennings, City Attorney Office
Submitted For: Bobby Gervais
Department: City Attorney Office
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Resolution authorizing review of Centerpoint Energy gas' cost of service adjustment tariff and approving cooperation with the Gulf Coast Coalition of Cities to Review Centerpoint's Application, hiring legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
Res
09-056
Link:
Exhibit
A
Link:
Exhibit
B

RESOLUTION NO. 09-056

A RESOLUTION AUTHORIZING REVIEW OF CENTERPOINT ENERGY GAS' COST OF SERVICE ADJUSTMENT ("COSA") TARIFF, APPROVING COOPERATION WITH THE GULF COAST COALITION OF CITIES TO REVIEW CENTERPOINT'S APPLICATION, HIRING LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on or about May 1, 2009, CenterPoint Energy Gas ("CenterPoint" or "Company"), filed with the City a Cost of Service Adjustment ("COSA") Tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, the City of Texas City is a member of the Gulf Coast Coalition of Cities and will cooperate with other similarly situated city members located within the CenterPoint service area in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, working with the Gulf Coast Coalition of Cities to review the application filed by CenterPoint allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, the Gulf Coast Coalition of Cities has a lengthy history of participating in gas utility proceedings protecting the interests of municipalities and gas utility customers residing within municipal boundaries; and

WHEREAS, pursuant to the July 3, 2008 Settlement Agreement pertaining to CenterPoint's March 6, 2008 rate case, costs incurred by cities associated with this proceeding are to be reimbursed by the Company; and

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

SECTION 1: That the City is authorized to participate with the Gulf Coast Coalition of Cities regarding CenterPoint's COSA filing to coordinate efforts to protect the interests of the City and protect the interests of CenterPoint's customers residing and conducting business within municipal limits.

SECTION 2: Subject to the right to terminate employment at any time, the City hereby authorizes the hiring of Thomas Brocato of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. and consultants to negotiate with the Company, make recommendations

regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of the COSA filing.

SECTION 3: That the City's reasonable expenses shall be reimbursed by CenterPoint.

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 Thomas Brocato, General Counsel to the Gulf Coast Coalition of Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

SECTION 6: That this Resolution shall be in full force and effect from and after its passage and adoption.

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

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

MEMORANDUM

TO: Gulf Coast Coalition of Cities (CenterPoint Gas Texas Coast Division)

FROM: Thomas Brocato *T.B.*

DATE: May 6, 2009

RE: CenterPoint Energy Gas – Texas Coast Division Cost of Service Adjustment

On May 1, 2009, CenterPoint Energy Gas ("CenterPoint" or "Company") filed a Cost of Service Adjustment ("COSA") application with each of the Gulf Coast Coalition of Cities ("GCCC") members that were signatories to the settlement agreement to the Company's rate case last year.

In the filing, the Company asserts that it is entitled to a \$4.25 million increase or a \$1.39 per month increase for each customer. However, the settlement agreement limits the amount that can be requested to 5% over existing rates. Therefore, the Company is requesting a \$0.65 increase. They are also seeking to recover rate case expenses that were deferred from last year's case.

You may recall that on March 6, 2008, CenterPoint filed a request to increase its rate by \$7.36 million annually. After lengthy discussions, we were able to reach a settlement resolving all issues. Under the agreement, the Company's request was reduced 54% to a \$3.38 million rate increase. Significantly, we were also able to avoid paying litigation costs of other cities that continue to litigate the case before the Railroad Commission.

The settlement also eliminated piecemeal ratemaking in favor of a comprehensive COSA mechanism. Under the law, gas utilities are able to file gas reliability infrastructure program ("GRIP") rate cases. The settlement agreement authorized a three year experiment with an expedited rate review process that replaces GRIP ratemaking. There will be no GRIP filings while the COSA is operative. Cities have opposed all GRIP filings made by other utilities as piecemeal ratemaking because gas utilities were able to receive a rate increase simply by showing a change in their invested capital instead of a more comprehensive review of all the components that affect rates, like revenues and expenses. However, Cities have been unsuccessful in defeating GRIP at the Legislature and in the courts.

The COSA process, starting with this filing, should be a more comprehensive process that will allow cities with original jurisdiction the opportunity to review information regarding changes to CenterPoint's revenues and expenses as well as its invested capital. In addition, CenterPoint and GCCC agreed to certain constraints on the magnitude of changes to expenses and invested capital under the COSA. The agreement also freezes CenterPoint's rate of return on

equity and its capital structure for purposes of the COSA filings to avoid manipulation of their overall rate of return.

Expenses incurred by GCCC to review COSA filings will be reimbursed by CenterPoint.

The rate increase requested by CenterPoint will become effective on August 1, 2009. Cities have 90 days to review the proposed rate adjustment. **Accordingly, we request that each city schedule the draft resolution attached to this memorandum for consideration at their next council meeting.** During the 90 day period, we will review the application in order to ensure that the Company has not included any unreasonable costs. If, after the 90 day review period, Cities have not reached an agreement with the Company, the Cities may take action to deny the application.

We are aware that, as it has done previously, CenterPoint delivered a letter to each of the GCCC members pressuring them to settle this matter. Please be aware, that we are always open to the prospect of settlement and are mindful of the benefits of resolving cases without the need for costly litigation. Moreover, the Company's letter assumes that the cost of participation in the case will exceed the benefits that can be gained. This is incorrect. Participation by Cities in a review of rates charged by utilities results in significant benefits to customers that far outweigh the costs of litigation. The amount saved by Cities' efforts is several times the amount spent to investigate the request, even when the litigation costs of the Company (which far exceed Cities' litigation costs) are included.

If you have any concerns or question please do not hesitate to contact me at (512) 322-5857. We appreciate your continued support.

MODEL STAFF REPORT REGARDING CENTERPOINT ENERGY GAS'S COST OF SERVICE ADJUSTMENT ("COSA") TARIFF FILING

PURPOSE

On May 1, 2009, CenterPoint Energy Gas ("CenterPoint" or "Company") filed a Cost of Service Adjustment ("COSA") application with each of the Gulf Coast Coalition of Cities ("GCCC") members that were signatories to the settlement agreement to the Company's rate case last year.

In the filing, the Company asserts that it is entitled to a \$4.25 million increase or a \$1.39 per month increase for each customer. However, the settlement agreement limits the amount that can be requested to 5% over existing rates. Therefore, the Company is requesting a \$0.65 increase. They are also seeking to recover rate case expenses that were deferred from last year's case.

You may recall that on March 6, 2008, CenterPoint filed a rate case that was settled. Among other provisions, the settlement established a comprehensive COSA mechanism. The COSA process will allow cities with original jurisdiction the opportunity to review information regarding changes to CenterPoint's revenues and expenses as well as its invested capital. In addition, CenterPoint and GCCC agreed to certain constraints on the magnitude of changes to expenses and invested capital under the COSA. The agreement also freezes CenterPoint's rate of return on equity and its capital structure for purposes of the COSA filings to avoid manipulation of their overall rate of return.

Expenses incurred by GCCC to review COSA filings will be reimbursed by CenterPoint.

The rate increase requested by CenterPoint will become effective on August 1, 2009. Cities have 90 days to review the proposed rate adjustment. During the 90 day period, consultants for the City will review the application in order to ensure that the Company has not included any unreasonable costs. If, after the 90 day review period, Cities have not reached an agreement with the Company, the Cities may take action to deny the application.

DISCUSSION

The City of _____ is a member of a coalition of cities known alternatively as the Gulf Coast Coalition of Cities ("GCCC"). The coalition has been in existence since the early 1990s. GCCC has been the primary public interest advocate before the Railroad Commission, the Courts, and the Legislature on gas utility regulation matters for nearly 20 years.

Explanation of "Be It Resolved" Paragraphs:

Section 1. This provision authorizes the City to participate in a coalition of cities (i.e. the Gulf Coast Coalition of Cities) served by CenterPoint Energy Gas in order to more efficiently represent the interests of the City and their citizens.

Section 2. This provision authorizes the hiring of Lloyd Gosselink Rochelle and Townsend, P.C. and consultants to represent the City in this matter. It also provides authority for the attorneys and consultants to act on behalf of the City in settlement discussions, before the Railroad Commission, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by city cooperation in a common review and common purpose. Additionally, rate case expenses are minimized when cities hire one set of attorneys and experts who work under the guidance and control of the cities.

Section 3. The Company will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by the Cities will submit monthly invoices that will be forwarded to CenterPoint for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting an intervention 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 counsel for the cities will be notified of the City's action by sending a copy of the approved and signed resolution to counsel.

**Resolution Supporting Legislation MUD 67
CITY COMMISSION AGENDA 2**

Date: 05/20/2009

Submitted By: Linda Jennings, City Attorney Office

Submitted For: Matthew Doyle

Department: Mayor's Office

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of supporting legislation extending the confirmation election deadline for Galveston County MUD #67.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res
09-057](#)

RESOLUTION NO. 09-057

A RESOLUTION CONSENTING TO AND SUPPORTING LEGISLATION RELATING TO GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 67; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Galveston County Municipal Utility District No. 67 (the “District”) was created through the 2005 Texas Legislature pursuant to Senate Bill 1882 (“SB 1882”); and

WHEREAS, SB 1882 provided that the District must hold its confirmation election prior to September 1, 2007; and

WHEREAS, House Bill 3980, 2007 Texas Legislature (“HB 3980”) extended the time for the District to hold its confirmation election until September 1, 2009; and

WHEREAS, the landowner of the property within the District desires to amend SB 1882 and HB 3980 to provide for additional time for the District to hold its confirmation election; and

WHEREAS, the landowner desires that the City of Texas City, Texas (the “City”) consent to such amendment;

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

SECTION 1: That the City Commission hereby supports and grants its consent to legislation filed in the 2009 Legislature amending prior legislation enacted by SB 1882 and HB 3980 (2007 session) to provide for the District to hold its confirmation election prior to September 1, 2013 or it is dissolved. The District must obtain the City’s consent to creation prior to holding such confirmation election. This consent does not otherwise affect any prior consent(s) in regard to creation of the District.

SECTION 2: That the Mayor of the City is hereby authorized to execute documents, if any, required to evidence the City’s consent to such legislation.

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

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

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

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney

Approval of IGA for County-Wide Application for JAG Recovery Funds CITY COMMISSION AGENDA 2

Date: 05/20/2009
Submitted By: Carla Costello, Police Department
Submitted For: Robert Burby
Department: Police Department
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approval of an Interlocal Governmental Agreement Between the County of Galveston, the City of Galveston, City of LaMarque, City of Texas City, City of Hitchcock, City of Friendswood, City of Dickinson, City of Santa Fe and the City of League City enabling the County of Galveston to apply for funding made available via the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program.

This Interlocal Governmental Agreement is entered into in accordance with Chapter 791 of the Texas Government Code. It is by and between the County of Galveston, the City of Galveston, City of LaMarque, City of Texas City, City of Hitchcock, City of Friendswood, City of Dickinson, City of Santa Fe and the City of League City. Its purpose is to agree to apply for the joint allocation of the Recovery Act: Edward Byrne Memorial Justice Assistance Grant award of \$623,245.

The County of Galveston, acting on behalf of itself and the other parties, has under joint application No: 2009-F3587-TX-SB applied for and agreed to act as fiscal agent for the Recovery Act: Edward Byrne Memorial Justice Assistance Grant in the amount of \$623,245.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res](#)
[09-054](#)
 Link: [ILGA](#)
[09](#)
[RecovJAG](#)

Form Routing/Status

Route Seq Inbox

Approved By Date

Status

Carla Costello 05/04/2009 09:38 AM CREATED

1	Police Department	NEW
2	Finance	
3	Paralegal	
4	City Attorney Office	
5	Mayor	
6	City Secretary	

Form Started By: Carla
Costello

Started On: 05/04/2009 09:38 AM

RESOLUTION NO. 09-054

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A INTERLOCAL AGREEMENT WITH THE COUNTY OF GALVESTON AND THE CITIES OF GALVESTON, LAMARQUE, TEXAS CITY, HITCHCOCK, FRIENDSWOOD, DICKINSON, SANTA FE AND LEAGUE CITY ENABLING THE COUNTY TO APPLY FOR FUNDING AVAILABLE FROM THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, an Interlocal Governmental Agreement is requested between the County of Galveston, the Cities of Galveston, LaMarque, Texas City, Hitchcock, Friendswood, Dickinson, Santa Fe and League City, enabling the County to apply for funding available from the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program, in accordance with Chapter 791 of the Texas Government Code;

WHEREAS, the County of Galveston, acting on behalf of itself and the other parties, has under joint application No. 2009-F3587-TX-SB applied for and agreed to act as fiscal agent for the Recovery Act: Edward Byrne Memorial Justice Assistance Grant award of \$623,245.00;

WHEREAS, each of the parties find that the performance of this Agreement is in their best interest, that the undertaking of this Agreement will benefit the public, and that the equal division of the JAG award fairly compensates each party for the services or functions they are to render;

WHEREAS, Galveston County, as fiscal agent, agrees, within 45 days of the date of receipt of the Recovery JAG funds in the amount of \$623,245.00, to forward to the Cities their respective share of the grant award. The County will retain the balance of the funds;

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

SECTION 1: That the Mayor is authorized to execute the Agreement in substantially the same form as attached hereto as Exhibit "A" and made a part hereof for all intents and purposes.

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

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

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Interlocal Governmental Agreement

Between the County of Galveston, the City of Galveston, City of LaMarque, City of Texas City, City of Hitchcock, City of Friendswood, City of Dickinson, City of Santa Fe and the City of League City

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program

This Interlocal Governmental Agreement is entered into in accordance with Chapter 791 of the Texas Government Code. It is by and between the County of Galveston, the City of Galveston, City of LaMarque, City of Texas City, City of Hitchcock, City of Friendswood, City of Dickinson, City of Santa Fe and the City of League City. Its purpose is to agree to apply for the joint allocation of the Recovery Act: Edward Byrne Memorial Justice Assistance Grant award of \$623,245.

Whereas, the County of Galveston, acting on behalf of itself and the other parties, has under joint application No: 2009-F3587-TX-SB applied for and agreed to act as fiscal agent for the Recovery Act: Edward Byrne Memorial Justice Assistance Grant in the amount of \$623,245; and

Whereas, each of the parties finds that the performance of this Agreement is in their best interest, that the undertaking of this Agreement will benefit the public, and that the equal division of the JAG award fairly compensates each party for the services or functions they are to render; and

Now, Therefore, the Parties Agree as Follows:

Section 1.

County, as fiscal agent, agrees, within 45 days of the date of receipt of the Recovery JAG funds in the amount of \$623,245 to forward to the Cities their respective share of the grant award. The County will retain the balance of the funds.

Section 2.

The funds each party receives will be used for the purposes set forth in the Program Narrative attached hereto as Attachment 1.

Section 3.

Each party to this Agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party. But, nothing in this Agreement shall be construed to waive the

GMS Application # 2009-F3587-TX-SB

doctrine of sovereign or other form of immunity of any party. Nor shall this Agreement be construed to be for the benefit of or create any rights in any party not a signatory hereto.

Section 4.

The parties do not intend to create any obligations express or implied other than those set out herein.

Executed effective this _____ day of _____, 2009.

County of Galveston

Attest:

James D. Yarbrough
County Judge

Mary Ann Daigle
County Clerk

City of Texas City

Attest:

Matthew T. Doyle
Mayor

Pam Lawrence
City Secretary

City of Galveston

Attest:

Lyda Ann Thomas
Mayor

Barbara Lawrence
City Secretary

City of LaMarque

Attest:

Bill Charbonneau
Mayor

David G Pennington
City Secretary

GMS Application # 2009-F3587-TX-SB

City of Hitchcock

Attest:

Lee A Sanders
Mayor

Rose Marie Theiler
City Secretary

City of Friendswood

Attest:

David JH Smith
Mayor

Deloris McKenzie
City Secretary

City of Dickinson

Attest:

Julie Masters
Mayor

Carol L. McLemore
City Secretary

City of Santa Fe

Attest:

Ralph Stenzel
Mayor

Janet L Davis
City Secretary

City of League City

Attest:

Toni Randall
Mayor

Barbara F. Long
City Secretary

**Consider amendment to the interlocal tax collection agreement
between the City of Texas City and Galveston County.**

CITY COMMISSION AGENDA 2

Date: 05/20/2009
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval for amendment to the Interlocal Tax Collection Agreement with Galveston County.

BACKGROUND

In July 2003, the City entered into an agreement with Galveston County for the collection of current and delinquent taxes on tax parcels located within the City of Texas City's jurisdiction. The current contract expires on July 31, 2009. The amendment will extend the expiration date of the current contract to July 31, 2012. The per parcel fee will not change and will remain at \$.32 (\$1.01 for properties located outside of Galveston County) or 1% of levy, whichever is less.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res 09-055](#)
Link: [Interlocal](#)
[Agreement-Tax](#)
[Collection-July 31,](#)
[2012](#)

RESOLUTION NO. 09-055

A RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE INTERLOCAL TAX AGREEMENT WITH THE COUNTY OF GALVESTON AND CHERYL JOHNSON, GALVESTON COUNTY TAX ASSESSOR/COLLECTOR, FOR THE COLLECTION SERVICES OF CURRENT AND DELINQUENT TAXES ON TAX PARCELS LOCATED WITHIN THE CITY OF TEXAS CITY'S JURISDICTION; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Galveston County and the Galveston County Tax Assessor/Collector, presently provide billing and collection services to the City of Texas City for current and delinquent taxes on tax parcels located within the City of Texas City's Jurisdiction under an Interlocal Agreement, which is set to expire on July 31, 2009; and

WHEREAS, the proposed Amendment to Interlocal Tax Collection Agreement (attached hereto as Exhibit "A" and made a part hereof for all intent and purposes) between the City of Texas City, the County of Galveston, and the Galveston County Tax Assessor-Collector for billing and collection services, will continue these services until July 31, 2012; and

WHEREAS, the proposed Amendment to Interlocal Tax Collection Agreement will maintain the per parcel fee of \$.32 (\$1.01 for properties located outside of Galveston County) or 1% of levy, whichever is less;

WHEREAS, the Director of Finance recommends that it is in the best interest of the City to allow Galveston County and the Galveston County Tax Assessor-Collector to continue to bill and collect the City's current and delinquent taxes on tax parcels.

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

SECTION 1: That the City Commission hereby approves the Amendment to Interlocal Tax Collection Agreement with the County of Galveston and the Galveston County Tax Assessor/Collector for the billing and collection services of the City's current and delinquent taxes on tax parcels, in substantially the same form as attached as Exhibit "A". The Mayor is authorized to execute the Agreement.

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

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

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

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney



Cheryl E. Johnson
Assessor And Collector of Taxes
Galveston County

Galveston County Courthouse
722 Moody, Galveston, Texas 77550
(409) 765-3277 Toll Free (877) 766-2284 Fax (409) 766-2479
Cheryl.E.Johnson@co.galveston.tx.us

April 2, 2009

Ms. Cheryl Hunter, Director of Finance
City of Texas City
P. O. Box 2608
Texas City, TX 77592

Re: Interlocal Tax Collection Agreement
Renewal

Dear Ms. Hunter:

The Interlocal Tax Collection Agreement entered into between the City of Texas City and Galveston County expires July 31st. It has been our pleasure serving you and we hope to continue to do so as we believe the consolidation of tax collection services to be expedient, cost effective, mutually beneficial to all parties, and promotes governmental efficiency.

Enclosed please find two original copies of an Amendment to the Interlocal Tax Collection Agreement. Please present this Amendment to your governing body for approval and return to my office in the enclosed envelope so that I may present it to County Commissioners for approval and signature. A signed original will be returned for your records.

The per parcel fee remains at \$0.32 (\$1.01 for properties located outside of Galveston County) or 1% of levy, whichever is less. As additional entities partner with the Galveston County Tax Office for collection services, I am hopeful the per parcel fee will be reduced in future years.

Please return the signed Amendment by May 1st. Should you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl E. Johnson". The signature is written in a cursive, flowing style.

Cheryl E. Johnson, RTA

Enclosures

**AMENDMENT TO
INTERLOCAL TAX COLLECTION AGREEMENT**

- I. This Amendment is entered into between Galveston County and City of Texas City.
- II. Parties named herein entered into an Interlocal Tax Collection Agreement for services in 2006. Parties agree that the original contract, subsequent modifications, if any, and this Amendment represent the complete agreement between the parties named in Paragraph I above.
- III. Parties agree that the existing contract will be extended for a period of three years ending July 31, 2012.
- IV. Parties agree that the per parcel fee charged by the County will remain at \$0.32 (\$1.01 for parcels outside of Galveston County) or 1% of the taxing entity levy, whichever is less.
- V. Parties agree that the original Interlocal Tax Collection Agreement referenced in Paragraph II and this Amendment constitute the complete understanding of the parties. No other representation, oral or written, between the parties shall be of any force and effect unless specifically stated in writing.

Executed this the _____ day of _____, 2009.

City of Texas City

The Honorable Matthew T. Doyle

Witness

County of Galveston

James D. Yarbrough, County Judge

Date

Attest:

Mary Ann Daigle, County Clerk

Cheryl E. Johnson, Tax Assessor/Collector

Legal Services and Appointment of City Attorney CITY COMMISSION AGENDA 2

Date: 05/20/2009

Submitted By: Pam Lawrence, Administration

Submitted For: Mayor

Department: Administration

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of Resolution No. 09-059 authorizing the Mayor to negotiate and enter into an agreement for legal services and the appointment of City Attorney. (Mayor)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res
09-059](#)

RESOLUTION NO. 09-059

A RESOLUTION APPOINTING THE CITY ATTORNEY; AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR SAID LEGAL SERVICES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Article IX, Section 1 of the City Charter provides that the head of the department of law shall be the city attorney who shall be appointed by the commission; and

WHEREAS, the Charter further provides that the city attorney shall be the chief legal adviser of and attorney for the city and all departments and offices thereof in matters relating to their official powers and duties; and

WHEREAS, the City of Texas City deems it is in the best interest of the City to engage the services of Lyons & Plackemeier, P.L.L.C. to provide legal services to the City of Texas City and to appoint Ron Plackemeier as city attorney.

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 authorizes the Mayor to engage the law firm of Lyons & Plackemeier P. L.L.C. as of June 1, 2009, to provide legal services to the City of Texas City. For the purposes of Article IX, Section 1 of **The City Charter**, Ron Plackemeier shall be appointed city attorney and chief legal adviser of the city and all departments and offices thereof. Other members of the firm may serve in this capacity, or as alternates, without further action of the City Commission.

SECTION 2: That the Mayor is authorized to negotiate and execute any documents necessary to engage Ron Plackemeier and the law firm of Lyons & Plackemeier P.L.L.C.

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

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

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

8.a.

Consider Commission approval for Mayor to enter into the Property Tax Refund Agreement with Valero Refining-Texas, L.P.

CITY COMMISSION AGENDA 2

Date: 05/20/2009
Submitted By: Cheryl Hunter, Finance
Submitted For: Mayor
Department: Finance
Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider Commission approval for Mayor to enter into the Property Tax Refund Agreement with Valero Refining-Texas, L.P., as a result of the Agreed Final Judgment on the 2005-2008 Lawsuits.

BACKGROUND

In 2005, Valero Refining-Texas, L.P. (Valero) sued Galveston Central Appraisal District (GCAD), contesting the property's appraised value for ad valorem tax purposes, with suits being filed for the 2005, 2006, 2007 and 2008 tax years. These lawsuits are collectively referred to as the "2005-2008 Lawsuits". Since the City of Texas City is a taxing unit that is authorized to impose ad valorem taxes on the property, it is a party to the judgment and must abide by the terms of the "Property Tax Refund Agreement".

On April 6, 2009, an Agreed Final Judgment was entered in the "2005-2008 Lawsuits" and follows:

<i>Tax Year</i>	<i>Reduced Appraised Value</i>	<i>Tax Refund</i>
2005	\$386,301,190	\$170,002.92
2006	\$583,798,700	\$188,047.61
2007	\$678,199,990	\$232,866.82
2008	\$693,828,880	\$214,240.42

The value reductions stated above reduce Valero's tax liability and entitle Valero to a refund from the City under Texas Tax Code § 42.43 totaling \$805,157.78 (Refund).

Per the Agreement, the City shall pay the Refund to Valero according to the following schedule of payments:

<i>Date Due</i>	<i>Payment</i>
January 15, 2010	\$201,289.44
January 15, 2011	\$201,289.44
January 15, 2012	\$201,289.44
January 15, 2013	\$201,289.46

Valero shall not recover interest, and releases the City from any and all claims for interest, which would otherwise be owed on the Refund under Texas Tax Code § 42.43. In the event the City fails to make any payment required by the Agreement, Valero shall be entitled to recover interest on the amount due and owing at an annual rate of twelve (12) percent, calculated from the 60th day after the date GCAD's chief appraiser certifies the corrections to the appraisal roll arising out of the 2005-2008 Lawsuits until the date the refund is made as provided in Texas Tax Code § 42.43.

The Property Tax Refund Agreement is attached for your review.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact	
Attachments	
Link: Res 09-058	
Link: Property Tax Refund Agreement	

RESOLUTION NO. 09-058

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE PROPERTY TAX REFUND AGREEMENT WITH VALERO REFINING-TEXAS, L.P. AS A RESULT OF AGREED FINAL JUDGMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, in 2005, Valero Refining-Texas, L.P. (“Valero”), sued Galveston Central Appraisal District (“GCAD”), contesting the property’s appraised value for ad valorem tax purposes, with suits being filed for the 2005, 2006, 2007 and 2008 tax years, (“2005-2008 Lawsuits”);

WHEREAS, on April 6, 2009, an Agreed Final Judgment was entered in the “2005-2008 Lawsuits” as follows:

<i>Tax Year</i>	<i>Reduced Appraised Value</i>	<i>Tax Refund</i>
2005	\$386,301,190	\$170,002.92
2006	\$583,798,700	\$188,047.61
2007	\$678,199,990	\$232,866.82
2008	\$693,828,880	\$214,240.42

WHEREAS, the value reductions stated above reduce Valero’s tax liability and entitle Valero to a refund from the City of Texas City, under Texas Tax Code §42.43, totaling \$805,157.78 (refund);

WHEREAS, the City, as a taxing unit authorized to impose ad valorem taxes on the property, is a party to the judgment; and

WHEREAS, the City Commission deems it in the best interest to agree to pay refunds according to the Property Tax Refund Agreement.

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

SECTION 1: In accordance with the Agreed Final Judgment, the City approves the Property Tax Refund Agreement and shall pay the refund to Valero according to the following schedule of payments:

<i>Date Due</i>	<i>Payment</i>
January 15, 2010	\$201,289.44
January 15, 2011	\$201,289.44
January 15, 2012	\$201,289.44
January 15, 2013	\$201,289.46

SECTION 2: That the Mayor is authorized to sign the Property Tax Refund Agreement between the City of Texas City and Valero Refining-Texas, L.P., in substantially the same form as attached hereto as Exhibit "A", and made a part hereof.

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

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

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

May 11, 2009

Mayor Matthew T. Doyle
City of Texas City
1801 – 9th Avenue North
Texas City, TX 77590

RE: Refund Agreement

Dear Mayor Doyle:

Enclosed please find two originals of the Property Tax Refund Agreement between the City of Texas City and Valero Refining-Texas, L.P.

Please execute both originals and then return one original to me for our records at the following address:

P.O. Box 690110
San Antonio, TX 78269

Please keep the second original for your records.

Sincerely,



Trey Novosad
Executive Director, Ad Valorem Tax

Enclosures

PROPERTY TAX REFUND AGREEMENT

STATE OF TEXAS

§
§
§

COUNTY OF GALVESTON

THIS PROPERTY TAX REFUND AGREEMENT, hereinafter referred to as this "Agreement," is executed and delivered by and between VALERO REFINING-TEXAS, L.P., hereinafter referred to as "Valero," and CITY OF TEXAS CITY, hereinafter referred to as the "City." Valero and the City are hereinafter sometimes referred to collectively as the "Parties."

RECITALS

WHEREAS, Valero owns certain property in Galveston County, Texas that is identified by Galveston Central Appraisal District ("GCAD") as "Improvements – Refinery," and listed by GCAD under account number 9700-0001-5400-000/R293410, hereinafter referred to as the "Property;" and,

WHEREAS, the City is a taxing unit that is authorized to impose and is imposing ad valorem taxes on the Property; and,

WHEREAS, Valero sued GCAD, contesting the Property's appraised value for ad valorem tax purposes in lawsuits styled as follows:

Cause No. 05CV1064; *Valero Refining-Texas, L.P. et al. v. Galveston Central Appraisal District*; In the 56th District Court of Galveston County, Texas, herein after referred to as the "2005 Lawsuit."

Cause No. 06CV0944; *Valero Refining-Texas, L.P. v. Galveston Central Appraisal District*; In the 122nd District Court of Galveston County, Texas, herein after referred to as the "2006 Lawsuit."

Cause No. 07CV0974; *Valero Refining-Texas, L.P. v. Galveston Central Appraisal District*; In the 405th District Court of Galveston County, Texas, herein after referred to as the "2007 Lawsuit."

Cause No. 08CV0906; *Valero Refining-Texas, L.P. v. Galveston Central Appraisal District*; In the 405th District Court of Galveston County, Texas, herein after referred to as the "2008 Lawsuit."

These lawsuits are collectively referred to as the "2005 – 2008 Lawsuits;" and,

WHEREAS, on March 23, 2009, Valero and GCAD agreed to compromise and settle the 2005 – 2008 Lawsuits;

WHEREAS, on April 6, 2009, an Agreed Final Judgment was entered in the 2005 Lawsuit reducing the appraised value of the Property as of January 1, 2005 to \$386,301,190 (Exhibit "A"); and,

WHEREAS, on April 6, 2009, an Agreed Final Judgment was entered in the 2006 Lawsuit reducing the appraised value of the Property as of January 1, 2006 to \$583,798,700 (Exhibit "B"); and,

WHEREAS, on April 3, 2009, an Agreed Final Judgment was entered in the 2007 Lawsuit reducing the appraised value of the Property as of January 1, 2007 to \$678,199,990 (Exhibit "C"); and,

WHEREAS, on April 3, 2009, an Agreed Final Judgment was entered in the 2008 Lawsuit reducing the appraised value of the Property as of January 1, 2008 to \$693,828,880 (Exhibit "D"); and

WHEREAS, the value reductions set forth above reduce Valero's tax liability and entitle Valero to a refund from the City under Tex. Tax Code § 42.43 totaling \$805,157.78, hereinafter referred to as the "Refund," which sum represents the total of the refunds due and owing for the 2005 – 2008 Lawsuits as follows:

<u>Tax Year</u>	<u>Refund</u>
2005:	\$170,002.92
2006:	\$188,047.61
2007:	\$232,866.82
2008:	\$214,240.42
TOTAL:	\$805,157.78

AGREEMENTS

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agreements herein contained, the Parties agree as follows:

1. SCHEDULE OF PAYMENTS. The City shall pay the Refund to Valero according to the following schedule of payments:

January 15, 2010:	\$201,289.44
January 15, 2011:	\$201,289.44
January 15, 2012:	\$201,289.44
January 15, 2013:	\$201,289.46

All payments required to be made under this Agreement shall be deemed sufficiently made for all purposes hereof if delivered in person, by courier (e.g., by Federal Express) or by registered or certified United States Mail to Valero. Payments shall be addressed to Valero as follows.

Valero Energy Corporation
Ad Valorem Tax Department
P.O. Box 690110
San Antonio, TX 78269-0110

Or at such other address and/or to the attention of such other person as Valero may designate by written notice to the City.

2. INTEREST. Valero shall not recover interest, and hereby releases the City from any and all claims for interest, which would otherwise be owed on the Refund under Tex. Tax Code § 42.43. Notwithstanding the foregoing, in the event the City fails to make any payment required by Section 1 of this Agreement, Valero shall be entitled to recover interest on the amount due and owing at an annual rate of twelve (12) percent, calculated from 60th day after the date GCAD's chief appraiser certifies the corrections to the appraisal roll arising out of the 2005 – 2008 Lawsuits until the date the refund is made as provided in Tex. Tax Code § 42.43.

3. GOVERNING LAW. This Agreement shall be construed under the laws of the State of Texas.

4. MERGER. This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties with respect to the subject matter of this contract, and contains all of the covenants and agreements between the parties with respect to the subject matter. Each party to this agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, that are not set forth in this Agreement, and that no agreement, statement, representation or promise not contained in this Agreement shall be valid or binding.

5. AMENDMENTS TO AGREEMENT; WAIVERS. This Agreement may not be modified or amended except by an instrument or instruments in writing signed by all of the Parties. Waiver of any term, condition or provision of this Agreement by any Party shall only be effective if in writing and shall not be construed as a waiver of any subsequent breach of, or failure to comply with, the same term, condition or provision, or a waiver of any other term, condition or provision of this Agreement.

6. AUTHORITY TO EXECUTE AGREEMENT. Each of the Parties represents and warrants that its undersigned representative has been expressly authorized to execute this Agreement for and on behalf of such Party.

7. EXECUTION OF COUNTERPARTS. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute but one and the same instrument, which may be sufficiently evidenced by one counterpart.

8. EFFECTIVE DATE. The effective date of this Agreement is _____, 2009

IN WITNESS WHEREOF, this Agreement has been executed by the Parties in multiple originals on this ____ day of _____ 2009.

VALERO REFINING-TEXAS, L.P.

CITY OF TEXAS CITY

By:


Kim Bowers

Executive Vice President
& General Counsel

By: _____

EXHIBIT A

APR 01 2009

CAUSE NO. 05CV 1064**VALERO REFINING-TEXAS, L.P. and
VALERO LOGISTICS OPERATIONS,
L.P.****Plaintiffs****v.****GALVESTON CENTRAL APPRAISAL
DISTRICT****Defendant**

§ IN THE DISTRICT COURT OF
 §
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 § GALVESTON COUNTY, TEXAS
 §
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 § 56TH JUDICIAL DISTRICT

AGREED FINAL JUDGMENT

On this day came on for consideration the Joint Motion for Entry of Agreed Judgment (the "Joint Motion") filed by VALERO REFINING-TEXAS, L.P., Plaintiff and GALVESTON CENTRAL APPRAISAL DISTRICT, Defendant. The Court considered the Joint Motion and the pleadings on file, and finds that the Motion should be granted, pursuant to the terms set out herein. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment be entered establishing the appraised value of Plaintiff's property as of January 1, 2005 as follows:

IMPROVEMENTS - REFINERY
 Account No. 9700-0001-5400-000/R293410
 Value as of January 1, 2005: \$386,301,190

IT IS FURTHER ORDERED; ADJUDGED AND DECREED that the Chief Appraiser shall correct the Appraisal Roll forthwith and without delay to reflect this final determination of appraised value.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that except for the determination of value for GCAD Account No. 9700-0001-5400-000/R293410

set out above, that Plaintiff TAKE NOTHING on all other claims made the basis of this suit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all relief requested in this suit which is not granted herein is in all things DENIED, and that each party shall bear its own costs and attorney fees. This Judgment is intended to be a final Judgment in this suit, disposing of all claims and causes of action asserted by the parties herein.

SIGNED this 6th day of April, 2009.


JUDGE PRESIDING

AGREED:

HEARD, ROBINS, CLOUD, BLACK & LUBEL L.L.P.

3800 Buffalo Speedway, Fifth Floor

Houston, Texas 77098

(713) 650-1200

(713) 650-1400- Facsimile

By: 

Lance Lubel

State Bar No. 12651125

Justin R. Goodman

State Bar No. 2403660

ATTORNEYS FOR PLAINTIFF

**McLEOD, ALEXANDER, POWEL
& APFFEL, P.C.**

By: 

Anthony R. Brown

TBA No. 03091300

802 Rosenberg; P.O. Box 629

Galveston, Texas 77553

(409) 763-2481

(409) 762-1155 (Fax)

ATTORNEYS FOR DEFENDANTS

EXHIBIT B

CAUSE NO. 06CV0944**VALERO REFINING-TEXAS, L.P.**
Plaintiff**v.****GALVESTON CENTRAL APPRAISAL
DISTRICT****Defendant**§ **IN THE DISTRICT COURT OF**
§
§
§ **GALVESTON COUNTY, TEXAS**
§
§
§ **122ND JUDICIAL DISTRICT****AGREED FINAL JUDGMENT**

On this day came on for consideration the Joint Motion for Entry of Agreed Judgment (the "Joint Motion") filed by VALERO REFINING-TEXAS, L.P., Plaintiff and GALVESTON CENTRAL APPRAISAL DISTRICT, Defendant. The Court considered the Joint Motion and the pleadings on file, and finds that the Motion should be granted, pursuant to the terms set out herein. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment be entered establishing the appraised value of Plaintiff's property as of January 1, 2006 as follows:

IMPROVEMENTS - REFINERY
Account No. 9700-0001-5400-000/R293410
Value as of January 1, 2006: \$583,798,700

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Chief Appraiser shall correct the Appraisal Roll forthwith and without delay to reflect this final determination of appraised value.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that except for the determination of value for GCAD Account No. 9700-0001-5400-000/R293410 set out above, that Plaintiff TAKE NOTHING on all other claims made the basis of this suit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all relief requested in this suit which is not granted herein is in all things DENIED, and that each party shall bear its own costs and attorney fees. This Judgment is intended to be a final Judgment in this suit, disposing of all claims and causes of action asserted by the parties herein.

SIGNED this 6th day of April, 2009.

1st John Elliott
JUDGE PRESIDING

AGREED:

HEARD, ROBINS, CLOUD, BLACK & LUBEL L.L.P.
3800 Buffalo Speedway, Fifth Floor
Houston, Texas 77098
(713) 650-1200
(713) 650-1400-Facsimile

By: [Signature]
Lance Lubel
State Bar No. 12651125
Justin R. Goodman
State Bar No.2403680

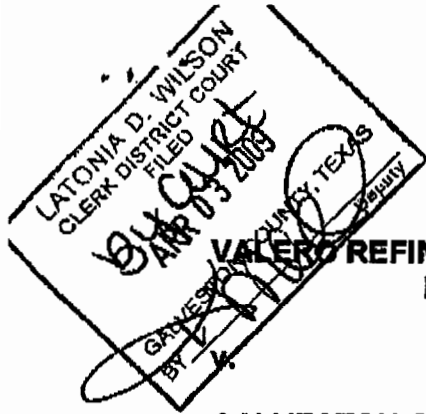
ATTORNEYS FOR PLAINTIFF

**McLEOD, ALEXANDER, POWEL
& APFFEL, P.C.**

By: [Signature]
Anthony P. Brown
TBA No. 03091300
802 Rosenberg; P.O. Box 629
Galveston, Texas 77553
(409) 763-2481
(409) 762-1155 (Fax)

ATTORNEYS FOR DEFENDANTS

EXHIBIT C



APR 01 2009

CAUSE NO. 07CV 0974

VALERO REFINING-TEXAS, L.P.

Plaintiff

§ IN THE DISTRICT COURT OF

§
§
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§
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§
§
§
§
§

GALVESTON COUNTY, TEXAS

GALVESTON CENTRAL APPRAISAL
DISTRICT

Defendant

405TH JUDICIAL DISTRICTAGREED FINAL JUDGMENT

On this day came on for consideration the Joint Motion for Entry of Agreed Final Judgment (the "Joint Motion") filed by VALERO REFINING-TEXAS, L.P., Plaintiff and GALVESTON CENTRAL APPRAISAL DISTRICT, Defendant. The Court considered the Joint Motion, the pleadings on file, and finds that the Motion should be granted, pursuant to the terms set out herein. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment be entered establishing the appraised value of Plaintiff's property as of January 1, 2007 as follows:

IMPROVEMENTS REFINERY
Account No. 9700-0001-5400-000/R293410
Value as of January 1, 2007: \$678,199,990

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Chief Appraiser shall correct the Appraisal Roll forthwith and without delay to reflect this final determination of the appraised value.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that except for the determination of value for GCAD Account No. 9700-0001-5400-000/R293410 set out above, that Plaintiff TAKE NOTHING on all other claims made the basis of this suit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all relief requested in this suit which is not granted herein is in all things DENIED, and that each party shall bear its own costs and attorney fees. This Judgment is intended to be a final Judgment in this suit, disposing of all claims and causes of action.

SIGNED this 3rd day of April, 2009.


JUDGE PRESIDING

AGREED:

HEARD, ROBINS, CLOUD, BLACK & LUBEL L.L.P.

3800 Buffalo Speedway, Fifth Floor

Houston, Texas 77098

(713) 650-1200

(713) 650-1400-Facsimile

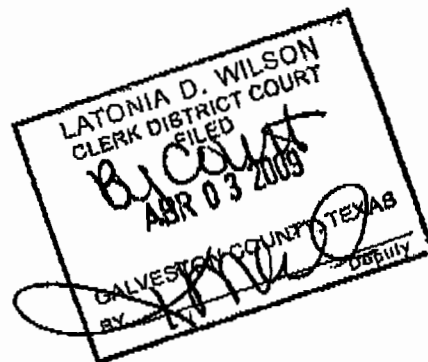
By: 

Lance Lubel

State Bar No. 12851125

Justin R. Goodman

State Bar No.2403660



ATTORNEYS FOR PLAINTIFF

**McLEOD, ALEXANDER, POWEL
& APFEL, P.C.**

By: 

ANTHONY P. BROWN

TBA No. 03091300

802 Rosenberg, P.O. Box 629

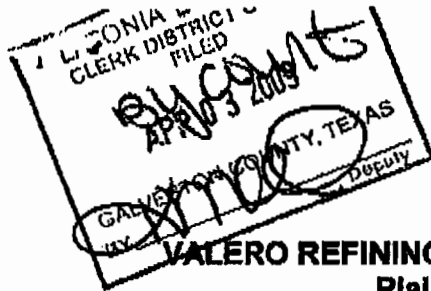
Galveston, Texas 77553

(409) 763-2481

(409) 762-1155 (Fax)

ATTORNEYS FOR DEFENDANTS

EXHIBIT D



APR 01 2009

CAUSE NO. 08CV 0908

VALERO REFINING-TEXAS, L.P.
Plaintiff

v.

**GALVESTON CENTRAL APPRAISAL
DISTRICT**

Defendant

§ IN THE DISTRICT COURT OF
§
§
§
§ GALVESTON COUNTY, TEXAS
§
§
§
§ 405TH JUDICIAL DISTRICT

AGREED FINAL JUDGMENT

On this day came on for consideration the Joint Motion for Entry of Agreed Final Judgment (the "Joint Motion") filed by VALERO REFINING-TEXAS, L.P., Plaintiff and GALVESTON CENTRAL APPRAISAL DISTRICT, Defendant. The Court considered the Joint Motion, the pleadings on file, and finds that the Motion should be granted, pursuant to the terms set out herein. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment be entered establishing the appraised value of Plaintiff's property as of January 1, 2008 as follows:

IMPROVEMENTS REFINERY
Account No. 9700-0001-5400-000/R293410
Value as of January 1, 2008: \$693,828,880

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Chief Appraiser shall correct the Appraisal Roll forthwith and without delay to reflect this final determination of the appraised value.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that except for the determination of value for GCAD Account No. 9700-0001-5400-000/R293410 set out above, that Plaintiff TAKE NOTHING on all other claims made the basis of this suit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all relief requested in this suit which is not granted herein is in all things DENIED, and that each party shall bear its own costs and attorney fees. This Judgment is intended to be a final Judgment in this suit, disposing of all claims and causes of action.

SIGNED this 3rd day of April, 2009.


JUDGE PRESIDING

AGREED:

HEARD, ROBINS, CLOUD, BLACK & LUBEL L.L.P.

3800 Buffalo Speedway, Fifth Floor

Houston, Texas 77098

(713) 650-1200

(713) 650-1400 Facsimile

By: 

Lance Lubel

State Bar No. 12651125

Justin R. Goodman

State Bar No. 2403660

ATTORNEYS FOR PLAINTIFF

McLEOD, ALEXANDER, POWEL

& APPEL, P.C.

By: 

ANTHONY P. BROWN

TBA No. 03091300

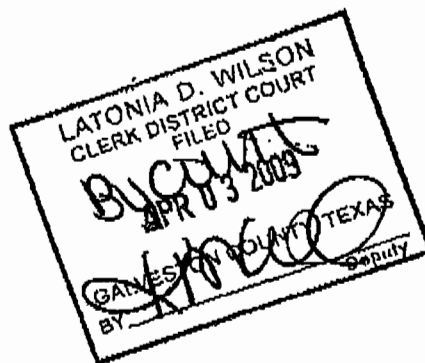
802 Rosenberg; P.O. Box 629

Galveston, Texas 77553

(409) 763-2481

(409) 762-1155 (Fax)

ATTORNEYS FOR DEFENDANTS



8.b.

Amend the fiscal year 2008/2009 budget to close 2007/2008 fiscal year purchase orders.

CITY COMMISSION AGENDA 2

Date: 05/20/2009

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 fiscal year 2008/2009 budget to close 2007/2008 fiscal year purchase orders.

BACKGROUND

Purchase orders that are outstanding at the end of the fiscal year are to be canceled and rolled into the new fiscal year (2008/2009). Since encumbrances impact budgets, the current fiscal year's budget must be increased to reflect outstanding encumbrances from the 2007/2008 fiscal year.

ANALYSIS

Please see attachment which reflects the budget amendment amount for each fund.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Ord
09-25](#)

Link: [Close
2007
Purchase
Orders](#)

ORDINANCE NO. 09-25

AN ORDINANCE AMENDING ORDINANCE NO. 08-37, ADOPTING THE 2008-2009 FISCAL YEAR BUDGET TO INCREASE FUNDING TO THE EXISTING BUDGET TO BALANCE ENCUMBRANCES FROM FISCAL YEAR 2007-2008; 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; and,

WHEREAS, in order to balance encumbrances from fiscal year 2007-2008 it is necessary to increase the existing budget.

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

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

SECTION 2: That the budget for Fiscal Year 2008-2009 of the City of Texas City, Texas, is hereby amended as shown in Exhibit A attached hereto and a part hereof for all intents and purposes:

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 20th day of May, 2009.

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

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney

**CITY OF TEXAS CITY
CLOSE PURCHASE ORDERS FISCAL YEAR 2007/2008**

GENERAL FUND

ADMINISTRATION-101:

101-101-52660	OFFICE SUPPLIES	230
101-101-53060	EXPENSE-ADMINISTRATIVE	1,996
101-101-53560	MAINTENANCE-CONTRACT	829
TOTAL ADMINISTRATION		<u>3,055</u>

PLANNING-104:

101-104-53800	DUES & MEMBERSHIPS	25
TOTAL PLANNING		<u>25</u>

DATA PROCESSING-105:

101-105-53360	MAINTENANCE-OFFICE EQUIPMNT	5,662
TOTAL DATA PROCESSING		<u>5,662</u>

POLICE-201:

101-201-52060	CLOTHING & UNIFORMS	5,470
101-201-52600	ID PHOTO SUPPLIES	199
101-201-52620	CRIMINAL INVESTIGATIONS	436
101-201-52660	OFFICE SUPPLIES	2,571
101-201-53100	FOOD & JAIL SUPPLIES	164
101-201-53540	MAINT-BUILDING & GROUNDS	106
101-201-53560	MAINTENANCE-CONTRACT	909
101-201-53700	EQUIPMENT RENTAL	154
101-201-54530	K-9'S	240
TOTAL POLICE		<u>10,249</u>

FIRE-202:

101-202-52060	CLOTHING & UNIFORMS	322
101-202-52660	OFFICE SUPPLIES	324
101-202-53340	MAINT-EQUIP & TIRES	1,158
101-202-53540	MAINT-BUILDING & GROUNDS	50,345
101-202-53560	MAINTENANCE-CONTRACT	616
TOTAL FIRE		<u>52,765</u>

MUNICIPAL COURT-205:

101-205-53680	PROFESSIONAL FEES	1,065
TOTAL MUNICIPAL COURT		<u>1,065</u>

EMERGENCY MANAGEMENT-206:

101-206-54150	EMERGENCY MANAGEMENT	522
101-206-55150-08020	MISC EQUIP-MOBILE COM UNIT	54,624
TOTAL EMERGENCY MANAGEMENT		<u>55,146</u>

PUBLIC WORKS-301:

101-301-52110	LIQUID ASPHALT	7,345
101-301-52140	LIMESTONE	34,500
101-301-52240	GASOLINE & OIL	204
101-301-52660	OFFICE SUPPLIES	3,000
101-301-53340	MAINT-EQUIP & TIRES	4,809

**CITY OF TEXAS CITY
CLOSE PURCHASE ORDERS FISCAL YEAR 2007/2008**

GENERAL FUND

101-301-53490	WEED CONTROL	7,191
101-301-55010-08005	NEW SERVICE CENTERS	9,200
101-301-55010-08021	SANDERS/VINCENT CENTER	3,692,913
101-301-55250-07002	16TH AVENUE IMPROVEMENTS	33,057
101-301-55250-08006	15TH ST/13TH AVE TO 16TH AVE	462
101-301-55550-07022	AMBURN ROAD/MONTICELLO	401,151
101-301-55550-07023	9TH/7TH STREET IMPROVEMENTS	288,511
101-301-55550-08007	OAK ST BRIDGE @ BAYOU PIERRE	20,639
TOTAL PUBLIC WORKS		<u>4,502,981</u>

SANITATION-302:

101-302-53340	MAINT-EQUIP & TIRES	285
101-302-53540	MAINT-BUILDING & GROUNDS	37,502
101-302-53545	MAINT-DIKE	5,659
101-302-54570	LANDFILL DISPOSAL FEES	21,290
TOTAL SANITATION		<u>64,736</u>

RAINWATER PUMP STATION-303:

101-303-53340	MAINT-EQUIP & TIRES	1,431
TOTAL RAINWATER PUMP STATION		<u>1,431</u>

RECREATION & TOURISM-401:

101-401-52460	RECREATIONAL SUPPLIES	456
101-401-52660	OFFICE SUPPLIES	715
101-401-52680	JANITORIAL SUPPLIES	254
101-401-52700	PROGRAMS & AWARDS	464
101-401-52780	MISC. MATERIALS & SUPPLIES	1,783
101-401-53530	MAINT-PARKS & STADIUMS	320
101-401-53540	MAINT-BUILDING & GROUNDS	521
101-401-53550	MAINT-SWIMMING POOLS	500
TOTAL RECREATION & TOURISM		<u>5,012</u>

LIBRARY-402:

101-402-53260	COMMUNICATIONS	1,500
101-402-53560	MAINTENANCE-CONTRACT	1,396
101-402-53700	EQUIPMENT RENTAL	246
101-402-54020	BOOKS & PUBLICATIONS	37
TOTAL LIBRARY		<u>3,179</u>

BAYOU GOLF COURSE-403:

101-403-52240	GASOLINE & OIL	288
101-403-53540	MAINT-BUILDING & GROUNDS	14,534
TOTAL BAYOU GOLF COURSE		<u>14,822</u>

TOTAL GENERAL FUND ENCUMBRANCE OUTSTANDING		<u><u>4,720,127</u></u>
---	--	-------------------------

CITY OF TEXAS CITY
CLOSE PURCHASE ORDERS FISCAL YEAR 2007/2008

SPECIAL REVENUE FUNDS

HOTEL MOTEL TAX FUND-201:

201-401-54630	PROMOTION OF TOURISM	17,237
TOTAL HOTEL MOTEL TAX FUND-201:		<u>17,237</u>

DRUG CONFISCATION FUND-205:

205-201-55150	MISCELLANEOUS EQUIPMENT	7,937
TOTAL DRUG CONFISCATION FUND-205:		<u>7,937</u>

CAPITAL RECOVERY FUND-WATER-ZONE 1-208:

208-070-53684	ENGINEERING FEES	59,602
TOTAL CAPITAL RECOVERY FUND-WATER-ZONE 1-208:		<u>59,602</u>

COMMUNITY DEVELOPMENT GRANT FUND-262:

262-601-53110	DEMOLITION	8,945
262-601-53950	HOUSING REHABILITATION	2,738
TOTAL COMMUNITY DEVELOPMENT GRANT FUND-262		<u>11,683</u>

COMMUNITY DEVELOPMENT GRANT FUND-263:

263-601-53110	DEMOLITION	68,640
TOTAL COMMUNITY DEVELOPMENT GRANT FUND-263		<u>68,640</u>

EMS FUND-295:

295-207-52300	MEDICAL SUPPLIES	481
295-207-52660	OFFICE SUPPLIES	1,269
TOTAL EMS FUND		<u>1,750</u>

TOTAL SPECIAL REVENUE FUND ENCUMBRANCE OUTSTANDING	<u><u>166,850</u></u>
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**CITY OF TEXAS CITY
CLOSE PURCHASE ORDERS FISCAL YEAR 2007/2008**

CONSTRUCTION FUNDS

CONSTRUCTION FUND-BONDS 2005-408:

408-301-55550-05015 ST. IMPROVEMENTS-9TH & 9TH	<u>84,685</u>
TOTAL CONSTRUCTION FUND-BONDS 2005	84,685

TOTAL CONSTRUCTION FUND ENCUMBRANCE OUTSTANDING	<u><u>84,685</u></u>
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**CITY OF TEXAS CITY
CLOSE PURCHASE ORDERS FISCAL YEAR 2007/2008**

WATER REVENUE FUND

WATER DEPARTMENT-701:

501-701-52660	OFFICE SUPPLIES	33
<u>TOTAL WATER DEPARTMENT-701:</u>		<u>33</u>

WATER DISTRIBUTION-705:

501-705-52190	MATERIALS & CONNECTIONS	338
501-705-53430	MAINT-STORAGE TANKS	2,841
501-705-55010-07013	WATER LINE REPLACEMENT-PHASE 8	98,738
501-705-55690-08503	RENEWAL/GODARD ELEVATED TANK	36,500
501-705-55690-08504	WATER LINE REPLACEMENT-PHASE 9	135,123
<u>TOTAL WATER DISTRIBUTION</u>		<u>273,540</u>

<u>TOTAL WATER REVENUE FUND ENCUMBRANCE OUTSTANDING</u>		<u>273,573</u>
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CITY OF TEXAS CITY
CLOSE PURCHASE ORDERS FISCAL YEAR 2007/2008

SEWER REVENUE FUND

SEWER-702:

510-702-52190	MATERIALS & CONNECTIONS	9,675
510-702-53420	MAINT-SEWER LINES	7,349
510-702-55680-07015	PHASE 10 SEWER REHAB	120,416
510-702-55680-08014	PHASE 11 SEWER REHAB	221,419
TOTAL SEWER		358,859

WASTEWATER TREATMENT-703:

510-703-52010	SODIUM BISULFITE	2,752
510-703-52770	LAB SUPPLIES	1,066
510-703-53440	MAINT-PHYSICAL PLANT	36,957
510-703-53460	SLUDGE CONTRACT	2,277
510-703-53680	PROFESSIONAL FEES	8,955
510-703-55360-08304	REHAB CLARIFIERS	71,300
TOTAL WASTEWATER TREATMENT		123,306

LIFT STATION-706:

510-706-53450	MAINT-LIFT STATIONS	2,930
510-706-55685-07016	LIFT STATION #26 IMPROVEMENTS	54,987
510-706-55685-08602	LIFT STATION #9 IMPROVEMENTS	48,764
510-706-55685-08603	LIFT STATION #14 IMPROVEMENTS	28,845
510-706-55685-08605	LIFT STATION #21 IMPROVEMENTS	30,513
510-706-55685-08606	LIFT STATION #24 IMPROVEMENTS	18,982
TOTAL LIFT STATION		185,021

TOTAL SEWER REVENUE FUND ENCUMBRANCE OUTSTANDING	667,186
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**CITY OF TEXAS CITY
CLOSE PURCHASE ORDERS FISCAL YEAR 2007/2008**

INTERNAL SERVICE

CAPITAL EQUIPMENT REPLACEMENT FUND-602:

602-302-55020	SANITATION-OPERATING EQUIP & VEHICLE	<u>208,769</u>
TOTAL CAPITAL EQUIPMENT REPLACEMENT FUND		208,769

TOTAL INTERNAL SERVICE ENCUMBRANCE OUTSTANDING	<u><u>208,769</u></u>
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**CITY OF TEXAS CITY
CLOSE PURCHASE ORDERS FISCAL YEAR 2007/2008**

CORPORATIONS

<u>TC HISTORICAL PRESERVATION CORP-808:</u>		
808-401-53540	MAINT-BUILDING & GROUNDS	<u>358</u>
TOTAL TC HISTORICAL PRESERVATION CORP		358
 TOTAL CORPORATIONS ENCUMBRANCE OUTSTANDING		 <u><u>358</u></u>