

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

*** * AGENDA * ***

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

1. INVOCATION

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND PRESENTATIONS

a.	Laura Boyd	Administration	5 years
	Calvin Bremer	Wastewater Treatment Plant	5 years
	Lawrence Dixon	Recreation & Tourism	10 years
	Christina Hinojosa	Administration	15 years
	Danny Cadriel	Traffic	20 years
	David Viel	Police Department	25 years
	Lee Hart, Jr.	Fire Department	25 years
	Lawrence Plasek	Fire Department	25 years

4. REPORTS

5. PUBLIC HEARING

- a. Richard Taylor Jr. request to rezone to property from "S-P" (Site Plan) to "D-I" (Limited Service) for a structured adult day program. Being the North 61.4' of Lots 6 & 7, South 63.6' of Lot 7 and all of lots 8 thru 16, Block 135, T.C. 2"d Division; located at 601 4th Street North.
- b. Stan Winter/Southlake PUD request to rezone from "A" (Single Family Residential) to PUD (Planned Unit Development) for a mixed use development. Being 434.97 acres out of the W.G. Banks Survey, Abst. 36, P.G. Merritt Survey, Abst. 155 and the J.S. Sherman Survey, Abst. 181; located between FM 646 and FM 517.
- c. Rachel Wyatt requests to rezone from "O-P" (Office Professional) to "S-P, E" (Site Plan - General Business) to operate a surf shop. Being Lots 9, 10, Blk. 12, Kohfeldt Heights S/d. Located at 1005 21st St. No.

6. PRELIMINARY ZONING APPROVAL

- a. Preliminary approval for rezoning property from "S-P" (Site Plan) to "D-1" (Limited Services) for a structured adult day program.
- b. Preliminary approval rezone from "O-P" (Office Professional) to "S-P, E" (Site Plan - General Business) to operate a surf shop.

7. **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 November 4, 2009 City Commission Meeting.
- b. Consider approval of **Resolution No. 09-125** approving the **operating policies for Moore Memorial Public Library**.
- c. Consider approval of **Resolution No. 09-126** supporting the City's application for a project under the **Statewide Transportation Enhancement Program (STEP)**. (Transportation and Planning Dept.)
- d. Consider approval of **Resolution No. 09-127** authorizing the expenditure for **Motorola police radios for new police units**. (Police Dept.)
- e. Consider approval of **Resolution No. 09-128** awarding the **annual contract for Oils and Lubricants**. (Purchasing Dept.)
- f. Consider approval of **Resolution No. 09-129** awarding the **annual contract for Water and Sewer System Repairs**. (Purchasing Dept.)
- g. Consider approval of **Resolution No. 09-130** authorizing the Mayor to execute an **Engineering Services Agreement** with HDR/Claunch & Miller **for Waterline Replacement Project - Phase 10**. (Transportation and Planning Dept.)
- h. Consider approval of **Resolution No. 09-131** awarding the contract for the **installation of Security and Solar Control Film** at City Hall, Nessler Center/Gym and Criminal Justice Center. (Purchasing Dept.)
- i. Consider approval of **Resolution No. 09-132** authorizing the **purchase and delivery of one (1) 2011 International 4300 4x2 Dump Truck** purchased through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program. (Purchasing Dept.)
- j. Consider approval of **Resolution No. 09-133** casting the City of Texas City's **votes for the 2010-2011 Board of Directors** of Election to elect one board member to the **Galveston Central Appraisal District Board**. (Mayor)

8. **REGULAR ITEMS**

- a. Consider approval of **Ordinance No. 09-36 amending the Code of Ordinances, City of Texas City**, Chapter 54, Article I, and replacing Article III "**Fire Prevention Code**" (Fire Dept.)

9. **PUBLIC COMMENTS**

10. MAYOR'S COMMENTS

11. COMMISSIONERS' COMMENTS

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

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

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

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

DATED: November 13, 2009

Service Awards**CITY COMMISSION AGENDA 2****Date:** 11/18/2009**Submitted By:** Rachel Wyatt, Human Resources**Submitted For:** Rachel Wyatt**Department:** Human Resources**Agenda Area:** Proclamations and Presentations**Information****ACTION REQUEST (Brief Summary)**

Laura Boyd	Administration	5 years
Calvin Bremer	Wastewater Treatment Plant	5 years
Lawrence Dixon	Recreation & Tourism	10 years
Christina Hinojosa	Administration	15 years
Danny Cadriel	Traffic	20 years
David Viel	Police Department	25 years
Lee Hart, Jr.	Fire Department	25 years
Lawrence Plasek	Fire Department	25 years

BACKGROUND**ANALYSIS****ALTERNATIVES CONSIDERED****Fiscal Impact****Attachments***No file(s) attached.***Form Routing/Status**

Route Seq	Inbox	Approved By	Date	Status
		Rachel Wyatt	11/11/2009 01:50 PM	CREATED
1	Human Resources (Originator)	Rachel Wyatt	11/11/2009 01:58 PM	APRV
2	Finance	Cheryl Hunter	11/12/2009 04:57 PM	APRV
3	Paralegal			NEW
4	City Attorney Office			
5	Mayor			
6	City Secretary			
Form Started By: Rachel Wyatt		Started On: 11/11/2009 01:50 PM		

Ricky Taylor Rezoning CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Jean Vincent, Inspections

Department: Inspections

Agenda Area: Public Hearing

Information

ACTION REQUEST (Brief Summary)

Need to schedule Public Hearing to rezone property for Richard Taylor Jr. to rezone from "S-P" (Site Plan) to "D-I" (Limited Service) for a structured adult day program. Being the North 61.4' of Lots 6

& 7, South 63.6' of Lot 7 and all of lots 8 thru 16, Block 135, T.C. 2"d Division. Located at 601 4th Street North.

BACKGROUND

This rezoning request was given approval during the October 6, 2009 Public Hearing and is now ready to go forward.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

[min.memo.etc.](#)

Form Routing/Status

Route Seq Inbox

Approved By Date

Status

Jean Vincent 10/07/2009 04:30 PM

CREATED

1 Inspections

NEW

2 Finance

3 Paralegal

4 City Attorney Office

5 Mayor

6 City Secretary

Form Started By: Jean Vincent

Started On: 10/07/2009 04:30 PM

MEMO

TO: Mayor Doyle and City Commissioners
FROM: Don Carroll, City Planner *D.R.C.*
DATE: October 7, 2009
RE: Ricky Taylor Rezoning Request

This request came before the Zoning Commission on September 15, 2009 and had its final disposition on October 6, 2009. All concerns raised by the property owners in opposition and the subsequent concerns of the Zoning Commission member were properly addressed and reconciled to the Zoning Commission's satisfaction.

Clarification as to the type of establishment was provided by the applicant (see attached). It enabled the members present to better understand the regulatory requirements and the business development intent in the context of the size and scope of the business. The applicant indicated their intent is to have up to 50 clients.

After reviewing the data presented at the meeting, the members present unanimously voted to approve the request. The Chairman strongly encouraged the business operators to take heed to the concerns of the property owners and be good neighbors. This is in the context of sensitivity to their concerns and utilizing the best practices in providing the service to the clients that will utilize the facility. The owner agreed and affirmed that they would do so.

With regards to that rationale for approval, the members felt that this was the best use of the property instead of denying and running the risk of having a vacant unattended building. For a detailed summary of the issues discussed please reference the Zoning Public Hearing minutes of September 15th and October 6th, 2009.

ZONING COMMISSION MINUTES

October 6, 2009

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, October 6, 2009 at 5:15 p.m. Board members present were: Tom Medlin, Gilbert Torres, and Perry O'Brien. Staff members present were: Donald Carroll, Doug Kneupper and Brian Falk. Citizens present were: Bill and Jean Vincent; Stan Winter, Steve Lenart, Rachel Wyatt, Bill Bullock III, Rick Ertell, Tracy and Susan High, Richard Taylor, Deborah Sandles, LaVernon Thomas.

Chairman Tom Medlin welcomed everyone and explained the procedures for the Public Hearings.

APPROVAL OF MINUTES. The minutes from the August 18, 2009 and September 15, 2009 meeting were approved on a motion by Perry O'Brien/Gilbert Torres. All members present voted aye.

Item No. 3 was heard first to accommodate the applicant who had a flight to catch.

ITEM NO. 3 Stan Winter/Southlake PUD request to rezone from "A" (Single Family Residential) to PUD (Planned Unit Development) for a mixed use development. Being 434.97 acres out of the W.G. Banks Survey, Abst. 36, P.G. Merritt Survey, Abst. 155 and the J.S. Sherman Survey, Abst. 181. Located between FM 646 and FM 517. Mr. Carroll stated that 27 property owners were notified of the intent to rezone and 2 letters were returned as undeliverable. No letters have been received in favor or in opposition to the request. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Fire Marshal, "No objections". Public Works, "No objections". Building Official, "No objections". City Engineer, "Several issues including collector and local streets, pedestrian trails, open space and lot sizes have been discussed and properly addressed." Planning Director, "No objections. This PUD has been carefully vetted with Staff, Planning Board and is now ready to move forward. As the commission will recall, this PUD was previously approved for Marlin Atlantis. Since that approval, the applicant has tweaked and made the development intent even more attractive and able to demonstrate a superior design for sustainability." **A motion was made by Perry O'Brien/Gilbert Torres to open the Public Hearing. All members present voted aye.** Mr. Stan Winter, the applicant addressed the members. He indicated Mr. Steve Lenart, representing the developer was also present to answer any questions. He then explained the revisions to the plan since the first approval was given. He cited the increase in the acreage to 434.97 acres and the relocation of the entrance from one side of the property to the other. Mr. Winters continued by indicating the relocation of the collector street. He explained the green space amount has been increased and the number of smaller lots has decreased and the type of developments has changed and now includes townhomes, more lots that are larger, and more amenities. There will now be townhomes, a civic center, school and other amenities such as winding trails in place of standard sidewalks and

increased landscaping in the entrances and on the residential lots. Mr. Winters then answered questions from the members with regard to utilities and time lines for development. Mr. Doug Kneupper, City Engineer stated the water for the first stage of development would be obtained through an agreement with the City of League City. Once development is completed, the City of Texas City would furnish the utilities and that source would be used as a back up contingency. There was no one present to speak in opposition to the request and **a motion was made by Gilbert Torres/Perry O'Brien to close the Public Hearing. All members present voted aye.** There was brief discussion and **a motion was then made by Gilbert Torres/Perry O'Brien to approve the rezoning request. All members present voted aye.**

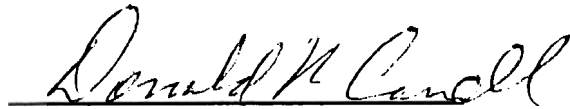
ITEM NO. 1 Richard Taylor Jr. Requests to rezone from "S-P" (Site Plan) to "D-1" (Limited Service) for a structured adult day program. Being the N 61.4' of Lots 6 & 7, S 63.6' of Lot 7 and all of lots 8 thru 16, Block 135, T.C. 2nd Division. Located at 601 4th Street North. Continued from last meeting. Mr. Carroll stated this item was continued from the last meeting because the Commission members asked for input from the Police Chief regarding concerns raised by surrounding property owners. Mr. Carroll then read the information provided by the Chief concerning traffic and crime rates for the area. He also indicated the Fire Marshal had provided his comments of "No objections". **A motion was then made by Perry O'Brien/Gilbert Torres to open the Public Hearing. All members present voted aye.** Mr. William Bullock III provided information to the members with regard to the services provided by this program. He indicated Dr. Rick Ertell was also present and he is on staff and provides treatment to the clients. Dr. Ertell then addressed the members and explained the types of various services provided to the clients such as counseling, job training, socializing, etc. Mr. Bullock addressed questions from the members concerning regulation by State and Federal agencies. He stated they are not regulated like day cares and they do bill direct to Medicare and Medicaid which are State and Federal agencies. They are approved through those agencies as a service provider. Chairman Medlin then stated he now understood the type of services that would be provided and stated he previously misunderstood what the business intent was. There was no one else to speak in favor of the request and those in opposition were asked to speak. Speaking in opposition was Ms. Deborah Sandles. She reiterated her previous objections to the proposal. Her main concerns were increase in traffic, potential increase in crime and potential danger to young children in the neighborhood. Mr. Gilbert Torres asked Ms. Sandles if it would ease her mind if the business had an off duty police officer on staff during operating hours. Ms. Sandles stated it would not. After further discussion, **a motion was made by Gilbert Torres/Perry O'Brien to close the Public Hearing. All members present voted aye.** There was no further discussion and **a motion to approve the request to rezone to "D-1" (Limited Service) was made by Perry O'Brien/Gilbert Torres. All members present voted aye.**

ITEM NO. 2 Rachel Wyatt requests to rezone from "O-P" (Office Professional) to "S-P, E" (Site Plan - General Business) to operate a surf shop. Being Lots 9, 10, Blk. 12, Kohfeldt Heights S/d. Located at 1005 21st St. No. Mr. Carroll stated that 14

property owners were notified of the intent to rezone and to date one letter of opposition has been received. He then read the letter of opposition received from Bill and Jean Vincent adjacent property owners. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Fire Marshal, "No objections". Public Works, "I think the parking issues are still prohibitive to make the change". City Engineer, "No objections". Building Official, "Parking issues to be modified". Planning Director, "Please reference information on file. My comments have not changed. However, for the record, the applicant has gone before the Planning Board and the performance standard issues have been reviewed and the Planning Board is not opposed to this development intent. The bench mark survey from Planning Board's request from John Webb and our Police Department is in the files. My comments are still the same because of what was determined to be the highest and best use which was worked out between the Zoning Commission and all affected property owners starting in 2005. There is not a change in dynamics that warrant the change now". Mr. Carroll continued by stating he still has two questions for the applicant and members. The first is what change in conditions exists to support the proposed change. The second is what is the best and highest use of the property. **A motion was made by Gilbert Torres/Perry O'Brien to open the Public Hearing. All members present voted aye.** Mrs. Rachel Wyatt, the applicant, addressed the members and explained the proposed use of the portion of the building would be for a surf and skate board shop. They would sell t-shirts and other surf and skate board items. There was no one else to speak in favor of the request and Chairman Medlin asked for those in opposition to speak. Speaking in opposition was Bill Vincent, adjacent property owner. Mr. Vincent stated that when he purchased the property there was a house next door. He continued by stating Mr. Wyatt approached him when the first rezoning proposal was filed and asked him not to oppose the rezoning request. He further stated that Mr. Wyatt promised the property would never be rezoned if this approval for the office building was given. He said they shook hands on it. He now is opposed to the rezoning of the property for the proposed use. Mrs. Jean Vincent then addressed the members. She supplied pictures showing the current parking conditions and stated she still believes parking will be an issue. She indicated she had other safety concerns with regard to pedestrian traffic and the potential increase in young people being on the busy streets in the neighborhood. She asked Mrs. Wyatt what the hours of operation for the proposal would be as it has not been disclosed. Mrs. Wyatt replied the dates of operation would vary as her son was a firefighter; however, the hours of operation would be 9 a.m. to 5 p.m., Monday through Saturday. There was no one else to speak in opposition and **a motion to close the Public Hearing was made by Gilbert Torres/Perry O'Brien. All members present voted aye.** The commission then discussed the land use of properties located off of Palmer Highway and whether approval would of this request would set a precedent for future rezoning requests. This has previously been discussed and the Commission was in favor of providing a buffer zone between general business uses and residential properties. After further discussion regarding stipulations that could be placed on the approval, **a motion was made by Gilbert Torres/Perry O'Brien to approve rezoning of Suite B, 1005 21st Street from "O-P" to "S-P, E" with the stipulation the property will revert back to "O-P" if this**

business should close and the hours of operation only be from 9 a.m. to 5 p.m., Monday through Saturday. All members present voted aye.

There was no further business to discuss and a motion was made by Gilbert Torres/Perry O'Brien to adjourn. All members presented voted aye.

A handwritten signature in cursive script, reading "Donald H. Carroll", written over a horizontal line.

Donald Carroll, Secretary

Tom Medlin, Chairman

All clients go through a screening process. Vickie Taylor's Community Health Clinic does not accept clients that have:

- Violent crime history offender
- Active alcohol and abusers
- Sex offenders
- Child molesters
- Mentally retarded-severe cases
- Autistic Individuals

Vickie Taylor's Community Health Clinic is an adult day program; this program is here to help from the young adult's to the elderly in the community. Vickie Taylor's Community Health Clinic is regulated by the Federal and State government. Both the clinic and therapist have Federal and State licenses. The therapist are here to help clients that suffers with:

- Loneliness/ Isolation
- Grief + Loss
- Depression and many other life issues.

The hours of operation's is 9:00 am. to 3:00 pm. Mon-Fri
Transportation is provided, meals are served daily. The gate is secured not to keep the clients in, but to keep out the unwanted that could be harmful to our client's and staff.

August 13, 2009

Vickie Taylor Community Health Clinic
601 – 4th Street North
Texas City, Texas 77590

To whom it may concern:

This is a formal request for zoning change at 601 4TH Street North Texas City, TX 77590. Legal description is ABST 205 Page 6 N. 61.4 Ft. of Lots 6 & 7 S. 63.6 Ft of Lot 7 and all lots 8 thru 16 Block 135 Texas City. The reason for the zone change is the business was a daycare for children and is now a structured adult day program. With the help of our licensed and experienced staff, our solution-based services enable clients to achieve well-being, balance, efficiency, adaptability, and confidence.

Vickie Taylor's Community Health Clinic covers every aspect of behavior, emotional, and social health care. Common focus areas include, change management, relationship counseling, healthy lifestyles, goal realization, anger and stress management. We service clients 18 years and older. Our staff is comprised of individuals that possess various elevated licenses such as PhD's, licensed professional counselors, and licensed clinical social workers to name a few.

We are located at 601 4th Street North Texas City, TX 77590. Our hours of operation are 8:30am to 3:00pm Monday thru Friday.

We hope that our existence will enhance the community and the city of Texas City as a whole.

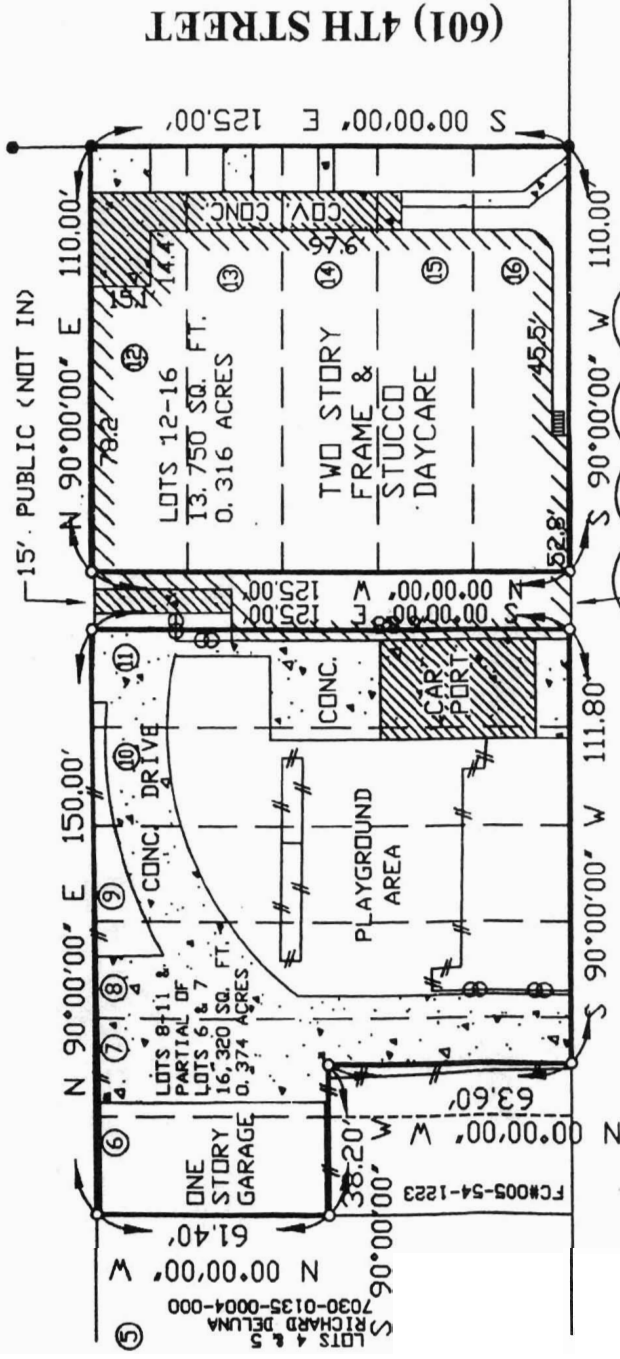
Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Taylor Jr.', written over a light gray rectangular background.

Richard Taylor Jr.

SCALE: 1"=50'

20' PUBLIC ALLEY



6TH AVENUE

LEGEND

- = END IRON ROD
- = SET IRON ROD
- #— = WOOD FENCE
- @— = CHAIN LINK FENCE
- ⑩ = LOT NUMBER 10

Richard Taylor

BUYER: Richard Taylor 601 Fourth Street

DESCRIBED PROPERTY:

Stan Winter/Southlake PUD Rezoning Public Hearing CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Jean Vincent, Inspections

Department: Inspections

Agenda Area: Public Hearing

Information

ACTION REQUEST (Brief Summary)

Stan Winter/Southlake PUD request to rezone from "A" (Single Family Residential) to PUD (Planned Unit Development) for a mixed use development. Being 434.97 acres out of the W.G. Banks Survey, Abst. 36, P.G. Merritt Survey, Abst. 155 and the J.S. Sherman Survey, Abst. 181. Located between FM 646 and FM 517.

BACKGROUND

This rezoning request went before the Planning Board for approval and a Public Hearing was held before the Zoning Commission on October 6, 2009. After hearing all pertinent information the members unanimously voted approval of the rezoning request.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
[zcminutes](#)

Link:
[memo](#)

Form Routing/Status

Route Seq Inbox

Approved By Date

Status

Jean Vincent 10/07/2009 04:33 PM CREATED

1 Inspections

NEW

2 Finance

3 Paralegal

4 City Attorney Office

5 Mayor

6 City Secretary

Form Started By: Jean Vincent

Started On: 10/07/2009 04:33 PM

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ITEM NO. 1 Richard Taylor Jr. Requests to rezone from "S-P" (Site Plan) to "D-1" (Limited Service) for a structured adult day program. Being the N 61.4' of Lots 6 & 7, S 63.6' of Lot 7 and all of lots 8 thru 16, Block 135, T.C. 2nd Division. Located at 601 4th Street North. Continued from last meeting. Mr. Carroll stated this item was continued from the last meeting because the Commission members asked for input from the Police Chief regarding concerns raised by surrounding property owners. Mr. Carroll then read the information provided by the Chief concerning traffic and crime rates for the area. He also indicated the Fire Marshal had provided his comments of "No objections". **A motion was then made by Perry O'Brien/Gilbert Torres to open the Public Hearing. All members present voted aye.** Mr. William Bullock III provided information to the members with regard to the services provided by this program. He indicated Dr. Rick Ertell was also present and he is on staff and provides treatment to the clients. Dr. Ertell then addressed the members and explained the types of various services provided to the clients such as counseling, job training, socializing, etc. Mr. Bullock addressed questions from the members concerning regulation by State and Federal agencies. He stated they are not regulated like day cares and they do bill direct to Medicare and Medicaid which are State and Federal agencies. They are approved through those agencies as a service provider. Chairman Medlin then stated he now understood the type of services that would be provided and stated he previously misunderstood what the business intent was. There was no one else to speak in favor of the request and those in opposition were asked to speak. Speaking in opposition was Ms. Deborah Sandles. She reiterated her previous objections to the proposal. Her main concerns were increase in traffic, potential increase in crime and potential danger to young children in the neighborhood. Mr. Gilbert Torres asked Ms. Sandles if it would ease her mind if the business had an off duty police officer on staff during operating hours. Ms. Sandles stated it would not. After further discussion, **a motion was made by Gilbert Torres/Perry O'Brien to close the Public Hearing. All members present voted aye.** There was no further discussion and **a motion to approve the request to rezone to "D-1" (Limited Service) was made by Perry O'Brien/Gilbert Torres. All members present voted aye.**

ITEM NO. 2 Rachel Wyatt requests to rezone from “O-P” (Office Professional) to “S-P, E” (Site Plan - General Business) to operate a surf shop. Being Lots 9, 10, Blk. 12, Kohfeldt Heights S/d. Located at 1005 21st St. No. Mr. Carroll stated that 14 property owners were notified of the intent to rezone and to date one letter of opposition has been received. He then read the letter of opposition received from Bill and Jean Vincent adjacent property owners. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Fire Marshal, “No objections”. Public Works, “I think the parking issues are still prohibitive to make the change”. City Engineer, “No objections”. Building Official, “Parking issues to be modified”. Planning Director, “Please reference information on file. My comments have not changed. However, for the record, the applicant has gone before the Planning Board and the performance standard issues have been reviewed and the Planning Board is not opposed to this development intent. The bench mark survey from Planning Board’s request from John Webb and our Police Department is in the files. My comments are still the same because of what was determined to be the highest and best use which was worked out between the Zoning Commission and all affected property owners starting in 2005. There is not a change in dynamics that warrant the change now”. Mr. Carroll continued by stating he still has two questions for the applicant and members. The first is what change in conditions exists to support the proposed change. The second is what is the best and highest use of the property. **A motion was made by Gilbert Torres/Perry O’Brien to open the Public Hearing. All members present voted aye.** Mrs. Rachel Wyatt, the applicant, addressed the members and explained the proposed use of the portion of the building would be for a surf and skate board shop. They would sell t-shirts and other surf and skate board items. There was no one else to speak in favor of the request and Chairman Medlin asked for those in opposition to speak. Speaking in opposition was Bill Vincent, adjacent property owner. Mr. Vincent stated that when he purchased the property there was a house next door. He continued by stating Mr. Wyatt approached him when the first rezoning proposal was filed and asked him not to oppose the rezoning request. He further stated that Mr. Wyatt promised the property would never be rezoned if this approval for the office building was given. He said they shook hands on it. He now is opposed to the rezoning of the property for the proposed use. Mrs. Jean Vincent then addressed the members. She supplied pictures showing the current parking conditions and stated she still believes parking will be an issue. She indicated she had other safety concerns with regard to pedestrian traffic and the potential increase in young people being on the busy streets in the neighborhood. She asked Mrs. Wyatt what the hours of operation for the proposal would be as it has not been disclosed. Mrs. Wyatt replied the dates of operation would vary as her son was a firefighter; however, the hours of operation would be 9 a.m. to 5 p.m., Monday through Saturday. There was no one else to speak in opposition and **a motion to close the Public Hearing was made by Gilbert Torres/Perry O’Brien. All members present voted aye.** The commission then discussed the land use of properties located off of Palmer Highway and whether approval would of this request would set a precedent for future rezoning requests. This has previously been discussed and the Commission was in favor of

providing a buffer zone between general business uses and residential properties. After further discussion regarding stipulations that could be placed on the approval, **a motion was made by Gilbert Torres/Perry O'Brien to approve rezoning of Suite B, 1005 21st Street from "O-P" to "S-P, E" with the stipulation the property will revert back to "O-P" if this business should close and the hours of operation only be from 9 a.m. to 5 p.m., Monday through Saturday. All members present voted aye.**

There was no further business to discuss and a **motion was made by Gilbert Torres/Perry O'Brien to adjourn. All members presented voted aye.**

Tom Medlin, Chairman

Donald Carroll, Secretary

MEMO

TO: Mayor Doyle and City Commissioners

FROM: Don Carroll, City Planner

DATE: October 7, 2009

RE: Southlake PUD - Stan Winter

After several Planning Board reviews along with meetings between Staff and the developer, the Southlake PUD was forwarded to the Zoning Commission for rezoning approval. The Zoning Commission held a Public Hearing on October 6, 2009 for this rezoning proposal. After hearing all information with regard to the changes since the first rezoning approval, the Zoning Commission unanimously granted approval for the rezoning request for the PUD (Planned Unit Development). This proposal is now ready for the City Commission to review for rezoning approval.

DRC:jv

Rachel Wyatt Rezoning Public Hearing CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Jean Vincent, Inspections

Department: Inspections

Agenda Area: Public Hearing

Information

ACTION REQUEST (Brief Summary)

Need to schedule a Public Hearing to rezone property. Rachel Wyatt requests to rezone from "O-P" (Office Professional) to "S-P, E" (Site Plan - General Business) to operate a surf shop. Being Lots 9, 10, Blk. 12, Kohfeldt Heights S/d. Located at 1005 21st St. No.

BACKGROUND

This rezoning request went before the Zoning Commission on October 6, 2009 for Public Hearing. After hearing all pertinent data the Zoning Commission unanimously voted approval with stipulations. This rezoning request is now ready to go forward.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
[zoning](#)
[minutes](#)

Link:
[memo](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Jean Vincent	10/07/2009 04:52 PM	CREATED
1	Inspections			NEW
2	Finance			
3	Paralegal			
4	City Attorney Office			
5	Mayor			
6	City Secretary			
Form Started By: Jean Vincent		Started On: 10/07/2009 04:52 PM		

ZONING COMMISSION MINUTES

October 6, 2009

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, October 6, 2009 at 5:15 p.m. Board members present were: Tom Medlin, Gilbert Torres, and Perry O'Brien. Staff members present were: Donald Carroll, Doug Kneupper and Brian Falk. Citizens present were: Bill and Jean Vincent; Stan Winter, Steve Lenart, Rachel Wyatt, Bill Bullock III, Rick Ertell, Tracy and Susan High, Richard Taylor, Deborah Sandles, LaVernon Thomas.

Chairman Tom Medlin welcomed everyone and explained the procedures for the Public Hearings.

APPROVAL OF MINUTES. The minutes from the August 18, 2009 and September 15, 2009 meeting were approved on a motion by Perry O'Brien/Gilbert Torres. All members present voted aye.

Item No. 3 was heard first to accommodate the applicant who had a flight to catch.

ITEM NO. 3 Stan Winter/Southlake PUD request to rezone from "A" (Single Family Residential) to PUD (Planned Unit Development) for a mixed use development. Being 434.97 acres out of the W.G. Banks Survey, Abst. 36, P.G. Merritt Survey, Abst. 155 and the J.S. Sherman Survey, Abst. 181. Located between FM 646 and FM 517. Mr. Carroll stated that 27 property owners were notified of the intent to rezone and 2 letters were returned as undeliverable. No letters have been received in favor or in opposition to the request. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Fire Marshal, "No objections". Public Works, "No objections". Building Official, "No objections". City Engineer, "Several issues including collector and local streets, pedestrian trails, open space and lot sizes have been discussed and properly addressed." Planning Director, "No objections. This PUD has been carefully vetted with Staff, Planning Board and is now ready to move forward. As the commission will recall, this PUD was previously approved for Marlin Atlantis. Since that approval, the applicant has tweaked and made the development intent even more attractive and able to demonstrate a superior design for sustainability." **A motion was made by Perry O'Brien/Gilbert Torres to open the Public Hearing. All members present voted aye.** Mr. Stan Winter, the applicant addressed the members. He indicated Mr. Steve Lenart, representing the developer was also present to answer any questions. He then expl

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townhomes, a civic center, school and other amenities such as winding trails in place of standard sidewalks and increased landscaping in the entrances and on the residential lots. Mr. Winters then answered questions from the members with regard to utilities and time lines for development. Mr. Doug Kneupper, City Engineer stated the water for the first stage of development would be obtained through an agreement with the City of League City. Once development is completed, the City of Texas City would furnish the utilities and that source would be used as a back up contingency. There was no one present to speak in opposition to the request and **a motion was made by Gilbert Torres/Perry O'Brien to close the Public Hearing. All members present voted aye.** There was brief discussion and **a motion was then made by Gilbert Torres/Perry O'Brien to approve the rezoning request. All members present voted aye.**

ITEM NO. 1 Richard Taylor Jr. Requests to rezone from "S-P" (Site Plan) to "D-1" (Limited Service) for a structured adult day program. Being the N 61.4' of Lots 6 & 7, S 63.6' of Lot 7 and all of lots 8 thru 16, Block 135, T.C. 2nd Division. Located at 601 4th Street North. Continued from last meeting. Mr. Carroll stated this item was continued from the last meeting because the Commission members asked for input from the Police Chief regarding concerns raised by surrounding property owners. Mr. Carroll then read the information provided by the Chief concerning traffic and crime rates for the area. He also indicated the Fire Marshal had provided his comments of "No objections". **A motion was then made by Perry O'Brien/Gilbert Torres to open the Public Hearing. All members present voted aye.** Mr. William Bullock III provided information to the members with regard to the services provided by this program. He indicated Dr. Rick Ertell was also present and he is on staff and provides treatment to the clients. Dr. Ertell then addressed the members and explained the types of various services provided to the clients such as counseling, job training, socializing, etc. Mr. Bullock addressed questions from the members concerning regulation by State and Federal agencies. He stated they are not regulated like day cares and they do bill direct to Medicare and Medicaid which are State and Federal agencies. They are approved through those agencies as a service provider. Chairman Medlin then stated he now understood the type of services that would be provided and stated he previously misunderstood what the business intent was. There was no one else to speak in favor of the request and those in opposition were asked to speak. Speaking in opposition was Ms. Deborah Sandles. She reiterated her previous objections to the proposal. Her main concerns were increase in traffic, potential increase in crime and potential danger to young children in the neighborhood. Mr. Gilbert Torres asked Ms. Sandles if it would ease her mind if the business had an off duty police officer on staff during operating hours. Ms. Sandles stated it would not. After further discussion, **a motion was made by Gilbert Torres/Perry O'Brien to close the Public Hearing. All members present voted aye.** There was no further discussion and **a motion to approve the request to rezone to "D-1" (Limited Service) was made by Perry O'Brien/Gilbert Torres. All members present voted aye.**

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There was no further business to discuss and a **motion was made by Gilbert Torres/Perry O'Brien to adjourn. All members presented voted aye.**

Tom Medlin, Chairman

Donald Carroll, Secretary

RICKY TAYLOR REZONING REQUEST CITY COMMISSION AGENDA 2

Date: 11/18/2009
Submitted By: Jean Vincent, Inspections
Submitted For: Jean Vincent
Department: Inspections
Agenda Area: Zoning Preliminary Approval

Information

ACTION REQUEST (Brief Summary)

Need to schedule public hearing for rezoning property from "S-P" (Site Plan) to "D-1" (Limited Services) for a structured adult day program. Being the north 61.4' of Lots 6 & 7, the south 63.6' of Lot 7 and all of lots 8-16, Block 135, T.C. 2nd Division. Located at 601 4th Street North.

BACKGROUND

This rezoning request went before the Zoning Commission on September 15 and October 6, 2009. The Public Hearing was continued to allow for additional information to be obtained from the Police Chief. After reviewing all data received, the Zoning Commission unanimously voted approval of the request.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Zon minutes/memo.etc](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Jean Vincent	10/07/2009 04:18 PM	CREATED
1	Jean Vincent (Originator)	Jean Vincent	10/07/2009 05:03 PM	APRV
2	Planning	Don Carroll	10/08/2009 08:46 AM	APRV
3	Paralegal	Linda Jennings	10/08/2009 08:55 AM	APRV
4	Inspections			NEW
5	Finance			
6	Paralegal			
7	City Attorney Office			
8	Mayor			
9	City Secretary			

Form Started By: Jean Vincent

Started On: 10/07/2009 04:18 PM

MEMO

TO: Mayor Doyle and City Commissioners
FROM: Don Carroll, City Planner *D.R.C.*
DATE: October 7, 2009
RE: Ricky Taylor Rezoning Request

This request came before the Zoning Commission on September 15, 2009 and had its final disposition on October 6, 2009. All concerns raised by the property owners in opposition and the subsequent concerns of the Zoning Commission member were properly addressed and reconciled to the Zoning Commission's satisfaction.

Clarification as to the type of establishment was provided by the applicant (see attached). It enabled the members present to better understand the regulatory requirements and the business development intent in the context of the size and scope of the business. The applicant indicated their intent is to have up to 50 clients.

After reviewing the data presented at the meeting, the members present unanimously voted to approve the request. The Chairman strongly encouraged the business operators to take heed to the concerns of the property owners and be good neighbors. This is in the context of sensitivity to their concerns and utilizing the best practices in providing the service to the clients that will utilize the facility. The owner agreed and affirmed that they would do so.

With regards to that rationale for approval, the members felt that this was the best use of the property instead of denying and running the risk of having a vacant unattended building. For a detailed summary of the issues discussed please reference the Zoning Public Hearing minutes of September 15th and October 6th, 2009.

ZONING COMMISSION MINUTES

October 6, 2009

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, October 6, 2009 at 5:15 p.m. Board members present were: Tom Medlin, Gilbert Torres, and Perry O'Brien. Staff members present were: Donald Carroll, Doug Kneupper and Brian Falk. Citizens present were: Bill and Jean Vincent; Stan Winter, Steve Lenart, Rachel Wyatt, Bill Bullock III, Rick Ertell, Tracy and Susan High, Richard Taylor, Deborah Sandles, LaVernon Thomas.

Chairman Tom Medlin welcomed everyone and explained the procedures for the Public Hearings.

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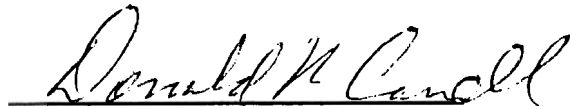
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business should close and the hours of operation only be from 9 a.m. to 5 p.m., Monday through Saturday. All members present voted aye.

There was no further business to discuss and a motion was made by Gilbert Torres/Perry O'Brien to adjourn. All members presented voted aye.

A handwritten signature in cursive script, reading "Donald H. Carroll", written over a horizontal line.

Donald Carroll, Secretary

Tom Medlin, Chairman

All clients go through a screening process. Vickie Taylor's Community Health Clinic does not accept clients that have:

- Violent crime history offender
- Active alcohol and abusers
- Sex offenders
- Child molesters
- Mentally retarded-severe cases
- Autistic Individuals

Vickie Taylor's Community Health Clinic is an adult day program; this program is here to help from the young adult's to the elderly in the community. Vickie Taylor's Community Health Clinic is regulated by the Federal and State government. Both the clinic and therapist have Federal and State licenses. The therapist are here to help clients that suffers with:

- Loneliness/ Isolation
- Grief + Loss
- Depression and many other life issues.

The hours of operation's is 9:00 am. to 3:00 pm. Mon-Fri Transportation is provided, meals are served daily. The gate is secured not to keep the clients in, but to keep out the unwanted that could be harmful to our client's and staff.

August 13, 2009

Vickie Taylor Community Health Clinic
601 – 4th Street North
Texas City, Texas 77590

To whom it may concern:

This is a formal request for zoning change at 601 4TH Street North Texas City, TX 77590. Legal description is ABST 205 Page 6 N. 61.4 Ft. of Lots 6 & 7 S. 63.6 Ft of Lot 7 and all lots 8 thru 16 Block 135 Texas City. The reason for the zone change is the business was a daycare for children and is now a structured adult day program. With the help of our licensed and experienced staff, our solution-based services enable clients to achieve well-being, balance, efficiency, adaptability, and confidence.

Vickie Taylor's Community Health Clinic covers every aspect of behavior, emotional, and social health care. Common focus areas include, change management, relationship counseling, healthy lifestyles, goal realization, anger and stress management. We service clients 18 years and older. Our staff is comprised of individuals that possess various elevated licenses such as PhD's, licensed professional counselors, and licensed clinical social workers to name a few.

We are located at 601 4th Street North Texas City, TX 77590. Our hours of operation are 8:30am to 3:00pm Monday thru Friday.

We hope that our existence will enhance the community and the city of Texas City as a whole.

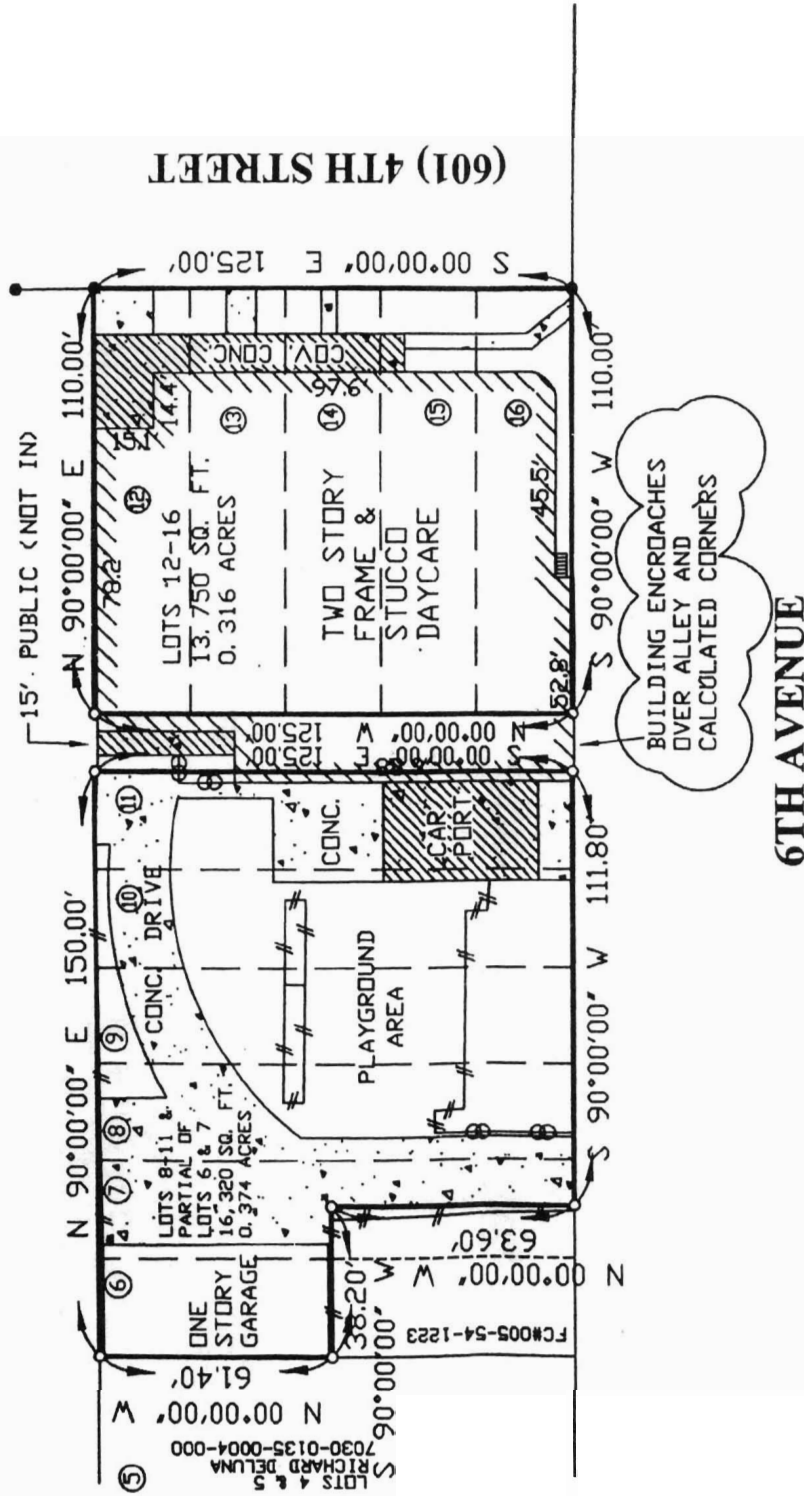
Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Taylor Jr.', written over a light blue rectangular background.

Richard Taylor Jr.



20' PUBLIC ALLEY



LEGEND

- = FND IRON ROD
○ = SET IRON ROD
-#- = WOOD FENCE
~~—~~ = CHAIN LINK FENCE
⑩ = LOT NUMBER 10

601 Fourth Street

Richard Taylor

DESCRIBED PROPERTY:

Rachel Wyatt Rezoning Request CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Jean Vincent, Inspections

Department: Inspections

Agenda Area: Zoning Preliminary Approval

Information

ACTION REQUEST (Brief Summary)

Need to schedule a Public Hearing to rezone property. Rachel Wyatt requests to rezone from "O-P" (Office Professional) to "S-P, E" (Site Plan - General Business) to operate a surf shop. Being Lots 9, 10, Blk. 12, Kohfeldt Heights S/d. Located at 1005 21st St. No.

BACKGROUND

This rezoning request came before the Zoning Commission on October 6, 2009 for Public Hearing. After hearing all pertinent information the members unanimously voted approval of the request with stipulations. The rezoning request is now ready to move forward.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

[memo](#)

Link:

[zoning](#)
[minutes](#)

Form Routing/Status

Route Seq Inbox

Approved By Date

Status

Jean Vincent 10/07/2009 04:59 PM CREATED

1 Inspections

NEW

2 Finance

3 Paralegal

4 City Attorney Office

5 Mayor

6 City Secretary

Form Started By: Jean Vincent

Started On: 10/07/2009 04:59 PM

TO: Mayor Doyle and City Commissioners

FROM: Don Carroll, City Planner

DATE: October 7, 2009

RE: Rachel Wyatt Rezoning Request

All concerns raised were properly addressed and satisfied with both the Planning Board and Zoning Commission members who were present and deliberated over this request. While this issue is small in scope, the process and the manner in which the Zoning request was evaluated came into question and scrutiny. The Planning Board focused on the performance standards associated with the rezoning request. Bench mark survey and police reports were provided to the Planning Board. After reviewing the data presented, the Planning Board had no objections to the development intent.

The Zoning Commission focused on the land use appropriateness of the request and reviewed the information presented by the applicant, by Staff and the property owner in opposition.

The Commission mitigated all concerns raised by the property owner in opposition and added stipulations in the motion for approval. For a detailed summary of this deliberation process please reference the Planning Board minutes of August 3, 2009 and August 17, 2009 and the Zoning Commission Public Hearing minutes of October 6, 2009.

ZONING COMMISSION MINUTES

October 6, 2009

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, October 6, 2009 at 5:15 p.m. Board members present were: Tom Medlin, Gilbert Torres, and Perry O'Brien. Staff members present were: Donald Carroll, Doug Kneupper and Brian Falk. Citizens present were: Bill and Jean Vincent; Stan Winter, Steve Lenart, Rachel Wyatt, Bill Bullock III, Rick Ertell, Tracy and Susan High, Richard Taylor, Deborah Sandles, LaVernon Thomas.

Chairman Tom Medlin welcomed everyone and explained the procedures for the Public Hearings.

APPROVAL OF MINUTES. The minutes from the August 18, 2009 and September 15, 2009 meeting were approved on a motion by Perry O'Brien/Gilbert Torres. All members present voted aye.

Item No. 3 was heard first to accommodate the applicant who had a flight to catch.

ITEM NO. 3 Stan Winter/Southlake PUD request to rezone from "A" (Single Family Residential) to PUD (Planned Unit Development) for a mixed use development. Being 434.97 acres out of the W.G. Banks Survey, Abst. 36, P.G. Merritt Survey, Abst. 155 and the J.S. Sherman Survey, Abst. 181. Located between FM 646 and FM 517. Mr. Carroll stated that 27 property owners were notified of the intent to rezone and 2 letters were returned as undeliverable. No letters have been received in favor or in opposition to the request. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Fire Marshal, "No objections". Public Works, "No objections". Building Official, "No objections". City Engineer, "Several issues including collector and local streets, pedestrian trails, open space and lot sizes have been discussed and properly addressed." Planning Director, "No objections. This PUD has been carefully vetted with Staff, Planning Board and is now ready to move forward. As the commission will recall, this PUD was previously approved for Marlin Atlantis. Since that approval, the applicant has tweaked and made the development intent even more attractive and able to demonstrate a superior design for sustainability." **A motion was made by Perry O'Brien/Gilbert Torres to open the Public Hearing. All members present voted aye.** Mr. Stan Winter, the applicant addressed the members. He indicated Mr. Steve Lenart, representing the developer was also present to answer any questions. He then expl

ained the revisions to the plan since the first approval was given. He cited the increase in the acreage to 434.97 acres and the relocation of the entrance from one side of the property to the other. Mr. Winters continued by indicating the relocation of the collector street. He explained the green space amount has been increased and the number of smaller lots has decreased and the type of developments has changed and now includes townhomes, more lots that are larger, and more amenities. There will now be

townhomes, a civic center, school and other amenities such as winding trails in place of standard sidewalks and increased landscaping in the entrances and on the residential lots. Mr. Winters then answered questions from the members with regard to utilities and time lines for development. Mr. Doug Kneupper, City Engineer stated the water for the first stage of development would be obtained through an agreement with the City of League City. Once development is completed, the City of Texas City would furnish the utilities and that source would be used as a back up contingency. There was no one present to speak in opposition to the request and **a motion was made by Gilbert Torres/Perry O'Brien to close the Public Hearing. All members present voted aye.** There was brief discussion and **a motion was then made by Gilbert Torres/Perry O'Brien to approve the rezoning request. All members present voted aye.**

ITEM NO. 1 Richard Taylor Jr. Requests to rezone from "S-P" (Site Plan) to "D-1" (Limited Service) for a structured adult day program. Being the N 61.4' of Lots 6 & 7, S 63.6' of Lot 7 and all of lots 8 thru 16, Block 135, T.C. 2nd Division. Located at 601 4th Street North. Continued from last meeting. Mr. Carroll stated this item was continued from the last meeting because the Commission members asked for input from the Police Chief regarding concerns raised by surrounding property owners. Mr. Carroll then read the information provided by the Chief concerning traffic and crime rates for the area. He also indicated the Fire Marshal had provided his comments of "No objections". **A motion was then made by Perry O'Brien/Gilbert Torres to open the Public Hearing. All members present voted aye.** Mr. William Bullock III provided information to the members with regard to the services provided by this program. He indicated Dr. Rick Ertell was also present and he is on staff and provides treatment to the clients. Dr. Ertell then addressed the members and explained the types of various services provided to the clients such as counseling, job training, socializing, etc. Mr. Bullock addressed questions from the members concerning regulation by State and Federal agencies. He stated they are not regulated like day cares and they do bill direct to Medicare and Medicaid which are State and Federal agencies. They are approved through those agencies as a service provider. Chairman Medlin then stated he now understood the type of services that would be provided and stated he previously misunderstood what the business intent was. There was no one else to speak in favor of the request and those in opposition were asked to speak. Speaking in opposition was Ms. Deborah Sandles. She reiterated her previous objections to the proposal. Her main concerns were increase in traffic, potential increase in crime and potential danger to young children in the neighborhood. Mr. Gilbert Torres asked Ms. Sandles if it would ease her mind if the business had an off duty police officer on staff during operating hours. Ms. Sandles stated it would not. After further discussion, **a motion was made by Gilbert Torres/Perry O'Brien to close the Public Hearing. All members present voted aye.** There was no further discussion and **a motion to approve the request to rezone to "D-1" (Limited Service) was made by Perry O'Brien/Gilbert Torres. All members present voted aye.**

ITEM NO. 2 Rachel Wyatt requests to rezone from “O-P” (Office Professional) to “S-P, E” (Site Plan - General Business) to operate a surf shop. Being Lots 9, 10, Blk. 12, Kohfeldt Heights S/d. Located at 1005 21st St. No. Mr. Carroll stated that 14 property owners were notified of the intent to rezone and to date one letter of opposition has been received. He then read the letter of opposition received from Bill and Jean Vincent adjacent property owners. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Fire Marshal, “No objections”. Public Works, “I think the parking issues are still prohibitive to make the change”. City Engineer, “No objections”. Building Official, “Parking issues to be modified”. Planning Director, “Please reference information on file. My comments have not changed. However, for the record, the applicant has gone before the Planning Board and the performance standard issues have been reviewed and the Planning Board is not opposed to this development intent. The bench mark survey from Planning Board’s request from John Webb and our Police Department is in the files. My comments are still the same because of what was determined to be the highest and best use which was worked out between the Zoning Commission and all affected property owners starting in 2005. There is not a change in dynamics that warrant the change now”. Mr. Carroll continued by stating he still has two questions for the applicant and members. The first is what change in conditions exists to support the proposed change. The second is what is the best and highest use of the property. **A motion was made by Gilbert Torres/Perry O’Brien to open the Public Hearing. All members present voted aye.** Mrs. Rachel Wyatt, the applicant, addressed the members and explained the proposed use of the portion of the building would be for a surf and skate board shop. They would sell t-shirts and other surf and skate board items. There was no one else to speak in favor of the request and Chairman Medlin asked for those in opposition to speak. Speaking in opposition was Bill Vincent, adjacent property owner. Mr. Vincent stated that when he purchased the property there was a house next door. He continued by stating Mr. Wyatt approached him when the first rezoning proposal was filed and asked him not to oppose the rezoning request. He further stated that Mr. Wyatt promised the property would never be rezoned if this approval for the office building was given. He said they shook hands on it. He now is opposed to the rezoning of the property for the proposed use. Mrs. Jean Vincent then addressed the members. She supplied pictures showing the current parking conditions and stated she still believes parking will be an issue. She indicated she had other safety concerns with regard to pedestrian traffic and the potential increase in young people being on the busy streets in the neighborhood. She asked Mrs. Wyatt what the hours of operation for the proposal would be as it has not been disclosed. Mrs. Wyatt replied the dates of operation would vary as her son was a firefighter; however, the hours of operation would be 9 a.m. to 5 p.m., Monday through Saturday. There was no one else to speak in opposition and **a motion to close the Public Hearing was made by Gilbert Torres/Perry O’Brien. All members present voted aye.** The commission then discussed the land use of properties located off of Palmer Highway and whether approval would of this request would set a precedent for future rezoning requests. This has previously been discussed and the Commission was in favor of

providing a buffer zone between general business uses and residential properties. After further discussion regarding stipulations that could be placed on the approval, **a motion was made by Gilbert Torres/Perry O'Brien to approve rezoning of Suite B, 1005 21st Street from "O-P" to "S-P, E" with the stipulation the property will revert back to "O-P" if this business should close and the hours of operation only be from 9 a.m. to 5 p.m., Monday through Saturday. All members present voted aye.**

There was no further business to discuss and a **motion was made by Gilbert Torres/Perry O'Brien to adjourn. All members presented voted aye.**

Tom Medlin, Chairman

Donald Carroll, Secretary

7.a.

Minutes from the November 4, 2009 City Commission Meeting
CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Pam Lawrence, Administration

Department: Administration

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of the minutes from the November 4, 2009 City Commission Meeting.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [11-4-2009 CC](#)
[Minutes](#)

REGULAR CALLED CITY COMMISSION MEETING

* * M I N U T E S * *

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

A **Regular Called Meeting of the City Commission** was held on **Wednesday, November 4, 2009, 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: Dee Ann Haney, Mike Land, Donald Singleton and Rick Wilkenfeld. Commissioner Dedrick Johnson and John W. Wilson were not able to attend.

The **Mayor** called upon Deacon Steve Mistretta, St. Mary of the Miraculous Medal, to offer the **Invocation**. The Mayor thanked Deacon Steve Mistretta for his attendance and for offering the invocation. **Commissioner Land** led all present in the **recitation of the Pledge of Allegiance**.

PROCLAMATIONS AND PRESENTATIONS

The Mayor read and presented a **PROCLAMATION** declaring the month of November as **National Hospice Care** in Texas City to Debra Perryman. The proclamation read as follows:

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

I, Mayor of the City of Texas City, Texas, do hereby proclaim November, 2009 as

National Hospice Care Month

Whereas, last year, more than 1.2 million Americans living with life-limiting illness, and their families, received care from the more than 4,100 hospice and palliative care programs in communities throughout the United States; and

Whereas, more than 400,000 trained volunteers contribute 18 million hours of service to the Hospice program annually; and

Whereas, providing high-quality Hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care.

Now, therefore, be it resolved that I, Matthew T. Doyle, Mayor of the City of Texas City am proud to honor the Texas City Hospice Care Team providers during the month of November. This year's theme "**Preserving a legacy...treasuring memories**" reminds us that every person we care for is a unique individual with a lifetime of experiences, relationships and gifts to share. Hospice and palliative care community honor patients and families and support them during the journey at life's end.

In testimony whereof, witness my hand and the Seal of the City of Texas City, this the 4th day of November, 2009.

*Matthew T. Doyle, Mayor
City Commission*

*Mike Land
Donald B. Singleton
Dedrick D. Johnson, Sr.*

*Dee Ann Haney
John "Scooter" Wilson
Rick Wilkenfeld*

Ron Plackemeier, City Attorney, tongue in cheek, read the following proclamation:

PROCLAMATION

"MAROON OUT HOUR"

I, MATTHEW T. DOYLE, Mayor of the City of Texas city hereby proclaim that the next hour shall be "MAROON OUT HOUR" due to Texas A & M's total annihilation of the Texas Tech Raiders on Saturday, October 24, 2009, known as "Slaughter on the Plains". Additionally, I proclaim that all City employees who participate in "MAROON OUT HOUR" are absolved from any disciplinary action associated with this event.

In testimony whereof, witness my hand and the Seal of the City of Texas City this, the 4th day of November, 2009.

/s/ Matthew T. Doyle
Matthew T. Doyle, Mayor

The **Mayor** declared a quorum present and called the meeting to order at 5:00 p.m.; the public hearing was officially declared opened.

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

Commissioner Wilkenfeld requested that item g., Consider approval of Resolution No. 09-121 approving an exchange of land between the City of Texas City and Sterling Chemicals; authorizing the Mayor or designee to execute any and all documents pertaining the exchange, be pulled for further discussion. Mayor Doyle requested that item f., Consider approval of Resolution No. 09-122 authorizing the purchase of 525 Visa Gift cards to be given to all City employees as an incentive for continued outstanding customer service and performance, be pulled for further discussion.

- a. Consider approval of the **Minutes** from the October 21, 2009 Regular Called City Commission Meeting.
- b. Consider approval of **Resolution No. 09-118** authorizing the **purchase of two (2) 2009 chassis units** to be utilized by the EMS-Fire Department.

RESOLUTION NO. 09-118

A RESOLUTION APPROVING THE PURCHASE OF TWO AMBULANCE CHASSIS REMOUNTS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING PROGRAM, FOR THE FIRE DEPARTMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- c. Consider approval of **Resolution No. 09-119** authorizing the **purchase and delivery of one (1) CT670 Compost Turner and one (1) 510 Cougar Trommel Screen** through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program.

RESOLUTION NO. 09-119

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) CT670 COMPOST TURNER AND ONE (1) 510 COUGAR TROMMEL SCREEN, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING PROGRAM, FOR THE SANITATION DEPARTMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- d. Consider approval of **Resolution No. 09-120** awarding the **contract** for the **Energy Efficient Lighting Upgrade Project** for City Hall, Nessler Center Gym, Criminal Justice Center and Charles T. Doyle Convention Center.

RESOLUTION NO. 09-120

A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF ENERGY EFFICIENT LIGHTING UPGRADE THROUGH THE BUY BOARD PURCHASING COOPERATIVE, USING FUNDS FROM THE U. S. DEPARTMENT OF ENERGY TECHNOLOGY LABORATORY RECOVERY ACT – ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS – FORMULA GRANTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- e. Consider approval of **Resolution No. 09-123** authorizing the Mayor to execute an agreement for the **rental of uniforms and miscellaneous work related items**.

RESOLUTION NO. 09-123

A RESOLUTION APPROVING THE PURCHASE AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH G & K SERVICES, THROUGH THE BUY BOARD, FOR RENTAL OF UNIFORMS AND MISCELLANEOUS WORK RELATED ITEMS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- h. Consider approval of **Resolution No. 09-124** affirming the City's **support of Valero's Enterprise Project (Triple Jumbo) Application to the State of Texas**.

RESOLUTION NO. 09-124

A RESOLUTION AFFIRMING THE CITY'S SUPPORT OF VALERO'S ENTERPRISE PROJECT (TRIPLE JUMBO), APPLICATION TO THE STATE OF TEXAS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Land made a MOTION to APPROVE the CONSENT AGENDA items a., b., d., e., and h.; the motion was SECONDED by Commissioner Wilkenfeld. All present voted AYE. MOTION CARRIED.

- f. Consider approval of **Resolution No. 09-122** authorizing the **purchase of 525 Visa Gift cards** to be given to all City employees as an incentive for continued outstanding customer service and performance.

The Mayor commented that during Christmas the City always does this; he said that he just wanted the employees to know that the City is going to do it again. He thanked the Commissioners in advance for approving this; it is a nice little benefit and the employees are certainly well deserving.

RESOLUTION NO. 09-122

A RESOLUTION APPROVING THE PURCHASE OF 525 VISA GIFT CARDS IN THE AMOUNT OF \$50.00 EACH, TO BE GIVEN TO ALL CITY EMPLOYEES (FULL AND PART-TIME), AS AN INCENTIVE FOR CONTINUED OUTSTANDING CUSTOMER SERVICE AND PERFORMANCE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Land made a MOTION to APPROVE Resolution No. 09-122 authorizing the purchase of 525 Visa Gift cards to be given to all City employees as an incentive for continued outstanding customer service and performance; the motion was SECONDED by Commissioner Wilkenfeld. All present voted AYE. MOTION CARRIED.

- g. Consider approval of **Resolution No. 09-121** approving an **exchange of land between the City of Texas City and Sterling Chemicals**; authorizing the Mayor or designee to execute any and all documents pertaining to the exchange.

The city attorney reported that this was a suggested exchange of properties between Sterling Chemicals, Inc. and the City; properties that Sterling Chemical has acquired outside the Industrial Business District for land that the City has acquired within the Industrial Business District. The lots to be received are similar; however, because they are outside the Industrial Business District they have the potential for housing development or grouped together for better usage. The appraisal indicates that the property currently owned by the City has a greater value than the property proposed by Sterling Chemicals, Inc. Sterling Chemicals, Inc. has agreed to pay the difference in cash as well as pay all closing costs. The Texas City Economic Development, also a party to the exchange, approved the transaction earlier today.

RESOLUTION NO. 09-121

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SIGN DOCUMENTATION NECESSARY TO SWAP LAND WITH STERLING CHEMICALS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Declaring a conflict of interest, Commissioner Wilkenfeld abstained from voting on the item.

Commissioner Land made a MOTION to APPROVE Resolution No. 09-121 approving an exchange of land between the City of Texas City and Sterling Chemicals; authorizing the Mayor or designee to execute any and all documents pertaining to the exchange; the motion was SECONDED by Commissioner Haney. Mayor Doyle, Commissioner Singleton, Commissioner Haney, and Commissioner Land voted AYE. Commissioner Wilkenfeld declared a Conflict of Interest and abstained. MOTION CARRIED.

MAYOR'S COMMENTS

Referring to agenda item h., which the Commission did approve, the Mayor noted that the City Commission held a work shop prior to the City Commission meeting concerning Valero's Enterprise Project Triple Jumbo Application to the State. The Mayor explained that this is an incentive from the State. There are 105 of these credits inside the State and Texas City is lucky enough to carry six of those credits. The reason it is called the Triple Jumbo is because three of the credits will be allotted to Valero, which means they will do improvement and safety work at their plant; they plan to move their shop and their warehouse outside the gate, where the old rail yard use to be. The Mayor remarked that the City is keen on seeing those types of expansions.

PUBLIC COMMENTS

Barbara White, resident of Texas City, said that she wanted to remind everyone that this year our Community Thanksgiving Feast will be held Thursday, November 26th at Fatima. We will deliver dinners from 10:00 a.m. to 12:00 p.m. and we will serve dinner (at Fatima) from 11:00 a.m. to 1:00 p.m. She remarked that it is a wonderful event and we hope to see you all there.

COMMISSIONERS' COMMENTS

Commissioner Haney noted that the Community Advisory Council meeting is on November 12th. Jose Boix, member of the Community Advisory Council, confirmed that the meeting would be held on November 12th. He added that the Community Advisory Council would like to have the City Commission's continued support.

Having no further business, **Commissioner Land made a MOTION to ADJOURN at 5:15 p.m.; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.**

MATTHEW T. DOYLE, MAYOR

ATTEST:

Pamela A. Lawrence, City Secretary

pal: 11-05-2009

Approval of operating policies for Moore Memorial Public Library CITY COMMISSION AGENDA 2

Date: 11/18/2009
Submitted By: Beth Steiner, Library
Submitted For: Beth Steiner
Department: Library
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of operating policies for Moore Memorial Public Library.

BACKGROUND

In accordance with the requirements and guidelines set up by the State of Texas and the Texas State Library and Archives Commission (TSLAC), Moore Memorial Public Library operates under a number of policies covering public library functions and services. These policies are reviewed regularly, and revised and updated as necessary to ensure continued applicability, efficiency, usefulness and adherence to best practices. The policies include: Collection Development Policy, Internet Policy, Local History Collection Policy, Rules of Behavior for Library Patrons, Policy on Privacy and Confidentiality, Policy on Use of Display Cases and Bulletin Boards and the TexShare Card Policy.

Over the years there have been minor changes in these policies; most have been adopted since 2003. This set of policies have been in effect for several years and the primary change is the section allowing the director to adapt the policies if necessary for public health or safety or in the public interest.

These policies have been approved by the Board of Trustees of Moore Memorial Public Library and now are brought to the City Commission for the final step in the approval process.

ANALYSIS

These policies are necessary to allow the Library to provide consistent, efficient and high quality service to all patrons.

ALTERNATIVES CONSIDERED

N/A

Fiscal Impact

Funds Available Y/N: 0

Amount Requested: 0

Source of Funds: 0

Account #: 0

Fiscal Impact:

No fiscal impact expected.

Attachments

Link: [Res 09-125](#)

Link: [Collection Development Policy](#)

Link: [Internet policy](#)

Link: [Local History Collection Policy](#)

Link: [Patron Behavior Policy](#)

Link: [Privacy/confidentiality Policy](#)

Link: [Display Policy](#)

Link: [TexShare card policy](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Beth Steiner	11/09/2009 08:48 AM	CREATED
1	Library (Originator)	Nick Finan	11/09/2009 10:22 AM	APRV
2	Management Services	Nick Finan	11/09/2009 10:58 AM	APRV
3	Library (Originator)			NEW
4	Finance			
5	Paralegal			
6	City Attorney Office			
7	Mayor			
8	City Secretary			
Form Started By: Beth Steiner		Started On: 11/09/2009 08:48 AM		

RESOLUTION NO. 09-125

A RESOLUTION APPROVING OPERATING POLICIES FOR MOORE MEMORIAL PUBLIC LIBRARY; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, in accordance with the requirements and guidelines set up by the State of Texas and the Texas State Library and Archives Commission (TSLAC), Moore Memorial Public Library operates under a number of policies covering public library functions and services; and

WHEREAS, these policies include: Collection Development Policy, Internet Policy, Local History Collection Policy, Rules of Behavior for Library Patrons, Policy on Privacy and Confidentiality, Policy on Use of Display Cases and Bulletin Boards and the TexShare Card Policy; and

WHEREAS, over the years there have been minor changes in these policies; with most having been adopted since 2003; and

WHEREAS, the current set of policies which have been in effect for several years and the primary change is the section allowing the director to adapt the policies, if necessary, for public health or safety or in the public's interest; and

WHEREAS, these policies are necessary to allow the Moore Memorial Library to provide consistent, efficient and high quality services to all patrons and have been approved by the Board of Trustees of Moore Memorial Public Library.

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, approves the Collection Development Policy, Internet Policy, Local History Collection Policy, Rules of Behavior for Library Patrons, Policy on Privacy and Confidentiality, Policy on Use of Display Cases and Bulletin Boards and the TexShare Card Policy, for the Moore Memorial Public Library, as set out in the policies attached hereto as Exhibit "A," and made a part hereof for all purposes.

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

PASSED AND ADOPTED this 18th day of November, 2009.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

MOORE MEMORIAL PUBLIC LIBRARY COLLECTION DEVELOPMENT POLICY

(Approved by the Moore Memorial Library Board of Trustees June 09)

I. Mission and purpose

Moore Memorial Public Library was founded to meet the informational and reading needs of the citizens of Texas City. Recognizing the diversity of the community and the surrounding area, the library strives to provide information in a variety of formats to meet the educational, professional, cultural, and recreational needs of our patrons. The library offers materials to foster inclusion and contribute to cross-cultural understanding, to help patrons keep pace with the progress of technology, to allow persons to participate fully in political and social organizations, to perform their daily tasks more proficiently, to develop creative and spiritual potentials, to foster appreciation and enjoyment of our diverse culture, to promote personal and social well-being, and to contribute to the growth of knowledge in all areas.

The library's mission is to create a community of life-long learners in which all citizens share equally in the opportunities to increase skills, knowledge and understanding in all fields, regardless of wealth, race, age or cultural background. Special emphasis is also placed on providing special services to very young patrons with the goal of fostering a life-long love of reading and learning.

Based on the needs of the Texas City area, Moore Memorial Public Library has developed primary specializations of services as follows:

- Independent learners of all ages who have specific information needs or are undertaking independent study
- Students from preschool through undergraduate college level. Where resources allow, the library also tries to support further graduate study.
- Children from infancy through preschool in order to foster a love of reading and a lifelong commitment to learning
- Recreational readers of all ages

II. Community Analysis Considerations

Community Profile

Texas City covers approximately 122 square miles on the upper Texas Gulf Coast, with a service population in 2009 of approximately 52,000 persons. The community is heavily industrial with the petrochemical industry, port operations and support services accounting for a large portion of the local economy. The community is increasingly racially diverse with residents in the 2000 census identifying them as follows:

- 68.4 % White

- 24.3 % Hispanic or Latino
- 18.1 % African American
- 0.7 % Asian
- 0.6 % Native American

A growing portion of the population (19.6 % in the 2000 census) was born outside the United States and 17.7 % of the residents speak a language other than English at home.

A sizeable portion of the community has a low level of personal income. Only 11 % of the residents have completed a Bachelor's degree, and only 3.1 % have attained a graduate or professional degree. About 29 % of the population is under the age of 18.

School Districts

Three separate independent school districts operate within the Texas City limits, as does a very active community college. Within commuting distance there are a number of colleges, universities and other community colleges, as well as a number of private schools. The number of home schoolers in the area is also significant. Students make up a sizeable proportion of the library's clientele, which is located within walking distance of five schools.

Hours of Operation - The library's hours of operations are much longer than those of most of the school libraries. Students frequently use library facilities for research, study, and homework.

Special services - The library services many small businesses and self-employed individuals, skilled laborers who work in the Texas City plants and refineries, and longshoremen who stop at the library while in port.

III. Selection Criteria

In order to accomplish its mission, Moore Memorial Library provides free access to a full range of ideas and information in a variety of formats. Moore Memorial Public Library selects materials for its collections in accordance with the professional guidelines stated by the American Library Association in the Library Bill of Rights and interpretations.

Materials are evaluated as a whole, rather than on the basis of specific passages of parts. A work will not be excluded from the library's collection solely because of frankness of expression, depiction of a particular lifestyle or aspect of life, or controversial subject matter. Personal behavior of the author or creator of the material shall have no relevance to the selection decision. Materials which have the primary purpose of advertising, proselytizing, sensationalizing or pornography will not normally be selected.

Space and budget constraints may not allow for duplication of titles between collections.

Although Moore Memorial Library tries to supplement materials at all education levels, it is the responsibility of the schools to provide curriculum materials. Normally the Library will not purchase textbooks or curriculum guides.

The following criteria will be considered in the selection of materials:

- Authority of the writer, producer or publisher
- Accuracy of the information
- Timeliness of the data
- Importance as a document of the times
- Popular demand
- Reviews by professional critics
- Literary and/or artistic merit
- Availability within the community or from other area libraries
- Physical durability of the item
- Cost
- Suitability for the intended audience
- Format
- Appropriateness and effectiveness of the medium to content
- Relationship to the existing collection
- Language of the item
- Quality of the translation
- Vitality and originality
- Clarity
- Size and storage requirements
- Duplication of existing holdings
- Licensing restrictions
- Need for technical or professional support
- Need for specialized equipment
- Ease of use
- Organization and style
- Presence of special sections such as discographies, bibliographies, indexes, glossaries, etc.).

The order of the criteria listed above does not indicate its relative importance or priority as selection criteria.

Selection tools

Librarians making selection decisions for materials for the library collection will utilize a variety of selection tools to include professional and trade journals and books, bibliographies, reviews from authoritative sources in various subject areas, professional discussions, magazines, newspapers, broadcast media, and publisher and vendor information.

It is not possible to apply a single selection criteria to cover all formats and types of materials. An item need not meet all criteria to be acceptable.

It is understood that certain controversial topics or viewpoints may be objectionable to individual patrons. The Library attempts to represent all approaches to controversial issues. The Library neither endorses nor refutes the materials in its collections, it simply makes them available.

Selection of materials will not be made on the basis of expected approval or disapproval, but on the principles stated in this policy. Responsibility for choosing materials rests solely with the individual. In the case of children or young adults, that responsibility rests with their parents or legal guardians. Library staff will not regulate material choices for young patrons, nor prohibit their selection of controversial materials.

IV. Responsibility for selection

Ultimate responsibility for the selection of library materials rests with the Library Director who operates within the framework of approved policies. Those staff members who are qualified by education, training and experience may share this responsibility. Suggestions from the public and from other staff members are welcomed.

Library patrons are encouraged to submit purchase suggestions for both print and nonprint materials. These suggestions will be evaluated in accordance with the Collection Development Policy.

V. Reconsideration of Library Materials

Moore Memorial Public Library staff and Board of Trustees support intellectual freedom and subscribe to the principles outlined in the American Library Association's Library Bill of Rights and its statements Freedom to Read and Freedom to View. The library does not advocate, condone or reject the ideas found in its collection – it simply makes them available. The Board of Trustees and the staff believe that censorship is purely an individual matter and declares that, while everyone is free to reject for themselves materials which they do not approve, they cannot exercise this right of censorship to restrict what others may read or view.

Requests from an individual to reconsider materials already in the collection will be handled as follows:

1. The Director or Assistant Director will explain the selection policy to the patron. If the library user wishes the Library to reconsider the material, they must complete and submit a Statement of Concern about Library Resources form. This form is available in the library and must be completed in its entirety and returned to the Library Director. The Library Director will form a committee of professional librarians from the Library staff members to review the request and

ascertain that the Selection Policy was followed. The committee will provide the Library Director with a recommended response to the request within 3 weeks. The Library Director will review the committee's recommendation and send a written response to the patron within 4 weeks of the initial receipt of the completed Statement of Concern.

2. If the library user is not satisfied with this response, he/she may appeal the request. The Library Director will review the additional information and send a written response to the patron within 14 days. If the library patron seeks further appeal, final authority rests with the City Commission.

Library resources will not be removed from the collection during the review period.

VI. Material formats

Materials are purchased in a variety of formats in order to meet a variety of needs. New formats will be considered for purchase as resources are available when a significant portion of the service population is able to make use of the format. Other factors to be considered when adding a new format include cost, difficulty to use, availability of high quality items to select, and the Library's ability to acquire process, circulate and secure the new materials.

Books

Books may be purchased in either hardback or paperback format depending on cost, expected usage, primary clientele, size, status as duplicate or primary copy, and expected shelf-life.

Serials

Decisions as to retention of back issue periodicals, annuals and continuations are made on a case-by-case basis.

Serials may be offered through online subscriptions.

Cost factors may preclude duplication of print and online subscriptions.

Microfilms/microfiche

This format will generally be collected only for genealogical or local history purposes.

Videos

The library currently purchases films only in DVD format.

Talking books/audio books

Talking books are currently purchased in compact disc format, but expects to begin offering downloadable audio books in the near future. Both abridged and unabridged versions of titles will be added to the collection although in general, preference will be given to unabridged versions.

Foreign language instructional recordings will also be purchased primarily in compact disc format.

Compact Discs

Musical recordings will be collected in this format.

Large print books

Books printed in type larger than 16 point are welcomed by many older persons, or persons with visual impairment. The library attempts to provide a balanced collection in this format to meet the wide variety of reading interests of its patrons.

Computer-based resources

This format includes on-line databases available via the Internet, and may also include downloadable audio book, films, music, magazines, newspapers and books in the near future.

Children's materials

Fiction plays an important role in the learning of a child because it introduces a wide range of new and different experiences for the child. Due to the varying backgrounds and skill levels of our young patrons, a wide range of ideas, cultures, reading levels and subject matters must be addressed, so that each user can be challenged and can utilize his full capacity. Exposure to a broad selection of informational and recreational materials can stimulate the desire to read, to learn, and to grow intellectually.

The library recognizes and accepts its responsibility to provide materials for persons of all ages to broaden their educational background and experience, to open them to the experience of reading as an enjoyable and necessary skill for living, thinking and recreating.

Easy books

This collection is composed of picture books. Many of the books are intended for children ages 8 and under, but a growing number are of interest to all ages.

Easy readers

These books are characterized by short sentences, controlled vocabulary, large print, many illustrations and limited number of pages. They are geared for beginning readers, up to about grade 3.

Board books

These books are designed to be used by and with our youngest patrons, from 6 months to about age 4. They are characterized by their small format and heavy board pages.

Juvenile fiction

This collection serves young readers from approximately 3rd through 6th grade. It includes first chapter books to complete novels and covers a wide range of subject areas from fantasy, mystery, science fiction, history to contemporary issues. It also includes classic children's literature.

Juvenile non-fiction

This collection is comprised of materials covering the full gamut of nonfiction subject areas including such potentially controversial areas as drug abuse, sex education, divorce and other contemporary issues. Final responsibility for an individual child's selection of library materials shall rest with the parent or guardian.

Juvenile media collections

DVDs - This collection includes DVDs covering both educational and recreational subjects for preschoolers through elementary grades.

Talking books – This collection includes recorded books in the audiocassette and compact disc formats. It serves preschoolers through elementary school students. A wide variety of materials, both fiction and nonfiction, are held in this format. A wide range of reading levels is represented.

Recorded music – This collection includes popular music, educational songs, folksongs, and classical music presented for children in CD format.

Young Adult

The Young Adult collection contains fiction materials for patrons ages twelve through eighteen. Inclusion in this section may be because of the age of the main characters, the theme or subject matter which is of particular interest to this age group, or the theme which concentrates on coming-of-age issues.

Space precludes duplication of titles from the children's or adult sections which may also be of interest to young adults. As are all age groups, young adults are encouraged to use all areas of the collection.

No separate nonfiction area is maintained for young adults.

Most graphic novels, unless specifically intended for another audience, are shelved in the young adult collection.

Spanish language children's materials

A collection of juvenile materials in Spanish is maintained. Both fiction and nonfiction are included. There is a Spanish language easy books collection and a Spanish language juvenile collection. Bilingual materials are shelved in the appropriate English language section.

Adult fiction

Specialized genre collections are maintained for mysteries, science fiction, westerns and short stories. Where possible, the library attempts to collect an entire series.

Paperback series romance books and paperback series westerns are maintained in a separate collection due to space issues. However, if a specific paperback series novel is also part of a series which is shelved in the regular fiction or western collection; it will be shelved with the remainder of the series rather than with the special paperback series.

Collections of short stories by a single author will be shelved by author in the genre collection or regular fiction section under which the content would generally fall. Collections of short stories by multiple authors in a particular genre will be filed in that genre collection by title. Collections of short stories by multiple authors in multiple genres or in general fiction will be filed in short stories.

Fantasy and alternative history will generally be classified in the science fiction section. Horror and romance genres will be classified in fiction.

Reference

Reference materials are used by the public and library staff to answer specific questions, and are designated for use within the Library only. They may serve as an index or finding guide to other materials in the collection. Reference materials primarily used for children's services are located in the Juvenile Reference collection.

Genealogy

The library collects genealogical materials pertaining to the southeastern and southwestern sections of the United States. These materials are for use only in the library. The library does not generally purchase specialized publications such as family histories, but may accept the donation of family histories for the genealogy department if the families represented are of local origin.

Moore Memorial Public Library also purchases basic materials for use for beginning genealogists. Many of these materials can be checked out.

Specialized genealogy materials are accessible in Houston at the Clayton Genealogical Library. In general, patrons needing expensive, highly specialized or advanced genealogical materials will be referred to that library for assistance.

Local History Collection/Vertical files

This collection is made up primarily of newspaper articles, pamphlets and brochures relating to Texas City or Galveston County. These materials can be used only within the library.

The Library also holds back issues of the Texas City Sun in microfilm format, from the initial founding of the newspaper in the early 1900's to the discontinuation of the paper in 2004. The Library does not own these materials, but has possession of them on indefinite loan from the owners.

Archives

Primary source materials of historical interest or documents relating to Texas City History are located in the Archives. Access to these materials is restricted due to their uniqueness, their historical interest and their fragility. Preservation efforts are taken with these materials as resources permit.

The Library has archival collections pertaining to the 1947 Texas City Disaster, the Hugh B. Moore family, the Mainland Company and the W. R. Blocker family.

Copies of documents or photos that are of particular interest are maintained in the Reference section to make the information accessible to all patrons.

Spanish language materials

A collection of adult and young adult materials in Spanish is maintained in a separate section. This collection contains both fiction and nonfiction materials. Bilingual materials are shelved in the appropriate English language section.

VII. Weeding and replacement of library materials

Weeding is a continual and necessary part of the collection management process. Materials are withdrawn from the collection for a variety of reasons including physical damage, age, unnecessary duplication of materials, outdated or inaccurate information, superseded information, lack of demand, loss in circulation, format or lack of relevance.

While the library tries to maintain copies of important works and series, it does not automatically replace all materials withdrawn. Many factors enter into the decision to replace an item including whether the item is still available, whether there is sufficient demand for the specific item, whether the item has historic value, whether the item could be borrowed from another source, whether the subject matter is covered by other materials in the collection, the feasibility of mending, and the cost of replacing the item.

VIII. Gifts and Donations

Moore Memorial Public Library will accept gifts of library materials (books, videos, CDs, audio books, magazines, etc.), if no condition is placed on its use, reuse or resale. The library reserves the right to reject donations of molded, mildewed, damaged, outdated or unusable items. Receipts for gifts can only indicate the type and number of items donated. The donor is responsible for determining the value of the donated items.

The library reserves the right to dispose of all gifts received. Gifts not added to the collection are not returned to the donor, but may be given to the Friends of the Moore Memorial Public Library for resale, discarded, given to another library or disposed of in another way.

Memorial donations

Persons wishing to make a memorial donation may give cash or a check made out to Moore Memorial Public Library for that purpose. This money may be used to purchase library materials. Donors may request a general subject area or format for the donation. Materials will be chosen by the Director or designated staff member in accordance with the selection criteria listed in this policy.

The Director of Library Services or his/her designee reserves the right to make changes to any library policy or procedures as the need arises for health, safety and public interest concerns.

MOORE MEMORIAL PUBLIC LIBRARY

INTERNET POLICY

(approved by the Moore Memorial Library Board of Trustees on August 22, 2005)

Mission and purpose

Moore Memorial Public Library was founded to meet the informational needs of the citizens of Texas City. Recognizing the diversity of the community and the surrounding area, the library strives to provide information in a variety of formats to meet the educational, professional, cultural, and recreational needs of its patrons. The library offers materials to foster inclusion and contribute to cross-cultural understanding, to help patrons keep pace with the progress of technology, to allow persons to participate fully in political and social organizations and to perform their daily tasks more proficiently, to develop creative and spiritual potentials, to foster appreciation and enjoyment of our diverse culture, to promote personal and social well-being, and to contribute to the growth of knowledge in all areas.

The library's mission is to create a community of life-long learners in which all citizens share equally in the opportunities to increase skills, knowledge and understanding in all fields, regardless of wealth, race, age or cultural background. Special emphasis is also placed on providing special services to very young patrons with the goal of fostering a life-long love of reading and learning.

The Library realizes that free access to the full range of ideas and information is critical to the accomplishment of its mission, and views the Internet as a powerful and evolving tool to link our citizens to information and to the electronic community. It also provides integral access to business, educational, medical, social, cultural, historical and governmental organizations which make up the fabric of our society and our world.

Scope of Internet access

From the library workstations, library patrons may access online library catalogs, full text and bibliographic databases, standard office software, electronic books and media, distance education sites and other information sources.

Although Moore Memorial Library does not offer free e-mail accounts to the public, patrons are welcome to use library workstations to set up free web-based email accounts.

Intellectual Freedom

The Library recognizes the inherent right of individuals to determine what is most appropriate for their needs. Moore Memorial Public Library staff and Board of Trustees support intellectual freedom and subscribe to the principles outlined in the American Library Association's Library Bill of Rights and its statements, Freedom to Read and

Freedom to View. Users should recognize that the information accessed on the Internet may be controversial, inaccurate, misleading, or offensive.

As with the Library's other materials and services, parents and legal guardians are responsible for the information accessed by children. The library cannot regulate Internet access points for children and accepts no responsibility for information or sites they may select. Parents or legal guardians who wish to limit or restrict the access of their own children should personally oversee the child's use of the Internet. The library staff assumes no responsibility in monitoring the child's usage of the Internet.

All patrons should be very cautious when using electronic mail, chat rooms, and other methods of direct electronic communications. Parents should instruct their children never to provide personal or financial information about themselves or their family without prior approval.

A patron's use of Internet resources carries with it a responsibility to evaluate the quality and content of the information received. If a patron feels that information obtained through the Internet is inaccurate or offensive, the library encourages that patron to contact the original producer or distributor of that information. The availability of information does not constitute endorsement by the library of the content of that information.

Liability

The Library assumes no responsibility for any damage, direct or indirect, that users or anyone else may experience through interaction with the Internet. The library is not responsible for any loss or damage to personal disks, software, files, etc. used at the workstations.

Privacy/Confidentiality

The Library tries to protect First Amendment rights of its patrons and their individual right to privacy and confidentiality. However, facility limitations and space limitations require that the workstations be located in public areas. Patrons should exercise caution and common sense in providing personal, financial or other sensitive or confidential information on public workstations. Images on the screens are subject to view by other patrons who are physically present in that area. All patrons are asked to respect the privacy of other users and not attempt to comment on, or censor, what others are viewing. The Internet is a public forum, and security may be minimal, defective or nonexistent on a specific site.

Assistance in use of the Internet

Library staff will be available to provide basic assistance in the use of the Internet. To insure the continuation of traditional reference assistance and other library services,

instruction on usage of the Internet and operation and function of the workstations or the software will be limited.

Use of the Internet

To insure equality of access to all patrons, Internet resources, including computer workstations, may be allocated at the discretion of the Reference Staff and the Library Administration. Computer workstations are assigned on a first-come first-served basis, depending on the availability of resources. Use of all library collections, including online resources, is not prioritized by staff perceptions on the value of the use of the resources. Access to workstations is not restricted to Texas City residents.

Time limits will apply to all users and access may be limited to one session per day. A valid Moore Memorial Public Library card or a form of picture ID is necessary for workstation use, except for those terminals restricted to the Library's online catalog.

The Library determines the levels and types of Internet services available, including which browser software versions and plug-ins are available on the workstations.

Printing is allowed and charges, as posted, will be collected by the reference staff. Failure to pay printing charges may result in loss of Internet privileges. Printing may be limited by library staff.

Files may be saved to disk, CD or other medium, if provided by the patron and allowed by the network. Files may not be stored on the workstation's hard drive or elsewhere on the network.

Patrons are expected to exercise common sense principles in using the Internet, respecting the rights and sensitivities of others, and recognizing that patrons of all ages utilize the public library.

Patrons may NOT use library equipment or Internet access in the library to:

1. Degrade or disrupt the equipment or software
2. Vandalize data or products of other users
3. Gain unauthorized access to other data bases or resources
4. Invade the privacy of others
5. Violate Federal, State or local laws or regulations
6. Install private software

Users of library workstations must comply with the terms of applicable contracts including software licensing and copyright regulations.

Library staff reserves the right to terminate an Internet session at any time and seize any materials which may have been printed in violation of this policy, the rules and regulations of the Library, or any local, state or federal law.

Use of the library workstations and equipment is a privilege, not a right. Abuse of this privilege, or failure to abide by these requirements, may result in termination of workstation access by Library staff, prohibition from subsequent access or prosecution. Use of the library computers or workstations will be considered as agreement with the terms of this policy.

The Director of Library Services or his/her designee reserves the right to make changes to any library policy or procedures as the need arises for health, safety and public interest concerns.

MOORE MEMORIAL PUBLIC LIBRARY LOCAL HISTORY COLLECTION POLICY

(approved by the Library Board of Trustees on March 2, 2009)

Statement of purpose

The primary purpose of the Local History Collection is to collect, preserve and make accessible information relating to the history of Texas City. It is intended that, as much as possible, the information in the collection be available to all interested patrons. However, due to the condition, historical interest, and security issues of some of the materials, direct access to the original materials will be restricted as described below.

Scope of the collection

The Local History collection includes both original materials and reproductions in a variety of formats including books, pamphlets, newsletters, reports, letters, manuscripts, maps, photographs, postcards, negatives, sound recordings, videotapes and films. All materials are for reference use only. Duplicate copies of published works, and surrogate copies of unpublished works of general interest, may be found in the Reference collection or the general collection of the library. Three dimensional objects or large maps or drawings are generally not collected due to space, preservation and storage considerations.

Purpose of the collections

The collections of the Local History Department of the Moore Memorial Public Library document the history of Texas City and the areas closely surrounding it. The historical and information value of the items are of more importance than the actual items themselves. The materials in these collections do not circulate, but the information will be made available to other researchers and the general public as widely as possible given available resources and the condition and content of the materials.

If at all possible, preservation efforts will be undertaken using methods which restrict public access to the information as little as possible.

Procedures for use of the Local History Collection

Access to original materials in the local history collection is through prior appointment only and with the express permission of the appointed staff. No backpacks, purses or briefcases will be allowed in the Local History room when viewing original materials. Access to the information may be provided through the use of surrogates due to the condition and historic value of the original item. Some original materials may not be machine copied due to condition.

Additions of materials

Acceptance of donations to the collection will be made based on the following factors:

1. Educational value
2. Fit with the local history collection's mission, purpose and available resources
3. Available provenance and documentation
4. Clear title
5. Asset value of the item
6. Authority and authenticity
7. Ability of the library to utilize, store and maintain the item
8. Intrinsic value of the item
9. Cost of repair, handling and storage of the item

The determination of whether to accept specific donations to the collection will be the decision of the Library Director in conjunction with the appropriate City officials. When rejecting offered donations, the Library wishes neither to offend the donor nor denigrate the value of the donation offered, but recognizes that there may be other organizations whose mission and available resources create a closer match with the donor and offered gifts.

The library will not accept materials without a legal transfer of title, deed of gift, or other official acknowledgement. All materials purchased or donated to the Local History Collection become the property of the Moore Memorial Public Library, and by extension, the City of Texas City. All donations must be offered free and clear without restrictions as to use or future disposition. The library will not normally accept collections which are to remain closed to public access.

Documents and materials must be in good condition, free of mold, pests or dirt. Materials that will cost more than their value or require special handling or storage may be refused due to lack of available resources.

Items donated together may be separated or dispersed in several locations or collections as appropriate, based on the professional judgment of the Library staff. Collections will be named by the library staff based on professional practice and judgment.

Moore Memorial Public Library reserves the right to withdraw, de-accession and dispose of any materials in its collection if the item is no longer relevant or useful to its purposes. Withdrawals or elimination of unneeded materials will follow the deselection procedures of the general collection, or may be sold with the money to be returned to the Local History Collection.

Publication of materials

Publication of photographs and unpublished material may not be undertaken without the specific permission of the City of Texas City. In all cases, copyright requirements must

be met. If the publication is allowed, the credit line should read “from the Local History Collection of Moore Memorial Public Library.”

The Director of Library Services or his/her designee reserves the right to make changes to any library policy or procedure as the need arises for health, safety and public interest concerns.

CITY OF TEXAS CITY
MOORE MEMORIAL LIBRARY
RULES OF BEHAVIOR FOR LIBRARY PATRONS
(approved 03/02/09 by the Moore Memorial Library Board of Trustees)

For the safety, health and comfort of all Library patrons and staff and for the protection of Library property, the following rules of behavior have been adopted by the Moore Memorial Library Board of Trustees and will be strictly enforced. Violators shall be subject to expulsion from the Library property, loss of Library privileges or reported to the Texas City Police Department for prosecution.

1. Patrons shall conform to socially acceptable hygiene and wear proper attire and shoes at all times while on Library property.
2. Food and beverages are prohibited inside the Library unless authorized by the Library Director.
- ~~3.~~ Smoking and using any other tobacco products inside the Library is prohibited.
4. Service animals for disabled persons are welcome. Other animals are prohibited inside the Library unless authorized by the Library Director.
5. Soliciting, petitioning, panhandling, advertising and political campaigning are prohibited on Library property unless authorized by the Library Director.
6. Skateboarding and roller skating are prohibited on Library property. Bicycles are prohibited inside the Library but may be stored in the bicycle rack outside the Library.
7. Cell phones may only be used in the Library lobby unless approved by the Library Director.
8. Use of any electronic equipment which requires use of an electrical outlet must be approved by the Library Director.
9. Theft, damage, misuse or defacement of Library materials, equipment, furniture, facilities, etc. is prohibited.
10. Entering nonpublic or "Staff Only" areas and sleeping or loitering on Library property are prohibited.
11. Children under the age of eight must be accompanied and supervised by someone at least fourteen years of age. Library staff will not provide supervisory care and are not responsible for the safety and behavior of children. Disruptive children shall be expelled from the Library.
12. Patrons are expected to be courteous and respectful to staff and other patrons at all times. Abusive or obscene language or gestures, verbal or physical threats or harassments, any form of stalking, offensive touching, staring, or obscene acts or any disruptive behavior including but not limited to loud talking, laughing or noises of any kind, throwing objects, fighting, spitting, horse playing, etc. are prohibited.
13. Standing, climbing, playing, laying, etc. on Library furniture, counters, shelving or fixtures are prohibited.
14. Using the public restrooms for bathing, changing clothes, etc. is prohibited. Intentionally soiling the restrooms is also prohibited.
15. Refusing to cooperate or comply with staff's instructions or enforcement of these rules is prohibited. Patrons must obey all approved library policies.

The Director of Library Services or his/her designee reserves the right to make changes to any library policy or procedure as the need arises for health, safety and public interest concerns.

POLICY ON PRIVACY AND CONFIDENTIALITY

(approved by the Library Board of Trustees on Dec. 1, 2008)

All Moore Memorial Public Library records which indicate the identity of the specific library user are considered to be confidential. Records will be retained only as deemed necessary for efficient management of library services, and will not be sold, licensed or disclosed unless the Library is compelled to do so under the law or to comply with a legally valid court order. The Library allows only authorized persons to access personal data stored in the Library computer system, solely for purposes of performing library work.

Library users who have questions, concerns, or complaints about the library's handling of their privacy and confidentiality rights should file written comments with the Library Director. The library will respond in a timely manner after investigating the concern and may conduct a privacy investigation or review of policy and procedures.

Only the Library Director and the Assistant Director are authorized to comply with a request from law enforcement officers for library records. If possible, they will confer with legal counsel before responding to the request. The Library will not make library records available to any other agency of the state, federal or local government except as it pertains to valid library operations, unless presented with a warrant, subpoena, court order or other proper legal document in good form.

The Library cannot be responsible for a user's privacy if the user discloses information while on an Internet workstation. The user should protect personal information by disallowing automatic logins to email, by closing out web pages when finished, and by not providing unnecessary personal information through a public workstation.

Circulation records

Data for items borrowed by a patron are linked in the circulation system to that patron's record, while the material remains checked out. When the materials are returned and any accrued fines/fees are paid, the item is removed from the patron's record. However, in case materials are returned damaged or incomplete, a link to the patron's record is maintained until the item is checked out by another user.

Copies of the databases and transaction records from the circulation system are stored on backup media which is retained for approximately one month in case of a catastrophic system failure.

Computer workstation usage records

Sign-up sheets are generally retained until the end of the business day, then destroyed.

Database search records

Searches of the library's holdings using the online catalog powered by the SIRSI automated system are not stored. After the search is completed, the software retains no

copies of the search. Similarly, searches of the Texshare Databases accessed through the library workstations are not retained.

Inter-library loan records

The library retains inter-library loan records for two years in accordance with system policies.

Overdue and billing records

The library retains records of patrons with overdue items or bills until those items are accounted for, payment is received, or the records have reached a specified age. Part of the recovery process may include efforts by the city attorney or designated agent to recover the items or payment for those items. Upon recovery or restitution, records are destroyed and all links to the patron's records are removed.

Program registration records

Records of patrons who have attended, or plan to attend, a library program, are retained only until all management processes related to that program have been completed.

Reference Questions

Any information taken during the reference process that identifies a specific patron or person will be destroyed after the reference transaction is completed.

Reserve requests

Computerized library records of patrons who have requested that a specific item be held for them are retained only until the patron has checked out the item, deleted the reserve request, or the request has expired. Reserve slips of items not picked up are destroyed after six months.

The Director of Library Services or his/her designee reserves the right to make changes to any library policy or procedure as the need arises for health, safety and public interest concerns.

POLICY ON USE OF DISPLAY CASES AND BULLETIN BOARDS

Moore Memorial Public Library

Moore Memorial Public Library has several display cases at the main entrance to the library. Use of these display cases is primarily for library or library-sponsored program use. At the discretion of the Library Director, the display cases may be made available for exhibits of cultural, artistic or educational use for the community.

Exhibits and displays must focus on being informative to library patrons, and may not espouse personal or partisan opinions or viewpoints. Display space is not available to promote business services or products, nor for political purposes or religious proselytizing.

Exhibits and displays do not imply endorsement by either Moore Memorial Public Library or the City of Texas City. Acceptance of an exhibit/display will be made by the Library Director on the basis of such factors as historical significance of items, educational content, overall community interest, quality and uniqueness of display items, dates of previous displays on similar topics or by the same sponsor, cultural significance, or special needs associated with the exhibit. Exhibits and displays will be viewed by all visitors who enter the library facilities, and must, therefore, meet "a standard acceptable to the community." Exhibitors may not list the Moore Memorial Public Library as sponsor or co-sponsor unless authorized by the Library Director.

Exhibits and displays normally run for one calendar month. Exhibitors are responsible for setting up their exhibits on the first day of the month, and must provide their own supplies. No permanent modification to the display cases will be allowed. Exhibitors must remove all items in the display cases by the last day of the month during library open hours. The library can not store display materials. All exhibits and displays not prepared by library staff must contain the name of the sponsoring organization.

Neither Moore Memorial Public Library nor the City of Texas City assumes liability for loss, theft or damage of materials, equipment or any other items used in a display. The Library reserves the right to remove exhibits and displays at anytime, and may cancel or suspend a display if the facilities are needed for library purposes.

BULLETIN BOARDS

Bulletin board space is first given to Moore Memorial Public Library notices and those of the City of Texas City. If extra space is available, bulletin board space may be made available to non-profit organizations engaged in promoting educational activities, cultural opportunities or fundraising activities. Public interest notices may also be posted.

All materials to be posted on the bulletin board must first be approved by the Library Director. Organizations or individuals are not permitted to post or display any materials which advocate the election or defeat of a candidate for public office, or which advocate affirmative or negative responses concerning any political proposition.

Printed materials will generally be removed after the event has taken place, or within 30 days of the initial posting, whichever is sooner. If space is needed for other

postings, materials previously posted may be removed at the discretion of the Library Director.

No organization or individual is guaranteed space on the library bulletin boards.

The Director of Library Services or his/her designee reserves the right to make changes to any library policy or procedures as the need arises for health, safety and public interest concerns.

TEXSHARE CARD POLICY

Eligibility:

TexShare cards are issued on a case-by-case basis.

The card expires one year after the date it is issued. After that period, the patron must obtain a new TexShare card. In order to qualify for a TexShare card, patrons must meet the following criteria:

- Patrons must have been a member of the Moore Memorial Public Library for at least 6 months.
- Patron must have a good borrowing history with the library system.
- Patron must not have outstanding fines, fees, or overdue books at the time the card is issued.

Card Uses:

A TexShare card grants the cardholder borrowing privileges at all TexShare libraries across the state. This includes libraries at all public and most private colleges and universities, as well as certain public libraries. Lending policies vary from library to library, so the cardholder will need to verify eligibility with the lending library.

Responsibilities:

The cardholder should return items to the lending library and is solely responsible for any expense involved in returning the items. The cardholder is solely responsible for all fines and fees accrued at other libraries and may have borrowing privileges suspended if he/she has outstanding charges with any TexShare library.

Cancellation:

The Moore Memorial Public Library may at any time revoke a patron's TexShare card if that person has outstanding fees or fines with any TexShare library. Failure to return materials or to pay outstanding charges in a timely manner will result not only in the cancellation of TexShare privileges, but in the suspension of borrowing privileges with the Moore Memorial Public Library.

TEXSHARE LENDING

Limitations:

TexShare cardholders will be held to the same borrowing limits as local patrons at the library.

Eligibility:

Cardholders must have both a current TexShare card and a current form of photo ID (driver's license, school ID card, etc.)

Checkout Procedures:

The cardholder is responsible for returning all items to the lending library before the end of the checkout period. The materials may be returned in person, by mail or using a delivery service, but the cardholder assumes all expenses involved in returning the items.

Fines:

Fines accumulate at the same rate as for local borrowers. The maximum fine is \$5.00 per item. If items are not returned, the cardholder will be charged for the price of the item plus a \$5.00 processing fee. These charges will be reported to the library that issued the card, but all fines and fees must be paid to the lending library. Cardholders who fail to pay fines or fees will not be allowed checkout privileges at any other TexShare library.

The Director of Library Services or his/her designee reserves the right to make changes to any library policy or procedure as the need arises for health, safety and public interest concerns.

Application for Statewide Transportation Enhancement Program (STEP) Project

CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Doug Kneupper, Transportation and Planning

Department: Transportation and Planning

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of a Resolution supporting the City's application for a project under the Statewide Transportation Enhancement Program (STEP).

BACKGROUND

The STEP is a Federally funded, State administered program for non-traditional transportation projects like landscaping and lighting. This particular project will provide significant landscaping improvements along EF Lowry Expressway at Century Blvd., and landscaping and lighting improvements along FM 1764 (Palmer Highway) within the raised medians between 14th Street and 21st Street.

The City has developed plans to improve various intersections along FM 1764, and the initial phase of the improvements has recently been completed around the longhorn statues. This project will be the next phase of the overall plan.

As a side note, previously the City used this program to construct Texas City Trails, Phases I and II.

ANALYSIS

Under this program the City will be liable for 20% of the estimated cost along with all additional expenses and overruns. The federal share is capped at 80% of the initial estimate. These numbers are as follows:

Total project estimate - \$813,662

80% Federal Share - \$650,929

20% City Share - \$162,732

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Res

09-126

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Doug Kneupper	11/09/2009 04:27 PM	CREATED
1	Transportation and Planning (Originator)	Doug Kneupper	11/10/2009 10:56 AM	APRV
2	Finance	Cheryl Hunter	11/12/2009 04:52 PM	APRV
3	Paralegal			NEW
4	City Attorney Office			
5	Mayor			
6	City Secretary			
Form Started By: Doug Kneupper			Started On: 11/09/2009 04:27 PM	

RESOLUTION NO. 09-126

A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM FOR THE FM 1764 LANDSCAPE AND LIGHTING IMPROVEMENTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Texas Department of Transportation has issued a call for nominations through the Statewide Transportation Enhancement Program (STEP), which state that the program's goal is to provide a mechanism for accomplishing non-tradition transportation activities that have a direct relationship to the surface transportation system; and

WHEREAS, the Texas Department of Transportation is designated to award nominations under the Statewide Transportation Enhancement Program; and

WHEREAS, the City of Texas City does have areas of need which may be addressed through the Statewide Transportation Enhancement Program, specifically the FM 1764 Landscape and Lights Improvements project with the City; and

WHEREAS, the total cost of the beautification and enhancement project is \$813,662.00 and the City of Texas City is committed to investing \$162,732.00 for the development of such improvements with the City, with 80% of the total amount or \$650,929.00, being eligible for reimbursement from the statewide Enhancement Program; and

WHEREAS, the City Commission of the City of Texas City pledges to provide the local resources necessary to meet state local share requirements and to provide funding for project overruns should they occur.

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

SECTION 1: That the City Commission hereby adopts and approves the recitals and findings set forth in the preamble hereof.

SECTION 2: That the City Commission hereby endorses, supports and nominates the FM 1764 Landscape and Lighting Improvements project application.

SECTION 3: That the City of Texas City agrees to act as the project nomination entity recommending this project for STEP funding.

SECTION 4: That the City of Texas City represents that it has the legal, technical and financial ability to carry out the proposed project with the procedure required.

PASSED AND ADOPTED this 18th day of November, 2009.

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

ATTEST:

APPROVED AS TO FORM:

Pamela Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

Approval of Purchase of Police Radios CITY COMMISSION AGENDA 2

Date: 11/18/2009
Submitted By: Carla Costello, Police Department
Submitted For: Robert Burby
Department: Police Department
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

This is to request approval of expenditure of \$50,560.15 (HGAC Pricing) for Motorola police radios for new police units, as part of Capital Replacement, which was approved in FY 09-10 Budget.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Funds Available Y/N: Y

Amount Requested: \$50,560.15

Source of Funds: Capital Equipmt

Account #: 602-201-55020

Fiscal Impact:

Attachments

Link: [Res
09-127](#)

Link:
[Req108802](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Carla Costello	11/10/2009 04:43 PM	CREATED
1	Police Department	Carla Costello	11/10/2009 04:47 PM	APRV
2	Finance	Cheryl Hunter	11/12/2009 04:53 PM	APRV
3	Paralegal			NEW
4	City Attorney Office			
5	Mayor			
6	City Secretary			

Form Started By: Carla
Costello

Started On: 11/10/2009 04:43 PM

RESOLUTION NO. 09-127

A RESOLUTION APPROVING THE PURCHASE OF MOTOROLA POLICE RADIOS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING PROGRAM, FOR THE POLICE DEPARTMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, funds are available as part of Capital Replacement, which was approved in the 09-10 FY budget for the City for the purchase of radios for new police units;

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

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby approves the expenditure of \$50,560.15 through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, as set out on Exhibit "A", attached hereto, for Motorola police radios for new police units.

SECTION 2: That this equipment is to be utilized by the Police Department.

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

PASSED AND ADOPTED this 18th day of November, 2009.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

**MOTOROLA**

Quote Number: QU0000095989

Effective: 05 NOV 2009

Effective To: 04 JAN 2010

Reg 108802

TEXAS CITY,CITY OF
928 FIFTH AVE N
TEXAS CITY, TX 77590
United States

Attention:**Name:** Pat Wood**Email:** pwood@texascity-tx.orgSales Contact:**Name:** Jeff Moser**Email:** jmoser@wirelesstx.com**Phone:** 713-545-8231**Contract Number:** 17724**Freight terms:** FOB Destination**Payment terms:** Net 30 Due

Item	Quantity	Nomenclature	Description	Your price	Extended Price
1	11	H46UCF9PW6BN	XTS2500 762-870MHZ/ 1-3W/ 870 CHANNELS/ 3X2 KEYPAD/ MODEL 2	\$3,018.75	\$33,206.25
1a	11	Q574AA	ENH: SOFTWARE TRUNKING 9600 BAUD		
1b	11	G996AB	ENH: PROGRAMMING OVER P25		
1c	11	Q883AA	ENH: 3600/9600 INTEROPERABILITY		
1d	11	Q947AL	ENH: RADIO PACKET DATA		
2	5	M21URM9PW1AN	XTL 2500 764-870MHZ, 10-35W	\$3,470.78	\$17,353.90
2a	5	G66AF	ADD: DASH MOUNT, NO CONTROL HEAD		
2b	5	W22AR	ADD: PALM MICROPHONE		
2c	5	G174AA	ADD: ANTENNA 3DB LOW-PROFILE 764-870MHZ		
2d	5	G806BD	ENH: SOFTWARE ASTRO DIGITAL CAI		
2e	5	W947AL	ADD: RS232 & IV&D PACKET DATA INTERFACE		
2f	5	G444AA	ADD: CONTROL HEAD SOFTWARE	-	-
2g	5	G442AA	ADD: XTL2500 CONTROL HEAD		
2h	5	G51AR	ENH: SOFTWARE SMARTZONE/SINGLE TONE		
2i	5	B18CL	ADD: AUXILARY SPKR SPECTRA 7.5 WATT		
2j	5	G114AE	ENH: ENHANCED DIGITAL ID DISPLAY		
2k	5	G361AE	ENH: ASTRO PROJECT 25 TRUNKING SOFTWARE		
2l	5	G996AE	ENH: OVER THE AIR PROGRAMMING		

Total Quote in USD**\$50,560.15**

If ordered prior to the end of the year 2009, ESP will be included at no charge. 2 years for free

PO Issued to Motorola must:

>Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted

>Have a PO Number/Contract Number & Date

>Identify "Motorola" as the Vendor

- >Have Payment Terms or Contract Number
- >Be issued in the Legal Entity's Name
- >Include a Bill-To Address with a Contact Name and Phone Number
- >Include a Ship-To Address with a Contact Name and Phone Number
- >Include an Ultimate Address (only if different than the Ship-To)
- >Be Greater than or Equal to the Value of the Order
- >Be in a Non-Editable Format
- >Identify Tax Exemption Status (where applicable)
- >Include a Signature (as Required)

Bid # 2010-947 Oils and Lubricants Annual Contract CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve and award Bid # 2010-947 Oils and Lubricants Annual Contract.

BACKGROUND

Bid packets were mailed to area vendors on October 14, 2009. A bid tabulation is attached for your review.

Bids opened Monday, November 2, 2009 at 2:00 p.m.

ANALYSIS

The low responsible bid meeting all specifications was received from Sun Coast Resources, Inc., in Houston, for the unit prices bid.

It is my recommendation to award the Oils and Lubricants Annual Contract to Sun Coast, Inc., for the unit prices bid and that the Mayor be authorized to execute a contract on behalf of the City Commission.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Res

09-128

Link:

Bid Tab

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	11/11/2009 07:53 AM	CREATED
1	Public Works	Tommy Maris	11/11/2009 04:14 PM	APRV
2	Purchasing (Originator)	Rita Williams	11/12/2009 04:42 PM	APRV
3	Finance	Cheryl Hunter	11/12/2009 04:53 PM	APRV

4 Paralegal
5 City Attorney Office
6 Mayor
7 City Secretary

NEW

Form Started By: Rita Williams

Started On: 11/11/2009 07:53 AM

RESOLUTION NO. 09-128

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR THE PURCHASE AND DELIVERY OF OILS AND LUBRICANTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on October 14, 2009, bids were mailed to area vendors for the purchase and delivery of Oils and Lubricants, Bid No. 2010-947; and,

WHEREAS, bids were opened on November 2, 2009, and the lowest bid meeting specifications was submitted by Sun Coast Resources, Inc.;

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

SECTION 1: That the successful bidder for the purchase and delivery of Oils and Lubricants, is Sun Coast Resources, Inc., Houston, Texas, for the unit prices bid in Exhibit "A", as attached hereto and made a part hereof for all intents and purposes.

SECTION 2: That the Mayor is hereby authorized to enter into an annual contract with Sun Coast Resources, Inc. for the purchase and delivery of Oils and Lubricants, for amounts not to exceed the unit prices bid in Exhibit "A" attached hereto.

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

PASSED AND ADOPTED this 18th day of November, 2009.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

BID TABULATION

Bid #2010-947 Oils and Lubricants Annual Contract

Bids Opened: Monday, November 2, 2009 @ 2:00 p.m.

#	DESCRIPTION	UNIT	EST QTY	Sun Coast Resources, Inc.	Sundance Fuels, Ltd.	Oil Patch Brazos Valley	The Hurt Co., Inc.	Previous Contract
1	Engine Oil SAE 30 W SL/ CI-4 55 gallon Drum	Gallon	440	\$10.29	\$11.97	\$8.84	\$10.05	\$7.50
2	Engine Oil SAE 30 W SL/ CI-4 Quart containers – 12/case	Quart	72	\$2.58	\$3.31	\$2.63	\$2.47	\$1.90
3	Automotive Engine Oil 5 W 30 Synthetic Oil / 55 gallon Drum	Gallon	300	\$23.27	\$21.50	\$15.69	\$23.10	\$18.90
4	Automotive Engine Oil 5 W 30 Synthetic Oil / Quart containers 12/case	Quart	36	\$5.47	\$3.55	\$3.95	\$5.75	\$4.30
5	Engine Oil SAE 40 W CF-2 5 gallon Pail	Gallon	50	\$9.22	\$12.60	\$8.92	NO BID	\$7.82
6	Engine Oil SAE 40 W CF-2 Quart containers – 12/case	Quart	72	\$2.58	\$3.31	\$2.64	\$2.47	\$1.97
7	Engine Oil SAE 15W40 CJ-4 55 gallon Drum	Gallon	550	\$9.05	\$8.75	\$8.20	\$8.25	\$7.25
8	Engine Oil SAE 10W30 SL/CI-4 55 gallon Drum	Gallon	550	\$10.81	\$11.97	\$8.87	\$8.25	\$7.90
9	Engine Oil SAE 10W CD/SH, SG/4/TO-2 55 gallon Drum	Gallon	2	\$10.30	\$8.11	\$9.36	\$10.75	\$7.95
10	Engine Oil SAE 5W SL, SJ, GF-4 55 gallon Drum	Gallon	6	\$10.53	\$10.86	\$6.57	\$8.25	\$8.20

#	DESCRIPTION	UNIT	EST QTY	Sun Coast Resources, Inc.	Sundance Fuels, Ltd.	Oil Patch Brazos Valley	The Hurt Co., Inc.	Previous contract
11	Engine Oil SAE 5W20 SL, GF-2 55 gallon Drum	Gallon	550	\$10.53	\$10.86	\$6.57	\$8.25	\$8.20
12	Engine Oil SAE 15W40 API, CJ-4 55 gallon Drum	Gallon	200	\$9.05	\$11.97	\$7.83	\$8.25	\$8.55
13	Gear Lubricant ISO 220-5EP 5 gallon Pail or 55 gallon Drum	Gallon	275	\$10.69	\$10.64	\$8.90	\$11.20	\$11.06
14	Gear Lubricant ISO 220-5EP 5 gallon Pail or 55 gallon Drum	Gallon	1500	\$10.85	\$16.38	\$8.90	\$11.75	\$11.48
15	Gear Lubricant 80W90 – GL5 5 gallon Pail	Pound	1500	\$1.52	\$1.67	\$1.22	\$1.12	\$1.28
16	Gear Lubricant 80W90 – GL5 5 gallon Pail	Gallon	50	\$11.06	\$12.99	\$1.22 pound	\$1.12 pound	\$9.24
17	Gear Lubricant 85W140-GL5 120 pound Drum	Pound	720	\$1.61	\$1.68	\$1.39	\$1.60	\$1.29
18	Hydraulic Oil AW46 Bulk – Delivered by Truck	Gallon Bulk	1300	\$5.75	\$4.75	\$6.18	\$5.40	\$4.50
19	Hydraulic Oil AW68 Bulk – Delivered by Truck	Gallon Bulk	1100	\$5.75	\$4.75	\$6.12	\$5.40	\$4.50
20	Hydraulic Oil AW68 Five gallon Pail	Gallon	50	\$7.64	\$8.17	\$7.52	\$9.22	\$5.80
21	Hydraulic Oil AW100 55 gallon Drum	Gallon Bulk	350	\$8.95	\$7.27	\$6.18	\$10.40	\$6.80
22	Tractor Hydraulic Fluid SAE 10W30 55 gallon Drum	Gallon	385	\$9.10	\$11.57	\$7.98	\$10.90	\$7.50
23	Transmission and Drivetrain Oil SAE 50 55 gallon Drum	Gallon	110	\$10.71	\$12.92	\$8.20	\$11.20	\$8.34
24	Transmission Fluid 55 gallon Drum	Gallon	440	\$7.79	\$10.24	\$9.18	\$7.25	\$7.30
25	Transmission Fluid 5 gallon Pail	Gallon	50	\$8.28	\$10.00	\$9.18	\$10.84	\$8.09

#	DESCRIPTION	UNIT	EST QTY	Sun Coast Resources, Inc.	Sundance Fuels, Inc.	Oil Patch Brazos Valley	The Hurt Co., Inc.	Previous contract
26	Transmission Fluid Mercon V 55 gallon Drum	Gallon	3	\$11.24	\$14.69	\$7.96	\$12.45	\$9.19
27	Anti Freeze / Coolant 55 gallon Drum	Gallon	605	\$10.65	\$8.52	\$4.80	\$6.25	\$8.15
28	Anti Freeze / Coolant One gallon containers-6/case	Gallon	120	\$11.05	\$9.99	\$5.39	\$6.55	\$8.50
29	Special Purpose Grease NLGI EP-2 14 ounce cartridge	Each	1000	\$2.83	\$2.90	\$1.86	\$2.14	\$1.92
30	Premium Lubricating Grease NLGI EP-2 GC/LB 14 ounce cartridge	Each	170	\$2.00	\$2.56	\$1.86	\$2.35	\$1.61
31	Lower Bearing Grease for Pumpstations NLGI 00 120 pound Drum	Pound	1920	\$1.81	\$2.50	\$1.98	NO BID	\$1.45
32	Synthetic Manual Transmission Fluid SAE 50 5 gallon Pail or 55 gallon Drum	Gallon	100	\$14.63	\$31.40	\$22.74	\$27.95	New item
33	Hydraulic Oil HD MV 55 gallon Drum	Gallon	200	\$1.55	\$1.72	NO BID	\$11.02	New item
TOTAL BID AMOUNT				\$96,390.64	\$108,091.40	Disqualified – did not bid on all items	Disqualified – did not bid on all items	-----

Bid # 2010-948 Water and Sewer System Repairs Annual Contract CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve and award Bid # 2010-948 Water and Sewer System Repairs Annual Contract.

BACKGROUND

Bid packets were mailed to area vendors on October 14, 2009. A bid tabulation is attached for your review.

Bids opened Monday, November 2, 2009 at 2:00 p.m.

ANALYSIS

The low responsible bid meeting all specifications was received from D. Wagner Construction, in Santa Fe, for the unit prices bid.

It is my recommendation to award the Water and Sewer System Repairs Annual Contract to D. Wagner Construction for the unit prices bid and that the Mayor be authorized to execute a contract on behalf of the City Commission.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
[Res](#)
[09-129](#)

Link:
[Bid Tab](#)

Form Routing/Status

Route Seq Inbox

Approved By Date

Status

Rita Williams 11/11/2009 08:17 AM CREATED

1 Utilities

NEW

2 Purchasing (Originator)

3 Finance

4 Paralegal
5 City Attorney Office
6 Mayor
7 City Secretary

Form Started By: Rita Williams

Started On: 11/11/2009 08:17 AM

RESOLUTION NO. 09-129

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR THE WATER AND SEWER SYSTEM REPAIRS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on October 14, 2009, bids were mailed to area vendors for the water and sewer system repairs, Bid No. 2010-948; and,

WHEREAS, bids were opened on November 2, 2009, and the lowest bid meeting specifications was submitted by D. Wagner Construction, in Santa Fe, Texas;

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

SECTION 1: That the successful bidder for the annual contract for water and sewer system repairs is D. Wagner Construction, in Santa Fe, Texas, for the bid prices in Exhibit "A", attached hereto and made a part hereof for all intents and purposes.

SECTION 2: That the Mayor is hereby authorized to enter into an annual contract with D. Wagner Construction for water and sewer system repairs for the amounts set forth in Exhibit "A" attached hereto.

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

PASSED AND ADOPTED this 18th day of November, 2009.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

BID TABULATION

Bid # 2010-948
Water and Sewer System Repairs Annual Contract

Bid Opening: Monday, November 2, 2009 @ 2:00 p.m.

		VENDOR	VENDOR	VENDOR	PREVIOUS PRICING AMOUNT EACH
No.	DESCRIPTION OF WORK	D. Wagner Construction	Huff & Mitchell, Inc.	Hugh Patrick	
1	Rubber Tire Backhoe with Operator	\$65.00 \$63,375.00 QTY 975 HRS	\$64.00 \$62,400.00 QTY 975 HRS	NO BID	\$65.00
2	Hydraulic Hammer 1,000 lb. to include Rubber Tire Backhoe with Operator	\$120.00 \$2,880.00 QTY 24 HRS	\$115.00 \$2,760.00 QTY 24 HRS		\$120.00
3	Tracked Excavator 26,000 lbs. with Operator	\$110.00 \$8,880.00 QTY 80 HRS	\$118.00 \$9,440.00 QTY 80 HRS		\$110.00
4	Tracked Excavator 27,000 – 35,000 lbs. with Operator	\$110.00 \$33,000.00 QTY 300 HRS	\$125.00 \$37,500.00 QTY 300 HRS		\$130.00
5	Tracked Excavator 36,000 lbs. and up with Operator	\$148.00 \$11,840.00 QTY 80 HRS	\$143.00 \$11,440.00 QTY 80 HRS		\$148.00
6	Articulated Front End Loader with Operator	\$80.00 \$14,400.00 QTY 180 HRS	\$100.00 \$18,000.00 QTY 180 HRS		\$106.00
7	Dozer – 70 HP With Operator	\$77.00 \$3,080.00 QTY 40 HRS	\$75.00 \$3,000.00 QTY 40 HRS		\$77.00

		VENDOR	VENDOR	VENDOR	PREVIOUS PRICING AMOUNT EACH
No.	DESCRIPTION OF WORK	D. Wagner Construction	Huff & Mitchell, Inc.	Hugh Patrick	
8	½ Ton Pick-up Truck Hourly rate is for Pick-Up Alone Does not include labor	\$5.00 \$19,000.00 QTY 3800 HRS	\$9.00 \$34,200.00 QTY 3800 HRS	NO BID	\$10.00
9	Stake / Flat Bed Truck ¾ Ton to One Ton-material hauling only	\$5.00 \$1,400.00 QTY 280 HRS	\$18.00 \$5,040.00 QTY 280 HRS		\$20.00
10	Stake / Flat Bed Truck with Dump Body w/ operator 1.5 Ton to 2.5 Ton	\$30.00 \$5,100.00 QTY 170 HRS	\$28.00 \$4,760.00 QTY 170 HRS		\$30.00
11	Dump Truck – 6 to 8 yard Single Axle with Operator	\$32.00 \$1,280.00 QTY 40 HRS	\$34.00 \$1,360.00 QTY 40 HRS		\$32.00
12	Dump Truck – 12 to 14 yard Tandem Axle with Operator	\$45.00 \$1,080.00 QTY 24 HRS	\$42.00 \$1,008.00 QTY 24 HRS		\$45.00
13	Well Pointing System For 0 to 20 LF in length (0 to 18 feet deep Per Week	\$30.00 \$6,000.00 QTY 200 LF	\$30.00 \$6,000.00 QTY 200 LF		\$30.00
14	Well Pointing System For lengths over 20 LF (0 to 18 feet depth) Per Week	\$21.00 \$2,100.00 QTY 100 LF	\$20.00 \$2,000.00 QTY 100 LF		\$21.00

		VENDOR	VENDOR	VENDOR	PREVIOUS PRICING AMOUNT EACH
No.	DESCRIPTION OF WORK	D. Wagner Construction	Huff & Mitchell, Inc.	Hugh Patrick	
15	Traffic Devices for Lane Closure or Detours. One lot necessary to control traffic WITHOUT Flashers.	\$40.00 \$7,000.00 QTY 175 DAYS	\$39.00 \$6,825.00 QTY 175 DAYS	NO BID	\$40.00
16	Traffic Devices for Lane Closure or Detours. One lot necessary to control traffic WITH Flashers.	\$75.00 \$3,000.00 QTY 40 DAYS	\$240.00 \$9,600.00 QTY 40 DAYS		\$255.00
17	4" Pump with Hose 20 feet Suction 100 feet Discharge	\$17.00 \$11,900.00 QTY 700 HRS	\$6.00 \$4,200.00 QTY 700 HRS		\$7.00
18	Air Compressor up to 185 CFM with 100' of hose	\$28.00 \$672.00 QTY 24 HRS	\$26.00 \$624.00 QTY 24 HRS		\$28.00
19	30# Pneumatic Chipping Hammer	\$10.00 \$240.00 QTY 24 HRS	\$9.00 \$216.00 QTY 24 HRS		\$10.00
20	90# Pneumatic Pavement Breaker	\$14.00 \$336.00 QTY 24 HRS	\$13.00 \$312.00 QTY 24 HRS		\$14.00
21	Trench Shoring Box 5 feet to 10 feet depth UNDER 14 feet in length	\$800.00 \$4,000.00 QTY 5 WEEKS	\$780.00 \$3,900.00 QTY 5 WEEKS		\$800.00
22	Trench Shoring Box 11 feet to 16 feet depth UNDER 14 feet in length	\$900.00 \$3,600.00 QTY 4 WEEKS	\$880.00 \$3,520.00 QTY 4 WEEKS		\$900.00

		VENDOR	VENDOR	VENDOR	PREVIOUS PRICING AMOUNT EACH
No.	DESCRIPTION OF WORK	D. Wagner Construction	Huff & Mitchell, Inc.	Hugh Patrick	
23	Trench Shoring Box 5 feet to 10 feet depth OVER 14 feet in length	\$800.00 \$1,600.00 QTY 2 WEEKS	\$780.00 \$1,560.00 QTY 2 WEEKS	NO BID	\$800.00
24	Trench Shoring Box 11 feet to 16 feet depth OVER 14 feet in length	\$1,000.00 \$2,000.00 QTY 2 WEEKS	\$980.00 \$1,960.00 QTY 2 WEEKS		\$1,000.00
25	Hydraulic Trench Shoring all Depths	\$80.00 \$1,600.00 QTY 20 DAYS	\$150.00 \$3,000.00 QTY 20 DAYS		\$160.00
26	Portable Cutoff Saw to include blades	\$6.00 \$8,940.00 QTY 1490 HRS.	\$5.00 \$7,450.00 QTY 1490 HRS		\$5.00
27	Pipe Laser with Accessories	\$10.00 \$400.00 QTY 40 HRS	\$9.00 \$ 360.00 QTY 40 HRS		\$10.00
28	Compactor 19" X 24" or 20" X 24" Plate 10" X 13" or 11" X 13" Shoe	\$10.00 \$400.00 QTY 40 HRS	\$9.00 \$ 360.00 QTY 40 HRS		\$10.00
29	Mobilization Transportation of equipment to and from job site - One per job.	\$1,000.00 \$40,000.00 QTY 40 EA.	\$950.00 \$38,000.00 QTY 40 EA.		\$1,000.00
30	Laborer – Utility	\$17.00 \$68,000.00 QTY 4000 HRS	\$16.50 \$66,000.00 QTY 4000 HRS		\$17.00

		VENDOR	VENDOR	VENDOR	PREVIOUS PRICING AMOUNT EACH
No.	DESCRIPTION OF WORK	D. Wagner Construction	Huff & Mitchell, Inc.	Hugh Patrick	
31	Pipe Layer	\$19.00 \$26,600.00 QTY 1400 HRS	\$18.00 \$25,200.00 QTY 1400 HRS	NO BID	\$19.00
32	Foreman / Crew Leader	\$32.00 \$64,000.00 QTY 2000 HRS	\$31.00 \$62,000.00 QTY 2000 HRS		\$32.00
33	Cement Finisher	\$25.00 \$5,750.00 QTY 230 HRS	\$24.00 \$5,520.00 QTY 230 HRS		\$25.00
34	Carpenter	\$25.00 \$3,000.00 QTY 120 HRS	\$24.00 \$2,880.00 QTY 120 HRS		\$25.00
35	Truck Driver	\$20.00 \$800.00 QTY 40 HRS	\$18.00 \$720.00 QTY 40 HRS		\$20.00
36	Welder	\$60.00 \$1,440.00 QTY 24 HRS	\$55.00 \$1,320.00 QTY 24 HRS		\$60.00
37	Operator	\$27.00 \$648.00 QTY 24 HRS	\$26.00 \$ 624.00 QTY 24 HRS		\$27.00
38	Superintendent	\$45.00 \$13,500.00 QTY 300 HRS	\$44.00 \$13,200.00 QTY 300 HRS		\$45.00

		VENDOR	VENDOR	VENDOR	PREVIOUS PRICING AMOUNT EACH
No.	DESCRIPTION OF WORK	D. Wagner Construction	Huff & Mitchell, Inc.	Hugh Patrick	
39	Service Replacement with Cleanouts up to 8' of service line to include up to 8 feet of Main installed all depths, complete in place, labor and equipment by Contractor. Material by Owner. (Sanitary Sewer)	\$2,500.00 \$50,000.00 QTY 20 EACH	\$4,500.00 \$90,000.00 QTY 20 EACH	NO BID	\$5,000.00
40	Additional Length of Service Line. All depths complete in place. (Sanitary Sewer)	\$25.00 \$1,250.00 QTY 50 LF	\$24.00 \$1,200.00 QTY 50 LF		\$25.00
41	Remove existing fire hydrant and install new fire hydrant, all depths, complete in place. Labor and equipment by Contractor. Materials by Owner.	\$1,500.00 \$7,500.00 QTY 5 EACH	\$1,600.00 \$8,000.00 QTY 5 EACH		\$1,700.00
42	Install Fire Hydrant Assembly all Depths complete in place. Labor and equipment by Contractor. Materials by Owner. (Includes valve and box)	\$1,500.00 \$3,000.00 QTY 2 EACH	\$1,450.00 \$2,900.00 QTY 2 EACH		\$1,500.00
43	Install 6-8 inch Valve and Valve Box, all Depths, complete in place. Labor and equipment by Contractor. Materials by Owner.	\$600.00 \$4,200.00 QTY 7 EACH	\$590.00 \$4,130.00 QTY 7 EACH		\$600.00
44	Wet Connection. Labor and equipment by Contractor. Materials by Owner.	\$1,500.00 \$7,500.00 QTY 5 EACH	\$1,490.00 \$7,450.00 QTY 5 EACH		\$1,500.00
45	Install 6"-8" PVC C-900 Waterline in Open Cut, all Depths. Complete in place. Labor and equipment by Contractor. Materials by Owner.	\$20.00 \$20,000.00 QTY 1000 LF	\$28.00 \$28,000.00 QTY 1000 LF		\$30.00

		VENDOR	VENDOR	VENDOR	PREVIOUS PRICING AMOUNT EACH
No.	DESCRIPTION OF WORK	D. Wagner Construction	Huff & Mitchell, Inc.	Hugh Patrick	
46	Install 6" to 8" Sanitary Sewer Open Cut 5'-10' deep, complete in place. Labor and equipment by Contractor. Materials by Owner	\$50.00 \$5,000.00 QTY 100 LF	\$58.00 \$5,800.00 QTY 100 LF	NO BID	\$60.00
47	Install 10-18 inches Sanitary Sewer Open Cut 5'-10' deep, complete in place. Labor and equipment by Contractor. Materials by Owner.	\$55.00 \$5,500.00 QTY 100 LF	\$62.00 \$6,200.00 QTY 100 LF		\$65.00
48	Concrete Pavement Replacement including Saw Cut, complete in place. Labor and equipment by Contractor. Materials by Owner. (Street)	\$20.00 \$10,000.00 QTY 500 SF	\$24.00 \$12,000.00 QTY 500 SF		\$25.00
49	Install 1 ½ inch Water Service Taps for dual meter box. All depths complete in place. Equipment and labor by Contractor. Materials by Owner – Long. No open cut, use boring or other means.	\$660.00 \$33,000.00 QTY 50 EACH	\$650.00 \$32,500.00 QTY 50 EA		\$660.00
50	Install 1 ½ inch Water Service Taps for dual meter box. All depths complete in place. Equipment and labor by Contractor. Materials by Owner – Short	\$400.00 \$20,000.00 QTY 50 EACH	\$390.00 \$19,500.00 QTY 50 EACH		\$400.00

		VENDOR	VENDOR	VENDOR	PREVIOUS PRICING AMOUNT EACH
No.	DESCRIPTION OF WORK	D. Wagner Construction		Hugh Patrick	
51	Install 1 inch Water Service Taps for single meter box. All depths complete in place. Equipment and labor by Contractor. Materials by Owner – Long. No open cut, use boring or other means.	\$660.00 \$33,000.00 QTY 50 EACH	\$650.00 \$32,500.00 QTY 50 EACH	NO BID	\$660.00
52	Install 1 inch Water Service Taps for single meter box. All depths complete in place. Equipment and labor by Contractor. Materials by Owner – Short	\$400.00 \$20,000.00 QTY 50 EACH	\$390.00 \$19,500.00 QTY 50 EACH		400.00
53	Performance Bond	\$10,127.00 QTY LUMP SUM	\$10,800.00 QTY LUMP SUM		12,421.00
	TOTAL BID AMOUNT 1 through 53	\$672,838.00	\$738,739.00		-----
	Overtime Rate - % of ST	150%	1.5%		
	Minimum Call Out – hours	8 hrs	6 hrs		
	Incidental Material Markup - % of cost	21%	18%		
	Incidental Rental Equipment Markup - % of cost	21%	18%		

Engineering Services Agreement for Waterline Replacement, Ph. 10 CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Doug Kneupper, Transportation and Planning

Department: Transportation and Planning

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approval of a Resolution authorizing the Mayor to execute an Engineering Services Agreement with HDR/Claunch & Miller for Waterline Replacement Project - Phase 10

BACKGROUND

One-half of this project is the typical, annual waterline replacement and rehabilitation work. Utility Department staff have identified locations throughout the City where old, deteriorated lines should be replaced and/or upgraded.

The other one-half of this project is preparing the waterline replacement construction drawings for the two County Road Bond projects (9th Ave. and 6th Street). HDR will prepare the necessary engineering documents for the waterline work and then coordinate with the County's Engineering firm selected to do the road projects. The waterline replacement and roadway work will then be bid as a single project.

ANALYSIS

There is sufficient funding within the utility budget to perform this engineering work and the construction. We will initially attempt to have the 9th Ave. and 6th Street waterline work paid for from the County Bond Funds, then more of the utility funding can be directed at the annual waterline replacement program.

ALTERNATIVES CONSIDERED

Fiscal Impact

Funds Available Y/N: Y

Amount Requested:

Source of Funds: Water Revenue

Account #: 501-705-55690-09506

Fiscal Impact:

Attachments

Link:

Res

09-130

Link:
HDR
Contract

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Doug Kneupper	11/11/2009 09:19 AM	CREATED
1	Transportation and Planning (Originator)	Doug Kneupper	11/11/2009 09:59 AM	APRV
2	Finance	Cheryl Hunter	11/12/2009 04:55 PM	APRV
3	Paralegal			NEW
4	City Attorney Office			
5	Mayor			
6	City Secretary			

Form Started By: Doug Kneupper

Started On: 11/11/2009 09:19 AM

RESOLUTION NO. 09-130

A RESOLUTION APPROVING AN AGREEMENT AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HDR/CLAUNCH AND MILLER TO PROVIDE ENGINEERING SERVICES FOR WATERLINE REPLACEMENT PROJECT – PHASE 10; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, approximately one-half of the Waterline Replacement Project includes locations throughout the City where Utility Department staff have located old, deteriorated lines which should be replaced and/or upgraded; and

WHEREAS, the remaining one-half of this project is preparing the waterline replacement construction drawings for the two County Road Bond Projects (9th Avenue and 6th Street); and

WHEREAS, HDR would prepare the necessary engineering documents for the waterline work and then coordinate with the County Engineering firm selected to do the road projects, with the waterline replacement and roadway work then being bid as a single project; and

WHEREAS, Claunch & Miller, Inc., has submitted a proposal to provide engineering services for implementing this project (Exhibit “A”); and

WHEREAS, there is sufficient funding within the utility budget to perform this engineering work and the construction, with an attempt to have the 9th Avenue and 6th Street waterline work paid for from the County Bond Funds and then more of the utility funding being directed at the annual waterline replacement program.

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

SECTION 1: That the City Commission hereby accepts the proposal by HDR/Claunch & Miller, to provide engineering services for the waterline work as set out in the proposal attached hereto as Exhibit “A”, and made a part hereof.

SECTION 2: That the Mayor is hereby authorized to enter into an Agreement for Services with HDR/Claunch & Miller, to provide engineering services for the waterline work as outlined in substantially the same form attached hereto as Exhibit “B”, which is made a part hereof for all intents and purposes.

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

PASSED AND ADOPTED this 18th day of November, 2009.

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

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Ronald F. Plackemeier
City Attorney

THE STATE OF TEXAS

COUNTY OF GALVESTON

AGREEMENT FOR SERVICES

This Agreement entered into as of the ____ day of _____, A.D., 2009, by and between HDR Engineering, Inc. ("Consultant"), and the City of Texas City, Texas, ("Client").

WITNESSETH:

WHEREAS, the Client has requested various services of the Consultant with respect to Engineering Services for the City of Texas City Proposal for Engineering Services for the City of Texas City's "Waterline Replacement Project – Phase 10 ("Project")".

NOW, THEREFORE, *Client* and *Consultant* hereby agree as follows:

1. Engagement of Consultant - *Consultant* hereby agrees to perform the services required under the scope of work related to the *Project*, and to provide *Client* with copies of the information, opinions, and other such documents made the basis of the scope of services, which is set out in Attachment "A" and made a part of this contract. *Consultant* agrees to initiate the following services that are set out in Attachment "A" upon receipt of an executed copy of this Agreement.
2. Availability of Information - *Client* agrees to provide *Consultant* with all available information pertinent to the *Project*. *Client* will also provide copies of reports, drawings, and other data, and will, at *Consultant's* request, provide written authorization to review *Client's* files relative to the *Project* which may be in possession of third parties. *Consultant* agrees to return all original documents to *Client* upon completion of the *Project*, but reserves the right to make and keep reproducible copies of all such material.

3. Access to Facilities - *Client* will provide access for the *Consultant* to enter the property and facilities of *Client*, as necessary for *Consultant* to perform services as required under the *Project*.
4. Instruments of Service - All documents prepared in accordance with this contract including exhibits, field notes, laboratory data, original drawings, and specifications are the property of the *Client*. The *Consultant* is given the right to use any of this data in connection with future engineering projects. The *Consultant* may retain copies of reproduces of any information prepared for this *Project*.
5. Fee - The *Consultant's* fee for the scope of services as stated in Attachment "A" provided by *Consultant* under this Agreement as set out in Attachment "A" and being the amount of: \$224,790.00 for Design Services and Miscellaneous and \$193,360.00 for Construction Phase Services.
6. Payment and Fee Schedule - The *Consultant* will submit a monthly invoice for services rendered.
7. Terms of Payment - Payment of fees as determined under Paragraph 5 herein above shall be due and payable by *Client* within thirty (30) days following receipt of *Consultant's* monthly invoice.
8. Additional Services - Additional services beyond those described in the Scope of Services will be invoiced on the basis of direct labor cost times a factor of 3.05 and direct cost plus 15%.
9. Insurance - *Consultant* shall maintain Worker's Compensation and Liability Insurance in accordance with Attachment "B".
10. Termination - The *Client* may terminate this contract at any time by giving notice in writing to the *Consultant*. In that case, all finished or unfinished documents and other materials

produced under this contract shall become the *Client's* property. If the contract is terminated by the *Client* in accordance with this provision, *Consultant* shall be paid for all services performed to the date of termination.

11. Governing Law - This Agreement shall be deemed to have been made under, and shall be construed and interpreted in accordance with the laws of the State of Texas. The venue of any suit for enforcement or construction of this contract shall be in Galveston County, Texas.
12. Indemnification - FOR CONSIDERATION RECEIVED, Consultant agrees to indemnify, save, and hold harmless the City of Texas City, Texas, its employees, officials, and agents from any and all claims, actions, damages, lawsuits, proceedings, judgments, or liabilities, for personal injury, death, or property damage to the extent or degree on a comparative basis of fault resulting from the negligent acts or omissions of the Consultant or negligent acts or omissions of others under the Consultant's supervision or control, arising out of the performance of this agreement.

In the event of any cause of action or claim asserted by a party to this Agreement or any third party, the City will provide the Consultant timely notice of such claim, dispute or notice. Thereafter, should Consultant be obligated to indemnify the City, the undersigned shall at its own expense, faithfully and completely defend and protect the City against any and all liabilities arising from this claim, cause of action or notice.

If the undersigned should fail to so defend, the City may defend, pay or settle the claim or other cause of action with full rights of recourse against the undersigned for any and all fees, costs, expenses, and payments arising from Consultant's negligence, or the negligence of others under the Consultant's supervision and control, including but not limited to attorney

fees and settlement payments, made or agreed to be paid, in order to discharge the claim, cause of action, dispute or litigation.

13. Home Rule Municipality

The City is a municipality incorporated under the laws of the State of Texas, and all laws regulating and concerning Texas municipalities apply, including budgetary laws, The City Charter and The City Code. Consultant acknowledges that the City may only act through its City Commission or a duly authorized representative of City Commission, and that any act of an employee or officer of the City that is not duly authorized is void.

ENTERED INTO AND AGREED by the parties hereto as the day and year first written.

HDR ENGINEERING, INC.
Consultant

BY: _____

JAMES B. ANDREWS, P.E.
Senior Vice President

CITY OF TEXAS CITY, TEXAS
Client

BY: _____

MAYOR OF CITY OF TEXAS CITY

ATTEST: _____
City Secretary

HDR | **CLAUNCH & MILLER**
Engineering Consultants
ATTACHMENT "A"

November 10, 2009

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

Re: Proposal for Engineering and Construction Phase Services for the City of Texas City's
"Waterline Replacement Project – Phase 10" (including water line improvements for 9th
Avenue; 14th Street to Bay Street & 6th Street; Texas Avenue to 11th Avenue)

Dear Mr. Kneupper:

As requested, HDR Engineering, Inc., hereinafter HDR|Claunch & Miller (HDR|C&M) is pleased to submit this proposal for performing engineering services for the above referenced Phase of Texas City's Waterline Replacement and Rehabilitation Program. The proposal is based on our understanding of the project as discussed in our previous meetings and conversations. This phase consists of providing engineering design services and the preparation of bid documents for the replacement of waterlines at various locations throughout the City. This proposal also addresses the water line design associated with the 9th Avenue Paving Improvements Project and the 6th Street Paving Improvement Project that will be funded by bond funds from Galveston County. For your convenience this proposal consists of General Overview, Scope of Services, Fee, and Fee Schedule.

GENERAL OVERVIEW

The Waterline Replacement Project – Phase 10 project is part of an ongoing water line replacement program underway in the City of Texas City (City). Approximately 250,015 L.F. of water lines at various locations throughout the City have been replaced to date as part of this program and the 2001 Bond Program. This phase is a continuation of this program. This proposal includes providing engineering design and construction phase services for the replacement of existing water lines at various locations throughout the City. The water lines identified for replacement will be identified and provided by City staff based on on-going maintenance efforts; deteriorated water lines; recommendations from a modeling study performed previously; problem lines, and may include lines not replaced as part of previous projects.

This proposal also includes providing engineering design and construction administration services associated with the waterline improvements for the "9th Avenue Paving & Drainage Project (between 14th Street to Bay Street)", and the "6th Street Paving & Drainage Project

(between Texas Avenue to 11th Avenue)” that are part of the Galveston County Bond Program Projects. At this time, it is our understanding that the waterline improvements associated with paving and drainage projects will be funded by the Galveston County Bond Funds. The sanitary sewer design work associated with these projects will be included in the Sanitary Sewer Rehabilitation - Phase XII proposal. Following is a summary of the waterline improvements associated with the paving projects:

9th Avenue Paving Improvements Project (between 14th Street to Bay Street)

- Project involves the installation of 1,595 linear feet of 8” water line, 2,368 linear feet of 12” water line, and 2,359 linear feet of transmission main along 9th Avenue from 14th Street to 10th Street. Approximately 530 linear feet of 8” water line along 9th Avenue between 1st Street to Bay Street will also be installed. This work will also include all services, wet connections, fire hydrants. The estimated construction cost for performing the improvements is \$540,710.

6th Street Paving Improvement Project (between Texas Avenue to 11th Avenue)

- Project involves the installation of 6,300 linear feet of 8” water line along 6th Street from Texas Avenue to 11th Avenue. This work will also include all services, wet connections, fire hydrants. The estimated construction cost for performing the improvements is \$434,700.

HDR/C&M will utilize the topographic survey, geotechnical investigation data, and associated drawing information provided by the consultant designing the paving improvements for the two Galveston County Bond Projects for preparing the waterline design. The waterline work will be included to be bid with the paving improvement project bidding packages. HDR/C&M will provide the pertinent specifications and bid forms to be incorporated into the paving project’s specifications.

The budget allocated for the Waterline Replacement Project – Phase 10 project is \$2.0 million, which includes construction costs, engineering, surveying, construction phase services and other costs. Based on preliminary cost estimates performed by HDR/C&M, it is estimated that approximately 26,400 L.F. of water lines can be replaced as part of this phase. The estimated construction cost to perform the work is approximately **\$1,581,500.00**, which includes the replacements and associated work. Due to fluctuation in unit prices experienced lately in the construction industry, HDR/C&M will include in the project the design of multiple add alternates based on the construction budget.

As performed previously, the City of Texas City desires that the design documents for the waterline replacements at various locations throughout the City consist of detailed specifications with numerous bid items that will provide flexibility, during the construction phase, to accommodate and pay for different situations that may occur. To this end, the City also desires that schematic layout maps in lieu of obtaining detailed topographic survey be utilized for the

drawings portion of the construction documents. Where it is determined that more detailed information will be required, then survey work will be obtained and included in the design package.

It is City's desire that HDR/C&M provide one on-site representative to observe the construction of both the proposed Water Line Replacement Project - Phase 10 and the proposed Sanitary Sewer Rehabilitation Project - Phase XII. As discussed with City staff, the sewer rehabilitation project and the waterline replacement project will be designed and bid concurrently, and constructed under separate construction contracts. This will facilitate utilizing one on-site representative for both the projects. HDR/C&M's on-site representative will observe each project that should be occurring simultaneously; therefore, the budget for site representation for the waterline portion of the project is based on an average of thirty hours (30) per week for the project duration. The budget associated with the remaining 10 hours per week will be included in the proposal for the Sanitary Sewer Rehabilitation project. In the event the projects are not constructed concurrently, this will impact the overall site representation budget and services. HDR/C&M will coordinate with the City for additional services if this should occur.

This proposal addresses the engineering services HDR/C&M will provide the City during the Design and Construction Phases, as well as associated Surveying and other services necessary to support the project. Costs for performing geotechnical work for the Waterline Replacement Project – Phase 10 & Sanitary Sewer Rehabilitation Project – Phase XII are included as part of this project. The proposal is separated into Basic Services (expected normal engineering services) and Special Services.

SCOPE OF SERVICES

I. DESIGN PHASE SERVICES

A. Design Services (Water Line Replacement – Various Locations)

- Obtain utility information, where appropriate.
- Coordinate with other governmental entities, which may be impacted by the project.
- Perform field reconnaissance of the water line locations areas to obtain information on surface features and any other information that would impact construction. The information gathered from the field visit will be included in the schematic layout drawings that would aid the design efforts. A detailed topographic survey of all project areas is not part of this scope.
- Meet with City of Texas City to discuss and finalize design criteria and acquire pertinent information regarding the Project.

- Prepare project specifications, drawings, bid documents and construction drawings based on the anticipated improvements.
- Coordinate with the City of Texas City during the design phase. Provide draft documents for their review and comments.
- The design shall include the waterlines identified by the City that can be rehabilitated with the available construction budget. Based on information provided by the City, the available construction budget is approximately **\$1,581,500.00**. HDR/C&M will endeavor to apprise the City of Texas City of the cost estimate as the project progresses.
- Coordinate with Texas Commission on Environmental Quality (TCEQ) during the design phase. Furnish necessary documentation to TCEQ for their review and approval.
- Incorporate appropriate comments from pertinent entities into the final bid documents.
- Prepare final cost estimate for the project.
- Furnish three (3) sets of construction documents to the City.

B. Special Services - Design Phase

1. Design Services for 9th Avenue Waterline (14th Street to Bay Street)

- Obtain CADD drawing files from the consultant performing the design services for the 9th Avenue Paving Improvement project.
- Coordinate with consultant for information on proposed improvements.
- Perform field reconnaissance of the water line locations areas to obtain information on surface features and any other information that would impact construction. The information gathered from the field visit will be included in the drawings that would aid the design efforts.
- Prepare waterline design for the project area. HDR/C&M will provide the bid proposal and the design drawings and associated details pertaining to the waterline design that will be incorporated into the Consultant's project contract documents.

- Coordinate with the City of Texas City during the design phase. Provide draft documents for their review and comments.
- Obtain record drawings and schematics of the 14th Street water plant.
- The design shall include the water lines affected by the paving and drainage improvements within the project area and includes the water distribution system, water transmission mains, and water transmission mains.
- HDR/C&M will endeavor to apprise the City of Texas City of the cost estimate as the project progresses.
- Coordinate with Texas Commission on Environmental Quality (TCEQ) during the design phase. Furnish necessary documentation to TCEQ for their review and approval.
- Incorporate appropriate comments from pertinent entities into the final bid documents.
- Provide final drawings and bid proposal and pertinent technical specifications to the Consultant to incorporate into their bid package.

2. Design Services for 6th Street Waterline (Texas Avenue to 11th Avenue)

- Obtain survey data and design drawings from the consultant performing the design services for the 6th Street Paving Improvement project.
- Coordinate with consultant for information on proposed improvements.
- Perform field reconnaissance of the water line locations areas to obtain information on surface features and any other information that would impact construction. The information gathered from the field visit will be included in the drawings that would aid the design efforts.
- Prepare waterline design for the project area. HDR/C&M will provide the bid proposal and the design drawings and associated details pertaining to the waterline design that will be incorporated into the Consultant's project contract documents.
- Coordinate with the City of Texas City during the design phase. Provide draft documents for their review and comments.

- The design shall include the water lines affected by the paving and drainage improvements within the project area.
- HDR/C&M will endeavor to apprise the City of Texas City and the prime Consultant of the cost estimate as the project progresses.
- Coordinate with Texas Commission on Environmental Quality (TCEQ) during the design phase. Furnish necessary documentation to TCEQ for their review and approval.
- Incorporate appropriate comments from pertinent entities into the final bid documents.
- Provide final drawings and bid items to prime Consultant to incorporate into their bid.

3. Survey Services

- Obtain pertinent survey information on the selected line sections that will be included the various waterlines bid package.
- Utilize a subcontract surveyor mutually agreeable to the City and to HDR/C&M.
- At this time, the lines requiring survey services data have not been identified, therefore a budget has been allocated.

4. Geotechnical Services

- Obtain soil borings and geotechnical data and recommendations on the appropriate line sections in the design package.
- The geotechnical findings and recommendations from previous projects will be utilized wherever applicable.
- Due to budget considerations and the nature of performing geotechnical investigation over a wide spread area, involving general sewer line improvements, individual borings at each improvement location will not be taken. Instead borings will be taken across the project area at miscellaneous locations to provide an overall estimated representation of geotechnical conditions. It must be understood that such representation may change throughout the project locations. A budget for 200 V.F. of soil borings is included in this proposal. The geotechnical report will also be utilized for the Sanitary Sewer Rehabilitation Project – Phase XII.

- Geotechnical information data obtained by the consultant performing the design for the 9th Avenue and 6th Street Paving Improvement Project will be utilized for the design of the waterlines in the area. No additional geotechnical information will be obtained for these two projects.
- Utilize a subcontract geotechnical firm mutually agreeable to the City and to HDR|C&M.
- No geotechnical bores will be taken for the 9th Avenue or 6th Street Improvement Projects. HDR|C&M will utilize the geotechnical information from these projects for the design of the utility improvements in these areas.

5. Reproduction

- Costs for reproduction will be charged under special services for reproduction of plans, specifications and reports beyond the three (3) sets of construction documents provided (as listed in the design services) to the City.
- Reproduction for review sets, submittals to the City, governmental agencies, and utility companies will be included in the cost for reproduction.

II. CONSTRUCTION PHASE SERVICES

A. Basic Services

1. Construction Administration Services:

- Assist the City of Texas City (City) in obtaining bids for the project. The City will advertise the project and will absorb all related advertising costs. HDR|Claunch & Miller (HDR|C&M) will coordinate with the City and will assist in developing the wording of the advertisement.
- Dispense construction documents from HDR|C&M's office to potential bidders.
- During the bidding process, provide information to and answer questions from potential bidders concerning the Project's construction documents and prepare addendums as necessary.
- Conduct a pre-bid conference for potential bidders.

- Evaluate the bids and the qualifications of the apparent low bidders and advise the City as to the acceptability of the apparent low bidder.
- Conduct a pre-construction conference for the project.
- Act as the City's Project representative during the construction phase.
- Review and respond accordingly to all submittals as required by the contract specifications.
- Prepare change orders necessitated by field conditions.
- Review the contractor's pay estimates, evaluate the completion of work and make payment recommendations to the City.
- Visit the site at intervals appropriate to the various stages of construction to observe the progress and quality of executed work and to determine in general if such work is proceeding in accordance with the Contract Documents. Part time site representation is not included in this scope.
- HDR/C&M will not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor(s) or the safety precautions and programs incident to the work of the Contractor(s). HDR/C&M's effort will be directed toward providing a greater degree of confidence for the City that the completed work of Contractor(s) will conform to the Contract Documents, but HDR/C&M will not be responsible for the failure of Contractor(s) to perform the work in accordance with the Contract Documents. During site visits and on the basis of on-site observations HDR/C&M shall keep the City informed of the progress of the work, shall endeavor to guard the City against defects and deficiencies in such work and may disapprove or reject work failing to conform to the Contract Documents.
- Conduct a final inspection of the Project and make a recommendation for Final Payment on the project.
- Require and monitor Contractor in maintaining a set of record plans. Engineer shall provide one set of reproducible record plans.

B. Special Services

1. Construction Phase Services for 9th Avenue Waterline (14th Street to Bay Street)

- A budget for providing construction phase services is included. Full time site representation is not included in this proposal for the waterline improvements along 9th Avenue portion of the project.
- Attend pre-bid conference.
- During the bidding process, provide information to and answer questions from potential bidders concerning the Project's construction documents and prepare addendums as necessary.
- Provide engineering and technical office personnel support throughout construction. These office personnel, consisting of Professional Engineers and design staff, provide on-site support to address contractor's questions, resident's concerns and conflicts uncovered in the field.

2. Construction Phase Services for 6th Street Waterline (Texas Ave. to 11th Avenue)

- Full time site representation is not included in this proposal. The County will have a site representative observing the progress of work.
- Attend pre-bid conference.
- During the bidding process, provide information to and answer questions from potential bidders concerning the Project's construction documents and prepare addendums as necessary.
- Provide engineering and technical office personnel support throughout construction. These office personnel, consisting of Professional Engineers and design staff, provide on-site support to address contractor's questions, resident's concerns and conflicts uncovered in the field.

3. Construction Testing:

- Construction testing is included in this proposal as a budgetary item. It is anticipated that a separate construction testing firm mutually agreeable to the City of Texas City (City) and HDR|Claunch & Miller (HDR|C&M) will be utilized as a subcontractor to HDR|C&M to perform the testing services. The City has the option to contract directly with the materials testing firm.

4. Construction Observation Services:

- Provide one construction observer (on-site representative) to observe the daily progress of construction activities and to assist in the interpretation of plans and specifications. HDR's site representative will be on the job site an average of thirty hours per week for the anticipated eleven (11) month active duration of the construction project. The actual hours may vary depending on the level of construction activity. HDR personnel will coordinate with the City and the Construction Contractor regarding the construction activities.
- Provide engineering and technical office personnel support throughout construction. These office personnel, consisting of Professional Engineers and design staff, provide on-site support to address contractor's questions, resident's concerns and conflicts uncovered in the field.
- The on-site representative(s) will be on-site daily during construction activity.
- In the event of rain days where construction may be hindered or stopped, the representative will be on-site long enough to verify that inclement weather has occurred and the associated impact on the contractor and construction.
- The on-site representative shall maintain daily reports in a format satisfactory to the City of Texas City.
- The on-site representative will attend meetings with the Contractor and the City of Texas City such as pre-construction conference, progress meetings, and other project related meetings where his presence is requested by the City of Texas City.
- The on-site representative will take periodic photographs of the construction progress and of key items of concern.
- The on-site representative will estimate quantities installed for use in reviewing monthly pay estimates.
- The on-site representative will aid in the coordination of activities of the testing laboratory.
- The on-site representative will coordinate with the City of Texas City and the Contractor for construction scheduling, resident notification and complaints.
- The on-site representative will assist in the performance of a final inspection, the preparation of a punch list and subsequent follow up inspections.

- The on-site representative will be provided in an effort to aid in the process of observing performance of work of the Contractor(s). Through more extensive on-site observations of the work in progress, HDR|Claunch & Miller shall endeavor to provide further protection for the City of Texas City against defects and deficiencies in the work of the contractor(s); but the furnishing of such on-site representative will not make HDR|Claunch & Miller responsible for construction means, methods, techniques, sequences or procedures or safety precautions or programs, or for Contractor(s) failure to perform their work in accordance with the Contract Documents.
- The on-site representative will assemble and maintain notes, comments, sketches, and supporting data related to the project in order to assist in the preparation of record drawings.
- The on site representative will review the Contractor's quantity measurements, the Contractor's payment request and make recommendation of payment of the periodic pay request to HDR|C&M's project manager.
- HDR|C&M will process daily reports and other administrative office duties.
- HDR|C&M will track and document costs associated with the work.

FEE

The fee is separated into: Design Phase, and Construction Phase. Due to the nature and magnitude of this project, it is recommended that a miscellaneous services fee amount be authorized to cover additional tasks and costs, which may occur during the progress of the work. Such tasks and costs will only be performed upon authorization from the City.

1. DESIGN PHASE

The Design Phase Fees are:

Design Services: Lump Sum	\$119,910.00
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Special Services:

Design Services (9 th Avenue; 14 th Street to Bay Street): Lump Sum	\$ 42,950.00
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Design Services (6 th Street; Texas Avenue to 11 th Avenue): Lump Sum	\$ 35,430.00
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*Survey: Cost plus 15%	\$ 5,500.00
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*Geotechnical Study: Cost plus 15%	\$ 13,000.00
*Reproduction: Cost plus 15%	\$ 5,000.00
*Miscellaneous: Hourly and cost plus 15%	<u>\$ 3,000.00</u>
Total Design Phase Amount	\$224,790.00

*At this time the magnitude of these tasks are not known. Therefore budgetary amounts are provided. These figures may increase or decrease depending upon actual work required. If an increase becomes necessary it can be accomplished by utilizing available funds from other line items that have under run, or funds from the miscellaneous special services line item or by contract amendment.

2. CONSTRUCTION PHASE SERVICES

Construction Phase Fees are:

Construction Administration Services: Lump Sum	\$ 21,160.00
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Special Services:

Construction Phase Services for 9 th Ave. Project (14 th St. to Bay Street): Lump Sum	\$ 9,750.00
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Construction Phase Services for 6 th St. Project (Texas Avenue to 11 th Avenue): Lump Sum	\$ 7,750.00
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*Construction Observation for Various Waterline Project: (Hourly and cost plus 15% plus mileage)	\$147,700.00
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*Miscellaneous: Hourly and cost plus 15%	<u>\$ 2,000.00</u>
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Total Construction Phase Amount	\$193,360.00
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*At this time the magnitude of these tasks are not known. Therefore budgetary amounts are provided. These figures may increase or decrease depending upon actual work required. If an increase becomes necessary it can be accomplished by utilizing available funds from other line items that have under run, funds from the miscellaneous special services line item or by contract amendment.

The anticipated construction duration for the project is estimated to be 330 calendar days for the Waterline Replacement Project – Phase 10. The construction observation budgetary fees are based on providing a site representative an average of 30 hours/week for the 330 calendar day project duration. The fee includes hourly costs for a site representative, supervisory and

administrative services, and mileage. Hourly charges for on-site field representative shall be charged based on a raw labor rate times a multiplier of 2.99. Mileage will be charged at the prevailing IRS rate.

Overtime for site representative personnel and hourly employees will be charged at 1.5 times normal rate. Overtime is defined as time over 40 hours within a one-week period (Sunday to Saturday). Hourly charges shall be charged based on a raw labor rate times a multiplier of 3.05, reimbursable expenses will be charged at cost plus 15%.

HDR|Claunch & Miller appreciates the opportunity to submit this proposal and we look forward to continuing working with the City of Texas City on this very important project.

Sincerely,

HDR|CLAUNCH & MILLER



Mr. Madhu Kilambi, P.E.
Vice President

cc: Mr. Todd Hoover – City of Texas City
Mr. Tom Kessler, P.E. – City of Texas City

FEE SCHEDULE

Design Phase

Basic:

Design Services	Lump Sum	\$119,910.00
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Special:

*Design Services (9th Avenue)	(Cost plus 15%)	\$ 42,950.00
*Design Services (6th Street)	(Cost plus 15%)	\$ 35,430.00
*Geotechnical Investigation	(Cost plus 15%)	\$ 13,000.00
*Survey	(Cost plus 15%)	\$ 5,500.00
*Reproduction	(Cost plus 15%)	\$ 5,000.00
*Miscellaneous Services	(Hourly and cost plus 15%)	<u>\$ 3,000.00</u>

TOTAL	\$224,790.00
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Construction Phase

Basic:

Construction Administration	Lump Sum	\$ 21,160.00
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Special:

*Construction Phase Services (9th Avenue)	(Cost plus 15%)	\$ 9,750.00
* Construction Phase Services (6th Street)	(Cost plus 15%)	\$ 7,750.00
*Materials Testing	Cost plus 15%	\$ 5,000.00
*Construction Observation	Hourly cost plus 15% plus \$25/day vehicle cost)	\$147,700.00
*Miscellaneous Services	(Hourly and cost plus 15%)	<u>\$ 2,000.00</u>

TOTAL	\$193,360.00
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Total Engineering and Construction Phase Services	\$418,150.00
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*Budgetary Amounts.

All of the hourly cost plus fees presented above should be utilized as budgetary amounts. In the event one line item under runs then that amount should be available to cover the amount of another category that may over run.

ATTACHMENT "B"
INSURANCE LIMITS

1.	General Liability	Each Occurrence:	\$1,000,000
		Damage to Rented Premises	\$1,000,000
		Medical Expenses (any one person)	\$10,000
		Personal and Adv. Injury	\$1,000,000
		General Aggregate:	\$2,000,000
		Products - Comp/Op Agg:	\$2,000,000
2.	Automobile Liability	Combined Single Limit:	\$1,000,000
3.	Excess Liability Umbrella Form	Each Occurrence:	\$3,000,000
		Aggregate:	\$3,000,000
4.	Worker's Compensation and Employers Liability	Each Accident:	\$500,000
		Disease - Each Employee:	\$500,000
		Disease - Policy Limit:	\$500,000
5.	Professional Liability	Each Claim	\$1,000,000
		Policy Year Aggregate	\$1,000,000

**RFP # 2010-216 Security and Solar Control Film
CITY COMMISSION AGENDA 2**

Date: 11/18/2009

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information**ACTION REQUEST (Brief Summary)**

Approve and award RFP # 2010-216 for the installation of Security and Solar Control Film at City Hall, Nessler Center/Gym and Criminal Justice Center.

The film will be affixed to the windows to reduce the ultraviolet rays that increase heat within the building and provides hurricane safety strength to reduce possible breakage from flying debris.

BACKGROUND

Proposal packets were mailed on October 26, 2009. A proposal tabulation is attached for your review.

Funds are available through the U.S. Department of Energy Technology Laboratory Recovery Act - Energy Efficiency and Conservation Block Grants - Formula Grants, which are part of the Stimulus Act and requires no funding from the City.

ANALYSIS

The low responsible proposal meeting all requirements and specifications was received from Sun Stoppers Window Tinting, in Ft. Pierce, Florida, for the total price of \$62,788.18. References have been notified and Sun Stoppers Window Tinting appear to be a responsible firm that is capable of performing the specified work in a satisfactory manner.

It is my recommendation to award the Security and Solar Control Film project to Sun Stoppers Window Tinting, for the total proposed amount of \$62,788.18 and that the Mayor is authorized to execute a contract on behalf of the City Commission. I further recommend that the Mayor be authorized to approve any change orders, if necessary, not to exceed 25% of the contract amount without bringing the matter before the Commission.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: Res
09-131

Link:
Tabulation

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	11/11/2009 11:29 AM	CREATED
1	Management Services	Nick Finan	11/11/2009 12:26 PM	APRV
2	Purchasing (Originator)	Rita Williams	11/12/2009 04:42 PM	APRV
3	Finance	Cheryl Hunter	11/12/2009 04:57 PM	APRV
4	Paralegal			NEW
5	City Attorney Office			
6	Mayor			
7	City Secretary			
Form Started By: Rita Williams			Started On: 11/11/2009 11:29 AM	

RESOLUTION NO. 09-131

A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF SECURITY AND SOLAR CONTROL FILM FOR CITY HALL, NESSLER CENTER/GYM AND THE CRIMINAL JUSTICE CENTER, USING FUNDS FROM THE U. S. DEPARTMENT OF ENERGY TECHNOLOGY LABORATORY RECOVERY ACT – ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS – FORMULA GRANTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, funds are available through the U. S. Department of Energy Technology Laboratory Recovery Act – Energy Efficiency and Conservation Block Grants – Formula Grants, which are part of the Stimulus Act and requires no funding from the City; and

WHEREAS, the film will be affixed to the windows to reduce the ultraviolet rays that increase heat within the building and provides hurricane safety strength to reduce possible breakage from flying debris; and

WHEREAS, proposal packets were mailed on October 26, 2009, and the lowest responsible proposal meeting all requirements and specifications was received from Sun Stoppers Window Tinting, in Ft. Pierce, Florida, for the total price of \$62,788.18, as set out on the attached tabulation; and

WHEREAS, references have been contacted and Sun Stoppers Window Tinting appears to be a responsible firm that is capable of performing the specified work in a satisfactory manner.

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

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby approves the purchase and installation of Security and Solar Control Film from Sun Stoppers Window Tinting, for the total proposed amount of \$62,788.18, as set out on the Exhibit “A”, attached hereto and made a part hereof for all intents and purposes.

SECTION 2: That the Mayor is hereby authorized to enter into a contract with Sun Stoppers Window Tinting, for the purchase and delivery of Security and Solar Control Film for City Hall, Nessler Center/Gym and the Criminal Justice Center, for the bid amount of \$62,788.18.

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

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

and adoption.

PASSED AND ADOPTED this 18th day of November, 2009.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

RFP TABULATION

RFP # 2010-216

SECURITY AND SOLAR CONTROL FILM

Proposals due: Tuesday, November 10, 2009 @ 2:00 p.m.

VENDOR	TOTAL BID AMOUNT
Sun Stoppers Window Tinting Ft. Pierce, Florida	\$62,788.18
V-Kool Houston, Texas	\$66,867.00
American Solar Solutions Kingwood, Texas	\$76,934.80
Solar/Tek Lonestar, Inc. Tampa, Florida	\$88,512.00
Houston Window Film Bellaire, Texas	\$98,960.00

2011 International Dump Truck CITY COMMISSION AGENDA 2

Date: 11/18/2009

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve the purchase and delivery of one (1) 2011 International 4300 4x2 Dump Truck for \$62,878.00 through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program.

The delivering dealer is Santex Truck Center.

BACKGROUND

The International Dump Truck will be utilized by the Water Distribution Department. Funds are available in the Water Distribution Capital Outlay account.

The contract worksheet and specifications are attached for your review.

ANALYSIS

It is my recommendation to award the purchase and delivery of one (1) 2011 International 4300 4x2 Dump Truck, through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, for the total contract price of \$62,878.00.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res 09-132](#)

Link: [Worksheet](#)

Form Routing/Status

Route Seq Inbox

Approved By Date

Status

- | | |
|---|-------------------------|
| 1 | Utilities |
| 2 | Purchasing (Originator) |
| 3 | Finance |

Rita Williams 11/11/2009 04:12 PM

CREATED

NEW

4 Paralegal
5 City Attorney Office
6 Mayor
7 City Secretary

Form Started By: Rita Williams

Started On: 11/11/2009 04:12 PM

RESOLUTION NO. 09-132

A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF ONE (1) 2011 INTERNATIONAL 4300 4 X 2 DUMP TRUCK, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING PROGRAM FOR THE WATER DISTRIBUTION DEPARTMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, funds are available in the Water Distribution Capital Outlay account for the purchase of a 2011 International 4300 4x2 Dump Truck;

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

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby approves the expenditure of \$62,878.00 through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, as set out on Exhibit "A", attached hereto, for one (1) 2011 International 4300 4x2 Dump Truck to be utilized by the Water Distribution Department.

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

PASSED AND ADOPTED this 18th day of November, 2009.


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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

		CONTRACT PRICING WORKSHEET For MOTOR VEHICLES Only		Contract No.:	HT11-07	Date Prepared:	10/28/2009
<i>This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.</i>							
Buying Agency:	City of Texas City			Contractor:	Santex Truck Center		
Contact Person:	David Reeves			Prepared By:	Rick DeNolf		
Phone:	409-643-5870			Phone:	800 373-8370		
Fax:	409-945-0856			Fax:	210 661-0226		
Email:	dreeves@texas-city-tx.org			Email:	rdenolf@santextrucks.com		
Product Code:	HB	Description:	2011 International 4300 4x2				
A. Product Item Base Unit Price Per Contractor's H-GAC Contract:							43227
B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable. (Note: Published Options are options which were submitted and priced in Contractor's bid.)							
Description		Cost	Description		Cost		
1570 Front Tow Hooks		73					
1CAD HD Frame Rails		197	Warren F-10 Steel 10 ft. 7-8 yd Dump Body w/Pintle		10410		
7BDM Aftertreatment Exhaust w/Vertical Tail Pipe		671	Hitch & Electric Trailer Brake Controll & Tarp System				
8HAH Electric Trailer Brake/Lights Wiring		244	As per Warren Quote #WTLLC00002363 (attached)				
8RKB Radio		305					
8XAH Circuit Breakers in Lieu of Fuses		99					
13AHP Allison Automatic Transmission		3832	Note: This will have the 2007 Emissions Engine, not the				
14ANP 17.5k Rear Axle		281	2010 Emissions Engine.				
14VAD 18.5k Rear Suspension		46					
16WKB Air Conditioner		823					
					Subtotal From Additional Sheet(s):		
					Subtotal B:		16981
C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary. (Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)							
Description		Cost	Description		Cost		
Customer Required Unpublished Options for Dump Truck		1670					
Application					Subtotal From Additional Sheet(s):		
					Subtotal C:		1670
Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).					For this transaction the percentage is:		3%
D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)							
Quantity Ordered:	1	X Subtotal of A + B + C:	61878	=	Subtotal D:	61878	
E. H-GAC Order Processing Charge (Amount Per Current Policy)						Subtotal E:	1000
F. Trade-Ins / Other Allowances / Special Discounts / Freight / Installation							
Description		Cost	Description		Cost		
					Subtotal F:		0
Delivery Date:		Approx 3/15/10		G. Total Purchase Price (D+E+F):		62878	



4300 SBA 4x2

Sales Proposal For:

Texas City Texas

Presented By:

SANTEX TRUCK CENTERS, LTD.

Prepared For:
Texas City Texas
David Reeves
301 6th St. N
Texas City, TX 77590-7853
(409)643 - 5870
Reference ID: N/A

Presented By:
SANTEX TRUCK CENTERS, LTD.
Rick DeNolf
1380 ACKERMAN RD.
SAN ANTONIO TX 78219 -
(210)661-8371

Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements, and I look forward to serving your business needs.



Model Profile
2011 4300 SBA 4X2 (MA025)

APPLICATION:	Construction Dump
MISSION:	Requested GVWR: 25500. Calc. GVWR: 25500 Calc. Start / Grade Ability: 24.80% / 2.53% @ 55 MPH Calc. Geared Speed: 69.4 MPH
FUEL ECONOMY:	7.87 MPG @ 55 MPH
DIMENSION:	Wheelbase: 152.00, CA: 84.90, Axle to Frame: 63.00
ENGINE, DIESEL:	{International MaxxForce DT} EPA 07, 210 HP, @ 2300 RPM, 560 lb-ft Torque @ 1400 RPM, 2600 RPM Governed Speed, # 2 Bell Housing
TRANSMISSION, AUTOMATIC:	{Allison 2100_RDS_P} 4th Generation Controls; Close Ratio, 5-Speed, With Overdrive; With PTO Provision, Less Retarder, With 26,000-lb GVW & GCW Max., on/off hwy
CLUTCH:	Omit Item (Clutch & Control)
AXLE, FRONT NON-DRIVING:	{Meritor MFS-08-153B} I-Beam Type, 8,000-lb Capacity
AXLE, REAR, SINGLE:	{Meritor MS-17-14X-3DFL} Single Reduction, 17,500-lb Capacity, With 190 Wheel Ends Gear Ratio: 5.57
CAB:	Conventional
TIRE, FRONT:	(2) 255/70R22.5 RT500 (DOUBLE COIN) 568 rev/mile, load range H, 16 ply
TIRE, REAR:	(4) 255/70R22.5 RT500 (DOUBLE COIN) 568 rev/mile, load range H, 16 ply
SUSPENSION, RR, SPRING, SINGLE:	Vari-Rate; 18,500-lb Capacity, With 4500 lb Auxiliary Rubber Spring
PAINT:	Cab schematic 100GA Location 1: 9219, Winter White (Std) Chassis schematic N/A

(USA DOLLAR)		
Description		Price
Factory List Prices:		
Product Items	\$69,960.00	
Service Items	\$0.00	
Total Factory List Price Including Options:		\$69,960.00
CVI & Safety Equipment	\$250.00	
MD Preparation & Delivery	\$350.00	
Total Preparation And Delivery:		\$600.00
Freight	\$1,650.00	
Total Freight:		\$1,650.00
Total Factory List Price Including Freight:		\$72,210.00
Less Customer Allowance:		(\$20,742.00)
Total Vehicle Price:		\$51,468.00
Total Body/Allied Equipment:		\$10,410.00
Total Sale Price:		\$61,878.00
Total Per Vehicle Sales Price:		\$61,878.00
Net Sales Price:		\$61,878.00

Please feel free to contact me regarding these specifications should your interests or needs change. I am confident you will be pleased with the quality and service of an International vehicle.

Approved by Seller:

Accepted by Purchaser:

Official Title and Date

Firm or Business Name

Authorized Signature

Authorized Signature and Date

This proposal is not binding upon the seller without
Seller's Authorized Signature

Official Title and Date

Code	Description
MA02500	Base Chassis, Model 4300 SBA 4X2 with 152.00 Wheelbase, 84.90 CA, and 63.00 Axle to Frame.
1570	TOW HOOK, FRONT (2) Inside Rail, Frame Mounted.
1CAD	FRAME RAILS High Strength Low Alloy Steel (80,000 PSI Yield); 10.250" x 3.092" x 0.375" (260.4mm x 78.5mm x 9.5mm); 427.0" (10846mm) Maximum OAL
1LLD	BUMPER, FRONT Full Width, Aerodynamic, Steel; 0.142" Material Thickness <u>Includes</u> : BUMPER, FRONT Powder Coated Gray (Argent) Color
1WEH	WHEELBASE RANGE 134" (340cm) Through and Including 197" (500cm)
2ATK	AXLE, FRONT NON-DRIVING {Meritor MFS-08-153B} I-Beam Type, 8,000-lb Capacity
3ADA	SUSPENSION, FRONT, SPRING Parabolic, Taper Leaf, 8,000-lb Capacity; With Shock Absorbers <u>Includes</u> : SPRING PINS Rubber Bushings, Maintenance-Free
4085	BRAKE SYSTEM, HYDRAULIC {Meritor WABCO} Split System, Full Power, With Automatic Adjustment And With Four Channel ABS
4GAR	BRAKE, PARKING {Bosch} DSSA Type, 12" x 3"; for Hydraulic Brake Chassis; Activated by Lever in Cab; Differential Mounted <u>Includes</u> : PARKING BRAKE CONTROL Lever, Floor Mounted, Located Right of Driver
4JNP	BRAKES, FRONT, HYDRAULIC DISC Quadraulic; four 70mm Diameter Pistons
4NNL	BRAKES, REAR, HYDRAULIC DISC Quadraulic; four 70mm Diameter Pistons
5AAA	STEERING COLUMN Stationary
5CAL	STEERING WHEEL 2-Spoke, 18" Diam., Black
5PRG	STEERING GEAR {TRW (Ross) TAS-40} Power
7BDM	EXHAUST SYSTEM Single, Horizontal, Aftertreatment Device Frame Mounted Right Side Back of Cab; Includes Vertical Tail Pipe and Guard <u>Includes</u> : EXHAUST HEIGHT 10' Exhaust Height - Based on Empty Chassis with Standard Components (+ or - 1" Height) : MUFFLER/TAIL PIPE GUARD Bright Finish
7WAZ	TAIL PIPE (1) Turnback Type, Non-Bright, for Single Exhaust
8000	ELECTRICAL SYSTEM 12-Volt, Standard Equipment <u>Includes</u> : BATTERY BOX Steel : DATA LINK CONNECTOR For Vehicle Programming and Diagnostics In Cab : FUSES, ELECTRICAL SAE Blade-Type : HAZARD SWITCH Push On/Push Off, Located on Top of Steering Column Cover : HEADLIGHT DIMMER SWITCH Integral with Turn Signal Lever : HORN, ELECTRIC Single : JUMP START STUD Located on Positive Terminal of Outermost Battery : PARKING LIGHT Integral with Front Turn Signal and Rear Tail Light : STARTER SWITCH Electric, Key Operated : STOP, TURN, TAIL & B/U LIGHTS Dual, Rear, Combination with Reflector : TURN SIGNAL SWITCH Self-Cancelling for Trucks, Manual Cancelling for Tractors, with Lane Change Feature

Code	Description
	: TURN SIGNALS, FRONT Includes Reflectors and Auxiliary Side Turn Signals, Solid State Flashers; Flush Mounted
	: WINDSHIELD WIPER SWITCH 2-Speed with Wash and Intermittent Feature (5 Pre-Set Delays), Integral with Turn Signal Lever
	: WINDSHIELD WIPERS Single Motor, Electric, Cowl Mounted
	: WIRING, CHASSIS Color Coded and Continuously Numbered
8GGZ	ALTERNATOR {Leece-Neville LBP2224H} Brush Type; 12 Volt 120 Amp. Capacity, Pad Mounted
8HAB	BODY BUILDER WIRING Back of Standard Cab at Left Frame or Under Extended or Crew Cab at Left Frame; Includes Sealed Connectors for Tail/Amber Turn/Marker/ Backup/Accessory Power/Ground and Sealed Connector for Stop/Turn
8HAH	ELECTRIC TRAILER BRAKE/LIGHTS Accommodation Package to Rear of Frame; for Combined Trailer Stop, Tail, Turn, Marker Light Circuits; Includes Electric Trailer Brake Accommodation Package With Cab Connections for Mounting Customer Installed Electric Brake Unit, Less Trailer Socket
8MEP	BATTERY SYSTEM {International} Maintenance-Free (2) 12-Volt 1300CCA Total.
8RKB	RADIO {Panasonic CQ120} AM/FM, Includes Multiple Dual Cone Speakers, Includes Auxiliary Input
	Includes
	: SPEAKERS IN CAB (2) Dual-Cone with Deluxe Interior
	: SPEAKERS IN CAB (4) Coaxial with Premium Interior
8WTK	STARTING MOTOR {Delco Remy 38MT Type 300} 12 Volt; less Thermal Over-Crank Protection
8WZK	HEADLIGHTS Halogen; Composite Aero Design for Two Light System
8XAH	CIRCUIT BREAKERS Manual-Reset (Main Panel) SAE Type III With Trip Indicators, Replaces All Fuses Except For 5-Amp Fuses
9HAD	GRILLE Chrome
9WAY	FRONT END Tilting, Fiberglass, With Three Piece Construction
10060	PAINT SCHEMATIC, PT-1 Single Color, Design 100
	Includes
	: PAINT SCHEMATIC ID LETTERS "GA"
10761	PAINT TYPE Base Coat/Clear Coat, 1-2 Tone
11001	CLUTCH Omit Item (Clutch & Control)
12NUA	ENGINE, DIESEL {International MaxxForce DT} EPA 07, 210 HP, @ 2300 RPM, 560 lb-ft Torque @ 1400 RPM, 2600 RPM Governed Speed, # 2 Bell Housing
	Includes
	: AIR COMPRESSOR AIR SUPPLY LINE Naturally-Aspirated
	: COLD STARTING EQUIPMENT Intake Manifold Electric Grid Heater with Engine ECM Control
	: CRUISE CONTROL Electronic; Controls Integral to Steering Wheel
	: ENGINE OIL DRAIN PLUG Magnetic
	: ENGINE SHUTDOWN Electric, Key Operated
	: FUEL FILTER Included with Fuel/Water Separator
	: FUEL/WATER SEPARATOR Fuel/Water Separator and Fuel Filter in a Single Assembly; With Water-in-Fuel Sensor; Engine Mounted
	: GOVERNOR Electronic
	: OIL FILTER, ENGINE Spin-On Type
	: WET TYPE CYLINDER SLEEVES
12TSY	FAN DRIVE {Borg-Warner SA85} Viscous Type, Screw On
	Includes
	: FAN Nylon

Code	Description
12UXV	FEDERAL EMISSIONS for 2004; for International VT365, DT466 and DT570 Engines
12UYE	RADIATOR Aluminum; 2-Row, Cross Flow, Over Under System, 717 SqIn Louvered, With 313 SqIn Charge Air Cooler. With In-Tank Transmission Cooler <u>Includes</u> : ANTI-FREEZE Red Shell Rotella Extended Life Coolant -40F (-40C) : DEAERATION SYSTEM with Surge Tank : HOSE CLAMPS, RADIATOR HOSES Gates Shrink Band Type; Thermoplastic Coolant Hose Clamps : RADIATOR HOSES Premium, Rubber
12VBC	AIR CLEANER Single Element <u>Includes</u> : GAUGE, AIR CLEANER RESTRICTION Air Cleaner Mounted
12VXT	THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel
12VYP	ENGINE CONTROL, REMOTE MOUNTED - No Provision Furnished for Remote Mounted Engine Control
12VYX	FEDERAL EMISSIONS 2007 for International MaxxForce DT Engines (DT466)
12WYS	EXPANDED ENGINE TEMP EFFECTS to Allow Higher Engine Operating Temperature Range; Includes Nylon Surge Tank and 15 psi Pressure Cap
12WZE	EMISSION COMPLIANCE Federal, Does Not Comply With California Clean Air Regulations
13AHP	TRANSMISSION, AUTOMATIC {Allison 2100_RDS_P} 4th Generation Controls; Close Ratio, 5-Speed, With Overdrive; With PTO Provision, Less Retarder, With 26,000-lb GVW & GCW Max., on/off hwy <u>Includes</u> : OIL FILTER, TRANSMISSION Mounted on Transmission : TRANSMISSION OIL PAN Magnet in Oil Pan
14ANP	AXLE, REAR, SINGLE {Meritor MS-17-14X-3DFL} Single Reduction, 17,500-lb Capacity, With 190 Wheel Ends . Gear Ratio: 5.57
14VAD	SUSPENSION, RR, SPRING, SINGLE Vari-Rate; 18,500-lb Capacity, With 4500 lb Auxiliary Rubber Spring
15SCE	FUEL TANK Top Draw; D Style, Steel, 50 U.S. Gal., 189 L Capacity, With Quick Connect Outlet, 16" Tank Depth, Mounted Left Side Under Cab
16030	CAB Conventional <u>Includes</u> : ARM REST (2) Molded Plastic; One Each Door : CLEARANCE/MARKER LIGHTS (5) Flush Mounted : COAT HOOK, CAB Located on Rear Wall, Centered Above Rear Window : CUP HOLDERS Two Cup Holders, Located in Lower Center of Instrument Panel : DOME LIGHT, CAB Rectangular, Door Activated and Push On-Off at Light Lens, Timed Theater Dimming, Integral to Console, Center Mounted : GLASS, ALL WINDOWS Tinted : GRAB HANDLE, CAB INTERIOR (1) "A" Pillar Mounted, Passenger Side : GRAB HANDLE, CAB INTERIOR (2) Front of "B" Pillar Mounted, One Each Side : INTERIOR SHEET METAL Upper Door (Above Window Ledge) Painted Exterior Color
16400	SEAT, PASSENGER Omit Item
16HBA	GAUGE CLUSTER English With English Electronic Speedometer <u>Includes</u> : GAUGE CLUSTER (5) Engine Oil Pressure (Electronic), Water Temperature (Electronic), Fuel (Electronic), Tachometer (Electronic), Voltmeter : ODOMETER DISPLAY, Miles, Trip Miles, Engine Hours, Trip Hours, Fault Code Readout

Code	Description
	: WARNING SYSTEM Low Fuel, Low Oil Pressure, High Engine Coolant Temp, and Low Battery Voltage (Visual and Audible)
16HKT	IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster
16JPU	SEAT, FRONT BENCH {Gra-Mag} Full Width; Vinyl, With Fixed Mid Back
	<u>Includes</u> : SEAT BELT (3) Two 3-Point Shoulder Belts for Driver and Outer Passenger and One 2-Point Lap Belt for Center Passenger
16SDJ	MIRRORS (2) {Lang Mekra} Rectangular, 7.44" x 14.84" & 7.44" sq. Convex Both Sides, 102" Inside Spacing, Breakaway Type, Black Heads, Brackets & Arms
16WJS	INSTRUMENT PANEL Center Section, Flat Panel
16WKB	AIR CONDITIONER {International Blend-Air} With Integral Heater & Defroster
	<u>Includes</u> : HEATER HOSES Premium : REFRIGERANT Hydrofluorocarbon HFC-134A
16WKY	FRESH AIR FILTER for HVAC
16WRX	CAB INTERIOR TRIM Deluxe
	<u>Includes</u> : "A" PILLAR COVER Molded Plastic : CAB INTERIOR TRIM PANELS Cloth Covered Molded Plastic, Full Height; All Exposed Interior Sheet Metal is Covered Except for the Following: with a Two-Man Passenger Seat or with a Full Bench Seat the Back Panel is Completely Void of Covering : CONSOLE, OVERHEAD Molded Plastic; With Dual Storage Pockets with Retainer Nets and CB Radio Pocket : DOOR TRIM PANELS Molded Plastic; Driver and Passenger Doors : FLOOR COVERING Rubber, Black : HEADLINER Soft Padded Cloth : INSTRUMENT PANEL TRIM Molded Plastic with Black Center Section : STORAGE POCKET, DOOR (1) Molded Plastic, Full-Length; Driver Door : SUN VISOR (2) Padded Vinyl with Driver Side Toll Ticket Strap, Integral to Console
27DNS	WHEELS, FRONT DISC; 22.5" Painted Steel, 10-Stud (285.75MM BC) Hub Piloted, 5 Hand Hold, Flanged Nut, Metric Mount, 7.50 DC Rims; With Steel Hubs.
	<u>Includes</u> : PAINT IDENTITY, FRONT WHEELS White : WHEEL SEALS, FRONT Grease Lubricated, Includes Wheel Bearings
28DNS	WHEELS, REAR DUAL DISC; 22.5" Painted Steel, 10-Stud (285.75MM BC) Hub Piloted, 5 Hand Hold, Flanged Nut, Metric Mount, 7.50 DC Rims; With Steel Hubs
	<u>Includes</u> : PAINT IDENTITY, REAR WHEELS White : WHEEL SEALS, REAR Oil Lubricated, Includes Wheel Bearings
7752526502	(2) TIRE, FRONT 255/70R22.5 RT500 (DOUBLE COIN) 568 rev/mile, load range H, 16 ply
7752526502	(4) TIRE, REAR 255/70R22.5 RT500 (DOUBLE COIN) 568 rev/mile, load range H, 16 ply
1	Warren F-10 10' Steel Dump Body w/PTO, Pintle Hitch, Electric Brake Controller, and Tarp System

Galveston CAD 2010-2011 Board Election CITY COMMISSION AGENDA 2

Date: 11/18/2009
Submitted By: Susan Sensat, Administration
Submitted For: Matthew Doyle
Department: Mayor's Office
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of **Resolution No. 09-133** casting the City of Texas City's **votes for the 2010-2011 Board of Directors** of Election to elect one board member to the **Galveston Central Appraisal District Board**. (Mayor)

BACKGROUND

This is the selection year for the Board of Directors of the Galveston Central Appraisal District. The Board of Directors consists of five members who serve two-year terms, beginning January 1, 2010-December 31, 2011.

The City of Texas City is a voting unit entitled to vote for up to five candidates from a ballot submitted by the Galveston Central Appraisal District.

The number of votes that the City is eligible to cast: 263

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res 09-133](#)

Link:

[CAD-2010-2011](#)
[Board Directors](#)

RESOLUTION NO. 09-133

A RESOLUTION NOMINATING DAVID MOSS FOR THE 2010-2011 BOARD OF DIRECTORS FOR THE GALVESTON CENTRAL APPRAISAL DISTRICT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, nominations for the 2010-2011 Board of Directors of the Galveston County Central Appraisal District are made by each voting unit in the Galveston County Central Appraisal District; and

WHEREAS, each voting unit is entitled to nominate one (1) elected official as a candidate to fill a spot on the Board of Directors and any vacant positions and make that recommendation to the Chief Appraiser; and,

WHEREAS, the City of Texas City, Texas, is recommending that David Moss be nominated for the 2010-2011 Board of Directors.

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 nominates David Moss for the 2010-2011 Board of Directors of the Galveston County Central Appraisal District.

SECTION 2: That the City Commission of the City of Texas City, Texas, hereby directs the City Secretary to submit this nomination, along with a certified and true copy of this Resolution, to the Chief Appraiser of the Galveston County Central Appraisal District.

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

PASSED AND ADOPTED this 18th day of November, 2009.

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

ATTEST:

APPROVED AS TO FORM:

Pam Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

I, Pamela Lawrence, Secretary of the City Commission of the City of Texas City, Texas, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Commission of the City of Texas City, Texas, at its regular meeting held on the 3rd day of October, 2007, as the same appears in the records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Texas City, Texas, this _____ day of _____, 2007.

Pam Lawrence, Secretary
City of Texas City, Texas



GALVESTON CENTRAL APPRAISAL DISTRICT

Ken Wright, Chief Appraiser

600 Gulf Freeway, Suite 113 Texas City, Texas 77591
Telephone: (409) 935-1980 or toll free (866) 277-4725
Fax: (409) 935-4319

October 27, 2009

The Honorable Matthew T. Doyle
Mayor, City of Texas City
P. O. Box 2608
Texas City, TX 77592

Dear Mayor Doyle:

Enclosed is the ballot for the selection of (5) five Galveston Central Appraisal District directors. Also attached is a copy of the vote allocation and a resolution form for your convenience.

All votes may be cast for (1) one candidate or distributed among the candidates listed on the ballot. Please comply with the following:

- ◆ The votes must be cast by written resolution.
- ◆ A copy of the resolution must accompany the completed ballot.
- ◆ Return the completed ballot and resolution before ***December 16, 2009***.

You will be notified of the results as soon as the returned ballots are summarized. If you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in dark ink that reads "Ken Wright". The signature is fluid and cursive.

Ken Wright
Chief Appraiser

KW:jw
Enclosures

Ms. Cheryl Hunter, Director of Finance



GALVESTON CENTRAL APPRAISAL DISTRICT

Ken Wright, Chief Appraiser

600 Gulf Freeway, Suite 113 - Texas City, Texas 77591
Telephone: (409) 935-1980 or toll-free (866) 277-4725
Fax: (409) 935-4319

2010-2011 Board of Directors Election

BALLOT

Voting Unit:	City of Texas City
Number of Votes Taxing Unit is Eligible to Cast:	263

CANDIDATES	VOTES
Jones, Gary A.	
Moss, David A.	
Pierson, Victor	
Syers, Walt	
Williams, II, Emery R.	
Rac, David	
McNeal, Calvin	

- ◆ RESOLUTION MUST BE ATTACHED TO THIS BALLOT
- ◆ DEADLINE: before December 16, 2009

Galveston Central Appraisal District

Voter Allocations

2010-2011 Board of Director Elections

Company	2008		Percent	Votes	
	Levy	Amount		Not Rounded	Votes Per Entity
County of Galveston	\$	116,897,998	23.616%	1180.81074	1181
Galveston Co. Road & Flood	\$	2,380,174	0.481%	24.04262751	24
Galveston ISD	\$	56,294,274	11.373%	568.6400493	569
Dickinson ISD	\$	35,248,344	7.121%	356.0507783	356
Friendswood ISD	\$	26,841,749	5.423%	271.1340318	271
High Island ISD	\$	1,673,111	0.338%	16.9004386	17
Hitchcock ISD	\$	7,465,601	1.508%	75.41157242	75
La Marque ISD	\$	19,124,188	3.864%	193.1773595	193
Clear Creek ISD	\$	62,426,886	12.612%	630.5868254	631
Santa Fe ISD	\$	10,874,231	2.197%	109.8428457	110
Texas City ISD	\$	56,103,406	11.334%	566.7120523	567
City of Galveston	\$	21,102,219	4.263%	213.1578578	213
City of Texas City	\$	26,058,533	5.264%	263.2226057	263
City of La Marque	\$	3,238,643	0.654%	32.71419959	33
City of Hitchcock	\$	1,526,183	0.308%	15.41628863	15
City of Jamaica Beach	\$	602,428	0.122%	6.085249232	6
City of Dickinson	\$	3,094,651	0.625%	31.25970675	31
City of Friendswood	\$	10,457,174	2.113%	105.6300671	106
City of Kemah	\$	624,454	0.126%	6.307738392	6
City of League City	\$	30,577,848	6.177%	308.8731368	309
City of Clear Lake Shores	No Levy for 2008		0.000%	0	0
City of Santa Fe	\$	1,345,346	0.272%	13.58961687	14
Village of Tiki Island	\$	531,194	0.107%	5.365699935	5
City of Bayou Vista	\$	501,773	0.101%	5.068512358	5
TOTAL	\$	494,990,408	100.000%	5000	5000

VOTES NECESSARY TO ELECT	834
Times Number of Members	5
Minimum Votes Necessary	4170
Votes Remaining	830

8/25/2009

**Chapter 54, Article I and Article III Fire Prevention Code. Ord No. 09-56
CITY COMMISSION AGENDA 2**

Date: 11/18/2009
Submitted By: Dennis Harris, Fire Department
Submitted For: Dennis Harris
Department: Fire Department
Agenda Area: Regular Items

Information**ACTION REQUEST (Brief Summary)**

Request approval of adoption of International Fire Code with Appendices and amendments to Chapter 54, Article I and III.

BACKGROUND

The City adopted the current Fire Prevention Code and amendments earlier this year(2009). Additions must be made to the Ordinance that will address several areas of concern.

Items changed are a direct result of field occurrences that were not covered in the fire code or the existing ordinance.

ANALYSIS**ALTERNATIVES CONSIDERED**

N/A

Fiscal Impact

Attachments

Link:
Ord
09-36

ORDINANCE NO. 09-36

AN ORDINANCE OF THE CITY OF TEXAS CITY, TEXAS, AMENDING CHAPTER 54, ARTICLE I, SECTION 54-11, AND REPLACING CHAPTER 54, ARTICLE III, "FIRE PREVENTION CODE", ADOPTING THE 2006 EDITION OF THE *INTERNATIONAL FIRE CODE INCLUDING AN AMENDED APPENDIX A AND APPENDICES B, C, D, E AND F*, AS THE FIRE CODE OF THE CITY OF TEXAS CITY WITH LOCAL AMENDMENTS; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, the City of Texas City seeks to amend Chapter 54, Article I, Section 54-11 and replace Chapter 54, Article III, "Fire Prevention Code"; and

WHEREAS, upon recommendation of the Fire Chief, Fire Marshal and full review and consideration of all matters related and attendant thereto, the City Commission is of the opinion that the 2006 Edition of the International Fire Code including an amended appendix A and appendices B, C, D, E and F, along with the local amendments thereto, should be adopted as the Fire Code for the City of Texas City and that regulations and fees should be established thereunder.

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

SECTION 1: That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 54, Article I, Section 54-11, is amended to read and provide as follows:

Sec. 54-11. Penalty.

~~Any violation of any article, section, subsection or part of this chapter shall be a misdemeanor and subject to punishment as described in section 1-7.~~

Any person, firm, or corporation violating any of the provisions or terms of this Article or the Code adopted herein shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (\$2000.00) DOLLARS for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 2: Chapter 54, Article III, of the Code of Ordinances of the City of Texas City shall be replaced to read as follows:

“ARTICLE III. FIRE PREVENTION CODE

Adoption of International Fire Code.

There is hereby adopted by the City Commission of the City of Texas City, Texas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the 2006 Edition of the International Fire Code including an amended Appendix A, and Appendices B, C, D, E and F of the 2006 Edition of the International Fire Code published by the International Fire Code Institute and the International Conference of Building Officials, being particularly the 2006 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this Ordinance, of which code and standards copies have been and are now filed in the office of the City Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Texas City.

Sec. 101.1 Administration.

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

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

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

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

Sec. 103 Department of Fire Prevention

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

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

Sec. 103.3 Deputies. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary and each member

so assigned shall be authorized to enforce the provisions of the International Fire Code.
...{remainder of section 103 unchanged}...

Sec. 105. Permits.

Sec. 105.6 is amended to read as follows:

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

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

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

Sec. 111 is amended to read as follows:

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

Sec. 111.4 is amended to read as follows:

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

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

Sec. 202 General Definitions

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

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

FIREWATCH & STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Marshal. When utilized, the number required shall be as directed by the Fire Chief or Fire Marshal. Charges for utilization shall be as normally calculated by the jurisdiction. The owner or lessee shall be responsible for remitting utilization charges in a timely manner as arranged by the Fire Marshal or his designee.

Open Burning.

Sec. 307.2.2 is amended to read as follows:

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

Exception:

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

Fire watch & Standby Personnel.

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

Sec. 316 Fire watch & Standby Personnel

Sec. 316.1 is amended by the following additions:

Sec. 316.1 Fire watch & Standby personnel/Crowd managers. When, in the opinion of the Fire Marshal or his designee, it is essential for public safety in a residential occupancy, a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, activity or the required fire protection system is inoperable or red tagged, the owner, agent or lessee shall employ standby personnel, to remain on duty 1 hour prior to times such places are open to the public, or when such activity is being conducted.

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

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

Sec. 405.1; change to read as follows:

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

Sec. 503.2.3 Surface is amended to read as follows:

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

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

Sec. 503.3 is amended to read as follows:

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

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

four inch (4”) white letters at 25 foot intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

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

Section 503.6 is amended to read as follows:

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

Fire Protection Water Supplies.

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

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

Maximum Distance Between Hydrants

OCCUPANCY	SPRINKLERED	NOT SPRINKLERED
Residential (1 & 2 Family)	600 feet	500 feet
Residential (Multi Family)	600 feet	300 feet
All Other	600 feet	300 feet

Table 903.4.2

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

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

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

System approval and testing.

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

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

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

Sec. 903.2.10.6 Buildings Over 5,000 sq. ft. An automatic sprinkler system shall be installed throughout any and all buildings over 5,000 sq. ft (to include but not limited to single family residential, multifamily residential, commercial, any and all buildings). For the purpose of this provision, fire walls shall not define separate buildings.

Exceptions:

1. Open parking garages in compliance with Section 406.3 of the International Building Code.
2. When of non-combustible construction, the area of awning extension or free-standing canopies, both sides, and not used for display or storage shall not be considered for requiring sprinkler protection for areas greater than 5,000 square feet but less than otherwise required in this code.

Sec. 903.3.1.1.1; change to read as follows:

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

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.

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

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

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

1. A single underground supply and point for the Fire Department Connection (FDC) shall be provided for all new buildings. Note: 13R systems are allowed to Use combination supply lines.

Add Sec. 903.6.2 to read as follows:

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

Sec. 903.3.7 is amended by the addition of the following:

Sec. 903.3.7 Fire department connections. All buildings with fire department hose connections (FDC) **on the building** shall have a sign with (8) inch reflective letters “FDC” directly above the unobstructed connection. The sign shall be mounted directly to the building unobstructed, have RED letters on a WHITE background or WHITE letters on a RED background and be made of a durable material.

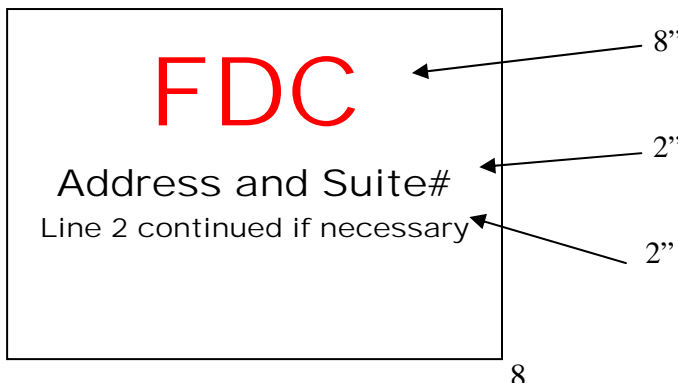
All buildings with fire department hose connections (FDC) **off the building** shall have a sign with (8) inch reflective letters “FDC” directly above the unobstructed connection. The sign shall be mounted to a durable post, have RED letters on a WHITE background or WHITE letters on a RED background and be made of a durable material.

First line- FDC

Second line- Address, suite#, and or BLDG#

Third line- Additional space for Address or Building information.

Note: All FDC connections shall be a minimum of 36”(inches) above grade and no higher than 48”(inches) above grade.



Sprinkler riser rooms shall have a sign on the door visible from the exterior of building. The sign shall be mounted directly to the door unobstructed, have RED reflective letters on a WHITE background or WHITE reflective letters on a RED background and be made of a durable material. Doors may be painted or stenciled, Sign shall be 24" X 24" (inches) and have 8" (inch) lettering. Group R occupancies may have smaller signs if approved by Fire Marshal's Office.



Fire alarm and detection systems.

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

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

Sec. 907.2.3; change to read as follows:

- **Sec. 907.2.3 Groups E, I, & R.** A manual fire alarm system shall be installed in Group E, Group I, and Group R occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E (daycares, schools), Group I (nursing homes assisted living homes, hospitals), and Group R occupancies (senior apartment communities, hotels in which room doors do not discharge directly to the exterior of building). An approved off site fire alarm monitoring service shall be provided for groups E, I, R and occupancies required to have an automatic sprinkler system. Fire Alarm monitoring service must report directly to Texas City Central dispatch center. Occupancy shall provide Texas City Fire Marshal's Office with all monitoring information such as name of service provider, account number and pass code. Where automatic fire sprinklers are not required, a full-coverage smoke detection system shall be provided in all Group E occupancies. Unless separated by a minimum of 100 feet open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Sec. 907.2.3 is amended to read as follows:

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

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

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

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

Sec. 907.2.12; change to read as follows:

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

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

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

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

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

Add Sec. 907.6.1 to read as follows:

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

Sec. 907.9.2; change to read as follows:

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

Sec. 1504.6 to read as follows:

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

Standby personnel.

Sec. 2404.20; change to read as follows:

Sec. 2404.20 Fire watch & Standby Personnel/Crowd managers.

Fire watch & Standby personnel/Crowd managers. When, in the opinion of the Fire Marshal or his designee, it is essential for public safety in a **residential occupancy**, a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, activity or the required fire protection system is inoperable or red tagged, the owner, agent or lessee shall employ standby personnel, to remain on duty 1 hour prior to times such places are open to the public, or when such activity is being conducted.

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

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

Fireworks.

Sec. 3404.2.9.5.1 is amended to read as follows:

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

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

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

Section 3406.5.4.5.1 Site requirements.

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

Sec. 3406.5.4.5.2 Refueling Operator Requirements.

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

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

Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.
9. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of fire, leak, or spill. Training records shall be maintained by the dispensing company and shall be made available to the Code Official upon request.
10. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an approved emergency communications device to notify the proper authorities in the event of an emergency.

Sec. 3406.5.4.5.3 Operational Requirements.

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

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

Flammable Gas.

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

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

Sec. 3804.2 is amended to read as follows:

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

Commercial Build-outs/Renovations Plan Review. Commercial renovation plans shall be reviewed and approved by Texas City Fire Department prior to construction. Failed inspections may incur a re-inspection fee. Re-Inspection Fee amounts are listed on the Fire Department Fee Schedule.

Additions, Alterations or Repairs.

Existing buildings or structures. Additions or alterations to any building or structure shall comply with the requirements of the code for new construction. Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any provisions of the Texas City Fire code IFC 2006 & IBC 2006 and all amendments. An existing building plus additions shall comply with the height and area provision requirements of the Texas City Fire code IFC 2006 and all amendments. Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure.

Definitions.

Addition- An extension or increase in floor area or height of a building or structure.

Alteration- Any construction or renovation to an existing structure other than repair or addition.

Maintenance- Performing routine actions which correct unsatisfactory conditions before they develop into major defects; ongoing care or upkeep of a building or structure.

Repair- The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Determination of false alarm.

For the purpose of this chapter, there is a rebuttal presumption that the following determinations made by the Fire Marshal's Office or by the fire department officer on the scene of the premises reporting an alarm signal are correct:

- (1) There is no evidence of a fire or other activity that would warrant a call for immediate fire department assistance at the premises;
- (2) No individual who was on or near the premises called the fire department dispatch or verified a need for an immediate emergency response.

Service fees for city response to an alarm.

- (a) The city may charge service fees for its responses to false alarms in accordance with this chapter.
- (b) Except as may be hereinafter set forth, service fees for issuance false alarm citations and any other charges and penalties arising pursuant to this chapter shall be in such amounts as may be established in this chapter and be adopted by the city commission.
- (c) Service fees will be billed to the owner, occupant, or person in charge at the current address transmitting the false alarm signal.
- (d) With respect to false alarms, no penalty or service fees will be assessed for signaling of a false alarm by an alarm system shall be made unless:
 - (1) It is a business alarm system and at least four (4) other false alarms have occurred during the calendar year (January 1 through December 31).
- (e) The service fee may be assessed to the owner, occupant or person in charge where the alarm system is located. The amount assessed for a false alarm after four previous false alarms during the fiscal year will be \$150.00 for the first and 250.00 thereafter.
- (f) The owner, occupant or person in charge may appeal and file a request for hearing with the Texas City Municipal Court to dispute the service fee within ten business days of receipt of a notification of service fee.

Exception.

This chapter shall not apply to activation of a fire alarm system resulting from the following:

- A. Any actual fire, explosion or overheating or other situation that could have resulted in a fire.
- B. Any manual activation of an alarm where it was believed that a fire or any other emergency requiring response of emergency personnel existed.

C. Malicious manual activation or unlawful tampering with a fire alarm system.

Fees and cost recovery.

A. Exempt Alarms- The first four (4) preventable fire department responses to fire alarms from any one system during a calendar year (January 1 through December 31) shall be exempt.

**Amended Appendix A
BOARD OF APPEALS**

A101.1 Scope. A board of appeals shall be established within the jurisdiction to conduct hearings to decide if modifications comply with the intent of the protection required by the International Fire Code pursuant to the provisions of Section 108 of the International Fire Code. The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the fire code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

A101.2 Membership. The membership of the board shall consist of three voting members. Members shall be nominated by the fire code official or the chief administrative officer of the jurisdiction, subject to confirmation by a majority vote of the governing body. Members shall serve without remuneration or compensation, and may be removed from office prior to the end of their appointed terms with recommendation of the fire code official or the chief administrative officer of the jurisdiction, subject to confirmation by a majority vote of the governing body.

PREFERRED MEMBERS EXPERIENCE

A101.2.1 Design Professional. A practicing design professional registered in the practice of engineering or architecture in the state in which the board is established.

A101.2.2 Fire Protection engineering professional. A qualified engineer, technologist, technician or safety professional trained in fire protection engineering, fire science or fire technology. Qualified representatives in this category shall include fire protection contractors and certified technicians engaged in fire protection system design.

A101.2.3 Industrial safety professional. Registered industrial or chemical engineer, certified hygienist, certified safety professional, certified hazardous materials manager or comparably qualified specialist experienced in chemical process safety or industrial safety.

A101.2.4 General Contractor. Regularly engaged in the construction, alteration, maintenance repair or remodeling of buildings or building services and systems regulated by the code.

A101.2.5 General industry or business representative. Business or industry not represented by a member from one of the other categories of board members described above.

A101.3 Terms of office. Members shall be appointed for terms of four years. No member shall be reappointed to serve more than two consecutive full terms.

A101.4 Quorum. Two members of the board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the fire code official, affirmative votes of the majority present, but not less than two, shall be required.

A101.5 Secretary of board. The City Secretary shall act as secretary of the board and shall keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member and any failure of a member to vote.

A101.6 Legal counsel. The jurisdiction shall furnish legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties.

A101.7 Meetings. The board shall meet at regular intervals, or as needed to be determined by the chairman. In any event, the board shall meet within 14 calendar days after notice of appeal has been received.

A101.8 Conflict of interest. Members with a material or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matters

A101.9 Decisions. Every decision shall be promptly filed in writing in the office of the fire code official and shall be open writing in the office of the fire code official and shall be open to public inspection. A copy shall be sent by e-mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the fire code official.

A101.10 Procedures. The board shall be operated in accordance with the Administrative Procedures Act of the state in which it is established or shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code and applicable state law.

Authorizing suites for injunctive relief.

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

SECTION 3: All provisions of the Code of Ordinances of the City of Texas City in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Texas City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION 5: The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

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

SECTION 7: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this 18th day of November, 2009.

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

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney