

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

**AGENDA**

**WEDNESDAY, OCTOBER 20, 2010 - 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM - CITY HALL  
1801 9th Ave. N.  
Texas City, TX 77590**

**(1) INVOCATION**

**(2) PLEDGE OF ALLEGIANCE**

**(3) PROCLAMATIONS AND PRESENTATIONS**

|                   |                   |          |
|-------------------|-------------------|----------|
| Raul Gonzalez     | Sanitation        | 5 Years  |
| Sheilia Dixon     | Community Service | 10 years |
| Anete Schmidt     | Administration    | 15 Years |
| Joe Stanton       | Police            | 15 Years |
| Lorenzo Delagarzo | Planning          | 20 Years |
| Kevin Scott       | Sewer             | 20 Years |

**(4) PUBLIC HEARING**

Public Hearing to rezone property for T.C. 152 Investments Ltd from "A" (Single Family Residential) to "S-P" (" E" General Business and "E-4" Commercial Warehouse) for a beer distributorship; being 27 1/2 acres out of a 152.256 acre tract out of the W.K. Wilson Survey, Abs. No. 208; located in the 1100 block of I-45, Texas City, Texas.

**(5) PRELIMINARY ZONING APPROVAL**

Consider preliminary approval of rezoning of property for T.C. 152 Investments Ltd. from "A" (Single Family Residential) to "S-P" (" E " General Business and "E-4" Commercial Warehouse) for a beer distributorship.

**(6) 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 October 6, 2010 Regular Called City Commission Meeting.
- (b) Resolution No. 10-107, approving the rejection of all bids received for Bid # 2011-976 Motor Maintenance/Repair Annual Contract and re-bid at a later date.
- (c) Resolution 10-106, approving Interlocal Agreement between City of Texas City and LMISD for shared use of facilities.
- (d) Resolution No. 10-108 approving rejection of all bids received for Bid # 2011-977 Pump Maintenance/Repair Annual Contract and re-bid at a later date.
- (e) Resolution No. 10-109 approving appointment and/or reappointment of members to various Boards, Commissions and Committees.
- (f) Resolution No. 10-105 approving appointment of Nicholas J. Finan as City Secretary.

**(7) REGULAR ITEMS**

Second reading of Ordinance No. 10-25 amending the Code of Ordinances, City of Texas City, Chapter 122, Utilities, Article III. Rates, Charges and Special Considerations, Section 122-117. Water and Sewer Deposit; Section 122-122 Water Rates; Section 122-129. Vacation status.

**(8) PUBLIC COMMENTS**

**(9) MAYOR'S COMMENTS**

**(10) 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 15TH DAY OF OCTOBER, 2010, AT 5:00 P.M.**

**/S/Susan Sensat**

**SUSAN SENSAT**

**DEPUTY CITY SECRETARY**

**POSTED OCTOBER 15, 2010**

## **CITY COMMISSION AGENDA**

**Date: 10/20/2010**

Service Awards

**Submitted By:** Rachel Wyatt, Human Resources

**Department:** Human Resources

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### **Information**

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

##### **5 Years**

Raul Gonzalez

##### **10 Years**

Shelia Dixon

##### **15 Years**

Anete Schmidt

Joe Stanton

##### **20 Years**

Lorenzo Delagarza

Kevin Scott

#### **BACKGROUND**

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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## **CITY COMMISSION AGENDA**

**Date: 10/20/2010**

Rezoning Request T.C. 152

**Submitted By:** Jean Vincent, Inspections

**Department:** Planning

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### **Information**

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

Public Hearing to rezone property for T.C. 152 Investments Ltd from "A" (Single Family Residential) to "S-P, E (General Business) and E-4 (Commercial Warehouse) for a beer distributorship. Being 27 1/2 acres out of a 152.256 acre tract out of the W.K. Wilson Survey, Abs. No. 208. Located in the 1100 block of I-45.

#### **BACKGROUND**

This request came before the Planning Board on October 4, 2010 and the Zoning Commission on October 5, 2010. This request was approved by both the Planning Board and the Zoning Commission during a Public Hearing. There was no opposition to the rezoning request. This request is not in conflict with the Land Use Plan or the Zoning Ordinance. Please reference the attached minutes and memo for further details.

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

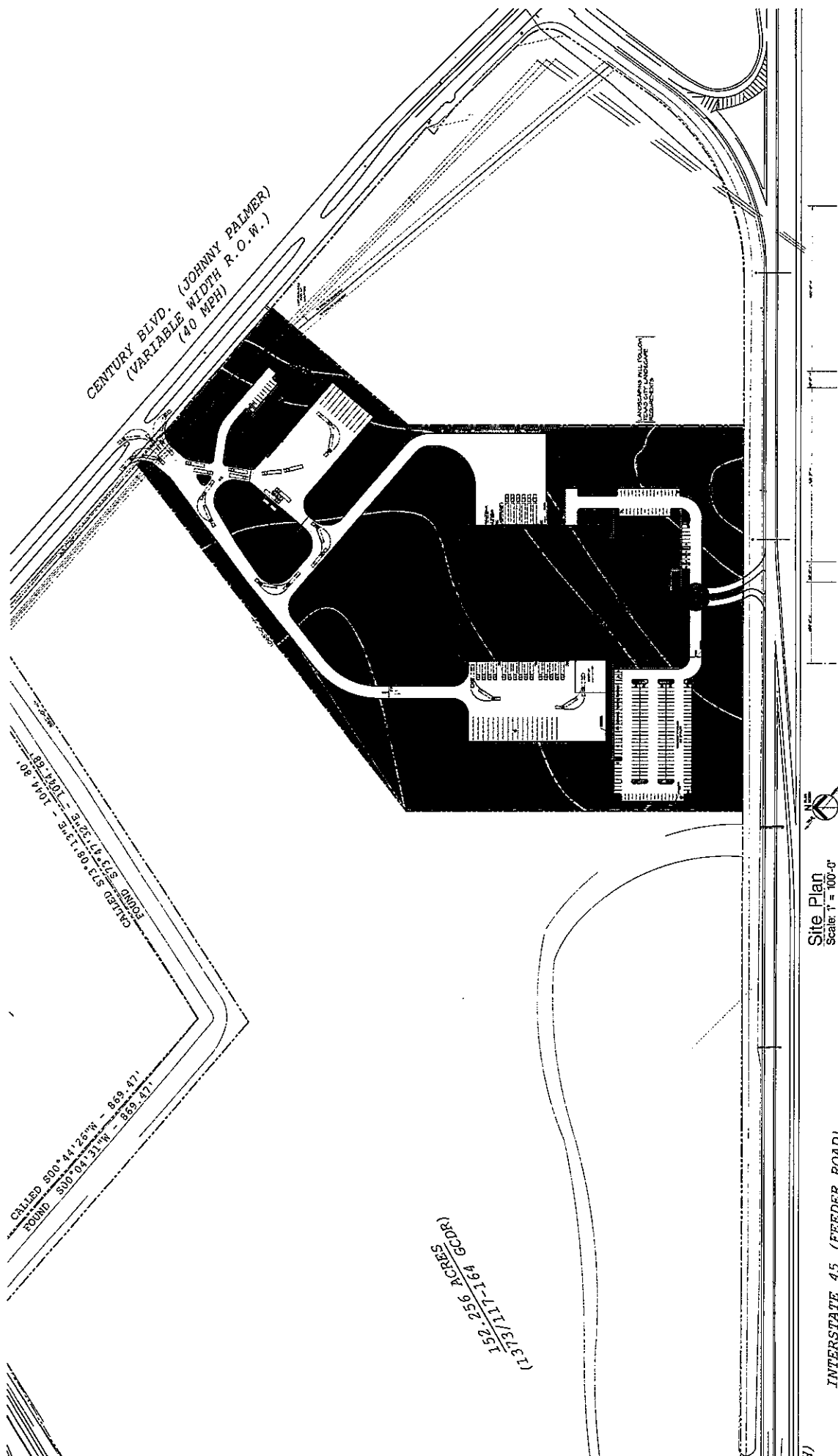
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### **Attachments**

Link: [site plan information](#)

Link: [memo and minutes](#)

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# Proposed Office Warehouse

Texas City, Texas

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# MEMO

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**TO:** Mayor Doyle and City Commissioners

**FROM:** Don Carroll, City Planner

**DATE:** October 6, 2010

**RE:** T.C. 152 Investments Ltd. Rezone from "A"(Single Family Residential) to "S-P" ("E"-General Business and "E-4" Commercial Warehouse)

This request came before the Planning Board on October 4, 2010 and the Zoning Commission on October 5, 2010. Ten property owners were notified of the intent to rezone. One letter in support of the rezoning was received and no opposition was voiced. After review of all pertinent information, the Zoning Commission voted to recommend approval of this request. This request is not in conflict with the Land Use Plan or Zoning Ordinance for the City. Please reference the minutes from the October 5, 2010 meeting for further details discussed during the Public Hearing.

DRC:jv

# ZONING COMMISSION MINUTES

October 5, 2010

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, October 5, 2010 at 5:15 p.m. Board members present were: Acting Chairman, Perry O'Brien; Bert Dahl; and Yvonne Chatelain. Staff members present were: Donald Carroll and Nick Finan. The only citizen present was Bob Trask.

Acting Chairman Perry O'Brien welcomed everyone and explained the procedures for the Public Hearing.

**APPROVAL OF MINUTES.** The minutes from the May 18, 2010 meeting were approved on a motion by Bert Dahl/Yvonne Chatelain. All members present voted aye.

**ITEM NO. 1** T.C. 152 Investments Ltd. to rezone from "A" (Single Family Residential) to "S-P, E (General Business) and E-4 (Commercial Warehouse) for a beer distributorship. Being 25 ± acres out of a 152.256 acre tract out of the W.K. Wilson Survey, Abst. No. 208. Mr. Carroll stated the principal agents declared the acreage is actually 27 ½ acres during the Planning Board meeting yesterday evening. Located in the 1100 block of I-45. Mr. Carroll stated the acreage had been amended to reflect only the site for the warehouse. Mr. Carroll then stated that 10 property owners were notified of the rezoning intent. One letter in favor of the request has been received and no letters of opposition have been received to date. One letter was returned as undeliverable. Mr. Carroll then read the letter in favor of the request that was received from George and Patricia Delany. He then read the comments from the various Department Heads. The comments were as follows: City Engineer, "Description of land should be ± 25 acres. 152 acres is the entire tract of land. Water and sewer service not currently available to site; extensions will have to be made. Good access from Century and I-45. Land use plan identifies this area as an Activity Corridor - good match for warehousing and distribution use. No objections to request". Public Works, "No objections". Planning Director, "No objection to this rezoning intent. The request is not in conflict with our Land Use Plan or Zoning Ordinance. The opportunity for this proposal will create economic synergy and expand our tax base. Must adhere to performance standards established by our Zoning Ordinance. Landscaping at 15% - we will need to a plan showing this. We do not currently have this information. Masonry at 100% as shown on the proposed elevations." Building Official, "No objections". Fire Marshal, "No objections". Mr. Carroll indicated a representative, Mr. Trask, was present to speak on behalf of the applicants. He also indicated the members had a site plan in front of them to review. **A motion was made by Yvonne Chatelain/Bert Dahl to open the Public Hearing. All members present voted aye.** Perry O'Brien asked Mr. Trask if he would like to speak and explain the proposed development. Mr. Trask stated the proposed development was a \$15 million development. He explained the proposed buildings and the various uses of those buildings. He stated the traffic impact would be minimal. Mr. Trask continued by stating they would have 10 transport trucks coming in Monday through Friday. Twenty delivery trucks that go out between 4 a.m. and 7 a.m. He

continued by explaining they have 122 parking spaces. Ms. Chatelain asked if they had ingress/egress from both I-45 feeder and Century Boulevard. Mr. Trask stated they did and they were coordinating with TxDOT on the I-45 entrance. The building located in the back near Century Boulevard was a maintenance building and there would be access off of Century Boulevard. Mr. Carroll then stated this request had been reviewed by the Planning Board and approved contingent upon them meeting all the performance standards. Ms. Chatelain then asked why they were going "Site Plan" zoning. Mr. Carroll stated that "Site Plan" was being used as there were two different zoning classifications both "E" and "E-4"; hence the "Site Plan" zoning would allow more flexibility in meeting the needs of the applicant. Mr. Dahl asked if the other 100 acres would be for housing. Mr. Carroll stated it would probably be used for commercial uses as he didn't see single family residential going in this area. If anything maybe multi-family residential; however, it would most likely be commercial. He continued by stating this was not in conflict with the Land Use Plan or the Zoning Ordinance and he felt this was one of the highest and best uses of the property. Mr. O'Brien asked if they had a time line and Mr. Trask indicated they were anxious to start and wanted to start as soon as possible. There was no further discussion and **a motion was made by Bert Dahl/Yvonne Chatelain to close the Public Hearing. All members present voted aye.** After consideration **a motion was made by Yvonne Chatelain/Bert Dahl to approve the rezoning request. All members present voted aye.**

There was no further business to discuss and a **motion was made by Yvonne Chatelain/Bert Dahl to adjourn. All members present voted aye.**



Donald Carroll, Secretary

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Perry O'Brien, Acting Chairman



## **CITY COMMISSION AGENDA**

**Date: 10/20/2010**

Rezoning For T.C. 152 Investments

**Submitted By:** Jean Vincent, Inspections

**Department:** Planning

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### **Information**

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

Request approval for rezoning property - T.C. 152 Investments Ltd. to rezone from "A" (Single Family Residential) to "S-P, E (General Business) and E-4 (Commercial Warehouse) for a beer distributorship.

#### **BACKGROUND**

This has already been given approval by the Planning Board and Zoning Commission. There was no opposition and it is not in conflict with the Land Use Plan or Zoning Ordinance.

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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### **Attachments**

Link: [not of public hearing](#)

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## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City Commission of Texas City will hold a **Public Hearing** on **Wednesday, October 20, 2010 at 5:00 p.m.** in the Kenneth T. Nunn Room, City Hall, 1801 9<sup>th</sup> Avenue North, Texas City, Texas 77590. The purpose of the Public Hearing is to hear citizen's opinion in favor of or in opposition to the City of Texas City rezoning requests.

**REQUEST BY:** T.C. 152 Investments Ltd. to rezone from "A" (Single Family Residential) to "S-P, E (General Business) and E-4 (Commercial Warehouse) for a beer distributorship.

**BEING:** Being 27 ½ acres out of the W.K. Wilson Survey.

**LOCATED :** In the 1100 block of I-45.

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

/s/Don Carroll  
Don Carroll, City Planner  
City of Texas City

DATED: September 17, 2010

## **CITY COMMISSION AGENDA**

**Date: 10/20/2010**

**Submitted By:** Pam Lawrence, Administration

**Department:** Administration

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### **Information**

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

Consider approval of the minutes from the October 6, 2010 City Commission Regular Called Meeting.

#### **BACKGROUND**

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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### **Attachments**

Link: [10/6/2010-CC Minutes](#)

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**REGULAR CALLED CITY COMMISSION MEETING**

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

**WEDNESDAY, OCTOBER 6, 2010 – 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM – CITY HALL**

A **Regular Called Meeting of the City Commission** was held on **Wednesday, October 6, 2010, 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, Dedrick Johnson, Mike Land, Donald Singleton, Rick Wilkenfeld and John W. Wilson.

The **Mayor** called upon **Pastor Daniel Keur, Trinity Baptist Church**, to offer the **Invocation**. The Mayor thanked Pastor Daniel Keur for his attendance and for offering the invocation. **Commissioner Haney** led all present in the **recitation of the Pledge of Allegiance**.

**CONSENT AGENDA**

**Commissioner Haney** requested that item c., ***Consider approval of Resolution No. 10-096 awarding the bid for the purchase of ten 2011 Model Police Cars***, be pulled for further discussion. **Commissioner Singleton** requested that item f., ***Consider approval of Resolution No. 10-093 awarding the bid for the purchase of four 2011 Model Fuel Efficient Cars for the Police Department***, be pulled for further discussion.

- a. Consider approval of minutes from the September 15, 2010 City Commission Meeting.
- b. Consider approval of **Resolution No. 10-095** authorizing the Mayor to execute an **annual Service Agreement** for the **support and maintenance of the Public Safety Software package**.

**RESOLUTION NO. 10-095**

**A RESOLUTION APPROVING AN ANNUAL SERVICE AGREEMENT FOR THE SUPPORT AND MAINTENANCE OF THE PUBLIC SAFETY SOFTWARE PACKAGE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- d. Consider approval of **Resolution No. 10-097** authorizing the Mayor to execute an **annual Service Agreement** for the **support and maintenance of the Financial and Utility Billing Public Safety Software package**.

**RESOLUTION NO. 10-097**

**A RESOLUTION APPROVING AN ANNUAL SERVICE AGREEMENT FOR THE SUPPORT AND MAINTENANCE OF THE FINANCIAL AND UTILITY BILLING SOFTWARE PACKAGE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- e. Consider approval of **Resolution No. 10-101** awarding a contract for the **Repairs & Painting of 14<sup>th</sup> Street Elevated Storage Tank**.

**RESOLUTION NO. 10-101**

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE REPAIR AND PAINTING OF THE 14<sup>TH</sup> STREET ELEVATED STORAGE TANK; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- g. Consider approval of **Resolution No. 10-094** authorizing the Mayor to execute an annual contract for **Water & Sewer Line Repair Material**.

**RESOLUTION NO. 10-094**

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

- h. Consider the approval of **Resolution No. 10-098** accepting the **Loan Star Libraries Grant** from the Texas State Library and Archives Commission, awarded to the City of Texas City Moore Memorial Public Library for FY 2011.

**RESOLUTION NO. 10-098**

A RESOLUTION ACCEPTING THE LONE STAR LIBRARIES GRANT FOR \$14,410.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION THAT WAS AWARDED TO THE CITY OF TEXAS CITY FOR FISCAL YEAR 2011; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- i. Consider approval of **Resolution No. 10-099** which is a continuation of the Agreement between Texas City Police Department and Sam Houston State University as a "Sub-Award Participant" in the OJP-BJA **Project Safe Neighborhoods 2010 Grant Project**.

**RESOLUTION NO. 10-099**

A RESOLUTION APPROVING RENEWAL OF EXISTING PARTICIPATION OF TEXAS CITY POLICE DEPARTMENT IN PROJECT SAFE NEIGHBORHOOD 2010 GRANT PROJECT, A PROJECT OF SAM HOUSTON STATE UNIVERSITY FOR A MAXIMUM TOTAL REIMBURSEMENT OF \$24,000.00 OVER A THREE-YEAR PERIOD; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- j. Consider approval of **Resolution No. 10-100** approving **conveyance of property** known as 613 ½ First Avenue South (Martin Luther King), Texas City, Texas from ILA Local #1406 **to the City of Texas City**.

**RESOLUTION NO. 10-100**

A RESOLUTION APPROVING THE GIFT OF REAL PROPERTY FROM INTERNATIONAL LONGSHOREMEN'S ASSOCIATION LOCAL NO. 1406, KNOWN AS LOTS 10 AND 11, BLOCK 170, TEXAS CITY SECOND DIVISION, ALSO KNOWN AS 613 ½ 1<sup>ST</sup> (MARTIN LUTHER KING) AVENUE SOUTH, TEXAS CITY, GALVESTON COUNTY, TEXAS; AND PROVIDING THAT THIS

**RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- k. Consider approval of **Resolution No. 10-102 adopting guidelines and criteria for granting Tax Abatement in Reinvestment Zones** designated within the city limits of Texas City.

**RESOLUTION NO. 10-102**

**A RESOLUTION RENEWING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENTS IN REINVESTMENT ZONES DESIGNATED WITHIN THE CITY LIMITS OF TEXAS CITY 2010 – 2012; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- l. Consider approval of **Resolution No. 10-103** authorizing the Mayor to execute an **Interlocal Agreement with the Texas City Economic Development Corporation** to share resources for curing problem conditions for Tax Foreclosed Properties located in Texas City.

**RESOLUTION NO. 10-103**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH TEXAS CITY ECONOMIC DEVELOPMENT CORPORATION FOR CURING PROBLEM CONDITIONS FOR TAX FORECLOSED PROPERTIES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

- m. Consider approval of **Resolution No. 10-104 appointing/reappointing board members** to the Public Facilities **Corporation**, Texas City Cultural Arts Foundation, Inc., Texas City Economic Development Corporation, Texas City Harbour Foreign Trade Zone Corporation, Texas City Harbour Authority, Texas City Housing Corporation, Texas City Housing Finance Corporation, and Texas City Historical Preservation Corporation.

**RESOLUTION NO. 10-104**

**A RESOLUTION APPOINTING AND/OR REAPPOINTING MEMBERS TO THE VARIOUS CITY BOARDS, COMMISSIONS AND COMMITTEES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

Following is a listing of those that were appointed/reappointed to the various City corporations.

Texas City Economic Development Corporation

Mayor Matthew T. Doyle  
Mitchell Chuoke  
Randy Dietel  
Harold Fattig  
Mark Ciavaglia

Texas City Harbour Foreign Trade Zone Corporation

Mayor Matthew T. Doyle  
Jason Haley  
Kitty Potter

Reverend Jerry Lee  
Dwight Spurlock

Texas City Harbour Authority

Dwight Spurlock  
Michael Adams  
Raymond Guidry  
Gilbert Torres  
Carlos Garza

Public Facilities Development Corporation

Clarence Christ  
Randy Dietel  
C.J. Schmitz

Texas City Cultural Arts Foundation

Dayna Perren  
Joann Hackbarth

Texas City Historical Preservation Corporation

Jose Boix  
Teri O'Brien  
Irma Moreno  
Joann Hackbarth  
Fred Newhouse  
Marinel Parks  
Margaret Tuma

Texas City Housing Corporation

Ernestine Moreno

Texas City Housing Finance Corporation

Ernestine Moreno

- c. Consider approval of **Resolution No. 10-096** awarding the bid for the **purchase of ten 2011 Model Police Cars**.

Commissioner Haney commented her desire to support local bidders in this particular case with the difference between Helfman Ford in Stafford and McRee Ford in Dickinson being 611.39

**RESOLUTION NO. 10-096**

**A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE AND DELIVERY OF TEN (10) 2011 MODEL POLICE CARS FOR THE POLICE DEPARTMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

**Commissioner Singleton made a MOTION to APPROVE Resolution No. 10-096 awarding the bid for the purchase of ten 2011 Model Police Cars; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.**

- f. Consider approval of **Resolution No. 10-93** awarding the bid for the purchase of **four 2011 Model Fuel Efficient Cars** for the Police Department.

**RESOLUTION NO. 10-093**

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE AND DELIVERY OF FOUR (4) 2011 MODEL FUEL EFFICIENT VEHICLES FOR THE POLICE DEPARTMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

**Commissioner Singleton made a MOTION to APPROVE Resolution No. 10-090 authorizing payment of windstorm insurance premium to Texas Municipal League Intergovernmental Risk Pool; the motion was SECONDED by Commissioner Wilkenfeld. All present voted AYE. MOTION CARRIED.**

**REGULAR ITEMS**

- a. Consider approval of **Ordinance No. 10-26** finding that the existing electric distribution rates of Centerpoint Energy Houston Electric, LLC are unreasonable and should be reduced; ordering Centerpoint to reduce its existing rates within the City; ordering Centerpoint to submit tariffs consistent with the recommendation of the Gulf Coast Coalition of Cities consultants in Public Utility Commission of Texas Docket No. 38339; ordering Centerpoint to reimburse the City for its reasonable costs incurred in this rate case and any related ratemaking proceedings or appeals of said proceedings; authorizing the Gulf Coast Coalition of Cities to act on behalf of the City and intervene in any proceedings before administrative or judicial bodies and waiving the reading of this ordinance on three separate meetings.

**ORDINANCE NO. 10-26**

AN ORDINANCE FINDING THAT THE EXISTING ELECTRIC DISTRIBUTION RATES OF CENTERPOINT ENERGY HOUSTON ELECTRIC LLC ("CENTERPOINT" OR "COMPANY") ARE UNREASONABLE AND SHOULD BE REDUCED; ORDERING CENTERPOINT TO REDUCE ITS EXISTING RATES WITHIN THE CITY; ORDERING CENTERPOINT TO SUBMIT TARIFFS CONSISTENT WITH THE RECOMMENDATION OF THE GULF COAST COALITION OF CITIES' CONSULTANTS IN PUBLIC UTILITY COMMISSION OF TEXAS DOCKET NO. 38339; ORDERING CENTERPOINT TO REIMBURSE THE CITY FOR ITS REASONABLE COSTS INCURRED IN THIS RATE CASE AND ANY RELATED RATEMAKING PROCEEDINGS OR APPEALS OF SAID PROCEEDINGS; AUTHORIZING THE GULF COAST COALITION OF CITIES TO ACT ON BEHALF OF CITY AND INTERVENE IN ANY PROCEEDINGS BEFORE ADMINISTRATIVE OR JUDICIAL BODIES; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

**Commissioner Haney made a MOTION to APPROVE Ordinance No. 10-26 finding that the existing electric distribution rates of Centerpoint Energy Houston Electric, LLC are unreasonable and should be reduced; ordering Centerpoint to reduce its existing rates within the City; ordering Centerpoint to submit tariffs consistent**



**with the recommendation of the Gulf Coast Coalition of Cities consultants in Public Utility Commission of Texas Docket No. 38339; ordering Centerpoint to reimburse the City for its reasonable costs incurred in this rate case and any related ratemaking proceedings or appeals of said proceedings; authorizing the Gulf Coast Coalition of Cities to act on behalf of the City and intervene in any proceedings before administrative or judicial bodies and waiving the reading of this ordinance on three separate meetings; the motion was SECONDED by Commissioner Wilson. All present voted AYE. MOTION CARRIED.**

- b. Consider approval of the **first reading of Ordinance No. 10-25 amending the Code of Ordinances, City of Texas City, Chapter 122, Utilities, Article III. Rates, Charges and Special "Considerations, Section 122-117. Water and Sewer Deposit; Section 122-122 Water Rates; Section 122-129. Vacation status.**

#### ORDINANCE NO. 10-25

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, CHAPTER 122 (UTILITIES), ARTICLE III, RATES, CHARGES AND SPECIAL CONSIDERATIONS, BY AMENDING PROVISIONS RELATED TO WATER AND SEWER RATES AND FEES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE READING OF THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

**Commissioner Haney made a MOTION to APPROVE first reading of Ordinance No. 10-25 amending the Code of Ordinances, City of Texas City, Chapter 122, Utilities, Article III. Rates, Charges and Special "Considerations, Section 122-117. Water and Sewer Deposit; Section 122-122 Water Rates; Section 122-129. Vacation status; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED**

#### PUBLIC COMMENTS

Barbara White commented on Ordinance 10-25 regarding the deposit rate. She asked the Commission ensure that the deposit is reasonable.

William Ovesny reported on the serious problems he has encountered with the County police.

**REPORTS:** Announcement concerning items of community interest. No action will be taken or discussed on items that are not listed.

- a. Quarterly Investment Report for the quarter ending June 30, 2010.

The Financial Director, Laura Boyd, gave the investment report for quarter ending June 30, 2010. A summary of the transactions in the portfolio for the quarter are as follows: *Investments at the Beginning of the Period-Book Value* equaled \$52,371,457; *Investment Purchases/Additions* - \$48,023,311; *Investment Maturities/Deletions* - (\$52,000,000); *Investments-End of Period* - \$48,394,768; *Accrued Interest 6-30-10* - \$3,573; *Investments at the End of the Period Plus Accrued Interest -Book Value* equaled \$48,398,341. *Investments at the Beginning of the Period - Market Value* equaled \$52,371,457; *Investment Purchases/Additions* - \$48,023,311; *Investment*

*Maturities/Deletions - (\$52,000,000); Investments-End of Period - \$48,394,768; Accrued Interest 6-30-10 - \$3,573; Investments at the End of the Period Plus Accrued Interest-Market Value equaled \$48,398,341. The Portfolio Composition is composed of 93% in Certificates of Deposit (CDARS), 7% in Bank Deposits. Ms. Boyd reported that the Benchmark Rate of Return on the 3-month T-Bill was 0.12; the 6-month, 0.19; the 1-year, 0.32; the City's Portfolio is 0.12.*

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

#### **COMMISSIONERS' COMMENTS**

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

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**MATTHEW T. DOYLE, MAYOR**

**ATTEST:**

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**Susan Sensat, Deputy City Secretary**

Ss: 10-08-2010

**CITY COMMISSION AGENDA**

**Date: 10/20/2010**

Reject all bids received for Bid #2011-976 Motor Maintenance/Repair Annual Contract

**Submitted By:** Rita Williams, Purchasing

**Department:** Purchasing

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**Information**

**ACTION REQUEST (Brief Summary)**

Approve to reject all bids received for Bid # 2011-976 Motor Maintenance/Repair Annual Contract and re-bid at a later date.

**BACKGROUND**

Bid packets were mailed to area vendors on September 13, 2010.

Bids opened on Friday, October 1, 2010 at 2:00 p.m.

**ANALYSIS**

Four bids were received and all are recommended to be rejected by the Director of Utilities. A memo from the Director is attached for your review. The specifications need to be more defined and then mailed out for re-bid.

It is my recommendation to reject all bids received, make changes to the bid documents and re-bid.

Thank you.

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Res 10-107](#)

Link: [Exhibit A](#)

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**RESOLUTION NO. 10-107**

**A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE MOTOR MAINTENANCE/REPAIR ANNUAL CONTRACT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, on September 13, 2010, bids were mailed out to area vendors for annual contract for Motor Maintenance/Repair, Bid No. 2011-976; and,

**WHEREAS**, the Director of Utilities recommended all bids be rejected and rebid with more defined specifications.

**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 rejects all bids received for the annual contract for Motor Maintenance/Repair, Bid No. 2011-976.

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

**PASSED AND ADOPTED this 20th day of October, 2010**

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

ATTEST:

APPROVED AS TO FORM:

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Susan Sensat  
Deputy City Secretary

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Ronald F. Plackemeier  
City Attorney

**From:** [Todd Hoover](#)  
**To:** [Rita Williams](#)  
**Cc:** [Julie Morreale](#); [Tom Kessler](#)  
**Subject:** Recommendation for Bid #2011-976 for the Motor Maintenance/Repair Contract  
**Date:** Monday, October 11, 2010 2:12:29 PM  
**Importance:** High

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Rita,

After careful consideration of all bids opened on Friday, October 1, 2010, it is my recommendation that the Bid #2011-976 for the Motor Maintenance/Repair Contract not be awarded at this time for the following reasons:

- **Coastal Pump Services** should be disqualified from the bid because they added a condition on Item 8: Specify number of days to deliver and/or re-install repaired equipment and Item 9: Specify number of days to deliver and install new replacement not in stock.
- **K2 Services, LLC** should be disqualified from the bid because they did not answer Item 11: Markup/Discount of All OEM Parts and Materials, Item 12: Markup/Discount of All non OEM Parts and Materials, Item 13: Markup/Discount Cost to replace a unit of OEM, and Item 14: Markup/Discount Cost to replace a unit of another Manufacturer.
- **Pump & Power Equipment** should be disqualified from the bid because they added a condition on Item 8: Specify number of days to deliver and/or re-install repaired equipment Item 9: Specify number of days to deliver and install new replacement not in stock and Item 10: Specify number of days to deliver and install new replacement in stock.
- **Hahn Equipment Company, Inc.** should be disqualified from the bid because they added a condition on Item 9: Specify number of days to deliver and install new replacement not in stock.

In summary, the Utilities Department will review the wording of the contract specifications and will re-bid the Motor Maintenance Annual Contract at a later date.

Thank you,

*Todd J. Hoover*  
CITY OF TEXAS CITY  
DIRECTOR OF UTILITIES  
(409) 643-5860

**CITY COMMISSION AGENDA**

**Date: 10/20/2010**

LMISD Facilities Interlocal Agreement

Linda  
Jennings,  
City  
Attorney  
Office

**Submitted For:** Nick Finan  
**Department:** Management Services

**Submitted By:**

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**Information**

**ACTION REQUEST (Brief Summary)**

The City of Texas City has interlocal agreements with the local school districts for shared use of facilities. This agreement is for the renewal with LMISD except for minor changes such as the natatorium is by a separate agreement and the need for the use of school busses is not necessary at this time, the agreement is basically the same as the previous agreement. All three school district's agreements are also now similar in format and conditions with only the various school district's facilities being the main differences. The City of Texas City is dependent on the school district's gyms and fields for our activities and they benefit from our fields and use of our facilities. It has been a good mutual exchange. There is cash outlay associated with the agreement.

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Res 10-106](#)

Link: [Exhibit A ILA LMISD](#)

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**RESOLUTION NO. 10-106**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH LAMARQUE INDEPENDENT SCHOOL DISTRICT FOR THE SHARING OF RESOURCES AND MUTUAL USE OF PUBLIC FACILITIES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the City of Texas City has continued the ongoing cooperation with the LaMarque Independent School District with regards to the sharing of resources and the mutual use of public facilities; and

**WHEREAS**, the City of Texas City staff is recommending entering into an Interlocal Agreement with LaMarque Independent School District to provide maximum efficiency to benefit the citizens and taxpayers of the City of Texas City.

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

**SECTION 1:** That the City Commission of the City of Texas City, Texas, hereby approves an Interlocal Agreement between the City of Texas City, Texas and LaMarque Independent School District for the sharing of resources and the mutual use of public facilities.

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

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

**PASSED AND ADOPTED this 20th day of October, 2010.**

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

ATTEST:

APPROVED AS TO FORM:

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Susan Sensat  
Deputy City Secretary

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Ronald F. Plackemeier  
City Attorney

**STATE OF TEXAS** §  
**COUNTY OF GALVESTON** §

# INTERLOCAL COOPERATION AGREEMENT

This AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010 between the City of Texas City, Texas, (“City”), and the LaMarque Independent School District, (“District”).

ARTICLE I  
PURPOSE OF AGREEMENT

The purpose of this agreement is to formalize the ongoing cooperation between the City and District with regards to the sharing of resources and the mutual use of public facilities, and to maximize efficiency to benefit the citizens and taxpayers of the City of Texas City.

## ARTICLE II

### TERM OF AGREEMENT

This agreement shall continue from \_\_\_\_\_, 2010 until March 31, 2013. Upon mutual consent, the agreement shall be extended for an additional three-year term.

## ARTICLE III

### OBLIGATIONS OF THE CITY AND DISTRICT

The City of Texas City and District shall, to the greatest extent possible, maximize the taxpayers' resources by sharing certain available resources, such as the use of public facilities. The intent of this agreement is that when certain resources or facilities of the City or District are not in use, the other party may use these resources at no or minimal cost. This arrangement shall be construed as broadly as practicable, to provide the widest possible range of cooperation and mutual benefit. By means of example, and not by limitation, the following list shall identify programs and use of facilities to be covered by this agreement:

District shall allow City to use the following:

1. District buses, at no cost to City, for transportation of tennis, track, swimming, and other sports participants on an “as needed basis.” City acknowledges that the buses may only be driven by a District driver, with City providing liability insurance coverage. However, during the terms of this Interlocal Agreement, this portion of the agreement shall be abated and shall be reviewed at the expiration of this agreement.
2. School Gymnasiums (on an “as needed” basis).
3. Such other facilities and resources approved by the Superintendent or Designee.
4. Tracks, tennis courts and ball fields, on an “as needed” basis.



City shall allow District to use the following:

1. Nessler Center, for District-sponsored events and shall not include booster club events. LMISD will provide Mayor with district-sponsored events for entire school year for Nessler Center use.
2. Charles Doyle Convention Center for teacher orientation, Superintendent Academics Awards, Employee Appreciation Banquet, and certain District sponsored events that cannot be accommodated in the Nessler Center or in School District facilities.
3. Bayou Golf Course for high school golf team practice during Interscholastic golf season only. (By separate agreement)
4. Carver Park facilities.
5. Tennis courts, upon prior approval by Director of Recreation and Tourism.
6. The Natatorium shall be subject to a separate agreement.
7. Such other facilities and resources as approved by the Director of Recreation and Tourism.

#### ARTICLE IV SUPERVISION & COORDINATION

The Superintendent or designated representative and the City's Director of Recreation and Tourism will coordinate, as needed, to insure effective implementation of this agreement. All regular janitorial services shall be included by the facility owner in granting use of the facility, and shall be at no cost to the party using the facility. Security for activities shall be agreed upon by both parties and costs are to be set annually through designated representatives of LaMarque Independent School District and the City of Texas City.

#### ARTICLE V MUTUAL INDEMNIFICATION

The City and District, only to the extent permitted by Texas law, agree to defend, indemnify and hold each other harmless for all claims for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this agreement.

#### ARTICLE VI NO WAIVER OF IMMUNITY

It is expressly understood and agreed that under this agreement neither party waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

#### ARTICLE VII VENUE

Each party to this agreement agrees that in any legal action brought hereunder, venue shall lie in Galveston County, Texas. The validity of this agreement and of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas.

## ARTICLE IX SEVERABILITY

In case any one or more of the provisions contained in the agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such fact shall not affect any other provision thereof and this Agreement shall be construed as if the stricken provision had never been contained herein.

## ARTICLE X MODIFICATION

This agreement may be amended or modified by the mutual agreement of both parties hereto in writing, such writing to be attached hereto and incorporated into this agreement.

## ARTICLE XI ENTIRE AGREEMENT

This agreement contains all commitments and obligations of the parties and represents the entire agreement of said parties. No verbal or written conditions not contained herein shall have any force or effect to alter any term of this agreement.

## ARTICLE XII TERMINATION/FORCE MAJEURE

This agreement may be terminated at any time before its expiration with mutual consent of both parties by any one party without cause with ninety (90) days written notice to the other party. Neither party shall be responsible for damages or expected to fulfill its obligations under this agreement should an act of God or other unforeseen catastrophe occur and cause such damage or prevent the performance of such obligation.

## ARTICLE XIII EXECUTION

This agreement shall be executed by the duly authorized official(s) of District and City as expressed in the approving resolution or order of the governing body of such party.

### Paragraph Headings

The captions, numbering sequences, titles, paragraph headings, punctuation, and organization used in this agreement are for convenience only and shall in no way define, limit, or describe the scope or intent of this agreement or any part of it.

### Understanding, Fair Construction

By execution of this agreement, the parties acknowledge that they have read and understand each provision, term, and obligation contained in this agreement. This agreement, although drawn by one party, shall be construed fairly and reasonably and not more strictly against the drafting party than the non-drafting party.

ARTICLE XIV  
REQUIRED INTERLOCAL AGREEMENT PROVISIONS

City and District agree to pay any payments made pursuant to this agreement from current revenues. The parties agree that each party is paying fair compensation for the services rendered and facilities used. City and District are authorized by law to perform the functions or services to be performed under this agreement.

ARTICLE XV  
NOTICES

Any notices due under the provisions of this agreement shall be made in writing and shall be addressed to the following:

**City:**

Director of Recreation and Tourism  
City of Texas City  
2010 5th Avenue North  
Texas City, Texas 77590  
(409) 643-5987  
(409) 949-4810 fax

**District:**

LaMarque Independent School District  
1727 Bayou Road  
P.O. Box 7  
LaMarque, Texas 77568-7  
(409) 938-4251  
(409) 908-5012 fax

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement on the date first above written.

THE CITY OF TEXAS CITY:

LA MARQUE INDEPENDENT SCHOOL  
DISTRICT:

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

\_\_\_\_\_  
Joe Cantu, President

ATTEST:

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Pamela A. Lawrence  
City Secretary

APPROVED AS TO FORM:

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Ronald F. Plackemeier  
City Attorney

**CITY COMMISSION AGENDA**

**Date: 10/20/2010**

Reject all bids received for Bid # 2011-977 Pump Maintenance/Repair Annual Contract

**Submitted By:** Rita Williams, Purchasing

**Department:** Purchasing

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**Information**

**ACTION REQUEST (Brief Summary)**

Approve to reject all bids received for Bid # 2011-977 Pump Maintenance/Repair Annual Contract and re-bid at a later date.

**BACKGROUND**

Bid packets were mailed to area vendors on September 15, 2010.

Bids opened Monday, October 4, 2010 at 2:00 p.m.

**ANALYSIS**

Four bids were received and all are recommended to be rejected by the Director of Utilities. A memo from the Director is attached for your review. The specifications need to be more defined and then mailed out for re-bid.

It is my recommendation to reject all bids received, make changes to the bid documents and re-bid.

Thank you.

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Res 10-108](#)

Link: [Exhibit A](#)

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**RESOLUTION NO. 10-108**

**A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE PUMP MAINTENANCE/REPAIR ANNUAL CONTRACT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

---

**WHEREAS**, on September 15, 2010, bids were mailed out to area vendors for annual contract for Pump Maintenance/Repair, Bid No. 2011-977; and,

**WHEREAS**, the Director of Utilities recommended all bids be rejected and rebid with more defined specifications.

**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 rejects all bids received for the annual contract for Pump Maintenance/Repair, Bid No. 2011-977.

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

**PASSED AND ADOPTED this 20th day of October, 2010**

---

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

ATTEST:

APPROVED AS TO FORM:

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Susan Sensat  
Deputy City Secretary

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Ronald F. Plackemeier  
City Attorney

**From:** [Todd Hoover](#)  
**To:** [Rita Williams](#)  
**Cc:** [Julie Morreale](#); [Tom Kessler](#)  
**Subject:** Recommendation for Bid #2011-977 for the Pump Maintenance/Repair Contract  
**Date:** Monday, October 11, 2010 2:14:50 PM  
**Importance:** High

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Rita,

After careful consideration of all bids opened on Monday, October 4, 2010, it is my recommendation that the Bid #2011-977 for the Pump Maintenance/Repair Contract not be awarded for the following reasons:

- **Coastal Pump Services** should be disqualified from the bid because they added a condition on Item 8: Specify number of days to deliver and/or re-install repaired equipment and Item 9: Specify number of days to deliver and install new replacement not in stock.
- **K2 Services, LLC** should be disqualified from the bid because they did not answer Item 11: Markup/Discount of All OEM Parts and Materials, Item 12: Markup/Discount of All non OEM Parts and Materials, Item 13: Markup/Discount Cost to replace a unit of OEM, and Item 14: Markup/Discount Cost to replace a unit of another Manufacturer.
- **Pump & Power Equipment** should be disqualified from the bid because they added a condition on Item 8: Specify number of days to deliver and/or re-install repaired equipment, Item 9: Specify number of days to deliver and install new replacement not in stock and Item 10: Specify number of days to deliver and install new replacement in stock.
- **Hahn Equipment Company, Inc.** should be disqualified from the bid because they added a condition on Item 9: Specify number of days to deliver and install new replacement not in stock.
- **Smith Pump Company** should be disqualified from the bid because they did not adequately answer Item 8: Specify number of days to deliver and/or re-install repaired equipment, Item 9: Specify number of days to deliver and install new replacement not in stock, Item 10: Specify number of days to deliver and install new replacement in stock, 11: Markup/Discount of All OEM Parts and Materials, Item 12: Markup/Discount of All non OEM Parts and Materials, Item 13: Markup/Discount Cost to replace a unit of OEM, and Item 14: Markup/Discount Cost to replace a unit of another Manufacturer.

In summary, the Utilities Department will review the wording of the contract specifications and will re-bid the Pump Maintenance Annual Contract at a later date.

Thank you,

***Todd J. Hoover***  
CITY OF TEXAS CITY  
DIRECTOR OF UTILITIES  
(409) 643-5860

**CITY COMMISSION AGENDA**

**Date: 10/20/2010**

Re-appoint various City Board & Committee Members

**Submitted By:** Matthew Doyle, Mayor's Office

**Department:** Mayor's Office

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**Information**

**ACTION REQUEST (Brief Summary)**

Re-appoint various Board & Committee members  
(see attached listing)

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Res 10-109](#)

Link: [Board & Committees Re-Appoint 2010](#)

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**RESOLUTION NO. 10-109**

**A RESOLUTION APPOINTING AND/OR REAPPOINTING MEMBERS TO THE VARIOUS CITY BOARDS, COMMISSIONS AND COMMITTEES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, on October 1, 2010, the terms of various members of the City of Texas City's Boards, Commissions and Committees expired; and

**WHEREAS**, in order to continue the uninterrupted and efficient operation of the City through its Boards, Commissions and Committees, it is necessary to appoint or reappoint members to fill these positions.

**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 appoints or reappoints the individuals named on the attached Exhibit "A" to the various Boards, Commissions and Committees for the terms as stated therein.

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

**PASSED AND ADOPTED this 20th day of October, 2010.**

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

ATTEST:

APPROVED AS TO FORM:

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Susan Sensat  
Deputy City Secretary

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Ronald F. Plackemeier  
City Attorney

## Board & Committee Re-Appointments

| <b>Committee/Board</b>                                 | <b>Member</b>  | <b>Re-Appointment Date</b>   |
|--|--|--|
| <b>Board of Adjustments</b>                            | Beverly Delaney Mitchell<br>Yotarsha “BB” Wisby<br>Denny Patterson<br>Harvey Cappel, P. E.<br>Joe Carranza<br>George W. Faust (alternate)<br>Patrick Tarpey (alternate)<br>Larry Povse (alternate)                             | 9-30-2010 to 9-30-2012   |
| <b>Audit Committee</b>                                 | Mike Land – Mayor Pro Tem<br>Rick Wilkenfeld, Dist. 4<br>Donald Singleton, Dist. 1   | 10-1-2010 to 10-1-2012   |
| <b>Building &amp; Standards</b>                        | Beverly Delaney Mitchell<br>Denny Patterson<br>Harvey Cappel, P. E.<br>Yotarsha “BB” Wisby<br>Joe Carranza<br>George W. Faust (alternate)<br>Patrick Tarpey (alternate)<br>Hilda Torres (alternate)<br>Larry Povse (alternate) | 9-30-2010 to 9-30-2012<br><br>3-17-2010 to 9-30-2012<br><br>3-17-2010 to 9-30-2012                   |
| <b>Civil Service Commission</b>                        | Dorian Culbertson  | 9-30-2010 to 9-30-2012   |
| <b>Dike &amp; Bay Area Development</b>                 | John Ringer<br>Kenneth Clark<br>Carlos Maruri, III   | 10-1-2010 to 10-1-2013   |
| <b>Texas City-La Marque Community Advisory Council</b> | Charlie Totty<br>Marvin Walters<br>Jose Boix<br>Lucille McGaskey<br>Jack Cross   | 4-1-2010 to 4-1-2013   |
| <b>Bayou Golf Course</b>                               | James Horan<br>Mike Patterson<br>Alana Hilden<br>Raymond Walker<br>L. W. Surratt<br>Mary Glenn<br>Abel Garza, Jr.  | 9-30-2010 to 9-30-2012   |
| <b>Library Board</b>                                   | Elaine Schmitz<br>Shirley Mapps<br>Nelle C. Leach<br>Stephanie Doyle   | 10-1-2010 to 10-1-2013<br>9-30-2010 to 10-1-2013<br>10-1-2010 to 10-1-2013<br>10-1-2010 to 10-1-2013 |

|  |  |  |
|--|--|--|
| <b>Recreation &amp; Tourism Board</b>                        | Replace Joe Amato (resigned)<br>With/ Jason Clark<br>J. B. Fitch<br>Gary Schaper   | To finish Joe Amato's term of<br>9-30-09 to 9-30-2012<br>10-1-2010 to 10-1-2013<br>10-1-2010 to 10-1-2013                      |
| <b>Planning Board</b>  | Eloise O'Bryant  | 9-30-2010 to 9-30-2014   |
| <b>Zoning Commission</b>                                     | James Horan  | 10-1-09 to 10-1-2011   |
| <b>Technical Board –<br/>Air Conditioning &amp; Heating</b>  | Jim Desaltte<br>Jack Landriault<br>Larry Cook<br>Jim Henley                        | 10-1-2010 to 10-1-2012<br>10-1-2010 to 10-1-2012<br>10-1-2010 to 10-1-2012<br>10-1-2010 to 10-1-2012                           |
| <b>Technical Board –<br/>Plumbing Appeals &amp; Advisory</b> | Bobby Bohn<br>Mitchell Chuoke<br>Bob Fairy, Jr.<br>James Hilden<br>Denny Patterson | 10-1-2010 to 10-1-2012<br>10-1-2010 to 10-1-2012<br>10-1-2010 to 10-1-2012<br>10-1-2010 to 10-1-2012<br>10-1-2010 to 10-1-2012 |

**CITY COMMISSION AGENDA**

**Date: 10/20/2010**

Approve Appointment of City Secretary

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

**Department:** Mayor's Office

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**Information**

**ACTION REQUEST (Brief Summary)**

Resolution approving appointment of Nicholas J. Finan as City Secretary.

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Res 10-105](#)

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**RESOLUTION NO. 10-105**

**A RESOLUTION APPOINTING THE CITY SECRETARY OF THE CITY OF TEXAS CITY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the City Charter of the City of Texas City, Texas, Article III, Procedures of the Commission; Legislation, Section 3, City Secretary, states: "The commission shall appoint a City Secretary, who shall hold his/her office at the pleasure of the commission."

**WHEREAS**, there is a need for the appointment of a City Secretary.

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

**SECTION 1:** That City Commission hereby appoints Nicholas J. Finan as City Secretary.

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

**PASSED AND ADOPTED this 20th day of October, 2010.**

---

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

ATTEST:

APPROVED AS TO FORM:

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Susan Sensat  
Deputy City Secretary

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Ronald F. Plackemeier  
City Attorney

**CITY COMMISSION AGENDA**

**Date: 10/20/2010**

Amending Chapter 122, Article III (Second Reading)

**Submitted By:** Todd Hoover, Utilities

**Department:** Utilities

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**Information**

**ACTION REQUEST (Brief Summary)**

Consider approval of the second reading of Ordinance No. 10-25 amending the Code of Ordinances, City of Texas City, Chapter 122, Utilities, Article III. Rates, Charges and Special Considerations, Section 122-117. Water and Sewer Deposit; Section 122-122 Water Rates; Section 122-129. Vacation status.

**BACKGROUND**

Water and sewer rates and fees have not been assessed and adjusted since October 7, 2004.

**ANALYSIS**

Water and sewer rates and fees for Texas City were compared to all the other cities in Galveston County. It was determined that the water rate, water and sewer deposit and vacation status fees were significantly lower than other cities in Galveston County. These rates and fees should be adjusted at minimum to the next lowest city in the county. This adjustment would enable our utilities department to maintain and improve the drinking water infrastructure in our city.

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Ord 10-25](#)

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## **ORDINANCE NO. 10-25**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, CHAPTER 122 (UTILITIES), ARTICLE III, RATES, CHARGES AND SPECIAL CONSIDERATIONS, BY AMENDING PROVISIONS RELATED TO WATER AND SEWER RATES AND FEES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE READING OF THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.**

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

**WHEREAS**, water and sewer rates and fees have not been assessed and adjusted by the City since October 7, 2004; and

**WHEREAS**, water and sewer rates and fees for Texas City were compared to all other Galveston County cities and it was determined that the water rate, water and sewer deposit and vacation status fees were significantly lower than other cities in Galveston County; and

**WHEREAS**, the City's water and sewer rates and fees should be adjusted, at minimum, to the next lowest city in the county; and

**WHEREAS**, this adjustment would enable the City's utilities department to maintain and improve the City's drinking water infrastructure; and

**WHEREAS**, the City of Texas City, Texas, seeks to amend The Code of Ordinances of the City of Texas City, Chapter 122 (Utilities), by amending Article III, Rates, Charges and Special Considerations.

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

**SECTION 1:** That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 122 (Utilities), Article III, is amended to read and provide as follows:

Section 122-117 is changed to read:

“Sec. 122-117. Water and sewer deposit required; amount.

The applicant shall pay to the city a deposit in the sum of ~~\$30.00~~ \$150.00 at the time he applies for water and sewer service; provided, however, that, if charges

for service increase to a point where the deposit is not equal to the charges for an average two-month period, the required deposit may be increased to conform thereto.

(Ord. No. 08-47, § 1, 11-19-2008)”

Section 122-122 is changed to read:

“Sec. 122-122. Water rates.

The schedule of monthly rates and charges for water services furnished by the city to its water customers is hereby established as follows:

(1) *Domestic, commercial and industrial schedule.*

For the first increment of water usage up to and including 2,000 gallons of water, the minimum rate will be as follows:

Minimum monthly billing:

5/8-inch meter . . . . \$6.75

3/4-inch meter . . . . \$7.25

1-inch meter . . . . . \$7.75

1 1/2-inch meter . . . \$11.75

2-inch meter . . . . . \$21.75

3-inch meter . . . . . \$37.75

4-inch meter . . . . . \$73.75

6-inch meter . . . . . \$145.75

For the additional incremental water usage in excess of 2,000 gallons, per 1,000 gallons . . . ~~\$2.80~~ \$3.83.

(2) *Automatic sprinkler connections.* This subsection is applicable for fire protection where automatic sprinklers are installed and protected by automatic sprinkler control. No use of water shall be allowed under the provisions of this subsection except for fire protection when automatic sprinklers are operated. A rate of \$1.33 per inch of diameter of line serving the customer will be charged. The customer shall pay the entire cost of connection, including tapping the main, installing the valve, etc., but such facilities shall become the property of the city. (Ord. No. 08-47, § 1, 11-19-2008)”

Section 122-129 is changed to read:

“Sec. 122-129. Vacation status.

If a customer desires to request a vacation status, the fee shall be a service charge of ~~\$10.00~~ \$15.00 to turn off the water and a service charge of ~~\$10.00~~ \$15.00 to turn on the water again. Vacation status may not exceed 90 days.

(Ord. No. 08-47, § 1, 11-19-2008)”



**SECTION 2:** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable.

**SECTION 3:** That it is further provided that, in the event any section, clause, sentence, paragraph or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

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

**SECTION 5:** That this Ordinance shall be read on three (3) separate days and shall become effective upon its final reading, passage, and adoption.

**SECTION 6:** That this Ordinance shall be finally passed upon the date of its introduction and shall become effective from and after its passage and adoption and publication by caption only in the official newspaper of the City.

**PASSED ON FIRST READING this 6th day of October, 2010.**

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

ATTEST:

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Pamela A. Lawrence  
City Secretary

**PASSED ON SECOND READING this 20th day of October, 2010.**

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

ATTEST:

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Pamela A. Lawrence  
City Secretary

**PASSED AND FINALLY ADOPTED this 3rd day of November, 2010.**

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

ATTEST:

APPROVED AS TO FORM:

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Pamela A. Lawrence  
City Secretary

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Ronald F. Plackemeier  
City Attorney