

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

AGENDA

**WEDNESDAY, NOVEMBER 17, 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

(a) Service Awards:

Maria Delao	Municipal Court	5 years
Kristina Garza	Library	10 years
Eric Smith	Traffic	20 years
William Cooley	Fire	20 years
Feleberto Selvera	Water Distribution	20 years

(b) Presentation:

Presentation and update from Emken Linton on the Centennial Celebration. (Management Services)

(4) CONSENT AGENDA

(a) Consider approval of the minutes from the November 3, 2010 regular called City Commission meeting.

(b) Resolution No. 10-118 awarding an annual contract for control system maintenance and repairs. (Purchasing)

(c) Resolution No. 10-119 approving the purchase and delivery of one (1) Volvo L110F all rounder through the Texas Association of School Boards (TASB). (Purchasing)

- (d) Resolution No. 10-120 awarding an annual contract for personnel protective equipment, fire hose, nozzles and other related equipment. (Fire)
- (e) Resolution No. 10-121 approving the sale of certain tax foreclosed properties currently held in trust by the City. (Purchasing)
- (f) Resolution No. 10-122 approving the acceptance of the DPS Sub-Recipient Grant for 2009 IPP-Buffer Zone Protection Plan Grant for obtaining tactical robot, intrinsically safe radios, and explosive detection K9 and multiple SWAT tactical items. (Police)
- (g) Resolution No. 10-123 approving the appointment of Commissioner Dee Ann Haney as the City of Texas City's representative and Commissioner Rick Wilkenfeld as alternate to the Board of Directors of the Houston-Galveston Area Council for calendar year 2011. (Mayor)
- (h) Resolution No. 10-125 denying Texas-New Mexico Power Company's requested increases to its electric transmission and distribution rates and charges within the City and authorizing rate case expenses to be reimbursed by the company. (Legal)
- (i) Resolution No. 10-124 adopting Section 3 Local Opportunity Plan for Texas Community Development Block Grant program allotted after Hurricane Ike for use of items that failed to function during Ike. (Emergency Management)

(5) REGULAR ITEMS

- (a) Consider approval of Ordinance No. 10-28 requesting to amend the City of Texas City's fiscal year 2010-11 budget for funds received from Galveston County per City of Texas City Ordinance 10-24 approved during the City Commission's September 15, 2010 meeting. (Finance)
- (b) Consider approval of Ordinance No. 10-29 requesting to amend the City of Texas City's fiscal year 2010-11 budget to accommodate the IPP-Buffer Zone Protection Plan Grant. (Finance)

(6) PUBLIC COMMENTS

(7) MAYOR'S COMMENTS

(8) 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 NOVEMBER 12, 2010 AT 5:00 P.M.**

**/S/NICHOLAS J. FINAN
NICHOLAS J. FINAN
CITY SECRETARY
NOVEMBER 12, 2010**

CITY COMMISSION AGENDA

Date: 11/17/2010

Service Awards

Submitted By: Rachel Wyatt, Human Resources

Department: Human Resources

Information

ACTION REQUEST (Brief Summary)

5 Year-Maria Delao-Municipal Court

10 Year-Kristina Garza-Library

15 Year-Eric Smith-Traffic

20 Year-William Cooley-Fire

20 Year-Feleberto Selvera-Water Distribution

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

CITY COMMISSION AGENDA

Date: 11/17/2010

Centennial Celebration Update

Submitted By: Susan Sensat, Administration

Department: Administration

Information

ACTION REQUEST (Brief Summary)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

CITY COMMISSION AGENDA

Date: 11/17/2010

November 3, 2010 City Commission Minutes

Submitted By: Susan Sensat, Administration

Department: Administration

Information

ACTION REQUEST (Brief Summary)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Link: [November 3, 2010 CC Minutes](#)

REGULAR CALLED CITY COMMISSION MEETING

MINUTES

WEDNESDAY, NOVEMBER 3, 2010 – 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM – CITY HALL

A **Regular Called Meeting of the City Commission** was held on **Wednesday, November 3, 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: Mike Land, Donald Singleton, John W. Wilson, Dedrick Johnson and Rick Wilkenfeld. Commissioner Dee Ann Haney was unable to attend.

The **Mayor** called upon **Pastor Daniel Keur, Trinity Baptist Church**, to offer the **Invocation**. **Commissioner Wilson** led all present in the **recitation of the Pledge of Allegiance**.

PROCLAMATIONS AND PROMOTIONS

Proclamation:

The Mayor presented a Proclamation, declaring November, 2010, as National Hospice Care Month to Jennifer Duhon, Pancreatic Cancer Research; Nickie Critelli, Hospice Campus Facility; and Melia Boone, Hospice Care Team. The Proclamation read as follows:

Proclamation

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 Hospice Compassus Care Team providers during the month of November. This year's theme "Season's of Caring; the Caring of Hospice & Palliative Care" 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 3rd day of November, 2010.

Promotions:

FIRE DEPARTMENT

Shonna Bellow to Engineer

Greg Garrett to Engineer

REPORTS

- a. Quarterly Investment Report for the quarter ending September 20, 2010.

Laura Boyd, Interim Financial Director, gave the investment report for quarter ending September 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 \$48,394,768; *Investment Purchases/Additions* - \$82,523,947; *Investment Maturities/Deletions* - (\$93,000,000); *Investments-End of Period* - \$37,918,715; *Accrued Interest (9-30-10)* - \$5,006; *Investments at the End of the Period Plus Accrued Interest –Book Value* equaled \$37,923,721. *The Portfolio Composition* is composed of 86% in Certificates of Deposit (CDARS), 14% in Bank Deposits. Ms. Boyd reported that the *Benchmark Rate of Return* on the 3-month T-Bill was 0.15; the 6-month, 0.19; the 1-year, 0.26; the City's Portfolio is 0.24. The weighted average maturity of portfolio is approximately 88.85 days.

CONSENT AGENDA

Commissioner Wilkenfeld and Commissioner John W. Wilson requested that item d. Resolution No. 10-112 awarding an annual contract for stationery, be pulled for further discussion. Commissioner Land and Commissioner Wilkenfeld requested that item f. Resolution No. 10-114 awarding the 5th Street North paving, drainage, water & sewer improvements project, be pulled for further discussion.

- a. Consider approval of minutes from the November 3, 2010 City Commission Meeting.
- b. Resolution No. 10-110, approving the purchase of 525 Visa gift cards for all City employees (full and part-time) as an incentive for continued outstanding customer service and performance.

RESOLUTION NO. 10-110

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.

- c. Resolution 10-106, Resolution No. 10-111 approving an annual agreement with HGAC for 2010-2011 law enforcement training grant.

RESOLUTION NO. 10-111

A RESOLUTION ACCEPTING THE HOUSTON-GALVESTON AREA COUNCIL GRANT IN THE AMOUNT OF \$18,131.00, FOR TEXAS CITY POLICE DEPARTMENT LAW ENFORCEMENT TRAINING ACADEMY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- e. Resolution No. 10-113 awarding an annual contract for the library materials.

RESOLUTION NO. 10-113

A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BAKER AND TAYLOR, INC., FOR THE PURCHASE AND DELIVERY OF BOOKS, PUBLICATIONS AND AUDIO-VISUAL MATERIALS FOR THE LIBRARY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- g. Resolution No. 10-115 awarding an annual contract for electrical supplies, lamps and ballasts.

RESOLUTION NO. 10-115

A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR ELECTRICAL SUPPLIES, LAMPS AND BALLASTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- h. Resolution No. 10-116 approving the Moore Public Library reference policy.

RESOLUTION NO. 10-116

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

- i. Resolution No. 10-117 awarding contract for emergency power to water and wastewater facilities project.

RESOLUTION NO. 10-117

A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE EMERGENCY POWER TO WATER AND WASTEWATER FACILITIES PROJECT; PROVIDING FOR CHANGE ORDERS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Singleton made a MOTION to APPROVE Consent items a, b, c, e, g, h and i; the motion was SECONDED by Commissioner Land. All present voted AYE. MOTION CARRIED.

- d. Resolution No. 10-112 awarding an annual contract for stationery.

RESOLUTION NO. 10-112

A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT WITH DREYFUS PRINTING FOR STATIONERY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Rita Williams, Purchasing Coordinator, explained M I Printing Services was disqualified because the original colored bid form was not returned.

Commissioner Wilkenfeld made a MOTION to APPROVE Consent item d.; the motion was SECONDED by Commissioner Wilson. All present voted AYE. MOTION CARRIED.

- f. Resolution No. 10-114 awarding the 5th Street North paving, drainage, water & sewer improvement project.

Commissioner Land commented on the time frame and wanted a brief overall of the project.

Mr. Madhu Kilambi said the project will start after Thanksgiving and should be completed by June or July 2011.

Commissioner Land made a MOTION to APPROVE Consent item f.; the motion was SECONDED by Commissioner Wilkenfeld. All present voted AYE. MOTION CARRIED.

The Mayor let Ms. Delgado and Gary Wilson speak before going on to next Regular Item:

Rachel Delgado commented on Ordinance 10-25 regarding rate increase.

Gary Wilson commented on the high percentage rate on water the City is charging the citizens.

Commissioner Wilson commented on a statement that was made on whether or not we care about our citizens or not. He stated that after Hurricane Ike in 2008 it was agreed not to raise our City's taxes because of the impact Hurricane Ike had on our community. In 2009-2010 there were no increase in taxes due to the economic impact that was going on at the time. The City operated at a deficit. So, for two years in a row the City did not raise the City taxes, and could of, but chose not to because we do care about the citizens. He concluded that raising the water rates now compared to what the City would have done by raising the City taxes over the last two years is quite a savings compared to the money out of someone's pocket. Commissioner Wilson would like for everyone to take that into consideration.

REGULAR ITEMS

- a. Consider approval of the third 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 Land made a MOTION to APPROVE third 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 ALL Commissioners. All present voted AYE. MOTION CARRIED.

- b. Consider approval of Ordinance No. 10-27 requesting to amend the City of Texas City's fiscal year 2010-11 budget to accommodate HGAC 2010-2011 Law Enforcement Training Grant.

ORDINANCE NO. 10-27

AN ORDINANCE AMENDING ORDINANCE NO. 10-21, ADOPTING THE 2010-2011 FISCAL YEAR BUDGET FOR ACCEPTANCE OF THE HGAC 210-2011 LAW ENFORCEMENT TRAINING GRANT; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Land made a MOTION to APPROVE Ordinance No. 10-27 amending the City of Texas City's fiscal year 2010-11 budget to accommodate HGAC 2010-2011 Law Enforcement Training Grant; the motion was SECONDED by Commissioner Johnson. All present voted AYE. MOTION CARRIED.

PUBLIC COMMENTS

Barbara White announced next Saturday the Texas City Police Department will be hosting the Region One Citizen Police Academy meeting and the Community Thanksgiving Feast will be held at Our Lady of Fatima School November 25, 2010 serving from 11:00 a.m. to 1:00 p.m.

George Fuller announced there will be a Fundraiser for the Suarez Family November 14th from 11:00 a.m. to 3:00 p.m. at the Wings of Heritage. He, also, mentioned that there will be a Memorial Service at the newly renovated Rotary Pavilion.

MAYOR'S COMMENTS

Mayor commented on County Judge, Jim Yarbrough, not being re-elected. Judge Yarbrough was a great asset to our community regardless of which party one belongs to and he will be sadly missed.

COMMISSIONERS' COMMENTS

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

MATTHEW T. DOYLE, MAYOR

ATTEST:

Susan Sensat, Deputy City Secretary

Ss: 11-11-2010

CITY COMMISSION AGENDA

Date: 11/17/2010

RFP # 2010-981 Control System Maintenance and Repairs

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Information

ACTION REQUEST (Brief Summary)

Approve and award RFP #2010-981 Control System Maintenance and Repairs Annual Contract.

BACKGROUND

On October 7, 2010, RFP packets were sent to area vendors.

Proposals were due on Monday, October 25, 2010.

ANALYSIS

The following variables were used as the basis for recommendation: Cost 40%, Qualifications and Experienced Support 40% and Response Time 20%. In summary, O'Day Instruments LLC will be approximately \$6,000.00 less per year than Construction Strategies, Inc. and have provided the City with exceptional service in the past. The response time was quoted equally.

It is my recommendation and the recommendation of the Director of Utilities to award the annual contract to O'Day Instruments LLC 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

Attachments

Link: [Res 10-118](#)

RESOLUTION NO. 10-118

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

WHEREAS, on October 7, 2010, bids were mailed to area vendors for control system maintenance and repairs, Bid No. 2011-981; and,

WHEREAS, bids proposals were due on Monday, October 25, 2010, and variables were used as the basis for recommendation: Cost 40%, Qualifications and Experienced Support 40% and Response Time 20%; and,

WHEREAS, O'Day Instruments LLC will be approximately \$6,000.00 less per year than Construction Strategies, Inc.; and,

WHEREAS, it is the recommendation of the Purchasing Director and the Director of Utilities to award the annual contract to O'Day Instruments LLC.

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

SECTION 1: That the successful bidder for control system maintenance and repairs annual contract is O'Day Instruments LLC, for a total proposed cost of \$41,400.00.

SECTION 2: That the Mayor is hereby authorized to enter into an annual contract with O'Day Instruments LLC for control system maintenance and repairs annual contract.

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

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas J. Finan
City Secretary

Ronald F. Plackemeier
City Attorney

CITY COMMISSION AGENDA

Date: 11/17/2010

Purchase and delivery of one (1) Volvo L110F All Rounder

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Information

ACTION REQUEST (Brief Summary)

Approve the purchase and delivery of one (1) Volvo L110F All Rounder through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative, for the total contract price of \$228,555.00. The delivering dealer is ROMCO Equipment Co., in Houston.

The contract worksheet is attached for your review.

BACKGROUND

The All Rounder (Front End Loader) will be utilized by the Public Works - Sanitation Department and funds are available in the Capital Equipment Replacement Fund.

ANALYSIS

It is my recommendation to award the purchase and delivery of one (1) Volvo L110F All Rounder, through the Texas Association of School Boards (TASB), for the total contract price of \$228,555.00.

Thank you.

ALTERNATIVES CONSIDERED

Attachments

Link: [Res 10-119](#)

Link: [Exhibit A](#)

RESOLUTION NO. 10-119

A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF ONE (1) VOLVO L110F ALL ROUNDER THROUGH THE TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB), A TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, FOR UTILITIES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Purchasing Coordinator is recommending that the City purchase one (1) Volvo L110F All Rounder through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative, for Public Works – Sanitation Department;

WHEREAS, the delivering dealer is ROMCO Equipment Co. of Houston, Texas; and

WHEREAS, funds are available in the Capital Equipment Replacement Fund.

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 delivery of one (1) Volvo L110F All Rounder through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative, for the Public Works – Sanitation Department, for a total price of \$228,555.00, as attached as Exhibit “A” and made a part hereof for all intents and purposes.

SECTION 2: That the Mayor is hereby authorized to negotiate and execute any documentation necessary for the purchase and delivery of one (1) Volvo L110F All Rounder through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative, for Public Works – Sanitation Department, for the total contract price of TWO HUNDRED TWENTY EIGHT THOUSAND FIVE HUNDRED FIFTY-FIVE DOLLARS AND NO/CENTS (\$228,555.00).

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

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas Finan
City Secretary

Ronald F. Plackemeier
City Attorney

TXMAS Contract Through TBPC

Contract # TXMAS-7-23V010

All Volvo products are available with pricing at a discount from List

TMAS website:

<http://www.portal.tbpc.state.tx.us/txmas/txmasb.asp?Contract=12377&Dealer=0>

You can scroll down for dealer contacts

Volvo Landing Page : (Click on Online Catalog)

<http://www.volvo.com/constructionequipment/na/en-us/Applications/HiddenPages/government+sales/txmas/>

Scroll down on page to see discounts from list price by product

(add freight, pdi, extended warranty, etc. TMAS fee (0.75%) to get final sell price)

Point to area on map and click to find dealer contact then call or E-Mail. Dealer Contact to notify Salesman

Salesman to contact customer for complete specs and pricing. Don Hales will assist with specs and pricing

Salesman prepares quote with all costs and final price.

If agreement is made then customer issues P.O. to dealer with reference to TXMAS Contract Number

Customer sends P.O. to Dealer and sends a copy of quote and P.O. via fax to TXMAS at 512 236-6181

Dealer orders and delivers the machine and then invoices customer.

TXMAS fee is paid by dealer to Volvo by a reduction in discount. Volvo sends fees to TXMAS Quarterly

L110F New Machine City of Texas City using TXMAS		
L110F ALL ROUNDER		\$223,736
23.5R25 L-3 XHA Michelin Tires (4)	WL20035	\$18,398
4-Rims (3pc) for 23.5-25 Tires	WL21012	\$5,273
Operator's Seat	WL41004	\$926
Air Conditioning with ACC	WL42001	\$4,770
Footsteps front frame	WL71005	\$290
L/H Arm rest	WL45013	\$146
Separate attachment locking	WL64001	\$2,174
Boom Suspension System	WL80001	\$4,896
Radio Mounting Kit	WL44003	\$771
Decals English/Spanish	WL83001	\$96
3rd Hydraulic Function	WL61001	\$4,407
Logging Counterweight	WL81001	\$2,571
Total List Price		\$268,454
TXMAS Discount (% off List Price)		
TXMAS Sell Price (37% Off List)		\$169,126
Freight in		\$4,900
Delivery Freight		\$500
Make Ready		\$400
Hydraulic JRB Type Pemberton Coupler		\$5,100
4.25yd Pemberton Bkt w/2 Top Clamps & BOE		\$16,650
7yd Pemberton Roll Out Bkt w/BOE		\$19,700
1yd 60" Wide Pemberton Light Material Bkt w/BOE		\$4,100
Set of Pemberton 60" Pin-on Forks		\$2,500
Training		\$500
Total Sell Price		\$223,476
TXMAS Fee		\$1,676
TXMAS Smartbuy Fee		\$3,403
Total Sell Price w/Fee		\$228,555

CITY COMMISSION AGENDA

Date: 11/17/2010

Bid # 2011-982 Personnel Protective Equipment, Fire Hose, Nozzles and Related Equipment

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Information

ACTION REQUEST (Brief Summary)

Approve and award Bid # 2011-982 Personnel Protective Equipment, Fire Hose, Nozzles and Related Equipment Annual Contract, to be utilized by the Fire Department.

BACKGROUND

On October 22, six (6) bid packets were mailed to area vendors. A bid tabulation is attached for your review.

Bids opened on Monday, November 9, 2010.

ANALYSIS

The low responsible bid meeting all specifications was received from Dooley Tackaberry, Inc., in Deer Park, for the unit prices bid.

It is my recommendation and the recommendation of Assistant Fire Chief, David Zacherl to award the annual contract to Dooley Tackaberry, 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

Attachments

Link: [Res 10-120](#)

Link: [Exhibit A](#)

RESOLUTION NO. 10-120

A RESOLUTION AWARDED A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL CONTRACT FOR THE PURCHASE AND DELIVERY OF PERSONNEL PROTECTIVE EQUIPMENT, FIRE HOSE, NOZZLES AND RELATED EQUIPMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on October 22, 2010, six (6) bid packets were mailed to area vendors for the purchase and delivery of personnel protective equipment, fire hose, nozzles and related equipment annual contract, Bid No. 2011-982; and

WHEREAS, bids opened on Monday, November 9, 2010, and the lowest bid received meeting all specifications was received from Dooley Tackaberry, Inc. in Deer Park, 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 purchase and delivery of personnel protective equipment, fire hose, nozzles and related equipment annual contract, Bid No. 2011-982, is Dooley Tackaberry, Inc.

SECTION 2: That the Mayor is hereby authorized to enter into an annual contract with Dooley Tackaberry, Inc. for the purchase and delivery of personnel protective equipment, fire hose, nozzles and related equipment annual contract, Bid No. 2011-982, for the respective unit prices bid in Exhibit "A", as attached hereto and incorporated herein for all intents and purposes.

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

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas Finan
City Secretary

Ronald F. Plackemeier
City Attorney

BID TABULATION

Personnel Protective Equipment, Fire Hose, Nozzles and Related Equipment Annual Contract Bid #2011-982

Bids opened: Monday, November 8, 2010 @ 2:00 p.m.

SECTION 1 – PERSONNEL PROTECTIVE EQUIPMENT

ITEM	Dooley Tackaberry, Inc. Deer Park, Texas	Ferrara Fire Apparatus Inc Holden, La	MES Houston, Texas	Metro Fire Apparatus Houston, Texas	NAFECO/Wilson New Braunfels, TX	Previous Contract
1.1. Bunker Jacket 32-70 Regular & Tall	\$782.00	NO BID	NO BID	NO BID	NO BID	\$748.90
1.2. Bunker Pants 32-62 (XS-4X)	\$473.00					\$449.00
Items 1 & 2 award together Combined to match	\$1,255.00					\$1,187.85
1.3. Suspenders	\$44.60 included at NC with set of gear					\$44.60 included at NC with set of gear
1.4. Bunker Boots	\$129.00					\$123.10
1.5. Helmet	\$151.35					\$152.10
1.6. Firefighting Protective Hoods	\$176.85					\$176.85
1.7. Protective Sock Hood for Firefighting	\$17.50					\$17.50
1.8. Gloves	\$48.65					\$48.65

SECTION 1 – PERSONNEL PROTECTIVE EQUIPMENT

ITEM	Dooley Tackaberry, Inc. Deer Park, Texas	Ferrara Fire Apparatus Inc Holden, La	MES Houston, Texas	Metro Fire Apparatus Houston, Texas	NAFECO/Wilson New Braunfels, TX	Previous Contract
1.9. Gauntlet Style w/ SleeveMate Firefighting Gloves	\$138.30	NO BID	NO BID	NO BID	NO BID	\$138.30
1.10. Coveralls Regular & Long Length	\$105.10 \$131.35 2X-4X					\$105.10 \$131.35 2X-4X
1.11. Gear Bags, X-Large	\$42.70					\$42.70
1.12. PASS Alarm, Motion Detector	\$431.85					\$251.70

SECTION 2 – FIRE HOSE AND NOZZLES

ITEM	Dooley Tackaberry, Inc. Deer Park, Texas	Ferrara Fire Apparatus Inc Holden, La	MES Houston, Texas	Metro Fire Apparatus Houston, Texas	NAFECO/Wilson New Braunfels, TX	Previous Contract
2.1. 5" x 100' sections of supply hose	\$560.25	NO BID	NO BID	NO BID	NO BID	\$560.25
2.2. 5" x 50' sections of supply hose	\$348.30					\$348.30
2.3. 5" x 25' sections of supply hose	\$242.35					\$242.35
2.4. 5 inch Stortz to 4 inch Female NST hydrant adapter	\$125.95					\$125.95
2.5. 5 inch Stortz to 2.5 NST discharge elbow	\$125.95					\$125.95

SECTION 2 – FIRE HOSE AND NOZZLES

ITEM	Dooley Tackaberry, Inc. Deer Park, Texas	Ferrara Fire Apparatus Inc Holden, La	MES Houston, Texas	Metro Fire Apparatus Houston, Texas	NAFECO/Wilson New Braunfels, TX	Previous Contract
2.6. Set of four (4) spanner wrenches and holders, 5 inch Stortz	\$70.30	NO BID	NO BID	NO BID	NO BID	\$70.30
2.7. 5 inch Stortz blind caps with chains	\$52.25					\$61.90
2.8. 5 inch one (1) man hose roller	\$118.75					\$140.65
2.9. Ball type intake valve, 6.0 NH x 5" Stortz	\$1,076.65					\$1,141.90
2.10. 5" screw down hose clamp with mounting bracket	\$589.65					\$530.75
2.11. 1 ¾ "x 50' section of attack/supply hose, double jacket	\$108.55					\$108.55
2.12. 2" x 50' section of attack hose	\$156.25					\$156.25
2.13. 1' x 50' section of forestry hose, single jacket	\$78.45					\$78.45
2.14. 3" x 50" section of attack/supply hose, double jacket	\$198.90					\$198.90

SECTION 2 – FIRE HOSE AND NOZZLES

ITEM	Dooley Tackaberry, Inc. Deer Park, Texas	Ferrara Fire Apparatus Inc Holden, La	MES Houston, Texas	Metro Fire Apparatus Houston, Texas	NAFECO/Wilson New Braunfels, TX	Previous Contract
2.15. 1 ¾" x 10' section of attack hose, double jacket	\$41.75	NO BID	NO BID	NO BID	NO BID	\$41.75
2.16. 3" x 20' section of attack/supply hose, double jacket	\$112.30					\$112.30
2.17. 6" NH x 10' Hard Suction, Maxi-flex type	\$380.30					\$380.30
2.18. 1.50" Adjustable Fog Nozzle, 30-125 gpm	\$589.00					\$560.75
2.19. 1.50" Adjustable Fog Nozzle, 95-200 gpm	\$647.10					\$615.80
2.20. 2.50" adjustable Fog Nozzle flow 125-250 gpm	\$704.10					\$670.30
2.21. 1.0" Adjustable Fog Nozzle Flow 20-60 gpm	\$541.90					\$515.90
2.22. 2.5" Solid Bore Triple Stacked Tips	\$229.70					\$218.55
2.23. 1.5" Cellar Nozzle	\$307.00					\$292.30
2.24. 2.5" Cellar Nozzle	\$394.20					\$375.15

CITY COMMISSION AGENDA

Date: 11/17/2010

Bid # 2011-232 Tax Foreclosed Properties Property In Trust Sale #13

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Information

ACTION REQUEST (Brief Summary)

Approve the sale of certain tax foreclosed properties located in Texas City and currently held in trust by the City for all taxing entities.

BACKGROUND

Bid packets were picked up by individuals beginning September 24, 2010. The bids were due on Thursday, October 21, 2010 at 2:00 p.m. A bid tabulation is attached for your review.

The Property In Trust (PIT) Committee met on Thursday, November 4 at 2:00 p.m. and accepted all offers and bids from qualified purchasers.

ANALYSIS

Therefore, it is my recommendation that the City of Texas City approve the sale of certain tax foreclosed properties and authorize the Mayor to execute trustee deeds on behalf of all the taxing entities.

Thank you.

ALTERNATIVES CONSIDERED

Attachments

Link: [Res 10-121](#)

Link: [Exhibit A](#)

RESOLUTION NO. 10-121

A RESOLUTION OF THE CITY OF TEXAS CITY, TEXAS, APPROVING THE SALE OF CERTAIN TAX FORECLOSED PROPERTIES LOCATED IN THE CITY OF TEXAS CITY AND CURRENTLY HELD IN TRUST BY THE CITY OF TEXAS CITY FOR ALL TAXING ENTITIES; AUTHORIZING THE MAYOR TO EXECUTE TRUSTEE DEEDS ON BEHALF OF ALL TAXING ENTITIES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, many properties in the City of Texas City have been foreclosed on because of tax delinquencies, and not having been sold at tax foreclosure sales conducted by the Galveston County Sheriff, were deemed by law to have been struck off and sold to the local taxing entities; and

WHEREAS, the City of Texas City and all other taxing entities within the city limits of Texas City, in an effort to decrease upkeep costs to the City, to increase the tax rolls, to abate unsightly nuisances, and to return these properties to productive use, adopted and approved an Interlocal Agreement for resale of tax foreclosed properties; and

WHEREAS, the Interlocal Agreement provides that all tax foreclosed properties proportionately owned by the City of Texas City and the other taxing units shall be placed with the City of Texas City, as Trustee for all taxing units; and

WHEREAS, the Interlocal Agreement also provides for the creation and operation of an intergovernmental committee called the Property In Trust Committee, whose purpose is to sell said properties by means public sale or auction, with successful bids to be approved by the Property In Trust Committee; and

WHEREAS, once the Property in Trust Committee accepts offers and bids, the City of Texas City must then approve the sales to the qualified purchasers and authorize the Mayor to execute Trustee Deeds; and

WHEREAS, on November 4, 2010, the Property In Trust Committee reviewed bids and offers on tax foreclosed properties from interested persons and accepted bids from qualified purchasers; and

WHEREAS, the City Commission of the City of Texas City, on its own behalf and as Trustee for all affected taxing units, deems it in the best interest of the City that

these properties be sold to the successful bidders, and that the Mayor of the City of Texas City, Texas, be authorized to execute Trustee Deeds for the listed properties.

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

SECTION 1: The findings and recitations set out in the preamble to this Resolution are found to be true and correct and they are hereby adopted by the City Commission and made a part hereof for all purposes.

SECTION 2: The City Commission, on its own behalf and as Trustee for all affected taxing units, approves the sale of tax foreclosed properties as outlined in Exhibit “A”, as attached hereto and incorporated herein for all intents and purposes.

SECTION 3. The City Commission hereby authorizes the Mayor to execute Trustee Deeds for the above described properties after the successful purchaser makes payment timely in full and all meets all conditions pertaining to the resale of the tax foreclosed properties.

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

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas Finan
City Secretary

Ronald F. Plackemeier
City Attorney

Texas City Property In Trust Sealed Bid Sale

Property In Trust Sale #13 Bid #2011-232 October 21, 2010

ITEM #	TAX ACCOUNT NUMBER	LEGAL DESCRIPTION	STREET ADDRESS/CITY	MINIMUM BID
1	1220-0000-0006-000	Lots 6 & 7, Thelma D. Armstrong S/D	324 S. Westward, Texas City	\$ 3,570.00
2	1220-0000-0055-000	Lot 55, Thelma D. Armstrong S/D	315 S. Cobb, Texas City	\$ 2,380.00
3	1220-0000-0060-000	Lot 60, Thelma D. Armstrong S/D	221 S. Cobb, Texas City	\$ 13,500.00
		Kim Dang		\$ 17,500.00
4	1220-0000-0101-000	Lot 101, Thelma D. Armstrong S/D	101 S. Rose, Texas City	\$ 10,500.00
5	1225-0000-0009-000	Lot 9, T D Armstrong Extn	321 S. Fulton, Texas City	\$ 1,000.00
6	1275-0000-0078-000	Lot 78, B&P S/D	Hemphill off FM 1765	\$ 1,350.00
		John Wise, III		\$ 1,653.00
7	1275-0000-0135-000	Lots 135 & 136, BA&P S/D	321 S. Washington, Texas City	\$ 5,020.00
		Greater Macedonia Baptist Church		\$ 8,000.00
8	1710-0000-0012-000	Lots 12 & 13, Herbert Bell Unrec S/D	5910 Preston, Texas City	\$ 3,500.00
9	1720-0000-0018-000	Lot 18, Isaac O. Bell's 2nd Addn.	5921 Jackson Ln, Texas City	\$ 1,770.00
10	1720-0000-0025-000	Lot 25, Isaac O. Bell 2nd Addn to LaMarque	6025 Jackson Ln., Texas City	\$ 1,770.00
		Chris Vance		\$ 5,075.00
		Freddie Williams, Jr.		\$ 2,000.00
11	1725-0000-0008-000	Lots 8 & 9, T K Bell S/D	Anderson btwn Oliver & Oak	\$ 6,000.00
12	1735-0000-0137-000	Lot 137, Ollie Bell S/D	401 N. Fulton, Texas City	\$ 2,000.00
13	1737-0000-0003-002	SW Part of Lot 3 (3-2), William Bell S/D	Norton St.@ S. Ruckett.,	\$ 1,500.00
		Lee Schmitt		\$ 1,785.00
		Leon Siverand		\$ 1,500.00
		Lawrence Werdlow		\$ 2,225.00
14	2045-0000-0001-000 & 2045-0000-0003-000	Lots 1,2,3 & 4, Broussard S/D	27th St. N @ 9th Ave N	\$ 3,300.00
		Sorush Ghuchani		\$ 3,950.00
		Roger & Lisa Robinson		\$ 4,053.00
16	2435-0015-0009-000	Lot 9, Blk 15, Chelsea Manor	1102 Hunter Dr., Texas City	\$ 8,200.00
		Kim Dang		\$ 9,100.00
17	2475-0008-0005-000	Lot 5, Blk 8, Clairmont Addn	Lot West of 3113 Danforth St.	\$ 5,900.00
		Kim Dang		\$ 6,100.00

ITEM #	TAX ACCOUNT NUMBER	LEGAL DESCRIPTION	STREET ADDRESS/CITY	MINIMUM BID
18	2735-0000-0045-002	S 50 ft of Lots 45 and 46, Collins & Gaulden S/D	220 Ethel	\$ 1,500.00
		Kathy Shotwell & James Foster		\$ 2,000.00
19	2785-0004-0001-000	Lot 1, Blk 4, Corbetts Addn to Texas City	Robinson off of 32nd St. N.	\$ 500.00
20	3905-0001-0001-000	Lots 1 & 2, Blk 1, Heights Annex Replat to Texas City	36th St. N. @ Cherry Ave	\$ 3,000.00
21	4095-0000-0028-001	N 1/2 Lot 28, Hubbard S/D	221 Lincoln, Texas City	\$ 880.00
		Damita McNair		\$ 1,000.00
22	4347-0000-0026-000	Lot 26, Ida Justice S/D	232 S. Washington, Texas City	\$ 1,600.00
		Lee Schmitt		\$ 2,050.00
23	4347-0000-0031-000	Lot 31, Ida Justice S/D	S. Justice St., Texas City	\$ 1,600.00
24	4417-0035-0001-000	Lots 1 & 2, Blk 35, Kohfeldt's 1st Addn	corner of 7th Ave St. N.	\$ 4,700.00
25	4417-0046-0006-000	Lot 6, Blk 46 Kohfeldts 1st Addn	1309 - 3rd Ave S. Texas City	\$ 3,000.00
26	4417-0049-0005-000	Lot 5, Blk 49, Kohfeldt's 1st Addn to Texas City	2nd Ave S. btwn 12th & 13th St. S.	\$ 3,000.00
27	4417-0049-0006-002	E 12 Ft 6 in. of Lot 6, W 1/2 of Lot 7, Blk 49, Kohfeldt's 1st Addn	1310 2nd Ave S., Texas City	\$ 3,060.00
28	4418-0054-0009-000	Lots 9-12, Blk 54, Ext of Kohfeldt's 1st Addn to Texas City	1212 - 1st Ave S., Texas City	\$ 5,200.00
29	4418-0055-0018-000	Tract I: Lots 18 thru 20, Blk 55, Kohfeldt's 1st Addn Ext.	1101 Texas Ave	\$ 11,720.00
		Kevin Dixon USED INCORRECT BID FORM		\$ 12,575.00
30	4420-0028-0009-001	Part of Lots 8 thru 10, Kohfeldts Heights Addn to Texas City	203 - 21st. St. N., Texas City	\$ 3,100.00
		Melody Harrison		\$ 3,200.00
31	4420-0037-0009-000	Lot 9, Blk 37, Kohfeldt Heights Addn	207 22nd St. N.	\$ 1,000.00
32	4427-0152-0003-000	Lots 3 & 4, Blk 152, Kohfeldts 2nd Addn	Texas Avenue near 33rd St. S.	\$ 4,100.00
33	5650-0000-0044-000	Lot 44, Mary A. Patrick S/D	Lot East of 6417 Woodrow	\$ 900.00
		Lee Schmitt		\$ 1,550.00
34	5650-0000-0067-000	Lot 67, Mary A. Patrick S/D	6718 Anderson, Texas City	\$ 2,140.00
		Chris Vance		\$ 3,250.00
35	5650-0000-0088-000	Lot 88, Mary A. Patrick S/D	6318 Anderson, Texas City	\$ 1,200.00
36	5650-0000-0102-000	Lot 102, Mary A. Patrick S/D	6611 Anderson, Texas City	\$ 16,200.00
37	5850-0002-0021-000	Lot 21, Blk 2, Pioneer Terrace	3238 - 1st Ave S., Texas City	\$ 2,900.00
38	5850-0003-0015-000	Lot 15, Blk 3, Pioneer Terrace * to be sold as one	3214 Texas Ave, Texas City	
	5850-0003-0016-000	Lot 16, Blk 3, Pioneer Terrace * to be sold as one	3218 Texas Ave., Texas City	\$ 6,300.00
		Kim Dang		\$ 7,000.00

ITEM #	TAX ACCOUNT NUMBER	LEGAL DESCRIPTION	STREET ADDRESS/CITY	MINIMUM BID
40	5915-0001-0008-000	Lot 8, Blk 1, S Pollitt S/D	13 N. Louisiana, Texas City	\$ 2,760.00
41	5917-0000-0019-000	Lots 19 & 20, S Pollitt 2nd Addn Ext. * to be sold as one	5305 Phillips, Texas City	
42	5917-0000-0021-000	Lot 21, S. Pollitt 2nd Ext. to Texas City * to be sold as one	5301 Phillips, Texas City	\$ 6,750.00
		Lee Schmitt		\$ 7,050.00
43	6210-0131-0002-000	Lot 2, Blk 131, Rouse & Whipple S/D	33rd St.	\$ 500.00
44	6991-0000-0007-000	Lot 7, Taylor Unrec. S/D	312 Crockett, Texas City	\$ 1,425.00
45	7030-0021-0015-000	Lots 15 & 16, Blk 21	2nd Ave N. @ 1st St. N.	\$ 1,600.00
46	7030-0047-0001-000	Lots 1 thru 5, Blk 47	327 - 1st Ave N., Texas City	\$ 13,750.00
47	7030-0051-0007-001	Part of Lots 7 and 8, Blk 51	223 - 3rd St. N., Texas City	\$ 4,880.00
		Chris Vance		\$ 4,975.00
48	7030-0058-0009-000	Lot 9 & W 1/2 of Lot 10, Blk 58	421 - 1st Ave N., Texas City	\$ 15,000.00
49	7030-0061-0001-001	N 1/2 Lots 1 & 2, Blk 61	22 - 5th St S., Texas City	\$ 1,090.00
		Walter Treybig - Sterling Chemical		\$ 1,100.00
51	7030-0094-0007-000	Lots 7, 8 & W 1/2 of 9, Blk 94	19 - 7th Ave N., Texas City	\$ 2,850.00
52	7030-0099-0005-000	Lots 5 & 6, Blk 99	22 - 4th Ave N., Texas City	\$ 1,200.00
		Lee Schmitt		\$ 1,325.00
53	7030-0135-0001-000	Lot 1 & W 1/2 of Lot 2, Blk 135	432 - 6th Ave N., Texas City	\$ 600.00
		Lee Schmitt		\$ 750.00
		Dennis Lee		\$ 700.00
54	7030-0135-0004-000	Lots 4 & 5, Blk 135, Texas City	426 - 6th Ave. N., Texas City	\$ 3,000.00
		Dennis Lee		\$ 3,300.00
55	7030-0164-0003-000 & 7030-0164-0007-000	Lots 3,4,5,6 & 7, Blk 164, TX City 2nd Addn	627 - 2nd Ave N., Texas City 600 - 2nd Ave N., Texas City	\$ 6,300.00
		Jesus Reyna - BELOW MINIMUM BID AMOUNT		\$ 6,000.00
56	7030-0173-0001-000	Lots 1 & 2, Blk 173	7th St. @ 3rd Ave S.	\$ 1,600.00
57	7030-0191-0009-000	Lots 9 & 10, Blk 191 Texas City	715 - 4th Ave N., Texas City	\$ 11,000.00
	7030-0196-0013-000	Lots 13 & 14 & E. 10 ft of Lot 12, Blk 196 * to be sold as one	708 - 6th Ave. N., Texas City	
58	7030-0196-0015-000	Lots 15 & 16, Blk 196 * to be sold as one	609 7th St. N., Texas City	\$ 5,400.00
60	7030-0204-0006-000	Lots 6 & 7, Blk 204	819 - 7th Ave N., Texas City	\$ 4,060.00
		Chris Vance		\$ 4,500.00
		Bernice Brown		\$ 5,800.00
		Kim Dang		\$ 6,790.00

ITEM #	TAX ACCOUNT NUMBER	LEGAL DESCRIPTION	STREET ADDRESS/CITY	MINIMUM BID
61	7030-0209-0005-000	Lot 5 & N 1/2 of Lot 4, Blk 209	Lot North of 406 -9th St. N.	\$ 1,800.00
		Lee Schmitt		\$ 2,010.00
62	7030-0216-0003-000	Lots 3 thru 5, Blk 216,	12 - 9th St N., Texas City	\$ 1,500.00
		Lee Schmitt		\$ 2,010.00
		Kassy Ashmore		\$ 1,675.00
63	7030-0219-0013-000	Lot 13, Blk 219	MLK Blvd @ 8th St. S.	\$ 1,090.00
64	7030-0220-0003-000 & 7030-0220-0005-000	Lots 3, 4 & 5, Blk 220	105 & 103 - 9th St. S.	\$ 2,890.00
		Lee Schmitt		\$ 3,025.00
66	7030-0222-0009-000	Lots 9 & 10, Blk 222	815 - 2nd Ave S., Texas City	\$ 1,600.00
67	7030-0231-0003-000	E 1/2 Lot 3, Lots 4 & 5, Blk 231	923 Martin Luther King	\$ 2,000.00
		Raymond Guidry - Tennille, Inc.		\$ 2,100.00
68	7030-0232-0014-000	Lots 14 & 15, Blk 232	18 - 9th St. S., Texas City	\$ 1,400.00
		Lee Schmitt		\$ 1,650.00
		Kassy Ashmore		\$ 1,510.00
69	7030-0247-0005-000	Lots 5 & 6, Blk 247	Between 929 & 917 - 7th Ave N.	\$ 5,160.00
70	7030-0285-0012-000	Lots 12 thru 16, Block 285	1101 - 6th St. N., Texas City	\$ 20,630.00
		Joe Grant		\$ 21,000.00
71	7030-0294-0008-000	Lots 8 & 9, Blk 294, TX City 3rd Addn	516 - 10th Ave N., Texas City	\$ 4,300.00
72	7030-0374-0004-000	Lot 4 & W 1/2 of Lot 5, Blk 374, Texas City 4th Div.	15th Ave N btwn 7th & 8th St. N.	\$ 6,100.00
73	7090-0240-0008-000	Lots 8, 13-C, 13-D & 14-B, Blk 240,	Third Ave Villas, Texas City	\$ 2,800.00
77	7373-0000-0013-000	Lot 13, Booker T. Washington S/D	315 Robertson, Texas City	\$ 2,200.00
78	7373-0000-0041-000	Lot 41, Booker T. Washington S/D	209 Robertson, Texas City	\$ 2,600.00
79	7410-0003-0033-000	Lot 33, Blk 3, Wayside Place	1533 Wayside Dr., Texas City	\$ 6,100.00
80	7412-0027-0000-002	Part of Lot 27, Wayside Place Sec 3	19th St. N. @ Wayside	\$ 8,700.00
81	7745-0000-0066-000	Lot 66, Wright Cuney S/D	6218 Woodrow, Texas City	\$ 1,880.00

CITY COMMISSION AGENDA

Date: 11/17/2010

Approval and Acceptance of 2009 IPP-Buffer Zone Protection Plan Grant
Sub-Recipient Award

Carla Costello,
Police
Department

Submitted For: Robert Burby
Department: Police Department

Submitted By:

Information

ACTION REQUEST (Brief Summary)

Consideration, approval and acceptance of Texas DPS Sub-Recipient Grant SAA Award Number: 09-SR-BZ 72392-01 for 2009 IPP-Buffer Zone Protection Plan Grant Award in the amount of \$194,548.88, to the Police Department. This is Federal Funding through the Infrastructure Protection Program Grant/Buffer Zone Protection Program, Federal Grant Award Number: 2009-BF-T9-0003. The Funds are dedicated to an obtaining a Tactical Robot, Intrinsically Safe Radios, and Explosive Detection K9, as well as multiple SWAT Tactical items.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Link: [Res 10-122](#)

Link: [BZPP Agreement](#)

RESOLUTION NO. 10-122

A RESOLUTION ACCEPTING THE TEXAS DPS SUB-RECIPIENT GRANT SSA AWARD FOR 2009 IPP-BUFFER ZONE PROTECTION PLAN GRANT AWARD IN THE AMOUNT OF \$194,548.88, FOR TEXAS CITY POLICE DEPARTMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Texas DPS Sub-Recipient Grant SSA Award Number: 09-SR-BZ 72392-01 for 2009 IPP-Buffer Zone Protection Plan Grant Award was approved to be awarded to the Texas City Police Department in the amount of \$194,548.88; and

WHEREAS, this is federal funding through the Infrastructure Protection Program Grant/Buffer Zone Protection Program, Federal Grant Award Number: 2009-BF-T9-0003.

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 hereby approves the acceptance of the \$194,548.88 grant from the Texas DPS Sub-Recipient Grant SSA Award Number: 09-SR-BZ 72392-01 for 2009 IPP-Buffer Zone Protection Plan Grant Award as outlined in Exhibit “A”, attached hereto and made a part hereof for all intents and purposes.

SECTION 2: That the Mayor is authorized to execute said agreement.

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

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas J. Finan
City Secretary

Ronald F. Plackemeier
City Attorney

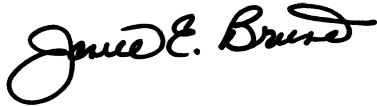


Texas Department of Public Safety

2009 IPP-Buffer Zone Protection Plan Sub-Recipient Agreement for *City of Texas City*

Date of Award

October 28, 2010

1. Sub-Recipient Name and Address		2. Prepared by: Mendez, Arturo	3. SAA Award Number: 09-SR-BZ 72392-01	
Mayor Matt Doyle City of Texas City P.O. Box 2608 Texas City, TX 77592-2608		4. Federal Grant Information		
		Federal Grant Title: Infrastructure Protection Program Grant/ Buffer Zone Protection Program		
		Federal Grant Award Number: 2009-BF-T9-0003		
		Date Federal Grant Awarded to TxDPS: April 1, 2009		
		Federal Granting Agency: Department of Homeland Security FEMA Grant Programs Directorate		
5. Award Amount and Grant Breakdowns				
Total Award Amount \$194,548.88	Note: Additional Budget Sheets (Attachment A): <input type="checkbox"/> Yes <input type="checkbox"/> No			
	Site(s):			
	<table border="1"><tr><td>BZPP 97.078</td></tr><tr><td>\$194,548.88</td></tr></table>			BZPP 97.078
BZPP 97.078				
\$194,548.88				
This award supersedes all previous awards. Performance Period: Apr 1, 2009 to Aug 31, 2011				
6. Statutory Authority for Grant: This project is supported under Consolidated Security, Disaster Assistance and Continuing Appropriations Act. 2009 Public Law No. 110-329.				
7. Method of Payment: Primary method is reimbursement. See the enclosed instructions for the process to follow in the submission of invoices.				
8. Debarment/Suspension Certification: The Sub-Recipient certifies that the subgrantee and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any federal department or agency and do not appear in the Excluded Parties List System at http://www.epls.gov .				
9. Agency Approval				
Approving TxDPS Official: Janice E. Bruno, Administrator State Administrative Agency Texas Department of Public Safety		Signature of TxDPS Official: 		
10. Sub-Recipient Acceptance				
I have read and understand the attached Terms and Conditions.				
Type name and title of Authorized Sub-Recipient official:		Signature of Sub-Recipient Official:		
11. Enter Employer Identification Number (EIN) / Federal Tax Identification Number:			12. Date Signed :	
13. DUE DATE: November 20, 2010				
Signed award and Direct Deposit Form (if applicable) must be returned to TxDPS on or before the above due date.				

2009 TERMS AND CONDITIONS

Homeland Security Grant Program (HSGP)

FY 2009 HSGP is comprised of four separate grant programs:

- State Homeland Security Program (SHSP)
- Urban Areas Security Initiative (UASI)
- Metropolitan Medical Response System (MMRS)
- Citizen Corps Program (CCP)

Parties to Sub-recipient Agreement

This Sub-recipient agreement is made and entered into by and between the Texas Division of Emergency Management/State Administrative Agency, an agency of the State of Texas, hereinafter referred to as "TDEM," and the funds recipient, hereinafter referred to as the "Sub-recipient." Furthermore, TDEM and the Sub-recipient are collectively hereinafter referred to as the "Parties." By this Sub-recipient agreement's execution, the Parties have severally and collectively agreed to be bound to the mutual obligations and to the performance and accomplishment of the tasks described in this Sub-recipient agreement. The Sub-recipient Agreement is only an offer until the Sub-recipient returns the signed copy of the 2009 Sub-recipient Agreement in accordance with the date provided in the transmittal letter and in the agreement. The Sub-recipient must also certify to the statements provided in Exhibits B and C by signing and returning a copy of these documents with the Sub-recipient Agreement.

Overview, Special Conditions and Performance Standards

A. Overview.

State Homeland Security Grant (SHSP)

The State Homeland Security Program (SHSP) is a core assistance program that provides funds to build capabilities at the State and local levels and to implement the goals and objectives included in State Homeland Security Strategies and initiatives in the State Preparedness Report. SHSP supports the implementation of State Homeland Security Strategies to address the identified planning, organization, equipment, training, and exercise needs for acts of terrorism and other catastrophic events. In addition, SHSP supports the implementation of the National Preparedness Guidelines, the National Incident Management System (NIMS), and the National Response Framework (NRF).

Urban Areas Security Initiative (UASI)

Urban Areas Security Initiative (UASI) program funds address the unique planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas, and assist them in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism.

Metropolitan Medical Response System (MMRS)

The MMRS program supports the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard. MMRS Grantees will reduce the consequences of a mass casualty incident during the initial period of a response by having augmented existing local operational response systems before the incident occurs.

Citizen Corps Program (CCP)

The Citizen Corps mission is to bring community and government leaders together to coordinate the involvement of community members and organizations in emergency preparedness, planning, mitigation, response, and recovery.

B. Special Conditions

SHSP

Activities implemented under SHSP must support terrorism preparedness by building or enhancing capabilities that relate to the prevention of, protection from, or response to, and recovery from terrorism in order to be considered eligible. However, many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness.

The recipient may only fund projects that were included in the FY 2009 State Investment Justifications which were submitted and approved by DHS/FEMA. Use of SHSP funds must be consistent with and supportive of implementation of the State Homeland Security Strategy and State Preparedness Report. Linkages between specific projects undertaken with SHSP funds and strategic goals and objectives will be highlighted through regular mechanisms, including the Biannual Strategy Implementation Report (BSIR)

As defined in the FY 2009 grant guidance, the FY 2009 SHSP will focus on two objectives as the highest priorities. These two objectives are:

1. National Priority: Strengthen Information Sharing and Collaboration Capabilities – Maximizing Information Sharing via the National Network of Fusion Centers;
2. National Priority: Strengthen Medical Surge and Mass Prophylaxis – Developing and Enhancing Health and Medical Readiness and Preparedness Capabilities. These two priorities are in addition to the priorities for all programs under the Homeland Security Grant Program and, if applicable, the Law Enforcement Terrorism Prevention Activities Priorities.

A personnel cap of up to 50% of total program funds may be used for personnel and personnel-related activities as directed by the Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act (Public Law 110-412). In general, the use of Homeland Security Grant Program grant funding to pay for staff and/or contractor regular time or overtime/backfill is considered a personnel cost.

Since a separate LETPP grant program for Law Enforcement Terrorism Prevention Activities was not created for FY 2009, the State is required to ensure that local and state sub-grantees expend at least 25 percent of their SHSP award funds towards law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities.

UASI

Allocations and use of grant funding must support and be coordinated with the goals and objectives included in the State and/or Urban Area Homeland Security Strategies. The recipient may only fund projects that were included in the FY 2009 Urban Area Investment Justifications which were submitted and approved by DHS/FEMA. The recipient agrees that funds utilized to establish or enhance designated state and Urban Area fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council (HSAC) Fusion Center Guidelines and the National Strategy for Information Sharing, and achievement of a baseline level of capability as defined by Global's Baseline Capabilities for State and Major Urban Area Fusion Centers, a supplement to the Fusion Center Guidelines, located at <http://www.it.ojp.gov/documents/baselinecapabilitiesa.pdf>. The recipient agrees to fund any multi-state or multi-urban area Investments that were included in the FY2009 Investment Justification that was submitted to GPD and received a bonus in the effectiveness analysis.

A personnel cap of up to 50% of total program funds may be used for personnel and personnel-related activities as directed by the Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act (Public Law 110-412). In general, the use of Homeland Security Grant Program grant funding to pay for staff and/or contractor regular time or overtime/backfill is considered a personnel cost.

MMRS

MMRS is a local grant which will require each MMRS Jurisdiction establish a single Point of Contact (POC) who will serve as the responsible contact for MMRS implementation, activities, and procurement for the jurisdiction as lead and in coordination with a Jurisdictional MMRS Steering Committee. The POC and MMRS Steering Committee will integrate local emergency management, health and medical systems with their Federal and State counterparts through a locally established multi-agency, collaborative planning framework; promote regional coordination of mutual aid with neighboring localities; regularly validate the jurisdictions local emergency response capability to a mass casualty incident by means of an exercise or other validation means; collaborate with local, regional, and State health and medical partners, such as Medical Reserve Corps Units and Citizen Corps Councils, as well as leverage other

Federal programs, such as the U.S. Department of Health and Human Services Assistant Secretary for Preparedness and Response (DHHS-ASPR) Hospital Preparedness Program and Emergency Systems for Advance Registration of Volunteer Health Professionals (ESAR-VHP), Center for Disease Control and Prevention Cities Readiness Initiative and Strategic National Stockpile, to coordinate and support plans, processes and strategies related to, but limited to: Continuity of Government; Continuity of Operations; Equipment and Supplies Procurement; Fatality Management; Forward Movement of Patients; Hospital Evacuation; Interoperable Communications; Patient Tracking; Pharmaceutical and Medical Supply Management and Distribution; Public Education; Outreach and Information; Recruiting Volunteers; and Training; ensure the "MMRS Leadership" is fully represented on the Urban Area Working Group in cases where a MMRS grant is awarded and a UASI program exists; ensure all neighboring MMRS subgrantees actively and demonstratively collaborate to develop a regional plan that supports the MMRS mission in that region in cases where MMRS subgrantees are located adjacent to one another and implement an Investment Justification that clearly identifies the size of the populations included in the planning and operational areas supported by the MMRS grant. The Metropolitan Medical Response System (MMRS) provides funds to build capabilities at the State and local levels to implement the goals and objectives included in State Homeland Security Strategies and initiatives in the State Preparedness Report. MMRS supports the implementation of State Homeland Security Strategies to address the identified planning, organization, equipment, training, and exercise needs for acts of terrorism and other catastrophic events. In addition, MMRS supports the implementation of the National Preparedness Guidelines, the National Incident Management System (NIMS), and the National Response Framework (NRF).

Activities implemented under MMRS must support terrorism preparedness by building or enhancing capabilities that relate to the prevention of, protection from, or response to, and recovery from terrorism in order to be considered eligible. However, many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness.

Use of MMRS funds must be consistent with and supportive of implementation of the State Homeland Security Strategy and State Preparedness Report. Linkages between specific projects undertaken with MMRS funds and strategic goals and objectives will be highlighted through regular mechanisms, including the Biannual Strategy Implementation Report (BSIR)

As defined in the FY 2009 grant guidance, the FY 2009 MMRS will focus on two objectives as the highest priorities. These two objectives are:

1. National Priority: Strengthen Information Sharing and Collaboration Capabilities – Maximizing Information Sharing via the National Network of Fusion Centers;
2. National Priority: Strengthen Medical Surge and Mass Prophylaxis – Developing and Enhancing Health and Medical Readiness and Preparedness Capabilities. These two priorities are in addition to the priorities for all programs under the Homeland Security Grant Program and, if applicable, the Law Enforcement Terrorism Prevention Activities Priorities.

CCP

The sub-recipient must register their Citizen Corps Council on the Citizen Corps website <http://www.citizencorps.gov> and manage their program and information on the site. Citizen Corps Councils must include representatives of emergency management, homeland security, law enforcement, fire service, medical services/public health or their designee, elected officials, the private sector, private non-profits, non-governmental organizations and advocacy groups for special needs populations. In addition, representatives from existing Citizen Corps programs, such as Volunteers in Police Service (VIPS), Medical Reserve Corps (MRC), Community Emergency Response Team (CERT), Neighborhood Watch, and Fire Corps should be included on the Citizen Corps Council. Where applicable, a Metropolitan Medical Response System representative should also be included on the Citizen Corps Council.

All allocations and use of funds under this grant must be in accordance with the FY 2009 HSGP Guidelines and Application Kit found at - <http://www.fema.gov/government/grant/hsgp/index.shtm>. All award Sub-recipients are required to have read, understood and accepted the FY 2009 HSGP Guidance and Application Kit as binding.

C. **Standard of Performance.** The Sub-recipient shall perform all activities and projects entered into the SAA web-based grants management system approved by its Council of Governments (COG) and by the State Administrative Agency (SAA). The Sub-recipient shall perform all activities in accordance with all terms, provisions and requirements set forth in this Sub-recipient agreement and the:

1. Applicable Laws and Regulations, hereinafter referred to as "Exhibit A";
2. Certifications, hereinafter referred to as "Exhibit B"; and

3. Certification Regarding Lobbying for Sub-recipient Agreements, Grants, Loans, and Cooperative Agreements, hereinafter referred to as "Exhibit C".

D. **Failure to Perform.** In the event the Sub-recipient fails to implement the project(s) entered into The SAA web-based grants management system, or comply with any of this Sub-recipient agreement's provisions, in addition to the remedies specified in this Sub-recipient agreement, the Sub-recipient is liable to TDEM for an amount not to exceed the award amount of this Sub-recipient agreement and may be barred from applying for or receiving additional DHS/FEMA grant program funds or any other federal program funds administered by TDEM until repayment to TDEM is made and any other compliance or audit finding is satisfactorily resolved.

TDEM Obligations

A. **Measure of Liability.** TDEM shall be liable for actual and reasonable costs incurred by the Sub-recipient during the Sub-recipient agreement period for performances rendered under this Sub-recipient agreement by the Sub-recipient, subject to the limitations set forth in this Section. TDEM shall not be liable to the Sub-recipient for any costs incurred by the Sub-recipient that are not allowable costs.

B. **Sub-recipient Agreement Funds Defined and Limit of Liability.** The term "Sub-recipient agreement funds" as used in this Sub-recipient agreement means funds provided by TDEM under the DHS/FEMA grant programs. The term "Sub-recipient's funds" or match funds as used in this Sub-recipient agreement means funds provided by the Sub-recipient.

Notwithstanding any other provision of this Sub-recipient agreement, the total of all payments and other obligations incurred by TDEM under this Sub-recipient agreement shall not exceed the Total Award Amount listed on the cover page of the Sub-recipient agreement.

C. **Excess Payments.** The Sub-recipient shall refund to TDEM any sum of Sub-recipient agreement funds that has been paid to the Sub-recipient by TDEM or that TDEM determines has resulted in overpayment to the Sub-recipient that TDEM determines has not been spent by the Sub-recipient in accordance with this Sub-recipient agreement. No refund payment(s) may be made from local, state or federal grant funds unless repayment with grant funds is specifically permitted by statute or regulation. The Sub-recipient shall make such refund to TDEM within thirty (30) days after TDEM requests such refund.

Suspension

Notwithstanding the provisions of Chapter 2251, Texas Government Code, in the event the Sub-recipient fails to comply with any of this Sub-recipient Agreement's terms, TDEM may, upon written notification to the Sub-recipient, suspend this Sub-recipient agreement in whole or in part, withhold payments to the Sub-recipient and prohibit the Sub-recipient from incurring additional obligations of Sub-recipient agreement funds.

Termination

A. **TDEM's Right to Terminate.** TDEM shall have the right to terminate this Sub-recipient agreement, in whole or in part, at any time before the end of the Performance Period, whenever TDEM determines that the Sub-recipient has failed to comply with any of this Sub-recipient agreement's terms. TDEM shall notify the Sub-recipient in writing prior to the thirtieth (30th) day preceding the termination of such determination and include:

1. the reasons for such termination;
2. the effective date of such termination; and
3. in the case of partial termination, the portion of the Sub-recipient agreement to be terminated.

B. **Parties' Right to Terminate.** In addition to TDEM's right to terminate specified in Subsection A of this section, both Parties shall have the right to terminate this Sub-recipient agreement, in whole or in part, when the Parties agree that the continuation of the activities funded under this Sub-recipient agreement would not produce beneficial results commensurate with the further expenditure of Sub-recipient agreement funds. The Parties shall agree, in writing, upon the termination conditions, including the effective date of termination and in the case of partial termination, the portion of the Sub-recipient agreement to be terminated.

Conflict of Interest

The Sub-recipient shall operate in a manner to avoid any potential conflict of interest, real or apparent, and comply with the related requirements of the Uniform Grant Management Standards (UGMS).

A. **Financial Interest Prohibited.** A conflict of interest may arise when the employee, officer or agent; any member of his or her immediate family; his or her partner; or, any organization that employs, or is about to employ any of the above, has a financial or other interest in the firm or person selected to perform a subcontract pursuant to this Sub-recipient agreement. The Sub-recipient shall ensure that no employee, officer, or agent of the Sub-recipient shall participate in the

selection, in the award or administration of a subcontract supported by Sub-recipient agreement funds pursuant to this Sub-recipient agreement and comply with Chapter 171, Texas Local Government Code.

B. Other Prohibited Interests. In all cases not governed by Subsection A of this Section and except for eligible administrative or personnel costs, no person who is an employee, agent, consultant, officer, elected official, appointed official of the Sub-recipient or of a subcontractor of the Sub-recipient who exercises or have exercised any functions or responsibilities with respect to the activities assisted under this Sub-recipient agreement or any other DHS/FEMA Sub-recipient agreement who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, have an interest in or benefit from the activity or have any interest in any Sub-recipient agreement, subcontract or agreement with respect to the activities or the proceeds either for themselves or those with whom they have family or business ties during their tenure or for one year thereafter.

C. Inclusion in Subcontracts. The Sub-recipient shall include the substance of this Section in all subcontracts.

Monitoring

TDEM reserves the right to perform periodic office-based and/or on-site monitoring of the Sub-recipient's compliance with this Sub-recipient agreement's terms and conditions and of the adequacy and timeliness of the Sub-recipient's performance pursuant to this Sub-recipient agreement. After each monitoring visit, TDEM shall provide the Sub-recipient with a written report of the monitor's findings. If the monitoring report notes deficiencies in the Sub-recipient's performance under this Sub-recipient agreement's terms, the monitoring report shall include requirements for the timely correction of such deficiencies by the Sub-recipient. Failure by the Sub-recipient to take action specified in the monitoring report may be cause for this Sub-recipient agreement's suspension or termination pursuant to the Suspension and/or Termination Sections above.

Audit

A. Audit of Federal and State Funds. The Sub-recipient shall arrange for the performance of an annual financial and compliance audit of Sub-recipient agreement funds received and performances rendered under this Sub-recipient agreement as required by the Single Audit Act (OMB Circular A – 133; 44 C.F.R. 13.26) and as outlined in Exhibit A. The Sub-recipient will also comply, as applicable, with Texas Government Code, Chapter 783, 1 TAC 5.141.et.seq. and the Uniform Grant Management Standards (UGMS), State Uniform Administrative Requirements for Grants and Cooperative Agreements.

B. TDEM's Right to Audit. Notwithstanding Subsection A of this Section, TDEM reserves the right to conduct a financial and compliance audit of Sub-recipient agreement funds received and performances rendered under this Sub-recipient agreement. The Sub-recipient agrees to permit TDEM or its authorized representative to audit the Sub-recipient's records and to obtain any documents, materials or information necessary to facilitate such audit.

C. Sub-recipient's Liability for Disallowed Costs. The Sub-recipient understands and agrees that it shall be liable to TDEM for any costs disallowed pursuant to financial and compliance audit(s) of Sub-recipient agreement funds. The Sub-recipient further understands and agrees that reimbursement to TDEM of such disallowed costs shall be paid by the Sub-recipient from funds that were not provided or otherwise made available to the Sub-recipient pursuant to this Sub-recipient agreement or any other federal contract.

D. Sub-recipient's Facilitation of Audit. The Sub-recipient shall take such action to facilitate the performance of such audit(s) conducted pursuant to this Section as TDEM may require of the Sub-recipient. The Sub-recipient shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the Sub-recipient and the requirement to cooperate is included in any subcontract it awards.

Reimbursement

Sub-recipient agrees to make no request for reimbursement prior to return of this agreement signed by the authorized Sub-recipient representative. Sub-recipient also agrees to make no request for reimbursement for goods or services procured by Sub-recipient prior to the performance period start date of this agreement.

A. Request for Advance or Reimbursement. The Sub-recipient shall submit to TDEM, a properly completed Local Purchase Submission Cover Sheet as often as actually needed. TDEM retains the authority to approve or deny amount requested and shall not make disbursement of any such payment until TDEM has reviewed and approved such a request. The Local Purchase Submission Cover Sheet shall be supported by documentation as required by the SAA, currently referenced on the SAA web-based grants management system, and may be revised in subsequent policy updates.

B. Request for Advance Funds and Transfer of Funds. The Sub-recipient's requests for an advance of Sub-recipient agreement funds shall be limited to the minimum amounts needed for effective operation of their project(s) under this Sub-recipient agreement and shall be timed as closely as possible to be in accord with actual cash requirements. The

Sub-recipient shall establish procedures to minimize the time elapsing between the transfer of funds from TDEM to the Sub-recipient and shall ensure that such funds are disbursed within fifteen (15) days unless extenuating circumstances can be documented.

C. Payment Contingent. Notwithstanding the provisions of Subsection A of this Section, payments under this Sub-recipient agreement are contingent upon the Sub-recipient's performance of its contractual obligations.

D. Source Documentation Requirement: Sub-recipients must provide proof of payment documentation with all reimbursement requests submitted for processing. The following is a list of acceptable proof of payment documents:

- o Copy of cancelled check
- o Screen print of General Ledger account showing funds have been encumbered
- o Credit Card Statement showing purchase of the items
- o Payroll journal for individuals showing rate of pay and hours worked
- o Copy of invoice stamped "paid" with the date, vendor initials and check number for reference

National Incident Management System (NIMS) and the Incident Command System (ICS)

Sub-recipients must have adopted and be implementing the National Incident Management System (NIMS) and the Incident Command System (ICS) at the local level. NIMS compliance for 2009 must be achieved by completing required actions outlined by FEMA and TDEM.

For a more detailed description of these requirements, as well as other NIMS implementation requirements, see <http://www.fema.gov/emergency/nims/CurrentYearGuidance.shtm>

NIMSCAST Requirements

To be eligible to receive FY 2009 DHS funding, local primary jurisdictions and tribes must have achieved 100% compliance with the FY 2008 NIMS compliance objectives and metrics in the NIMSCAST by January 30, 2009.

All State and territory grantees were required to submit their compliance assessment via the NIMSCAST by September 30, 2008 in order to be eligible for FY 2009 preparedness programs.

Additional information on achieving NIMS compliance is available through the FEMA National Integration Center (NIC) Incident Management Systems Integration (IMSI) Division at <http://www.fema.gov/emergency/nims/>.

Other Requirements

A. During the performance period of this grant, Sub-recipients must maintain an emergency management plan at the Intermediate Level of planning preparedness or higher, as prescribed by TDEM. This may be accomplished by a jurisdiction maintaining its own emergency management plan or participating in an inter-jurisdictional emergency management program that meets the required standards. If TDEM identifies deficiencies in the Sub-recipient's plan, Sub-recipient will correct deficiencies within 60 days of receiving notice of such deficiencies from TDEM.

B. Projects identified in the SAA web-based grant management system must identify and relate to the goals and objectives indicated by the applicable approved project investments for the period of performance of the grant.

C. During the performance period of this grant, Sub-recipient agrees that it will participate in a legally-adopted county and/or regional mutual aid agreement.

D. During the performance period, the Sub-recipient must register as a user of the Texas Regional Response Network (TRRN) and identify all major resources such as vehicles and trailers, equipment costing \$5,000 or more and specialized teams/response units equipped and/or trained using grant funds (i.e. hazardous material, decontamination, search and rescue, etc.). This registration is to ensure jurisdictions or organizations are prepared to make grant funded resources available to other jurisdictions through mutual aid.

E. Sub-recipients must submit Fiscal Year 2009 Indirect Cost Allocation Plan signed by Cognizant Agency. Plan should be forwarded to the SAA along with the Planning and Administration Grant Budget Form.

F. Council of Governments (COG) will follow guidelines listed in the SAA FY 09 COG Statement of Work.

H. The State's 24 planning regions are voluntary associations of local governments organized pursuant to state law as regional planning commissions, councils of government, development councils, and area councils. It is recognized that

one of the major functions of state planning regions as homeland security grant Sub-recipients is to perform a wide variety of planning and some program administration for both their region and on behalf of the cities and counties within the region that may also be homeland security grant Sub-recipients.

Closing the Grant

A. The Sub-recipient must have expended all grant funds and submitted expenditure reimbursement requests and any invoices by the end of the performance period listed on the sub-recipient agreement.

B. TDEM/SAA will close a sub-award after receiving Sub-recipient's final performance report indicating that all approved work has been completed and all funds have been disbursed, completing a review to confirm the accuracy of the reported information, and reconciling actual costs to awards modifications and payments. If the close out review and reconciliation indicates that the Sub-recipient is owed additional funds, TDEM/SAA will send the final payment automatically to the Sub-recipient. If the Sub-recipient did not use all the funds received, TDEM/SAA will issue a Grant Adjustment Notice (GAN) to recover the unused funds.

C. TDEM/SAA will unilaterally close out this grant if sub-recipient does not reconcile account and sign closeout GAN by the 60th day after the sub-recipient performance period ends.

Restrictions, Disclaimers and Notices

A. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by TDEM/SAA prior to obligation or expenditure of such funds. U.S. Department of Justice Financial Guide (Part III Chapter 15) <http://www.ojp.usdoj.gov/financialguide/>

B. In cases where local funding is established by COGs, release of funds by TDEM is contingent upon regional funding allocation approval by the Sub-recipient's COG governing board.

C. Notwithstanding any other agreement provisions, the parties hereto understand and agree that TDEM's obligations under this agreement are contingent upon the receipt of adequate funds to meet TDEM's liabilities hereunder. TDEM shall not be liable to the Sub-recipient for costs under this Agreement which exceed the amount specified in the Notice of Sub-recipient Award.

D. Notice. All notices or communication required or permitted to be given by either party hereunder shall be deemed sufficiently given if mailed by registered mail or certified mail, return receipt requested, or sent by overnight courier, such as Federal Express, to the other party at its respective address set forth below or to such other address as one party shall give notice of to the other from time to time hereunder. Mailed notices shall be deemed to be received on the third business day following the date of mailing. Notices sent by overnight courier shall be deemed received the following business day.

Chief
Division of Emergency Management
State Administrative Agency
PO Box 4087
Austin, TX 78773-0220

Uniform Administrative Requirements, Cost Principles and Audit Requirements

Except as specifically modified by law or this Sub-recipient agreement's provisions, the Sub-recipient shall administer the award through compliance with all applicable Laws and Regulations. A non-exclusive list is provided below

A. Administrative Requirements

1. 44 C.F.R. Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
2. 2 C.F.R. Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations (OMB Circular A-110).

B. Cost Principles

1. 2C.F.R. Part 225, Cost Principles for State, Local and Tribal Governments (OMB Circular A-87)
2. 2C.F.R. Part 220, Cost Principles for Education Institutions (OMB Circular A-21)
3. 2C.F.R. Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122)
4. Federal Acquisition Regulations (FAR) Subpart 31.2, Contracts with Commercial Organizations

C. **Audit Requirements – OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.**

Retention and Accessibility of Records

A. Retention of Records. The Sub-recipient shall maintain fiscal records and supporting documentation for all expenditures of Sub-recipient agreement funds pursuant to the applicable OMB Circular and this Sub-recipient agreement. The Sub-recipient shall retain these records and any supporting documentation for the greater of three (3) years from the completion of this project's public objective, including program requirements and financial obligations, or the period of time required by other applicable laws and regulations as described in Exhibit A.

B. Access to Records. The Sub-recipient shall give the United States Department of Homeland Security (DHS), the Comptroller General of the United States, the Texas State Auditor, TDEM, or any of their duly authorized representatives, access to and the right to examine all books, accounts, records, reports, files, other papers, things or property belonging to or in use by the Sub-recipient pertaining to this Sub-recipient agreement including records concerning the past use of DHS/FEMA funds. Such rights to access shall continue as long as the records are retained by the Sub-recipient. The Sub-recipient agrees to maintain such records in an accessible location and to provide citizens reasonable access to such records consistent with the Texas Public Information Act, Chapter 552, Texas Government Code.

C. Inclusion in Subcontracts. The Sub-recipient shall include the substance of this Section in all subcontracts.

Subcontracts

A. TDEM's Approval of Subcontract and Liability. The Sub-recipient may subcontract for performances described in this Sub-recipient agreement without obtaining TDEM's prior written approval.

B. Sub-recipient Liability. In no event shall any provision of this Section be construed as relieving the Sub-recipient of the responsibility for ensuring that the performances rendered under all subcontracts comply with all of this Sub-recipient agreement's terms as if such performances rendered were rendered by the Sub-recipient. TDEM's approval under this Section does not constitute adoption, ratification or acceptance of the Sub-recipient's or a subcontractor's performance.

C. Applicable Law. The Sub-recipient shall comply with 44 C.F.R. § 13.1-13.52 and all applicable federal and state laws outlined in Exhibit A and local laws, regulations and ordinances related to making procurements under this Sub-recipient agreement.

Legal Authority

A. Signatory Authority. The Sub-recipient assures and guarantees that the Sub-recipient possesses the legal authority to enter into this Sub-recipient agreement, receive Sub-recipient agreement funds and to perform the services the Sub-recipient has obligated itself to perform pursuant to this Sub-recipient agreement.

B. Authorized Representative. The person or persons signing and executing this Sub-recipient agreement on the Sub-recipient's behalf do warrant and guarantee that he, she or they have been duly authorized by the Sub-recipient to execute this Sub-recipient agreement on the Sub-recipient's behalf and to validly and legally bind the Sub-recipient to all contractual terms, performances and provisions.

Notice of Litigation and Claims

The Sub-recipient shall give TDEM immediate notice in writing of:

1. any action, including any proceeding before an administrative agency, filed against the Sub-recipient arising out the performance of any subcontract under this Sub-recipient agreement; and
2. any claim against the Sub-recipient, the cost and expense of which the Sub-recipient may be entitled to be reimbursed by DHS/FEMA grant programs.

Except as otherwise directed by TDEM, the Sub-recipient shall furnish immediately to TDEM copies of all documentation received by the Sub-recipient with respect to such action or claim.

Indemnification

To the extent permitted by law, the Sub-recipient agrees to hold TDEM harmless and to indemnify TDEM from and against any and all claims, demands and causes of action of every kind and character that may be asserted by any party occurring or in any way incident to, arising out of or in connection with the services to be performed by the Sub-recipient pursuant to this Sub-recipient agreement.

Changes and Amendments

A. Written Amendment. Except as specifically provided otherwise in this Sub-recipient agreement, any alterations, additions or deletions to this Sub-recipient agreement's terms shall be made through Grant Adjustment Notices generated by the SAA web-based grants management system and executed by the Parties.

B. Authority to Amend. During the period of this Sub-recipient agreement's performance TDEM and/or FEMA may issue policy directives that serve to establish, interpret or clarify this Sub-recipient agreement's performance requirements. Such policy directives shall be promulgated by TDEM or FEMA in the form of Information Bulletins and shall have the effect of qualifying this Sub-recipient agreement's terms and shall be binding upon the Sub-recipient as if written in the Sub-recipient agreement.

C. Effect of Changes in Federal and State Laws. Any alterations, additions, or deletions to this Sub-recipient agreement's terms that are required by the changes in federal and state laws or regulations are automatically incorporated into this Sub-recipient agreement without written amendment to this Sub-recipient agreement and shall become effective on the date designated by such law or regulation. Federal Emergency Management Agency (FEMA) periodically publishes Information Bulletins to release, update, amend or clarify grants and programs which it administers. FEMA's National Preparedness Directorate Information Bulletins can be accessed at <http://www.ojp.usdoj.gov/odp/docs/bulletins.htm> and are incorporated by reference into this sub-grant.

Headings

Headings and captions of this Sub-recipient agreement's sections and paragraphs are only for convenience and reference. These headings and captions shall not affect or modify this Sub-recipient agreement's terms or be used to interpret or assist in the construction of this Sub-recipient agreement.

Oral and Written Agreements

A. Prior Agreements. All oral and written agreements between the Parties relating to this Sub-recipient agreement's subject matter that were made prior to Date of Execution have been reduced to writing and are contained in this Sub-recipient agreement.

B. Exhibits. The exhibits enumerated and denominated in the agreement are hereby made a part of this Sub-recipient agreement and constitute promised performances by the Sub-recipient in accordance with the Sub-recipient agreement and the Exhibits.

C. Commissioner's Signature. This Sub-recipient agreement is not effective unless signed by the Chief of TDEM or by his authorized designee.

Waiver

Any right or remedy provided for in this Sub-recipient agreement provision shall not preclude the exercise of any other right or remedy under this Sub-recipient agreement or under any provision of law, nor shall any action taken or failure to take action in the exercise of any right or remedy be deemed a waiver of any other rights or remedies at any time.

Venue

For purposes of litigation pursuant to this Sub-recipient agreement, venue shall lie in Travis County, Texas, and be governed by Texas Statute.

EXHIBIT A

THE APPLICABLE LAWS AND REGULATIONS

The Sub-recipient shall comply with OMB Circular A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 44 C.F.R. Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Sub-recipients shall also comply with 2C.F.R. Part 215, Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, 2C.F.R. Parts 225, State and Local Governments, Part 220, Educational Institutions; and Part 230, Non-Profit Organizations. Compliance with Federal Acquisition Regulation Sub-part 31.2, Contracts with Commercial organizations is required. Sub-recipient shall also comply with all other federal, state, and local laws and regulations applicable to this Sub-recipient agreement's activities and performances rendered by the Sub-recipient including but not limited to the laws and the regulations promulgated hereunder and specified in State Administrative Agency Information Bulletins, Texas Uniform Grants Management Standards (UGMS) and Paragraph A through M of this Exhibit.

A. CIVIL RIGHTS - Title VI of the Civil Rights Act of 1964, as amended. (42 U.S.C. § 2000d et seq.); (44 C.F.R. 7.1) <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t41t42+2957+3++%28civil%20ri>
http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfr7_07.html

B. HANDICAP AND ARCHITECTURAL BARRIERS - Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); (44 C.F.R. 16.101)

<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t29t32+363+0++%28Handicap%29%20>;
<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=44&PART=16&SECTION=101&TYPE=TEXT>;

The Sub-recipient shall ensure that the plans and specifications for construction of, improvements to, or the renovation of buildings, related to this project have been received by the Texas Department of Licensing and Regulation (TDLR) concerning the elimination of architectural barriers encountered by persons with disabilities as specified in Chapter 469, Texas Government Code. <http://www.statutes.legis.state.tx.us/?link=GV>

C. ENVIRONMENTAL LAW AND AUTHORITIES - In accordance with the provisions of law cited in 44 C.F.R. § 10.8, the responsible entity shall assume the environmental responsibilities for projects under programs cited in §10.1, and in doing so shall comply with the provisions of the National Environmental Policy Act of 1969, as amended and the Council on Environmental Quality regulations contained in 40 C.F.R. parts 1500 through 1508.

http://www.access.gpo.gov/nara/cfr/waisidx_07/40cfr1501_07.html; (44 C.F.R. 10.1)
http://edocket.access.gpo.gov/cfr_2007/octqtr/44cfr10.1.htm

D. LABOR STANDARDS - The Davis-Bacon Act, as amended (40 U.S.C. § 3142)

<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t37t40+1723+1++%28%29%20%20A>;
The Contract Work Hours & Safety Standards Act (40 U.S.C. § 3702)

<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t37t40+1765+1++%28%29%20%20A>;
The Copeland "Anti-Kickback" Act (18 U.S.C. § 874)
<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t17t20+511+0++%28%29%20%20AN>

E. FREEDOM OF INFORMATION ACT – (5 U.S.C. 552); (44 C.F.R. 5.1)

http://edocket.access.gpo.gov/cfr_2007/octqtr/44cfr5.1.htm;
[http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+26+0++%28information%](http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+26+0++%28information%20)

F. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 – If the Sub-recipient is a governmental entity, it must comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and (Federal Assurance) - (42 U.S.C. 4601); (44 C.F.R. 25.1)

<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=44&PART=25&SECTION=1&TYPE=TEXT>
<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t41t42+4568+1++%28%29%20%20A>

G. FAITH-BASED ACTIVITIES - Executive Order 13279 of December 12, 2002 - Equal Protection of the Laws for Faith-Based and Community Organizations, (67 Fed. Reg. 77141) <http://edocket.access.gpo.gov/2002/pdf/02-31831.pdf>

H. NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AND THE INCIDENT COMMAND SYSTEM (ICS) – Sub-Recipients must have adopted and be implementing the National Incident Management System (NIMS) and the Incident Command System (ICS) at the local level. <http://www.fema.gov/emergency/nims>

I. **PROGRAM INCOME** - If a Sub-recipient is approved for an advance, the funds must be deposited in a separate interest bearing account and are subject to the rules outlined in the Uniform Rule 28C.F.R. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, at http://www.access.gpo.gov/nara/cfr/waisidx_03/28cfr66_03.html and the Uniform Rule 28C.F.R. Part 70, Uniform Administrative Requirements for Grants and Agreements (including sub-awards) with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations, at http://www.access.gpo.gov/nara/cfr/waisidx_03/28cfr70_03.html . Sub-recipients must report any interest earned to TDEM/SAA. Any interest earned in excess of \$100 must, on a quarterly basis, be remitted to:

United States Department of Health and Human Services
Division of Payment Management Services
P.O. Box 6021
Rockville, MD 20852

J. **AUDITS** - The Sub-recipient shall arrange for the performance of an annual financial and compliance audit of Sub-recipient agreement funds received and performances rendered under this Sub-recipient agreement under the Single Audit Act (OMB Circular A – 133; 44 C.F.R. 13.26)

<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=44&PART=13&SECTION=26&TYPE=TEXT> ;
http://www.dhs.gov/xopnbiz/grants/qc_1162481125903.shtm

K. **GRANT ADMINISTRATION** - The Sub-recipient will also comply with Texas Government Code, Chapter 783, <http://www.statutes.legis.state.tx.us/?link=GV> ; and the Uniform Grant Management Standards (UGMS), State Uniform Administrative Requirements for Grants and Cooperative Agreements, [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=T&app=9&p_dir=N&p_rloc=111847&p_tloc=&p_ploc=1&pg=2&p_tac=&ti=1&pt=1&ch=5&rl=141](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=T&app=9&p_dir=N&p_rloc=111847&p_tloc=&p_ploc=1&pg=2&p_tac=&ti=1&pt=1&ch=5&rl=141)

Sub-recipients must also comply with 44, C.F.R., Part 13,

http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfr13_07.html;

with 2C.F.R. Part 215 http://www.access.gpo.gov/nara/cfr/waisidx_08/2cfrv1_08.html#215 , 2C.F.R. Part 225, Part 220 and Part 230.

L. **PROPERTY ADMINISTRATION** – TAC Title 1, Part 5, Chapter 116,
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=3&ti=1&pt=5](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=3&ti=1&pt=5)

M. **PUBLICATIONS** – 44 C.F.R., Section 13.34

<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=44&PART=13&SECTION=34&TYPE=TEXT>

1. Sub-recipient acknowledges that FEMA National Preparedness Directorate reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (1) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a recipient or Sub-recipient purchases ownership with Federal support. The Recipient agrees to consult with NPD regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

2. The Sub-recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This Document was prepared under a grant from the National Preparedness Directorate, United States Department of Homeland Security. Point of view or opinions expressed in the document are those of the authors and do not necessarily represent the official position or policies of U.S. Department of Homeland Security."

EXHIBIT B
CERTIFICATIONS

I, _____ (print) as the authorized official of _____, hereinafter referred to as the "Sub-recipient," certify the following with respect to the expenditure of Sub-recipient agreement funds.

A. The Sub-recipient shall minimize displacement of persons as a result of activities assisted with Sub-recipient agreement funds.

B. The program shall be conducted and administered in conformity with the Civil Rights Act of 1964, as amended, (42 U.S.C. § 2000a et seq.); Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 794); Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 et. seq.); The Age Discrimination Act of 1975, as amended, (20 U.S.C. § 6101 et. seq.).

C. As specified by TDEM and FEMA, in the event that displacement of residential dwellings shall occur in connection with a project assisted with HSGP funds, the Sub-recipient shall follow a residential anti-displacement and relocation assistance plan.

D. As required by Executive Order 12549, Debarment and Suspension, and implemented at 28C.F.R. Part 67, for prospective participants in primary covered transactions, as defined at 28C.F.R. Part 67, Section 67.510. (Federal Certification) The Sub-recipient certifies that it and its principals and vendors:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency; Sub-recipients can access debarment information by going to www.epls.gov and the State Debarred Vendor List http://www.window.state.tx.us/procurement/prog/vendor_performance/debarred/.
2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (D)(2) of this certification; and
4. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
5. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application. (Federal Certification)

E. Sub-recipient understands and certifies that it will not use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA National Preparedness Directorate.

F. The Sub-recipient certifies federal funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Sub-recipient may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

FY 2009 HSGP

Signature

Date

EXHIBIT C

**CERTIFICATION REGARDING LOBBYING FOR
SUB-RECIPIENT AGREEMENTS, GRANTS, LOANS,
AND COOPERATIVE AGREEMENTS**

The undersigned, _____ (print), as the authorized official of _____
certifies the following to the best of his/her knowledge and belief.

A. No federal appropriated funds have been paid or shall be paid by or on behalf of the undersigned to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with the awarding of any federal Sub-recipient agreement, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment or modification of any federal Sub-recipient agreement, grant, loan or cooperative agreement.

B. If any funds other than federal appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal Sub-recipient agreement grant, loan or cooperative agreement, the undersigned shall complete and submit standard form Disclosure Form to Report Lobbying form in accordance with its instructions.

C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards including sub-contracts, sub-grants and Sub-recipient agreements under grants, loans, and cooperative agreements and that all Sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon that reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Date

CITY COMMISSION AGENDA

Date: 11/17/2010

H-GAC - 2011 Board of Directors

Submitted By: Susan Sensat, Administration

Department: Mayor's Office

Information

ACTION REQUEST (Brief Summary)

Consider appointment of Commissioner Dee Ann Haney as the City of Texas City's Representative and Commissioner Rick Wilkenfeld as Alternate to the Board of Directors of the Houston-Galveston Area Council for calendar year 2011. (Mayor)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Link: [Res 10-123](#)

Link: [HGAC ltr](#)

RESOLUTION NO. 10-123

A RESOLUTION REAPPOINTING REPRESENTATIVE AND ALTERNATE TO THE BOARD OF DIRECTORS OF THE HOUSTON-GALVESTON AREA COUNCIL; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, a yearly appointment is necessary for the Board of Directors of the Houston-Galveston Area Council; and

WHEREAS, Commissioner Dee Ann Haney and Commissioner Rick Wilkenfeld have both agreed to serve on the Houston-Galveston Area Council for the calendar year 2011.

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 reappoints Commissioner Dee Ann Haney as the City of Texas City Representative and Commissioner Rick Wilkenfeld as Alternate Representative to the Board of Directors of the Houston-Galveston Area Council for the calendar year 2011.

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

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas Finan
City Secretary

Ronald F. Plackemeier
City Attorney



GCWA
BRI for GAC

Houston-Galveston Area Council

Office of the Executive Director

October 13, 2010

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

Dear Mayor Doyle:

I am writing regarding the appointment of Texas City's representative to H-GAC's 2011 General Assembly and Board of Directors.

H-GAC's Bylaws authorize each member city with a population of at least 25,000 but not in excess of 99,999 according to the last preceding Federal Census (2000) to select one member of its governing body as its representative and one member of its governing body as an alternate to the H-GAC General Assembly.

H-GAC's Bylaws also stipulate that your Board of Directors representative shall be the General Assembly delegate. Therefore, the official chosen to serve as the General Assembly representative will also be designated to serve on H-GAC's Board of Directors.

I have enclosed the appropriate form for your convenience.

The 2011 designated representatives begin their terms of office at the first of January 2011.

If more information concerning General Assembly and Board of Directors membership would be useful, please contact me or Mary Spain of the staff (713-993-4598). Thanks for your help in selecting H-GAC's 2011 General Assembly and Board of Directors.

Sincerely,

Jack Steele

JS/kay

Enclosure
cc: City Secretary

**DESIGNATION OF REPRESENTATIVES
HOUSTON-GALVESTON AREA COUNCIL
2011 GENERAL ASSEMBLY
AND
BOARD OF DIRECTORS**

BE IT RESOLVED, by the City Commission of Texas City, Texas that the following be and are hereby designated as the representative and alternate of the General Assembly of the Houston-Galveston Area Council for the year 2011:

REPRESENTATIVE _____

ALTERNATE _____

FURTHER THAT they are hereby, designated as the representative and alternate to the Board of Directors of the Houston-Galveston Area Council for the year 2011.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named delegate and alternate.

PASSED AND ADOPTED, this the _____ day of _____, 2010.

APPROVED:

Mayor

ATTEST:

CITY COMMISSION AGENDA

Date: 11/17/2010

Resolution Denying TNMP's Transmission and Distribution Rate Increase

Submitted For:	Ron Plackemeier, City Attorney	Submitted By:	Linda Jennings, City Attorney Office
Department:	City Attorney Office		

Information

ACTION REQUEST (Brief Summary)

Resolution finding that Texas-New Mexico Power Company's requested increases to its electric transmission and distribution rates and charges within the City should be denied and finding that the City's reasonable rate case expenses shall be reimbursed by the company.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Link: [Res 10-125](#)

Link: [10-125 Exhibit A](#)

RESOLUTION NO. 10-125

A RESOLUTION OF THE CITY OF TEXAS CITY, TEXAS FINDING THAT TEXAS-NEW MEXICO POWER COMPANY'S REQUESTED INCREASES TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, pursuant to § 33.001 of the Public Utility Regulatory Act ("PURA"), the City has exclusive original jurisdiction over the electric rates, operations, and services provided within its city limits;

WHEREAS, on or about August 26, 2010, Texas-New Mexico Power Company ("TNMP" or "Company"), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Texas City ("City") a Statement of Intent to increase electric transmission and delivery rates by \$20.1 million on a system-wide basis within its service area effective October 2, 2010; and

WHEREAS, pursuant to PURA § 36.108, the City lawfully suspended the October 2, 2010, effective date by resolution to provide time to study the reasonableness of the Company's application to increase rates; and

WHEREAS, the City is a member of the coalition of Cities Served by TNMP and has cooperated with its similarly situated city members to conduct a review of the Company's application, to hire and direct legal counsel and consultants, to prepare a common response to the filing, to negotiate with the Company and to direct any necessary litigation appealing final city action; and

WHEREAS, the City, in a reasonably noticed meeting that was open to the public, considered the Company's application; and

WHEREAS, the consultants who were retained by Cities Served by TNMP to evaluate the merits of the Company's application have determined that the Company's requested \$20.1 million increase in revenues for its transmission and distribution system is not supported by evidence; and

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

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

SECTION 1: That the rates proposed by Texas-New Mexico Power Company, to be recovered through its electric transmission and distribution rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

SECTION 2: That the Company shall continue to charge its existing rates for transmission and distribution services to customers within the City.

SECTION 3: That the City's reasonable rate case expenses shall be reimbursed by TNMP.

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

SECTION 5: A copy of this Resolution shall be sent to TNMP, care of Scott Seamster, Corporate Counsel, 225 E. John Carpenter Freeway, Suite 1500, Irving, Texas 75062-2282 and to Chris Brewster, Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

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

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas Finan
City Secretary

Ronald F. Plackemeier
City Attorney

Mr. Brewster's Direct Line: (512) 322-5831
Email: cbrewster@lglawfirm.com

MEMORANDUM

TO: Cities Served by TNMP

FROM: Christopher L. Brewster and Thomas Brocato *CLB*

DATE: November 10, 2010

RE: Denial Resolution for Texas-New Mexico Power Company's Pending Rate Case;
Update on Status of Case

As you are aware, on or about August 26, 2010, Texas-New Mexico Power Company ("TNMP" or "Company") filed a Statement of Intent to increase rates with all cities in its service area that retain original jurisdiction. The Company is seeking a \$20.1 million rate increase. If approved, the \$20.1 million increase would raise rates for the average residential customer by \$10.94 per month. The Company's rate case is simultaneously proceeding at the Public Utility Commission ("PUC") in Docket No. 38480.

On September 1, 2010, Cities Served by TNMP ("Cities") intervened in the PUC matter and supplemented its intervention in the subsequent weeks as additional cities joined the coalition. The group consists of the Cities of Alvin, Barstow, Blue Ridge, Blum, Coppell, Dickinson, Emory, Farmersville, Fort Stockton, Friendswood, Glen Rose, La Marque, Lewisville, Rio Vista, and Texas City.

In September and October, each city in the Coalition with original jurisdiction over electric utility rates adopted a resolution suspending the effective date of TNMP's requested rate change at the cities level. That suspension permits cities until December 30, 2010 to take final action on the Company's request. We have attached a recommended resolution that denies the Company's request for the reasons detailed below, as well as a Model Staff Report addressing the resolution. **The city must take action on the rate request by December 30, 2010. If your city is unable to take final action on the application by that date, please contact me as soon as possible.**

Cities' Recommendation on Requested Rate Increase

Cities, along with other Intervenors, filed their direct testimony at the PUC on Monday, November 8. In order to avoid duplication of effort and minimize rate case expenses, we have coordinated our approach to the case with the other city group that has intervened, the Alliance of Texas-New Mexico Power Municipalities ("ATM"). Cities' witness Connie Cannady has provided a complete computation of the effect of both groups' proposed adjustments on the Company's proposed rates. Cities' combined recommendation would result in a \$29 million decrease to the Company's request, a request which seeks a \$20 million increase. Thus, our position in this case is that TNMP's rates should be decreased by approximately \$9 million in total. We propose that this

rate decrease, which equates to approximately 3.5%, be applied evenly to all customer classes. Cities' recommended adjustments include significant disallowances related to depreciation, taxes, and correction of the Company's proposed excessive rate of return of 10.61%.

Notably, this proposal is consistent with what Cities recommended in TNMP's last rate case, Docket No. 36025, which settled last year. In that proceeding, the parties ultimately agreed to a settlement that permitted the Company a base-rate increase of \$6.8 million, plus \$20 million in recovery for costs associated with Hurricane Ike restoration. However, Cities' initial recommendation in that proceeding was similarly for a rate reduction. Therefore, Cities' position remains essentially the same – that TNMP's ratepayers are entitled to a rate decrease.

Additionally, Cities' testimony recommends against adoption of a special storm hardening rider that would permit TNMP to recover prospective storm hardening costs on a piecemeal basis, and with little oversight by the Commission. In our view, such costs are more properly addressed through normal ratemaking mechanisms. Finally, Cities recommend that municipal franchise fees on discretionary services charges should be collected through base rates, rather than a special rider, as TNMP has proposed.

For your reference, the direct testimony of Connie Cannady, Karl Nalepa, and Steve Hill can be found at these links, respectively.

http://interchange.puc.state.tx.us/WebApp/Interchange/application/dbapps/filings/pgSearch_Results.asp?TX_CNTR_NO=38480&TXT_ITEM_NO=259

http://interchange.puc.state.tx.us/WebApp/Interchange/application/dbapps/filings/pgSearch_Results.asp?TX_CNTR_NO=38480&TXT_ITEM_NO=260

http://interchange.puc.state.tx.us/WebApp/Interchange/application/dbapps/filings/pgSearch_Results.asp?TX_CNTR_NO=38480&TXT_ITEM_NO=261

For these reasons, we advise that Cities adopt a resolution denying the Company's rate increase request.

Next Steps in Case

The Hearing on the Merits in this matter is scheduled to begin on December 2 and last for one week. On a date to be determined, TNMP, PUC Staff and Intervenors will engage in settlement discussions to gauge whether settlement is a possibility in this case. We will update you if any such potential emerges and will continue to keep you updated as to the status of this case. Please feel free to call or email Chris Brewster (512-322-5831, cbrewster@lglawfirm.com) if you have any questions or concerns about the case in the meantime.

CITY COMMISSION AGENDA

Date: 11/17/2010

EMC/Homeland Security Director

Bruce
Clawson,
Emergency
Management

Submitted For: Bruce Clawson
Department: Emergency Management

Submitted By:

Information

ACTION REQUEST (Brief Summary)

Resolution adopting Section 3 Local Opportunity Plan for participation in the Texas Community Development Block Grant (TXCDBG) Program allotted after Hurricane Ike for use on those items that failed to function during Ike.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Attachments

Link: Res 10-124

Link: 10-124 Exhibit A

RESOLUTION NO. 10-124

**RESOLUTION OF THE CITY OF TEXAS CITY ADOPTING SECTION 3
LOCAL OPPORTUNITY PLAN FOR ITS TEXAS COMMUNITY
DEVELOPMENT BLOCK GRANT (TXCDBG) PROGRAM**

WHEREAS, the City's participation in the TXCDBG Program requires that it strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and by contracting with Section 3 residents and businesses within its jurisdictional boundaries in accordance with an adopted Section 3 Local Opportunity Plan.

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

SECTION 1: The City Council hereby resolves to adopt a Section 3 Local Opportunity Plan, attached hereto and incorporated herein as Exhibit "A".

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

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas J. Finan
City Secretary

Ronald F. Plackemeier
City Attorney

SECTION 3 LOCAL OPPORTUNITY PLAN

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Texas City agrees to implement the following steps, which, to the greatest extent feasible, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Equal Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDRA to the Grant Recipient.
- G. Submit reports as required by HUD or TDRA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of calendar year end which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Texas City, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Matthew T. Doyle, Mayor

Date

CITY COMMISSION AGENDA

Date: 11/17/2010

Consider approval of a request to amend the City of Texas City's fiscal year 2010-11 budget.

Submitted For:	Laura Boyd, Finance	Submitted By:	Laura Boyd, Finance
Department:	Finance		

Information

ACTION REQUEST (Brief Summary)

Consider approval of a request to amend the City of Texas City's fiscal year 2010-11 budget.

BACKGROUND

A budget amendment is needed to accept funds of \$3,000,000.00 from Galveston County for use in maintaining the road and shoulders of Texas City Dike Road. City of Texas City Ordinance 10-24 approved by the city commission on September 15, 2010 references the funds to be received from Galveston County for Dike Road maintenance. Galveston County approved the distribution of funds in their meeting November 10, 2010.

ANALYSIS

Budget amendment is as follows:

Texas City Dike Fund:

279-000-48350-Contributions(from county)	\$3,000,000.00
279-301-55250-Street Improvements	<\$3,000,000.00>

ALTERNATIVES CONSIDERED

Attachments

Link: [Ord 10-28](#)

ORDINANCE NO. 10-28

AN ORDINANCE AMENDING ORDINANCE NO. 10-21, ADOPTING THE 2010-2011 FISCAL YEAR BUDGET FOR ACCEPTANCE OF \$3,000,000.00 FROM GALVESTON COUNTY FOR DIKE ROAD; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 10-21, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2010-2011; and,

WHEREAS, by Ordinance No. 10-24, approved by the City Commission on September 15, 2010, reference to the funds to be received from Galveston County was made and the County approved the distribution of funds at its November 10, 2010 County Commissioner's meeting; and

WHEREAS, a budget amendment is needed to appropriate funds for the acceptance of \$3,000,000.00 from Galveston County for use in maintaining the road and shoulders of Texas City Dike Road.

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

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

SECTION 2: That the budget for Fiscal Year 2010-2011 of the City of Texas City, Texas, is hereby amended as follows:

Texas City Dike Fund:

279-000-48350 – Contributions (from County)

\$3,000,000.00

279-301-55250 – Street Improvements

< \$3,000,000.00 >

SECTION 3: That the Chief Executive Officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk and the State Comptroller's Office.

SECTION 4: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

SECTION 5: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas J. Finan
City Secretary

Ronald F. Plackemeier
City Attorney

CITY COMMISSION AGENDA**Date: 11/17/2010**

Consider approval of a request to amend the City of Texas City's fiscal year 2010-11 budget.

Submitted For:	Laura Boyd, Finance	Submitted By:	Laura Boyd, Finance
Department:	Finance		

Information**ACTION REQUEST (Brief Summary)**

Consider approval of a request to amend the City of Texas City's fiscal year 2010-11 budget.

BACKGROUND

A budget amendment is needed to appropriate funds for the acceptance of the IPP-Buffer Zone Protection Plan Grant in the amount of \$194,548.88 as described above in the consent agenda.

ANALYSIS

Budget amendment is as follows:

IPP-Buffer Zone Protection Grant Fund:

270-201-53260-Communications	\$194,548.88
270-201-54530-K-9's	
270-201-54540-Crime Prevention	
270-201-54541-S.W.A.T.	
270-000-44008-Grant Revenue	<\$194,548.88>

ALTERNATIVES CONSIDERED**Attachments**

Link: [Ord 10-29](#)

ORDINANCE NO. 10-29

AN ORDINANCE AMENDING ORDINANCE NO. 10-21, ADOPTING THE 2010-2011 FISCAL YEAR BUDGET FOR ACCEPTANCE OF \$194,548.88 FOR IPP BUFFER ZONE PROTECTION PLAN GRANT; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 10-21, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2010-2011; and,

WHEREAS, a budget amendment is needed to appropriate funds for the acceptance of \$194,548.88 from the IPP-Buffer Zone Protection Plan Grant.

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

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

SECTION 2: That the budget for Fiscal Year 2010-2011 of the City of Texas City, Texas, is hereby amended as follows:

IPP-Buffer Zone Protection Grant Fund:

270-201-53260 – Communications	\$194,548.88
270-201-54530 – K'9's	
270-201-54540 – Crime Prevention	
270-201-54541 – S.W.A.T.	
270-000-44008 – Grant Revenue	< \$194,548.88 >

SECTION 3: That the Chief Executive Officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk and the State Comptroller's Office.

SECTION 4: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

SECTION 5: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this 17th day of November, 2010.

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

ATTEST:

APPROVED AS TO FORM:

Nicholas J. Finan
City Secretary

Ronald F. Plackemeier
City Attorney