

CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING

AGENDA

WEDNESDAY, MARCH 20, 2024 - 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM - CITY HALL
1801 9th Ave. N.
Texas City, TX 77590

PLEASE NOTE: Public comments and matters from the floor are generally limited to 3 minutes in length. If you would like to request to speak, please do so in advance of the meeting by filling out a Request To Address Commission form. All in attendance are required to remove hats and/or sunglasses (dark glasses) during meetings and to also silence all cell phones and electronic devices.

- (1) ROLL CALL
- (2) INVOCATION
- (3) PLEDGE OF ALLEGIANCE
- (4) PROCLAMATIONS AND PRESENTATIONS
 - (a) Service Awards

Richard Washington	Parks & Recreation	03/28/2014	10 years
David Richardson	Public Works	03/02/2009	15 years
Charles Thompson	Parks & Recreation	03/01/1989	35 years
 - (b) Proclaiming April as Child Abuse Awareness Month (CASA of Galveston County)
- (5) REPORTS
 - (a) Annual Bayou Golf Course Report (Golf Course)
- (6) PUBLIC COMMENTS
- (7) CONSENT AGENDA
 - (a) Approve City Commission Minutes for the March 6, 2024, meeting. (City Secretary)

- (b) Consider and take action on Resolution No. 2024-044, authorizing the Director of Library Services to remove delinquent fees and fines that are attached to library patron accounts that expired prior to February 20, 2017. (Library)
- (c) Consider and take action on Resolution No. 2024-045, appointing Tamesha Hampton to the Keep Texas City Beautiful Committee and CDBG Citizens Advisory Committee (City Secretary)
- (d) Consider and take action on Resolution No. 2024-046, authorizing signatories for the Community Development Block Grant – Mitigation Program (CDBG-MIT) for GLO state contract no. 24-065-018-E175. (Community Development)
- (e) Consider and take action on Resolution No. 2024-047, adopting various policies and procedures related to Civil Rights and Community Development Block Grant-Mitigation (CDBG-MIT). (Community Development)
- (f) Consider and take action on Resolution No. 2024-048, adopting a waiver valuation policy for involuntary property acquisitions. (Community Development)
- (g) Consider and take action on Resolution No. 2024-049, awarding Bid No. 2024-002 Cement Stabilized Sand Annual Contract to JDB Services, Inc. (Public Works)
- (h) Consider and take action on Resolution No. 2024-050, suspending the April 10, 2024, effective date of CenterPoint Energy Houston Electric, LLC's requested rate change to permit the City time to study the request and to establish reasonable rates. (Management Services)
- (i) Consider and take action on Resolution No. 2024-051, authorizing the Mayor, or his designee, to enter into an agreement with ARKK Engineers, LLC for the design, bidding, and construction observation phases for the "Far West Water Plant Phase 2 Project." (Public Works)
- (j) Consider and take action on Resolution No. 2024-052, authorizing the Mayor, or his designee, to enter into an agreement with ARKK Engineers, LLC for the design, bidding, and construction observation phases for the "FM 517 Water Plant Phase Two Project" (Public Works)

(8) REGULAR ITEMS

- (a) Consider and take action on the third and final reading of Ordinance 2024-04, amending the Texas City Code of Ordinances Title XV entitled "Land Usage", Chapter 160 entitled "Zoning" and providing for publication and an effective date. (Transportation and Planning)

- (b) Consider and take action on Ordinance No. 2024-11, amending the fiscal year 2023-2024 budget to appropriate funds from the Water Tank Improvements account (501705-55560) for \$400,000 to Waterline Rehab Phase 20 (501705-55690-70520) for \$75,000 and Waterline Rehab Phase 21 (501705-55690-70521) for \$325,000. (Finance)

(9) COMMISSIONERS' COMMENTS

(10) MAYOR'S COMMENTS

(11) ADJOURNMENT

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, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARDS AT CITY HALL, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS, AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND ON THE CITY'S WEBSITE ON MARCH 15, 2024, PRIOR TO 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

RHOMARI LEIGH
CITY SECRETARY

CITY COMMISSION REGULAR MTG

(4) (a)

Meeting Date: 03/20/2024

March 2024 Service Awards

Submitted For: Jennifer Price, Human Resources

Submitted By: Susan Sensat, Human Resources

Department: Human Resources

Information

ACTION REQUEST

Service Awards

Richard Washington Parks & Recreation 03/28/2014 10 years

David Richardson Public Works 03/02/2009 15 years

Charles Thompson Parks & Recreation 03/01/1989 35 years

BACKGROUND (Brief Summary)

Service Award(s) for the following individual(s) for the month of March is based on their years of service with the City.

RECOMMENDATION

Human Resources recommend approval of the March service awards.

Fiscal Impact

CITY COMMISSION REGULAR MTG

(4) (b)

Meeting Date: 03/20/2024

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST

Proclaiming April as Child Abuse Awareness Month (CASA of Galveston County)

BACKGROUND (Brief Summary)

RECOMMENDATION

Fiscal Impact

Attachments

Proclamation

Office of the Mayor



Texas City
EST. 1911

PROCLAMATION

Whereas, Court Appointed Special Advocates (CASA) of Galveston County plays a crucial role in advocating for the best interests of abused and neglected children within the foster care system, ensuring they are placed in safe, permanent homes; and

Whereas, CASA of Galveston County provides invaluable support to these vulnerable children by recruiting, training, and supporting volunteer advocates who work tirelessly to speak up for their needs in the courtroom and in the community; and

Whereas, the month of April has been designated as Child Abuse Awareness Month, providing an opportunity for communities to come together to raise awareness about child abuse prevention and to support the organizations and individuals dedicated to protecting children and families; and

Whereas, it is essential to recognize the efforts of CASA of Galveston County and its volunteers, who serve as voices for children who have experienced abuse or neglect, advocating for their safety, well-being, and right to a hopeful future; and

Now, therefore, I, Mayor of the City of Texas City, and on behalf of the City Commission, do hereby proclaim the month of April 2024 as,

CHILD ABUSE AWARENESS MONTH

and we urge all citizens to join in efforts to prevent child abuse, support victims and survivors, and promote the well-being of all children.

In testimony whereof, witness my hand and the Seal of the City of Texas City, this the **20th day of March A.D. 2024**.



Mayor Dedrick D. Johnson

Attest:

City Secretary, Rhomari Leigh

CITY COMMISSION REGULAR MTG

(5) (a)

Meeting Date: 03/20/2024

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST

Annual Bayou Golf Course Report (Golf Course)

BACKGROUND (Brief Summary)

RECOMMENDATION

Fiscal Impact

Attachments

Staff Report

Bayou Golf Course Annual Golf Report



City Commission
March 20, 2024

An aerial view of a lush green golf course. In the center-right, a golf hole is visible with a white flagstick. A white golf ball sits on the grass to the left of the hole. A soft, white, cloud-like graphic element is positioned on the right side of the image, partially obscuring the text.

Major **Tournaments of** **the Year**

- **Chamber Golf Classic 420 Golfers**
- **Dow Winter Golf Classic 212 Golfers**

18 Total Golf Tournaments

2,042 Golfers

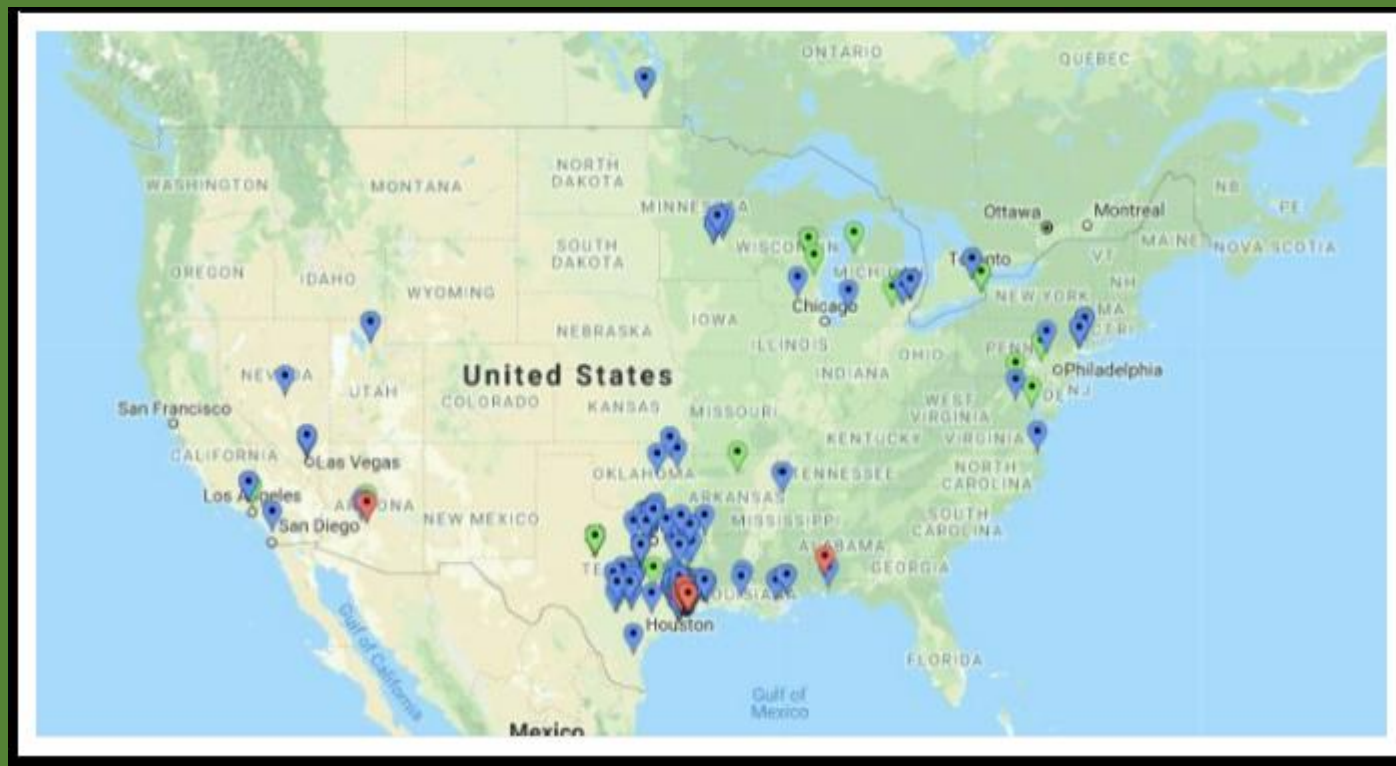


Date Range: 1/1/23 – 12/31/23

Rounds: 1,570

Revenue: \$46,440.00

Ave Rate: \$29.57



High School Golf Tournaments

Texas City hosted 9 Golf Tournaments
Total of **430** High School Golfers

Hitchcock hosted **3** Golf Tournament
Total of **164** High School Golfers





Junior Golf Clinics

- Junior Golf Clinics available in the Summer . (June & July)
- June 2023 Junior Golf Clinic **44** Total Participants
- July 2023 Junior Golf Clinic **36** Total Participants

The First Tee at Bayou Golf Club

Drive, Chip & Putt

2023: Four Members from Bayou Golf Course participated in the local qualifier

Two members qualified to participate in the Regional qualifier.

School Golf Teams:

Twelve high school participants on the Varsity Golf Team. Seven from Clear Lake High School & five from Clear Creek High School.

Community Service Project:

The members of the First Tee gave back to Bayou Golf Course on two separate Saturdays in January/February.

The First Tee handpicked range balls, filled divots with sand on the driving range, and edged the bunkers.

Holes # 7 & 14 Bulkhead Project



Revenue/Rounds Report

2023-2024	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YEAR TOTAL
REVENUE	\$97,249.00	\$64,890.00	\$57,438.75	\$27,446.00	\$58,162.00								\$305,185.75
ROUNDS	2,562	2,110	2,121	900	2,014								9,707
RAIN FALL	5.5	4.5	6.1	11.5	3								30.6
DAYS OPE N	31	29	30	25	29								144

2022-2023	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YEAR TOTAL
REVENUE	\$118,227.5	\$42,205.75	\$51,364.00	\$50,664.00	\$55,477.00	\$106,064.00	\$86,695.80	\$82,898.00	\$89,062.77	\$105,765.92	\$99,156.14	\$81,633.20	\$969,214.08
ROUNDS	3,121	1,424	1,790	1,756	1,853	3,003	2,448	2,422	2,822	3,343	3,325	2,468	29,775
RAIN FALL	2.5	12.5	7	8.5	2	2.5	5	7	5.5	4	1	2.5	60
DAYS OPEN	31	24	29	27	28	31	29	31	30	31	31	30	352

2021-2022	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YEAR TOTAL
REVENUE	\$63,030.50	\$58,342.25	\$84,728.20	\$40,333.50	\$34,476.67	\$66,755.00	\$103,271.25	\$90,087.05	\$87,452.25	\$105,167.80	\$71,553.00	\$74,810.25	\$880,007.72
ROUNDS	2,042	1,964	2,062	1,445	1,173	2,195	2,817	2,672	2,786	3,304	2,507	2,233	27,200
RAIN FALL	7.5	3.5	4	3.5	2	2.2	1.3	4	2	1.6	8	1.4	41.00
DAYS OPEN	31	29	30	30	28	31	29	31	30	31	31	30	361

CITY COMMISSION REGULAR MTG

(7) (a)

Meeting Date: 03/20/2024

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST

Approve City Commission Minutes for the March 6, 2024, meeting. (City Secretary)

BACKGROUND (Brief Summary)

RECOMMENDATION

Fiscal Impact

Attachments

Minutes

REGULAR CALLED CITY COMMISSION MEETING

MINUTES

WEDNESDAY, MARCH 6, 2024 – 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM – CITY HALL

A Regular Called Meeting of the City Commission was held on Wednesday, MARCH 6, 2024, at 5:00 P.M. in the Kenneth T. Nunn Council Room in City Hall, Texas City, Texas. A quorum having been met, the meeting was called to order at 5:01 p.m. by Mayor Dedrick D. Johnson.

1. ROLL CALL

Present: Mayor Dedrick D. Johnson
Commissioner At-Large, Mayor Pro Tem Thelma Bowie
Commissioner At-Large Abel Garza, Jr.
Commissioner District 1 DeAndre' Knoxson
Commissioner District 2 Felix Herrera
Commissioner District 3 Dorthea Jones Pointer
Commissioner District 4 Jami Clark

2. INVOCATION

Led by Pastor Tim Franklin of The Connection Church.

3. PLEDGE OF ALLEGIANCE

Led by Commissioner District 1 DeAndre Knoxson.

4. PROCLAMATIONS AND PRESENTATIONS

- a. Certificate of Appreciation to Bay Area Council on Drugs and Alcohol (BACODA)
- b. Certificate of Appreciation to Galveston County Health District (GCHD)
- c. Certificate of Appreciation to Taking Our Best Shot (TOBS)

5. REPORTS

- a. Fire Inspection Prevention Report (Fire Marshal)
Jason Brown, Fire Marshal, gave a PowerPoint presentation.

6. PUBLIC HEARING

- a. Request for Extension of Time for the Preliminary Zoning Approval of the Marlow Lake North PUD Application

Mayor Dedrick Johnson stated that we would bypass this item as it was placed on the Agenda in error.

7. ZONING PRELIMINARY APPROVAL

- a. Consider and take action on a Request for Extension of Time for the Preliminary Zoning Approval of the Marlow Lake North PUD Application. (Transportation and Planning)

Kim Golden, City Engineer, stated the Developer is requesting an extension of the Preliminary Zoning Approval to allow more time to complete the platting and development of the subdivision. The Developer requests an extension of the preliminary zoning approval until March 16, 2025. The Planning Board recommended approval of the extension at its regular meeting on February 19, 2024. The City Commission has the authority to grant an extension of time to the preliminary zoning approval.

Motion by Commissioner District 4 Jami Clark, Seconded by Commissioner District 2 Felix Herrera

Vote: 7 - 0 CARRIED

8. PUBLIC COMMENTS

Mayor Dedrick D. Johnson welcomed Scout Troop 246: Scoutmaster Mike Chambers and scouts Mark and Charlie Shaw, Aaron Lim, Samuel and Xavier Mull, James and Joshua Allison, Branden Johnson, Lucas Bartlett, Zeke, Ricky, and Zach Salinas, Aiden Manego, Andrew Perez, and Connor Hall.

9. CONSENT AGENDA

A motion was made by Commissioner At-Large Thelma Bowie to approve Consent Agenda items a, b, c, d, e, f, g, h, i, j, k, and l. The motion was seconded by Commissioner District 2 Felix Hererra.

- a. Approve City Commission Minutes for the February 21, 2024 meeting. (City Secretary)

Vote: 7 - 0 CARRIED

- b. Consider and take action on Resolution No. 2024-031, ratifying the submission of grant application 4594102 for the Bullet-Resistant Shield Grant Program to the Texas Office of the Governor, Public Safety Office, by the Texas City Police Department. (Mayor's Office-Grant's Administration)

Vote: 7 - 0 CARRIED

- c. Consider and take action on Resolution No. 2024-032, ratifying the submission of the grant application 4735102 for the Riffle-Resistant Body Armor Grant Program to the Texas Office of the Governor, Public Safety Office, by the Texas City Police Department. (Mayor's Office-Grant's Administration)

Vote: 7 - 0 CARRIED

- d. Consider and take action on Resolution No. 2024-033, approving the construction and installation of Fiber Internet Services from PS Lightwave to Fire Station 4. (Information Technology)

Vote: 7 - 0 CARRIED

- e. Consider and take action on Resolution No. 2024-034, authorizing the Texas City Economic Development Corporation to purchase and install video surveillance equipment, access control, and network cabling at the Phoenix Business Accelerator. (Economic Development)

Vote: 7 - 0 CARRIED

- f. Consider and take action on Resolution No. 2024-035, awarding a contract for RFB No. 2024-445 to DSW Homes, LLC., and authorizing the Mayor to enter into a contract in response to the awarding of RFB No. 2024-445. (Community Development)

Vote: 7 - 0 CARRIED

- g. Consider and take action on Resolution No. 2024-036, authorizing the submission of an application to the Texas General Land Office for the contracting of a consulting firm to complete the development of the 2025 Texas City Hazard Mitigation Plan Update. (Mayor's Office-Grant's Administration)

Vote: 7 - 0 CARRIED

- h. Consider and take action on Resolution No. 2024-037, awarding a contract for RFB No. 2024-447 to Dale Construction and Renovation and authorizing the Mayor to enter into a contract in response to RFB No. 2024-447. (Community Development)

Vote: 7 - 0 CARRIED

- i. Consider and take action on Resolution No. 2024-038, awarding a contract for Bid No. 2024-443 Potable Water Tank Rehabilitation Project to I&S Tank Services, LLC., and authorizing the Mayor to enter into a contract for Bid No. 2024-443. (Public Works)

Vote: 7 - 0 CARRIED

- j. Consider and take action on Resolution No. 2024-039, awarding a contract for RFB No. 2024-446 to DSW Homes, LLC., and authorizing the Mayor to enter into a contract for RFB No. 2024-446. (Community Development)

Vote: 7 - 0 CARRIED

- k. Consider and take action on Resolution No. 2024-040, awarding a contract for PCI Project No. 12144.23.01 Exterior Moore Memorial Public Library Repairs to Brazos Commercial Roofing. (Public Works)

Vote: 7 - 0 CARRIED

- l. Consider and take action on Resolution No. 2024-041, authorizing the complete submission of a Grant Application to the Texas Dept. of Housing and Community Affairs for HOME funds. (Mayor's Office-Grant's Administration)

Vote: 7 - 0 CARRIED

10. REGULAR ITEMS

- a. Consider and take action on the second reading of Ordinance 2024-04, amending the Texas City Code of Ordinances Title XV entitled "Land Usage", Chapter 160 entitled "Zoning" and providing for publication and an effective date. (Transportation and Planning)

Motion by Commissioner At-Large Abel Garza, Jr., Seconded by Commissioner District 2 Felix Herrera

Vote: 7 - 0 CARRIED

- b. Consider and take action on Resolution No. 2024-042, approving a contract for Engineering and Roadway Design Services for the Holland Road East Extension at I-45 Gulf Freeway. (Transportation and Planning)

Kim Golden, City Engineer, stated Staff recommends engaging Quiddity Engineers to prepare the construction drawings required by TxDOT to add the east approach for Holland Road to the Gulf Freeway project. Quiddity is familiar with the TxDOT design standards and its approval processes. The project scope includes modifications to detention ponds, roadway, and traffic signal design, as well as alterations. Quiddity has submitted a cost proposal to provide the necessary engineering and design services to prepare, submit, and facilitate through approval of the necessary construction drawings. The cost proposal has a not-to-exceed maximum of \$185,000.

Motion by Commissioner District 4 Jami Clark, Seconded by Commissioner District 2 Felix Herrera

Vote: 7 - 0 CARRIED

- c. Consider and take action on Resolution No. 2024-043, authorizing the Texas City Economic Development Corporation to award Bid No. 2024-449 Texas City Community Plaza Project to B&D Contractors Inc. (Management Services)

Motion by Commissioner District 3 Dortha Jones Pointer, Seconded by Commissioner At-Large, Mayor Pro Tem Thelma Bowie

Vote: 7 - 0 CARRIED

- d. Consider and take action on Ordinance No. 2024-08, amending the fiscal year 2023-2024 budget to appropriate funds for engineering services for the Holland Road Extension Project. (Finance)

Jeff Miller, Interim Finance Director, stated that in order to fund this project, it is recommended that a budget amendment be made from the Texas City Economic Development Corporation to Planning and Engineering in the amount of \$185,000. Fund 801.

Motion by Commissioner At-Large Abel Garza, Jr., Seconded by Commissioner District 4 Jami Clark

Vote: 7 - 0 CARRIED

- e. Consider and take action on Ordinance No. 2024-09, amending the fiscal year 2023-2024 budget to appropriate funds for additional professional GIS services. (Finance)

Jeff Miller, Interim Finance Director, stated that the request for additional GIS consulting services to assist the Engineering & Planning Department in developing (1) an interactive address map and assigning process and (2) an interactive floodplain and repetitive loss map in the city's GIS database. The cost of this proposal is \$35,426. The Finance department recommends a budget amendment of \$35,426 from Undesignated Fund Balance (101) to Professional Fees (101104-53680).

Motion by Commissioner District 1 DeAndre' Knoxson, Seconded by Commissioner District 2 Felix Herrera

Vote: 7 - 0 CARRIED

- f. Consider and take action on Ordinance No. 2024-10, amending the fiscal year 2023-2024 budget to appropriate funds for the Texas City Community Plaza Project. (Finance)

Jeff Miller, Interim Finance Director, A total of \$6,600,000 is budgeted in the Texas City Economic Development Corporations Budget 801-050-55010 for the project. Approximately \$50,000 out of the line item has already been expended and/or is in the process of being spent to make the site ready before construction of the project for the relocation of overhead utilities (electric, cable, phone) and underground utilities (electrical & phone) required before project commencement. Thus leaving a balance of \$6,550,000 for the project. Based on the amount available, staff recommends a budget amendment in the amount of \$500,000 to the project budget from the Texas City Economic Development Corporations Fund Balance to cover the cost of the project and any necessary change orders that might occur.

Motion by Commissioner District 3 Dortha Jones Pointer, Seconded by Commissioner District 4 Jami Clark

Vote: 7 - 0 CARRIED

11. COMMISSIONERS' COMMENTS

Commissioner DeAndre Knoxson announced that he and Dr. Kenshara Cravens welcomed a handsome baby boy into the world on February 21, 2024, weighing in at 7lb and 1oz. DeAndre Knoxson, II, is loved and healthy.

12. ADJOURNMENT

Having no further business, Commissioner At-Large Abel Garza, Jr. made a MOTION to ADJOURN at 5:53 p.m.; the motion was SECONDED by Commissioner District 1 DeAndre Knoxson. All present voted AYE. MOTION CARRIED.

DEDRICK D. JOHNSON, MAYOR

ATTEST:

Rhomari Leigh, City Secretary
Date Approved:

CITY COMMISSION REGULAR MTG**(7) (b)****Meeting Date:** 03/20/2024

Write-off of Library fees and fines

Submitted For: Cheryl Loewen, Library**Submitted By:** Cheryl Loewen, Library**Department:** Library

Information**ACTION REQUEST**

Consider authorizing the Director of Library Services to remove delinquent fees and fines that are attached to library patron accounts that expired prior to February 20, 2017.

BACKGROUND (Brief Summary)

It is the practice of Moore Memorial Public Library to delete patron accounts that expired seven years ago or more. These accounts cannot be deleted until all fees and fines attached to those accounts have been removed. This process should be completed annually, and was last done in January 2023.

RECOMMENDATION

I recommend that the Director of Library Services is authorized to remove delinquent fees and fines that are attached to library patron accounts that expired prior to February 20, 2017.

Fiscal Impact**Funds Available Y/N:****Amount Requested:****Source of Funds:****Account #:****Fiscal Impact:**

The total amount of delinquent fees and fines that are attached to library patron accounts that expired prior to February 20, 2017, is \$89,617.68.

Attachments

Resolution

RESOLUTION NO. 2023-044

A RESOLUTION AUTHORIZING THE WRITE-OFF OF DELINQUENT FEES AND FINES THAT ARE ATTACHED TO PATRON ACCOUNTS THAT EXPIRED PRIOR TO FEBRUARY 20, 2017; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, there is a need to remove delinquent fees and fines that are attached to patron accounts that expired prior to February 20, 2017; and

WHEREAS, the Director of Library Services is recommending that delinquent fees and fines that are attached to patron accounts that expired prior to February 20, 2017, be written off.

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

SECTION 1: That the City Commission of the City of Texas City, Texas, approves the write-off of delinquent fees and fines that are attached to patron accounts that expired prior to February 20, 2017, in the amount of \$89,617.68., and are deemed to be uncollectible.

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (c)

Meeting Date: 03/20/2024

CDBG Citizens Advisory Committee and Keep Texas City Beautiful Committee

Submitted For: Rhomari Leigh, City Secretary

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST

Consider and take action on Resolution No. 2024-045, appointing Tamesha Hampton to the Keep Texas City Beautiful Committee and CDBG Citizens Advisory Committee (City Secretary)

BACKGROUND (Brief Summary)

On January 26, 2024, Yolanda Mejia resigned from the CDBG Citizens Advisory Committee and Keep Texas City Beautiful Committee. To continue the uninterrupted and efficient operation of the committee's, the Commission of the City of Texas City must appoint a member to fill the remainder of the term for the vacated position.

There is no fiscal impact.

RECOMMENDATION

It is recommended that Tamesha Hampton be appointed to fulfill the vacant position on the CDBG Citizens Advisory Committee and Keep Texas City Beautiful Committee.

Fiscal Impact

Attachments

Resolution

RESOLUTION NO. 2024-045

A RESOLUTION APPOINTING TAMESHA HAMPTON TO THE KEEP TEXAS CITY BEAUTIFUL COMMITTEE AND THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CITIZEN'S ADVISORY COMMITTEE; AND PROVIDING THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Keep Texas City Beautiful Committee and the Community Development Block Grant (CDBG) Citizen's Advisory Committee are composed of eight (8) members; and

WHEREAS, there is a vacancy on the Keep Texas City Beautiful & CDBG Citizen's Advisory Committees as Yolanda Mejia has resigned; and

WHEREAS, to continue the uninterrupted and efficient operation of the Keep Texas City Beautiful & CDBG Citizen's Advisory Committees, it is necessary for the Mayor and Commission of the City of Texas City to appoint a member to fill the remainder of the term for the vacated position; and

WHEREAS, it is recommended that Tamesha Hampton be appointed to fill the vacancy on the committees.

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 appoints Tamesha Hampton to fill the position vacated on the Keep Texas City Beautiful Committee and the Community Development Block Grant (CDBG) Citizen's Advisory Committee.

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

APPROVED AS TO FORM:

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (d)

Meeting Date: 03/20/2024

Authorize signatories for the Community Development Block Grant – Mitigation Program (CDBG-MIT)

Submitted For: Dedrick Johnson, Mayor's Office

Submitted By: Titilayo Smith, Community Development/ Grant Admin

Department: Mayor's Office

Information

ACTION REQUEST

Discuss, consider, and adopt a resolution to designate authorized signatories for the Community Development Block Grant – MITIGATION PROGRAM (CDBG-MIT) for GLO state contract number 24-065-018-E175.

BACKGROUND (Brief Summary)

The City of Texas City has received a Community Development Block Grant – Mitigation (CDBG-MIT) Program award in the amount of \$8,012,700.00. It is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office.

RECOMMENDATION

It is the recommendation of the Director of Community Development & Grants Administration that the Commission authorize the signatories as listed on the CDBG-MIT Depository/Authorized Signatories Designation Form.

Fiscal Impact

Attachments

Sample Resolution
Resolution

RESOLUTION AUTHORIZING SIGNATORIES

A RESOLUTION BY THE CITY COMMISSION OF CITY OF TEXAS CITY DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT – MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 24-065-018-E175.

WHEREAS, City of Texas City has received a Community Development Block Grant – Mitigation award to provide public improvements in the form of shelter expansion and sewer infrastructure repair; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office and;

WHEREAS, an original signed copy of the CDBG-MIT Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution, and;

WHEREAS, City of Texas City acknowledges that in the event that an authorized signatory changes (elections, illness, resignations, etc.) the following will be required:

- a resolution stating the new authorized signatory (A new resolution is not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG-MIT *Depository/ Authorized Signatories Designation Form*.

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

SECTION 1: The Mayor and Director of Community Development & Grants Administration be authorized to execute contractual documents between the Texas General Land Office and the City for the MITIGATION PROGRAM

SECTION 2: The Mayor and the Director/Interim Director of Finance be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Community Development Block Grant Disaster Recovery Program.

SECTION 3: The Mayor and Director of Community Development & Grants Administration be authorized to execute environmental review and related documents as the responsible entity (RE) for the Community Development Block Grant Mitigation Program.

PASSED AND APPROVED BY THE City Commission OF City of Texas City, TEXAS,
on _____, 2024

APPROVED:

Mayor

ATTEST:

City Secretary

RESOLUTION NO. 2024-046

**A RESOLUTION BY THE CITY COMMISSION OF CITY OF TEXAS CITY
DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL
DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS
PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT –
MITIGATION PROGRAM (CDBG MIT) GENERAL LAND OFFICE (GLO)
STATE CONTRACT NUMBER 24-065-018-E175**

WHEREAS, the City of Texas City has received a Community Development Block Grant – Mitigation award to provide public improvements in the form of shelter expansion and sewer infrastructure repair; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office; and

WHEREAS, an original signed copy of the CDBG-MIT Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution; and

WHEREAS, the City of Texas City acknowledges that in the event that an authorized signatory changes (elections, illness, resignations, etc.) the following will be required:

- a resolution stating the new authorized signatory (A new resolution is not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG-MIT Depository/ Authorized Signatories Designation Form.

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

SECTION 1: The Mayor and Director of Community Development & Grants Administration be authorized to execute contractual documents between the Texas General Land Office and the City for the MITIGATION PROGRAM.

SECTION 2: The Mayor and the Director/Interim Director of Finance be authorized to execute the State of Texas Purchase Voucher and Request for Payment Form documents required for requesting funds approved in the Community Development Block Grant Disaster Recovery Program.

SECTION 3: The Mayor and Director of Community Development & Grants Administration be authorized to execute environmental review and related documents as the responsible entity (RE) for the Community Development Block Grant Mitigation Program.

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (e)

Meeting Date: 03/20/2024

Adopt Policies and Procedures Regarding Civil Rights.

Submitted For: Titilayo Smith, Community Development/ Grant Admin

Submitted By: Titilayo Smith, Community Development/ Grant Admin

Department: Mayor's Office

Information

ACTION REQUEST

Discuss, consider, and adopt this resolution regarding Civil Rights.

BACKGROUND (Brief Summary)

The City of Texas City, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG-MIT activity, on the basis of race, color, religion, sex, national origin, age, or disability.

The City of Texas City, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-MIT project area.

The City of Texas City, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations.

The City of Texas City, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with Limited English Proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG-MIT project.

The City of Texas City, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds.

The City of Texas City, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act.

The City of Texas City, must designate an overseer and maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

RECOMMENDATION

It is the recommendation of the Director of Community Development & Grants Administration that the Commission approve this resolution, adopting the following:

1. Citizen Participation Plan-Amended and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;
4. Limited English Proficiency (LEP) Standards Plan;
5. Section 504 Policy and Grievance Procedures;
6. Code of Conduct Policy; and
7. Fair Housing Policy.

Fiscal Impact

Attachments

Sample Resolution & Attachments
Citizen Participation Plan-Amended
Resolution

Resolution Regarding Civil Rights City of Texas City, Texas

Whereas, City of Texas City, Texas, (hereinafter referred to as "City of Texas City") has been awarded a Community Development Block Grant – Mitigation (CDBG-MIT) from the Texas General Land Office (hereinafter referred to as "GLO");

Whereas, City of Texas City, in accordance with Section 109 of Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG-MIT activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, City of Texas City, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, City of Texas City, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-MIT project area;

Whereas, City of Texas City, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, City of Texas City, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with Limited English Proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG-MIT project;

Whereas, City of Texas City, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, City of Texas City, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing;

Whereas, City of Texas City, has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE City Commission OF City of Texas City, TEXAS, THAT City of Texas City ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;
4. Limited English Proficiency (LEP) Standards Plan;
5. Section 504 Policy and Grievance Procedures;
6. Code of Conduct Policy; and
7. Fair Housing Policy.

SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u, (Section 3), 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 Section 3 Coordinator.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG-MIT 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 CDBG-MIT 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 GLO to the Grant Recipient.
- G. Submit reports as required by HUD or GLO regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of federal fiscal year end (by October 20) 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.

Signature

Dedrick D. Johnson, Sr., Mayor

Name, Title

Date

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Texas City hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Texas City to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations.
2. It is also the policy of City of Texas City to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. City of Texas City will introduce and pass a resolution adopting this policy.

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.

Signature

Dedrick D. Johnson, Sr., Mayor
Name, Title

Date

Limited English Proficiency Plan - 24-065-018-E175

Texas General Land Office

Community Development Block Grant-Disaster Recovery

Grant Subrecipient:	City of Texas City
Community Population:	58,435
LEP Population:	3,496 7.27%
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	Spanish

Program activities to be accessible to LEP persons:	
<input checked="" type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input checked="" type="checkbox"/>	Publications regarding CDBG-MIT application, grievance procedures, <i>complaint procedures</i> , <i>complaint procedures</i> , <i>answers to complaints</i> , <i>notices</i> , <i>notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
<input checked="" type="checkbox"/>	Other program documents: Documents available in Spanish for directly assisted beneficiaries, if applicable.

Resources available to Grant Recipient:	
<input checked="" type="checkbox"/>	Translation services: available upon request
<input checked="" type="checkbox"/>	Interpreter services: available upon request with prior notice
	Other resources: _____

Language Assistance to be provided:	
<input checked="" type="checkbox"/>	Translation (oral and/or written) of advertised notices and vital documents for: <u>Public hearing, Complaint and Grievance, Equal Opportunity, Policy of Non-discrimination Based on Disability Status and Fair Housing notices are available in Spanish. Other CDBG required program notices are available in Spanish upon request.</u>
<input checked="" type="checkbox"/>	Referrals to community liaisons proficient in the language of LEP persons <u>Spanish-speaking liaisons are available upon request.</u>
<input checked="" type="checkbox"/>	Public meetings conducted in multiple languages: <u>Available upon request with two days advance notice.</u>
<input checked="" type="checkbox"/>	Notices to recipients of the availability of LEP services: <u>Included in translated notices.</u>
	Other services: _____

Signature - Chief Elected Official or Civil Rights Officer

Date

See also: http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

Section 504 Policy against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Texas City hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. City of Texas City does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. City of Texas City's recruitment materials or publications shall include a statement of this policy in 1. above.
4. City of Texas City *shall* take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG-MIT program, City of Texas City *shall* ensure that they are provided with the information necessary to understand and participate in the CDBG-MIT program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Texas City to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to the Mayor, PO Drawer 2608, Texas City, TX, 77592-2608 or call (409) 643-5731, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - e. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested people and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
 - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.

- g. The Section 504 coordinator shall maintain the files and records of the City of Texas City relating to the complaint files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to City of Texas City within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that City of Texas City complies with Section 504 and HUD regulations.

Signature

Dedrick D. Johnson, Sr., Mayor
Name, Title

Date

Code of Conduct Policy of City of Texas City

As a Grant Recipient of a CDBG-MIT contract City of Texas City shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the CDBG-MIT contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of City of Texas City shall participate in the selection, award, or administration of a contract supported by CDBG-MIT funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of City of Texas City shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving CDBG-MIT funds, that has any CDBG-MIT function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the CDBG-MIT activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a CDBG-MIT contract or award, or that is required to complete some or all work under the CDBG-MIT contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a CDBG-MIT contract or award, or that is required to complete some or all work under the CDBG-MIT contract in order to meet a National Program Objective, that might potentially receive benefits from CDBG-MIT awards may not participate in the selection, award, or administration of a contract supported by CDBG-MIT funding.

Any alleged violations of these standards of conduct shall be referred to the City of Texas City Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

Signature

Dedrick D. Johnson, Sr., Mayor

Name, Title

Date

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Community Development Block Grant (CDBG-MIT) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318

Fair Housing Policy

In accordance with Fair Housing Act, the City of Texas City hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. The City of Texas City agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. The City of Texas City agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. The City of Texas City will introduce and pass a resolution adopting this policy.

As officers and representatives of 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.

Signature

Dedrick D. Johnson, Sr., Mayor

Name, Title

Date

Signature

Titilayo Smith, Fair Housing Administrator

Name, Title

Date

CITY OF TEXAS CITY, TX

COMMUNITY DEVELOPMENT

BLOCK GRANT (CDBG)

CITIZEN PARTICIPATION PLAN

ADOPTED BY TEXAS CITY COMMISSION ON December 21, 2022

AMENDED APRIL 2021, DECEMBER 2022, MARCH 2024



PURPOSE

Participating Jurisdictions that receive U.S. Department of Housing and Urban Development (HUD) CDBG grant funds must develop a Citizen Participation Plan (CCP). The CCP describes efforts that will be undertaken to encourage citizens to participate in the development of the City's federal reports: Five-Year Consolidated Plan, annual Action Plan, and the Consolidated Annual Performance and Evaluation Report (CAPER).

The Citizen Participation Plan is designed to encourage the participation of city residents in the development of the federal reports as listed above, particularly those residents who are predominantly low-and-moderate-income. The CPP also encourages local and regional institutions and other organizations including businesses, developers, and community and faith-based organizations to participate in the process of developing and implementing the Five-Year Consolidated Plan and related reports. The City takes appropriate actions to encourage the participation of persons of minority backgrounds, persons with limited-English proficiency, and persons with disabilities.

The City of Texas City is committed to compliance with Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended. Reasonable modifications and equal access to communications will be provided upon request. The City of Texas City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs and activities.

The City of Texas City considers it the right of all Texas City residents to have the opportunity to provide input and comment on the use of public funds and the community's needs related to affordable housing and economic development. The citizen participation plan applies to five areas of the planning for the use of affordable housing, community and economic development made possible through HUD funding:

1. The Five-Year Consolidated Plan
2. The Annual Action Plan
3. The Consolidated Annual Performance and Evaluation Report (CAPER)
4. Substantial Amendments to a Five-Year Consolidated Plan and/or annual Action Plan
5. Amendments to the Citizen Participation Plan, itself.

The City of Texas City's program/fiscal year begins October 1 and ends September 30. In order to receive Entitlement grant funding, the U.S. Department of Housing and Urban Development (HUD) requires jurisdictions to submit a Consolidated Plan every five years. This plan is a comprehensive strategic plan for community planning and development activities. The Annual Action Plan serves as the City's application for the HUD grant program. Federal law also requires citizens have opportunities to review and comment on

the local jurisdiction's plans to allocate these funds.

The purpose of programs covered by the Citizen Participation Plan is to improve the Texas City's community by providing decent housing, a suitable living environment, and growing economic opportunities – all principally for low-and moderate- income households.

This document outlines how members of the Texas City community may participate in the five planning areas listed above.

This CPP serves to meet the federal requirements described above concurrently, for the term of the FY 2020 – FY 2024 Consolidated Plan cycle.

HUD PROGRAMS

The City of Texas City receives one of four entitlement grants from the U.S. Department of Housing and Urban Development, to help address the City's affordable housing, community, and economic development needs. The four entitlement grants are:

1. Community Development Block Grant (CDBG)
2. HOME Investment Partnership Program (HOME)
3. Emergency Shelter/Solutions Grant (ESG)
4. Housing Opportunities for Persons with Aids (HOPWA)

The City of Texas City receives only the **Community Development Block Grant (CDBG)**: Title I of the Housing and Community Development Act of 1974 (PL 93-383) created the CDBG program. It was re-authorized in 1990 as part of the Cranston-Gonzalez National Affordable Housing Act.

Federal Objectives: The CDBG program was developed to give local jurisdictions the flexibility to develop their own funding priorities. However, the authorizing statute of the CDBG program requires that each activity funded must meet one of three national objectives. The three national CDBG objections and subcategories:

1. Benefit to low-and moderate-income (LMI) persons. The LMI objective is often referred to as the primary objective because the statute requires the 70 percent of the CDBG funds must be expended to meet the LMI objective, using one of the following subcategories:
 - a) Area Benefit Activities: Project benefits all residents in a particular area, where at least 51 percent are low-and moderate-income residents.
 - b) Limited Clientele Activities: Project beneficiaries include at least 51 percent low-and moderate –

income residents

2. To aid in the prevention or elimination of slums or blight.
3. To meet other urgent community development needs (urgent need as determined by HUD).

The primary objective of the CDBG program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic development opportunities for persons of low and moderate income. The City develops locally defined programs and funding priorities for CDBG. The City of Texas City's CDBG program emphasizes activities that directly benefit low- and moderate-income persons and the prevention or elimination of slums and blight.

ROLE, RESPONSIBILITIES, AND CONTACT INFORMATION

The City of Texas City's Community Development Department is designated by the Mayor and City Commissioners as lead agency for the administration of the CDBG grant program. As the lead agency for HUD, the Community Development Department is responsible for developing the Five-Year Consolidated Plan, annual Action Plan, and the Consolidated Annual Performance and Evaluation Report (CAPER). The Community Development Department coordinates with the TCISD, TCHA, and other community agencies to develop these plans.

Contact:

Titilayo Smith, Director
City of Texas City
Community Development Department & Grants Administration
928 5th Ave. North
Texas City, TX 77590
tsmith@texascitytx.gov
409-643-5731

PLANNING ACTIVITIES SUBJECT TO CPP

ACTIVITY 1 – FIVE-YEAR CONSOLIDATED PLAN. The City of Texas City's Five-Year Consolidated Plan will be developed through a collaborative process whereby the community establishes a unified vision for Texas City's affordable housing, and community and economic development initiatives.

Citizen Participation is a major component of the planning and development process of the Five – Year Consolidated Plan, including amending the plan as well as reporting on program performance. Consultations, public hearings, community meetings, citizen surveys and opportunities to provide written comment are all

a part of the strategy to obtain citizen input. The City will make special to solicit the views of citizens who reside in the designated CDBG-priority neighborhoods of Texas City, and to encourage the participation of all citizens including minorities, the non-English speaking population, and persons with disabilities. Actions for public participation in the Five-Year Consolidated Plan follow:

- 1. Consultation with other Community Institutions.** In developing the Consolidated Plan, the City will consult with other public and private agencies, both for profit and non-profits that either provide or have direct impact on the broad range of housing, health, and social services needed by Texas City residents. **The City will specifically encourage, in consultation with the Texas City Housing Authority (TCHA), the participation of residents of public and assisted housing developments, in the process of developing and implementing the consolidated plan, along with other low-income residents of targeted revitalization areas in which the developments are located.** Consultations may take place through meetings, by telephone or others means with which to coordinate information and facilitate communication. The purpose of this communication is to gather information and data on the community and economic development needs of the community. The City will seek specific input to identify the needs of persons experiencing homelessness, persons living with HIV/AIDS and their families, persons with disabilities and other special populations.
- 2. Utilize Quantitative Data on Community Needs.** City staff shall review relevant data and conduct necessary evaluation and analysis to provide an accurate assessment of community needs and priorities on which to base strategic recommendations.
- 3. Public Hearings.** There will be a minimum of two public hearings at the beginning stages of the development of the Consolidated Plan to gather information on community needs from citizens and organizations working with the low- and moderate-income populations before making any recommendation to the Mayor and City Commissioners.

The hearings will address housing and community development needs, development of proposed activities, and review of program performance. At least one of the hearings will be held before the proposed consolidated plan is published for comment.

The hearings will be held at times and locations convenient to potential and actual beneficiaries, and with accommodation for persons with disabilities. The hearings will also will accommodate non-English speaking residents with a translator when a significant number of non-English speaking residents will be reasonably expected to participate.

Citizens will receive notice of the hearings at least two weeks in advance via local newspapers, the City website, the City's social media accounts, and flyers in public areas including, but not limited to, City Hall and the main library.

The Cares Act permits the City to hold virtual public hearings when necessary for public health reasons.

4. **Written Comments.** Based on public input and quantitative analysis, staff will prepare a draft Five-Year Consolidated Plan, which also includes proposed allocation of first-year funding. A period of 30 calendar days will be provided to receive written comments on the draft Five-Year Consolidated Plan. The draft will be made available at the public library, the public housing authority and neighborhood centers, at the office of community development, on the city's web site and the county newspaper.
5. **Final Action on the Consolidated Plan.** All written and oral comments provided will be considered in preparing the final Five-Year Consolidated Plan. A summary of comments received and the City's reasons for accepting or not accepting will be included in the final document. The Mayor, City Commission and Director of Community Development will consider the comments and the community developments recommendations.

Before the City adopts the consolidated plan, it will make available to the citizens, public agencies, and other interested parties information that includes the amount of assistance the City expects to receive and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate income.

When approved by the Mayor and City Commissioner's the Five-Year Consolidated Plan will be submitted to HUD, no later than August 15th of the year due.

ACTIVITY 2 – ONE-YEAR ACTION PLAN. Each year the City must submit an annual Action Plan to HUD, reporting on how that year's funding allocation for CDBG entitlement grant will be to achieve the goals outlined in the Five-Year Consolidated Plan.

1. Community Development staff will gather input from citizens and consultations to prepare the draft Action Plan. There shall be two public hearings to receive citizen input on the community needs, including funding allocations.
2. Community Development staff will gather public input and statistical data to prepare the draft Action Plan. The draft Action Plan will be available for 30 days for public comment after reasonable notice **(at least 2 weeks)** to the public is given.
3. The community development staff will be given the opportunity to make recommendations to the Mayor, City Commission and the Director of Community Development.
4. When approved by the Mayor and City Commission, the Action Plan will be submitted to HUD

ACTIVITY 3 – SUBSTANTIAL AMENDMENTS TO CONSOLIDATED/ACTION PLAN. Recognizing that changes

during the year may be necessary to the Five-Year Consolidated Plan and annual Action Plan after approval, the Citizen Participation Plan allows for “substantial amendments” to plans. These “substantial amendments” apply only to changes in CDBG funding allocations and the Citizen Participation Plan defines a substantial amendment as:

1. When program income is received as a result of a CDBG funded activity or project; or
2. When there is a substantial change in the purpose, scope, location, or beneficiaries of a project or activity involving **\$50,000** or more of CDBG funds that are to be transferred to an existing CDBG activity or to a newly created activity.

The amendment will be made available at the public library, at the office of community development, on the city’s web site and the county newspaper.

Per HUD regulations at CFR 91.505, a thirty (30)-day public comment period is required prior to obligations of funds, including local newspaper publication requesting citizen input.

The City will receive written comments on the Cares Act COVID-19 amendment for a period of 5 calendar days.

After the public comment period expires, **the City shall consider any comments or views of citizens received in writing or orally at public hearings, if any, in preparing the substantial amendment. A summary of these comments or views, and a summary of any comments and views not accepted and the reasons shall be attached to the substantial amendment of the consolidated plan.** The budget amendment request must be approved and signed by the Mayor. It will then be submitted to HUD for their approval.

ACTIVITY 4 – CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER). The City is required to submit annually by December 30 a CAPER to HUD that describes the City’s progress in meeting the goals in the Five-year Consolidated Plan.

1. Community Development staff will prepare the draft CAPER.
2. The CAPER will be available for 15 days for written public comment.
3. **The City shall consider any comments or views of citizens received in writing or orally at public hearings, if any, in preparing the CAPER. A summary of these comments or view, and a summary of any comments and views not accepted and the reasons shall be attached to the CAPER.**
4. The final CAPER and public comments will then be submitted to HUD.
5. The CAPER and public comments will be available for citizens’ to review.
- 6.

ACTIVITY 5 – AMENDMENTS TO CITIZEN PARTICIPATION PLAN. In the event that changes to this Citizen

Participation Plan are necessary, the community development staff shall draft them.

1. Community Development staff prepares the draft changes.
2. The amended Citizen Participation Plan is available for 15 days for written public comment on the proposed changes.
3. The Community Development staff will be given the opportunity to make recommendations before the final amended Citizen Participation Plan and public comments are finalized.
4. Upon approval by the Mayor and City Commission, the Substantial Amendment will be posted in the official Commission meeting minutes and be available online and in the City Secretary's Office.

The City will review the Citizen Participation Plan at a minimum of every 5 years for potential enhancements or modification; this review will occur as a component of the Consolidated Planning process.

DISPLACEMENT POLICY

As part of this CPP, the City must maintain a displacement policy. The City will continue to use existing federal and State of Texas relocation guidelines, as applicable, to minimize displacement and to alleviate the problems caused by displacement. Both the federal government and the State of Texas have specific requirements dictating the amount of benefits and assistance that must be provided to low-income persons and households relocated from their homes as a result of displacement. Depending on the funding source, displaced persons may be offered one or more of the following:

- A rent subsidy for another unit
- A cash payment to be used for rent or a down payment on the purchase of a dwelling unit
- Moving and related expenses

AVAILABILITY TO THE PUBLIC

The City of Texas City will make available to the public the consolidated plan as adopted, substantial amendments, and CAPERs via the City's website, at the city's libraries, and at the Texas City Housing Authority. These documents will also be made accessible to persons with disabilities, upon request.

The City will also provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the City's consolidated plan and its use of assistance under the CDBG during the preceding five years.

TECHNICAL ASSISTANCE

The Community Development Department will provide for technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposal for funding assistance under any of the programs covered by the consolidated plan.

COMPLAINTS

The Community Development Department will provide a written response to every written citizen complaint, within 15 working days, where practicable.

**AMENDMENT
TEXAS GENERAL LAND OFFICE (GLO)
COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) PROGRAM
MARCH 2024**

CDBG-MIT PUBLIC OUTREACH EFFORTS

The City shall provide reasonable public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG-MIT MOD funds. These efforts shall include:

1. Provide for and encourage citizen participation, particularly by low- and moderate-income persons who reside in areas in which CDBG-MIT MOD funds are proposed to be used;
2. Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to an entity's proposed and actual use of CDBG-MIT MOD funds;
3. Furnish citizens information, including but not limited to:
 - a. the amount of CDBG-MIT MOD funds expected to be made available
 - b. the range of activities that may be undertaken with the CDBG-MIT MOD funds
 - c. the estimated amount of the CDBG-MIT MOD funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons
 - d. if applicable, the proposed CDBG-MIT MOD activities likely to result in displacement and the entity's anti-displacement and relocation plan
4. Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the entity's application to the state. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state; and
5. These outreach efforts may be accomplished through one or more of the following methods:
 - a. Publication of notice in a local newspaper—a published newspaper article may be used so long as it provides sufficient information regarding program activities and relevant dates;
 - b. Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups;
 - c. Posting of notice on the local entity website (if available);
 - d. Individual notice to eligible cities and other entities as applicable using one or more of the following methods:
 - Certified mail
 - Electronic mail or fax
 - First-class (regular) mail
 - Personal delivery (e.g., at a Council of Governments [COG] meeting)

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas General Land Office's Community Development Block Grant – MITIGATION PROGRAM (CDBG-MIT) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at Texas City City Hall Annex, 928 5th Ave N, 77590 or PO Drawer 2608, Texas City, Texas 77592-2608, (Street Address), (409) 643-5731 (Phone) during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG-MIT project.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-MIT project(s), whether it is a proposed, ongoing, or completed CDBG-MIT project(s), may during regular business hours submit such complaint or grievance, in writing to the Director of Community Development & Grants Administration at 928 5th Ave N, 77590 or PO Drawer 2608, Texas City, Texas 77592-2608 or may call (409) 643-5731.
2. A copy of the complaint or grievance shall be transmitted to the Mayor, the entity that is the subject of the complaint or grievance, and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Director of Community Development & Grants Administration shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG-MIT for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

PUBLIC HEARING PROVISIONS (AS APPLICABLE)

For each public hearing scheduled and conducted by a CDBG-MIT applicant or recipient, the following public hearing provisions shall be observed:

1. Furnish citizens information, including but not limited to:
 - (a) The amount of CDBG-MIT funds available per application for MITIGATION PROGRAM
 - (b) The range of activities that may be undertaken with the CDBG-MIT MITIGATION PROGRAM funds;
 - (c) The estimated amount of the CDBG-MIT MITIGATION PROGRAM funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
 - (d) The proposed CDBG-MIT activities are likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 570.488.
2. Public notice of any hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice MUST include the DATE, TIME, LOCATION and TOPICS to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and an applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English speaking residents.
5. City may conduct a public hearing via webinar if they also follow the provisions above. If the webinar is used to conduct a public hearing, a physical location with associated reasonable accommodations must be made available for citizens to participate so as to ensure that those individuals without necessary technology are able to participate.
6. If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three years after the project is closed out. Such records must be made available to the public in accordance with Chapter 552, Government Code.

Signature

Dedrick D. Johnson, Sr., Mayor
Name, Title

Date

RESOLUTION NO. 2023-047

A RESOLUTION ADOPTING VARIOUS POLICIES AND PROCEDURES RELATED TO CIVIL RIGHTS AND COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT); AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City, Texas, (hereinafter referred to as “City of Texas City”) has been awarded a Community Development Block Grant – Mitigation (CDBG-MIT) from the Texas General Land Office (hereinafter referred to as “GLO”); and

WHEREAS, the City of Texas City, in accordance with Section 109 of Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000.00, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG MIT activity, on the basis of race, color, religion, sex, national origin, age; and

WHEREAS, the City of Texas City, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections; and

WHEREAS, the City of Texas City, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-MIT project area; and

WHEREAS, the City of Texas City, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations; and

WHEREAS, the City of Texas City, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with Limited English Proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG-MIT project; and

WHEREAS, the City of Texas City, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

WHEREAS, the City of Texas City, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing; and

WHEREAS, City of Texas City, has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

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, **ADOPTS THE FOLLOWING:**

1. Citizen Participation Plan and Grievance Procedures.
2. Section 3 Policy.
3. Excessive Force Policy.
4. Limited English Proficiency (LEP) Standards Plan.
5. Section 504 Policy and Grievance Procedures.
6. Code of Conduct Policy.
7. Fair Housing Policy.

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (f)

Meeting Date: 03/20/2024

Adopt Waiver Valuation Policy for Involuntary Acquisitions

Submitted For: Dedrick Johnson, Mayor's Office

Submitted By: Titilayo Smith, Community Development/ Grant Admin

Department: Mayor's Office

Information

ACTION REQUEST

Consider and adopt waiver valuation policy for involuntary property acquisitions.

BACKGROUND (Brief Summary)

When the City determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000 or less, based on a review of available data, the City can prepare a Waiver Valuation. The City will utilize current tax year valuations as determined by the Galveston Central Appraisal District to prepare Waiver Valuations. The City will utilize said Waiver Valuations to make initial offers to property owners for involuntary acquisitions on grant projects where the estimated value of the acquisition is \$10,000 or less. If the property owner rejects or counter-offers the initial offer, the City can enter negotiations to obtain the necessary property acquisition. The City will follow all HUD guidelines for involuntary acquisitions when using waiver valuations

RECOMMENDATION

It is the recommendation of the Mayor and the Director of Community Development & Grants Administration that said policy be adopted by the Commission.

Fiscal Impact

Attachments

Resolution Sample

Resolution

CITY OF TEXAS CITY WAIVER VALUATION POLICY FOR INVOLUNTARY ACQUISITIONS

For General Land Office (GLO) grants that require involuntary acquisitions of property, the City of Texas City will follow the GLO CDBG Implementation Manual Chapter 8 Acquisition & Relocation steps, as well as the HUD guidance for acquisition regarding waiver valuations.

The GLO CDBG Implementation Manual, Chapter 8 Acquisition & Relocation, 8.7 Involuntary Acquisition Process, Step 4, Determine Appraised Value of the Property, provides as follows:

An appraisal of fair market value is required for property acquired under involuntary procedures unless the following (see 49 CFR 24.102(c)(2)):

- If the property valuation is simple and the anticipated value of the proposed acquisition is \$10,000 or less, no formal appraisal is required. The Subrecipient must prepare a waiver valuation and have a reasonable basis for the waiver valuation;
- If the owner is donating the property and releases the acquiring/condemning authority from its obligation to appraise the property, no formal appraisal is required, 49 CFR § 24.102(c)(2);
- If the value of the property exceeds \$10,000, but is less than \$25,000, GLO CDR will consider written requests for waiver of appraisal.

The process of estimating value when an appraisal is determined to be unnecessary is considered a "waiver valuation."

The Code of Federal Regulations (CFR) provides guidelines for basic acquisition policies in §24.102, which reads in part as follows:

(c) Appraisal, waiver thereof, and invitation to owner.

(1) Before the initiation of negotiations the real property to be acquired shall be appraised, except as provided in §24.102 (c)(2), and the owner, or the owner's designated representative, shall be given an opportunity to accompany the appraiser during the appraiser's inspection of the property.

(2) An appraisal is not required if:

(i) The owner is donating the property and releases the Agency from its obligation to appraise the property; or

(ii) The Agency determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000 or less, based on a review of available data.

(A) When an appraisal is determined to be unnecessary, the Agency shall prepare a waiver valuation.

(B) The person performing the waiver valuation must have sufficient understanding of the local real estate market to be qualified to make the waiver valuation.

In accordance with the 49 CFR 24.102, the City of Texas City hereby adopts the following policy with respect to Waiver Valuations:

When the City determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000 or less, based on a review of available data, the City can prepare a Waiver Valuation. The City will utilize current tax year valuations as determined by the Galveston Central Appraisal District to prepare Waiver Valuations. The City will utilize said Waiver Valuations to make initial offers to property owners for involuntary acquisitions on grant projects where the estimated value of the acquisition is \$10,000 or less. If the property owner rejects or counter-offers the initial offer, the City can enter negotiations to obtain the necessary property acquisition. The City will follow all HUD guidelines for involuntary acquisitions when using waiver valuations

PASSED, APPROVED, and ADOPTED this _____ day of March, 2024.

Mayor

ATTEST:

City Secretary

(SEAL)

RESOLUTION NO. 2023-048

A RESOLUTION ADOPTING A WAIVER VALUATION POLICY FOR INVOLUNTARY PROPERTY ACQUISITIONS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, when the City determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000.00 or less, based on a review of available data, the City can prepare a Waiver Valuation; and

WHEREAS, the City will utilize current tax year valuations as determined by the Galveston Central Appraisal District to prepare Waiver Valuations; and

WHEREAS, the City will utilize said Waiver Valuations to make initial offers to property owners for involuntary acquisitions on grant projects where the estimated value of the acquisition is \$10,000.00 or less; and

WHEREAS, if the property owner rejects or counter-offers the initial offer, the City can enter negotiations to obtain the necessary property acquisition. The City will follow all HUD guidelines for involuntary acquisitions when using waiver valuations.

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

SECTION 1: That the City Commission of the City of Texas City, Texas, approves adopting a waiver valuation policy for involuntary property acquisitions.

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (g)

Meeting Date: 03/20/2024

Bid No. 2024-002 Cement Stabilized Sand Annual Contract

Submitted For: Mike McKinley, Public Works **Submitted By:** Mike McKinley, Public Works

Department: Public Works

Information

ACTION REQUEST

Approve and award a contract for bid number 2024-002 Cement Stabilized Sand Annual Contract.

BACKGROUND (Brief Summary)

On February 16, 2024, a Notice To Bidders was sent to the Galveston County Daily News and was published on February 20th & 27th. Bid packets were made available to local area vendors at that time. One bid was received and opened on March 12, 2024. JDB Services, Inc., in Pasadena, Texas, was the only bidder.

Cement stabilized sand is a construction material that is used often, and the quantities listed on the bid tabulation are for bid comparison only. They do not represent the total or hard minimum or maximum quantities.

Funds are made available in the Public Works budget for stabilized sand construction materials. A bid tabulation is attached for your review.

RECOMMENDATION

It is the recommendation of the Public Works Department to award a contract for the bid number, 2024-002, Cement Stabilized Sand Annual Contract, to JDB Services, Inc. for the unit prices bid and that the Mayor be authorized to execute a contract on behalf of the City Commission.

Fiscal Impact

Attachments

Exhibit A
Resolution

City of Texas City

BID TABULATION

2024-002 CEMENT STABILIZED SAND ANNUAL CONTRACT

Bid Opening: Tuesday, March 12, 2024 at 10:00 a.m.

<u>BIDDER</u>	JDB SERVICES Inc.		
1-1/2 SACK 300 TONS	\$16.20 \$4,860.00		
1-1/2 SACK DELIVERED	\$24.65 \$7,395.00		
2 SACK 200 TONS	\$19.26 \$3,852.00		
2 SACK DELIVERED	\$27.98 \$5,596.00		
3 SACK 100 TONS	\$25.38 \$2,538.00		
3 SACK DELIVERED	\$34.64 \$3,464.00		
TOTAL BASE BID F.O.B.	\$11,200.00		
TOTAL BASE DELIVERED	\$16,455.00		

RESOLUTION NO. 2024-049

A RESOLUTION APPROVING BID NUMBER 2024-002 CEMENT STABILIZED SAND ANNUAL CONTRACT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the “Notice to Bidders” was published on February 20 and February 27, 2024. Bids packets were made available to local area vendors for Bid No. 2024-002 Cement Stabilized Sand Annual Contract; and

WHEREAS, One bid was received and opened on March 12, 2024, from JDB Services Inc., Pasadena, Texas; and

WHEREAS, the Public Works Department recommends awarding Bid No. 2024-002 Cement Stabilized Sand Annual Contract to JDB Services, Inc.

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 awards Bid No. 2024-002 Cement Stabilized Sand Annual Contract be to JDB Services Inc.

SECTION 2: That the Mayor is hereby authorized to enter a contract with JDB Services, Inc. for the respective unit prices bid in **Exhibit “A”** attached hereto and made a part hereof for all intents and purposes and to approve change orders not to exceed 25.0% of the total contract without taking the matter before the City Commission.

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (h)

Meeting Date: 03/20/2024

Suspending the April 10, 2024 effective date of CenterPoint Energy requested rate change

Submitted For: Jon Branson, Management Services

Submitted By: Jon Branson, Management Services

Department: Management Services

Information

ACTION REQUEST

Approval of Resolution No. 2024-050, suspending the April 10, 2024, effective date of CenterPoint Energy Houston Electric, LLC's requested rate change to permit the City time to study the request and to establish reasonable rates.

BACKGROUND (Brief Summary)

The resolution suspends the April 10, 2024, effective date of CenterPoint Energy's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other members of GCCC served by CenterPoint, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

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

The City of Texas City, Texas is a member of a coalition of political subdivisions in the Greater Houston area known as the Gulf Coast Coalition of Cities ("GCCC"). GCCC has been in existence since the early 1990s. The GCCC represents the interests of its members on gas and electric utility matters before the Public Utility Commission of Texas, the Railroad Commission of Texas, the Electric Reliability Council of Texas, and the courts. For the past 20 years, GCCC has protected the authority of municipalities over monopoly electric and natural gas providers and has defended the interests of the residential and small commercial customers within the cities. Cities are often the only consumer advocates that work to keep utility rates reasonable. The work undertaken by GCCC has saved ratepayers millions of dollars in unreasonable charges. GCCC has previously approved the hiring of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to intervene in matters related to the electric utility rate case filings, representing GCCC members' interests.

Current members include the following 44 cities: Alvin, Brazos Country, Brookshire, Bunker Hill Village, Clear Lake Shores, Deer Park, Dickinson, Fairchilds, Friendswood, Fulshear, Galveston, Hedwig Village, Hilshire Village, Hunters Creek, Iowa Colony, Jersey Village, Jones Creek, Kemah, La Marque, Lake Jackson, Manvel, Missouri City, Mont Belvieu, Morgan's Point, Nassau Bay, Oyster Creek, Pattison, Piney Point Village, Pleak, Prairie View, Rosenberg, Santa Fe, Seabrook, Sealy, Simonton, South Houston, Spring Valley Village, Stafford, Sugar Land, Taylor Lake Village, Texas City, Tiki Island, Webster, and Weston

Lakes.

RECOMMENDATION

Staff recommends approval of the attached resolution suspending the rate change for 90 days. The resolution further authorizes the following by section:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as “the maximum period allowed by law” rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on CenterPoint’s request to raise rates by April 10, 2024.

Section 2. This provision authorizes the City to participate in a coalition of cities served by CenterPoint, GCCC, in order to more efficiently represent the interests of the City and its citizens.

Section 3. The Company will reimburse the cities for their reasonable-rate case expenses. Legal counsel and consultants approved by GCCC cities will submit monthly invoices that will be forwarded to CenterPoint for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

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

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

Fiscal Impact

Attachments

Draft Suspension Resolution
Resolution

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF TEXAS CITY, TEXAS
SUSPENDING THE APRIL 10, 2024 EFFECTIVE DATE OF
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S
REQUESTED RATE CHANGE TO PERMIT THE CITY
TIME TO STUDY THE REQUEST AND TO ESTABLISH
REASONABLE RATES; APPROVING CONTINUED
COOPERATION WITH THE GULF COAST COALITION
OF CITIES; HIRING LLOYD GOSSELINK ATTORNEYS
AND CONSULTING SERVICES TO NEGOTIATE WITH
THE COMPANY AND DIRECT ANY NECESSARY
LITIGATION AND APPEALS; REQUIRING
REIMBURSEMENT OF CITIES' RATE CASE EXPENSES;
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 FOR THE GULF COAST COALITION OF
CITIES**

WHEREAS, on or about March 6, 2024, CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company"), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Texas City, Texas ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 10, 2024; and

WHEREAS, the City is a member of the Gulf Coast Coalition of Cities ("GCCC") and will cooperate with the other similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, GCCC's member cities have previously authorized intervention in electric utility rate case proceedings before the Public Utility Commission of Texas ("Commission"); and

WHEREAS, GCCC has previously authorized the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, to make recommendations regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or the Commission; and

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

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

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXAS CITY, TEXAS:

1. That the April 10, 2024, effective date of the rate request submitted by CenterPoint on or about March 6, 2024, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. That the City is authorized to cooperate with GCCC to coordinate efforts to protect the interests of the City and protect the interests of CenterPoint's end-use customers residing and conducting business within municipal limits.

3. That the City's reasonable rate case expenses shall be reimbursed by CenterPoint on a timely basis.

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.

5. A copy of this Resolution shall be sent to CenterPoint, care of Patrick Peters, CenterPoint Energy, Inc., 1005 Congress Avenue, Suite 650, Austin, Texas 78701 (patrick.peters@centerpointenergy.com), and to Roslyn Dubberstein at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (rdubberstein@lglawfirm.com).

PASSED AND APPROVED this 20th day of March, 2024.

MAYOR

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 2024-050

A RESOLUTION OF THE CITY OF TEXAS CITY, TEXAS SUSPENDING THE APRIL 10, 2024 EFFECTIVE DATE OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING CONTINUED COOPERATION WITH THE GULF COAST COALITION OF CITIES; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; 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 FOR THE GULF COAST COALITION OF CITIES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on or about March 6, 2024, CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company"), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Texas City, Texas ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 10, 2024; and

WHEREAS, the City is a member of the Gulf Coast Coalition of Cities ("GCCC") and will cooperate with the other similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, GCCC's member cities have previously authorized intervention in electric utility rate case proceedings before the Public Utility Commission of Texas ("Commission"); and

WHEREAS, GCCC has previously authorized the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, to make recommendations regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or the Commission; and

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

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

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

SECTION 1: That the April 10, 2024, effective date of the rate request submitted by CenterPoint on or about March 6, 2024, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates

SECTION 2: That the City is authorized to cooperate with GCCC to coordinate efforts to protect the interests of the City and protect the interests of CenterPoint's end-use customers residing and conducting business within municipal limits.

SECTION 3: That the City's reasonable rate case expenses shall be reimbursed by CenterPoint on a timely basis.

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 CenterPoint, care of Patrick Peters, CenterPoint Energy, Inc., 1005 Congress Avenue, Suite 650, Austin, Texas 78701 (patrick.peters@centerpointenergy.com), and to Roslyn Dubberstein at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (rdubberstein@lglawfirm.com)

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (i)

Meeting Date: 03/20/2024

ARKK Engineering Proposal for Engineering Services for COTC "Far West Water Plant (Phase 2) Project"

Submitted For: Dj Hutchinson, Public Works

Submitted By: Dj Hutchinson, Public Works

Department: Public Works

Information

ACTION REQUEST

Approval by the City Commission of Texas City to enter into an agreement with ARKK Engineers, LLC for the following phases: design, bidding, and construction observation for the "Far West Water Plant Phase 2 Project" for the price of **\$556,105.00**

For a more detailed explanation of these phases, please see "**Attachment A**" provided.

BACKGROUND (Brief Summary)

The City of Texas City has recently completed the construction of Phase 1 of the Far West Water Plant facility located on Lago Mar Boulevard. The Phase 1 project consisted of the construction of a new 1-million gallon elevated water tank, driveways, major water connections, drainage, and site-work.

For this Phase 2 Water Plant Facility, the scope of the work will be the design of the following major components:

- **A 1 MGD gallon ground storage tank, pre-stressed concrete construction;**
- **A booster pump station, with four to five booster pumps;**
- **A masonry control building housing the electrical equipment and panels;**
- **An onsite groundwater well**
- **An auxiliary power generator**

Funds are available in Fund 255- Capital Recovery Water Zone, Account # 255705.5560.25503.

RECOMMENDATION

The Public Works Department recommends selecting ARKK Engineering, LLC for the engineering design and construction phase services for the "Far West Water Plant Phase Two Project". Over the past 30 years ARRK Engineering has completed countless successful projects for the City of Texas City and has our trust that they will maintain their excellent track record with this project as well.

Fiscal Impact

Attachments

Attachment A
Resolution



ATTACHMENT "A"

March 5, 2024

Mr. Jack Haralson
Director of Public Works
City of Texas City
7800 Emmett F. Lowry Expressway
Texas City, Texas 77591

Re: Proposal for Engineering Design and Construction Phase Services for **"Far West Water Plant Phase 2 Project"**
City of Texas City, Texas

Dear Mr. Haralson,

ARKK Engineers, LLC (ARKK) is pleased to submit this proposal for performing engineering services for the above project. The proposal is based on our understanding of the project as discussed in our previous meetings and conversations. For your convenience this proposal consists of General Overview, Scope of Services, and Fee.

GENERAL OVERVIEW

The City of Texas City has recently completed the construction of Phase 1 of the Far West Water Plant facility located on Lago Mar Boulevard. The Phase 1 project consisted of the construction of a new 1-million gallon elevated water tank, driveways, major water connections, drainage, and sitework.

For this Phase 2 Water Plant Facility, the scope of the work will be the design of the following major components:

- A 1 MGD gallon ground storage tank, prestressed concrete construction;
- A booster pump station, with four to five booster pumps;
- A masonry control building housing the electrical equipment and panels;
- An onsite groundwater well
- An auxiliary power generator

In addition to the above major water plant components, the following will also be included:

- Construction of a liquid chlorine (bleach) and liquid ammonium sulfate chemical feed station to achieve disinfection of the well feed by chloramines. This system will also include provisions to boost the disinfectant levels of the incoming GCWA treated surface water feed. This equipment will be provided with small pre-manufactured enclosures.
- Addition to the existing driveway a small parking area for approximately 2-3 City vehicles.
- Provision of electrical service to the site with capacity for the proposed well and booster pump equipment.
- All equipment will be SCADA-ready and designed in consultation with the City's SCADA contractor/consultant. SCADA programming will be included as an allowance in the construction contract to facilitate the construction contractor hiring of the City's SCADA contractor directly.
- Modifications to the site fencing and gates as desired by the City.

The estimated construction cost of these improvements is **\$5,981,860**, which includes a 10% contingency.

This proposal addresses the engineering services ARKK will provide the City during the Design and Construction Phases, as well as associated Geotechnical, and other services necessary to support the project. Survey data from the recently completed Phase 1 project will be utilized to prepare the design drawings. The proposal does not include performing any environmental studies. Should the need arise during the design phase to perform any environmental investigations, a separate proposal will be submitted to the City. The proposal is separated into Basic Services (expected normal engineering services) and Special Services.

The following section details the scope of engineering services proposed for this Project.

SCOPE OF SERVICES

I. DESIGN PHASE SERVICES

A. Basic Services - Design Phase

- Obtain underground utility information in the project area from public and private utility companies.
- Perform field reconnaissance of the project area to obtain information on surface features and other information that would impact construction.

- Meet with City of Texas City staff to discuss and finalize design criteria and acquire pertinent information regarding the Project.
- Prepare civil, mechanical, electrical, and structural engineering design including specifications, drawings, and contract documents based on the previously listed water plant improvements.
- Coordinate with the City of Texas City staff during the design phase. Provide draft documents for their review and comments.
- Coordinate with Texas Commission on Environmental Quality (TCEQ) during the design phase. Furnish necessary documentation to TCEQ for their review.
- Incorporate appropriate comments from pertinent governmental entities into the final bid documents.
- Prepare a final cost estimate for the project.
- Furnish three (3) sets of construction documents to the City.

B. Special Services - Design Phase

1. Survey Services

- Surveying services are not proposed. The existing water plant site design survey and drawings will be utilized.

2. Geotechnical Services

- Geotechnical engineering services are proposed for the ground storage tank foundation design requirements. The manufacturers of the concrete ground storage tanks will be consulted to confirm their requirements.

3. Reproduction

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

4. Permitting

- Coordinate with TCEQ and Harris-Galveston Coastal Subsidence District offices for permitting requirements.
- Prepare and submit a formal application to the TCEQ reflecting the proposed water plant improvements.
- Prepare and submit a formal application to the Harris-Galveston Coastal Subsidence District reflecting the proposed water well.
- Furnish drawings to TCEQ and Harris-Galveston Coastal Subsidence District for review.

II. BID PHASE SERVICES

- Assist the City of Texas City (City) in obtaining bids for the project. The City will advertise the project and will absorb all related advertising costs. ARKK will coordinate with the City and will assist in developing the wording of the advertisement.
- Dispense construction documents from ARKK's office or via Civcast.com to potential bidders.
- During the bidding process, provide information to and answer questions from potential bidders concerning the Project's construction documents and prepare addendums as necessary.
- Conduct a pre-bid conference for potential bidders.
- Attend bid opening for the project.
- Prepare bid tabulation for the projects. Check the bids for mathematical errors and/or bid irregularities.
- Evaluate the bids and the qualifications of the apparent low bidders and advise the City as to the acceptability of the apparent low bidder.
- Prepare of letter of recommendation for award of construction contract for the project.

- Prepare and compile copies of the construction contract for execution by the Contractor and the City.
- Deliver executed contracts provided by the Contractor to the City

III. CONSTRUCTION PHASE SERVICES

A. Basic Services – Construction Phase

- Prepare an agenda for the pre-construction conference.
- Conduct a pre-construction conference for the project.
- Prepare a summary of meeting minutes for the pre-construction conference and distribute to all attendees.
- Act as the City's Project representative during the construction phase.
- Review and respond accordingly to all submittals as required by the contract specifications.
- Prepare change orders necessitated by field conditions.
- Verify quantities installed for use in monthly pay estimates.
- Review the contractor's pay estimates, evaluate the completion of work and make payment recommendations to the City.
- Prepare the final cost estimate and close-out documents provided by the Contractor to the City.
- Visit the site at intervals appropriate to the various stages of construction to observe the progress and quality of executed work and to determine in general if such work is proceeding in accordance with the Contract Documents.
- ARKK will not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor(s) or the safety precautions and programs incident to the work of the Contractor(s). ARKK's effort will be directed toward providing a greater degree of confidence for the City that the completed work of Contractor(s) will conform to the Contract Documents, but ARKK will not be responsible for the failure of Contractor(s) to perform the work in accordance with the Contract Documents. During site visits and on the basis of

on-site observations ARKK shall keep the City informed of the progress of the work, shall endeavor to guard the City against defects and deficiencies in such work and may disapprove or reject work failing to conform to the Contract Documents.

- Coordinate with the Contractor and setup preliminary walkthrough for the project.
- Prepare a preliminary punch list for the project.
- Coordinate with the City on the punch list items identified from the final inspection and assist with subsequent follow up inspections.
- Conduct a final inspection of the Project and make a recommendation for Final Payment on the project.
- Engineer shall provide one set of reproducible record plans based on the Contractor's red line marked up as-built drawings.

B. Special Services – Construction Phase

1. Construction Observation Services:

- Provide a project representative to periodically observe the progress of construction activities and to assist in the interpretation of plans and specifications.
- This budget for this proposal is based on the project representative being on-site an average of 20 hours per week during the active construction periods of the construction contract. The anticipated construction contract duration for the project is estimated to be 365 calendar days.
- The project-site representative will be on-site for fewer days per week during the initial and completion stages of the work, and more often during the middle portion of the construction contract when the work is most active.
- Provide engineering and technical office personnel support throughout construction.
- Assist City with conducting progress meetings for the project.

- Prepare a summary of meeting minutes for the monthly progress meetings and distribute to all attendees.
- The project-site representative shall maintain daily reports in a format satisfactory to the City of Texas City.
- The project-site representative will attend meetings with the Contractor and the City of Texas City such as pre-construction conference, progress meetings, and other project related meetings where his presence is requested by the City of Texas City.
- The project-site representative will take periodic photographs of the construction progress and of key items of concern.
- The project-site representative will estimate quantities installed for use in reviewing monthly pay estimates.
- The project-site representative will aid in the coordination of activities of the testing laboratory.
- The project-site representative will assist in the performance of a final inspection, the preparation of a punch list and subsequent follow up inspections.
- The project-site representative will be provided in an effort to aid in the process of observing performance of work of the Contractor(s). Through more extensive on-site observations of the work in progress, ARKK shall endeavor to provide further protection for the City of Texas City against defects and deficiencies in the work of the contractor(s); but the furnishing of such on-site representative will not make ARKK responsible for construction means, methods, techniques, sequences or procedures or safety precautions or programs, or for Contractor(s) failure to perform their work in accordance with the Contract Documents.
- ARKK will process daily reports and other administrative office duties.

3. Construction Materials Testing:

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

FEE

1. DESIGN PHASE

Design Services: Civil - Lump Sum	\$237,280.00
Design Services (Electrical & Structural)- Lump Sum amount of:	\$45,375.00
TCEQ Permitting: Lump Sum	\$2,500.00
Subsidence District Permitting: Lump Sum	\$1,575.00
Geotechnical Engineering Budget: Cost plus 10%	\$ 26,250.00
Reproduction Budget: Cost plus 10%	\$ 2,000.00
Bid Phase Services: Lump Sum	\$3,750.00
Miscellaneous Services Budget: Hourly and Coat plus 10%	<u>\$10,000.00</u>
Total Design Phase Amount	\$328,730.00

2. CONSTRUCTION PHASE SERVICES

Construction Administration Services: Lump Sum	\$ 70,400.00
Construction Administration Services (Electrical/Struct) - Lump Sum:	\$11,125.00
*Construction Materials Testing Budget: (Cost plus 10%)	\$35,000.00
*Construction Support Services Budget: (Hourly and cost plus 10%)	<u>\$110,850.00</u>
Total Construction Phase Amount	\$227,375.00

Total All Services	\$556,105.00
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*At this time the magnitude of these tasks is not known. Therefore, budgetary amounts are provided. These figures may change depending upon the actual work required. If an increase becomes necessary it can be accomplished by utilizing the available funds from other line items that have under run, funds from the miscellaneous special services line item or by contract amendment.

The anticipated construction contract duration for the project is estimated to be 365 calendar days. The construction observation budgetary fees are based on providing a project site representative an average of 20 hours/week for the 365 calendar day construction period. Hourly charges for on-site field representative shall be charged based on a raw labor rate times a multiplier of 2.70. Mileage will be charged at the prevailing IRS rate. Reimbursable expenses will be charged at cost plus 10%.

ARKK Engineers, LLC appreciates the opportunity to submit this proposal and we look forward to continuing working with the City of Texas City on this very important project.

Sincerely,

ARKK ENGINEERS, LLC



Madhu Kilambi, P.E.

Senior Project Manager / Principal

RESOLUTION NO. 2024-051

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ARKK ENGINEERING, LLC FOR THE DESIGN, BIDDING, AND CONSTRUCTION OBSERVATION PHASE SERVICES FOR THE "FAR WEST WATER PLANT PHASE TWO PROJECT"; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Public Works Department recommends selecting ARKK Engineering, LLC for the design, bidding, and construction observation phase services for the "Far West Water Plant Phase Two Project" for the price of \$556,105.00; and

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

SECTION 1: That the City Commission hereby accepts the recommendation of the Public Works Department to select ARKK Engineering, LLC to conduct design, bidding, and construction observation phase services for the "Far West Water Plant Phase Two Project."

SECTION 2: That the Mayor is hereby authorized to execute the proposal with ARKK Engineering, LLC for the engineering design and construction phase services attached hereto as **Exhibit "A"** and made a part hereof for all intents and purposes.

SECTION 3: That the Mayor is hereby authorized to approve change orders, not to exceed twenty-five percent (25.0%) of the total contract amount, without bringing the matter before the City Commission.

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (j)

Meeting Date: 03/20/2024

ARKK Engineering Proposal for Engineering Services for COTC "FM 517 Water Plant (Phase 2) Project"

Submitted For: Dj Hutchinson, Public Works

Submitted By: Dj Hutchinson, Public Works

Department: Public Works

Information

ACTION REQUEST

Approval by the City Commission of Texas City to enter into an agreement with ARKK Engineers, LLC for the following phases: design, bidding, and construction observation for the **"FM 517 Water Plant Phase 2 Project"** in the amount of **\$437,855.00**.

For a more detailed explanation of these phases, please see **"Attachment A"** provided.

BACKGROUND (Brief Summary)

In 2020, the City of Texas City completed the construction of Phase 1 of the FM 517 Water Plant facility, located in the far north quadrant of the City, on FM 517 just west of SH 146. Currently, and in the service area of this water plant facility, there is planned a new development ("Lakeside") that will include 960 new residential homes. It is anticipated that the development will be completed in approximately 4 years from the present time. The purpose of this project is to increase water supply capacity for the future increase in demand:

- **960** connections for the Lakeside development
- **20** connections for the existing DISD Intermediate school
- **1** existing commercial water connection (Boat storage facility on FM 3436) and **50** future connections assumed, various locations. For a grand total of **1031 new connections**.

Phase 2 Water Plant Facility's scope of the work will be the design and implementation of the following major components:

- **A water well having a rated capacity of 700 gallons per minute;**
- **A new 15,000-gallon hydro-pneumatic water tank;**
- **A new ground storage tank having a nominal capacity of 350,000 gallons;**
- **Capacity improvements to the existing booster pump station;**
- **Electrical improvements to accommodate the larger booster pumps and to accommodate the proposed water well equipment;**
- **A generator sized to operate the proposed water well**

For a more detailed description of the project, please see: **"Attachment A"**

Funds are available in Fund 255- Capital Recovery Water Zone, Account # 255705.5560.25508.

RECOMMENDATION

The Public Works Department recommends selecting ARKK Engineering, LLC for the engineering design and construction phase services for the "FM 517 Water Plant Phase Two Project". Over the past 30 years, ARRK Engineering has completed countless successful projects for the City of Texas City and has our trust that they will maintain their excellent track record with this project as well.

Fiscal Impact

Attachments

Attachment A
Resolution



ATTACHMENT "A"

March 5, 2024

Mr. Jack Haralson
Director of Public Works
City of Texas City
7800 Emmett F. Lowry Expressway
Texas City, Texas 77591

Re: Proposal for Engineering Design and Construction Phase Services for **"Phase 2 – FM 517 Water Plant Project"**
City of Texas City, Texas

Dear Mr. Haralson,

ARKK Engineers, LLC (ARKK) is pleased to submit this proposal for performing engineering services for the above project. The proposal is based on our understanding of the project as discussed in our previous meetings and conversations. For your convenience this proposal consists of General Overview, Scope of Services, and Fee.

GENERAL OVERVIEW

In 2020, the City of Texas City completed the construction of Phase 1 of the FM 517 Water Plant facility, located in the far north quadrant of the City, on FM 517 just west of SH 146. The Phase 1 project consisted of a booster pump station, a 5,000 gallon hydro-pneumatic tank, a 67,500 gallon ground storage tank, a generator, surface water meter station, driveways, control building, water connections, drainage, and sitework.

In the service area of this water plant facility, there is planned a new development ("Lakeside") that will include 960 new residential homes. It is anticipated that the development will be completed in approximately 4 years from the present time. The purpose of this project is to provide water supply for the following:

- 960 connections for the Lakeside development
- 20 connections for the existing DISD Intermediate school
- 1 existing commercial water connection (Boat storage facility on FM 3436)
- 50 future connections assumed, various locations
- 1,031 connections

For this Phase 2 Water Plant Facility, the scope of the work will be the design of the following major components:

- A water well having a rated capacity of 700 gallons per minute;
- A new 15,000-gallon hydropneumatic water tank;
- A new ground storage tank having a nominal capacity of 350,000 gallons;
- Capacity improvements to the existing booster pump station;
- Electrical improvements to accommodate the larger booster pumps and to accommodate the proposed water well equipment;
- A generator sized to operate the proposed water well;
- Sitework, including grading, sidewalks, yard piping, drainage;
- All equipment will be SCADA-ready and designed in consultation with the City's SCADA contractor/consultant. SCADA programming will be included as an allowance in the construction contract to facilitate the construction contractor hiring of the City's SCADA contractor directly.

The estimated construction cost of these improvements is \$4,300,000. This figure will be refined as the design phase progresses.

This proposal addresses the engineering services ARKK will provide the City during the Design and Construction Phase. The proposal is separated into Basic Services (expected normal engineering services) and Special Services. This proposal does not include performing any surveying, geotechnical and environmental studies for the project area as these are not anticipated to be needed. Surveying and geotechnical engineering data performed previously for the existing water plant site will be utilized.

The following section details the scope of engineering services proposed for this Project.

SCOPE OF SERVICES

I. DESIGN PHASE SERVICES

A. Basic Services - Design Phase

- Meet with City of Texas City staff to discuss and finalize design criteria and acquire pertinent information regarding the Project.
- Prepare civil, mechanical, and electrical engineering design including specifications, drawings, and contract documents based on the previously listed water plant improvements.

- Coordinate with the City of Texas City staff during the design phase. Provide draft documents for their review and comments.
- Coordinate with Texas Commission on Environmental Quality (TCEQ) during the design phase. Furnish necessary documentation to TCEQ for their review.
- Coordinate with Harris-Galveston Subsidence District (HGSD) during the design phase. Furnish necessary documentation to HGSD for their review. Prepare application for new water well.
- Prepare and submit to City 60% bid document package comprised of PDF copies of plan drawings and list of technical specifications for the project.
- Prepare and submit to City 90% bid document package comprising of PDF copies of plan drawings and specifications for the project.
- Incorporate appropriate comments from pertinent governmental entities into the final bid documents.
- Prepare a final cost estimate for the project.
- Furnish two (2) sets of construction documents to the City.

B. Special Services - Design Phase

1. Survey Services

- Surveying services are not proposed. The existing water plant site design survey and drawings will be utilized.

2. Geotechnical Services

- Geotechnical engineering services are not proposed. The existing water plant site geotechnical engineering study will be utilized.

3. Reproduction

- Costs for reproduction will be charged under special services for reproduction of plans, specifications and reports beyond the three (3) sets of construction documents provided (as listed in the design services) to the City.

- Reproduction for review sets, submittals to the City, governmental agencies, and utility companies will be included in the cost for reproduction.

4. Permitting

- Submit plans, forms, and design summary letter to the TCEQ reflecting the proposed water plant improvements.
- Submit a formal application to the Houston Galveston Subsidence District for the proposed water plant improvements.

II. BID PHASE SERVICES

- Assist the City of Texas City (City) in obtaining bids for the project (three separate bids). The City will advertise the project and will absorb all related advertising costs. ARKK will coordinate with the City and will assist in developing the wording of the advertisement.
- Dispense construction documents via the CivCastUSA online plan room (by Amtek USA) to prospective bidders.
- Conduct a pre-bid conference for potential bidders. Prepare meeting agenda and minutes summary.
- During the bidding process, provide information to and answer questions from potential bidders concerning the Project's construction documents.
- Prepare addendums to the contract as necessary for the project.
- Prepare bid tabulation for the project. Check the bids for mathematical errors and/or bid irregularities.
- Evaluate the bid results and the qualifications of the apparent low bidder, and advise the City as to the acceptability of the apparent low bidder for the project.
- Prepare an engineering letter of recommendation for City Commission award of the construction contract for the project.
- Upon award by City Commission, prepare four (4) copies of conformed Project Manual for Contractor's agreement with City.

III. CONSTRUCTION PHASE SERVICES

A. Basic Services – Construction Phase

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

B. Special Services – Construction Phase

1. Construction Observation Services:

- Provide one construction observer (project-site representative) to observe the progress of construction activities and to assist in the interpretation of plans and specifications. The estimated contract time is expected to be 400 days, due primarily to expected lead times on ordering of the generator equipment. The anticipated active construction contract duration for the project is estimated to be 240 calendar days. The construction observation budget is based on providing a project site representative part time an average of 20 hours/week for the active 240 calendar day construction period.
- The project-site representative will be on-site based on project packaging timing and will be on-site for fewer days per week during the initial and completion stages of the work, and more often during the middle portion of the construction contract when the work is most active.
- Provide engineering and technical office personnel support throughout construction.
- The project-site representative shall maintain daily reports in a format satisfactory to the City of Texas City.
- The project-site representative will attend meetings with the Contractor and the City of Texas City such as pre-construction conference, progress meetings, and other project related meetings where his presence is requested by the City of Texas City.
- The project-site representative will take periodic photographs of the construction progress and of key items of concern.
- The project-site representative will estimate quantities installed for use in reviewing monthly pay estimates.
- The project-site representative will aid in the coordination of activities of the testing laboratory.
- The project-site representative will assist in the performance of a final inspection, the preparation of a punch list and subsequent follow up inspections.
- The project-site representative will be provided in an effort to aid in the process of observing performance of work of the Contractor(s). Through more extensive

on-site observations of the work in progress, ARKK shall endeavor to provide further protection for the City of Texas City against defects and deficiencies in the work of the contractor(s); but the furnishing of such on-site representative will not make ARKK responsible for construction means, methods, techniques, sequences or procedures or safety precautions or programs, or for Contractor(s) failure to perform their work in accordance with the Contract Documents.

- ARKK will process daily reports and other administrative office duties.

3. Construction Materials Testing:

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

FEE

1. DESIGN PHASE

Design Services: Civil & Mechanical - Lump Sum	\$170,250.00
Electrical Engineering by Baird, Gilroy, & Dixon: Cost plus 10%:	\$34,100.00
Hydrogeology by John Seifert: Cost plus 10%:	\$19,030.00
TCEQ and HGSD Permitting: Lump Sum	\$6,000.00
HGSD New Well Permit Fee: Cost plus 10%:	\$500.00
Bid Phase Services (3 Packages): Lump Sum	<u>\$3,750.00</u>
Total Design Phase Amount	\$233,630.00

2. CONSTRUCTION PHASE SERVICES

Reproduction Budget: Cost plus 10%	\$ 3,500.00
Construction Administration Services: Civil & Mechanical - Lump Sum	\$53,315.00
Construction Administration Services: Electrical – Lump Sum	\$ 12,650.00
Construction Administration Services: Hydrogeologist – Lump Sum	\$ 11,550.00
Construction Observation: (Hourly and cost plus 10%)	\$78,200.00
Coating and Welding Inspections by Clark Northup: (Cost plus 10%)	\$25,010.00
*Construction Materials Testing Budget: (Cost plus 10%)	<u>20,000.00</u>
Total Construction Phase Amount	\$204,225.00


Total All Services	\$437,855.00
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The anticipated construction contract duration for the project is estimated to be 400 calendar days, with an active construction period of 240 calendar days. The construction observation budgetary fees are based on providing a project site representative an average of 20 hours/week for the 240 calendar day active construction period. Hourly charges for on-site field representative shall be charged based on a raw labor rate times a multiplier of 2.70. Mileage will be charged at the prevailing IRS rate. Reimbursable expenses will be charged at cost plus 10%.

ARKK Engineers, LLC appreciates the opportunity to submit this proposal and we look forward to continuing working with the City of Texas City on this very important project.

Sincerely,

ARKK ENGINEERS, LLC



Madhu Kilambi, P.E.

Senior Project Manager / Principal

RESOLUTION NO. 2024-052

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ARKK ENGINEERS, LLC FOR THE DESIGN, BIDDING, AND CONSTRUCTION OBSERVATION PHASES FOR THE "FM 517 WATER PLANT PHASE 2 PROJECT"; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Public Works Department recommends selecting ARKK Engineering, LLC for the design, bidding, and construction phase services for the "FM 517 Water Plant Phase Two Project" in the amount of \$437,855.00.

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

SECTION 1: That the City Commission hereby accepts the recommendation of the Public Works Department to select ARKK Engineering, LLC, for the engineering design and construction phase services for the "FM 517 Water Plant Phase Two Project".

SECTION 2: That the Mayor is hereby authorized to execute the proposal with ARKK Engineering, LLC for the engineering design and construction phase services attached hereto as **Exhibit "A"** and made a part hereof for all intents and purposes.

SECTION 3: That the Mayor is hereby authorized to approve change orders, not to exceed twenty-five percent (25.0%) of the total contract amount, without bringing the matter before the City Commission.

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(8) (a)

Meeting Date: 03/20/2024

Consider and take action on the third and final reading of Ordinance 2024-04, amending the Texas City Code of Ordinances Title XV entitled "Land Usage", Chapter 160 entitled "Zoning" and providing for publication and an effective date

Submitted For: Kim Golden, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Consider and take action on the third and final reading of Ordinance 2024-04, amending the Texas City Code of Ordinances Title XV entitled "Land Usage", Chapter 160 entitled "Zoning" and providing for publication and an effective date. (Transportation and Planning)

BACKGROUND (Brief Summary)

Battery Electrical Storage Systems (BESS) are installations of large containers of batteries which are usually located close to an electrical power substation. The batteries charge during periods of low demand and then supplement the electric grid during periods of high demand. The installations are designed to provide approximately 2-hours of power to the grid. Locations close to an existing substation are essential for most of the projects. Texas City has two existing BESS installations at 505 34th Ave N and 430 SH 146 N, and a third approved adjacent to the SH 146 N location. All three locations are south of Palmer Hwy and in or near areas of existing industrial uses. In 2020 and 2021 respectively, these installations were found most comparable to the District F-1 Outdoor Industrial zoning classification. Since that time numerous additional applications have been received for sites located in various other zoning districts throughout the city, including several in close proximity to existing residential uses or zoning districts. Some of the proposed projects include energy generation as a component of the projects. During reviews of the various applications and presentations to the Planning Board and Zoning Commission, concerns were expressed regarding risk of battery fire, contamination from site runoff, contamination of air and water byproducts of fire suppression in the event of catastrophic failure, and the ultimate cost of decommissioning. The BESS installations are characterized by their developers as temporary installations. The review procedures of the District SP - Site Plan process were found to be the most thorough for evaluating the proposed projects in the various locations and zoning districts when presented. To provide for consistency and uniformity of review, the Planning Board and Zoning Commission are recommending District SP as the exclusive zoning classification for the BESS and similar projects. The recommendation includes criteria for review of applications as well as requirements and limitations for screening, setbacks, landscaping, maximum impervious area, and other provisions etc., to assist the Planning Board members, Zoning Commissioners and staff with consistent administration and application of the zoning and land use regulations to BESS and similar projects.

RECOMMENDATION

The Planning Board recommended approval of the proposed amendment to the zoning ordinance at its regular meeting on December 18, 2023. The Zoning Commission recommended approval of the proposed amendment to the zoning ordinance at its meeting on January 16, 2024. Staff recommend approval of the amendment to the zoning ordinance to make the District SP Site Plan the exclusive zoning classification for BESS and similar projects.

Fiscal Impact

Attachments

Ordinance Amendment to District SP for BESS Projects

Staff memo - Ordinance Change for BESS Projects

Excerpt from 12-18-23 PB Meeting re Ordinance Change for BESS Projects

Excerpt from 01-16-24 ZC Meeting re Ordinance Change for BESS Projects

ORDINANCE NO. 2024-_____

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF TEXAS, TEXAS, AMENDING THE CODE OF ORDINANCES TITLE XV ENTITLED “LAND USAGE”, CHAPTER 160 ENTITLED “ZONING” AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the City of Texas City, Texas, is authorized to regulate ordinances pursuant to the Texas Local Government Code;

WHEREAS, the City Commission of the city of Texas City, Texas, needs to amend the Code of Ordinance Title XV Entitled “Land Usage,” Chapter 160 – Zoning to add a section for stationary battery energy storage systems (BESS) and similar uses;

WHEREAS, pursuant to TEX. LOCAL GOV’T. CODE § 211.001 *et seq.*, the city of Texas City, Texas, is authorized to adopt zoning regulations for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, the City’s Planning Board and Zoning Commission have reviewed and recommended the adoption of this ordinance at meetings held on December 18, 2023, and January 16, 2024, respectfully; and

WHEREAS, the City Commission determines that amending Title XV, Chapter 160, will promote the health, safety and welfare of the City;

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

Section 1. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Commission hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect the public health, safety, and quality of life. The City of Texas City’s Code of Ordinances, Chapter 160 - Entitled “Zoning”, Sec. 160.051. District S-P, Site Plan is amended to add the following:

Sec. 160.051 District S-P, Site Plan

(C) Uses.

(1) Uses; and reasons for classification. The following uses are included under District S-P due to the following reasons:

(b) Uses restricted to District S-P

(14) Battery storage energy sub-station (BESS) and similar projects.

- a. Basic zoning district most closely comparable to this requested principal use is District F – Light Industrial. However, due to the unique characteristics of these projects, potential hazards, environmental concerns, and long-term impacts, the site-specific review required for District SP is warranted and required in all districts, including District F.
- b. Location in, near, or adjacent to existing residential uses or districts is not favored. Applicant must establish a compelling need for the development and show that no other sites are available to meet the need.
- c. Screening requirements – the BESS installations shall be fully screened from visibility on any and all gateway or thoroughfare and/or adjacent streets. Screening shall be 100% opaque, by barrier, wall or fence recommended by the Planning Board and with substantial landscaping of at least 15% or more as recommended by the Planning Board.
- d. Installations shall be unmanned - onsite office or shop facilities are prohibited.
- e. General requirements and rules:
 - i. At least 50% of the site shall be pervious. All pervious areas shall be landscaped and maintained to at least the standards required in the District IBD as a minimum. The Planning Board may recommend approval conditioned upon a site-specific higher standard.
 - ii. All driveways, driving areas, parking areas, laydown yards, and any area subject to vehicle movement shall be paved.
 - iii. Establish setbacks. 50ft minimum from any residential zone or use; 25ft minimum from all other lot lines. Additional setback requirements may be made by the Planning Board.
 - iv. Planning Board shall establish minimum and maximum area regulations per site.
 - v. Planning Board may establish a citywide metric for how many developments/how much capacity per population or energy usage (MWH).
 - vi. All electrical service to and from the site and on-site shall be underground.

vii. The proposed system shall be designed to maximize safety and eliminate thermal runaway events spreading beyond a single enclosure. At a minimum, the system shall be UL 9540A certified, shall have detectors for temperature, gases, and smoke installed, and shall be monitored 24/7 with system alerts to local officials, site and remote operators, and owners. Alerts shall trigger BESS unit shutdown and exhaust fan initiation at a minimum.

viii. 15ft minimum spacing between containers.

ix. Containment of runoff.

x. Applicants shall pay an Impact fee for public safety to be determined by the Fire Marshal based upon the size and number of units.

xi. Applicants shall provide Annual training to public safety officials satisfactory to the Fire Marshal, Fire Chief, Chief of Police, and Emergency Operations Manager.

xii. Inspection, testing, and operational certification of the exhaust system at least annually.

xiii. Decommissioning bond or other security required in an amount approved by the City Engineer on forms satisfactory to the City Attorney.

xiv. Applicants shall provide current contact information, operation experience, and record of fire incidents together for each of the following: the developer/operator, equipment manufacturer, Engineer, system operator, insurance, and on-site operations and maintenance.

Section 2. This ordinance shall be cumulative of all provisions of the City of Texas City, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 3. It is hereby declared to be the intention of the City Commission of the City of Texas City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Commission without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. All rights and privileges of the City of Texas City are expressly saved as to

any and all violations of the provisions of any Ordinances affecting land use or development, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

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

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

PASSED ON FIRST READING this 21th day of February 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

PASSED ON SECOND READING this 6th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

PASSED AND FINALLY ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor

City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

APPROVED AS TO FORM:

Kyle L. Dickson
City Attorney

CITY OF TEXAS CITY, TEXAS

ENGINEERING & PLANNING • OFFICE (409) 643-5936



Mayor:
Dedrick Johnson

Commissioners:
Thelma Bowie
Abel Garza Jr.
DeAndre' Knoxson
Felix Herrera
Dorthea Jones Pointer
Jami Clark

To: Planning Board
From: Kim Golden, P.E., Engineering & Planning *KG*
Cc: Doug Kneupper, P.E.
Date: December 11, 2023
Re: Proposed Change to Section 160.051 District S-P, Site Plan to add Battery Electrical Storage System (BESS) projects as a use restricted to District S-P only

Background: Texas City has two existing BESS installations at 505 34th Ave N and 430 S.H. 146 N, and a third approved adjacent to the SH 146 N location. In 2020 and 2021, respectively, these installations were found most comparable to the District F-1 Outdoor Industrial zoning classification. Since that time numerous additional applications have been received for sites located in various other districts, including several in close proximity to existing residential uses or zoning districts. Some of the projects include energy generation as a component of the projects.

Due to the unique characteristics of these projects, potential hazards, environmental concerns and long-term impacts, the site-specific review required for District S-P is warranted and required in all districts, including District F. It is also the better process to provide for a thorough review by the Planning Board and Zoning Commission to make recommendations to the City Commission.

Staff recommends adding the attached additional subsection to the Texas City Code of Ordinances Section 160.051 District S-P, Site Plan.

"QPS – Quality Public Service"

Proposed amendment to Section 160.051 District S-P, Site Plan

Section 160.051 District S-P, Site Plan is amended to add the following:

(C) Uses

(1) Uses, reasons for classification.

(b) Uses restricted to District S-P

(14) Battery electricity storage system (BESS) projects with or without energy generation.

[a] District S-P shall be the only zoning designation which allows a principal or accessory use as a battery electrical storage system (BESS).

[b] The basic zoning district most closely comparable to the BESS principal use is District F-1 – Outdoor Industrial. However, due to the unique characteristics of these projects, potential hazards, environmental concerns and long-term impacts, the site-specific review required for District S-P is warranted and required in all districts, including District F.

[c] Location in, near or adjacent to existing residential uses or districts are not favored. Applicant must establish a compelling need for the development in Texas City, TX and show that no other sites are available to meet the need.

[d] Screening requirements – the BESS installations shall be fully screened from visibility on any and all gateway or thoroughfare and/or adjacent streets. Screening shall be 100% opaque, by barrier, wall or fence approved by the Planning Board and with substantial landscaping of at least 15% or more as recommended by the Planning Board.

[e] Installations shall be unmanned and fully enclosed with a fence of six (6) ft minimum height.

[f] Onsite office or shop facilities are prohibited within 50ft from any battery unit or component for the generation, distribution, or transfer of electrical or other power.

[g] At least 50% of the site shall be pervious. All pervious areas shall be landscaped and maintained to at least the standards required in the District IBD as a minimum. The Planning Board may recommend approval conditioned upon a site-specific higher standard.

[h] All driveways, driving areas, parking areas laydown yards and any area subject to vehicle movement shall be paved.

[i] Minimum setbacks shall be the greater of 12 feet or 1.5 times the height of the tallest container. The minimum setback from the boundary of a residential use or a residential zoning district shall be 50ft.

[j] There shall be no more than one BESS installation per substation unless the City Commission finds upon recommendation from the Planning Board that {1} a compelling need exists for additional installations, and {2} that the additional installation will directly benefit and improve the general health, safety and welfare of the City of Texas City, TX and its residents and citizens.

[k] All electrical service to and from the site and on site shall be underground.

[l] Applicable design standards - Proposed system shall be designed to maximize safety and eliminate thermal runaway event spreading beyond single enclosure. At minimum system shall be UL 9540A certified, shall have detectors for temperature, gases, smoke installed, shall be monitored 24/7 with

system alerts to local officials, site and remote operators, owners. Alerts shall trigger BESS unit shutdown and exhaust fan initiation at minimum. There shall be a minimum of 15ft spacing between containers. Site design shall include containment for potential runoff of contaminants.

[m] Impact fee – public safety

[n] Annual training – public safety

[o] Initial Inspection, testing and operational certification of exhaust system shall be required to obtain a certificate of occupancy, with annual re-inspection and certification required.

[p] Decommissioning bond required in an amount approved by the City Engineer which shall be not less than 125% nor more than 200% of an approved independent estimate. Decommissioning shall include the removal and proper disposal of all equipment, foundations and fencing, any and all contaminated soil and the restoration to pre-installation condition with positive drainage and established grass covering.

[q] Applicants shall provide and maintain current contact information, operational experience and record of fire incidents for each of the following: the developer/operator, equipment manufacturer, Engineer, system operator, insurance, and on-site operations and maintenance.

DRAFT

ITEM NO. 4 Consider and take action on the proposed change to Section 160.051 District “S-P” (Site Plan) to add Battery Electrical Storage System (BESS) projects as a use restricted to District “S-P” (Site Plan) only.

Ms. Golden stated the District S-P zoning classification is setup as a tool that can be used much like a special use district or a conditional use permit, but it also has a section that states these certain projects can only be in a S-P district. Staff is recommending is that the BESS projects be added to that list of things that must be handled as a District S-P.

Proposed amendment to Section 160.051 District S-P, Site Plan

Section 160.051 District S-P, Site Plan is amended to add the following:

(C)Uses

(1) Uses, reasons for classification.

(b) Uses restricted to District S-P

(14) Battery electricity storage system (BESS) projects with or without energy generation.

[a]District SP shall be the only zoning designation which allows a principal or accessory use as a battery electrical storage system (BESS).

[b]The basic zoning district most closely comparable to the BESS principal use is District F-1 – Outdoor Industrial. However, due to the unique characteristics of these projects, potential hazards, environmental concerns and long term impacts, the site specific review required for District SP is warranted and required in all districts, including District F.

[c]Location in, near or adjacent to existing residential uses or districts are not favored. Applicant must establish a compelling need for the development in Texas City, TX and show that no other sites are available to meet the need.

[d]Screening requirements – the BESS installations shall be fully screened from visibility on any and all gateway or thoroughfare and/or adjacent streets. Screening shall be 100% opaque, by barrier, wall or fence approved by the Planning Board and with substantial landscaping of at least 15% or more as recommended by the Planning Board.

[e]Installations shall be unmanned and fully enclosed with a fence of six (6) ft minimum height.

[f]Onsite office or shop facilities are prohibited within 50ft from any battery unit or component for the generation, distribution or transfer of electrical or other power.

[g]At least 50% of the site shall be pervious. All pervious areas shall be landscaped and maintained to at least the standards required in the District IBD as a minimum. The Planning Board may recommend approval conditioned upon a site specific higher standard

[h]All driveways, driving areas, parking areas laydown yards and any area subject to vehicle movement shall be paved.

[i]Minimum setbacks shall be the greater of 12 feet or 1.5 times the height of the tallest container. The minimum setback from the boundary of a residential use or a residential zoning district shall be 50ft.

[j]There shall be no more than one BESS installation per substation unless the City Commission finds upon recommendation from the Planning Board that {1} a compelling need exists for

additional installations, and (2) that the additional installation will directly benefit and improve the general health, safety and welfare of the City of Texas City, TX and its residents and citizens.

[k]All electrical service to and from the site and on site shall be underground.

[l]Applicable design standards - Proposed system shall be designed to maximize safety and eliminate thermal runaway event spreading beyond single enclosure. At minimum system shall be UL 9540A certified, shall have detectors for temperature, gases, smoke installed, shall be monitored 24/7 with system alerts to local officials, site and remote operators, owners. Alerts shall trigger BESS unit shutdown and exhaust fan initiation at minimum. There shall be a minimum of 15ft spacing between containers. Site design shall include containment for potential runoff of contaminants.

[m] Impact fee – public safety

[n] Annual training – public safety

[o] Initial Inspection, testing and operational certification of exhaust system shall be required to obtain a certificate of occupancy, with annual re-inspection and certification required.

[p]Decommissioning bond required in an amount approved by the City Engineer which shall be not less than 125% nor more than 200% of an approved independent estimate.

Decommissioning shall include the removal and proper disposal of all equipment, foundations and fencing, any and all contaminated soil and the restoration to pre-installation condition with positive drainage and established grass covering.

[q] Applicants shall provide and maintain current contact information, operational experience and record of fire incidents for each of the following: the developer/operator, equipment manufacturer, Engineer, system operator, insurance, and on-site operations and maintenance.

This isn't the only BESS project that has come to Texas City, but staff have learned a lot by researching these types of projects. They have multiple applications for different locations throughout the city and as a planning mechanism District S-P is the best tool for the City of Texas City to look at all the considerations for all of these projects wherever they are coming from and wherever they are proposed to be put in the city. Again, staff have done their research and there are a number of provisions that staff are recommending.

Chairman Campbell asked if this is another item that the Planning Board will recommend to the Zoning Commission to which Ms. Golden replied yes.

Chairman Campbell asked if this keeps them from "tying any of their hands" to any location at all to which Ms. Golden replied yes. He questioned if it gives them the opportunity to use the BESS in the Site Plan. Ms. Golden replied that it is saying that BESS projects must be handled as S-P and will also include a number of specific considerations.

Mr. Owens asked Ms. Golden and Chairman Campbell to look at Item P regarding the decommissioning bond and asked how do they keep that – does someone pay an annual premium or a D-note? Chairman Campbell replied he is not sure exactly how the Finance Director handles that with staff, but someone can just buy a bond one time if you are buying an insurance policy. Mr. Owens just wanted to verify that it doesn't have to be funded year after year. Chairman Campbell replied he would assume that they would want their money up front. He added that the bonding company (surety) would weight the project for risk, look at the financials of the applicant and the risk of the project, and then they will set a fee for that.

Mr. Dahm stated that one thing to keep in mind is that on solar projects the decommissioning bonds generally start about 12 – 15 years into the project because there is a long service life.

The thought being you don't need the bond up front because it's going to be running for a long time and it's hard to project something 20 – 30 years down the road than 10 years down the road.

Ms. Golden added that that provision for a decommissioning bond is the specific recommendation from the city attorney, based upon his experience with these projects in other cities.

Chairman Campbell asked if there was anything else to discuss. There was none.

A motion was made by Alternate Jose Boix/Alternate Aric Owens to approve the additional subsection to the Texas City Code of Ordinances Section 160.051 District S-P, Site Plan. All other members present voted aye.

An excerpt from the 01/16/2024 Zoning Commission meeting minutes

1) Consider and take action on the proposed change to Section 160.051 District “S-P” (Site Plan) to add Battery Electrical Storage System (BESS) and similar projects as a use restricted to District “S-P” (Site Plan) only.

Ms. Golden stated that under Texas City’s zoning ordinance, the way that the text in the zoning ordinance gets changed is a proposed change has to go through the Zoning Commission to make a recommendation to City Commission to change the text. This recommendation is to change the text of the section that is District S-P (Site Plan).

Currently, the District S-P is similar to a multi-tool. It does several things that other cities use as separate tools. District S-P can be used permissively as a zoning tool similar to a special use or conditional use permit. There are also a number of uses that Texas City has mandated must be rezoned into a District S-P, meaning that it has to go through the planning process, the zoning change and ultimately to City Commission.

Staff is recommending that the Battery Energy Storage System (BESS) and similar projects, which are currently being handled under District S-P, be made a requirement to go through the S-P process. Staff are recommending this change because when the first applications were received, the proposed sites were in or adjacent to Texas City’s District F (Light Industrial) or District F-1 (Outdoor Commercial).

Texas City is now receiving numerous applications for other locations in the city because the BESS projects must be located near a substation or close to a transmission line.

Experience with the applications shows that each one needs to go through this full planning process so that everything can be reviewed because it has a potential impact on the surrounding areas. Since this is being done as a practice, staff are recommending this be codified so that applicants know the required process from the beginning.

The Planning Board reviewed and recommended the change at its regular meeting on December 18, 2023. The Zoning Commission is now going to consider it and make a recommendation to City Commission. City Commission will make the change or tell us that they need to consider it some more.

Staff is recommending this amendment to the District S-P.

Chairman O’Brien asked if historically District S-P has been a catch-all, to which Ms. Golden replied yes. He then asked if typically, could this type of request go into District S-P so that staff can review the detail of it in individual places, to which Ms. Golden stated that is correct. Ms. Golden added that there are already 14 specific types of projects that have to go through the District S-P, such as cell towers, RV parks, hotels, daycare centers, personal care facilities, and things that have special consideration about them. This would now be number 14 of that specific list that has to go through this process.

Chairman O’Brien then asked if this development has to leave after say 30 years, what does that revert back to. Ms. Golden replied that one of the things staff is recommending as a condition to be considered in the District S-P review is a decommissioning bond. In the context of coming up with that bond the applicant would need to have a plan for the installation when it becomes obsolete.

Chairman O’Brien asked again if the zoning would revert back or would it remain as District S-P. Ms. Golden replied that staff has not thought that far, but that it would probably remain the same

until someone brought it back through the process for another use at the site. Unless it was exactly the same type of project, it would have to go through the rezoning process, which would be appropriate.

Chairman O'Brien asked what Ms. Golden wanted from the Zoning Commission at this meeting to which she replied that they make a recommendation to change or not change the proposed text of the ordinance.

Mr. Owens stated that he does not understand enough about decommissioning and bonds and asked if 125% or 200% of today's number in a bond is going to be enough for cleanup. He also asked how long a bond lasts and who pays the premium for that. If the insurance does not get paid, who is responsible if we don't require them to pledge that in advance as prepaid. He added that if they are throwing the language in there it seems that they may want to be tied up pretty well in that requirement. He is just not sure we are requiring enough.

Ms. Golden replied that if they want to recommend that kind of specificity to City Commission it will be the first time it is done in Texas City because the other places where we have bond requirements, such as surety bonds, it states that the amount will be determined by the city. The decommissioning bond works just like a surety bond. The details on how to do this are usually left to the administration. The city attorney would probably come up with forms, which is what they've done before. As she understands it, they can either do the kind where payments are made once a year or an upfront payment that is there forever. The difference between 125% and 200% is basically setting limits. The amount could be estimated in today's dollars. She is not sure that the contemplation will be full coverage or something reasonable so if the city is left cleaning up the site, they have something to work with. She added that they don't want to be so conservative in that basically you can't do business.

She reminded everyone that this is a recommendation directly from the city attorney to have that provision in there because of work he's done with other cities.

Mr. Owens stated these might be projects the city does not want to partner with. Ms. Golden replied if it is questionable then that would be evaluated.

Chairman O'Brien stated he thought these were good questions. He knows that these types of developments are compartmentalized, there are containers, and it's not like it's producing a product that's going to be all over the ground. There is always going to be a fire risk and there are about 5 different fire prevention pieces for those. Sure, 20 years from now there will be upgrades and improvements, but he thinks it is important to have the decommissioning bond in there.

Chairman O'Brien asked if there were any more comments or questions. Ms. Golden replied that staff recommends adding the proposed changes to the Texas City Code of Ordinances Section 160.051 District S-P, Site Plan.

After presentation, a motion was made by Aric Owens/Fernando Tello to recommend the proposed change to Section 160.051 District S-P, Site Plan to add Battery Electrical Storage System (BESS) and similar projects as a use restricted to District S-P only. All other members present voted aye.

CITY COMMISSION REGULAR MTG

(8) (b)

Meeting Date: 03/20/2024

Amend the fiscal year 2023/2024 budget

Submitted For: Ryan McClellen, Finance

Submitted By: Ryan McClellen, Finance

Department: Finance

Information

ACTION REQUEST

Consider approval of a request to amend the fiscal year 2023-2024 budget.

BACKGROUND (Brief Summary)

A budget amendment to transfer \$400,000 from 501705-55560 Water Tank Improvement to the following accounts: \$75,000 to 501705-55690-70520 Waterline Rehab Phase 20 and \$325,000 to 501705-55690-70521 Waterline Rehab Phase 21.

Budgeted projects to repair and paint 14th Street elevated and 32nd Street ground storage tanks bids have come in half of what was budgeted for. This transfer is moving \$400,000 of saved money from 14th Street elevated and 32nd Street ground storage to Phase 20 lowering of an 12 inch water main and 16 inch transmission main and Phase 21 which is nearing the end of the design process.

RECOMMENDATION

The Finance Department recommends the following Budget Amendment:

From:

Water Tank Improvement 501705-55560 \$400,000

To:

Waterline Rehab Phase 20 501705-55690-70520 \$75,000

Waterline Rehab Phase 21 501705-55690-70521 \$325,000

Fiscal Impact

Attachments

Ordinance

ORDINANCE NO. 2024-11

AN ORDINANCE AMENDING THE FISCAL YEAR 2023/2024 BUDGET TO APPROPRIATE FUNDS FOR WATERLINE REHABILITATION PHASE 20 AND WATERLINE REHABILITATION PHASE 21; 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. 2023-36 the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2023-2024; and

WHEREAS, a budget amendment is needed to appropriate funds for Waterline Rehabilitation Phase 20 and 21; and

WHEREAS, funds are available in the Water Tank Improvement Fund.

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 2023-2024 of the City of Texas City, Texas, is hereby amended as follows:

FROM:

Water Tank Improvement 501705-55560	\$400,000.00
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TO:

Waterline Rehab Phase 20 501705-55690-70520	\$75,000.00
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Waterline Rehab Phase 21 501705-55690-70521	\$325,000.00
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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.

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

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

PASSED AND ADOPTED this 20th day of March 2024.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney