



# CITY OF BAYTOWN

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## NOTICE OF MEETING

**CITY COUNCIL SPECIAL MEETING  
WEDNESDAY, DECEMBER 21, 2016  
2:00 P.M.  
COUNCIL CHAMBER, CITY HALL  
2401 MARKET STREET  
BAYTOWN, TEXAS 77520**

## **AGENDA**

### **CALL TO ORDER AND ANNOUNCEMENT OF QUORUM**

#### **1. CANVASS**

- a. Canvass the returns of the City of Baytown's Runoff Election held on Saturday, December 10, 2016.
- b. Consider a resolution declaring the results of the City of Baytown Runoff Election held on Saturday, December 10, 2016.

#### **2. REPORTS**

- a. Receive written comments from the Planning and Zoning Commission on the proposed amendments to the land use assumptions, capital improvements plan, and impact fees.

#### **3. ADJOURN**

**PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.088 TO DISCUSS ANY OF THE MATTERS LISTED ABOVE.**

**THE CITY OF BAYTOWN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 281-420-6522, FAX 281-420-6586, OR CONTACT 281-420-6522 VIA RELAY TEXAS AT 711 OR 1-800-676-3777 FOR TTY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM)**

Approved for posting:



Rick Davis, City Manager

Posted by:



Leticia Brysch, City Clerk

Posted this 16th day of December, 2016, at 5:00 P.M.





## **BAYTOWN CITY COUNCIL SPECIAL MEETING**

**1. a.**

**Meeting Date:** 12/21/2016

**Subject:** Canvass the returns of the City of Baytown's December 10, 2016, Special Runoff Election.

**Prepared for:** Leticia Brysch, City Clerk's Office

**Prepared by:** Leticia Brysch, City Clerk's Office

**Department:** City Clerk's Office

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### **Information**

#### **ITEM**

Canvass the returns of the City of Baytown's Runoff Election held on Saturday, December 10, 2016.

#### **PREFACE**

Pursuant to Chapter 67 of the Texas Election Code, the "canvass" is the name given to the official examination of the votes cast in an election. Every general and/or special election held in Texas must be canvassed, per Sections 67.001-67.002 of the Texas Election Code. The law imposes an unavoidable duty on political subdivisions to canvass elections in an official meeting in order to formally accept the results of an election.

This canvass will make the results of the December 10, 2016, City of Baytown Special Runoff Election final and official. These results include all Election Day, Early Voting by Personal Appearance, Provisional, Overseas and Mail ballots for the City's runoff election for Single Member District No. Three.

#### **RECOMMENDATION**

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### **Fiscal Impact**

**Fiscal Year:**

**Acct Code:**

**Source of Funds (Operating/Capital/Bonds):**

**Funds Budgeted Y/N:**

**Amount Needed:**

**Fiscal Impact (Additional Information):**

There is no fiscal impact associated with this item.

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**BAYTOWN CITY COUNCIL SPECIAL  
MEETING**

**1. b.**

**Meeting Date:** 12/21/2016

**Subject:** Consider an ordinance declaring the results of the City of Baytown Special Runoff Election held on Saturday, December 10, 2016.

**Prepared for:** Leticia Brysch, City Clerk's Office

**Prepared by:** Leticia Brysch, City Clerk's Office

**Department:** City Clerk's Office

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**Information**

**ITEM**

Consider a resolution declaring the results of the City of Baytown Runoff Election held on Saturday, December 10, 2016.

**PREFACE**

This proposed resolution declares the results of the City of Baytown Runoff Election held on Saturday, December 10, 2016. The item on the ballot included the runoff candidates for Council District No. Three.

**RECOMMENDATION**

Staff recommends approval.

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**Fiscal Impact**

**Fiscal Year:**

**Acct Code:**

**Source of Funds (Operating/Capital/Bonds):**

**Funds Budgeted Y/N:**

**Amount Needed:**

**Fiscal Impact (Additional Information):**

There is no fiscal impact associated with this item.

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**Attachments**

**Resolution - Canvass Runoff Election**

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A RESOLUTION CANVASSING THE RETURNS OF THE RUNOFF ELECTION HELD WITHIN THE CITY OF BAYTOWN ON THE 10<sup>TH</sup> DAY OF DECEMBER, 2016, FOR THE PURPOSES OF ELECTING A COUNCIL MEMBER FOR COUNCIL DISTRICT NO. THREE (3) OF THE CITY OF BAYTOWN; FINDING THAT NOTICE OF THE RUNOFF ELECTION WAS PROPERLY HELD AND THE RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

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WHEREAS, on December 10, 2016, the runoff election was held for the purposes of electing a Council Member for Council District No. Three (3) pursuant to the provisions of the ordinance calling the runoff election as well as the provisions of the City's Charter and state law; and

WHEREAS, between December 8, 2016, and December 16, 2016, the early voting ballot board met to verify and count provisional ballots pursuant to Chapter 65 of the Texas Election Code; and

WHEREAS, pursuant to Chapter 67 of the Texas Election Code, the City Council of the City of Baytown, at a special council meeting held on December 21, 2016, canvassed the returns of the runoff election held for the purposes of electing a Council Member for Council District No. Three (3) of the City of Baytown (the "Runoff Election"); and

WHEREAS, the Runoff Election having been duly and regularly had and held according to law, and the returns thereof having been duly made and the Runoff Election Judges having certified the results of the Runoff Election, as hereinafter set out, and the City Council having duly and regularly canvassed the returns of the Runoff Election and finding that the total votes cast at the Runoff Election were as follows, to-wit:

Council Member District 3		
	Total	Percentage
Spencer Carnes	142	47.02%
Charles Johnson	160	52.98%
Totals	302	

WHEREAS, the City Council of the City of Baytown finds the Runoff Election returns set out above to be accurate and correct and no election protest or contest having been filed with the Council or instituted in connection with the Runoff Election returns; NOW THEREFORE

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

Section 1: That the City Council of the City of Baytown, Texas, hereby finds that the above-referenced recitals are true and correct.

Section 2: That City Council of the City of Baytown, Texas, further finds that the notice of the Runoff Election was duly and properly given as required by law and as provided in the ordinance calling the Runoff Election and that the Runoff Election was duly and regularly held and the returns thereof duly and regularly made by the proper officials of said Runoff Election and in all things according to law.

Section 3: That Charles Johnson received a majority of the votes cast at the Runoff Election for the office of Council Member District No. Three (3), and accordingly, Charles Johnson is hereby declared elected to the office of Council Member District No. Three (3) of the City of Baytown.

Section 4: This resolution shall take effect immediately from and after its passage by the City Council of the City of Baytown.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown, this the 21<sup>st</sup> day of December, 2016.

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STEPHEN H. DONCARLOS, Mayor

ATTEST:

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LETICIA BRYSCH, City Clerk

APPROVED AS TO FORM:

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IGNACIO RAMIREZ, SR., City Attorney



**BAYTOWN CITY COUNCIL SPECIAL  
MEETING**

**2. a.**

**Meeting Date:** 12/21/2016

**Subject:** P&Z Written Comments Filed

**Prepared for:** Jose Pastrana, Engineering

**Prepared by:** Karen Horner, Legal

**Department:** Engineering

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**Information**

**ITEM**

Receive written comments from the Planning and Zoning Commission on the proposed amendments to the land use assumptions, capital improvements plan, and impact fees.

**PREFACE**

The Planning and Zoning Commission (the "Commission"), acting as the Capital Improvements Advisory Committee, considered the proposed amendments to the land use assumptions, capital improvements plan, and impact fees at its meeting on November 21, 2016. At such meeting, the Commission approved comments to be filed and submitted to the City Council. Specifically, state law requires that such written comments be "filed before the fifth business day before the date of the public hearing on the amendments." The public hearing is on January 12, 2016; therefore, this item acknowledges the fact that such written comments have been timely filed in accordance with law.

**RECOMMENDATION**

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**Attachments**

**P&Z Comments**

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# CITY OF BAYTOWN

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TO: City Council

FROM: Planning and Zoning Commission

RE: Comments to the Land Use Assumptions, Capital Improvements Plan and Impact Fees

DATE: November 15, 2016

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The Planning and Zoning Commission serves as the advisory committee created under Section 395.058 of the Texas Local Government Code. In such capacity, the Commission is required to file its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fee prior to City Council's public hearing on the amendments.

## Background

The City of Baytown entered into a professional services agreement with Kimley-Horn and Associates on August 3, 2016, to update the City's land use assumptions, capital improvements plan, and allowable impact fee. On November 10, 2016, the City Council received the updated report and set a public hearing to discuss and review the update and determine whether to amend the plan and fees.

## Comment\

After reviewing amendments to the land use assumptions, capital improvements plan, and impact fee, the Planning and Zoning Commission makes the following comments:

The impact fee should be increased to the level indicated in the Water and Wastewater Impact Fee Reports, Amendment No. 1 in order to place the cost of the capital improvements on those who will most benefit from the same.

## Commission Action

Commissioner Carnes made a motion that the Commission accept the report and recommend that City Council consider the comment noted hereinabove. Commissioner Chambers seconded the motion. Such motion PASSED. The vote was as follows:

Ayes: Chairman Shawn McDonald, Commissioner Spencer Carnes, Commissioner Donna Winfrey-Varner, Commissioner Gil Chambers, and Commissioner Benjamin Boul.

Nays: Commissioner Bo Cox.

Signed this the \_\_\_\_ day of December, 2016.

SHAWN MCDONALD  
Chairman City of Baytown  
Planning and Zoning Commission