



BAY CITY

MINUTES • NOVEMBER 17, 2016

Council Chambers

Regular Meeting

7:00 PM

**1901 5TH STREET
BAY CITY, TX 77414**

1. CALL TO ORDER & CERTIFICATION OF QUORUM

Attendee Name	Title	Status	Arrived
Mark Bricker	Mayor	Present	
Chrystal Folse	Mayor Pro-Tem	Excused	
William Cornman	Councilman	Present	
Julie Estlinbaum	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Carolyn Thames	Councilwoman	Present	

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILMAN BILL CORNMAN

Texas State Flag Pledge:

"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

3. PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

Jo Halbert came before Mayor and Council and stated that our City should be very proud of the Veterans Parade put on by the Matagorda Calvary. She added that she sees a lot of work going on in the City. Mrs. Halbert asked Robert Lister to come up to help promote the Matagorda County Food Drive. She added that they went to Houston to pick up 540 regular sized boxes and 10 large sized boxes for the food drive. Mrs. Halbert explained that they give everyone a turkey and a bag of sugar. She went on to state that it was a mass organization of volunteers. Mrs. Halbert challenged the City employees to give a can good. She thanked the Police Department for being a part of it. The Mayor asked that Captain Lister head the effort with the City employees.

Mike Ferdinand introduced himself as the new Matagorda County Economic Development Corporation Director.

Mitch Thames informed Mayor and Council that the Andy Hawkins plaque was in. He stated that he was working with the family to make sure they have the right date. He pointed out that they have a receptacle at Hardeman Park ready for the plaque. Mr. Thames then addressed Mayor and Council as a citizen. He addressed the alleyway easement ordinance on the agenda. He felt that the ordinance was too broadly written. Mr. Thames stated that if the ordinance were to pass, he would love to see wording that states it would be affect existing property and future improvements. He reiterated that he felt it was too broad.

4. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless requested by a member of the City Council. Public comment on consent agenda items may be heard without removing the item from the consent agenda. Each person providing public comment will be limited to 3 minutes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carolyn Thames, Councilwoman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

1. Appointment

DISCUSS, CONSIDER, AND/OR APPROVE APPOINTING JOSH FORTENBERRY AS CHAIRMAN OF THE PLANNING COMMISSION.

Mayor Mark A. Bricker

2. Appointment

DISCUSS, CONSIDER, AND/OR APPROVE MAYOR'S APPOINTMENT OF EVA PETERSON TO THE PLANNING COMMISSION.

Mayor Mark A. Bricker

5. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:**1. Policy**

DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT FOR AN ECONOMIC INCENTIVE BETWEEN BAY CITY COMMUNITY DEVELOPMENT CORPORATION AND SMBG-BAY CITY, LLC TO INCLUDE AN OPTION TO PURCHASE THE SCHULMAN FAMILY ENTERTAINMENT CENTER (SECOND READING).

DC Dunham, BCCDC Executive Director
Mayor Bricker read the caption for the second time.

Mrs. Dunham informed the public that the project currently had no incentive. The CDC Board would like to incentivize the company to purchase the building.

MOTION BY COUNCILWOMAN THAMES, SECOND BY COUNCILWOMAN ESTLINBAUM, TO A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S ECONOMIC PERFORMANCE AGREEMENT WITH SMBG-BAY CITY, LLC TO PROVIDE ECONOMIC INCENTIVES FOR THE PURCHASE OF THE CINEMA/INDOOR ENTERTAINMENT CENTER PROJECT ON PROPERTY LOCATED AT THE CORNER OF MCCROSKY ROAD AND 7TH STREET PURSUANT TO SECTION 505.158(b) OF THE TEXAS LOCAL GOVERNMENT CODE CONTINGENT. MOTION CARRIED BY UNANIMOUS.

2. Report

DISCUSS, CONSIDER, AND/OR APPROVE THE QUARTERLY INVESTMENT REPORTS FOR THE PERIODS ENDING JUNE 30, 2016 AND SEPTEMBER 30, 2016.

Scotty Jones, Finance Director

Mrs. Jones prefaced the review of the quarterly investment reports by stating that she kept the form the same, but would be changing it up in the future. Mrs. Jones reviewed both reports and pointed out the following; as of June 30th there were 9 different accounts with a balance of \$7.9 million; there was drop in the balance of \$5 million over the past year; as of September 30th the City's portfolio is very liquid; and the City needed to diversify its portfolio.

Mrs. Jones informed Mayor and Council that she would be bringing an amended Investment Policy to them.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Steven Johnson, Councilman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

Enacted and approved this 17th day of November, 2016, at Bay City

3. Agreement

DISCUSS, CONSIDER, AND/OR APPROVE A RATE INCREASE FROM WCA WASTE CORPORATION IN ACCORDANCE WITH SECTION 8.0 OF THE SOLID WASTE COLLECTION AND DISPOSAL CONTRACT WITH THE CITY OF BAY CITY.

Scotty Jones, Finance Director

Mrs. Jones explained to Mayor and Council that WCA had the right, in accordance with their contract, to pass over a rate increase on to the City. This rate increase would not affect the citizens. Mrs. Jones added there would be an annual impact to the City of close to \$27,000.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

Enacted and approved this 17th day of November, 2016, at Bay City

4. Agreement

DISCUSS, CONSIDER, AND/OR APPROVE RENEWING REAL ESTATE LISTING AGREEMENT WITH WARD REAL ESTATE FOR THE SALE OF THE REMAINING CITY SURPLUS PROPERTIES.

Mayor Mark A. Bricker

Mr. Frankson provided Mayor and Council with an update and handout on the sale of the City's surplus properties. Mr. Frankson requested a 6 month extension to sell the two remaining properties.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

Enacted and approved this 17th day of November, 2016, at Bay City

5. Amendment

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS AMENDING SECTION 14-7 OF THE CITY CODE OF ORDINANCES, CHAPTER 14 (TITLED "ANIMALS"), ARTICLE I (TITLED "IN GENERAL") BY AMENDING SECTION 14-7 (TITLED "RUNNING AT LARGE") TO ALLOW DOGS TO RUN AT LARGE WITHIN THE CITY'S DOG PARK.

Shawn Blackburn, Director of Parks and Recreation
Mr. Blackburn notified Mayor and Council that the amendment was in violation of the City's Ordinance. The ordinance would have to amended if the City were to have a Dog Park.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

Enacted and approved this 17th day of November, 2016, at Bay City

6. Ordinance

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 70 (TITLED "PARKS AND RECREATION"), ARTICLE II (TITLED "CONDUCT IN PUBLIC PARKS") BY AMENDING SECTION 70-33 (TITLED "DOMESTIC ANIMALS") TO ALLOW DOGS TO RUN AT LARGE WITHIN THE CITY'S DOG PARK.

Shawn Blackburn, Director of Parks and Recreation
Mr. Blackburn informed Mayor and Council that the amendment was in violation of the City's Ordinance. The ordinance would have to amended if the City were to have a Dog Park.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

ORDINANCE

Enacted and approved this 17th day of November, 2016, at Bay City

7. Policy

DISCUSS, CONSIDER, AND/OR APPROVE A RECOMMENDATION TO MOVE FORWARD WITH CONTRACT NEGOTIATIONS FOR AN ARCHITECTURAL FIRM TO DEVELOP A CONCEPTUAL PLAN FOR RENOVATION AND PRESERVATION OF THE DOWNTOWN TEXAS THEATER.

Councilman Bill Cornman

Mayor Knapik explained the process the committee went through to select the firm.

MOTION BY COUNCILMAN JOHNSON, SECOND BY COUNCILWOMAN ESTLINBAUM, TO MOVE FORWARD WITH CONTRACT NEGOTIATIONS WITH CHELSEA. MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Knapik asked if the City would send a letter confirming the decision. The Mayor assigned the task to Mr. Calhoun.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

Enacted and approved this 17th day of November, 2016, at Bay City

8. Bid

DISCUSS, CONSIDER AND/OR APPROVE AWARDED THE CONSTRUCTION BID FOR THE 2015 TEXAS CAPITAL FUND CONTRACT 7215031 FOR SEWER IMPROVEMENTS IN THE HIGHLAND SUBDIVISION TO TEXAS PRIDE UTILITIES, LLC IN THE AMOUNT OF \$361,507.00; AND THE CITY OF BAY CITY COMMITTING 20.1% FOR OVERAGES IN THE AMOUNT OF \$60,507.00; AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND TEXAS PRIDE UTILITIES, LLC; AND DIRECT STAFF AS NECESSARY.

Barry Calhoun, Director of Public Works

Mr. Calhoun explained that the CDBG Grant was for sewer improvements for the Highland Addition. He stated that there were 6 bids. The lowest bidder was Texas Pride. Mr. Calhoun stated that they have been satisfied with their work. He added that is \$301,000 allotted for the grant, but the bid came in over the grant amount. Mr. Calhoun pointed out that they budgeted \$300,000 in Capital Projects and would take the overage from there.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

Enacted and approved this 17th day of November, 2016, at Bay City

9. Budget

DISCUSS, CONSIDER, AND/OR APPROVE A DECLARATION OF UNUSABLE EQUIPMENT, SUPPLIES, AND MATERIALS AS SURPLUS AND AUTHORIZE STAFF TO SELL SAID SURPLUS

EQUIPMENT, SUPPLIES, AND MATERIALS THROUGH THE USE OF AN ONLINE AUCTION OR OTHER MEANS.

Barry Calhoun, Director of Public Works

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

Enacted and approved this 17th day of November, 2016, at Bay City

10. Ordinance

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS AMENDING SECTION 94-135 OF THE BAY CITY CODE OF ORDINANCES TO CONFIRM ALLEY EASEMENTS IN ALL SUBDIVISIONS OR ACREAGE IN CITY LIMITS WHERE SUCH ALLEYS HAVE BEEN IN EXISTENCE, BUT MAY HAVE NOT BEEN EXPRESSLY PLATTED OR CONVEYED.

Marla Jasek, Assistant Director of Public Works

Mr. Calhoun provided a quick recap on the existing ordinance. He stated that he would like to strike out the year of 1945, and would like to remove the threshold from the ordinance.

Councilman Johnson asked if the City's grant hangs in the balance, and Mr. Calhoun stated that for the current grant they moved the access points.

There was continued discussion between Council, City Attorney and Mr. Calhoun regarding the proposed amendment.

Mr. Calhoun stated that he would work with Mr. Kackley to review other City ordinances and then bring it back to Council.

RESULT:	WITHDRAWN
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11. Report

RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS INCLUDING STREET REHABILITATION PROJECTS, UTILITY PROJECTS, GRANT PROJECTS, SIEMENS ENERGY SAVINGS PROJECT, NEW DEVELOPMENTS, AND THE BUILDING DEPARTMENT.

Barry Calhoun, Director of Public Works

Mr. Calhoun reviewed the current Public Works Projects.

Councilman Johnson asked about the traffic light at Hamman Road and Nichols. Mr. Calhoun stated that he talked with TxDOT and they strongly suggested that the City do not add a light. TxDOT seen it as a sight distance issue, and that the property owner needed to keep the property mowed. Mr. Calhoun stated that they would submit the application and report the results to Council.

The Mayor asked Mr. Calhoun to inform Council of the MOS issue. Mr. Calhoun stated that in June of 2015 Council awarded funds to extend utilities to MOS, and it was confirmed today that MOS has not connected to the sewer.

12. Ordinance

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING THE CITY OF BAY CITY CODE OF ORDINANCES CHAPTER 87 (TITLED "SEXUAL OFFENDERS") BY AMENDING SECTION 87-5 (TITLED "WARNING SIGNS AND/OR BUMPER STICKERS; PENALTIES") TO CLARIFY THE POSTING OF SIGNS AND BUMPER STICKERS ON MOTOR VEHICLES OPERATED BY SEXUAL OFFENDERS .

Detective Fred Wesselski and Detective Robert Pierce, Jr.

Detective Pierce explained that the offenders had citations dismissed due to the way the ordinance was written. How it is currently written states "his vehicle", and would like to change "any vehicle" he operates.

Councilman Johnson asked if they lived in the City or if they were traveling through. Detective Pierce explained that they could only enforce it on those that lived here and are registered here.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Cornman, Estlinbaum, Johnson, Thames
EXCUSED:	Folse

ORDINANCE

Enacted and approved this 17th day of November, 2016, at Bay City

6. EXECUTIVE SESSION

Mayor adjourned from Open Session at 8:15 PM

1. Report

PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE (DELIBERATION REGARDING REAL PROPERTY), CITY COUNCIL WILL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY AS DELIBERATIONS IN AN OPEN MEETING WILL HAVE A DETRIMENTAL EFFECT ON THE CITY'S POSITION IN NEGOTIATIONS WITH A THIRD PARTY.

Mayor entered into Executive Session at 8:19 p.m.

2. Report

PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (PERSONNEL MATTERS), CITY COUNCIL WILL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE DUTIES OF THE CITY ATTORNEY.

Mayor adjourned from Executive Session at 8:32 p.m.

7. OPEN SESSION

1. Report

CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND MAY DISCUSS, CONSIDER, AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE THAT WAS CONSIDERED AND DISCUSSED IN EXECUTIVE SESSION (IF NECESSARY).

No action taken.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Thames thanked Council for electing her as the H-GAC Representative.

The Mayor displayed the new walking trail signage. He informed everyone of the Dog Park grand opening. The Mayor will meet with the school regarding the bond. The Mayor wished everyone a Happy Thanksgiving.

9. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be Agenda City Council August 8, 2013 in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

This is to certify that the above notice of a Regular Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Thursday, November 10, 2016 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

Rhonda Clegg
City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/17/16 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2471

DISCUSSION ITEM (ID # 2471)

**DISCUSS, CONSIDER, AND/OR APPROVE APPOINTING
JOSH FORTENBERRY AS CHAIRMAN OF THE PLANNING
COMMISSION.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/17/16 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2470

DISCUSSION ITEM (ID # 2470)

**DISCUSS, CONSIDER, AND/OR APPROVE MAYOR'S
APPOINTMENT OF EVA PETERSON TO THE PLANNING
COMMISSION.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/17/16 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2465

DISCUSSION ITEM (ID # 2465)

**DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION
AUTHORIZING AN ECONOMIC DEVELOPMENT
PERFORMANCE AGREEMENT FOR AN ECONOMIC
INCENTIVE BETWEEN BAY CITY COMMUNITY
DEVELOPMENT CORPORATION AND SMBG-BAY CITY, LLC
TO INCLUDE AN OPTION TO PURCHASE THE SCHULMAN
FAMILY ENTERTAINMENT CENTER (SECOND READING).**



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 11/17/16 07:00 PM
Department: Finance
Category: Report
Prepared By: Scotty Jones
Initiator: Scotty Jones
Sponsors:
DOC ID: 2461

ADOPTED

AGENDA ITEM (ID # 2461)

**DISCUSS, CONSIDER, AND/OR APPROVE THE QUARTERLY
INVESTMENT REPORTS FOR THE PERIODS ENDING JUNE
30, 2016 AND SEPTEMBER 30, 2016.**

BACKGROUND:

The Public Funds Investment Act (Chapter 2256, Government Code) requires the City's Investment Report to be reviewed by the governing body at least quarterly.

FINANCIAL IMPLICATIONS:

An investment policy itself protects City dollars by restricting certain types of transactions. It also enables the City to invest in other instruments to increase interest earnings.

IMPACT ON COMMUNITY SUSTAINABILITY:

The report permits an outside reader to evaluate the performance of the investment program.

RECOMMENDATION:

Staff recommends City Council approve the Quarterly Investment Reports

ATTACHMENT:

Quarterly Investment Report - June 30, 2016 & September 30, 2016

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Steven Johnson, Councilman
AYES:	William Cornman, Julie Estlinbaum, Steven Johnson, Carolyn Thames
EXCUSED:	Chrystal Folse

**CITY OF BAY CITY, TEXAS
QUARTERLY INVESTMENT REPORT
FOR THE QUARTER ENDED JUNE 30, 2016**

The investment portfolio detailed in the attached report includes all investment transactions made during the above referenced period. The investment portfolio and all related transactions comply with the investment policy of the City of Bay City, Texas and the Public Funds Investment Act of the State of Texas.

Investment Officer: _____


Scotty Jones, Finance Director

Date: _____

11-9-16

City of Bay City
Detailed Investment Activity
for Quarter Ending 6/30/16

Investment Pool / Bank Account	Month	Beg Bal	Purchases/ Withdrawals	Interest	Sales/ Deposits	End Bal
FSA	April	7,666.85	2,573.97	-	2,449.96	7,542.84
	May	7,542.84	1,375.37	-	1,224.98	7,392.45
	June	7,392.45	481.41	-	3,674.94	10,585.98
		7,666.85	4,430.75	-	7,349.88	10,585.98
Pending Forfeiture	April	10,457.36	-	-	-	10,457.36
	May	10,457.36	-	-	-	10,457.36
	June	10,457.36	-	-	-	10,457.36
		10,457.36	-	-	-	10,457.36
Forfeiture Account	April	33,282.89	560.00	-	-	32,722.89
	May	32,722.89	199.13	-	-	32,523.76
	June	32,523.76	719.35	-	-	31,804.41
		33,282.89	1,478.48	-	-	31,804.41
USO	April	24,653.31	-	3.03	-	24,656.34
	May	24,656.34	-	3.13	-	24,659.47
	June	24,659.47	-	3.03	-	24,662.50
		24,653.31	-	9.19	-	24,662.50
Task Force Pending	April	10,195.55	-	-	-	10,195.55
	May	10,195.55	-	-	-	10,195.55
	June	10,195.55	7,515.28	-	-	2,680.27
		10,195.55	7,515.28	-	-	2,680.27
Task Force	April	51,129.40	294.49	-	20.00	50,854.91
	May	50,854.91	-	-	3,763.00	54,617.91
	June	54,617.91	3,878.82	-	9,555.28	60,294.37
		51,129.40	4,173.31	-	13,338.28	60,294.37
Texas Class	April	504,153.97	-	234.99	-	504,388.96
	May	504,388.96	-	253.49	-	504,642.45
	June	504,642.45	-	261.68	-	504,904.13
		504,153.97	-	750.16	-	504,904.13
Tex Pool	April	6,228,269.08	-	1,730.04	-	6,229,999.12
	May	6,229,999.12	-	1,798.29	-	6,231,797.41
	June	6,231,797.41	-	1,860.65	-	6,228,269.08
		6,228,269.08	-	5,388.98	-	6,233,658.06
IBC Pooled Cash	April	1,496,447.46	2,297,202.09	-	2,354,655.46	1,553,900.83
	May	1,553,900.83	2,001,831.76	-	1,794,960.16	1,347,029.23
	June	1,347,029.23	1,877,497.70	-	1,620,306.86	1,089,838.39
		1,496,447.46	6,176,531.55	-	5,769,922.48	1,089,838.39
Grand Total		8,366,255.87	6,194,129.37	6,148.33	5,790,610.64	7,968,885.47

CITY OF BAY CITY, TEXAS
Quarterly Investment Report
As of June 30, 2016

Balance Comparison by Quarter

INVESTMENT BALANCES BY TYPE	Book Value 9/30/2015	Book Value 12/31/2015	Book Value 3/31/2016	Book Value 6/30/2016
INVESTMENT POOLS	8,424,394	6,727,185	6,732,423	6,738,562
PROSPERITY BANK	24,635	24,644	24,653	24,663
IBC BANK	1,409,916	937,744	1,609,180	1,205,661
TOTAL CASH AND INVESTMENTS	<u>\$ 9,858,945</u>	<u>\$ 7,689,573</u>	<u>\$ 8,366,256</u>	<u>\$ 7,968,886</u>

Annual Comparison of Portfolio Performance

	30-Jun-15		30-Jun-16	
	<u>Avg. Yield</u>	<u>Book Value</u>	<u>Avg. Yield</u>	<u>Book Value</u>
INVESTMENT POOLS	0.0487%	8,422,584	0.2736%	6,738,562
PROSPERITY BANK	0.1500%	24,625	0.1500%	24,663
IBC BANK	0.0000%	<u>4,621,335</u>	0.0000%	<u>1,205,661</u>
TOTAL PORTFOLIO	0.0400%	<u>13,068,544</u>	0.2315%	<u>7,968,886</u>

Purchase Date	Description	Ratings	Maturity Date	# Days to Maturity	Par Value	Coupon Yield	3/30/2016		Quarterly Activity			6/30/2016		Unreal Gain
							Book Value	Market Value	Purchases	Maturities	Interest	Book Value	Market Price	
INVESTMENT POOLS														
6/30/2016	Texpool - General	AAAm	7/1/2016	1	6,233,658	0.3450%	\$ 6,228,269	\$ 6,228,269	\$ -	\$ -	\$ 5,389	\$ 6,233,658	\$ -	\$ 6,233,658
6/30/2016	Class - General	AAAm	7/1/2016	1	504,904	0.5633%	504,154	504,154	-	-	750	504,904	-	504,904
							6,732,423	6,732,423	-	-	6,139	6,738,562	-	6,738,562
							80.47%					84.56%		OF TOT.
							24,653	24,653	-	-	9	24,663	-	24,663
							24,653	24,653	-	-	9	24,663	-	24,663
							0.29%					0.31%		OF TOT.
CITY DEPOSITORY- IBC Bank														
N/A	Pooled Cash		N/A	N/A	1,089,838	0.00%	1,496,447	1,496,447	(6,176,532)	5,769,922	-	\$ 1,089,838	-	1,089,838
N/A	Flexible Spending Account		N/A	N/A	10,586	0.00%	7,667	7,667	(4,431)	7,350	-	\$ 10,586	-	10,586
N/A	Police Pending Forfeiture		N/A	N/A	10,457	0.00%	10,457	10,457	-	-	-	\$ 10,457	-	10,457
N/A	Police Forfeiture		N/A	N/A	31,804	0.00%	33,283	33,283	(1,478)	-	-	\$ 31,804	-	31,804
N/A	Police Task Force		N/A	N/A	60,294	0.00%	51,129	51,129	(4,173)	13,338	-	\$ 60,294	-	60,294
N/A	Police Task Force Pending		N/A	N/A	2,680	0.00%	10,196	10,196	(7,515)	-	-	\$ 2,680	-	2,680
							1,609,180	1,609,180	(6,194,129)	5,790,611	-	\$ 1,205,661	-	1,205,661
							19.23%					15.13%		OF TOT.
TOTAL PORTFOLIO							\$ 8,366,256	\$ 8,366,256	\$ (6,194,129)	\$ 5,790,611	\$ 6,148	\$ 7,968,886	\$ -	\$ 7,968,886

Per City of Bay City Investment Policy, Section III, Yield, "The City's investment portfolio shall be designed with the objective of attaining a market rate of return, taking into account the City's risk constraints and the cash flow needs of the portfolio. Market rate of return may be defined as the average yield of the current 91 Day U.S. Treasury Bill.

The average 91 Day T-Bill rate for the quarter = .2591%

For comparison purposes, the 91 Day T-Bill rate as of 3/31/16 = 0.2861%.

**CITY OF BAY CITY, TEXAS
QUARTERLY INVESTMENT REPORT
FOR THE QUARTER ENDED September 30, 2016**

The investment portfolio detailed in the attached report includes all investment transactions made during the above referenced period. The investment portfolio and all related transactions comply with the investment policy of the City of Bay City, Texas and the Public Funds Investment Act of the State of Texas.

Investment Officer: _____


Scotty Jones, Finance Director

Date: _____

11-9-16

Investment Report Quarter Ended September 2016

The City has a weighted average portfolio of 1 day with an average book yield of .22%. The City is liquid with 100% of the portfolio in a 0-1 year bucket. Average interest rates have remained steady since prior quarter with a slight increase in investment pooled rates. All short term investments average less than 1%. Investment earnings are \$8,029 for the quarter and up \$6,210 as compared to the same quarter last year. The investment strategy currently is to primarily stay short with diversification (Checking & Investment Pools) to minimize interest rate risk in the future. However, the City will begin to build a ladder portfolio with some investment moving into 2-3 year maturities. The Investment Officer will begin to monitor security offerings as the City earns no interest in the primary depository.

September 30, 2016 Balances

	Total Bal by Type	% of Portfolio
IBC (Pooled Cash)	\$830,994	7.60%
Prosperity Bank	\$24,672	0.23%
Texstar	\$9,574,459	87.55%
Texas Class	\$505,795	4.63%
CD's	\$-	0.00%
Securities	\$-	0.00%
	\$10,935,920	100.00%

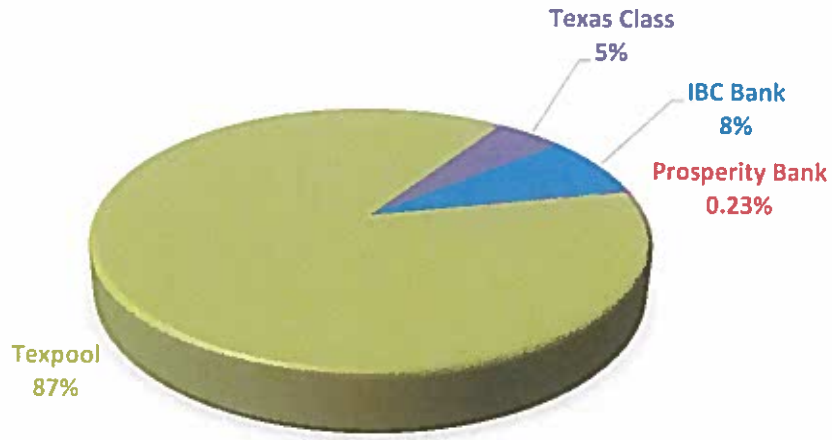
Interest Earnings

Interest received during the 4th quarter totaled \$ 8,029.27 and represents interest paid on checking accounts and investments.

Portfolio	Qtr 9-30-16	Qtr 9-30-15	Fiscal YTD
Interest Received	\$8,029.27	1,818.47	\$22,226.81

Portfolio Diversification

Portfolio Diversification is used to create a structure to reduce investment risks and a portfolio that will experience minimal volatility during economic cycles.



Portfolio Maturity Schedule

The goal is to ladder the City's portfolio. Due to economic uncertainty and very low interest rates, staying short for investment purposes is the strategy for any investments.

Years to Maturity	Face Value	% Total
0-1	\$10,935,920	100%
1-2	\$ 0	0%
2-3	\$ 0	0%
3-4	\$ 0	0%
4-5	\$ 0	0%
Total	\$10,935,920	100%

City of Bay City
Detailed Investment Activity
for Quarter Ending 9/30/16

Investment Pool / Bank Account	Month	Beg Bal	Purchases/ Withdrawals	Interest	Sales/ Deposits	End Bal
FSA	July	10,585.98	1,186.00	-	2,449.96	11,849.94
	August	11,849.94	655.16	-	2,449.96	13,644.74
	September	13,644.74	2,272.31	-	3,070.80	14,443.23
		10,585.98	4,113.47	-	7,970.72	14,443.23
Pending Forfeiture	July	10,457.36	-	-	-	10,457.36
	August	10,457.36	-	-	-	10,457.36
	September	10,457.36	-	-	-	10,457.36
		10,457.36	-	-	-	10,457.36
Forfeiture Account	July	31,804.41	-	-	-	31,804.41
	August	31,804.41	22.00	-	822.00	32,604.41
	September	32,604.41	200.00	-	1,906.00	34,310.41
		31,804.41	222.00	-	2,728.00	34,310.41
USO	July	24,662.50	-	3.13	-	24,665.63
	August	24,665.63	-	3.13	-	24,668.76
	September	24,668.76	-	3.03	-	24,671.79
		24,662.50	-	9.29	-	24,671.79
Task Force Pending	July	2,680.27	-	-	-	2,680.27
	August	2,680.27	-	-	-	2,680.27
	September	2,680.27	-	-	-	2,680.27
		2,680.27	-	-	-	2,680.27
Task Force	July	60,294.37	343.75	-	425.08	60,375.70
	August	60,375.70	-	-	117.00	60,492.70
	September	60,492.70	-	-	-	60,492.70
		60,294.37	343.75	-	542.08	60,492.70
Texas Class	July	504,904.13	-	273.86	-	505,177.99
	August	505,177.99	-	298.93	-	505,476.92
	September	505,476.92	-	318.46	-	505,795.38
		504,904.13	-	891.25	-	505,795.38
Tex Pool	July	6,233,658.06	-	1,953.40	-	6,235,611.46
	August	6,235,611.46	2,500,000.00	2,186.62	5,833,672.31	9,571,470.39
	September	9,571,470.39	-	2,988.71	-	9,574,459.10
		6,233,658.06	2,500,000.00	7,128.73	5,833,672.31	9,574,459.10
IBC Pooled Cash	April	1,089,838.39	2,392,978.55	-	1,693,970.50	390,830.34
	May	390,830.34	4,382,849.66	-	4,664,201.40	672,182.08
	June	672,182.08	1,555,423.30	-	1,591,850.65	708,609.43
		1,089,838.39	8,331,251.51	-	7,950,022.55	708,609.43
Grand Total		7,968,885.47	10,835,930.73	8,029.27	13,794,935.66	10,935,919.67

**CITY OF BAY CITY, TEXAS
Quarterly Investment Report
As of September 30, 2016**

Balance Comparison by Quarter

INVESTMENT BALANCES BY TYPE	Book Value 12/31/2015	Book Value 3/31/2016	Book Value 6/30/2016	Book Value 9/30/2016
INVESTMENT POOLS	6,727,185	6,732,423	6,738,562	10,080,255
PROSPERITY BANK	24,644	24,653	24,663	24,672
IBC BANK	937,744	1,609,180	1,205,661	830,993
TOTAL CASH AND INVESTMENTS	<u>\$ 7,689,573</u>	<u>\$ 8,366,256</u>	<u>\$ 7,968,886</u>	<u>\$ 10,935,920</u>

Annual Comparison of Portfolio Performance

	30-Sep-15		30-Sep-16	
	Avg. Yield	Book Value	Avg. Yield	Book Value
INVESTMENT POOLS	0.0487%	8,424,394	0.3570%	10,080,255
PROSPERITY BANK	0.1500%	24,635	0.1500%	24,672
IBC BANK	0.0000%	1,409,916	0.0000%	830,993
TOTAL PORTFOLIO	0.0553%	<u>9,858,945</u>	0.2203%	<u>10,935,920</u>

CITY OF BAY CITY, TEXAS
INVESTMENTS OUTSTANDING AS OF SEPTEMBER 30, 2016

Purchase Date	Description	Ratings	Maturity Date	# Days to Maturity	Cost	Par Value	Coupon Yield	6/30/2016 Book Value	6/30/2016 Market Value	Quarterly Activity				9/30/2016 Book Value	9/30/2016 Market Price	Market Value	Unrealized Gain
										Purchases	Maturities	Interest					
INVESTMENT POOLS																	
6/30/2016	Texpool - General	AAAm	10/1/2016	1	9,574,459	0.3737%		\$ 6,233,658	\$ 6,233,658	\$ (2,500,000)	\$ 5,833,672.31	\$ 7,129		\$ 9,574,459	\$ -	\$ 9,574,459	
6/30/2016	Class - General	AAAm	10/1/2016	1	505,795	0.7000%		504,904	504,904	-	-	891		\$ 505,795	-	505,795	
								6,738,562	6,738,562	(2,500,000)	5,833,672	8,020		\$ 10,080,255	-	10,080,255	
									84.56%							92.18%	OF TO
N/A	Prosperity Bank - USO		N/A	N/A	24,672	0.1500%		24,663	24,663	-	-	9		\$ 24,672	-	24,672	
								24,663	24,663	-	-	9		\$ 24,672	-	24,672	
									0.31%							0.23%	OF TO
CITY DEPOSITORY- IBC Bank																	
N/A	Pooled Cash		N/A	N/A	708,609	0.00%		1,089,838	1,089,838	(8,331,252)	7,950,023	-		\$ 708,609	-	708,609	
N/A	Flexible Spending Account		N/A	N/A	14,443	0.00%		10,586	10,586	(4,113)	7,971	-		\$ 14,443	-	14,443	
N/A	Police Pending Forfeiture		N/A	N/A	10,457	0.00%		10,457	10,457	-	-	-		\$ 10,457	-	10,457	
N/A	Police Forfeiture		N/A	N/A	34,310	0.00%		31,804	31,804	(222)	2,728	-		\$ 34,310	-	34,310	
N/A	Police Task Force		N/A	N/A	60,493	0.00%		60,294	60,294	(344)	542	-		\$ 60,493	-	60,493	
N/A	Police Task Force Pending		N/A	N/A	2,680	0.00%		2,680	2,680	-	-	-		\$ 2,680	-	2,680	
								1,205,661	1,205,661	(8,335,931)	7,961,263	-		\$ 830,993	-	830,993	
									15.13%							7.60%	OF TO
TOTAL PORTFOLIO									\$ 7,968,886	\$ 7,968,886	\$ 13,794,936	\$ 8,029		\$ 10,935,920	\$ -	\$ 10,935,920	

Per City of Bay City Investment Policy, Section III, Yield, "The City's investment portfolio shall be designed with the objective of attaining a market rate of return, taking into account the City's risk constraints and the cash flow needs of the portfolio. Market rate of return may be defined as the average yield of the current 91 Day U.S. Treasury Bill.

The average 91 Day T-Bill rate for the quarter = .29%

For comparison purposes, the 91 Day T-Bill rate as of 6/30/16 = .26%



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 2462)

Meeting: 11/17/16 07:00 PM
Department: Finance
Category: Agreement
Prepared By: Scotty Jones
Initiator: Scotty Jones
Sponsors:
DOC ID: 2462

DISCUSS, CONSIDER, AND/OR APPROVE A RATE INCREASE FROM WCA WASTE CORPORATION IN ACCORDANCE WITH SECTION 8.0 OF THE SOLID WASTE COLLECTION AND DISPOSAL CONTRACT WITH THE CITY OF BAY CITY.

BACKGROUND:

In accordance with Section 8 of the Solid Waste Collection and Disposal Contract, WCA can request a rate adjustment on the anniversary date of the contract. This rate adjustment is based on the Consumer Price Index (CPI) calculated based on the most recent year over year average.

FINANCIAL IMPLICATIONS:

Annual impact estimated- \$ 27,000

On October 1, 2016 the city increased all water, sewer, and garbage rates at the same time. This will not be an additional increase to the residential and commercial customers- only to the City.

RECOMMENDATION:

Staff recommends approval of the increase to WCA.

ATTACHMENTS: Memo from WCA; Summary of Rates Charged by WCA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	William Cornman, Julie Estlinbaum, Steven Johnson, Carolyn Thames
EXCUSED:	Chrystal Folse



August 30, 2016

City of Bay City
1901 5th Street
Bay City, TX 77414

RE: Annual Rate Adjustment Notification

Dear Board Members:

WCA Waste Corporation is proud to be your solid waste and recycling services provider. We are committed to providing you with the most professional and reliable service available. We hope you are pleased with our performance and we urge you to contact us at any time with any questions or concerns that you may have.

A component of our mutual contract allows for an annual rate adjustment on the anniversary date of the contract based on the most recently published CPI-U Series CUSR0000SEHG02. The CPI-U data rating average for August 2014 through July 2015; average of August 2015 through July 2016, an increase of 1.81%. Effective **November 1, 2016**, this increase is for both the residential and commercial waste removal.

It is WCA's goal to continue to provide you with high quality, trash-hauling services at a competitive rate. Should you have any questions or require additional information, please do not hesitate to contact me.

We appreciate the opportunity to include you as one of our valued customers and consider it our privilege to serve you!

Sincerely,

A handwritten signature in black ink, appearing to read "T. Royal", written over a horizontal line.

Trevor Royal
WCA Waste Corporation

Sanitation Rates Charged by WCA- Effective November 2016 Billing**Dumpsters:**

Size	1 x Week	2 x Week	3 x Week	4 x Week	5 x Week	6 x Week
2 Cubic Yard	\$ 45.93	\$ 92.64	\$ 137.94	\$ 181.84	\$ 224.35	\$ 270.29
3 Cubic Yard	\$ 64.75	\$ 129.57	\$ 192.30	\$ 252.92	\$ 311.46	\$ 375.30
4 Cubic Yard	\$ 80.08	\$ 159.53	\$ 236.18	\$ 310.06	\$ 381.13	\$ 461.21
6 Cubic Yard	\$ 110.75	\$ 219.44	\$ 323.97	\$ 424.32	\$ 520.47	\$ 629.07
8 Cubic Yard	\$ 134.42	\$ 265.22	\$ 390.83	\$ 510.68	\$ 624.96	\$ 728.12

Toters:

Class	Base Fee	Extra Toter
Residential Inside	\$ 10.39	\$ 5.20
Residential Outside	\$ 15.59	\$ 7.79
Commercial Inside	\$ 28.85	\$ 14.43
Commercial Outside	\$ 43.28	\$ 21.64



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 2460)

Meeting: 11/17/16 07:00 PM
Department: Mayor's Office
Category: Agreement
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 2460

**DISCUSS, CONSIDER, AND/OR APPROVE RENEWING REAL
ESTATE LISTING AGREEMENT WITH WARD REAL ESTATE
FOR THE SALE OF THE REMAINING CITY SURPLUS
PROPERTIES.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	William Cornman, Julie Estlinbaum, Steven Johnson, Carolyn Thames
EXCUSED:	Chrystal Folse



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 11/17/16 07:00 PM
Department: Parks & Recreation
Category: Amendment
Prepared By: Shawn Blackburn
Initiator: Shawn Blackburn
Sponsors:

AGENDA ITEM (ID # 2472)

DOC ID: 2472

**DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE
OF THE CITY OF BAY CITY, TEXAS AMENDING SECTION 14-7
OF THE CITY CODE OF ORDINANCES, CHAPTER 14 (TITLED
“ANIMALS”), ARTICLE I (TITLED “IN GENERAL”) BY
AMENDING SECTION 14-7 (TITLED “RUNNING AT LARGE”)
TO ALLOW DOGS TO RUN AT LARGE WITHIN THE CITY'S
DOG PARK.**

This action amends the dog at large ordinances 14-7 and 70-33 to exempt dogs off-leash At City Park facilities designed for such purposes (dog parks).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	William Cornman, Julie Estlinbaum, Steven Johnson, Carolyn Thames
EXCUSED:	Chrystal Folse

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 70 (TITLED “PARKS AND RECREATION”), ARTICLE II (TITLED “CONDUCT IN PUBLIC PARKS”) BY AMENDING SECTION 70-33 (TITLED “DOMESTIC ANIMALS”); PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY SECRETARY TO PUBLISH THE CAPTION IN ACCORDANCE WITH THE CITY CHARTER.

WHEREAS, Section 2.02 of the City’s Charter permits the City to pass and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health, morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and may provide suitable penalties for the violations of any ordinance;

WHEREAS, Chapter 70 of the City’s Municipal Code of Ordinances regulates the City’s parks; and

WHEREAS, The City is in the process of constructing, operating, and maintaining a dog park(s) within the City’s city limits. The City’s *Domestic Animals* ordinance needs to be revised to allow dogs to be off leash within the confines of the City’s dog park; and

WHEREAS, the City Council finds that the amendment of Chapter 70 of the City’s Municipal Code of Ordinances by amending section 70-33 to allow dogs to be off leash within the confines of the dog park promotes the health and wellbeing of animals and residents within the City’s city limits; and

WHEREAS, the City Council desires to amend the City’s Municipal Code of Ordinances to revise Section 70-33 to allow dogs to run at large within the confines of the City’s dog park.

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

Section one. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section two. The City of Bay City, Texas Code of Ordinances, Chapter 70 (titled “Parks and Recreation”), Article II (titled “Conduct in Public Parks”), Section 70-33 (titled “Domestic Animals”) is hereby amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

Sec. 70-33. - Domestic animals.

No person in a park shall have been responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto,

and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in this Area." Nothing contained in this section shall be construed as permitting the running of dogs at large, except as provided by Section 14-7. All dogs in those areas where animals are permitted shall be restrained at all times on adequate leashes not greater than six feet in length, except as provided by Section 14-7.

Section three. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section four. Severability. It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section five. Effective Date. This Ordinance shall become effective upon its adoption by the City Council and publication of the caption hereof in accordance with Section 5.01(i) of the City Charter.

PASSED AND APPROVED on this 17th day of November 2016.

Mark A. Bricker, Mayor
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary
City of Bay City, Texas

M. Shannon Kackley, Asst. City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH,
PC

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 14 (TITLED “ANIMALS”), ARTICLE I (TITLED “IN GENERAL”) BY AMENDING SECTION 14-7 (TITLED “RUNNING AT LARGE”); PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY SECRETARY TO PUBLISH THE CAPTION IN ACCORDANCE WITH THE CITY CHARTER.

WHEREAS, Section 2.02 of the City’s Charter permits the City to pass and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health, morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and may provide suitable penalties for the violations of any ordinance;

WHEREAS, Chapter 14 of the City’s Municipal Code of Ordinances regulates animals within the City’s city limits; and

WHEREAS, The City is in the process of constructing, operating, and maintaining a dog park(s) within the City’s city limits. The City’s *Running at Large* ordinance needs to be revised to allow dogs to be off leash within the confines of the City’s dog park; and

WHEREAS, the City Council finds that the amendment of Chapter 14 of the City’s Municipal Code of Ordinances by amending section 14-7 to allow dogs to be off leash within the confines of the dog park promotes the health and wellbeing of animals and residents within the City’s city limits; and

WHEREAS, the City Council desires to amend the City’s Municipal Code of Ordinances to revise Section 14-7 to allow dogs to run at large within the confines of the City’s dog park.

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

Section one. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section two. The City of Bay City, Texas Code of Ordinances, Chapter 14 (titled “Animals”), Article I (titled “In General”), Section 14-7 (titled “Running at Large” is hereby amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

Sec. 14-7. – Running at large.

It shall be unlawful for any owner or harbinger of a dog, cat, domestic pet, horse, mule, cow, bull, steer, calf, sheep, goat, hog, fowl or other domestic or wild animal or livestock to allow the

same to run at large on the streets, sidewalks, alleys, parks or other public places or upon another person's or business's property.

The term *running at large* does not include a dog that is lawfully in any off-leash site or dog park authorized by the city or the Code, so long as the person with care, custody, or control of the animal is in compliance with all other requirements of the Code. This definition does not apply to an indigenous wild or feral animal.

Section three. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section four. Severability. It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section five. Effective Date. This Ordinance shall become effective upon its adoption by the City Council and publication of the caption hereof in accordance with Section 5.01(i) of the City Charter.

PASSED AND APPROVED on this 17th day of November 2016.

Mark A. Bricker, Mayor
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary
City of Bay City, Texas

M. Shannon Kackley, Asst. City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH,
PC

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Julie L. Estlinbaum	_____	_____	_____
Bill Cornman	_____	_____	_____
Chrystal Folse Mayor Pro Tem	_____	_____	_____
Steven Johnson	_____	_____	_____
Carolyn Thames	_____	_____	_____

City of Bay City

Mark A. Bricker, Mayor,

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

M. Shannon Kackley, Assistant City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

Attachment: Ordinance Revising Ch. 14 (Running at Large (Dog Park)) (2472 : Dog at Large Amendment)



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 2475)

Meeting: 11/17/16 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2475

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 70 (TITLED "PARKS AND RECREATION"), ARTICLE II (TITLED "CONDUCT IN PUBLIC PARKS") BY AMENDING SECTION 70-33 (TITLED "DOMESTIC ANIMALS") TO ALLOW DOGS TO RUN AT LARGE WITHIN THE CITY'S DOG PARK.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	William Cornman, Julie Estlinbaum, Steven Johnson, Carolyn Thames
EXCUSED:	Chrystal Folse

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 70 (TITLED “PARKS AND RECREATION”), ARTICLE II (TITLED “CONDUCT IN PUBLIC PARKS”) BY AMENDING SECTION 70-33 (TITLED “DOMESTIC ANIMALS”); PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY SECRETARY TO PUBLISH THE CAPTION IN ACCORDANCE WITH THE CITY CHARTER.

WHEREAS, Section 2.02 of the City’s Charter permits the City to pass and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health, morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and may provide suitable penalties for the violations of any ordinance;

WHEREAS, Chapter 70 of the City’s Municipal Code of Ordinances regulates the City’s parks; and

WHEREAS, The City is in the process of constructing, operating, and maintaining a dog park(s) within the City’s city limits. The City’s *Domestic Animals* ordinance needs to be revised to allow dogs to be off leash within the confines of the City’s dog park; and

WHEREAS, the City Council finds that the amendment of Chapter 70 of the City’s Municipal Code of Ordinances by amending section 70-33 to allow dogs to be off leash within the confines of the dog park promotes the health and wellbeing of animals and residents within the City’s city limits; and

WHEREAS, the City Council desires to amend the City’s Municipal Code of Ordinances to revise Section 70-33 to allow dogs to run at large within the confines of the City’s dog park.

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

Section one. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section two. The City of Bay City, Texas Code of Ordinances, Chapter 70 (titled “Parks and Recreation”), Article II (titled “Conduct in Public Parks”), Section 70-33 (titled “Domestic Animals”) is hereby amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

Sec. 70-33. - Domestic animals.

No person in a park shall have been responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto,

and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in this Area." Nothing contained in this section shall be construed as permitting the running of dogs at large, except as provided by Section 14-7. All dogs in those areas where animals are permitted shall be restrained at all times on adequate leashes not greater than six feet in length, except as provided by Section 14-7.

Section three. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section four. Severability. It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section five. Effective Date. This Ordinance shall become effective upon its adoption by the City Council and publication of the caption hereof in accordance with Section 5.01(i) of the City Charter.

PASSED AND APPROVED on this 17th day of November 2016.

Mark A. Bricker, Mayor
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary
City of Bay City, Texas

M. Shannon Kackley, Asst. City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH,
PC



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 2459)

Meeting: 11/17/16 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2459

DISCUSS, CONSIDER, AND/OR APPROVE A RECOMMENDATION TO MOVE FORWARD WITH CONTRACT NEGOTIATIONS FOR AN ARCHITECTURAL FIRM TO DEVELOP A CONCEPTUAL PLAN FOR RENOVATION AND PRESERVATION OF THE DOWNTOWN TEXAS THEATER.

After researching the possibilities for firms to provide Architectural services for renovation and preservation of the Texas Theater, 2 excellent firms (Stern & Bocek and Chelsea) made the short list, were interviewed, and were rated by a team of 4 (Knapik, Dykes, Calhoun, Cornman). Even though judged to be a slightly higher cost option, Chelsea emerged as the recommended firm, primarily because they possess strong in house Structural Engineering capability which the group felt was critical for our project (Chelsea was the expert witness and did the final design for the BCHS recent renovation). Following is 1) the interview notes for both firms, 2) the selection criteria upon which the firms were evaluated, and 3) the final rating summary resulting in Chelsea as the recommended firm.

If approved to go forward, our next step will be to meet with Chelsea to develop a detailed scope of work with deliverables, etc., and a final cost estimate - all of which would be included in a contract, ultimately to be approved by Council.

The 2017 budget for the Texas Theater is \$ 260,000, of which \$ 130,000 has been committed to the project currently in construction to install a new roof over just the Theater building.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	William Cornman, Julie Estlinbaum, Steven Johnson, Carolyn Thames
EXCUSED:	Chrystal Folse

NOTES FROM INTERVIEW WITH STERN & BOCEK ARCHITECTS

Interview conducted October 27, 2016

In Attendance: Mary Dykes Richard Knapik Barry Calhoun
 Mark Bricker **David Bocek** Bill Cornman

1. Firm consists of 1 principle Architect (David Bocek) & 7 associate specialist.
 Rates = \$ 165 / hr. - Architect
 \$ 100 / hr. - Associates
 So obviously, David would be the Architect for our project - original home town = Wharton, now lives in Houston, where his firm resides. "Easy to speak with" kind of guy - yet came across as very professional and certainly knowledgeable of his trade.
2. Could begin within ~ 2 weeks of contract signing and would expect to finish the first phase of work (depending on the exact scope both parties agree to) in ~ ~ 3 to 4 months.
3. Would outsource structural, electrical, and mechanical engineering work - their in-house capability is strictly Architectural. Does have an associate with grant writing experience.
4. Possesses a wealth of experience in restoration and preservation work. Will do homes (new & old), businesses, historical buildings, etc. - but not new big buildings. Previously and currently engaged in restoration work at the Wharton Plaza Theater (Plaza contact person = Henry Body).
5. David himself has an obvious passion for historical preservation work - in his own words claims to be a bit of a preservation activist having done projects with, and actually served on several non-profit organizations dealing with historical type facilities. Has also worked with grant funding even to the extent of participating in securing grant funds - has dealt with the Landmark Commission. Would say he understands and knows more about the process we have undertaken than we do.
6. Strongly recommends we include in our scope a color expert survey of our facility to determine original colors and materials of construction - believes

Attachment: Texas Theater Architect - David Bocek (2459 : Texas Theater Architect)

a lot can be learned about the buildings past & character as a result of this work - only a one day visit would be needed for this = not a big cost to do.

7. The fee for detailed Architectural work (approved for construction plans) would likely range from ~ ~ 8% to 12% of the total construction cost - depending on the ultimate complexity of the project.
8. Told David we had more research to do before making a choice, gaining approvals, etc., so likely would be at least a month before we could give him a “yea” or “nay” - latest though by the end of the year.

WGC 10/27/2016

NOTES FROM INTERVIEW WITH CHELSEA PLACE DESIGN INC.

Conducted November 2, 2016

In Attendance:	Richard Knapik	Leonard Lane	Robert Taylor
	Mary Dykes	Barry Clahoun	David Holubek
	Mark Bricker	Bill Cornman	

1. Firm has been in existence since 1980 - office located in Greenway Plaza.
2. 2 principle Architects + 7 associates - hourly rates =
 Principle - \$ 200 / hr
 Associate - \$ 95 to 125 / hr
 Small, low overhead, and relatively low cost firm - although slightly higher cost than Stern & Bocek (@ \$ 165 / hr for their Principle Architect).
3. Do a multitude of different type and style of projects along with a decent number of renovation / preservation jobs (Galveston, Houston, etc..). In addition to Architecture, Chelsea has a strength with "in house" Structural Engineering - all other disciplines (Mechanical, Electrical, etc.) are outsourced with local Houston firms they have a relationship with.
4. Both Leonard & Robert are Rice Architecture graduates. Leonard has a Masters degree and Robert has a post graduate degree in Structural Engineering. Both have been with the firm since it's inception - and both would be the "leads" for our project. Firm has a fairly large current work load, but assured us they have time for our project and are very interested in our work.
5. Robert was a expert witness in the BCHS law suite - following which Chelsea was contracted to do the Architectural and Engineering work for the Bay City High School renovation - a project that has just about wrapped up. Also, Robert was raised in Wharton and is still active in fund raising for the Plaza Theater - so very familiar with Bay City as well.
6. Appears Chelsea has little / no experience with projects that involve grant funding - at least they could not recall having done one before.
7. In general, the interview with Leonard & Robert was open, pleasant, honest, and informative - these guys were easy to talk with - would probably be as easy to work with.
8. The firm has done a good deal of past work with BLS Construction of El Campo (who built our Training Center building this year). I will contact both Keith Brown (BCISD) and the BLS people as a reference check for Chelsea.

WGC 11/2/2016

Attachment: Texas Theater Architect - Chelsea (2459 : Texas Theater Architect)

TEXAS THEATER ARCHITECT SELECTION CRITERIA

Each surveyor to rate each of the below criteria from 1 to 10, 10 being the highest rating. Multiply the rating by the weighting factor, record the result in the column provided, and sum the results & record at the page bottom.

Architectural Firm _____
 Surveyor's Name _____ Date _____

	<u>Weight Factor</u>	X	<u>Rating Score</u>	=	<u>Total</u>
Renovation Exp.	4	X	_____	=	_____
Small Theater Renovation Exp.	5	X	_____	=	_____
Overall Expected Arch. Cost	5	X	_____	=	_____
In House Capability	3	X	_____	=	_____
References	5	X	_____	=	_____
Ability to Build a Relationship w/ us	4	X	_____	=	_____
Grand Total Score					_____

WGC 9/30/16

TEXAS THEATER ARCHITECT SELECTION CRITERIA

Each surveyor to rate each of the below criteria from 1 to 10, 10 being the highest rating. Multiply the rating by the weighting factor, record the result in the column provided, and sum the results & record at the page bottom.

Architectural Firm _____
 Surveyor's Name _____ Date _____

	<u>Weight Factor</u>	X	<u>Rating Score</u>	=	<u>Total</u>
Renovation Exp.	4	X	_____	=	_____
Small Theater Renovation Exp.	5	X	_____	=	_____
Overall Expected Arch. Cost	5	X	_____	=	_____
In House Capability	3	X	_____	=	_____
References	5	X	_____	=	_____
Ability to Build a Relationship w/ us	4	X	_____	=	_____
Grand Total Score					_____

WGC 9/30/16



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 11/17/16 07:00 PM
Department: Public Works
Category: Bid
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 2464 A

ADOPTED

AGENDA ITEM (ID # 2464)

DISCUSS, CONSIDER AND/OR APPROVE AWARDING THE CONSTRUCTION BID FOR THE 2015 TEXAS CAPITAL FUND CONTRACT 7215031 FOR SEWER IMPROVEMENTS IN THE HIGHLAND SUBDIVISION TO TEXAS PRIDE UTILITIES, LLC IN THE AMOUNT OF \$361,507.00; AND THE CITY OF BAY CITY COMMITTING 20.1% FOR OVERAGES IN THE AMOUNT OF \$60,507.00; AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND TEXAS PRIDE UTILITIES, LLC; AND DIRECT STAFF AS NECESSARY.

The City of Bay City was awarded grant funds through the 2015 Texas Community Development Block Grant (CDBG) Fund Contract No. 7215031 for Sewer Improvements in the Highland Additional Subdivision.

This agenda item is to officially award the bid so construction can begin. There were six bidders with Texas Pride Utilities being the lowest bidder. The City has done several projects with Texas Pride Utilities and is satisfied with their work.

The grant budget for the construction is \$301,000, which amounts to 20.1% over budget based on the lowest bidder. The overage amount of \$60,507.00 plus the City's matching funds of \$52,500.00 (\$113,007.00) will be funded by the FY2017 CIP line item for Sewer Line Rehabilitation which currently has a budget of \$300,000. The grant budget is shown below.

Budget Detail

Construction Funds: \$301,000

Engineering: \$63,000

Administration: \$38,500

Grant Reimbursable Amount: \$350,000

City Matching Funds: \$52,500 (\$47,500-construction; \$5,000-engineering)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	William Cornman, Julie Estlinbaum, Steven Johnson, Carolyn Thames
EXCUSED:	Chrystal Folse

City of Bay City Construction Bids

Project: TxCDBG No. 7215031 Sewer Improvements Project

Date: November 10, 2016, 2:00 pm

Location: Bay City - City Hall, 1901 5th Street, Bay City, TX 77414

<u>Contractor:</u>	<u>Bid Amount:</u>	<u>Calendar Days</u>	<u>Bid Security</u>
1. <u>HorseShoe Construction</u>	<u>\$ 473,172.60</u>	<u>180</u>	<u>✓</u>
2. <u>King Solution Services</u>	<u>\$ 385,441.00</u>	<u>120</u>	<u>✓</u>
3. <u>Lopez Utilities Contractor</u>	<u>\$ 477,929.00</u>	<u>160</u>	<u>✓</u>
4. <u>IPR South Central</u>	<u>\$ 552,125.00</u>	<u>120</u>	<u>✓</u>
5. <u>T Construction</u>	<u>\$ 475,850.00</u>	<u>100</u>	<u>✓</u>
6. <u>Texas Pride Utilities</u>	<u>\$ 360,967.00</u>	<u>90</u>	<u>✓</u>



4611 E. Airline, #300
Victoria, Texas 77904
Telephone: (361) 570-7500

November 11, 2016

Mr. Barry Calhoun
Director of Public Works
City of Bay City
1901 5th St.
Bay City, Texas 77414

Re: Texas Capital Fund Contract No. 7215031 Sewer Improvements

Dear Barry:

We reviewed the bids received for the Texas Capital Fund Contract No. 7215031 Sewer Improvements on November 10, 2016, and offer the following comments:

1. Six bids were received as follows:

\$473,172.60 from Horseshoe Construction, Inc. with 180 calendar days to complete the work.
\$385,441.00 from King Solution Services, LLC with 120 calendar days to complete the work.
\$477,929.00 from Lopez Utilities Contractor, LLC with 160 calendar days to complete the work.
\$552,125.00 from IPR South Central, LLC, with 120 calendar days to complete the work.
\$475,850.00 from T Construction, LLC, with 100 calendar days to complete the work.
\$360,967.00 from Texas Pride Utilities, LLC, with 90 calendar days to complete the work.

2. All bids were checked for accuracy. Texas Pride Utilities had an error on the bid total. The bid they submitted was \$360,967.00. After checking the math, their bid is \$361,507.00 which still puts them as the low bidder.

3. \$560,462.70 was the Engineer's estimate, with 180 days to complete the work. The low bidder was \$198,955.70 or 35.5% under the Engineer's estimate with 90 days to complete the work.

5. Texas Pride Utilities is from Houston and has completed other utility projects for the City of Bay City in the past.

6. I recommend awarding this project to Texas Pride Utilities, LLC of Houston, Texas in the amount of \$361,507.00 with 90 days to complete the work. Please let me know if you have any questions or need me to provide any other information.

Sincerely,

Randy P. Janak, PE
Vice President – Victoria Office
CivilCorp, LLC

Attachment

BID COMPARISON
CITY OF BAY CITY
TEXAS CAPITAL FUND CONTRACT NO 7215031
SEWER IMPROVEMENTS

		ENGR ESTIMATE				Texas Pride		KING SOLUTION		HORSESHOE CONST		T CONSTRUCTION		LOPEZ UTILITIES		IPR SOUTH	
ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL COSTS	UNIT PRICE	TOTAL COSTS	UNIT PRICE	TOTAL COSTS	UNIT PRICE	TOTAL COSTS	UNIT PRICE	TOTAL COSTS	UNIT PRICE	TOTAL COSTS	UNIT PRICE	TOTAL COSTS
1	Mobilization	LS	1	\$26,698.70	\$26,698.70	\$5,000.00	\$5,000.00	\$12,500.00	\$12,500.00	\$15,000.00	\$15,000.00	\$34,300.00	\$34,300.00	\$12,000.00	\$12,000.00	\$15,000.00	\$15,000.00
2	Barricades, Signs and Traffic Handling	MO	6	\$100.00	\$600.00	\$100.00	\$600.00	\$500.00	\$3,000.00	\$1,000.00	\$6,000.00	\$100.00	\$600.00	\$500.00	\$3,000.00	\$500.00	\$3,000.00
3	Remove and Install 8" Sanitary Sewer Pipe (PVC SDR 26) (ASTM D3034)(Traffic) (0-6' Depth), Complete In Place Incl. Bedding, Cement Stabilized Sand, 10" Flexible Base, Prime, & Two Course Surface Treatment	LF	51	\$80.00	\$4,080.00	\$80.00	\$4,080.00	\$100.00	\$5,100.00	\$90.00	\$4,590.00	\$92.00	\$4,692.00	\$85.00	\$4,335.00	\$110.00	\$5,610.00
4	Remove and Install 8" Sanitary Sewer Pipe (PVC SDR 26) (ASTM D3034)(Non-Traffic) (0-6' Depth), Complete In Place Incl Bedding & Backfill/Cement Stability Sand	LF	61	\$70.00	\$4,270.00	\$45.00	\$2,745.00	\$85.00	\$5,185.00	\$75.00	\$4,575.00	\$92.00	\$5,612.00	\$80.00	\$4,880.00	\$110.00	\$6,710.00
5	Pipeburst Existing Sanitary Sewer Pipe with New 8" HDPE, SDR-17 Sanitary Sewer Line (w/Butt-Fusion Joints) (In Accordance With Manufacturer's Recommendations), Complete In Place	LF	8086	\$35.00	\$283,010.00	\$26.00	\$210,236.00	\$26.00	\$210,236.00	\$31.60	\$255,517.60	\$32.00	\$258,752.00	\$34.00	\$274,924.00	\$40.00	\$323,440.00
6	Bore 8" Sanitary Sewer Line, Complete In Place	LF	626	\$90.00	\$56,340.00	\$46.00	\$28,796.00	\$50.00	\$31,300.00	\$90.00	\$56,340.00	\$54.00	\$33,804.00	\$75.00	\$46,950.00	\$90.00	\$56,340.00
7	Remove Existing Manhole, Complete	EA	2	\$1,000.00	\$2,000.00	\$500.00	\$1,000.00	\$1,600.00	\$3,200.00	\$500.00	\$1,000.00	\$600.00	\$1,200.00	\$850.00	\$1,700.00	\$750.00	\$1,500.00
8	Install 48" Dia. Fiberglass Manhole, Complete In Place	EA	6	\$3,800.00	\$22,800.00	\$3,200.00	\$19,200.00	\$3,000.00	\$18,000.00	\$2,500.00	\$15,000.00	\$3,431.00	\$20,586.00	\$3,800.00	\$22,800.00	\$2,800.00	\$16,800.00
9	Rehab Sewer Manhole, Complete	EA	13	\$1,500.00	\$19,500.00	\$2,000.00	\$26,000.00	\$2,000.00	\$26,000.00	\$1,900.00	\$24,700.00	\$1,785.00	\$23,205.00	\$105.00	\$1,365.00	\$1,800.00	\$23,400.00
10	Install Mainline Cleanout, Complete In Place	EA	16	\$1,000.00	\$16,000.00	\$600.00	\$9,600.00	\$250.00	\$4,000.00	\$1,500.00	\$24,000.00	\$1,042.00	\$16,672.00	\$800.00	\$12,800.00	\$900.00	\$14,400.00
11	4" PVC Sanitary Sewer Service (0-6' Depth) Including Cleanout and Reconnection to Existing Services, Bedding/Backfill, Complete In Place	EA	133	\$800.00	\$106,400.00	\$350.00	\$46,550.00	\$390.00	\$51,870.00	\$400.00	\$53,200.00	\$450.00	\$59,850.00	\$625.00	\$83,125.00	\$550.00	\$73,150.00
12	4" PVC Private Sanitary Sewer Service Installed By Licensed Plumber as Required from New Cleanout due to Grade Adjustments of Sewer Main, Complete In Place	LF	100	\$40.00	\$4,000.00	\$40.00	\$4,000.00	\$58.00	\$5,800.00	\$40.00	\$4,000.00	\$47.00	\$4,700.00	\$45.00	\$4,500.00	\$100.00	\$10,000.00
13	Connect to Existing Manhole, Complete	EA	37	\$400.00	\$14,800.00	\$100.00	\$3,700.00	\$250.00	\$9,250.00	\$250.00	\$9,250.00	\$321.00	\$11,877.00	\$150.00	\$5,550.00	\$75.00	\$2,775.00
BASE BID TOTAL					\$560,462.70		\$361,507.00		\$385,441.00		\$473,172.60		\$475,850.00		\$477,929.00		\$552,125.00
Calendar days						90		120		180		100		160		120	



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 2449)

Meeting: 11/17/16 07:00 PM
Department: Public Works
Category: Budget
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 2449

DISCUSS, CONSIDER, AND/OR APPROVE A DECLARATION OF UNUSABLE EQUIPMENT, SUPPLIES, AND MATERIALS AS SURPLUS AND AUTHORIZE STAFF TO SELL SAID SURPLUS EQUIPMENT, SUPPLIES, AND MATERIALS THROUGH THE USE OF AN ONLINE AUCTION OR OTHER MEANS.

The Equipment Maintenance Division under the Public Works Department is responsible for the maintenance of all City equipment, tools, and vehicles. From time to time our lead mechanic makes recommendations to remove a piece of equipment from the City's fleet due to unsafe working conditions, reduced usability, high maintenance costs, and/or high repair costs. Included in this agenda item are a number of pieces of equipment that has been deemed unusable and not worth high repair costs to continue to maintain in the City's fleet. The City has been using online auctions to sell surplus equipment. Other items included to be removed from inventory are from the Bay City Library and the Parks & Recreation Department. Attached is the list of items (including pictures) that is being requested to be removed from the City's fleet and/or inventory.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	William Cornman, Julie Estlinbaum, Steven Johnson, Carolyn Thames
EXCUSED:	Chrystal Folse

Proposed Surplus Equipment:

11/17/2016

EQUIP NO.	DEPARTMENT	YEAR	MAKE	MODEL	VIN / SERIAL NO.	LICENSE #	ORIGINAL DEPARTMENT
370	Utility Water		Kubota	6" Water Pump & Trailer	MQ-601D	985559	Utility
528	Parks & Recreation	1993	Snowco	Trailer	41ZTUE4S2PA001359	971711	Parks & Rec
758	Street & Bridge	2009	John Deere	MX8 Shreeder	WOOMX8C016821	None	Street & Bridge
815	Utility Water	2013	O'Brien	7040-SO Hydrojetter - Trailer Mounted	1H9BSZ125DM51164	904 0074	Utility

Proposed Surplus Equipment:

11/17/2016

Item	Dept	QTY	Description	PICTURE
1	LIBRARY	37	Wood Stackable Chairs with Metal Legs - classroom style, square back, colors are varied. Seat height 18", back height (floor to top of chair) 31" with cut out handle. Seat is 16" square.	
2	Eq. Maint	1	Jet Pallet Jack, Serial #20060860663, Model 2748W - will not lift up anymore, 6,000 lbs. capacity	
3	Utility Water	1	2" Water Pump - Red Lion, Model 5RLAG-2 - Unknown Condition	
4	Utility Water	1	2" Water Pump - Honda, Model GX120, Serial #WABT-2020728 - Unknown Condition	
5	Utility Water	1	2" Water Pump - Trash Pump Model WT20X, Serial #WAAJ-1106210 - Unknown condition	
6	Utility Water	1	3" Water Pump - Honda, Model GX160, Serial #WACT-200222775 - Unknown Condition	
7	Utility Water	1	Super, Quality Blower, Model 20S, Serial #A-2777 - Used to blow smoke in manholes - Motor needs to be replaced	
8	Parks	1	Walk behind gas engine edger cutter - Manufacturer Gold Boy - Unknown condition	

Attachment: Surplus Equipment 2 - 2016-11-17 (2449 : Declare Unusable Equipment, Supplies, Materials as Surplus)

Proposed Surplus Equipment:

11/17/2016

Item	Dept	QTY	Description	PICTURE
9	Utility Water	1	Gas Pressure Washer - Pump: Power Boss Model 020309, Serial #1019149058 - 3000 PSI, Engine: Honda GC 190, Manufacturer - Briggs & Stratton	
10	Parks	1	Weed String Trimmer - Model PP 335, Serial #10172N700417-1, Manufacturer - Poulan Pro-Link	
11	Parks	1	Weed Trimmer - Model FS 130R, Serial #275958606, Manufacturer - STIHL	Pictured Above
12	Parks	1	Weed Trimmer - Model FS 130R, Serial #275958593, Manufacturer - STIHL	Pictured Above
13	Utility General	1	Sony Handheld Camcorder - Model DCR-TRV140, Serial #516800. Condition unknown.	
14	Parks	1	1990 Coke Cooler Vending Unit - used in ballfield concession stand. Condition unknown.	
15	Parks	1	2006 Refrigerator/Freezer, over/under model, Manufacturer - Frigidaire - used in ballfield concession stand, 36"L x 54"W x 68"H. Condition unknown.	
16	Parks	1	1988 Refrigerator/Freezer, over/under model, Manufacturer - Whirlpool - used in ballfield concession stand, 36"L x 54" W x 68" H. Condition unknown.	

Attachment: Surplus Equipment 2 - 2016-11-17 (2449 : Declare Unusable Equipment, Supplies, Materials as Surplus)

Proposed Surplus Equipment:

11/17/2016

Item	Dept	QTY	Description	PICTURE
17	Parks	1	2004 Four Burner Gas Stove, Manufacturer - Kenmore. Condition unknown. Taken from Parks rental facility.	
18	Parks	1	1960? Four Burner Electric Stove. Range model. Manufacturer - Frigidaire. Condition unknown. Taken from U.S.O.	
19	Parks	2	2010 Coin Operated Washing Machines. Commercial model. Manufacturer - Kenmore. Used at Riverside Park campground laundromat. 27" L x 26" W x 45" H. Condition unknown.	
20	Parks	1	1992 Refrigerator/Freezer. Side by side model. Manufacturer - Kenmore. Taken from Parks rental facility. 36"L x 54" W x 68" H. Condition unknown.	
21	Parks	1	2005 Refrigerator/Freezer. Over & under model. Manufacturer - Frigidaire. Taken from Parks rental facility. 34"L x 38" W x 68" H. Condition unknown.	
22	Parks		2006 27" RCA TV, Model #27V414T, Serial #G204CB0IZ. Color - Silver. Condition unknown.	
23	Parks		2005 20" Emerson TV, Model #EWF2004A, Serial # V47553602. Color - Silver. Condition unknown.	
24	Parks		1994 19" Emerson TV/VCR, Model VT1922, Serial # 451-4411988. Color - Black. Condition unknown.	

Attachment: Surplus Equipment 2 - 2016-11-17 (2449 : Declare Unusable Equipment, Supplies, Materials as Surplus)

Proposed Surplus Equipment:

11/17/2016

Item	Dept	QTY	Description	PICTURE
25	Parks		1998 54" RCA TV, Model PTK169PGB, Serial #544390231. Color- Wood Cabinet. Condition unknown.	

Attachment: Surplus Equipment 2 - 2016-11-17 (2449 : Declare Unusable Equipment, Supplies, Materials as Surplus)

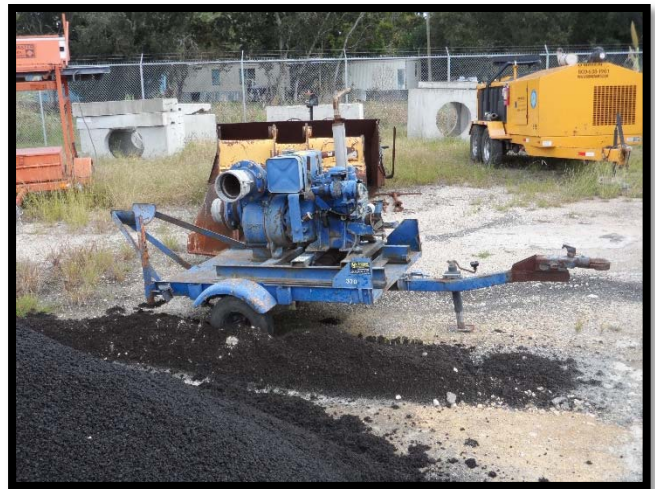
Unit # 370 – 6" Water Pump

Department: Utility Water Division
Vehicle Age: Approximately 33 years old
Hours: No Hour Meter

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found:

- Kubota Engine - Engine is weak and has no thermostat.
- Radiator and water pump have been pulled due to overheating.
- Parts are getting hard to find.
- Out of service since January 2016.

The repair cost for this pump is \$6,000 and up.



Attachment: Unit 370 - 6in Water Pump (2449 : Declare Unusable Equipment, Supplies, Materials as Surplus)

Unit # 528 – 1993 Snowco Trailer, Model #MQ-601D

Department: Parks & Recreation Department

Vehicle Age: 23 years old

Hours: N/A

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found:

- Trailer frame is bent behind the axle spring lift frame.
- Front trailer jack is missing small wheel.
- Rear trailer bed needs repair.
- Out of service since October 2015.

The repair cost for this pump is \$2,500 and up.



Unit # 758 – 2009 John Deere MX8 8' Shredder

Department: Street & Bridge

Vehicle Age: 7 years old

Hours: N/A

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found:

- Shredder deck and frame is cracked and has been repaired multiple times. Repairs do not hold.
- PTO gear boxes are in fair condition.
- PTO Shaft is still good.
- Center gear drive box is in fair condition.
- Out of service since 2012.

The repair cost for this shredder is \$5,000 and up.



Unit # 815 – 2013 O’Brien Hydrojetter with Water Tanks

Department: Utility Division

Vehicle Age: 3.5 years old

Hours: 626

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found:

- Cummins Diesel Engines – engine starts, however parts are hard to find.
- Transmission pressure plate clutch needs to be replace – no longer manufactured, therefore the City would have to upgrade to a new transmission.
- Water pump is weak and unable to build up pressure. This part is hard to find.
- O’Brien, the manufacturer, has gone out of business.
- Mounted on a trailer - both axle frames have been upgraded to carry the heavier weight of the jetter engine, water tanks, and hose spool.
- Out of service since September 2016.

The repair cost for this jetter is \$8,000 and up.



Attachment: Unit 815 - Jetter (2449 : Declare Unusable Equipment, Supplies, Materials as Surplus)



City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

ORDINANCE (ID # 2455)

Meeting: 11/17/16 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2455

**DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE
OF THE CITY OF BAY CITY, TEXAS AMENDING SECTION 94-
135 OF THE BAY CITY CODE OF ORDINANCES TO CONFIRM
ALLEY EASEMENTS IN ALL SUBDIVISIONS OR ACREAGE IN
CITY LIMITS WHERE SUCH ALLEYS HAVE BEEN IN
EXISTENCE, BUT MAY HAVE NOT BEEN EXPRESSLY
PLATTED OR CONVEYED.**

The ordinance as it currently exists only addresses alley easements within subdivisions or other areas prior to 1945. There have been water and sewer utilities constructed since 1945 that contain records where the easements are not expressly conveyed. Amending this ordinance to strike out the language "platted prior to 1945" will help to address this issue.

HISTORY:

11/03/16 City Council TABLED Next: 11/17/16

RESULT: WITHDRAWN

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING THE CITY OF BAY CITY CODE OF ORDINANCES CHAPTER 94 (TITLED STREETS, SIDEWALKS AND OTHER PUBLIC PLACES) BY AMENDING ARTICLE V (TITLED ALLEYS) BY AMENDEDING SECTION 94-135 (TITLED OWNERSHIP); PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2.02 of the City of Bay City’s Charter permits the City of Bay City (“City”) to pass and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health, morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and

WHEREAS, Chapter 94 of the City’s Municipal Code of Ordinances (“Code”) regulates streets, sidewalks, and other public places; and

WHEREAS, Section 94-135 (Titled Ownership) of the Code establishes the City’s ownership of alley easements on, over, above, and through certain alleys within the city limits; and

WHEREAS, Section 94.135 should be expanded to include alley easements in all platted subdivisions where alleys have been in existence, even though alleys may not have been expressly platted or conveyed; and

WHEREAS, the City Council has determined that the safety, health and welfare of the citizens and the general public require amendments to Section 94-135 the Code to expend the City’s ownership of alley easements to all alleys in platted subdivision, even though the alley may not have been expressly platted or conveyed.; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Bay City’s Municipal Code of Ordinances, Chapter 94 (Titled “Streets, Sidewalks and Other Places”), Article V (Titled “Alleys”), Section 94-135 (Titled “Ownership”) is amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

Sec. 94-135. - Ownership.

(a) The city claims an alley easement in all subdivisions or acreage within the city limits where either:

(1) An alley easement is shown upon the plat of the subdivision; or

(2) In the original townsite of the city or any other subdivision ~~platted prior to 1945~~, where such alleys have been in existence, even though they may not have been expressly platted or conveyed.

(b) This section shall not apply to any block where the alley has been closed by express order of the city council

Section 3. Cumulative. This Ordinance shall be cumulative of all fee provisions of the Code of Ordinances of the City of Bay City, Texas as to the fees set forth herein on the effective date of this Ordinance, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

Section 4. Severability. It is hereby declared to be the intention of the City Council 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 shall 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, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 5. Remedies. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Code of Ordinances in effect on the effective date of this Ordinance and modified by this Ordinance or any other ordinances in effect on the effective date of this Ordinance and modified by this Ordinance and requiring the payment of fees for licenses, permits, and other services provided by the City which have accrued on the effective date of this Ordinance; and any and all accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This Ordinance shall be in full force and in effect on November 3, 2016.

PASSED AND APPROVED ON this 3rd day of November 2016.

Mark A. Bricker, Mayor

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

M. Shannon Kackley, Asst. City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE
& ZECH, P.C.

Attachment: Chapter 94 (Alleyway).v2 (2455 : Chapter 94 Amendment)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/17/16 07:00 PM
Department: Public Works
Category: Report
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 2463

DISCUSSION ITEM (ID # 2463)

RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS INCLUDING STREET REHABILITATION PROJECTS, UTILITY PROJECTS, GRANT PROJECTS, SIEMENS ENERGY SAVINGS PROJECT, NEW DEVELOPMENTS, AND THE BUILDING DEPARTMENT.

The Public Works Department is responsible for several infrastructure capital improvement projects, construction projects, issuing building permits, and new developments in Bay City. Attached is a brief list of ongoing Public Works projects.

City of Bay City
Public Works Department

Regular City Council Meeting
November 17, 2016 | 7:00 p.m.

Project Updates

Street Rehab Project – Phase II-B: Street Full Depth Reconstruction

- Bid Advertising: July 1st & July 8th, 2015
- Bid Opening: July 15, 2015
- Award Bid: August 13, 2015
- Pre-Construction Meeting: September 30, 2015
- Engineer Estimate: \$2,184,200.25
- Award Amount: \$3,770,075.05
- Change Orders:
 - 1) -\$940,075.05 (60 Days subtracted)
 - 2) +\$10,509.91 (5 Days added)
 - 3) +\$545,829.87 (40 Days added)
 - 4) +\$79,805.22 (3 Days added)
 - 5) +\$33,106.40 (5 Days added)
 - 6) +\$55,606.90 (2 Days added)
- Actual Construction Amount: \$3,554,858.30
- Construction Time: 295 Days
- Contract Start Date: October 19, 2015
- Contract End Date: November 19, 2016
- Actual Construction Start Date: November 2, 2015
- Target Construction End Date: August 31, 2016
- Percent Complete: 99%
- Streets Included:
 - Thompson Dr. – 100% complete
 - Lori Ln. – 100% complete
 - La Bradford Dr. – 100% complete
 - Joan of Arc Dr. – 100% complete
 - Hamman Rd. – 100% complete
 - Grace St. – 100% complete
 - Ave A. – 100% complete
 - Toulouse Dr. – 100% complete
 - La Belle Dr. – 100% complete
 - Bordeaux Dr. – 100% complete
 - Bordeaux Cir. – 100% complete
 - Eagles Rd. (Moved to Phase III)

Street Rehab Project – Phase III

- Phase III-A: Seal Coat
 - Bid Advertising: July 20th & July 27th
 - Bid Opening: August 3, 2016
 - Award Bid: August 11, 2016
 - Pre-Construction Meeting: September 20, 2016
 - Engineer Estimate: \$632,400
 - Award Amount: \$566,400.00
 - Change Orders:
 - 1) +\$201,038.00 (+15 Calendar Days)
 - Actual Construction Amount: \$767,438.00
 - Original Construction Time: 45 Days
 - Current Construction Time: 60 Days

- Actual Contract Start Date: October 3, 2016
- Contract End Date: December 2, 2016
- Target End Date: December 2, 2016
- Percent Complete: 50%
- Streets Included:
 - Ave E
 - 8th St
 - Austin St
 - Marguerite St
 - Moore Ave
 - Andrea Dr
 - Hiram Brandon
 - Morningside Dr
 - Mockingbird Ln
 - Sparks Rd (County Road)
 - Norvell Rd (County Road)
 - 12th St
 - 13th St
 - 14th St
 - 15th St
 - Mary Ave
 - Highland Dr
- Phase III-B: Full Depth Reconstruction
 - Estimate: \$2,700,000
 - Target Bid Date: Feb-2017
 - Targeted Intersection Rehabs:
 - Nichols Ave & 6th St
 - 6th St & Ave H
 - Nichols Ave & 4th St West Side
 - Nichols Ave & Carey Smith Blvd
 - Nichols Ave & Skelly Rd
 - Nichols Ave & 10th St
 - Golden Ave & Wentletrap St
 - Grace St & Ave G South Side
 - Grace & SH60
 - Marguerite St & SH60
 - Whitson St & 60
 - Adams Rd & SH60
 - Belegarde Dr & Holly Ln
 - Gontier Dr & Holly Ln
 - Ave G & 5th St
 - Ave H & Merlin St East Side
 - S Industrial Park Dr & SH60
 - Targeted Streets Include:
 - Eagles Rd
 - Hamman Rd (Hot Mix Overlay)
 - Thompson Rd (Hot Mix Overlay)
 - Thierr Dr
 - Gontier Dr
 - Holly Dr
 - Belegarde Dr
 - Golden Ave
 - Nichols Ave
 - 12th St
 - 13th St
 - 14th St

- 15th St
- Mary Ave
- Highland Dr

Siemens Energy Saving Project

- Water Meters:
 - Non-Read List
 - June 2016: 706
 - July 2016: 859
 - August 2016: 830
 - September 2016: 978
 - October 2016: 1,035
 - MIU (Meter Interface Unit) Registers Failed
 - June 2016: 74
 - July 2016: 33
 - August 2016: 15
 - September 2016: 133
 - October 2016: 165
 - MIU's Replaced
 - June 2016: 6
 - July 2016: 9
 - August 2016: 42
 - September 2016: 41
 - October 2016: 7

Fiscal Year 2015-2016 Capital Improvement Projects:

- McDonald Meadows Subdivision Concrete Street Repairs
 - Budget: \$190,000
 - Bid Advertising: May 25th & June 1st, 2016
 - Bid Opening: June 8, 2016
 - Award Bid: June 23, 2016
 - Contractor: ABN Construction, LLC
 - Pre-Construction Meeting: July 20, 2016
 - Engineer Estimate: \$190,000
 - Award Amount: \$138,984.96
 - Construction Time: 45 Days
 - Target Construction Start Date: July 25, 2016
 - Target Construction End Date: September 30, 2016
 - Percent Complete: 100%
- Water Tower & Tank Rehab Projects
 - Budget: \$515,000
 - Locations: Mockingbird & Ave B Ground Storage Tanks
 - Bid Awarded On: January 28, 2016
 - Contractor: CFG Industries, LLC
 - Pre-Construction Meeting: February 25, 2016
 - Engineer Estimate: \$515,000
 - Award Amount: \$320,000
 - Change Orders: \$0
 - Construction Time: 180 Days
 - Contract Start Date: March 7, 2016
 - Contract End Date: September 2, 2016
 - Actual Construction Start Date: March 15, 2016
 - Actual Construction End Date: October 21, 2016
 - Percent Complete: 98%

- Fire Hydrant & Valve Rehabilitation Program
 - Budget: \$50,000
 - Scope: Replace faulty, none working, or leaking fire hydrants
 - Locations:
 - 3rd & Sycamore
 - Grace & Ave E
 - Perez & Ave D
 - 6th & Live Oak
 - 12th & Mary
 - Carey Smith & Nichols
 - Liesser & Doris
 - SH60 & Grace
 - Whitson & SH60
 - 4th & Ave B
 - MLK & Ave B
 - Matthews & Ave J
 - Duncan & Ave A
 - Percent Complete: 100%
- Water Lines Replacement Program
 - Budget: \$150,000
 - Locations:
 - Norvell Ave & UPRR
 - Estimate: \$50,000
 - SH35 Downtown Alley (behind Prosperity Bank)
 - Estimate: \$65,000
 - Bid Advertising: June 8th & June 15th, 2016
 - Bid Opening: June 22, 2016
 - Award Bid: June 23, 2016
 - Construction: MMG Contractors, LLC
 - Pre-Construction Meeting: August 5, 2016
 - Engineer Estimate: \$115,000
 - Award Amount: \$135,418.00
 - Construction Time: 90 Days
 - Contract Start Date: August 8, 2016
 - Contract End Date: November 5, 2016
 - Actual Construction Start Date: September 20, 2016
 - Target Construction End Date: November 30, 2016
 - Percent Complete: 45%
- Add 3rd Booster Pump at Grace Water Plant
 - Budget: \$25,000
 - This project will not be completed. The addition of a 3rd booster pump will be included in the Grace Water Plant Rehab Project funded through the 2016 CO.
- New Backup Generator at Cottonwood Lift Station
 - Budget: \$100,000
 - Percent Complete: 100%
 - Status: Generator in service
- Fencing for Lift Stations – Phase 1
 - Budget: \$10,000
 - Scope: Install new fencing around lift stations per TCEQ requirements & standards
 - Locations:
 - Fiesta Lift Station
 - Eagles Lift Station
 - Hardeman Lift Station
 - Little Cottonwood Lift Station
 - Bayridge Lift Station
 - Percent Complete: 100%

- Demolish Old Sewer Plant Site at Elliot Lift Station
 - Budget: \$40,000
 - Scope: Demolish old clarifier, digester; remove old pipe, fence, building; install new fence, fine grading
 - Percent Complete: 100%
- Upgrade SCADA Controls at Lift Stations
 - Budget: \$42,000
 - Install phase monitor relay & battery back-ups at all lift stations
 - Percent Complete: 100%

Miscellaneous Projects:

- TxDOT Transportation Improvement Plan Projects for 2017:
 - SH35 – 2.3 MI N of FM 2540 to 1.3 MI N of FM 457: Milled Edgeline Rumble Strips
 - SH60/Grace St Intersection: Improve Traffic Signal
 - SH60/Baywood St Intersection: Improve Traffic Signal
- Sewer Plant Permit Renewal and Sewer Model & Analysis
 - Garver currently performing second analysis
- Annexation Requests:
 - Oct-2016: Jackson Electric Cooperative
- Street Name Change Request:
 - Oct-2016: Showboat Rd requested by Jackson Electric Cooperative
- 911 Addressing
 - HGAC has been performing address audits and some local addresses must be corrected
- WWTP:
 - Clarifier #1 is down, housing for the bull gear is cracked
 - Headworks System, step screen is down & working on a replacement
- Grace Water Plant Improvements - \$700,000
- SH60 N Water Line Improvements - \$280,000
- NW Quadrant Water Line Improvements - \$470,000

New Developments:

- Candlewood Suites (KW Construction) – 95% complete; Construction end date: Jan-2017
- Fairfield Inn (G2 Builders) – 85% complete; Construction end date: Dec-2016
- Scottish Inn Motel – Corner of SH35 East & North Dr.; plans approved; plat complete; have pulled a permit; construction start date unknown
- Best Western Plus – 20% complete; SH35 next to Fairfield Inn; Apr-2017
- Baytex Hotel Building
- North Downtown Development
- FEMA Safe Dome (Bass Construction) – 95% complete; Construction end date: Dec-2016
- CitiCo Gas Station Expansion (Lynn Construction) – Phase 1 – 98% complete; Phase 2 – 5% complete; Ph1 Construction end date: Sep-2016; Ph2 Construction start date: Nov-2016; Name will change to Shell
- Speedy Stop Gas Station – Corner of Nichols & SH35; plat is approved; plans approved; permit issued; construction start date unknown
- Jackson Electric New Office Building – Corner of Showboat & SH35; Target completion date: Aug-2017
- Raystone Apartments – Ave K & 2nd St; plat approved; plans not submitted yet
- Chicken Express – SH35 (across the street from McDonald); civil plans approved; building plans not submitted;
- Bush Chicken – SH35 (at Katy Rd); plans not received
- King Buffet – SH35 (across the street from Palais Royals); plans approved; building permit issued
- New Grant Projects:
 - 2015 CDBG Sewer Improvements (Highland Subdivision)
 - Construction Start: Jan-2017

- 2015 TCF Main Street (BayTex Hotel Brick Pavers Sidewalk Extension)
 - Construction Start: Jan-2017
- 2016 TCF Schulman Movie Bowl Grill (McCrosky Rd & Drainage Improvements)
 - Construction Start:
- 2016 FEMA Hazard Mitigation Grant Program Backup Generators
- 2016 TCF Infrastructure Improvements (SH35 E Truck Stop)

New Building Permits:

- Residential
 - July 2016: 4
 - 606 2nd St
 - 3313 Aberdeen Ct
 - 4507 Cardinal
 - 3238 El Camino
 - August 2016: 2
 - 4404 Cardinal
 - 4730 Oyster Ln
 - September 2016: 5
 - 3207 Birkhill Court
 - 4404 Starling Dr
 - 4406 Starling Dr
 - 1102 Sailfish Dr
 - 3238 El Camino
 - October 2016: 1
 - 4718 Oyster Lane
- Commercial:
 - July 2016: 2
 - Speedy Stop, 3107 7th St
 - Jackson Electric Coop, 100 Showboat Rd
 - August 2016: 0
 - September 2016: 0
 - October 2016: 2
 - King Buffet, 4020 7th St
 - Star Laundry, 2008 Ave L

Building Inspections:

- July 2016: 187
- August 2016: 215
- September 2016: 180
- October 2016: 266

Work Orders:

- Street & Bridge
 - October 2016:
 - Open: 43
 - New: 426
 - Closed: 125
- Utility (Water & Sewer)
 - October 2016:
 - Open: 128
 - New: 175
 - Closed: 152



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 2474)

Meeting: 11/17/16 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2474

**DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE
OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS
AMENDING THE CITY OF BAY CITY CODE OF ORDINANCES
CHAPTER 87 (TITLED “SEXUAL OFFENDERS”) BY
AMENDEDING SECTION 87-5 (TITLED “WARNING SIGNS
AND/OR BUMPER STICKERS; PENALTIES”) TO CLARIFY
THE POSTING OF SIGNS AND BUMPER STICKERS ON
MOTOR VEHICLES OPERATED BY SEXUAL OFFENDERS .**

Consider revising city ordinance from previous versions to now require registered sex offenders to display “sex predator vehicle” or “sex offender vehicle” bumper stickers on any vehicle they operate within the city limits of Bay City.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	William Cornman, Julie Estlinbaum, Steven Johnson, Carolyn Thames
EXCUSED:	Chrystal Folse

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING THE CITY OF BAY CITY CODE OF ORDINANCES CHAPTER 87 (TITLED “SEXUAL OFFENDERS”) BY AMENDEDING SECTION 87-5 (TITLED “WARNING SIGNS AND/OR BUMPER STICKERS; PENALTIES”); PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2.02 of the City of Bay City’s Charter permits the City of Bay City (“City”) to pass and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health, morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and

WHEREAS, Chapter 87 of the City’s Municipal Code of Ordinances (“Code”) regulates sexual offenders; and

WHEREAS, Section 87-5 (Titled “Warning Signs and/or Bumper Stickers; Penalties”) of the Code requires a sexual offender to display a sign in his automobile or a bumper sticker on his automobile stating “Sexual Predator’s Vehicle” or “Sex Offender’s Vehicle” so that the sign can be clearly seen from a distance of ten feet; and

WHEREAS, Section 87-5 should be revised to require the sign or bumper sticker to be displayed on any vehicle which is operated by a sexual offender; and

WHEREAS, the City Council has determined that the safety, health and welfare of the citizens and the general public requires an amendment to Section 87-5 the Code to require warning signs to be displayed on all vehicles operated by sexual offenders within the City’s city limits.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Bay City’s Municipal Code of Ordinances, Chapter 87 (Titled “Sexual Offenders”) Section 87-5 (Titled “Warning Signs and/or Bumper Stickers; Penalties”) is amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

Sec. 87-5. - Warning signs and/or bumper stickers; penalties.

(a) A sexual offender described in section 87-3(a), while operating a motor vehicle within the City, shall prominently display either a sign in the window of the motor vehicle ~~his automobile~~ or a bumper sticker on the motor vehicle ~~with the minimum size of three inches by ten inches, with at least two-inch lettering~~ stating "Sexual Predator's Vehicle" or "Sex Offender's Vehicle," ~~so that such sign or bumper sticker can be clearly seen without obstruction from a minimum distance of ten feet.~~ The sign and the bumper sticker shall:

- (1) be at least three inches by ten inches;
- (2) contain at least two-inch lettering; and
- (3) be seen clearly without obstruction from a minimum distance of ten feet.

(b) Penalties. Any person, firm or corporation who violates this chapter shall be guilty of a class C misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,000.00. Each day this chapter is violated constitutes a separate offense.

Section 3. Cumulative. This Ordinance shall be cumulative of all fee provisions of the Code of Ordinances of the City of Bay City, Texas as to the fees set forth herein on the effective date of this Ordinance, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

Section 4. Severability. It is hereby declared to be the intention of the City Council 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 shall 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, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 5. Remedies. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Code of Ordinances in effect on the effective date of this Ordinance and modified by this Ordinance or any other ordinances in effect on the effective date of this Ordinance and modified by this Ordinance and requiring the payment of fees for licenses, permits, and other services provided by the City which have accrued on the effective date of this Ordinance; and any and all accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This Ordinance shall be in full force and in effect on November 17, 2016.

PASSED AND APPROVED ON this 17th day of November 2016.

Mark A. Bricker, Mayor

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

M. Shannon Kackley, Asst. City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE
& ZECH, P.C.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/17/16 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2469

DISCUSSION ITEM (ID # 2469)

PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE (DELIBERATION REGARDING REAL PROPERTY), CITY COUNCIL WILL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY AS DELIBERATIONS IN AN OPEN MEETING WILL HAVE A DETRIMENTAL EFFECT ON THE CITY'S POSITION IN NEGOTIATIONS WITH A THIRD PARTY.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/17/16 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2467

DISCUSSION ITEM (ID # 2467)

**PURSUANT TO SECTION 551.074 OF THE TEXAS
GOVERNMENT CODE (PERSONNEL MATTERS), CITY
COUNCIL WILL CONVENE IN EXECUTIVE SESSION TO
DELIBERATE THE DUTIES OF THE CITY ATTORNEY.**



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DISCUSSION ITEM (ID # 2468)

**CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND
MAY DISCUSS, CONSIDER, AND/OR TAKE ACTION ON ANY
ITEM LISTED ABOVE THAT WAS CONSIDERED AND
DISCUSSED IN EXECUTIVE SESSION (IF NECESSARY).**