



BAY CITY

MINUTES • APRIL 28, 2016

Service Center

Regular Meeting

7:00 PM

**2107 AVENUE M
BAY CITY, TX 77414**

1. CALL TO ORDER & CERTIFICATION OF QUORUM

7:03

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

2. INVOCATION & PLEDGE OF ALLEGIANCE - MAYOR PRO TEM JULIE ESTLINBAUM

Texas State Flag Pledge:

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

Yielded for former student John O'neal

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.

Bob Button informed Mayor and Council that the pool has been cleaner in the previous months than before. He reminded Council that seven months ago they were told that they would be getting a new diving board. However, with no new diving board they were not able to send anyone to compete. Mr. Button added that seven weeks ago Council approved a budget amendment for the purchase of a diving board, but nothing has been done. He stated that he emailed a certain City employee, but has not heard back.

Frankie Cole provided Mayor and Council with a handout regarding her project and her request to lease the Armory to be used a neighborhood center. She explained that the center would be used for different activities for the youth. The Mayor stated that item would be placed on the next agenda.

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, Mayor Pro-Tem
AYES:	Estlinbaum, Folse, Johnson, Thames
EXCUSED:	Cornman

1. Appointment

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

Mayor Mark A. Bricker

Enacted and approved this 28th day of April, 2016, at Bay City

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

1. Public Hearing

PUBLIC HEARING ON GARY FORD'S PETITION FOR DIS-ANNEXATION OF HIS 5.0 ACRES OF LAND LOCATED IN THE I&G.NN. RR CO. SURVEY, #1, BLOCK #4 OF MATAGORDA COUNTY, TEXAS.

Prior to opening the Public Hearing the Mayor informed the public that Mr. Ford submitted a petition for dis-annexation. He had previously requested utilities be brought to his property, but it was cost prohibitive.

The Mayor opened the Public Hearing at 7:23 p.m.

No comments

The Mayor closed the Public Hearing at 7:23 p.m.

2. Ordinance

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS DISANNEXING FROM THE CORPORATE BOUNDARIES OF THE CITY OF BAY CITY, TEXAS 5.0 ACRES OF LAND LOCATED IN THE I&G.NN. RR CO. SURVEY, #1, BLOCK #4 OF MATAGORDA COUNTY, TEXAS PURSUANT TO THE PETITION FOR DISANNEXATION; ADJUSTING THE BOUNDARIES OF THE CITY OF BAY CITY, TEXAS; CONTAINING CERTAIN FINDINGS, PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Council polled.

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

ORDINANCE

Enacted and approved this 28th day of April, 2016, at Bay City

3. Policy

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDER AUTHORIZING AN ADDITIONAL PENALTY ON DELINQUENT AD VALOREM TAXES IN ORDER TO DEFRAY COSTS OF COLLECTION PURSUANT TO TEXAS PROPERTY TAX CODE SECTIONS 33.07 AND 33.08.

Nicole Borchard, Linebarger Goggan Blair & Sampson, LLP

Nicole Borchard of Linbarger explained to Mayor and Council the request to increase the firm's fee from 15% to 20%. She added that the fee did not affect the entities; the cost would be passed on to the delinquent tax owner. Ms. Borchard informed Mayor and Council of the entities that had approved the increase.

The Mayor stated that he did not understand the need for the increase based on the increase of property taxes. Ms. Borchard explained to the Mayor the reasons for the requested increase.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Julie Estlinbaum, Mayor Pro-Tem
AYES:	Estlinbaum, Folse, Johnson, Thames
EXCUSED:	Cornman

Enacted and approved this 28th day of April, 2016, at Bay City

4. Public Hearing

PUBLIC HEARING TO DISCUSS AMENDING THE CITY'S CODE OF ORDINANCES BY ADDING CHAPTER 99, TITLED "DOWNTOWN BAY CITY LAND DEVELOPMENT CODE" TO BE APPLIED TO FUTURE DEVELOPMENT AND RE-DEVELOPMENT IN THE DOWNTOWN BAY CITY AREA BOUNDED GENERALLY BY 11TH STREET TO THE NORTH, AVE. J TO THE EAST, 1ST STREET TO THE SOUTH, AND AVE. E. TO THE WEST.

The Mayor opened the Public Hearing at 7:31 p.m.

Bobby Head asked for some clarification regarding the area that would be affected by the Form Based Codes.

The Mayor closed the Public Hearing at 7:32 p.m.

5. 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 BY ADDING NEW CHAPTER 99 TO BE TITLED DOWNTOWN BAY CITY LAND DEVELOPMENT CODE TO ESTABLISH A DOWNTOWN FORM BASED CODE ZONING DISTRICT; PROVIDING DEFINITIONS AND STANDARDS FOR DEVELOPMENT WITHIN THE DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A CUMULATIVE AND CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Tara Salmieri

Councilwoman Folse asked if the City sent out anything to notify the businesses. Mr. Kackley stated that there was a notice in the paper. Mr. Hodges added that most of the businesses were contacted personally.

Council was polled.

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

ORDINANCE

Enacted and approved this 28th day of April, 2016, at Bay City

6. Report

DISCUSS AND CONSIDER AN INVITATION TO A ONE DAY WORKSHOP ON MINIMIZING DISASTER RISK TO LOCAL CITIZENS PRESENTED BY TEXAS A&M, FEMA, TDEM, AND US ARMY CORP OF ENGINEERS, AND DIRECT STAFF AS NECESSARY.

Race Hodges

Race Hodges provided background on the workshop and what would take place at the workshop.

7. Report

DISCUSS, CONSIDER, AND/OR APPROVE THE MOST RECENT PROPOSAL BY THE INSTITUTE FOR BUILDING TECHNOLOGY SAFETY REGARDING THE ASSESSMENT OF THE BUILDING DEPARTMENT, AND DIRECT STAFF AS NECESSARY.

Councilman Bill Cornman

It was the consensus of Council to table the item and have a workshop to discuss it with staff.

8. Property

DISCUSS, CONSIDER, AND/OR APPROVE ACCEPTING A DEED FROM TIM DAVENPORT FOR THE GOLDEN GLEN RETENTION POND.

Mayor Mark A. Bricker

The Mayor provided some back history on the item. Mayor Pro Tem Estlinbaum asked if Code Enforcement had been going around. The Mayor stated that he had not received any complaints. Mayor Pro Tem Estlinbam asked what would happen if the City did not accept it. Mr. Kackley stated that it would still be his property and he would have to maintain it.

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

Enacted and approved this 28th day of April, 2016, at Bay City

9. Agreement

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

Mayor Mark A. Bricker

Mr. Frankson stated that he was requesting a six-month extension.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Julie Estlinbaum, Mayor Pro-Tem
AYES:	Estlinbaum, Folse, Johnson, Thames
EXCUSED:	Cornman

Enacted and approved this 28th day of April, 2016, at Bay City

10. Resolution

DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, APPROVING A FEDERAL AND STATE FUNDED AIRPORT IMPROVEMENT PROJECT FOR THE DESIGN AND CONSTRUCTION OF A SECURITY FENCE AND GATES ESTIMATED TO BE \$166,667; AND AUTHORIZING THE CITY OF BAY CITY TO CONTRIBUTE MATCHING FUNDS CURRENTLY ESTIMATED TO BE \$16,667; AND AUTHORIZING THE MAYOR TO EXECUTE ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS NECESSARY TO IMPLEMENT THE PROJECT.

James Mason, Airport Manager

Mr. Mason informed Council that the project was scheduled for this fiscal year, and that it is a 90/10 split.

Mayor Pro Tem Estlinbaum asked if the funds were budgeted, and he stated yes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Julie Estlinbaum, Mayor Pro-Tem
AYES:	Estlinbaum, Folse, Johnson, Thames
EXCUSED:	Cornman

RESOLUTION

Enacted and approved this 28th day of April, 2016, at Bay City

11. Resolution

DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, APPROVING A FEDERAL AND STATE FUNDED AIRPORT IMPROVEMENT PROJECT FOR THE ACQUISITION OF REAL PROPERTY ESTIMATED TO BE \$166,667; AND AUTHORIZING THE CITY OF BAY CITY TO CONTRIBUTE MATCHING FUNDS CURRENTLY ESTIMATED TO BE \$16,667; AND AUTHORIZING THE MAYOR TO EXECUTE ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS NECESSARY TO IMPLEMENT THE PROJECT.

James Mason, Airport Manager

Mr. Mason informed Mayor and Council that the project was not slated for this fiscal year. This project was also a 90/10 split. He added that the airport has been taking in new planes that are larger, and it required the taxi way to be moved over 60 feet.

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

RESOLUTION

Enacted and approved this 28th day of April, 2016, at Bay City

12. Report

RECEIVE UPDATE FROM THE PARKS AND RECREATION DEPARTMENT INCLUDING REPORTS CONCERNING THE POOLS, LIFEGUARDS, THE SUMMER RECREATION PROGRAMS, POSSIBLE PROGRAM FOR MARKET DAYS AND THE SPORTS COMPLEX, AND DIRECT STAFF AS NECESSARY.

Kelly Penewitt, Parks and Recreation Supervisor

Ms. Penewitt informed Mayor and Council that the diving board had been ordered and should be here early next week. Councilwoman Folse asked how long did it take to put in the purchase order. Ms. Penewitt stated that the purchase order was submitted the day after the Council Meeting. She added that it was returned on April 10th. Ms. Penewitt stated that they had the backup motor for both pools, and that they contacted Henderson Fabrication regarding the structure, but it was determined that they needed a structural engineer. She added that Henderson Fabrication contacted Stuart Lynn.

Council had some questions regarding the installation of the pool and the rehab of the pool. Mayor Pro Tem Estlinbaum asked about the lifeguards and the hours for the two pools. Ms. Penewitt stated that the pools would be open Tuesday through Sunday from noon to 7 p.m. Councilwoman Folse asked if they had contacted the schools for the lifeguards, and Ms. Penewitt stated that she let Ronda know the process regarding the student lifeguards.

Mayor Pro Tem Estlinbaum commented that they had to do something about the room with the equipment. Councilwoman Folse asked who she contacted regarding the building, and Ms. Penewitt stated a company out of Lake Jackson.

The Mayor stated that they would have a cost and action plan by next Council Meeting. Councilwoman Thames asked if she would let them know when it got installed.

Ms. Penewitt moved on to the Sports Complex. She informed Mayor and Council that the bathrooms had been painted; they were installing plexi-glass to replace the windows; and they are working with IT to determine the usage of the security cameras. Councilwoman Folse asked if the windows would be replaced, and Ms. Penewitt stated by next weekend. Councilwoman Folse asked about the scoreboard, and Ms. Penewitt stated that she was not sure, but would have staff check. Council asked additional questions about items at the Sports Complex.

Councilwoman Folse spoke about other recreational options they could do, such as movie on the square. She expressed her disappointment that things were not planned out. Councilwoman Folse stated that she was not happy with the Open Gym item.

Councilwoman Thames emphasized the importance of making the Sports Complex look good.

13. Report

RECEIVE A STATUS UPDATE ON THE TRANSFER OF TITLE OF THE TEXAS THEATER FACILITY FROM THE IGNITE CHURCH TO THE CITY OF BAY CITY, TEXAS AND A PRESENTATION OF RECOMMENDATION FOR MANAGEMENT OF THE PROJECT TO RENOVATE THE TEXAS THEATER, AND DIRECT STAFF AS NECESSARY.

Mayor informed Council that he signed the final paperwork at 5 p.m. today. He stated that it had been discussed with the Maintenance Department to get bids for the roof and a/c.

14. Ordinance

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE CREATING THE OFFICE OF DIRECTOR OF PARKS AND RECREATION; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Rhonda Clegg, City Secretary

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

ORDINANCE

Enacted and approved this 28th day of April, 2016, at Bay City

6. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

7. 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 Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Friday, April 22, 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

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:

DOC ID: 2289

ADOPTED

AGENDA ITEM (ID # 2289)

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

RESULT:	APPROVED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Carolyn Thames, Councilwoman
SECONDER:	Julie Estlinbaum, Mayor Pro-Tem
AYES:	Julie Estlinbaum, Chrystal Folse, Steven Johnson, Carolyn Thames
EXCUSED:	William Cornman



CITY OF BAY CITY VOLUNTEER INTEREST FORM

Dear Resident:

This form will let the City Council know of your interest and qualifications to serve on a City board or commission. You are encouraged to contact the Mayor concerning your nomination. You may also submit a resume or brief background information regarding your qualifications. This form will be kept on file for a period of two years in the City Secretary's office.

PLEASE TYPE OR PRINT:

Date: 04/25/2016
 Name: Jessica C Russell Home Address: 2005 Sandlewood Dr
 City: Bay City State TX Zip 77414
 Home Phone: 979-240-5500 Business Phone: _____
 Employer: MEHOP Occupation: Dr. of Employee and Public
 E-mail: jessicaesquire@gmail.com
 Resident of the Bay City Corporate City Limits: (circle one) ☒ Yes ☐ No
 Resident of City for 19 (not _____) years

I am interested in serving on the following boards:

(Boards and Committees include: Bay City Community Development Corporation (BCCDC), Main Street, Planning Commission, Historic Commission, Convention and Visitor Bureau (CVB), and Housing Authority)

- | | |
|--|--|
| Planning Commission
1.) _____
Bay City Community
2.) <u>Development Corporation</u> | Main Street
3.) _____
Housing Authority
4.) _____ |
|--|--|

Please list any involvement in civic groups or clubs, current or past service on city boards, or other information qualifying you for service:

I've recently relocated to Bay City for marriage after being gone for school and work. I am currently a member of Bay City Lady Lions and serve as Director of Employee and Public Affairs at MEHOP.. I've spent the last 5 years in the employ of two U.S. Members of Congress in D.C. I most recently served as the Legislative Director for an Appropriator on the Water and Energy, Agriculture, and Veterans Affairs subcommittees.

eSigned via SeamlessDocs.com

Key: b706a7f3a8b9bca99b123267b71b76ec

Signature

Return completed form to the City Secretary's Office: 1901 5th Street, Bay City, Texas 77414

Attachment: Jessica Russell - Volunteer Interest Form (2289 : Planning Commission Appointment)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2283

DISCUSSION ITEM (ID # 2283)

**PUBLIC HEARING ON GARY FORD'S PETITION FOR DIS-
ANNEXATION OF HIS 5.0 ACRES OF LAND LOCATED IN THE
I&G.NN. RR CO. SURVEY, #1, BLOCK #4 OF MATAGORDA
COUNTY, TEXAS.**



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2284

ORDINANCE (ID # 2284)

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS DISANNEXING FROM THE CORPORATE BOUNDARIES OF THE CITY OF BAY CITY, TEXAS 5.0 ACRES OF LAND LOCATED IN THE I&G.NN. RR CO. SURVEY, #1, BLOCK #4 OF MATAGORDA COUNTY, TEXAS PURSUANT TO THE PETITION FOR DISANNEXATION; ADJUSTING THE BOUNDARIES OF THE CITY OF BAY CITY, TEXAS; CONTAINING CERTAIN FINDINGS, PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS DISANNEXING FROM THE CORPORATE BOUNDARIES OF THE CITY OF BAY CITY, TEXAS 5.0 ACRES OF LAND LOCATED IN THE I&G.NN. RR CO. SURVEY, #1, BLOCK #4 OF MATAGORDA COUNTY, TEXAS PURSUANT TO THE PETITION FOR DISANNEXATION; ADJUSTING THE BOUNDARIES OF THE CITY OF BAY CITY, TEXAS; CONTAINING CERTAIN FINDINGS, PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 43.142 provides that a home-rule municipality may dis-annex an area in the municipality according to rules as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by Chapter 43 of the Local Government Code; and

WHEREAS; Section 1.04 of the City Charter provides that the City may dis-annex territory by ordinance after a public hearing; and

WHEREAS, Gary Ford, the owner of a 5.0 acre tract of land located in the I&G NN. RR Co. Survey #1, Block #4 of Matagorda County within the City's Corporate limits, has petitioned City Council to dis-annex the territory; and

WHEREAS, the City Council finds that during the time that the territory has been located within the City's Corporate Limits the amount of property taxes collected by the City is \$7,473.40. Under Section 43.148 of the Texas Local Government Code, the City shall proportionately refund this amount within 180 days from the Effective Date of this Ordinance to the landowners according to a method to be developed by the City that identifies each landowner's approximate pro rata payment of taxes being refunded; and

WHEREAS, the City Council finds, that the territory to be dis-annexed does not include the dis-annexation of a road or highway; and

WHEREAS, the City Council hereby further finds and determines that the dis-annexation of the 5.0 acres is not in conflict with the interests of the City; and

WHEREAS, before City Council shall take action on this Ordinance a hearing was held on April 28, 2016, to allow members of the public give testimony and express opinions as to the merits of the dis-annexation.

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

SECTION 1. The above findings are true and correct and are hereby incorporated for all purposes as if each word was set out herein. The map of the territory to be dis-annexed is

attached hereto as **Exhibit “A”** and is hereby incorporated for all purposes as if it were set out fully herein.

SECTION 2. As of the effective date of this Ordinance, the land and territory shown on **Exhibit “A”** is hereby dis-annexed from the corporate limits of the City of Bay City, Texas, and said territory as described shall hereafter be removed from the the boundary limits of said City, and the present boundary limits of said City are altered and amended so as to remove the territory from the corporate limits of the City of Bay City, Texas.

SECTION 3. As of the effective date of this Ordinance, the land and territory so described and so amended shall no longer be part of the City of Bay City, Texas and the land and territory shall no longer bear any of the taxes levied by the City of Bay City, Texas and the future inhabitants thereof shall no longer be entitled to any rights or privileges as citizens; nor shall they be bound by the acts, ordinances, resolutions, and regulations of the City of Bay City, Texas. The dis-annexed property will remain subject to the acts, ordinances, resolution, and regulations that affect the City’s extra-territorial jurisdiction.

SECTION 4. Under Section 41.001 of the Local Government Code, the City’s Official Map shall be immediately revised to reflect the change to the City’s boundaries as a result of this Dis-annexation Ordinance.

SECTION 5. Under Section 41.0015 of the Local Government Code, the Mayor is authorized to send to the Matagorda County Clerk certified copies of the documents showing the change of the City’s boundaries as a result of this Dis-annexation Ordinance.

SECTION 6. This Ordinance is not severable.

SECTION 7. This ordinance shall be effective immediately from and after passage.

PASSED AND APPROVED on this 28th day of April 2016.

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

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary
City of Bay City

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

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

Mark A. Bricker, Mayor,
City of Bay City

ATTEST:

Lillie Norris, Deputy 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 NO. - Disannexation Gary Ford (2284 : Dis-annexation)

EXHIBIT A

5.0 acre tract in the I&GNRR Co. Surveys, Survey No. 1, Block No. Four (4) and being part of the land conveyed by George Herder et al to Jno. W. Gaines and C.F. Baker, and Jno. W. Gaines and C.F. Baker to J.F. Cone, by deed dated February 14, 1910, as recorded in the Deed Records of Matagorda County, Texas, in Vol. 32, page 602, to which reference is here made, said property being more particularly described as follows: BEGINNING at the Southwest corner of a 60 acre tract conveyed to Jno. W. Gaines and C.F. Baker by Geo. Herder, et al, and running East 549.2 feet for the Southwest corner; THENCE East 274.6 feet for the Southeast corner; THENCE North 797.4 feet for the Northeast corner; THENCE South 797.4 feet to the place of beginning, containing five (5) acres of land in all, more or less.



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2287

ADOPTED

AGENDA ITEM (ID # 2287)

**DISCUSS, CONSIDER, AND/OR APPROVE AN ORDER
AUTHORIZING AN ADDITIONAL PENALTY ON DELINQUENT
AD VALOREM TAXES IN ORDER TO DEFRAY COSTS OF
COLLECTION PURSUANT TO TEXAS PROPERTY TAX CODE
SECTIONS 33.07 AND 33.08.**

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

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 LOOP CENTRAL DRIVE, SUITE 600
HOUSTON, TEXAS 77081(713) 844-3400
FAX (713) 844-3511

Nicole J. Borchard

April 20, 2016

Mr. Mark A. Bricker, Mayor
City of Bay City
1901 Fifth Street
Bay City, Texas 77414**RE: City of Bay City's City Council Meeting on April 28, 2016**

Dear Mr. Bricker:

I am forwarding this letter to request the law firm of Linebarger Goggan Blair & Sampson, LLP (Firm) be placed on the agenda for the City Councils meeting scheduled for Thursday, April 28, 2016. Throughout the many years the Firm has collected delinquent property taxes on behalf of City of Bay City, we have been doing so for a 15% penalty. This penalty is a fee that is added to the total amount of delinquent taxes, penalties and interest owed on a property to defray the costs of collection. The fee does not come out of the pocket of the taxing entities nor does it reduce the amounts collected for them. The fee is paid by the delinquent property owners.

In 2001, the Texas Legislature made statutory changes to the Texas Property Tax Code and increased the percentage of the allowable, contracted amount to a 20% penalty. As you may know, the cost of doing business over the years has steadily increased. Many taxing entities in the surrounding areas and counties have taken this into consideration and agreed to increase the additional collection penalty to 20% as provided by the Texas Property Tax Code. The Matagorda County Tax Assessor-Collector is in agreement with a 20% penalty, and the Matagorda County Commissioner's Court approved the resolution in 2014 for a 20% penalty. As of today the following Matagorda County taxing entities have also approved the resolution for a 20% penalty: City of Palacios, Caney Creek MUD, Port of Bay City, Palacios Area Seawall Commission District and the Van Vleck Independent School District.

Therefore, the Firm respectfully requests the City of Bay City's City Council to consider the approval of an Order authorizing an additional penalty on delinquent taxes in order to defray costs of collection pursuant to Texas Property Tax Code Sections 33.07 and 33.08. Attached to this letter are duplicate originals of the document. A suggested wording of the agenda items is as follows:

Attachment: Linebarger Goggan Blair & Sampson - Rate Increase 2016 (2287 : Linbarger Order)

- “Consideration and possible action to approve an Order authorizing an additional penalty on delinquent taxes in order to defray costs of collection pursuant to Texas Property Tax Code Sections 33.07 and 33.08.”

As always, it is a pleasure to serve the City of Bay City. Please do not hesitate to call on us if we can be of any assistance.

Sincerely,

LINEBARGER GOGGAN BLAIR
& SAMPSON, LLP



Nicole J. Borchard

cc: Cristyn E. Hallmark, PCC
Tax Assessor-Collector
Matagorda County Tax Office
1700 Seventh Street, Room 203
Bay City, Texas 77414-5091

Attachment: Linebarger Goggan Blair & Sampson - Rate Increase 2016 (2287 : Linbarger Order)

ORDER

THE STATE OF TEXAS §

COUNTY OF MATAGORDA §

The City Council of the City of Bay City, convened at a meeting of said Council at the City of Bay City Council Chambers, in the City of Bay City, Texas, on the _____ day of _____, 2016, with the following members present, to-wit:

_____, Mayor
 _____, Mayor Pro-Tem
 _____, Council Member
 _____, Council Member
 _____, Council Member
 _____, Council Member

and the following council members absent, to-wit:

_____, constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING ADDITIONAL PENALTY ON DELINQUENT TAXES UNDER TEX. TAX CODE §§ 33.07 AND 33.08 IN ORDER TO DEFRAY COSTS OF COLLECTION.

Council Member _____ introduced an order and made a motion that the same be adopted. Council Member _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

AYES: _____
 NAYS: _____
 ABSTENTIONS: _____

The Mayor thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

WHEREAS, the City of Bay City wishes to defray its costs of collection, as authorized by TEX. TAX CODE §§ 33.07 and 33.08, that it incurs under a contract for collection of delinquent property taxes between said county and a private law firm entered into pursuant to TEX. TAX CODE § 6.30;

WHEREAS, under said Sections 33.07 and 33.08, the City Council is empowered to authorize the addition of a collection penalty in an amount that does not exceed the amount of the compensation specified in the contract with the private law firm;

NOW, THEREFORE,

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, SITTING AS THE GOVERNING BODY OF SAID CITY, THAT:

Section 1: THE RECITALS SET FORTH IN THIS ORDER ARE TRUE AND CORRECT.

Section 2: (a) AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS **2015** AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.07, TEXAS TAX CODE, IN THE AMOUNT OF 20% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON OR AFTER FEBRUARY 1 OF A YEAR BUT NOT LATER THAN MAY 1 OF THAT YEAR AND REMAINS DELINQUENT ON JULY 1 OF THE YEAR IN WHICH THE TAX BECOMES DELINQUENT; AND

(b) AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS **2015** AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.08, TEXAS TAX CODE, IN THE AMOUNT OF 20% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON OR AFTER JUNE 1 UNDER SECTION 26.07(F), 26.15(E), 31.03, 31.031, 31.032, OR 31.04, TEX. TAX CODE.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2016.

CITY OF BAY CITY

BY: _____
Mayor
City of Bay City

ATTEST:

City Secretary

ORDER

THE STATE OF TEXAS §

COUNTY OF MATAGORDA §

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 _____, Mayor Pro-Tem
 _____, Council Member
 _____, Council Member
 _____, Council Member
 _____, Council Member

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PASSED, APPROVED and ADOPTED this ____ day of _____, 2016.

CITY OF BAY CITY

BY: _____
Mayor
City of Bay City

ATTEST:

City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2278

DISCUSSION ITEM (ID # 2278)

**PUBLIC HEARING TO DISCUSS AMENDING THE CITY'S
CODE OF ORDINANCES BY ADDING CHAPTER 99, TITLED
"DOWNTOWN BAY CITY LAND DEVELOPMENT CODE" TO
BE APPLIED TO FUTURE DEVELOPMENT AND RE-
DEVELOPMENT IN THE DOWNTOWN BAY CITY AREA
BOUNDED GENERALLY BY 11TH STREET TO THE NORTH,
AVE. J TO THE EAST, 1ST STREET TO THE SOUTH, AND
AVE. E. TO THE WEST.**

The Form Based Codes will provide a set of standards for specific boundaries within Downtown. These standards will reinforce the existing character and form of Downtown. The City Council will then consider and/or approve an Ordinance adopting the Form Based Codes.



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 2279)

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2279

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 BY ADDING NEW CHAPTER 99 TO BE TITLED DOWNTOWN BAY CITY LAND DEVELOPMENT CODE TO ESTABLISH A DOWNTOWN FORM BASED CODE ZONING DISTRICT; PROVIDING DEFINITIONS AND STANDARDS FOR DEVELOPMENT WITHIN THE DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A CUMULATIVE AND CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING THE CITY OF BAY CITY CODE OF ORDINANCES BY ADDING A NEW CHAPTER 99 TO BE TITLED “DOWNTOWN BAY CITY LAND DEVELOPMENT CODE” TO ESTABLISH A DOWNTOWN FORM BASED CODE ZONING DISTRICT; PROVIDING DEFINITIONS AND STANDARDS FOR DEVELOPMENT WITHIN THE DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A CUMULATIVE AND CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bay City, Texas is a Home Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has determined that it is in the City’s best interest for the Greater Downtown area to be planned, designed, and used in a manner that allows for a unique mixture of residential, office, and commercial uses, therein; and

WHEREAS, the City Council has determined that redevelopment of Downtown Bay City affects the growth and vitality of the City, as a whole; and

WHEREAS, the City’s adopted policies, programs, practices and plans that identify the Downtown Form Based Code Zoning District Area bounded generally by 11th Street to the North, Avenue J to the East, 1st Street to the South, and Avenue E to the West as important regional and local destinations to promote a mix of commercial, residential, civic, and public uses in a pedestrian-friendly context; and

WHEREAS, the City Council has worked with staff and professional consultants over the past six months to evaluate and formulate a proposed ordinance for the City Council’s consideration and possible action that would adopt and implement the use of a Form Based Code for the Downtown Form Based Code Zoning District bounded generally by 11th Street to the North, Avenue J to the East, 1st Street to the South, and Avenue E to the West as important regional and local destinations to promote a mix of commercial, residential, civic, and public uses in a pedestrian-friendly context; and

WHEREAS, after receiving input at a Special Meeting before City Council on March 10, 2016, and a meeting of the Planning Commission on March 10, 2016, City Council recommended that such an ordinance be adopted, to reinforce the existing character and form of Downtown, to promote the best economic interest, public health, safety and general welfare of the residents of the community; and

WHEREAS, the City Council has determined that it is appropriate and in the best interest of the City to promote the best economic interest, as well as the public health, safety, and

general welfare of its residents by adding Chapter 99 (entitled “Downtown Bay City Land Development Code”) to adopt a Form Based Code for portions of Downtown Bay City; and

WHEREAS, the City Council deems it in the best interest of the economic vitality, public health, safety, and general welfare of the citizens of the community to adopt and implement zoning regulations that are applicable to future development and re-development in the Downtown Form Based Code Zoning District Area bounded generally by 11th Street to the North, Avenue J to the East, 1st Street to the South, and Avenue E to the West, to reinforce the character and form of Downtown, to protect and enhance the attractiveness of the City to visitors, to promote, and stimulate the economy, to ensure harmonious, orderly, and efficient growth of the City; to preserve the City’s unique history, culture, and heritage, and to protect property values; and

WHEREAS, the City Council has published notice and held public hearing on April 28, 2016, with respect to adding this zoning ordinance, pertaining to the potential adoption of a new, Downtown Form Based Code Zoning District, to be applied to future development and re-development in Downtown Bay City bounded generally by 11th Street to the North, Avenue J to the East, 1st Street to the South, and Avenue E to the West; and

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

SECTION 1. 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. The City of Bay City, Texas Code of Ordinances is hereby amended by adding Chapter 99 (entitled “Downtown Bay City Land Development Code”). Chapter 99 of the Code of Ordinances is attached as **Exhibit A** hereto and incorporated by reference as if fully set forth herein.

SECTION 3. The Downtown Bay City Land Development Code adopted by this Ordinance reflects a vision for downtown Bay City shaped by public and stakeholder input. The Downtown Bay City Land Development Code seeks to enable predictable building outcomes to attract new investment and preserve existing investment and character in the Downtown Form Based Code Zoning District area bounded generally by 11th Street to the North, Avenue J to the East, 1st Street to the South, and Avenue E to the West.

SECTION 4. The Downtown Bay City Land Development Code adopted by this Ordinance is composed of three ‘Sub-Districts’ that are defined in the Regulating Plan. These Sub-Districts implement the City’s vision for the Downtown area by establishing appropriate urban design standards, including building form and civic/open space standards, with a focus on implementing pedestrian-oriented design(s) for development and re-development.

The Sub Districts are as follows:

- 1) **Downtown Core (DC)** – the area is widely known as the historic downtown that has a range of building types, provides the most interconnected and walkable areas.
- 2) **North Downtown (ND)** – the area that has a range of building types and has a desire to integrate as part of the Downtown Core.
- 3) **Downtown Neighborhood (DN)** – the area that is predominately large estate homes and single-family homes that serve as a connection from DC to the Train Depot.

SECTION 5. Penalty. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6. Savings Clause. All rights and remedies of the City of Bay City are expressly saved as to any and all violations of the provisions of Chapter 99, as amended, or any other ordinances regarding zoning regulations which have accrued at the time of the effective date of this Ordinance. And, as to such, accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. 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 this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 8. 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 9. Publication. The City Secretary is hereby directed to publish the caption to this Ordinance and in the official City newspaper one time within ten days after final passage of this Ordinance, as required by Section 5.01(i) of the Charter of the City of Bay City.

SECTION 10. 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 28th day of April 2016.

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

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary
City of Bay City

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

Attachment: ORDINANCE NO. - Downtown Form Based Code Zoning District (2279 : Form Base Codes)

EXHIBIT A

Attachment: ORDINANCE NO. - Downtown Form Based Code Zoning District (2279 : Form Base Codes)

Table of Contents

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Chapter 99 Downtown Bay City Land Development Code

Article I. General

The Downtown Bay City Land Development Code provides a set of standards for specific boundaries within the City of Bay City that is intended to regulated the form and preserve the character of these areas.

Sec.99.01 Purpose

The purpose of the Downtown Bay City Land Development Code is to reinforce the existing character and form of the Downtown. The Form-Based Code is a reflection of the community vision for the North Downtown, the Comprehensive Plan, and the historic built area(s) as identified in the Sec. xx.03, Regulating Plan, Figure 1.0.

Sec.99.02 Applicability

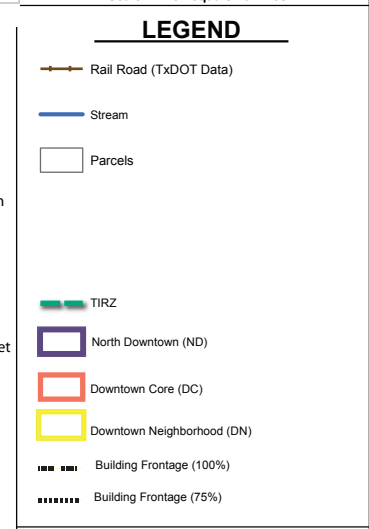
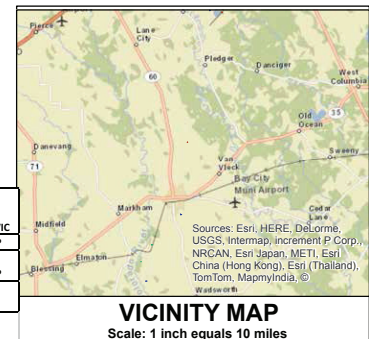
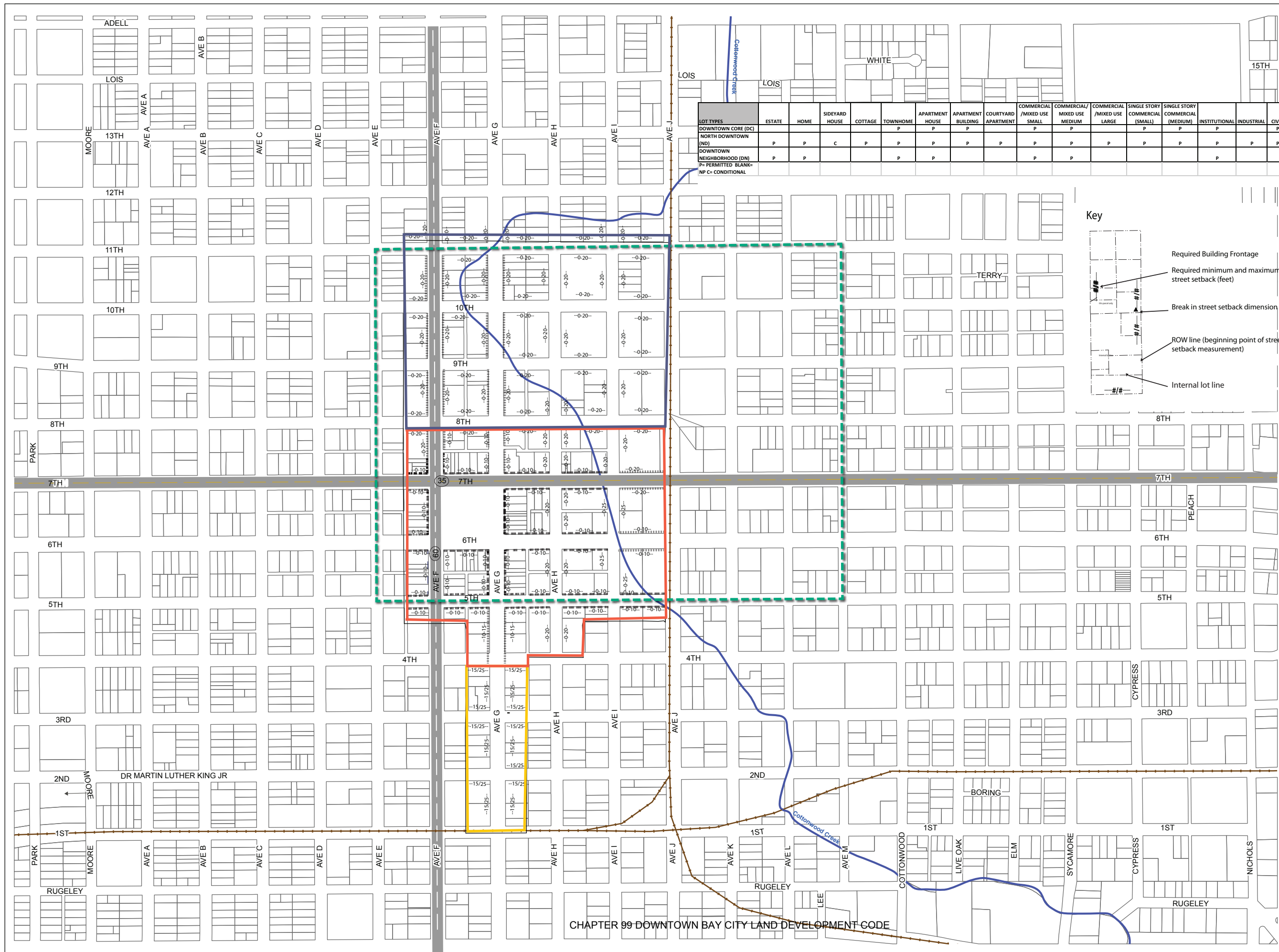
The Downtown Bay City Land Development Code applies to all the land that is identified, by sub-district, as adopted in the Regulating Plan. All other property not included in the Regulating Plan in accordance with this Chapter, shall be governed by the applicable chapters of the Bay City Code of Ordinances.

This ordinance shall apply to:

- (a) All new development
- (b) Renovations and redevelopment. In the case of additions or renovations to, or redevelopment of, an existing building or project, an applicant may opt to use the standards in Chapter 99, however, there will not be required to use this Chapter and will be subject to the City's existing policies on development.

Sec.99.03 Regulating Plan

The Downtown Bay City Land Development Code is implemented through the Regulating Plan and assigns sub districts to the areas of land that are assigned to this Plan. The Regulating Plan also identifies the required front setbacks for any new development and required building frontages.



PLANACTIVE STUDIO

CITY OF BAY CITY
MATAGORDA COUNTY, TEXAS

JONES CARTER
Texas Board of Professional Engineers Registration No. F-439

Figure 1.0
Regulating Plan

Disclaimer:
This product is offered for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones & Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.

Coordinate System: NAD 83 TX CENT
Vertical Datum: NAVD 1988 - 2001 AD

Packet Pg. 33

Sec.99.04 Downtown Districts

Bay City's Downtown Land Development Code has three sub-districts as identified in the Regulating Plan:

- (a) Downtown Core (DC), the area that is widely known as the historic downtown that has a range of building types, provides the most interconnected and walkable areas.
- (b) North Downtown (ND), the area that has a range of building types and has a desire to integrate as part of the Downtown Core.
- (c) Downtown Neighborhood (DN), the area that is predominately large estate homes and single-family homes that serve as a connection from DC to the Train Depot.

Sec.99.05 Building Lot Types

Building types are permitted by Sub-district when any new and/or redevelopment occurs on any parcel within the Bay City Downtown Regulating Plan. The building typologies are consistent with the size, scale and character desired within each sub-district. The following building types are permitted, by sub-district as listed:

Table 1.0 Building Lot Types

P= PERMITTED BLANK= NOT PERMITTED, C=CONDITIONAL (The building type must be part of an overall Planned Development and provide a range of building types in the overall development.

LOT TYPES	DOWNTOWN CORE (DC)	NORTH DOWNTOWN (ND)	DOWNTOWN NEIGHBORHOOD (DN)
ESTATE		P	P
HOME		P	P
SIDEYARD HOUSE		C	
COTTAGE		P	
TOWNHOME	P	P	P
APARTMENT HOUSE	P	P	P
APARTMENT BUILDING	P	P	
COURTYARD APARTMENT		P	
COMMERCIAL/MIXED USE SMALL	P	P	P
COMMERCIAL/MIXED USE MEDIUM	P	P	P
COMMERCIAL/MIXED USE LARGE		P	
SINGLE STORY COMMERCIAL (small)	P	P	
SINGLE STORY COMMERCIAL (medium)	P	P	
INSTITUTIONAL	P	P	P
INDUSTRIAL		P	
CIVIC	P	P	

The following categories are regulated, by building lot type, for each permitted building type listed in Table 1.0 Building Lot Types. Each standard is labeled by a letter (A, B, C, E, etc, example) which directly relates to the specific category provided on each building type. The categories are described as follows:

- (a) Lot requirements: Provisions for minimum and maximums; lot depth, lot size and the permitted lot coverage;
- (b) Building envelope: Provisions for the minimum and maximum setbacks permitted by front, side, and rear yards for Urban and Suburban development. There is a minimum and maximum setback for each lot type. The maximum and minimum frontage refers to the proportion of the lot width along which the primary building façade must be within the minimum and maximum front setback; and
- (c) Accessory Structure Envelope: provides the setbacks and maximum building footprints permitted for accessory structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example a residential structure may have a detached garage or storage shed or a one unit residential mother-in-law suite.
- (d) Building height: Provisions for permitted heights in stories (st). The maximum height for first floor residential development shall be fourteen (14) feet and twenty (20) feet for non-residential. The maximum height for second story and higher shall not exceed twelve (12) feet. Each building lot typology provides the range of height appropriate for the building type. Height shall be measured from finished floor.

- (e) Parking provisions: The amount of parking shall be determined by Section xx of the Code of Ordinances and Sec. xx of this Chapter. Parking provisions provide zones where parking is permitted. The parking zone refers to any uncovered parking area located on the parcel. Driveways are permitted in any zone provided the frontage requirements have been met as required by building type. The diagram illustrates a Primary and Secondary street. Primary streets are streets that are addressed to the parcel of land. Secondary streets may or may not have access to the parcel. Zones are defined and illustrated by the lot area between the principal building frontage and:

Zone 1: the right-of-way of any primary street.

Zone 2: any common interior lot line.

Zone 3: any rear lot line.

Zone 4: the right-of-way of any secondary street.

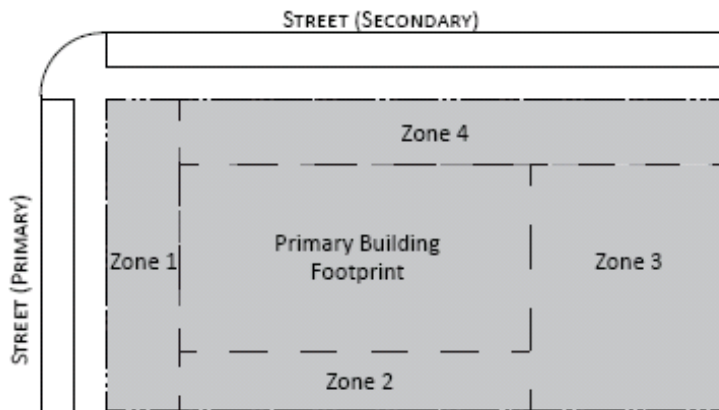


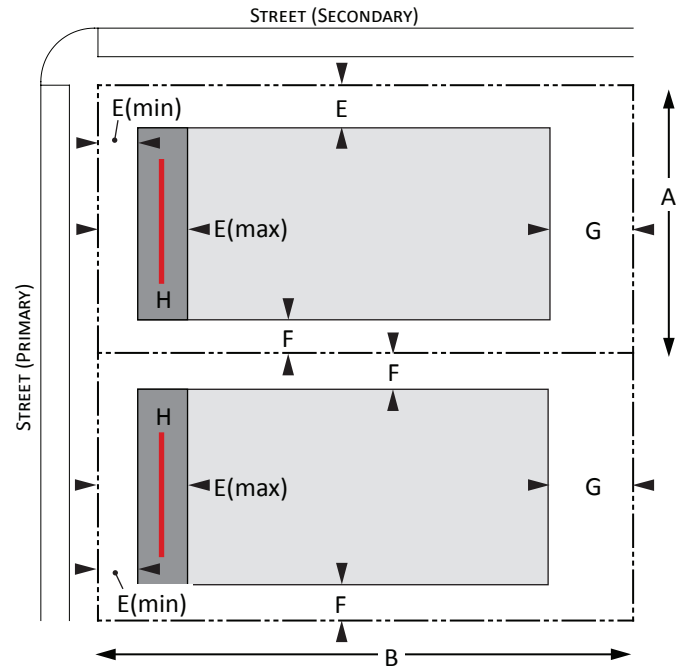
Figure 2, Parking Zone Area(s)

- (f) Private frontages, refers to the area that is attached or integrated into the primary building. The building types are either required or preferred. If there are multiple frontages provided in the table, the applicant may choose what private frontage to provide per building. The private frontage area may count towards the calculation of the frontage build out requirement under the “Building Envelope” category.

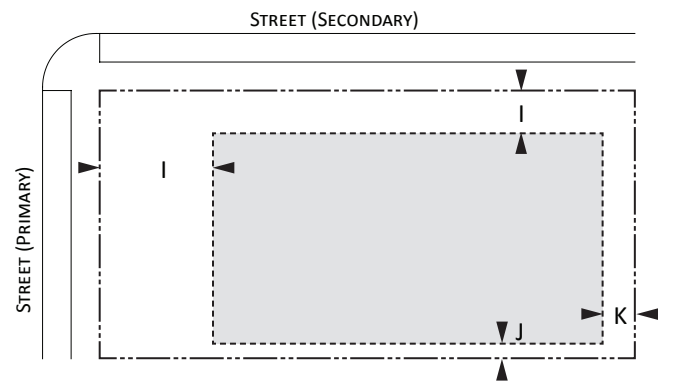
A building lot located and designed to accommodate a detached building with large side, rear and front yards.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	70	120
B - Lot Depth (ft)	120	--
C - Lot Size (sf)	10,000	21,780
D - Lot Coverage (%)	--	30
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	30	--
G - Rear Setback (ft)	30	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	10	--
J - Side Setback (ft)	25	--
K - Rear Setback (ft)	--	80
L - Building Footprint (sf)	--	800
BUILDING HEIGHT		
M - Principal Building (st)	1	2
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 1,2,3, and 4	
PRIVATE FRONTAGES		
Required Frontages	P, S, CY	

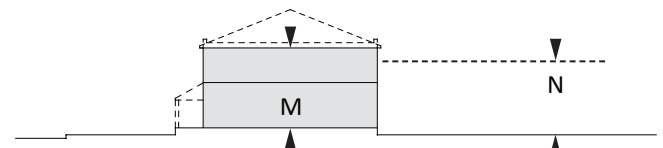
LOT REQUIREMENTS AND BUILDING ENVELOPE



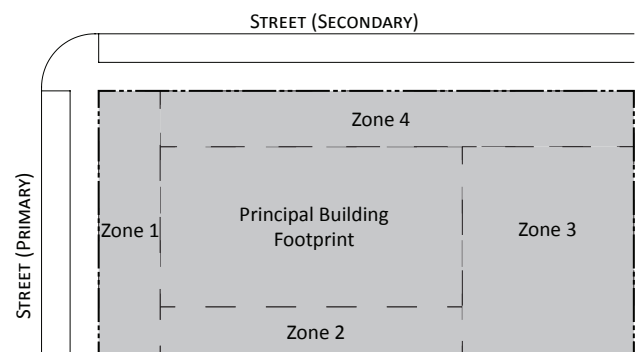
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



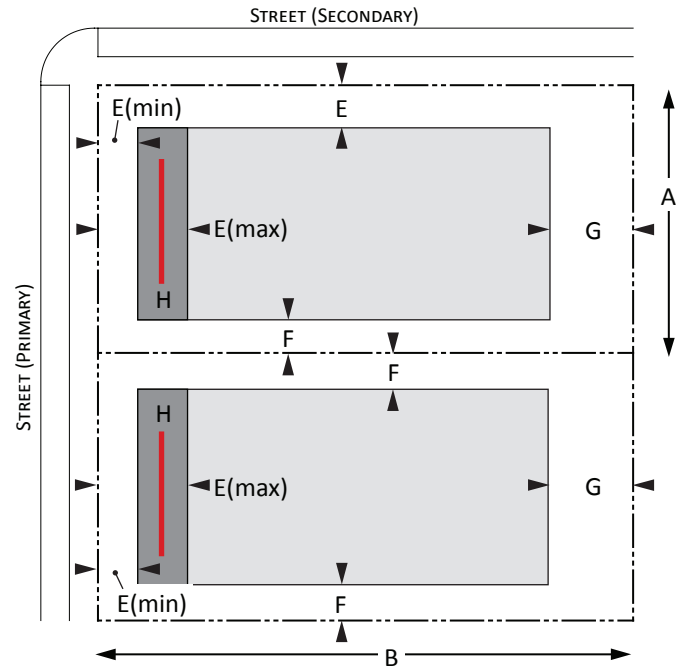
HS

HOUSE

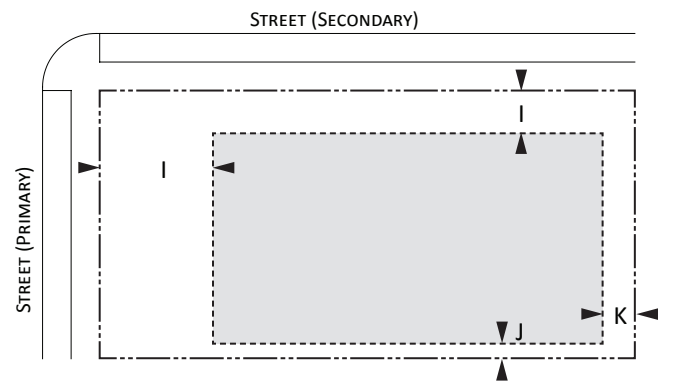
A building lot located and designed to accommodate a detached building with small side yards and a large front yard.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	70
B - Lot Depth (ft)	100	120
C - Lot Size (sf)	4,000	8,400
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	20	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	2
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES		
Required Frontages	P, S, CY	

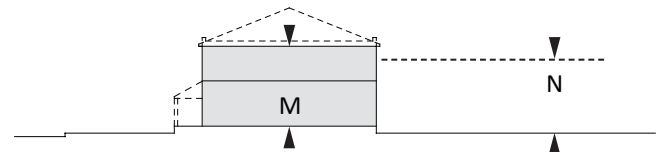
LOT REQUIREMENTS AND BUILDING ENVELOPE



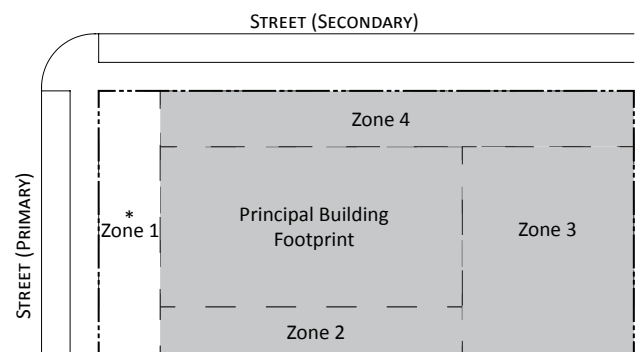
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



SH

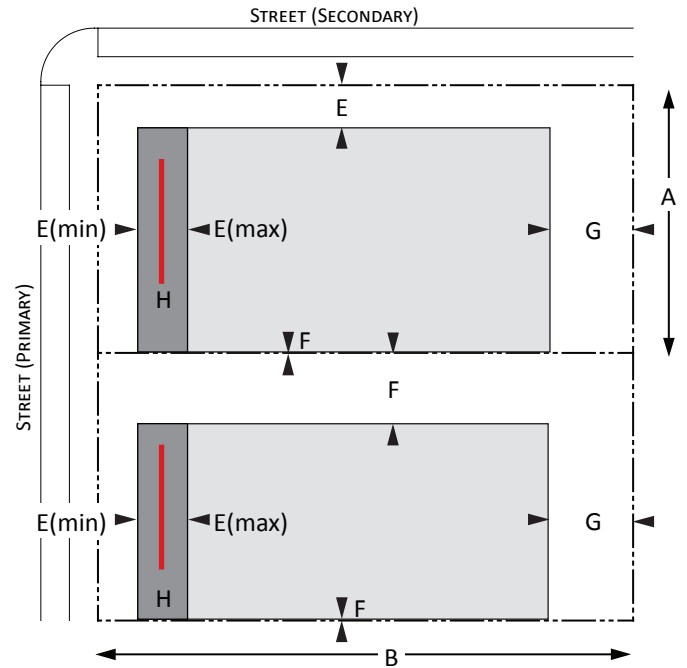
SIDEYARD HOUSE

A building lot located and designed to accommodate a small detached building located along a side lot line with a larger side yard opposite the house.

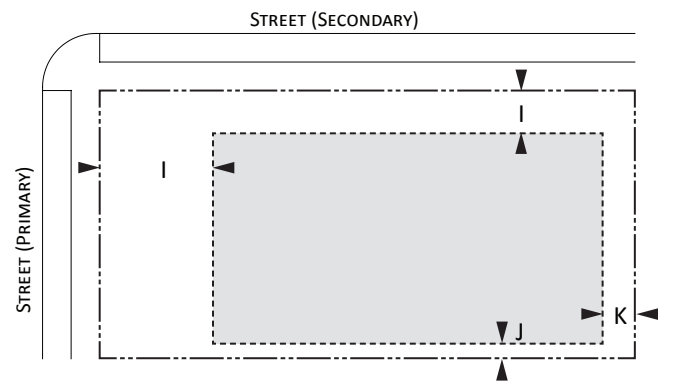
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	30	60
B - Lot Depth (ft)	100	120
C - Lot Size (sf)	3,000	7,200
D - Lot Coverage (%)	--	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	0*	--
G - Rear Setback (ft)	10	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	2
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 1, 2 and 3	
PRIVATE FRONTAGES		
Required Frontages	P, S, CY	

* Side yard may be 0' on one side property line if the adjacent lot is a Sideyard House lot or if the adjacent lot type can accommodate a 5' minimum maintenance easement. Side yard requirements shall be 3' minimum in all other instances.

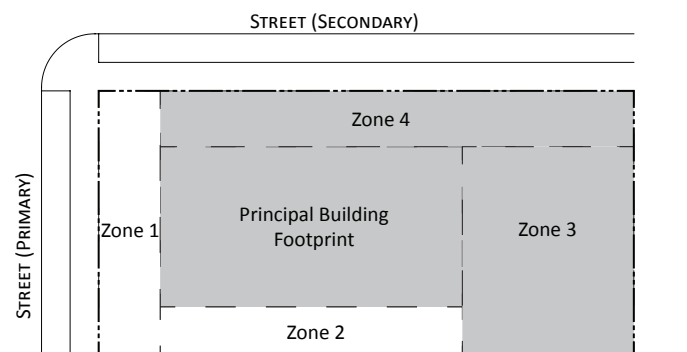
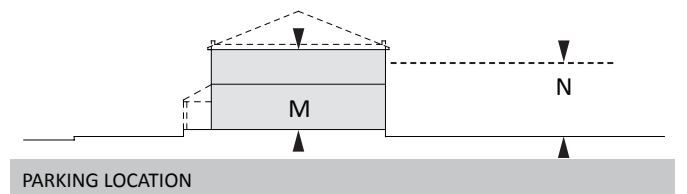
LOT REQUIREMENTS AND BUILDING ENVELOPE



ACCESSORY STRUCTURE ENVELOPE



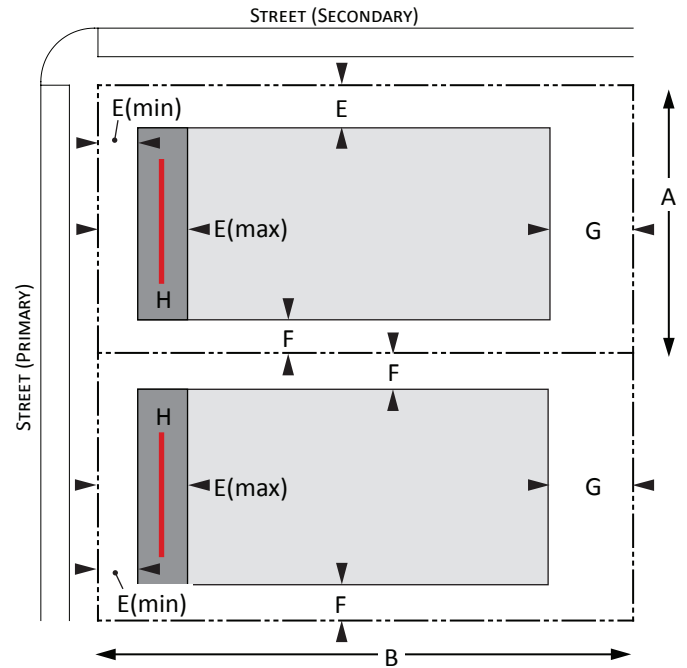
BUILDING HEIGHT



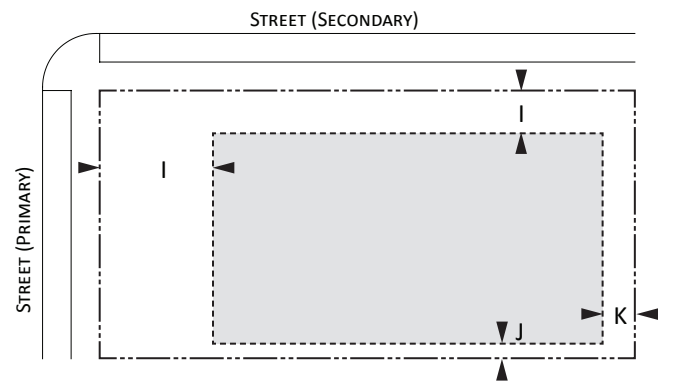
A building lot located and designed to accommodate a small detached building with small side and front yards.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	25	40
B - Lot Depth (ft)	100	120
C - Lot Size (sf)	3,000	4,800
D - Lot Coverage (%)	--	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	3	--
G - Rear Setback (ft)	10	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	2
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 3	
PRIVATE FRONTAGES		
Required Frontages	P, S, CY	

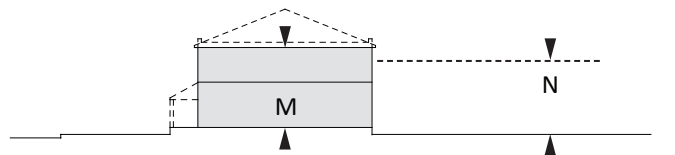
LOT REQUIREMENTS AND BUILDING ENVELOPE



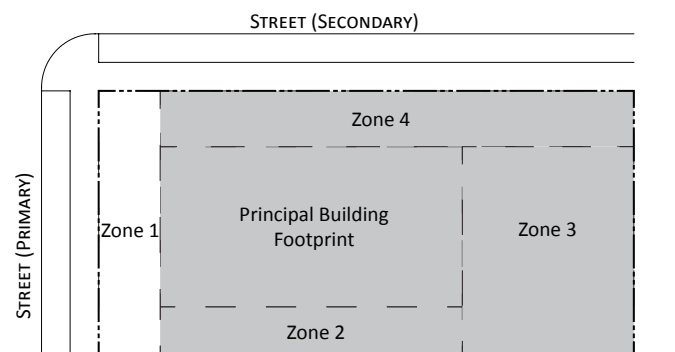
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



TH

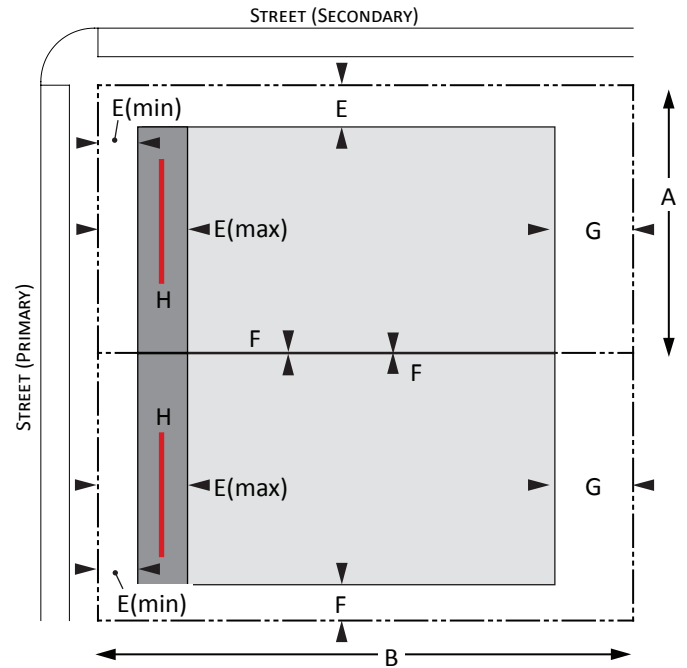
TOWNHOUSE

A building lot located and designed to accommodate a building with sidewalls (attached) on both side building lot lines and a private garden to the rear.

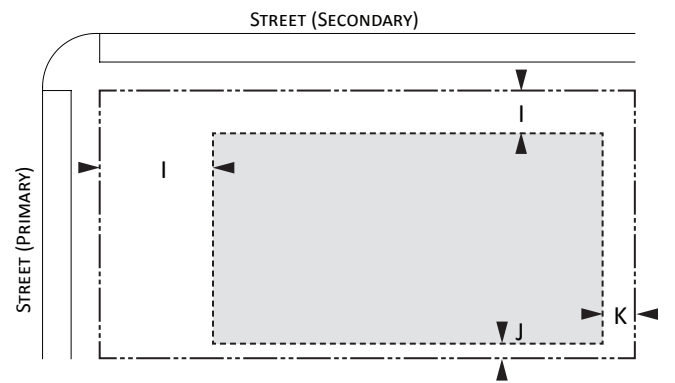
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	16	28
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	1,600	3,000
D - Lot Coverage (%)	--	75
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	0 *	--
G - Rear Setback (ft)	15	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	3
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 3	
PRIVATE FRONTAGES		
Required Frontages	P, S	

* 10' Separation required from adjacent detached building

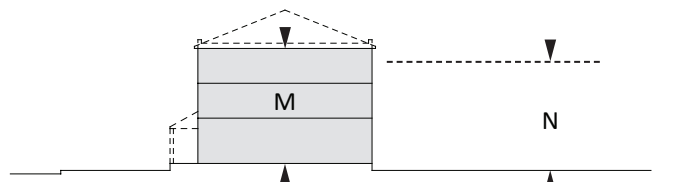
LOT REQUIREMENTS AND BUILDING ENVELOPE



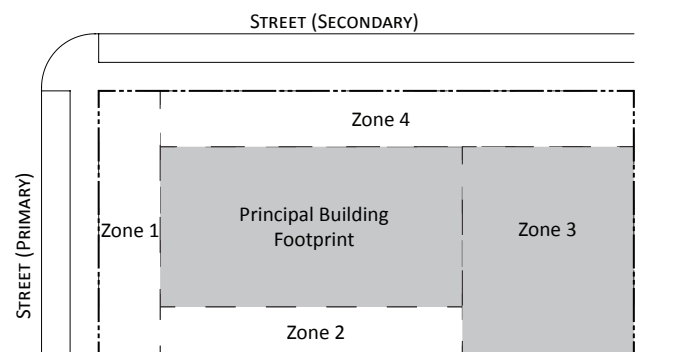
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



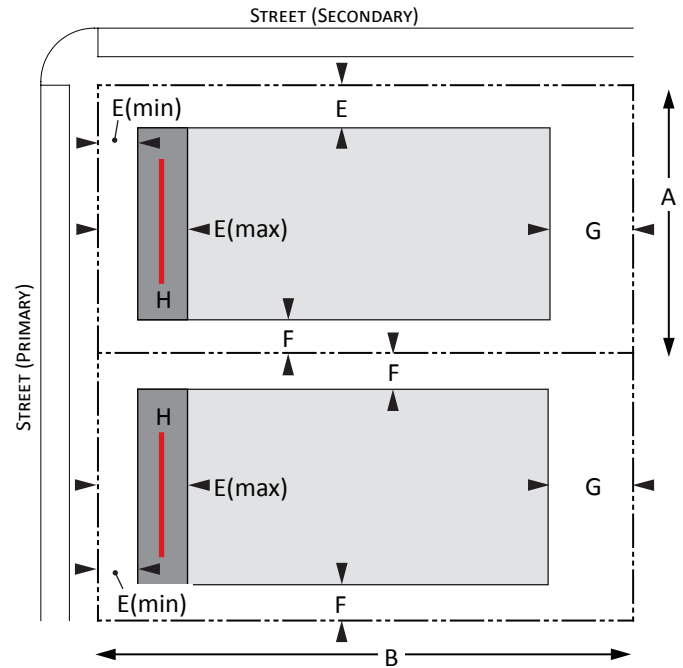
AH

APARTMENT HOUSE

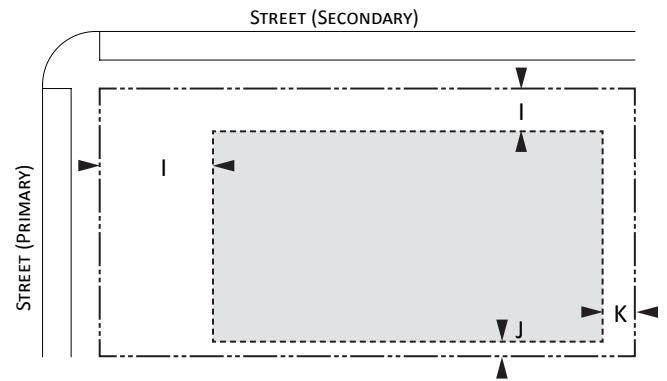
A building lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	70
B - Lot Depth (ft)	100	120
C - Lot Size (sf)	4,000	8,400
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	20	--
H - Frontage Buildout (%)	60	80
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	3
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2, 3 and 4	
PRIVATE FRONTAGES		
Required Frontages	P, S, CY	

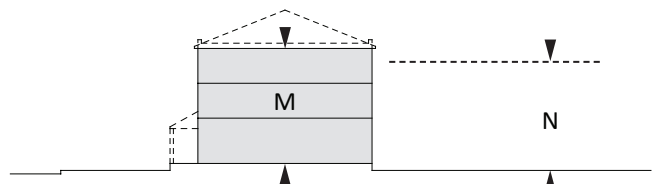
LOT REQUIREMENTS AND BUILDING ENVELOPE



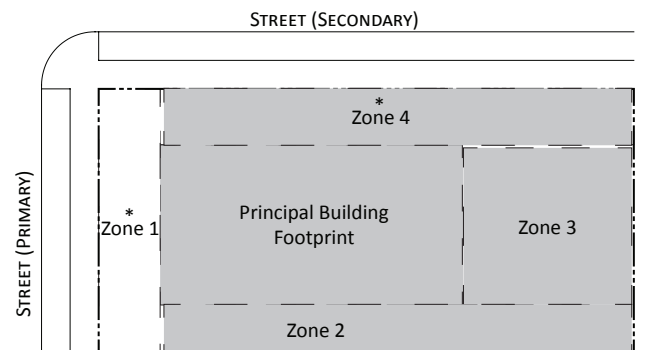
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



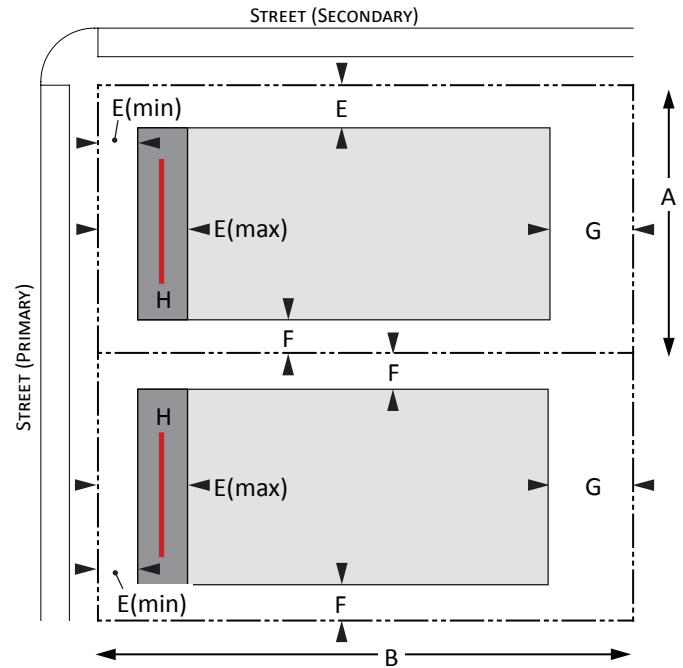
AB

APARTMENT
BUILDING

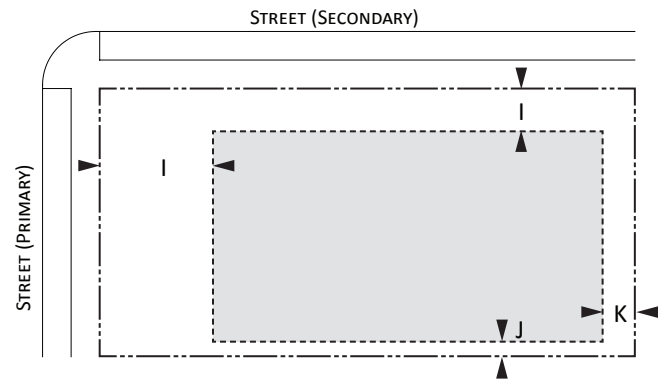
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	40	150
B - Lot Depth (ft)	100	350
C - Lot Size (sf)	4,000	52,500
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	5	--
G - Rear Setback (ft)	15	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	4
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES		
Required Frontages	P, F, S	

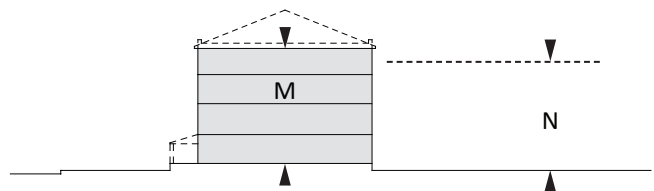
LOT REQUIREMENTS AND BUILDING ENVELOPE



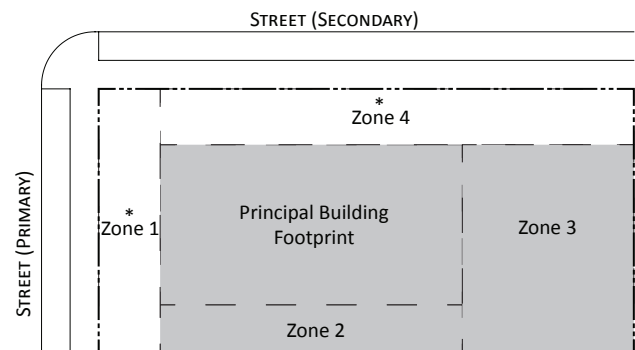
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

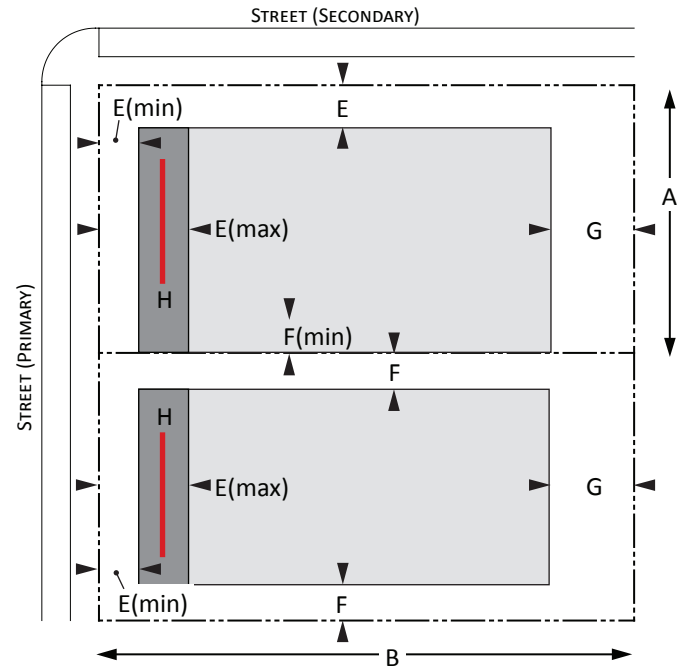


COURTYARD APARTMENT

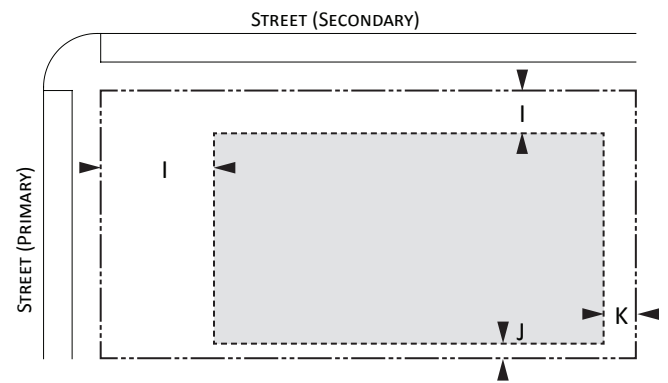
A building lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	80	120
B - Lot Depth (ft)	80	180
C - Lot Size (sf)	9,000	20,000
D - Lot Coverage (%)	--	80
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	0 *	10
G - Rear Setback (ft)	10	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	4
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES		
Required Frontages	P, F, S	

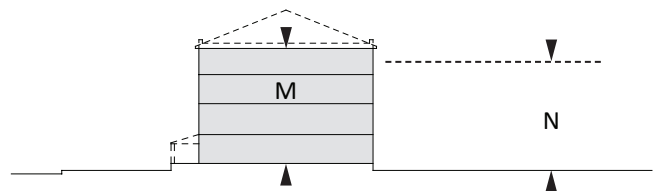
LOT REQUIREMENTS AND BUILDING ENVELOPE



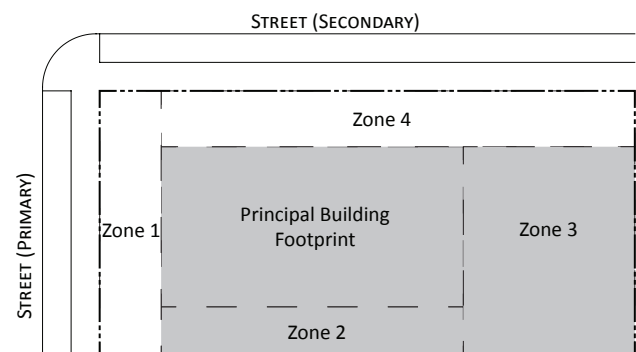
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

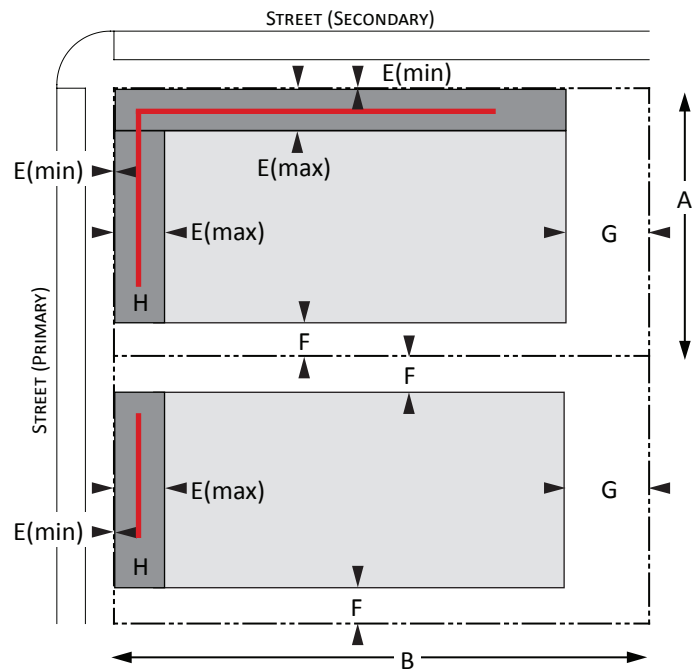


COMMERCIAL/ MIXED-USE - SMALL

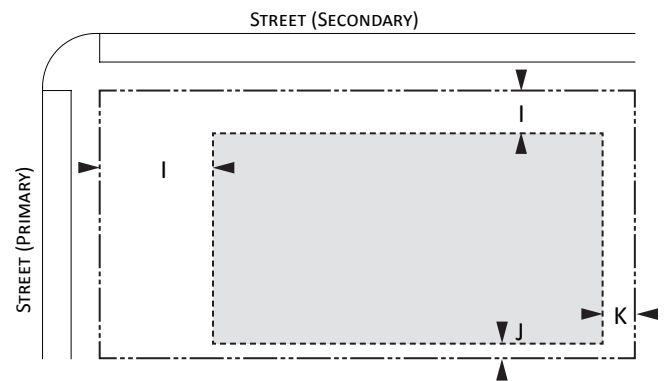
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for smaller lot sizes.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	16	60
B - Lot Depth (ft)	80	120
C - Lot Size (sf)	1,800	7,200
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	5	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	2	4
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES		
Required Frontages	C	

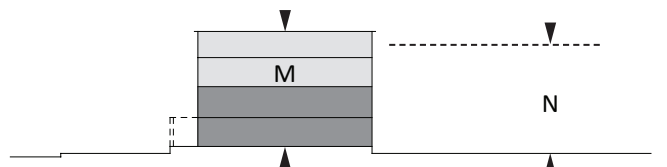
LOT REQUIREMENTS AND BUILDING ENVELOPE



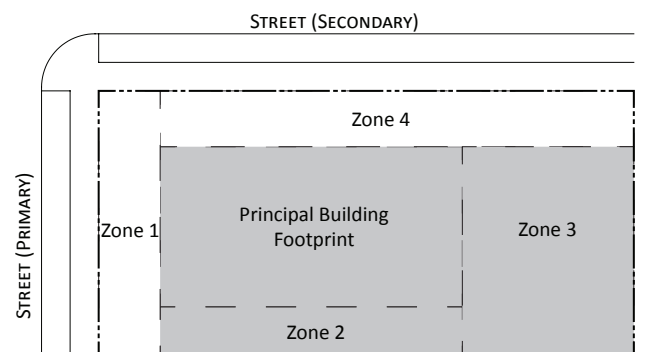
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

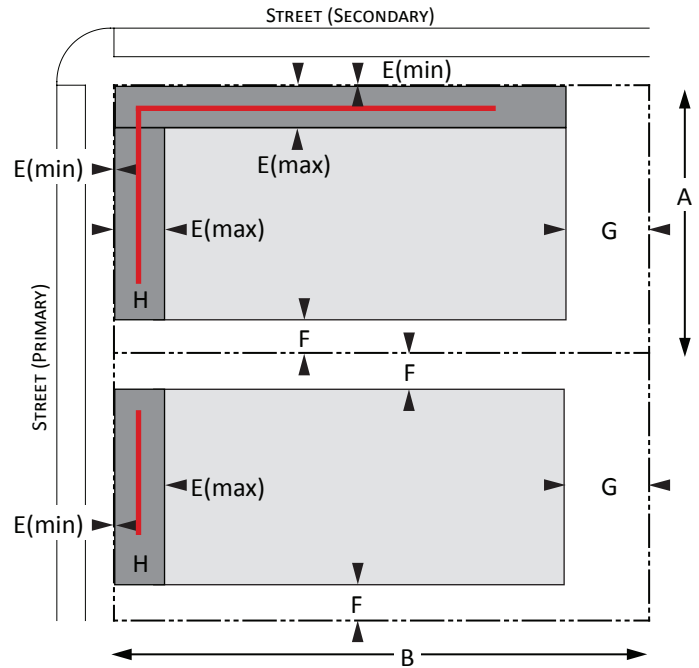


COMMERCIAL/ MIXED-USE - MEDIUM

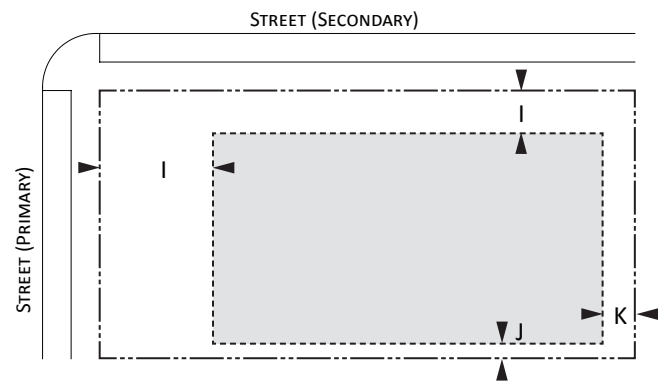
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for average lot sizes.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	60	150
B - Lot Depth (ft)	--	350
C - Lot Size (sf)	--	52,500
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	10	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	2	5
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES		
Required Frontages	C	

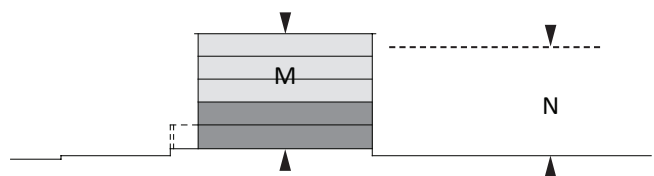
LOT REQUIREMENTS AND BUILDING ENVELOPE



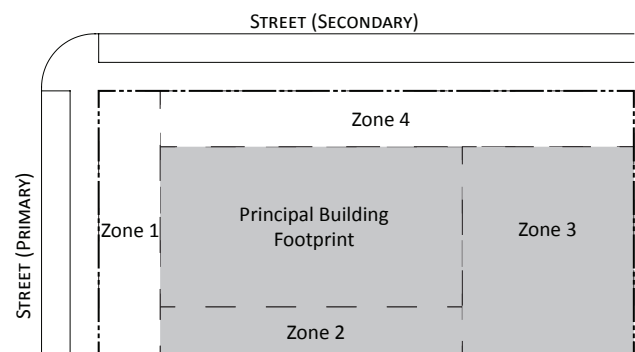
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION

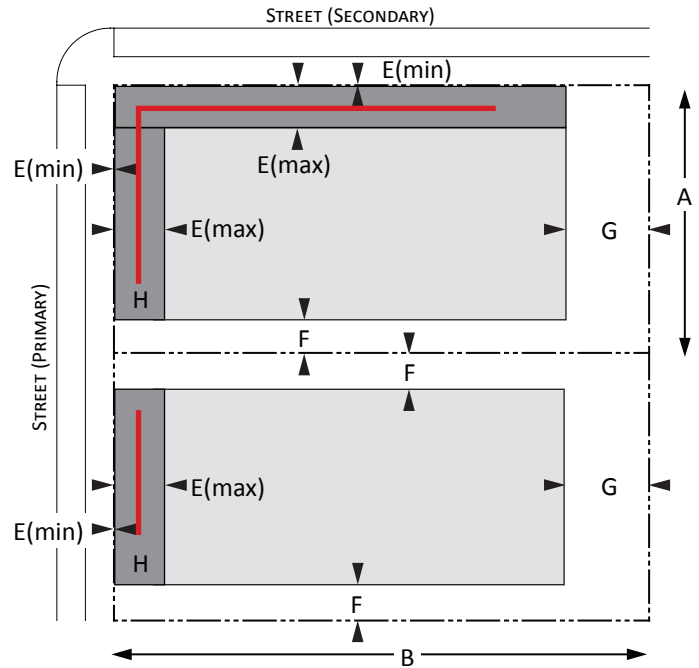


COMMERCIAL/ MIXED-USE - LARGE

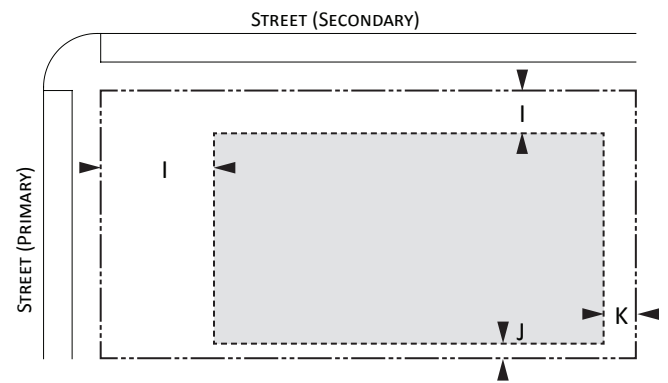
A building lot located and designed to accommodate a multi story building with commercial, office and/or multiple dwellings in any story that is designed for larger lot sizes.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	120	350
B - Lot Depth (ft)	--	Per block standards
C - Lot Size (sf)	--	--
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	10	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	2	6
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES		
Required Frontages	C	

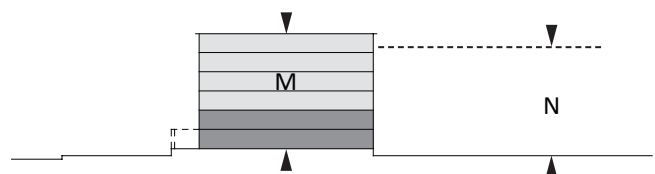
LOT REQUIREMENTS AND BUILDING ENVELOPE



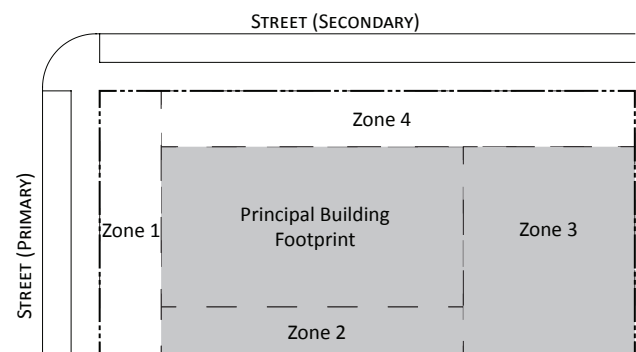
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



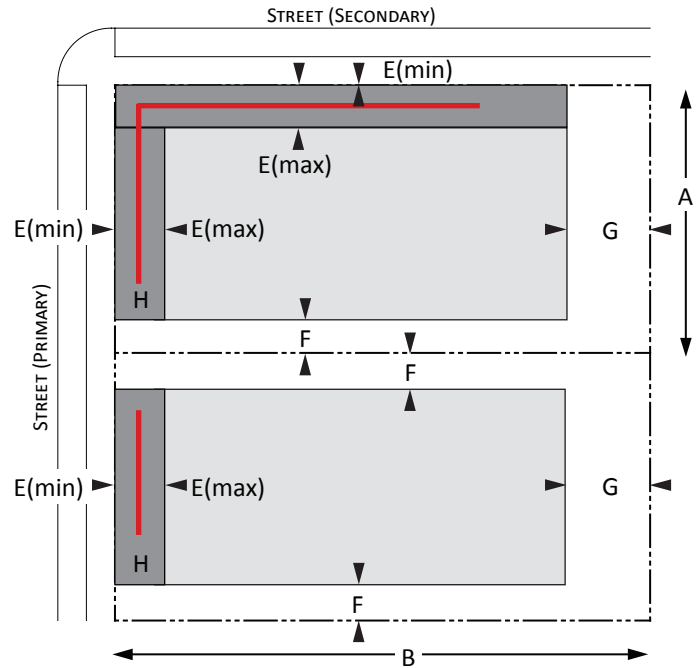
SS

SINGLE STORY COMMERCIAL BUILDING-SMALL

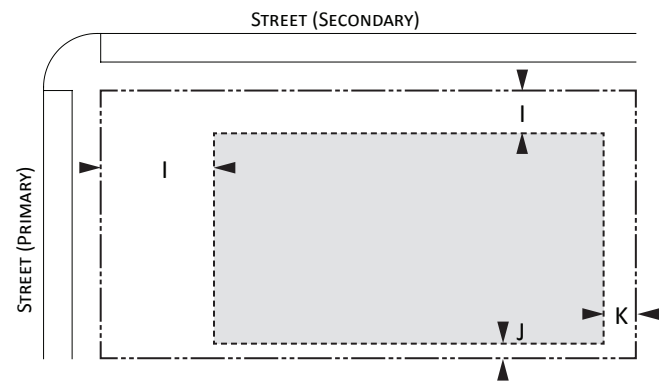
A building lot located and designed to accommodate single use office and retail.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	20	100
B - Lot Depth (ft)	80	350
C - Lot Size (sf)	4,000	35,000
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	15	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	1
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES		
Required Frontages	C, G, A	

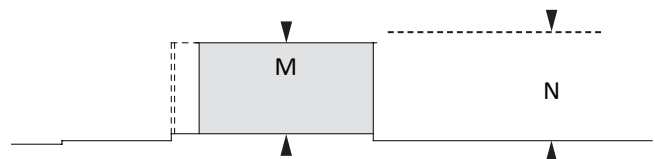
LOT REQUIREMENTS AND BUILDING ENVELOPE



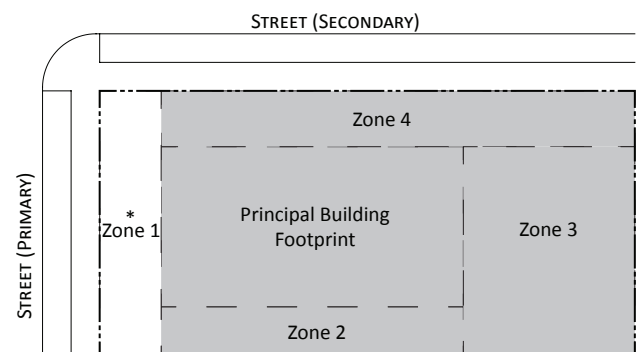
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



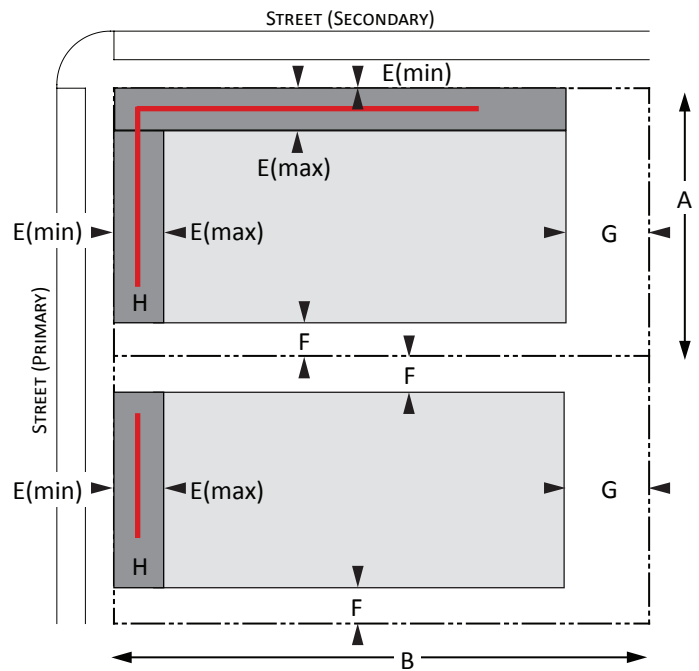
SM

SINGLE STORY COMMERCIAL BUILDING-MEDIUM

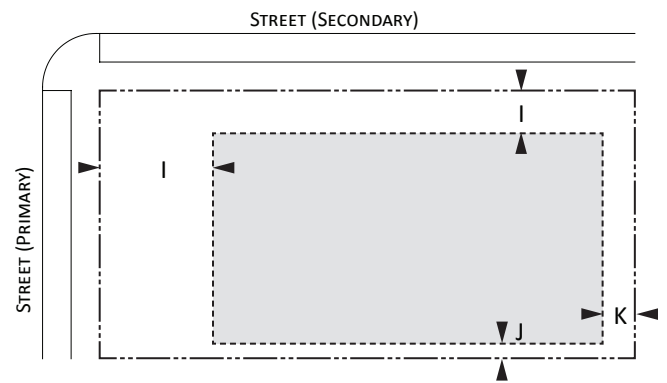
A building lot located and designed to accommodate single use office and retail.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	20	100
B - Lot Depth (ft)	80	350
C - Lot Size (sf)	4,000	35,000
D - Lot Coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	15	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	1
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES		
Required Frontages	C, G, A	

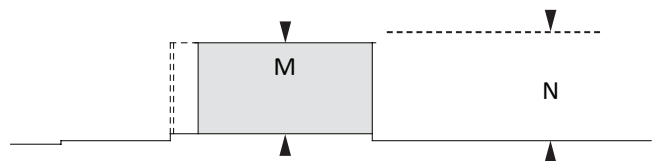
LOT REQUIREMENTS AND BUILDING ENVELOPE



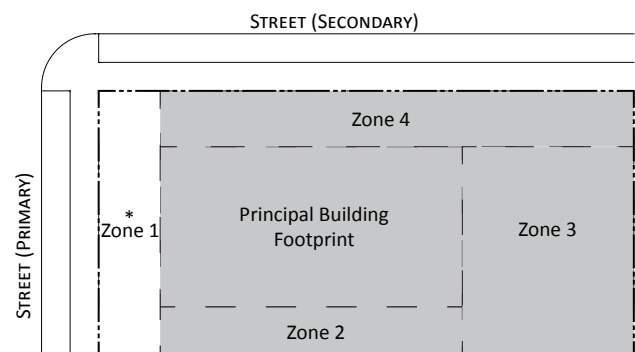
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



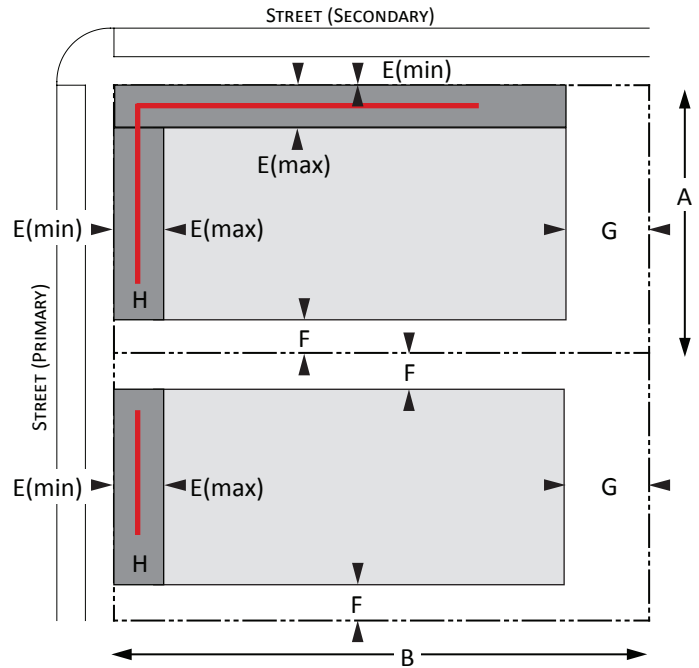
IB

INDUSTRIAL
BUILDING

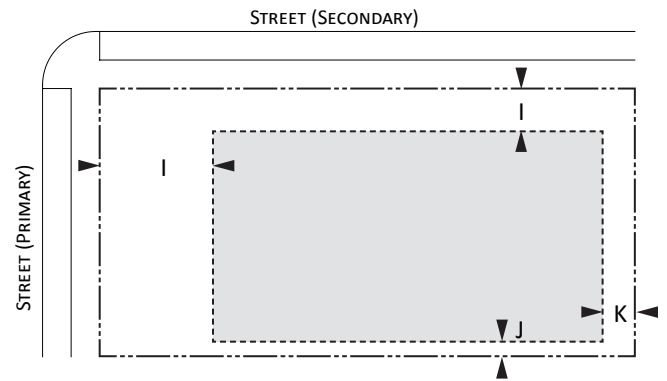
A building lot located and designed to accommodate industrial uses.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	--	350
B - Lot Depth (ft)	--	(per block standards)
C - Lot Size (sf)	--	--
D - Lot Coverage (%)	--	50
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	10	--
G - Rear Setback (ft)	25	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	4
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 1,2,3, and 4	
PRIVATE FRONTAGES		
Required Frontages	no requirement	

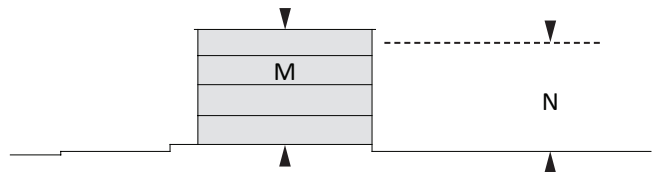
LOT REQUIREMENTS AND BUILDING ENVELOPE



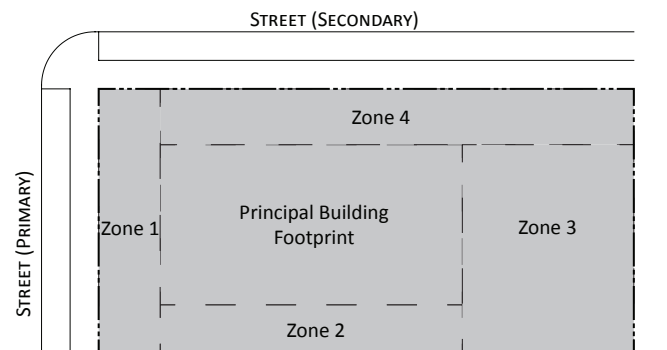
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



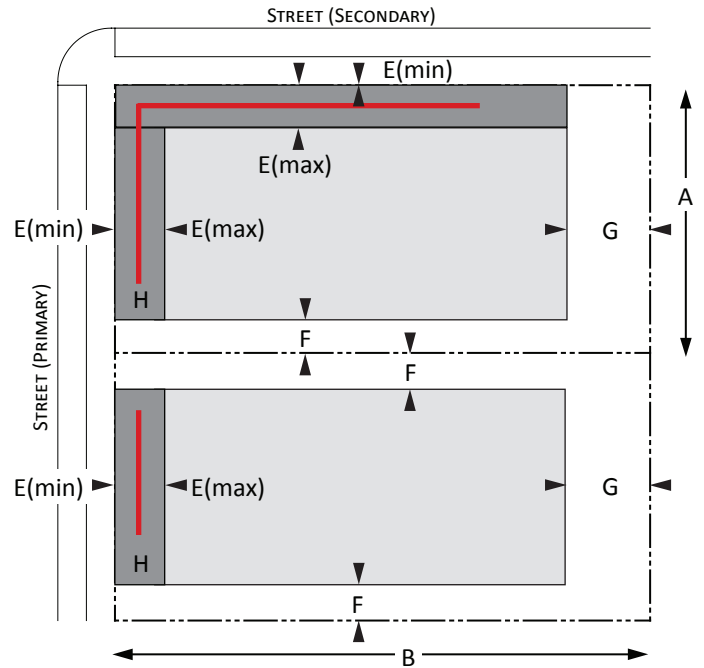
IT

INSTITUTIONAL

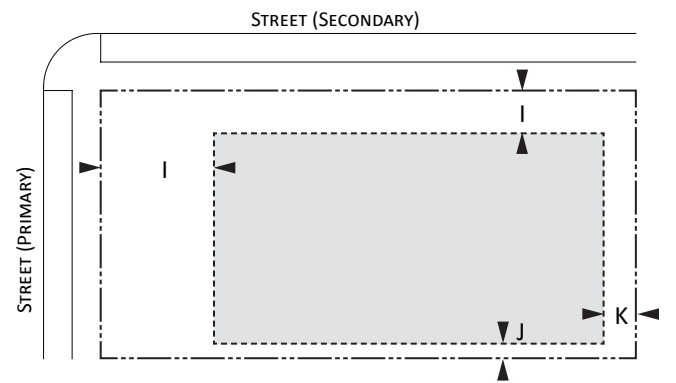
A building lot located and designed to accommodate institutional users such as hospitals, churches, and schools.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	--	--
B - Lot Depth (ft)	--	--
C - Lot Size (sf)	--	--
D - Lot Coverage (%)	--	91
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	10	--
G - Rear Setback (ft)	15	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	5
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES		
Required Frontages	no requirement	

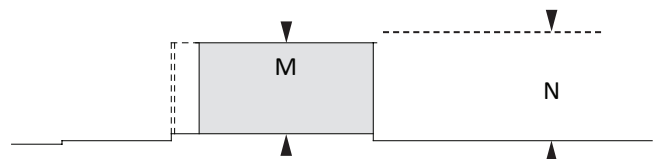
LOT REQUIREMENTS AND BUILDING ENVELOPE



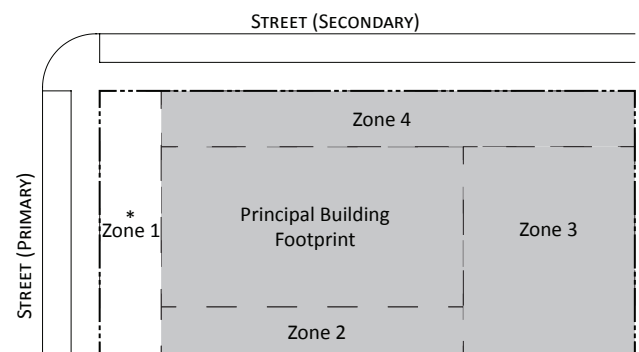
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



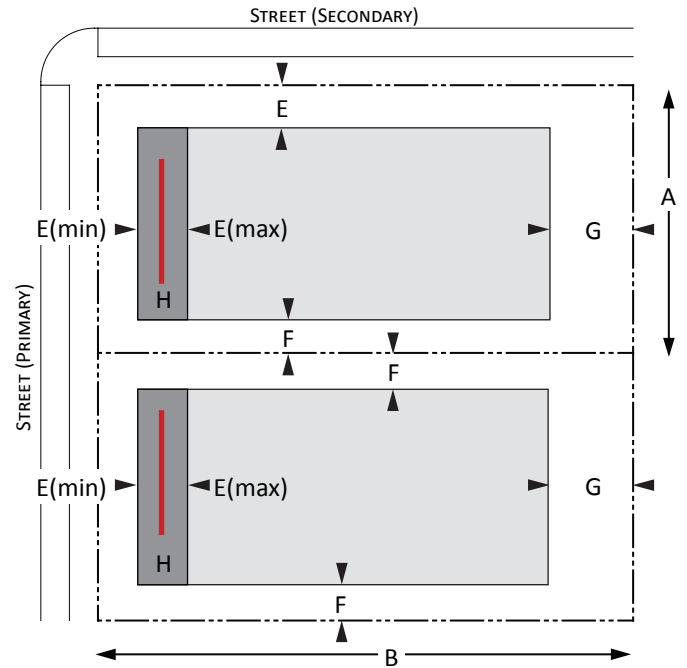
CV

CIVIC BUILDING

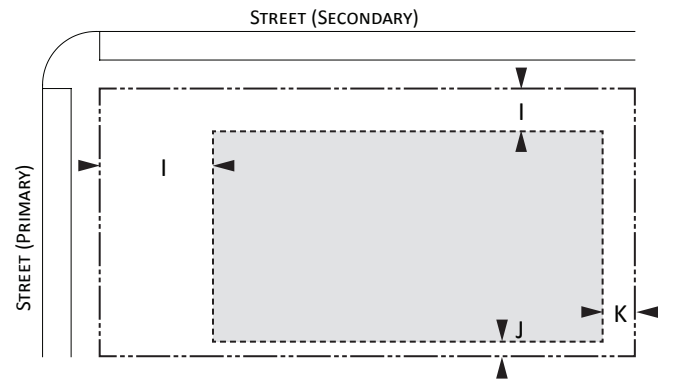
A building lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of workshop, or social services.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	--	--
B - Lot Depth (ft)	--	--
C - Lot Size (sf)	--	--
D - Lot Coverage (%)	--	90
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	10	--
G - Rear Setback (ft)	15	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	30	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10	--
L - Building Footprint (sf)	--	800
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	4
N - Accessory Structure(s) (ft)	--	30
PARKING PROVISIONS		
Location	Zone 2,3, and 4	
PRIVATE FRONTAGES		
Required Frontages	no requirement	

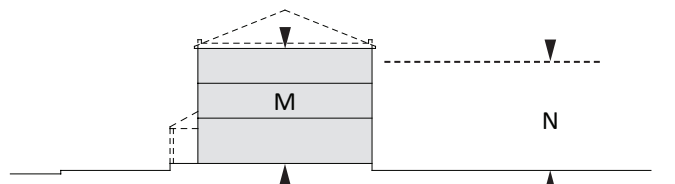
LOT REQUIREMENTS AND BUILDING ENVELOPE



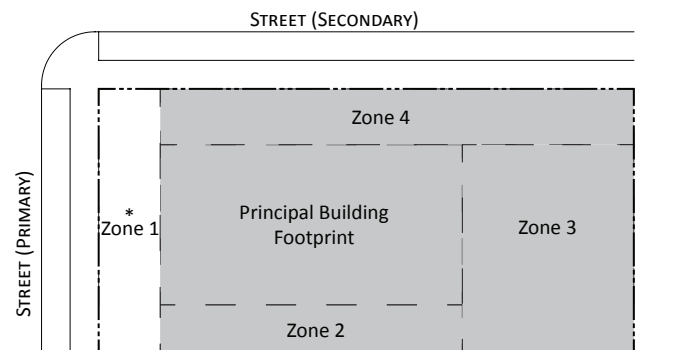
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT



PARKING LOCATION



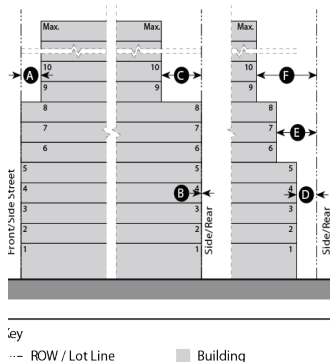
MR

MID-RISE *

A building lot located and designed to accommodate a vertical mix of uses and provides a parking garage that is located internal to the building or at the rear of the building. This lot type is typically found in downtown areas.

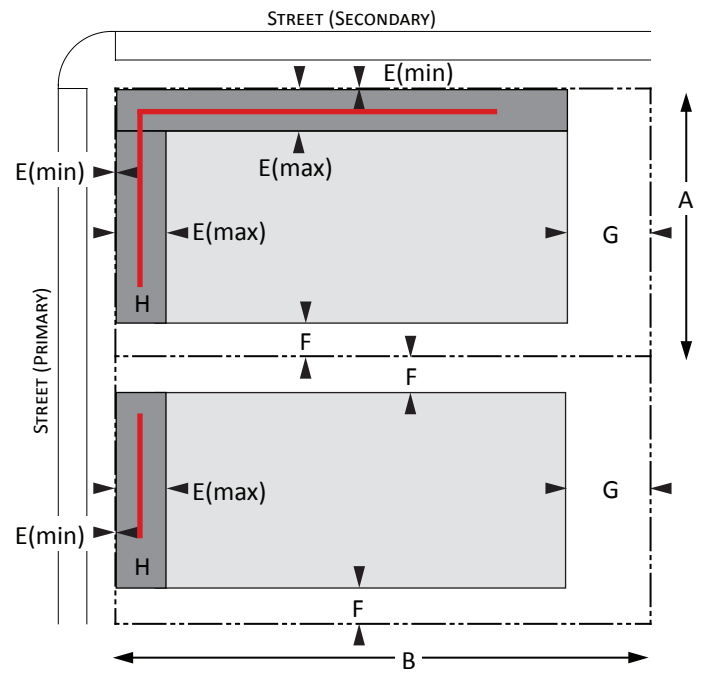
LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	120	300
B - Lot Depth (ft)	120	(per block standards)
C - Lot Size (sf)	21,780	--
D - Lot Coverage (%)	--	25
BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	Refer to Regulating Plan	
F - Side Setback (ft)	25	--
G - Rear Setback (ft)	40	--
H - Frontage Buildout (%)	Refer to Regulating Plan	
ACC STR ENVELOPE	MIN	MAX
I - Street Setback (ft)	N/A	--
J - Side Setback (ft)	N/A	--
K - Rear Setback (ft)	N/A	--
L - Building Footprint (sf)	--	--
BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	2	8*
N - Accessory Structure(s) (ft)	--	--
PARKING PROVISIONS		
Location	Internal to Building	
PRIVATE FRONTAGES		
Required Frontages	C	

* height shall be approved by City Council

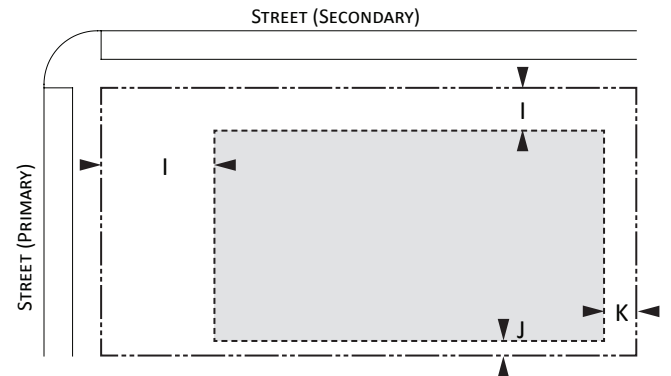


A. High-Rise/Mid-Rise Buildings		
Front/Side Street Setback		
Floors 9+	10' min.	A
Side/Rear Setback		
Abutting Core		
Floors 1-8	0' min.	B
Floors 9+	30' min.	C
Abutting General		
Floors 1-5	0' min.	D
Floors 6-8	10' min.	E
Floors 9+	30' min.	F
Abutting General or any SFR area(s)		
Floors 1-5	10' min.	D
Floors 6-8	20' min.	E
Floors 9+	30' min.	F

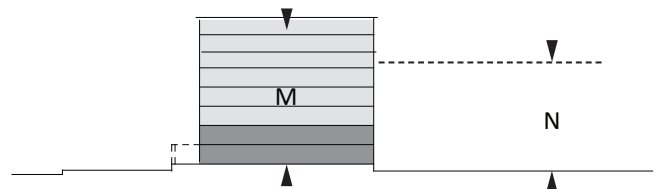
LOT REQUIREMENTS AND BUILDING ENVELOPE



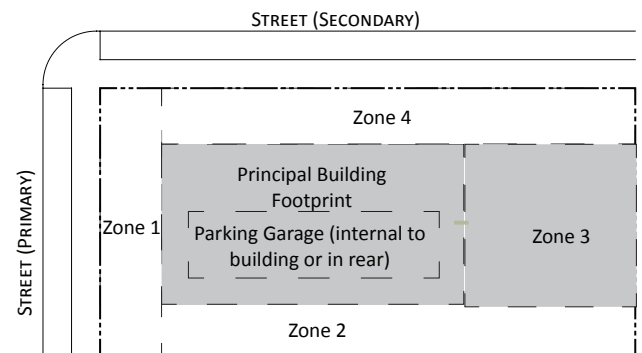
ACCESSORY STRUCTURE ENVELOPE



BUILDING HEIGHT (Additional Height standards located bottom left)



PARKING LOCATION

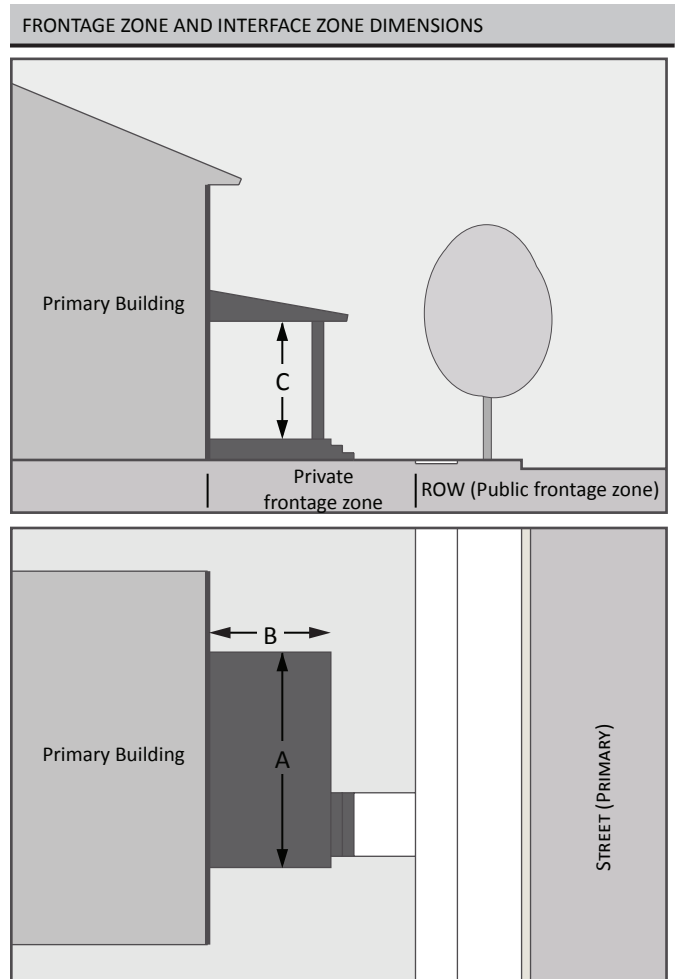


P

PORCH

The façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached front porch structure. A wide variety of porch designs are possible.

FRONTAGE ZONE (FZ)	MIN	MAX
Porch structure requirements:		
A - Width (clear) (ft)	10	--
B - Depth (clear) (ft)	5	--
C - Height (clear) (ft)	7	--
INTERFACE ZONE (IZ)		

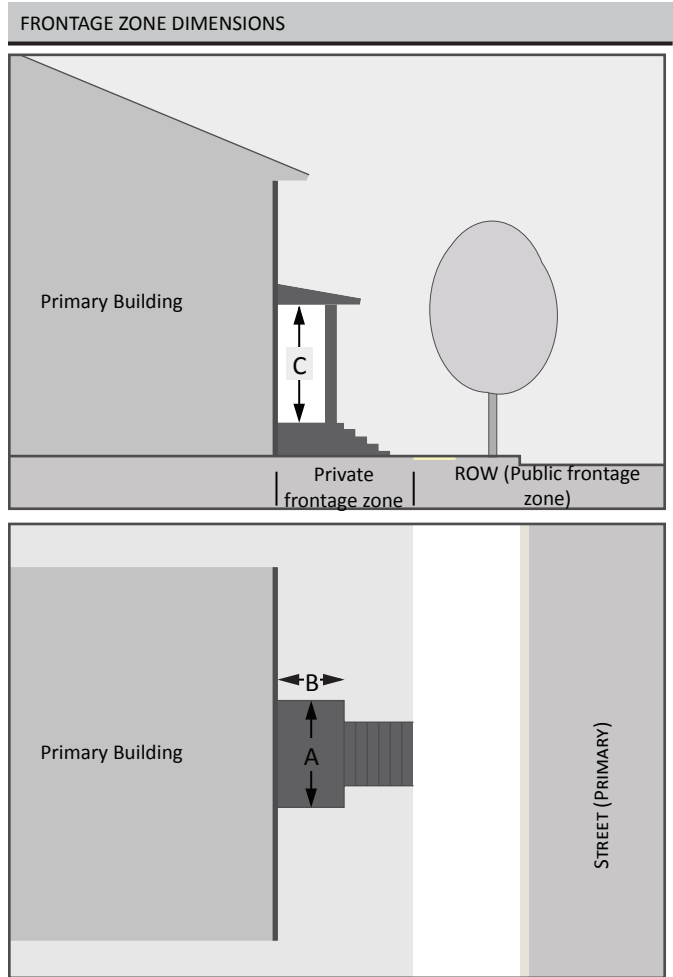


S

STOOP

The façade is set back from the front lot line per applicable street setback requirements. The façade includes an attached entry stoop (an elevated landing with stairs) that is placed at or near the front lot line. The ground floor is elevated to provide privacy. The stoop may include a roof.

FRONTAGE ZONE (FZ)	MIN	MAX
Stoop structure requirements:		
A - Width (clear) (ft)	5	10
B - Depth (clear) (ft)	3	8
C - Height (clear) (ft)	7	--
INTERFACE ZONE (IZ)		
Landscape with path (3' wide min) from sidewalk to structure		



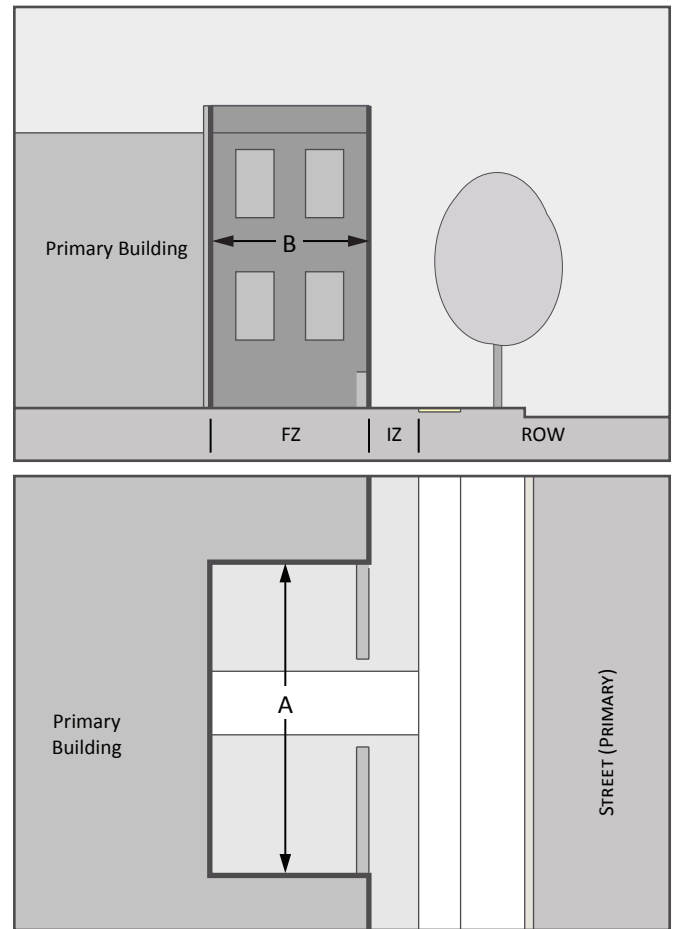
F

FORECOURT

The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, vehicle drop-offs, formal entries etc.. A fence or wall may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court.

FRONTAGE ZONE (FZ)	MIN	MAX
Courtyard requirements:		
A - Width (clear) (ft)	12	--
B - Depth (clear) (ft)	12	50
INTERFACE ZONE (IZ)		
Landscape with path (6' wide min) from sidewalk to structure		
OTHER REQUIREMENTS		

FRONTAGE ZONE AND INTERFACE ZONE DIMENSIONS

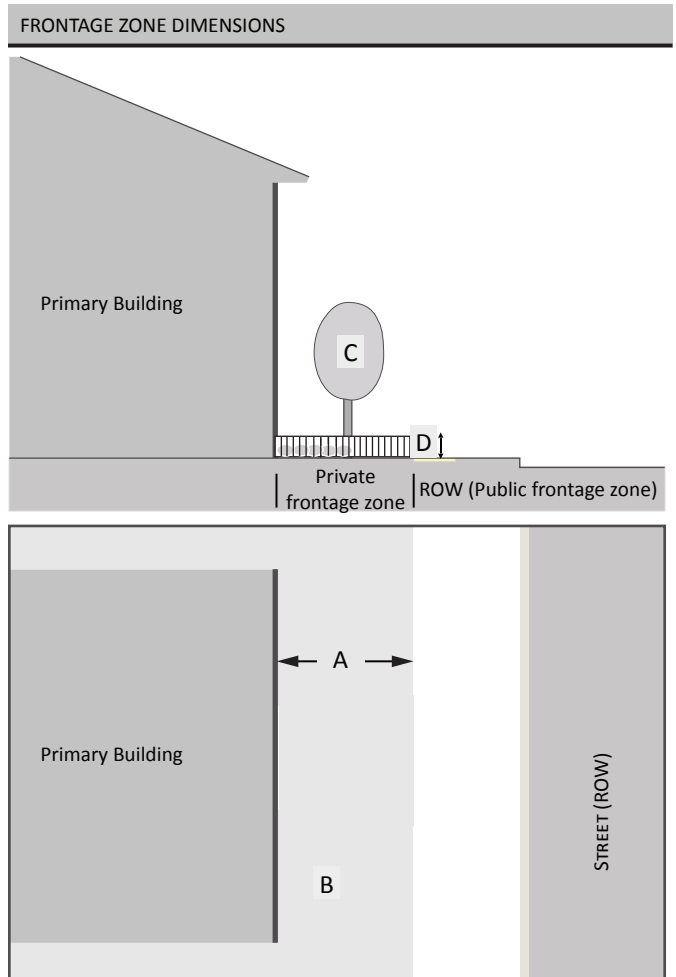


CY

COMMON YARD

The façade is set back from the front lot line per applicable street setback requirements. The common yard may include a two to four foot in height decorative fence that can be picket style or wrought iron material and must be transparent. The frontyard is required to have a minimum of 1 canopy tree, shrubs, and ground cover.

FRONTAGE ZONE (FZ)	MIN	MAX
Stoop structure requirements:		
A - Landscape	grass and or ground cover	
B - Shrubs, ground cover	10 (3 gallon)	--
C - Tree (canopy tree)	1	--
D- Fence Height (feet)	2'	4'

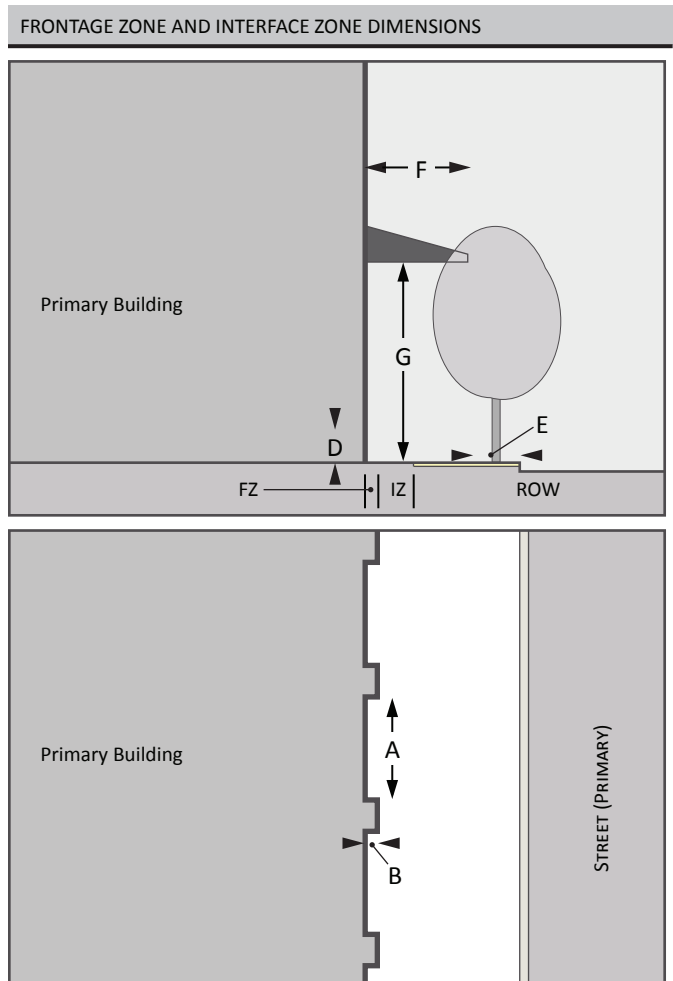


C

COMMERCIAL

The façade is setback from the front lot line per applicable street setback requirements, typically at or near the front lot line with the entrance at sidewalk grade. The façade may include an awning, shed roof, or gallery (a lightweight colonnade with no habitable building space above it) that covers the sidewalk and may extend into the right-of-way. The facade has a substantial amount of glazing at the sidewalk level. Recessed entrances are acceptable.

FRONTAGE ZONE (FZ)	MIN	MAX
Building facade requirements:		
A - Distance between openings (ft)	10	50
B - Door recess (ft)	--	5
C - Ground floor transparency (%)	60	--
D - Height to bottom of window (ft)	--	2.5
INTERFACE ZONE (IZ)		
Extended sidewalk from right-of-way edge to structure		
OPTIONAL ELEMENTS		
AWNING or GALLERY		
E - Setback from curb (ft)	2	--
F - Depth (clear) (ft) *(Gallery min 8')	4	10
G - Height (clear) (ft)	8	--
OTHER REQUIREMENTS		



Sec.99.06 Landscape Requirements

(a) Furnishing Zones and Landscape Standards

When an applicant has added additional streets or the City requires improvements to the “Public Frontage” Zone which includes: Furnishing zones, pedestrian zones and a shy zone. Landscape in DC or ND shall provide, at a minimum the following standards, by sub-district: Downtown Core: A minimum ten (10) foot wide landscape area, North Downtown: A minimum six (6) foot wide landscape area that includes:

1. Furnishing Zone that is a minimum of six feet in depth and may include street lights, benches and canopy trees. A furnishing zone shall include one of the following: Tree Grate Standards. One canopy tree per 30 feet in lineal building shall be provided the entire length of the parcel the building is fronting.
2. Planter Beds. A minimum width of 6 feet with a maximum length of 25 feet that contains 1 canopy tree per bed and 100 percent ground cover.
3. Pedestrian Zone, 8-10 feet of unobstructed sidewalk
4. Shy zone, comprised of 12 inches to 2 feet that includes the area from the edge of the building to the edge of the pedestrian zone.

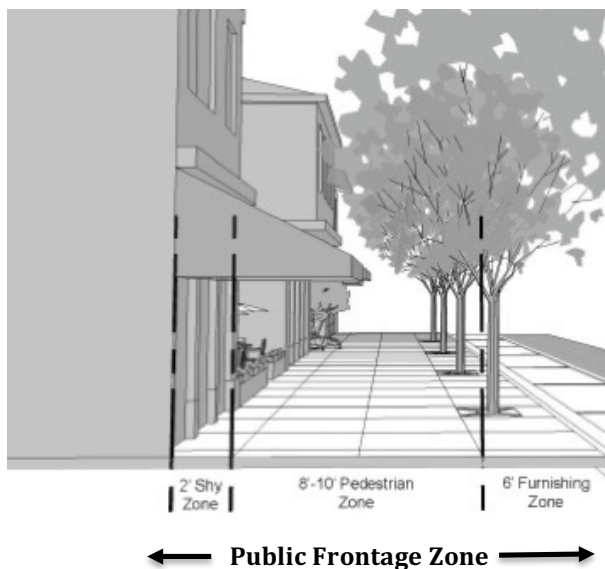


Figure 1, Tree Grate Option

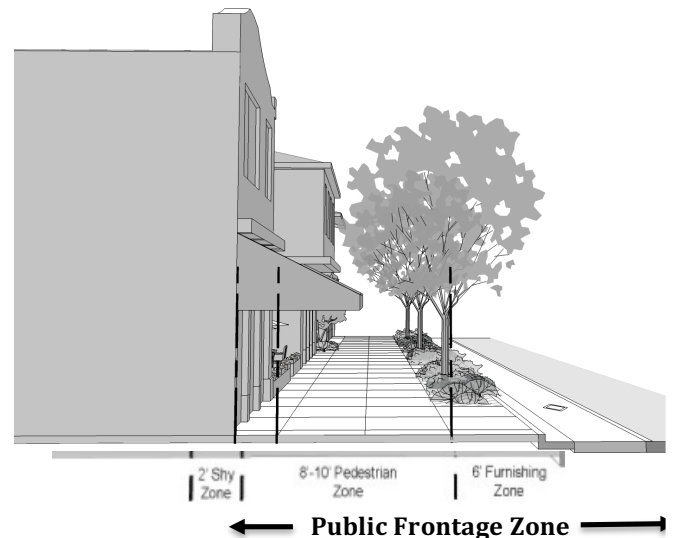


Figure 3, Planter Bed Option

(a) Landscape in the Front Setback for the North Downtown District.

Any building utilizing a setback of thirty (30) feet or greater shall provide landscape as follows:

1. A 10-foot landscape buffer shall be required along public streets.
2. All planted shrub, hedge and groundcover areas shall achieve a 100% coverage of their planting area within one year.
3. The background zone is measured from the edge of the landscape area farthest from the sidewalk and shall be no more than 60 percent of the landscape area.
4. The foreground zone is measured from the edge of the sidewalk up to 40 percent of the landscape area.
5. Additional features such as maximum 24-inch knee walls and maximum 48" decorative 'wrought iron' picket fences shall also be allowable elements. Decorative fences must have at least 50% of required buffer planting adjacent to right of way.
6. Permitted features for front buffers – sidewalks, signs, low wall and 'wrought iron' picket fences, retention features.
7. Prohibited features in front buffers – chain-link, wood or PVC fences, walls greater than 2 feet, loading, service or dumpsters areas or similar items may not be placed in the front buffer or in any additional 'open space' adjacent to the street or any direction visible from the street.

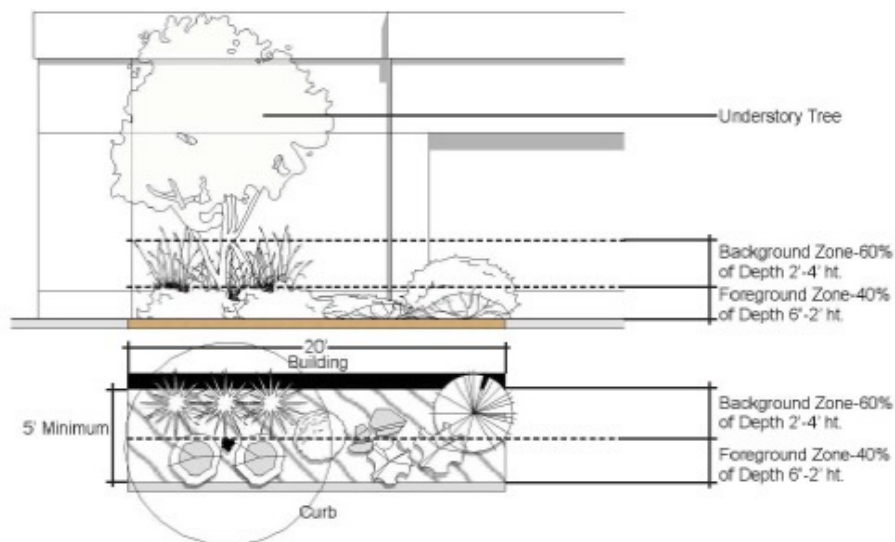


Figure 4, Front Buffer ND District

Sec.99.07 Block Standards

In order to create a system of land subdivision and development which links one area to another, land should be organized by development blocks. When a proposed development is two (2) acres or greater for the Downtown Core area and three (3) acres for the North Downtown area, a block plan shall be required as part of the proposed development. The block plan must show the street layout, proposed parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and handicapped access ramps. The proposed method of surfacing such areas shall be noted.

- (a) The Downtown Core area blocks shall not exceed 350 ft. x 350 ft.
- (b) The North Downtown blocks shall not exceed 400 ft. x 400 ft.

The street section shall be used for the overall standard for any newly constructed streets for the Downtown Land Development Code.

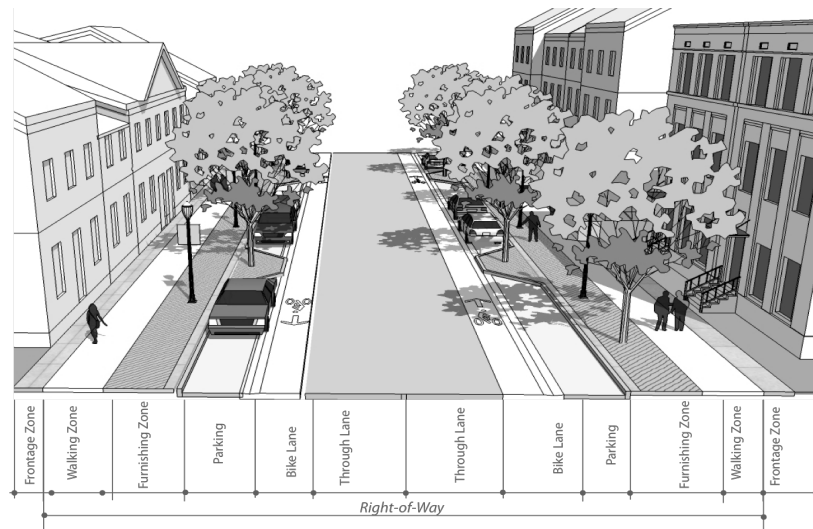


Figure 5, New Street Design

DESIGN PARAMETERS	MIN	MAX
Through Lanes (each direction)	1	2
Left Turn Lanes	--	1
Through Lane(s) Width (ft)	10	11
Bike Lane Width (optional, not required)	6	8
Parking Lane Width (ft) (1)	7	9
Public Frontage Zone (refer to Sec. X Landscape requirements)		
Private Frontage Zone Width (specific standards are located in the "private frontage requirements")		

Sec.99.08 General Design Standards

The following standards apply to all buildings that are located within a Mixed-use development area except single family detached dwelling units.

(a) Screening requirements

1. Loading docks truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compactors, and other service functions shall not be visible from any street or sidewalk or adjacent residential area as illustrated in figure xx. These facilities may be incorporated into the overall design of the principal building using screening walls of compatible material, style, color, texture, pattern, trim and details whether these service functions are attached or detached from the principal building.
2. The screening wall shall be one ft. higher than the largest object being screened, but not more than ten ft. high, on all sides where access is not needed. An opaque gate, with the same height as the wall, shall be included where access is needed.
3. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from view from any streets, sidewalks and residential areas. The mechanical equipment shall be screened from view by fencing, vegetation, or parapet walls (if located on a roof) using the same materials as the principal building, i.e., stone, brick or stucco. The screening shall be at least equal to the width and height of the equipment to be screened from view.

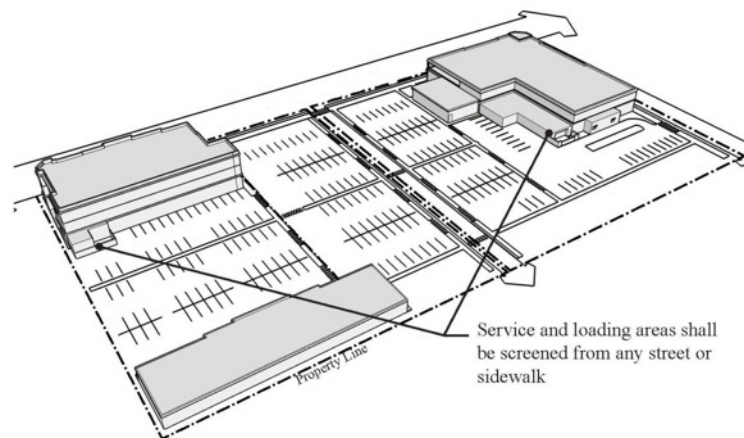


Figure 6, Screening Areas

(b) Public entrance

Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting

and changes in mass, surface or finish which places an emphasis to the entrance.

(c) Building orientation

The primary building entrances shall be visible and directly accessible from a street or park space that has a sidewalk or pedestrian path. Building massing such as tower elements shall be used to call-out the location of building entries.

(d) Architectural Elements

Balconies, bay windows, chimneys, cantilevered rooms, and eaves may encroach into required setbacks as identified below and as may be further limited by the International Building Code, as amended.

1. Balconies: 6' max. into front or side street setbacks..
2. Bay windows, chimneys, cantilevered rooms, and eaves: 3' max. into all Setback areas identified in Diagram A. Building Placement, above.

(e) Fencing for residential building types

1. Privacy fences shall be not more than 6 feet in height and may be located along interior lot lines (sideyards and rearyards) to within 5 feet of the front facade of the principle building. Fences in the street side yard shall be subject to the requirements of front yard fencing.
2. All fencing shall be built out of attractive, long-lasting materials, such as wood, PVC, masonry, stone, wrought iron, aluminum, vinyl, or vinyl-coated wire.
3. Fences visible from public streets should be constructed of durable material and be detailed to include a distinctive cap/coping: columns of pilasters can also be used to provide details.
4. With masonry fences, the use of exposed or unfinished/unpainted concrete block is prohibited. For wood fences, the unfinished side shall not be visible from public streets.

(f) Lighting

Exterior lighting shall be designed with cut-off luminaries that are directed downward and away from other property so as to eliminate glare and light spillage to other property.

(g) Drive-Thru facilities and gas station pumps, when permitted must design as outlined.

1. Drive thru facilities and gas pumps shall be located at the rear of a building as illustrated below.
2. In the event that a rear drive-thru location is impossible, due to site constraints, then a side drive thru is permissible provided that all of the following requirements are met:
3. The drive thru facilities shall be screened to minimize visual and noise impacts to residences and to preclude visibility from any streets or sidewalks. A masonry wall and landscape buffer shall screen drive thru facilities. The wall shall be one ft. higher than the facilities being screened on all sides where access is not needed.
4. No portion of queuing or access lanes or driveways shall be located between the building and the street or within 40 ft. from the primary façade of the building.
5. For corner lots, the drive thru shall be located on the side of the building that is furthest from the corner.
6. Gas station pumps shall be located at the side or rear of the primary building and may not be visible to the street or sidewalk.

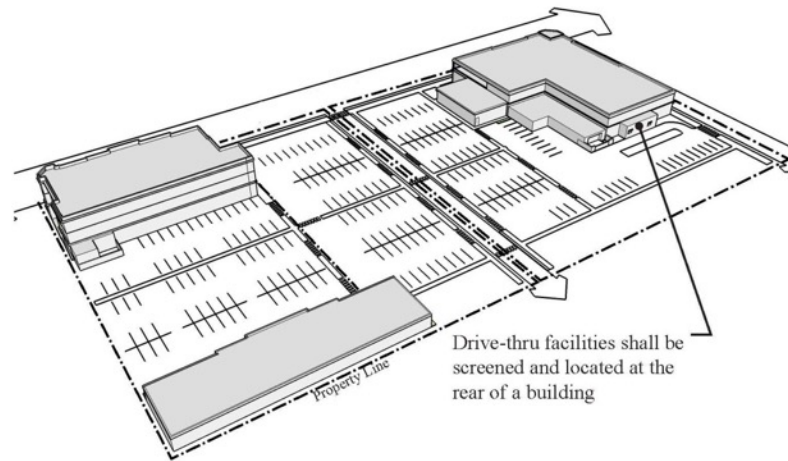


Figure 7, Drive-through facilities

Sec.99.09 Penalty

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2285

DISCUSSION ITEM (ID # 2285)

**DISCUSS AND CONSIDER AN INVITATION TO A ONE DAY
WORKSHOP ON MINIMIZING DISASTER RISK TO LOCAL
CITIZENS PRESENTED BY TEXAS A&M, FEMA, TDEM, AND
US ARMY CORP OF ENGINEERS, AND DIRECT STAFF AS
NECESSARY.**



CITY OF BAY CITY

1901 FIFTH STREET
BAY CITY, TEXAS 77414
(979) 245-2137
FAX: (979) 323-1626

AGENDA ITEM REQUEST FORM

Complete Submissions Required:

Any item, to be considered for action by the City Council, must be presented on this form, along with any unprivileged documentation and must be filed and complete to have an item placed on the City Council Agenda for consideration (This process is not required for members of the governing body, but it is encouraged). Before being considered filed for placement on the agenda, a summary of the item, all supporting documentation and review of the item from each City Department must be performed for the request to be complete. If the request is from a citizen, the City shall expedite review through internal means. Request forms must be complete and received by the City Secretary's office no later than 5:00 p.m. on the Wednesday of the week prior to the Regular Council meeting to be placed on that meeting's agenda. The item may be placed on workshop or special council meeting agenda if deemed appropriate by the City. Only completed request forms are considered for placement on the agenda.

Regular Council meetings are held on the second and fourth Thursday of the month at 7:00 p.m. in the Council Chambers at City Hall. Agenda items shall be set for consideration pursuant to City Code Section 2-47, as amended.

Requestor: _____ Date Submitted: _____
PRINTED NAME and/or CITY DEPARTMENT

☐ Citizen ☐ City Department ☐ Council Member

Address: _____

Preferred contact: ☐ Cell _____ ☐ Work phone _____
☐ E-mail _____ ☐ Fax _____

I respectfully request the below item be placed on the _____ Agenda for City Council consideration.

1) Describe Item to be considered and area of City involved, if any: _____

2) Executive Summary of Item and action by council sought: _____

3) Do you need time to present this item? ☐ Yes ☐ No If so, how much? _____

ADMIN / OFFICIAL USE ONLY:

Consent Item: ☐ Yes ☐ NoAny Prior City Council Action: ☐ Yes ☐ No

Deadline for City Council Action: _____

Projected Future City Council Action: _____

Fiscal Impact: _____

Staff Recommendation on this requested item:

Mayor's Office ☐ Yes ☐ No _____ ☐ Na
 City Attorney's Office ☐ Yes ☐ No _____ ☐ Na
 City Secretary Department ☐ Yes ☐ No _____ ☐ Na
 Finance Department ☐ Yes ☐ No _____ ☐ Na
 Police Department ☐ Yes ☐ No _____ ☐ Na

Public Works ☐ Yes ☐ No _____ ☐ Na
 Community Service ☐ Yes ☐ No _____ ☐ Na
 (AP, PR, MS, and LB)
 Utility Department ☐ Yes ☐ No _____ ☐ Na

Staff Comments: _____

Anticipated Time necessary for Item: _____

TRACKING:

Received by City Secretary: _____ Staff Initial

Administratively Complete: _____ Staff Initial

Date of Agenda placed for consideration: _____ Staff Initial

Council action taken: _____ on _____

☐ Yes ☐ No ☐ Na

SIGNATURE – City Secretary's Office



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2280

DISCUSSION ITEM (ID # 2280)

DISCUSS, CONSIDER, AND/OR APPROVE THE MOST RECENT PROPOSAL BY THE INSTITUTE FOR BUILDING TECHNOLOGY SAFETY REGARDING THE ASSESSMENT OF THE BUILDING DEPARTMENT, AND DIRECT STAFF AS NECESSARY.

If Council and the administration finds interest in pursuing further work to define a possible relationship with IBTS, it is proposed a special meeting be called to discuss in detail and attempt to frame an arrangement seen to be advantageous to the City. Expected action items to come from this Council meeting. to be done prior to any future meetings, would include, but not limited to:

1. Obtain & communicate the cost figures IBTS agreed to provide at our April 14th joint meeting.
2. Make contact and check references with City's that have done past work with IBTS."
3. Others??



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2290

ADOPTED

AGENDA ITEM (ID # 2290)

**DISCUSS, CONSIDER, AND/OR APPROVE ACCEPTING A
DEED FROM TIM DAVENPORT FOR THE GOLDEN GLEN
RETENTION POND.**

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

DOCUMENT #

1350

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

General Warranty Deed

Date: March 3, 2016

Grantor: BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company

Grantor's Mailing Address:
7 Ketchum Court
Angleton, Texas 77515

Grantee: City of Bay City
Grantee's Mailing Address:
1901 Fifth Street
Bay City, Texas 77414

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Reserve A (Located Adjacent to Lot 1, Block 1, Property ID #99604) of Golden Glen Subdivision being a subdivision of 32.09 acres out of the B.E. Norville Tract in the I. and G. N. Railroad Company Survey No. 4, Abstract No. 268, Matagorda County, Texas, according to the plat thereof recorded in Volume C-1, Pages 472-473 of the Plat Records of Matagorda County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

SUBJECT to the following matters to the extent same are in effect at this time: Any and all restrictions, covenants, conditions, easements, mineral or royalty reservations and leases, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the public records of Matagorda County, Texas; and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities if any, but only to

the extent that they are still in effect, relating to the hereinabove described property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

BAY CITY PROPERTY INVESTMENTS, LLC, a
Texas limited liability company,

By: NOBLE BUILDING AND DEVELOPMENT,
LLC, a Texas limited liability company, its manager

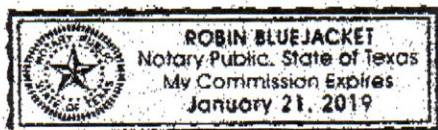
By:

TIM DAVENPORT, Member/Manager

STATE OF TEXAS)

COUNTY OF BRAZORIA)

This instrument was acknowledged before me on March 8, 2016, by TIM DAVENPORT as Member/Manager of NOBLE BUILDING AND DEVELOPMENT, LLC, a Texas limited liability company, as Manager of BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company, on behalf of said company



Notary Public, State of Texas

DOCUMENT :

1351

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General Warranty Deed**Date:** March 3, 2016**Grantor:** BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company**Grantor's Mailing Address:**
7 Ketchum Court
Angleton, Texas 77515**Grantee:** City Of Bay City
Grantee's Mailing Address:
1901 Fifth Street
Bay City, Texas 77414**Consideration:**

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Reserve B (Located Adjacent to Lot 72, Block 1, Property ID #99605) of Golden Glen Subdivision being a subdivision of 32.09 acres out of the B.E. Norville Tract in the I. and G. N. Railroad Company Survey No. 4, Abstract No. 268, Matagorda County, Texas, according to the plat thereof recorded in Volume C-1, Pages 472-473 of the Plat Records of Matagorda County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

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DOCUMENT#

1352

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General Warranty Deed

Date: March 3, 2016

Grantor: BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company

Grantor's Mailing Address:
7 Ketchum Court
Angleton, Texas 77515

Grantee: City Of Bay City
Grantee's Mailing Address:
1901 Fifth Street
Bay City, Texas 77414

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Reserve C (Detention Reserve, Acres 4.5 Property ID #99606) of Golden Glen Subdivision being a subdivision of 32.09 acres out of the B.E. Norville Tract in the I. and G. N. Railroad Company Survey No. 4, Abstract No. 268, Matagorda County, Texas, according to the plat thereof recorded in Volume C-1, Pages 472-473 of the Plat Records of Matagorda County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

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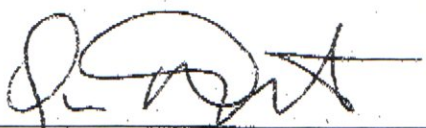
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BAY CITY PROPERTY INVESTMENTS, LLC, a
Texas limited liability company,

By: NOBLE BUILDING AND DEVELOPMENT,
LLC, a Texas limited liability company, its manager

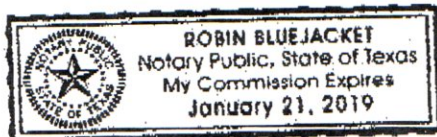
By: 

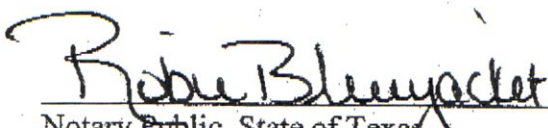
TIM DAVENPORT, Member/Manager

STATE OF TEXAS)

COUNTY OF BRAZORIA)

This instrument was acknowledged before me on March 8, 2016, by TIM DAVENPORT as Member/Manager of NOBLE BUILDING AND DEVELOPMENT, LLC, a Texas limited liability company, as Manager of BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company, on behalf of said company




Notary Public, State of Texas

Attachment: Warranty Deed Golden Glen Subdivision Doc 1352 (2290 : Golden Glen Retention Pond)

DOCUMENT #

1350

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General Warranty Deed

Date: March 3, 2016

Grantor: BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company

Grantor's Mailing Address:

7 Keichum Court
Angleton, Texas 77515

Grantee:

City of Bay City
1901 Fifth Street

Grantee's Mailing Address:

Bay City, Texas 77414

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

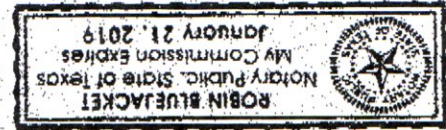
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Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

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This instrument was acknowledged before me on March 8, 2016, by TIM DAVENPORT as Member/Manager of NOBLE BUILDING AND DEVELOPMENT, LLC, a Texas limited liability company, as Manager of BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company, on behalf of said company

COUNTY OF BRAZORIA)

STATE OF TEXAS)

By: [Signature]
TIM DAVENPORT, Member/Manager

BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company,
By: NOBLE BUILDING AND DEVELOPMENT, LLC, a Texas limited liability company, its manager

When the context requires, singular nouns and pronouns include the plural.

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General Warranty Deed

Date: March 3, 2016

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Grantor's Mailing Address:

7 Ketchum Court
Angleton, Texas 77515

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Grantee's Mailing Address:

1901 Fifth Street
Bay City, Texas 77414

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Reservations from Conveyance:

None

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DOCUMENT =

1351

DOCUMENT #

1352

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None

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General Warranty Deed

Date: March 3, 2016

Grantor: BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company

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7 Ketchum Court
Angleton, Texas 77515

Grantee: City Of Bay City
Grantor's Mailing Address:

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Consideration:

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Reserve C (Detention Reserve, Acres 4.5 Property ID #99606) of Golden Glen Subdivision being a subdivision of 32.09 acres out of the B.E. Norville Tract in the I. and G. N. Railroad Company Survey No. 4, Abstract No. 268, Matagorda County, Texas, according to the plat thereof recorded in Volume C-1, Pages 472-473 of the Plat Records of Matagorda County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

SUBJECT to the following matters to the extent same are in effect at this time: Any and all restrictions, covenants, conditions, easements, mineral or royalty reservations and leases, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the public records of Matagorda County, Texas; and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities if any, but only to

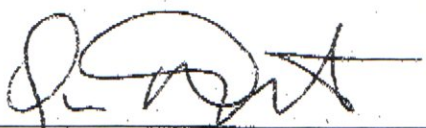
the extent that they are still in effect, relating to the hereinabove described property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

BAY CITY PROPERTY INVESTMENTS, LLC, a
Texas limited liability company,

By: NOBLE BUILDING AND DEVELOPMENT,
LLC, a Texas limited liability company, its manager

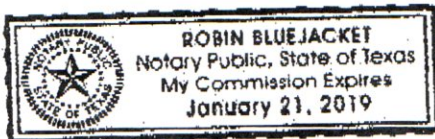
By: 

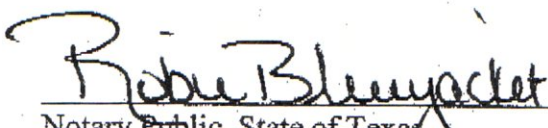
TIM DAVENPORT, Member/Manager

STATE OF TEXAS)

COUNTY OF BRAZORIA)

This instrument was acknowledged before me on March 8, 2016, by TIM DAVENPORT as Member/Manager of NOBLE BUILDING AND DEVELOPMENT, LLC, a Texas limited liability company, as Manager of BAY CITY PROPERTY INVESTMENTS, LLC, a Texas limited liability company, on behalf of said company




Notary Public, State of Texas

Attachment: Warranty Deed Golden Glen_0005 (2290 : Golden Glen Retention Pond)



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:

DOC ID: 2288

ADOPTED

AGENDA ITEM (ID # 2288)

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

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

MLS #: L771725A (Active) List Price: \$49,500 (38 Views) 1103 MLK JR DR. (2ND ST) Bay City, TX 77414



TYPE/STYLE: Raw Land
TOPOGRAPHY: Level
APX SQFT PER CAD: 51000
FORECLOSURE: No
SHORT SALE: No

AREA: Bay City
SCHOOLS: Bay City
SUBDIVISION: BAY CITY ORIGINAL TOWNSITE
ZONING: None
PRICE PER ACRE: \$42,307.69
PRICE PER SQFT: \$0.97

APX LOT SIZE PER CAD: 51000
SIZE OF TRACT: 1-3 acres
KEY MAP:
PROPERTY ID: 24445 AND 24438
MINERALS: Unknown
EASEMENTS: None Known

SURFACE WATER: None
HO ASSOC DUES: N

APX ACREAGE: 1.17
SURFACE COVER: None

DRIVE: None

ANNUAL TAXES: 0
ACCESS: City Street

UTILITIES: City Water Available, Sewer Avail Not Connected
IMPROVEMENTS: None
FENCE: None

LEGAL DESCRIPTION: BCOT, BLOCK 3, LOT 9-12BCOT, BLOCK 3, LOT 1-3 & E-10' LOT 4

DIRECTIONS: FROM COURTHOUSE TRAVEL SOUTH ON HWY 60. TAKE A RIGHT ON MLK JR DR. (2ND ST.). PROPERTY WILL BE ON YOUR RIGHT BEFORE THE CURVE.

REMARKS: UNIMPROVED CITY PROPERTY FOR SALE. TWO SEPARATE LOTS COMBINED FOR A TOTAL OF 1.17 ACRES. ALL PROPERTIES SOLD WILL BE SUBJECT TO ANY AND ALL DEED RESTRICTIONS PERTAINING TO THE SUBDIVISION IN WHICH THE PROPERTY IS LOCATED. PROPERTY SHALL ONLY BE SOLD IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 253.014. PROPERTY MUST BE LISTED ON A MULTIPLE LISTING SERVICE FOR AT LEAST 30 DAYS BEFORE BEING SOLD TO A BUYER WHO SUBMITS THE HIGHEST CASH OFFER. LISTING DATE: MAY 5, 2015

PRIVATE REMARKS: BUYER'S AGENT TO RECEIVE THE GREATER OF 2% OF THE TOTAL SALES PRICE OR \$300.

SUB AGENCY: No	SUB AGENCY \$: 0	SUB AGENCY %: 0
BUYER AGENCY: Yes	BUYER AGENT \$: 0	BUYER AGENT %: 2
NEGOTIABLE FEES: No	NEGOTIABLE FEE AMOUNT: 0	BACKUP CONTRACTS:
SELLER EXCLUSIONS:		ENTRY ONLY:

RESTRICTNS:

OWNER'S NAME: CITY OF BAY CITY

OCCUPANT:

POSSESSION: At Closing

PRICE PER ACRE: \$42,307.69

SHWGINST: Show Anytime

DSPLYADDR: Yes

ALLOWAVM: No

ALLOWCMMTS: No

LIST DATE: 5/5/2015

CONTRACT DATE:

ORIGINAL LIST PRICE: \$49,500

DAYS ON MARKET: 338

OFFICE NAME: Ward Real Estate, Inc. (#6)

MAIN: (979) 245-5522

FAX: (979) 245-5725

MAIL ADDRESS 1: 3600 Avenue F

MAIL CITY: Bay City

MAIL STATE:

MAIL ZIP CODE: 77414

LISTING AGENT: Erik Frankson (#49)

CONTACT #: (979) 244-6194

AGENT EMAIL: erik@wardre.com

LICENSE NUMBER: 645379

Information Herein Deemed Reliable but Not Guaranteed

MLS #: L771732A (Active) List Price: \$24,950**(33 Views)****1500 AVENUE G Bay City, TX 77414**

TYPE/STYLE: Raw Land
TOPOGRAPHY: Level
APX SQFT PER CAD: 14984
FORECLOSURE: No
SHORT SALE: No

AREA: Bay City
SCHOOLS: Bay City
SUBDIVISION: BAY CITY ORIGINAL TOWNSITE
ZONING: None
PRICE PER ACRE: \$72,529.07
PRICE PER SQFT: \$1.67

APX LOT SIZE PER CAD: 14984**SIZE OF TRACT:** Lot**KEY MAP:****PROPERTY ID:** 25223**MINERALS:** Unknown**EASEMENTS:** None Known**SURFACE WATER:** None**HO ASSOC DUES:** N**DRIVE:** None**APX ACREAGE:** 0.344**SURFACE COVER:** None**ANNUAL TAXES:** 0**ACCESS:** City Street**UTILITIES:** City Water Available, Sewer Avail Not Connected**IMPROVEMENTS:** None**FENCE:** None**LEGAL DESCRIPTION:** BAY CITY ORIGINAL TOWNSITE, BLOCK 97, LOT 7-8**DIRECTIONS:** FROM COURTHOUSE GO NORTH ON HWY 60 AND TAKE A RIGHT ON 13 ST. PROPERTY WILL BE THE EMPTY LOT ON THE RIGHT.

REMARKS: UNIMPROVED CITY PROPERTY FOR SALE. ALL PROPERTIES SOLD WILL BE SUBJECT TO ANY AND ALL DEED RESTRICTIONS PERTAINING TO THE SUBDIVISION IN WHICH THE PROPERTY IS LOCATED. PROPERTY SHALL ONLY BE SOLD IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 253.014. PROPERTY MUST BE LISTED ON A MULTIPLE LISTING SERVICE FOR AT LEAST 30 DAYS BEFORE BEING SOLD TO A BUYER WHO SUBMITS THE HIGHEST CASH OFFER. LISTING DATE: MAY 5, 2015

PRIVATE REMARKS: BUYER'S AGENT TO RECEIVE THE GREATER OF 2% OF THE TOTAL SALES PRICE OR \$300.**SUB AGENCY:** No**SUB AGENCY \$:** 0**SUB AGENCY %:** 0**BUYER AGENCY:** Yes**BUYER AGENT \$:** 0**BUYER AGENT %:** 2**NEGOTIABLE FEES:** No**NEGOTIABLE FEE AMOUNT:** 0**BACKUP CONTRACTS:****ENTRY ONLY:****SELLER EXCLUSIONS:****EXCLUSIONS:****RESTRICTNS:****OWNER'S NAME:** CITY OF BAY CITY**OCCUPANT:****POSSESSION:** At Closing**PRICE PER ACRE:** \$72,529.07**SHWGINST:** Show Anytime**DSPLYADDR:** Yes**ALLOWAVM:** No**ALLOWCMMTS:** No**LIST DATE:** 5/5/2015**CONTRACT DATE:****ORIGINAL LIST PRICE:** \$24,950**DAYS ON MARKET:** 338**OFFICE NAME:** Ward Real Estate, Inc. (#6)**MAIN:** (979) 245-5522**FAX:** (979) 245-5725**MAIL ADDRESS 1:** 3600 Avenue F**MAIL CITY:** Bay City**MAIL STATE:****MAIL ZIP CODE:** 77414**LISTING AGENT:** Erik Frankson (#49)**CONTACT #:** (979) 244-6194**AGENT EMAIL:** erik@wardre.com**LICENSE NUMBER:** 645379

Information Herein Deemed Reliable but Not Guaranteed

MLS #: L771735A (Active) List Price: \$9,950**(48 Views)****0 AVENUE L Bay City, TX 77414**

TYPE/STYLE: Raw Land
TOPOGRAPHY: Level
APX SQFT PER CAD: 7492
FORECLOSURE: No
SHORT SALE: No

AREA: Bay City
SCHOOLS: Bay City
SUBDIVISION: BAY CITY ORIGINAL TOWNSITE
ZONING: None
PRICE PER ACRE: \$57,848.84
PRICE PER SQFT: \$1.33

APX LOT SIZE PER CAD: 7492**SIZE OF TRACT:** Lot**KEY MAP:****PROPERTY ID:** 25608**MINERALS:** Unknown**EASEMENTS:** None Known**SURFACE WATER:** None**HO ASSOC DUES:** N**DRIVE:** None**APX ACREAGE:** 0.172**SURFACE COVER:** None**ANNUAL TAXES:** 0**ACCESS:** City Street**UTILITIES:** City Water Available, Sewer Avail Not Connected**IMPROVEMENTS:** None**FENCE:** None**LEGAL DESCRIPTION:** BAY CITY ORIGINAL TOWNSITE, BLOCK 156, LOT 9**DIRECTIONS:** FROM COURTHOUSE TRAVEL NORTH ON HWY 60 AND TAKE A RIGHT ON 12TH ST. LEFT ON AVE L AND PROPERTY IS ON YOUR LEFT.

REMARKS: UNIMPROVED CITY PROPERTY FOR SALE. ALL PROPERTIES SOLD WILL BE SUBJECT TO ANY AND ALL DEED RESTRICTIONS PERTAINING TO THE SUBDIVISION IN WHICH THE PROPERTY IS LOCATED. PROPERTY SHALL ONLY BE SOLD IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 253.014. PROPERTY MUST BE LISTED ON A MULTIPLE LISTING SERVICE FOR AT LEAST 30 DAYS BEFORE BEING SOLD TO A BUYER WHO SUBMITS THE HIGHEST CASH OFFER. LISTING DATE: MAY 6, 2015

PRIVATE REMARKS: BUYER'S AGENT TO RECEIVE THE GREATER OF 2% OF THE TOTAL SALES PRICE OR \$300.**SUB AGENCY:** No**SUB AGENCY \$:** 0**SUB AGENCY %:** 0**BUYER AGENCY:** Yes**BUYER AGENT \$:** 0**BUYER AGENT %:** 2**NEGOTIABLE FEES:** No**NEGOTIABLE FEE AMOUNT:** 0**BACKUP CONTRACTS:****ENTRY ONLY:****SELLER EXCLUSIONS:****EXCLUSIONS:****RESTRICTNS:****OWNER'S NAME:** CITY OF BAY CITY**OCCUPANT:****POSSESSION:** At Closing**PRICE PER ACRE:** \$57,848.84**SHWGINST:** Show Anytime**DSPLYADDR:** Yes**ALLOWAVM:** No**ALLOWCMMTS:** No**LIST DATE:** 5/6/2015**CONTRACT DATE:****ORIGINAL LIST PRICE:** \$9,950**DAYS ON MARKET:** 337**OFFICE NAME:** Ward Real Estate, Inc. (#:6)**MAIN:** (979) 245-5522**FAX:** (979) 245-5725**MAIL ADDRESS 1:** 3600 Avenue F**MAIL CITY:** Bay City**MAIL STATE:****MAIL ZIP CODE:** 77414**LISTING AGENT:** Erik Frankson (#:49)**CONTACT #:** (979) 244-6194**AGENT EMAIL:** erik@wardre.com**LICENSE NUMBER:** 645379

Information Herein Deemed Reliable but Not Guaranteed

MLS #: L771736A (Active) List Price: \$24,950**(45 Views)****3401 THIRD ST. Bay City, TX 77414**

TYPE/STYLE: Raw Land
TOPOGRAPHY: Level
APX SQFT PER CAD: 20168
FORECLOSURE: No
SHORT SALE: No

AREA: Bay City
SCHOOLS: Bay City
SUBDIVISION: NICHOLS & NORVELL
ZONING: None
PRICE PER ACRE: \$53,887.69
PRICE PER SQFT: \$1.24

APX LOT SIZE PER CAD: 20168
SIZE OF TRACT: 0-1 acre
KEY MAP:
PROPERTY ID: 41124 AND 41123
MINERALS: Unknown
EASEMENTS: None Known

SURFACE WATER: None
HO ASSOC DUES: N

APX ACREAGE: 0.463
SURFACE COVER: None

DRIVE: None

ANNUAL TAXES: 0
ACCESS: City Street

UTILITIES: City Water Available, Sewer Avail Not Connected

IMPROVEMENTS: None

FENCE: None

LEGAL DESCRIPTION: NICHOLS & NORVELL LOT 9 BLK 25NICHOLS & NORVELL LOTS 10 & 11 BLK 25

DIRECTIONS: FROM COURTHOUSE TRAVEL EAST ON HWY 35. TAKE A RIGHT ON NICHOLS AVE AND LEFT ON 3RD ST. PROPERTY WILL BE STRAIGHT AHEAD AT THE RIGHT CURVE.

REMARKS: TWO LOTS COMBINED FOR A TOTAL OF .463 ACRES. UNIMPROVED CITY PROPERTY FOR SALE. ALL PROPERTIES SOLD WILL BE SUBJECT TO ANY AND ALL DEED RESTRICTIONS PERTAINING TO THE SUBDIVISION IN WHICH THE PROPERTY IS LOCATED. PROPERTY SHALL ONLY BE SOLD IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 253.014. PROPERTY MUST BE LISTED ON A MULTIPLE LISTING SERVICE FOR AT LEAST 30 DAYS BEFORE BEING SOLD TO A BUYER WHO SUBMITS THE HIGHEST CASH OFFER. LISTING DATE: MAY 6, 2015

PRIVATE REMARKS: BUYER'S AGENT TO RECEIVE THE HIGHER OF 2% OF THE TOTAL SALES PRICE OR \$300.

SUB AGENCY: No

SUB AGENCY \$: 0

SUB AGENCY %: 0

BUYER AGENCY: Yes

BUYER AGENT \$: 0

BUYER AGENT %: 2

NEGOTIABLE FEES: No

NEGOTIABLE FEE AMOUNT: 0

BACKUP CONTRACTS:

ENTRY ONLY:

SELLER EXCLUSIONS:

RESTRICTNS:

EXCLUSIONS:

OWNER'S NAME: CITY OF BAY CITY

OCCUPANT:

POSSESSION: At Closing

PRICE PER ACRE: \$53,887.69

SHWGINST: Show Anytime

DSPLYADDR: Yes

ALLOWAVM: No

ALLOWCMMTS: No

LIST DATE: 5/6/2015

CONTRACT DATE:

ORIGINAL LIST PRICE: \$24,950

DAYS ON MARKET: 337

OFFICE NAME: Ward Real Estate, Inc. (#:6)

MAIN: (979) 245-5522

FAX: (979) 245-5725

MAIL ADDRESS 1: 3600 Avenue F

MAIL CITY: Bay City

MAIL STATE:

MAIL ZIP CODE: 77414

LISTING AGENT: Erik Frankson (#:49)

CONTACT #: (979) 244-6194

AGENT EMAIL: erik@wardre.com

LICENSE NUMBER: 645379

Information Herein Deemed Reliable but Not Guaranteed

Attachment: Sale of Real Estate Property - Remaining Properties (2288 : Real Estate Agreement Renewal)

MLS #: L771751A (Active) List Price: \$14,950 (36 Views) 4708 HIRAM BRANDON Bay City, TX 77414



TYPE/STYLE: Raw Land
TOPOGRAPHY: Level
APX SQFT PER CAD: 6621
FORECLOSURE: No
SHORT SALE: No

AREA: Bay City
SCHOOLS: Bay City
SUBDIVISION: BAY RIDGE
ZONING: None
PRICE PER ACRE: \$98,355.26
PRICE PER SQFT: \$2.26

APX LOT SIZE PER CAD: 6621
SIZE OF TRACT: 0-1 acre
KEY MAP:
PROPERTY ID: 25987
MINERALS: Unknown
EASEMENTS: None Known

SURFACE WATER: None
HO ASSOC DUES: N

APX ACREAGE: 0.152
SURFACE COVER: None

UTILITIES: City Water Available, Sewer Avail Not Connected
IMPROVEMENTS: None
FENCE: None

ANNUAL TAXES: 0
ACCESS: City Street

LEGAL DESCRIPTION: BAY RIDGE SEC 1, PARK (BETWEEN LOTS 11&12 BLK 4)
DIRECTIONS: FROM COURTHOUSE TAKE HWY 60 SOUTH. TAKE A LEFT INTO THE ENTRANCE OF BAY RIDGE BLVD AND THEN YOUR FIRST RIGHT. PROPERTY WILL BE ON THE CURVE ON THE LEFT.

REMARKS: UNIMPROVED CITY PROPERTY FOR SALE. ALL PROPERTIES SOLD WILL BE SUBJECT TO ANY AND ALL DEED RESTRICTIONS PERTAINING TO THE SUBDIVISION IN WHICH THE PROPERTY IS LOCATED. PROPERTY SHALL ONLY BE SOLD IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 253.014. PROPERTY MUST BE LISTED ON A MULTIPLE LISTING SERVICE FOR AT LEAST 30 DAYS BEFORE BEING SOLD TO A BUYER WHO SUBMITS THE HIGHEST CASH OFFER. LISTING DATE: MAY 8, 2015

PRIVATE REMARKS: BUYER'S AGENT TO RECEIVE THE GREATER OF 2% TOTAL SALES PRICE OR \$300.

SUB AGENCY: No **SUB AGENCY \$:** 0 **SUB AGENCY %:** 0
BUYER AGENCY: Yes **BUYER AGENT \$:** 0 **BUYER AGENT %:** 2
NEGOTIABLE FEES: No **NEGOTIABLE FEE AMOUNT:** 0 **BACKUP CONTRACTS:** **ENTRY ONLY:**
SELLER EXCLUSIONS:
RESTRICTNS: **EXCLUSIONS:**

OWNER'S NAME: CITY OF BAY CITY
OCCUPANT: **POSSESSION:** At Closing **PRICE PER ACRE:** \$98,355.26
SHWGINST: Show Anytime **DSPLYADDR:** Yes **ALLOWAVM:** No **ALLOWCMMTS:** No
LIST DATE: 5/8/2015 **CONTRACT DATE:** **ORIGINAL LIST PRICE:** \$14,950 **DAYS ON MARKET:** 335

OFFICE NAME: Ward Real Estate, Inc. (#6)
MAIN: (979) 245-5522
FAX: (979) 245-5725
MAIL ADDRESS 1: 3600 Avenue F
MAIL CITY: Bay City
MAIL STATE:
MAIL ZIP CODE: 77414

LISTING AGENT: Erik Frankson (#49)
CONTACT #: (979) 244-6194
AGENT EMAIL: erik@wardre.com
LICENSE NUMBER: 645379

Information Herein Deemed Reliable but Not Guaranteed

Attachment: Sale of Real Estate Property - Remaining Properties (2288 : Real Estate Agreement Renewal)

EXHIBIT A

Attachment: Sale of Real Estate Property - Exhibit A (2288 : Real Estate Agreement Renewal)

ID	PROPERTY ADDRESS	LEGAL DESCRIPTION	ACREAGE	LIST PRICE	SOLD
4445	1106 3 rd Street	BCOT, Lots 9-12, Blk 3	0.6887	\$49,500	
4438	1103 MLK Jr. Drive	BCOT, Lots 1-3 & W-10' Lot 4	0.4821	Listed together	
4909	2604 Avenue D	BCOT, Lot 8(25'x70') & Lot 9(12.5'x70') Blk 55	0.0600	\$6,950	\$1,00
4658	2708 Avenue B	BCOT, Lot 9 (S-25'), Blk 28	0.0860	\$2,950	\$1,00
0562	315 La Bradford Dr.	Chateau Oaks Sec 2, Lot 17, Blk 2	0.2980	\$11,950	\$10,0
9838	1920 Grace	I & G N AB 268.093 AC	0.0930	\$2,950	\$4,00
5223	1500 Avenue G	BCOT, Lot 7-8, Blk 97	0.3440	\$24,950	
5225	1512 Avenue G	BCOT, Lot 10, Blk 97	0.1720	\$9,950	GIFT
5608	0 Avenue L	BCOT, Lot 9, Blk 156	0.1720	\$9,950	
1123	3419 3 rd Street	Nichols & Norvell, Lot 9, Blk 25	0.1610	\$24,950	
1124	3401 3 rd St. & 3405 3 rd St.	Nichols & Norvell, Lots 10 & 11, Blk 25	0.3020	Listed together	
9836	4115 Heatherglen	McDonald Meadows, Lot 5, Blk 5, Sec 2	0.3880	\$24,950	4,500
9854	4108 Heatherglen	McDonald Meadows, Lot 15, Blk 6, Sec 2	0.3760	\$24,950	4,000
3267	2200 Sago	Palm Village S/D, Park	0.2960	\$8,950	6,000
3268	4520 Rattan	Palm Village S/D, Park	0.8850	\$34,500	30,00
5987	4708 Hiram Brandon	Bay Ridge Sec 1, Park (Between Lots 11 & 12, Blk 4)	0.1520	\$14,950	
3266	4405 Areca	Palm Village S/D, Park	0.7620	\$31,500	20,00



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

RESOLUTION (ID # 2291)

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2291 A

DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, APPROVING A FEDERAL AND STATE FUNDED AIRPORT IMPROVEMENT PROJECT FOR THE DESIGN AND CONSTRUCTION OF A SECURITY FENCE AND GATES ESTIMATED TO BE \$166,667; AND AUTHORIZING THE CITY OF BAY CITY TO CONTRIBUTE MATCHING FUNDS CURRENTLY ESTIMATED TO BE \$16,667; AND AUTHORIZING THE MAYOR TO EXECUTE ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS NECESSARY TO IMPLEMENT THE PROJECT.

TXDOT Aviation requires a City Resolution approving funds for City's share of the engineering and construction costs for the installation of a security fence and gates at the City's Regional Airport. The estimated total design and construction costs for this project are \$166,667. The City's share of these costs are estimated to be \$16,667.

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, APPROVING A FEDERAL AND STATE FUNDED AIRPORT IMPROVEMENT PROJECT FOR THE DESIGN AND CONSTRUCTION OF A SECURITY FENCE AND GATES ESTIMATED TO BE \$166,667; AND AUTHORIZING THE CITY OF BAY CITY TO CONTRIBUTE MATCHING FUNDS CURRENTLY ESTIMATED TO BE \$16,667; AND AUTHORIZING THE MAYOR TO EXECUTE ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS NECESSARY TO IMPLEMENT THE PROJECT.

WHEREAS, the City of Bay City intends to make certain improvements to the Bay City Regional Airport; and

WHEREAS, the general description of the project is the design and construction of a security fence and gates to prohibit unauthorized vehicles and personnel from entering the aircraft movement area. The security fence will ensure the Airport's sensitive areas are secure and in compliance with federal and state requirements; and

WHEREAS, the City of Bay City intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project cost are estimated to be \$166,667, and the City of Bay City will be responsible for 10% of the total project costs currently estimated to be \$16,667; and

WHEREAS, the City of Bay City names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS that the City Council of the City of Bay City hereby authorizes and directs Mayor Mark A. Bricker to execute on behalf of the City of Bay City, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Bay City Regional Airport, as shown on **Exhibit "B"** attached hereto.

PASSED AND APPROVED AT BAY CITY TEXAS THIS 28TH DAY OF APRIL 2016

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

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary

M. Shannon Kackley, Assistant City Attorney

Attachment: R-2016- 1613BYCty (Fence Project) (2291 : Airport Resolution - Fence)

EXHIBIT A**FEDERAL****CFDA: 20.106**

**City of Bay City
Bay City Municipal Airport
1613BAYCY**

PROJECT IMPLEMENTATION MEETING**SPONSOR'S SHARE OF PROJECT FUNDS**

Total design and construction project costs currently estimated to be \$166,667.

Total sponsor share including construction and design estimated to be \$16,667.

(One grant will be issued for both design and construction)

10% of estimated engineering design costs \$5,000 expected to be due by June/July 2016.

Total estimated design costs \$50,000.

Note: Sponsor will be billed 30 days in advance. Sponsor should have the above figures budgeted and encumbered by these dates. Sponsor will be apprised of all changes.

CONSTRUCTION INFORMATION

Sponsor share of construction costs estimated to be \$11,667.

Total construction costs estimated to be \$116,667. This may change based on final design.

The Sponsor share will be due prior to construction advertising - estimated to be November 2016

Construction bids received and opened locally.

TxDOT will execute construction contract.

Forms needed prior to submission for Texas Transportation Commission Approval due May 9, 2016:

Resolution

Resolution should include the design and construction phases of the project. This resolution will be used for your total project.

Estimated Sponsor Share at this time is \$16,667 for total project cost.

Designation of Sponsor's Authorized Representative

This is the person who will receive the agreement and all correspondence regarding this project.

Certification of Project Funds

This certifies that funds will be available and when they will be available.

Future Scope

Attorney's Certificate of Property Interest and Exhibit A map.

This certificate shows the sponsor holds title or has controlling interest to the airport property.

Copy of your most recent audited financial statement

TxDOT Aviation Division Public Hearing on June 1, 2016

Opportunity for sponsor and public comments on financial assistance grants.

Transportation Commission Approval requested on June 30, 2016

APPA (Airport Project Participation Agreement) OVERVIEW

Part I - ID of Project

Describes participants and project description.

Part II - Offer of Financial Assistance

Provides 90% federal and 10% local funding. NOTE: Engineering/Design and construction services are offered under this grant agreement.

Part III - Sponsor Responsibilities

Statutorily driven for state/federal compliance

SPECIFIC GRANT CONDITIONS (Part III):

(Required by Statute & Administrative Code)

- * Sponsor will comply with the attachments (Certification of Airport Fund, and Airport Assurances required by the FAA.)
- * Sponsor will comply with applicable rules & regs
- * Facility shall be controlled for at least 20 years
- * Facility shall be operated in a safe manner
- * Public access without unjust discrimination shall be provided
- * No exclusive rights will be granted*
- * No Through – the- fence operations -It will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport.
- * All necessary land shall be acquired
- * When requested, statements of airport revenues & expenses shall be submitted. yearly audited financial statements should be submitted.
- * Sponsor shall operate such lighting at least at low intensity from sunset to sunrise
- * All fees collected shall be used for airport development & improvement
- * An airport fund shall be established for revenues collected and all expenditures from the airport fund shall be for airport purposes
- * any revenue from mineral rights be identified as airport revenue; deposited to the airport fund and used for airport operations
- * All development shall be consistent with approved ALP
- * Comprehensive zoning regulations shall be adopted
- * Recovery of funds spent fraudulently
- * No steel or manufactured products produced outside U.S. permitted
- * Sponsor must provide for continuous operation and maintenance of any navigational aid funded under the AIP during the useful life of the project

NOTE: Special Condition - Must have acceptable maintenance program either through the

TxDOT sponsored RAMP or local maintenance program to be eligible for Capital Improvement Program grants.

Part IV - Nomination of Agent

TxDOT will act as full agent to insure compliance

Active involvement of sponsor encouraged

Duties performed as agent:

- * Handle entire consultant selection process including contract negotiations.
- * Execute all contracts for design and construction.
- * Advertise for bid.
- * Review and approve plans and specifications.
- * Pay all consultant and construction bills and invoices. **Copies of all bills/invoices will be sent by email to the sponsor's designated representative. Please save for your financial staff.**
- * Supervise and direct all project work.
- * Participate in construction conferences.
- * Coordinate FAA review of ALP (airspace review).
- * Administer DBE/HUB Program

CERTIFICATIONS REQUIRED IN AGREEMENT:

Certification of Airport Fund

Certification of Drug-Free Workplace (federal only)

<u>SCHEDULE SUMMARY for Federal/State funded projects</u>	<u>DATE DUE</u>
<u>Resolution and other forms must be submitted to Aviation Division</u>	<u>May 9, 2016</u>
<u>Public Hearing</u>	<u>June 1, 2016</u>
<u>Texas Transportation Commission Approval of Project</u>	<u>June 30, 2016</u>
<u>APPA sent to Sponsor for acceptance</u>	<u>June 2016</u>
<u>APPA returned to Aviation Division as soon as possible but not later than 30 days from date of receipt.</u>	<u>July 2016</u>
<u>Design estimated to be completed in about 9 to 12 months. Commission approval required for construction phase of the project following design. Sponsor share for construction phase due prior to advertising for construction contractor.</u>	<u>To be scheduled with Aviation Project Manager and selected Consultant</u>
<u>Construction begins approximately 60 days following bid opening.</u>	

AVIATION CONTACTS

Call 1-800-68-PILOT (687-4568) Aviation Division Staff

Allison Martin, Grant Manager 512-416-4512; Allison.Martin@txdot.gov

Sheri Quinlan, Grant Manager, 512-416-4517 sheri.quinlan@txdot.gov

Michelle Hannah, Planner, 512-416-4539 michelle.hannah@txdot.gov

Robert Johnson, Project Manager, 512-416-4549 robert.n.johnson@txdot.gov

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

I, _____, _____,
(Name) (Title)

with the City of Bay City designates

(Mark A. Bricker, Mayor)

as the City of Bay City authorized representative for the 1613BYCTY project, who shall have the authority to make approvals and disapprovals as required on behalf of the City of Bay City.

By: _____
Rhonda Clegg, City Secretary

By: _____

Title: _____

Date: _____

DESIGNATED REPRESENTATIVE

Mailing Address: _____

*Physical/Overnight Address:_____

Telephone Number:_____

Fax Number:_____

E-mail Address:_____

* ALL GRANT AGREEMENTS ARE SENT BY OVERNIGHT MAIL or EMAIL

CERTIFICATION OF PROJECT FUNDS

I, _____, _____,
(Name) (Title)

do certify that sufficient funds to meet the City of Bay City's share of project costs as identified for the project and will be available in accordance with the schedule shown below:

SPONSOR FUNDS

<u>Source</u>	<u>Amount</u>	<u>Date Available</u>
---------------	---------------	-----------------------

By: _____
Rhonda Clegg, City Secretary

By: _____

Title: _____

Date: _____



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

RESOLUTION (ID # 2292)

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2292

DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, APPROVING A FEDERAL AND STATE FUNDED AIRPORT IMPROVEMENT PROJECT FOR THE ACQUISITION OF REAL PROPERTY ESTIMATED TO BE \$166,667; AND AUTHORIZING THE CITY OF BAY CITY TO CONTRIBUTE MATCHING FUNDS CURRENTLY ESTIMATED TO BE \$16,667; AND AUTHORIZING THE MAYOR TO EXECUTE ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS NECESSARY TO IMPLEMENT THE PROJECT.

TXDOT Aviation requires a City Resolution approving funds for City's share of the land acquisition costs for the relocation of the taxiway at the City's Regional Airport. The estimated total for this project are \$166,667. The City's share of these costs are estimated to be \$16,667.

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, APPROVING A FEDERAL AND STATE FUNDED AIRPORT IMPROVEMENT PROJECT FOR THE ACQUISITION OF REAL PROPERTY ESTIMATED TO BE \$166,667; AND AUTHORIZING THE CITY OF BAY CITY TO CONTRIBUTE MATCHING FUNDS CURRENTLY ESTIMATED TO BE \$16,667; AND AUTHORIZING THE MAYOR TO EXECUTE ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS NECESSARY TO IMPLEMENT THE PROJECT.

WHEREAS, the City of Bay City intends to make certain improvements to the Bay City Regional Airport; and

WHEREAS, the general description of the project is for the acquisition of real property located adjacent to Bay City's Regional Airport for the relocation of the airport taxiway; and

WHEREAS, the City of Bay City intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project cost are estimated to be \$166,667, and the City of Bay City will be responsible for 10% of the total project costs currently estimated to be \$16,667; and

WHEREAS, the City of Bay City names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS that the City Council of the City of Bay City hereby authorizes and directs Mayor Mark A. Bricker to execute on behalf of the City of Bay City, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Bay City Regional Airport, as shown on **Exhibit "B"** attached hereto.

PASSED AND APPROVED AT BAY CITY TEXAS THIS 28TH DAY OF APRIL 2016

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

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary

M. Shannon Kackley, Assistant City Attorney

Attachment: R-2016- 1613BYCty (Land Project) (2292 : Airport Resolution - Land Project)

EXHIBIT A**FEDERAL****CFDA: 20.106**

**City of Bay City
Bay City Regional Airport
1613BYCTY**

LAND PROJECT**SPONSOR'S SHARE OF PROJECT FUNDS**

Total project costs currently estimated to be \$166,667.

Total sponsor share estimated to be \$16,667.

The maximum amount available in federal non-primary entitlement funds is \$150,000 – if costs exceed this amount – the city would be responsible for this amount. Land costs are eligible to be reimbursable at a later date as land credit. The city will be aware of the cost of the land after the appraisals are received.

Forms needed prior to submission for Texas Transportation Commission Approval due May 9, 2016:

Resolution

Estimated Sponsor Share at this time is \$16,667 for total project cost.

Designation of Sponsor's Authorized Representative

This is the person who will receive the agreement and all correspondence regarding this project.

Certification of Project Funds (form enclosed)

This certifies that funds will be available and when they will be available.

Copy of your most recent audited financial statement**TxDOT Aviation Division Public Hearing on June 1, 2016**

Opportunity for sponsor and public comments on financial assistance grants.

Transportation Commission Approval requested on June 30, 2016

APPA (Airport Project Participation Agreement) OVERVIEW

Part I - ID of Project

Describes participants and project description.

Part II - Offer of Financial Assistance

Provides 90% federal and 10% local funding.

Part III - Sponsor Responsibilities

Statutorily driven for state/federal compliance

SPECIFIC GRANT CONDITIONS (Part III):

(Required by Statute & Administrative Code)

- * Sponsor will comply with the attachments (Certification of Airport Fund, and Airport Assurances required by the FAA.)
- * Sponsor will comply with applicable rules & regs
- * Facility shall be controlled for at least 20 years
- * Facility shall be operated in a safe manner
- * Public access without unjust discrimination shall be provided
- * No exclusive rights will be granted
- * No through-the-fence operations shall be permitted without appropriate written agreement- delete this is you are using the green
- * No Through – the- fence operations -It will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. –USE WITH FEDERAL ONLY
- * All necessary land shall be acquired
- * When requested, statements of airport revenues & expenses shall be submitted. yearly audited financial statements should be submitted.
- * Sponsor shall operate such lighting at least at low intensity from sunset to sunrise
- * All fees collected shall be used for airport development & improvement
- * An airport fund shall be established for revenues collected and all expenditures from the airport fund shall be for airport purposes
- * any revenue from mineral rights be identified as airport revenue; deposited to the airport fund and used for airport operations
- * All development shall be consistent with approved ALP
- * Comprehensive zoning regulations shall be adopted
- * Recovery of funds spent fraudulently
- * No steel or manufactured products produced outside U.S. permitted
- * Sponsor must provide for continuous operation and maintenance of any navigational aid funded under the AIP during the useful life of the project

NOTE: Special Condition - Must have acceptable maintenance program either through the TxDOT sponsored RAMP or local maintenance program to be eligible for Capital Improvement Program grants.

Part IV - Nomination of Agent

TxDOT will act as full agent to insure compliance

Active involvement of sponsor encouraged

Duties performed as agent:

- * Handle entire consultant selection process including contract negotiations.
- * Execute all contracts for land and construction.
- * Advertise for bid.
- * Review and approve plans.
- * Pay all consultant invoices. **Copies of all bills/invoices will be sent by email to the sponsor's designated representative. Please save for your financial staff.**
- * Supervise and direct all project work.
- * Coordinate FAA review of ALP (airspace review).
- * Administer DBE/HUB Program

CERTIFICATIONS REQUIRED IN AGREEMENT:

Certification of Airport Fund

Certification of Drug-Free Workplace (federal only)

SCHEDULE SUMMARY for Federal/State funded projects	DATE DUE
Resolution and other forms must be submitted to Aviation Division	May 9, 2016
Public Hearing	June 1, 2016
Texas Transportation Commission Approval of Project	June 30, 2016
APPA sent to Sponsor for acceptance	June 2016
APPA returned to Aviation Division as soon as possible but not later than 30 days from date of receipt.	July 2016

AVIATION CONTACTS

Call 1-800-68-PILOT (687-4568) Aviation Division Staff

Allison Martin, Grant Manager 512-416-4512; Allison.Martin@txdot.gov

BEVERLY LONGFELLOW, 512-416-4516; BEVERLY.LONGFELLOW@TXDOT.GOV

Julie Fielder, Planner, 512-416-4532; Julie.fielder@txdot.gov

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

I, _____, _____,
(Name) (Title)

with the City of Bay City designates

(Mark A. Bricker, Mayor)

as the City of Bay City authorized representative for the 1613BYCTY project, who shall have the authority to make approvals and disapprovals as required on behalf of the City of Bay City.

By: _____
Rhonda Clegg, City Secretary

By: _____

Title: _____

Date: _____

DESIGNATED REPRESENTATIVE

Mailing Address:_____

*Physical/Overnight Address:_____

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

* ALL GRANT AGREEMENTS ARE SENT BY OVERNIGHT MAIL or EMAIL

CERTIFICATION OF PROJECT FUNDS

I, _____, _____,
(Name) (Title)

do certify that sufficient funds to meet the City of Bay City's share of project costs as identified for the project and will be available in accordance with the schedule shown below:

SPONSOR FUNDS

Source

Amount

Date Available

By: _____
Rhonda Clegg, City Secretary

By:_____

Title: _____

Date: _____



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2293

DISCUSSION ITEM (ID # 2293)

**RECEIVE UPDATE FROM THE PARKS AND RECREATION
DEPARTMENT INCLUDING REPORTS CONCERNING THE
POOLS, LIFEGUARDS, THE SUMMER RECREATION
PROGRAMS, POSSIBLE PROGRAM FOR MARKET DAYS
AND THE SPORTS COMPLEX, AND DIRECT STAFF AS
NECESSARY.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2177

DISCUSSION ITEM (ID # 2177)

**RECEIVE A STATUS UPDATE ON THE TRANSFER OF TITLE
OF THE TEXAS THEATER FACILITY FROM THE IGNITE
CHURCH TO THE CITY OF BAY CITY, TEXAS AND A
PRESENTATION OF RECOMMENDATION FOR
MANAGEMENT OF THE PROJECT TO RENOVATE THE
TEXAS THEATER, AND DIRECT STAFF AS NECESSARY.**



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 2286)

Meeting: 04/28/16 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2286

**DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE
CREATING THE OFFICE OF DIRECTOR OF PARKS AND
RECREATION; PROVIDING A SEVERABILITY CLAUSE;
REPEALING ALL ORDINANCES AND PARTS THEREOF IN
CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE
DATE.**

The purpose of this ordinance is to eliminate the Community Services Director position, and create the position of Director of Parks and Recreation. The elimination of the position will shift the Airport Manager and Director of Parks and Recreation to directly report to the Mayor, and the Director of Parks and Recreation would act as the liaison for the Library.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS DISCONTINUING THE OFFICE OF THE COMMUNITY SERVICES DIRECTOR; CREATING THE OFFICE OF PARKS AND RECREATION DIRECTOR; ESTABLISHING THE CHAIN OF COMMAND FOR THE AIRPORT MANAGER, DIRECTOR OF PARKS AND RECREATION, AND LIBRARY; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 7.05(h) of the City Charter provides that City Council may create, discontinue, re-designate, or combine any of departments, appointed officers, City positions, deputies, assistant officers, and assistant department heads; and

WHEREAS, City Council deems it desirable to discontinue the office Community Services Director; and

WHEREAS, City Council deems it desirable to create the office of Parks and Recreation Director; and

WHEREAS, City Council deems it desirable to establish the chain-of-command so that the Bay City Airport Manager reports to the Mayor, and the Parks and Recreation Director reports to the Mayor

WHEREAS, City Council deems it desirable that the Parks and Recreation Director be the City's Liaison to the Bay City Public Library.

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

SECTION 1. The above findings are true and correct and are hereby incorporated for all purposes as if each word was set out herein.

SECTION 2. The office of Community Services Director is hereby discontinued.

SECTION 3. The office of Parks and Recreation Director is hereby created.

SECTION 4. The Bay City Municipal Airport Manager shall be under the supervision of, and report directly to, the Mayor.

SECTION 5. The Parks and Recreation Director shall be under the supervision of, and report directly to, the Mayor.

SECTION 6. The Parks and Recreation Director shall be the City's liaison to the Bay City Public Library.

SECTION 7. Should any paragraph, sentence, provision, clause, phrase or section of this

Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance, as a whole or any part or provision thereof, other than the part or parts adjudged to be invalid, illegal, or unconstitutional.

SECTION 8. All other ordinances and Code provisions in conflict herewith are hereby repealed, but only to the extent of any such conflict or inconsistency and all other provisions of the Bay City Code and ordinances not in conflict herewith shall remain in full force and effect.

SECTION 9. The repeal of any ordinance or parts thereof by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue, nor as affecting any rights of the City under any section or provision of any ordinances at the time of passage of this Ordinance.

SECTION 10. This ordinance shall be in full force and effect from and after its adoption by the City Council.

PASSED AND APPROVED on this 28th day of April 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,
P.C.

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Julie L. Estlinbaum, Mayor Pro Tem	_____	_____	_____
Bill Cornman	_____	_____	_____
Chrystal Folse	_____	_____	_____
Steven Johnson	_____	_____	_____
Carolyn Thames	_____	_____	_____
	_____ Mark A. Bricker, Mayor, City of Bay City		

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 NO. - Director of Parks and Recreation (2286 : Ordinance - Organization Change)