



BAY CITY

REVISED MINUTES • SEPTEMBER 10, 2015

Council Chambers

Regular Meeting

7:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER & CERTIFICATION OF QUORUM

Attendee Name	Title	Status	Arrived
Mark Bricker	Mayor	Present	
Julie Estlinbaum	Mayor Pro-Tem	Present	
William Cornman	Councilman	Present	
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."

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.

Bay City resident Marilyn Alvarado spoke about the Parks and Recreation item on the agenda. She stated that in the past she had not participated in many of the Parks and Recreation activities. Ms. Alvarado informed everyone that she really enjoyed Sparks in the Park and other events, and would be more involved with their activities.

Bay City resident David Torrez stated the he had been very disappointed with Council. He asked why the City did not pull up the flags, because they would be tattered if the Northern came in. Mr. Torrez stated that he was disappointed about the roads. The Chateaux Residents were treated as step children. Their roads were deplorable. He went on to state that they had asked for security lights, and he did not see why the City did not add the lights. Mr. Torrez informed Mayor and Council again of the $\frac{3}{4}$ inch piece of plywood covering a hole near Holy Cross. Mr. Torrez stated that LeTulle Park was bad, and that it was the City's main park. Mr. Torrez spoke to Council and stated that they worked for the citizens, and did not understand why they did not help the citizens. He pointed out that there was a leak in front of IBC Bank. He stated that the City fixed it once, but it was back. Mr. Torrez stated that someone cut down a tree on Highway 60, and it was placed in the City's easement. He added that it was still there.

Bay City resident Richard Muniz informed Mayor and Council that with all of the traffic drivers had been using Old Van Vleck road as a cut through. It was being used as a speedway in the evening and early morning.

4. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:**1. Public Hearing**

PUBLIC HEARING ON PROPOSED TAX RATE INCREASE FOR 2015-2016 FISCAL YEAR.

The Mayor prefaced the Public Hearing by announcing that the City would adopt the same tax rate of \$.60209.

The Mayor opened the Public Hearing at 7:16 p.m.

Bay City resident, David Torrez, stated that there should not be an increase. He added that the City should give them money back. He asked if they really thought they deserved any more money.

The Mayor closed the public hearing at 7:18 p.m.

Councilman Cornman pointed out that the City called it a tax increase, but it really was not. He added that the property valuation had increased.

2. Public Hearing

PUBLIC HEARING ON PROPOSED FY 2015-2016 BUDGET.

The Mayor opened the Public Hearing at 7:20 p.m.

Bay City resident David Torrez stated that each year the City budgeted money for roads, and the citizens get nothing from it.

The Mayor closed the Public Hearing at 7:22 p.m.

The Mayor announced that the vote on the tax rate would be September 21st.

3. Proclamation

PRESENTATION OF PROCLAMATION PROCLAIMING SEPTEMBER AS FAMILY MEALTIME 2015, AND DIRECT STAFF AS NECESSARY.

Chinatu Gladrich, Texas A&M AgriLife Extension

RESULT: TABLED

Next: 9/21/2015 7:00 PM

4. Policy

DISCUSSION REGARDING PANCHE'S TACOS COMPLIANCE WITH CHAPTER 26 ARTICLE II DIVISION 2 - MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS, AND DIRECT STAFF AS NECESSARY.

Liova Guajardo, Operator of Pancho's Tacos

The Mayor explained that he received a request from Pancho's to be the agenda, but wanted to reach out to Council for one of them to sponsor the item.

Councilwoman Folse explained that they had been in business for five years. Their permit had expired and in that time another vendor took the last spot on Highway 35.

After discussion, it was agreed by Council that the total number of mobile food vendors allowed on 35 and 60 would be 8, and that a vendor would have a 30 day grace period after their permit expired to renew it.

MOTION BY COUNCILMAN JOHNSON, SECOND BY COUNCILWOMAN FOLSE, TO INCREASE TO EIGHT AND NOT TO DESIGNATE A HIGHWAY, AND NOT TO ENFORCE THE CODE UNTIL THE PAPERWORK IS DONE. MOTION CARRIED BY UNANIMOUS VOTE.

5. Report

RECEIVE UPDATE ON PARKS AND RECREATION DEPARTMENT AND PROGRAMS, AND DIRECT STAFF AS NECESSARY.

Kelly Penewitt, Parks and Recreation Supervisor

Parks and Recreation Supervisor, Kelly Penewitt, informed Mayor and Council that Parks and Recreation mowed over 300 acres of parkland, 24 lift stations, 18 water wells, and other miscellaneous properties. Ms. Penewitt reviewed the activities and programs put on by Parks and Recreation. She further explained that they would begin designating certain events to be held on certain days. Community Services Director, John Garr, added that they would be purchasing a banner to go across the State Highways to help promote their events.

Ms. Penewitt stated that they had increased the number of days the pools had been opened. She added that they are working to take care of some of the issues with the pool.

Councilman Cornman asked if there were safety issues with the play-scape at LeTuelle, and Ms. Penewitt stated yes. She went on to state that the playground was outdated for the park. Councilman Cornman added that if there were safety issues, then they need to address it. Ms. Penewitt pointed out that LeTulle was not a park that was budgeted.

Councilwoman Folse stated that she would like to see a more structured Open Gym Program. Councilwoman Folse asked what were they doing with Hardeman Park. Ms. Penewitt stated that the football program currently mows the field. Councilwoman Folse asked if the property was the City's and Ms. Penewitt stated yes.

6. Agreement

CONSIDER AND/OR APPROVE INCREASING SANITATION RATE BY 3%, AND DIRECT STAFF AS NECESSARY.

Mayor Mark A. Bricker

Mayor Pro Tem Estlinbaum stated that she would like to wait on the item since Dustin was working on the new policies.

The Mayor stated that he was trying to get this in before the budget was passed, and he predicted that WCA would come back for a CPI Rate increase. Councilman Cornman asked if the 3% was in the budget, and the Mayor stated yes.

MOTION BY COUNCILWOMAN THAMES, SECOND BY COUNCILMAN CORNMAN, TO INCREASE SANITATION RATE BY 3%. MOTION CARRIED BY UNANIMOUS VOTE.

Councilman Cornman stated that they had a good budget.

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

Enacted and approved this 10th day of September, 2015, at Bay City

7. Report

DISCUSS AND/OR TAKE POSSIBLE ACTION ON THE SEARCH AND HIRING PROCESS FOR THE VACANT FINANCE AND ASSISTANT FINANCE DIRECTOR POSITIONS.

Councilman Bill Cornman

The Mayor explained that Texas First Group provided an interim, Beverly Griffith, who started on Tuesday.

Councilman Cornman explained that Director positions are hard to hire for. He believed that the City should consult a professional. He also suggested that the mandatory items in the job description be cleaned up. Councilman Cornman suggested that the municipal experience item be removed so that the City could cast a larger net of candidates.

The Mayor stated that the City had used Kelly Services in the past. He stated that the item would be placed on the next agenda for an update.

It was the consensus of Council to get numbers from different head hunters.

8. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING THE CITY OF BAY CITY CODE OF ORDINANCES CHAPTER 74 PEDDLERS AND SOLICITORS BY AMENDING SECTION 74-33, TITLED REQUIRED; AMENDING SECTION 74-39 TITLED FEE AND TERM; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Rhonda Clegg, City Secretary

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

ORDINANCE

Enacted and approved this 10th day of September, 2015, at Bay City

5. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

The Mayor informed everyone that Rafael Gonzales resigned from the Planning Commission. He added that he would be placing some appointees on the agenda. The Mayor suggested that after the budget is passed they should have a workshop to discuss the 2040 Goals.

Councilwoman Thames updated Council on WCA's hiring process to fill some open positions.

Mayor Pro Tem Estlinbaum thanked Ms. Penewitt and Mr. Garr for a good report.

6. 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, June 21, 2013 before 6:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

Rhonda Clegg
City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/10/15 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1996

DISCUSSION ITEM (ID # 1996)

PUBLIC HEARING ON PROPOSED TAX RATE INCREASE FOR 2015-2016 FISCAL YEAR.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/10/15 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1995

DISCUSSION ITEM (ID # 1995)

PUBLIC HEARING ON PROPOSED FY 2015-2016 BUDGET.



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 09/10/15 07:00 PM
Department: Mayor's Office
Category: Proclamation
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 2009

TABLED

AGENDA ITEM (ID # 2009)

**PRESENTATION OF PROCLAMATION PROCLAIMING
SEPTEMBER AS FAMILY MEALTIME 2015, AND DIRECT
STAFF AS NECESSARY.**

RESULT: TABLED

Next: 9/21/2015 7:00 PM



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/10/15 07:00 PM
Department: Mayor's Office
Category: Policy
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 2006

DISCUSSION ITEM (ID # 2006)

**DISCUSSION REGARDING PANCHE'S TACOS COMPLIANCE
WITH CHAPTER 26 ARTICLE II DIVISION 2 - MOBILE FOOD
COURTS AND MOBILE FOOD ESTABLISHMENTS, 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

RECEIVED
SEP 01 2015
BY: *R. Clegg*

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: Liova Guajardo
PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: 09/01/2015

☒ Citizen

☐ City Department

☐ Council Member

Address: 3209 13th St
Bay City, TX 77414

Preferred contact: ☒ Cell (979) 240-0136 or (979) 245-3154
☐ E-mail _____ ☐ Work phone _____
☐ Fax _____

I respectfully request the below item be placed on the 9/10 Agenda for City Council consideration.

- 1) Describe Item to be considered and area of City involved, if any: Space for Food Trailer on Hwy 35 in Bay City, TX
- 2) Executive Summary of Item and action by council sought: We have been in business 4 yrs and the previous owner provided incorrect information as to when inspection was due. We have been doing inspections on that month since 2012 with nothing said about wrong date. This year, they told us we were late and they gave away our spot and we had to close.
- 3) Do you need time to present this item? ☒ Yes ☐ No If so, how much? 30 min?

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

September 2, 2015

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

To Whom It May Concern:

Our names are Joe and Liova Guajardo and we are the owners and operators of Pancho's, the food trailer parked at 303 7th Street in Bay City. Pancho's has been in business for five years and we have been owner and operators of it for four of those years. We are both senior citizens (Joe is 69 and Liova is 76) who are running this business in our retirement years for the love of doing it.

To explain the situation briefly, when we took over the business in 2012, the previous owner told us the permits were due to be renewed every August. We started doing permits in August 2012 and have gotten the permits done every August without anyone mentioning anything was late or attaching any late fees. When we got our permit done in August 2015, however, we encountered a problem. We were told our permits were due to be renewed in July and, since we were late they gave away our spot and we would have to close down. They did offer that we could move our trailer to Highway 60, where there was a spot open, but there is no where we can find that has the amenities we need to set up our business. And beyond that, we have been in business here for five years.

We take care of many city employees, including giving free food to all Bay City Police Department and Bay City Volunteer Fire Department employees. We also serve food for many employees of the local plants that come to see us every morning that we are open. We take great pride in preparing special diabetic meals for some patients as well as meeting other special dietary needs of our customers.

Looking at the spots that are currently occupied and therefore prohibiting us to continue to be open, there is one that is not even open for business and the owner does not have any plans to open it in the immediate future as he has secured alternate employment. There is another that comes in and sets up from another town and brings all of his supplies and ingredients with him. We buy all of our ingredients locally, so Bay City is profiting and getting our tax money.

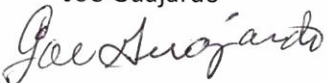
Attached you will find signatures from 165 people with even more on their way. These are local people who eat at our trailer and understand the difficult situation we have been put in and support us being reopened. As Bay City continues to grow, why would more spots not be opened for food trailers? There is an increasing need in our town that we want to help fill.

Please do not take away our abilities to take care of our customers.

Thank you for your time and consideration.

Sincerely,

Joe Guajardo



Liova Guajardo



Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

KEEP OUR FOOD TRAILERS

OPEN: (Pancho's)

1. Regina Murray Bay City, TX.
2. DIANA F. SPRETO Bay City, TX
3. William F. Hedehead Bay City, TX
4. David W. Yawby W. Columbia, TX
5. Ismael Ochoa Bay City
6. Co. LUTIGA - 956-207-8929 edinburg
7. Christopher Moore Bay City, TX
8. Walter Sanchez
9. ~~Walter Sanchez~~
10. Cesar H. Lopez
11. ~~John Green~~
12. Charles Hahn 979 240-9173
13. RAUL SERRATO
14. JOHN B. MILNER Bay City
15. Freddy Munigua
16. MITCH MARTINEZ 323 867-5488
17. ROBERTO Lopez 432-940-6838
18. JON R COX 979 MATAORDA 900 9123
19. ~~John Green~~
20. ~~John Green~~
21. Burke 479 324 2101 Bay City
22. Sally W 956-607-9854 Bay City, TX
23. Gary Roth 979-557-3101
- 979 479 4148

24	Starla Justice	323-1171
25	Mama Jeff	2408907
26	Beline Jones	330-6476
27	Richard James	330-8058
28	Dijonae James	330-6095
29	Richard James III	
30	Tom Uher	
31	Diane Eckhoff	
32	Thomas Cox	
33	Sybil	
34	Zara Trevino	
35	Jaden Morales	
36	Chad Yaklin	
37	Leonard Bonorden	
38	Brad Yaklin	
39	Judy Yaklin	
40	Sheryl Mangum	
41	Bud Khan	
42	Max Keith Wesley	
43	Robert	
44	Reben Fuentes	
45	Kim Smith	979-997-6840
46	Heaton Fuchter	979-312-1918
47	Felicia Rodriguez	
48	Wilbert Jones	979-248-5191
49	Tyler Bret Attaway	979-557-9558
50	Larry Weldon	557-6192

KEEP OUR FOOD TRAILER OPEN

4.4.b

- 51 Doll Wiley
- 52 DE Slater
- 53 Don Jantz - Edna H.T.J. EC Propane
- 54 Maya Wilkinson
- 55 Steven Henry
- 56 Martha Wilkinson
- 57 Mike March
- 58 Jordan Austin
- 59 Cari Williams
- 60 Logan Williams
- 61 Braden Bridgell
- 62 Joshua Coombs
- 63 Gary Mather
- 64 Ryan Loh
- 65 ~~Robert Land~~
- 66 Howard Ramirez
- 67 Katie Ellison
- 68 Christy Haydon
- 69 ~~Christy Haydon~~
- 70 ~~Christy Haydon~~
- 71 Mr. Lee
- 72 Ligda K. Keneck
- 73 Charles Kufal
- 74 JESSE GONZALEZ
- 75 MIKE CORTER
- 76 Eloy D. Pung
77. Jose M Gonzalez

KEEP OUR FOOD TRAILER OPEN

4.4.b

- 78 Rene R Gonzalez
- 79 Brennan Ransom
- 80 Jacob Ramsey
- 81 Benigno Alfaro
- 82 Jerry Sogatz
- 83 Bob Foote
- 84 Susan Wells
- 85 Carl Lopez
- 86 Jaime Gutierrez
- 87 Noe Lope Quintana
- 88 Melanie Shultz
- 89 Dan Baroski
- 90 Jan Baul
- 91 Shigael McConaha
- 92 Marketh Wry
- 93 Yuzmira Guinik
- 94 Marva Nixon
- 95 Alyssa Kutler
- 96 Joshua Perez
- 97 Nicholas Kuchek
- 98 Johnny Perez
- 99 Martin Medina
- 100 Pamela Lambert
- 101 Haylee Law
- 102 Nicholas Moore
- 103 Salvador Lopez
- 104 Alexandra Arguello
- 105 Suzanne Williams

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

KEEP FOOD TRAILERS

4.4.b

AT

- 106 JOSE H Esquivel
- 107 Martin Bengu
- 108 Courtney Gann
- 109 Rose Mary Bengu
- 110 Ty Allison
- 111 Rene Castillo
- 112 Bush Stetson
- 113 Brent Seidel
- 114 Ronald Gomez II
- 115 Efram Rybles
- 116 Luis Aguilar
- 117 ~~Don Ag~~
- 118 Anthony Adley
- 119 DL Ross
- 120 ~~San Bill~~
- 121 Jeanette Greel
- 122 Chris Bouldin
- 123 Rhonda Franklin
- 124 Raven Bess
- 125 Abner Hebert
- 126 Jonathon Bess
- 127 Patricia Bess
- 128 Susan Bermea
- 129 Deliciana Cuna
- 130 Len Mills
- 131 ~~Ray Michael~~
- 132 Tim Slater

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

KEEP THE TRAILER OPEN

4.4.b

133 Thomas Cat

134 Megan Bartek

135 Barry Fry

136 Kristi Hayes

137 Justin Thune

138 DAVID L. Rogers ~~Paul Rogers~~ (Keep OPEN)

139 Rachel Richardson

140 Sharon Richardson

141 Rebecca Richardson

142 Robert Matthews

143 Kathy Abels

144 Megan Saha

145 Stacey Goodman

146 ~~by photo~~

147 Jeff Carroll

148 Cameron Douglas

149 Lauryn Gerns

150 Monica ~~Ortiz~~

151 RYAN ~~AST~~ CRAFT

152

153

154

155

156

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158

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

Support for PANCHOS

1. Travis Faris
2. Kathy Farley
3. Megan Barrett
4. Donna Leiot
5. Constance Cunningham
6. Eileen McMissick
7. Susan M. Havell
8. Ruby Flores
9. Melissa Bautista
10. Chuck Ar
11. Leslie Rodriguez
12. Ray 2 Smith Jr
13. Diana Lathan
14. Nicole Brown



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/10/15 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2010

DISCUSSION ITEM (ID # 2010)

**RECEIVE UPDATE ON PARKS AND RECREATION
DEPARTMENT AND PROGRAMS, AND DIRECT STAFF AS
NECESSARY.**



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 2008)

Meeting: 09/10/15 07:00 PM
Department: Mayor's Office
Category: Agreement
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 2008

**CONSIDER AND/OR APPROVE INCREASING SANITATION
RATE BY 3%, AND DIRECT STAFF AS NECESSARY.**

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



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/10/15 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2011

DISCUSSION ITEM (ID # 2011)

**DISCUSS AND/OR TAKE POSSIBLE ACTION ON THE
SEARCH AND HIRING PROCESS FOR THE VACANT
FINANCE AND ASSISTANT FINANCE DIRECTOR POSITIONS.**



City of Bay City Job Description

POSITION TITLE: Director of Administrative Services FLSA STATUS: Exempt LOCATION: City Hall REPORTS TO: Mayor SUPERVISES: Supervises Finance, IT, and Utility Billing Personnel.	SALARY RANGE: \$78,000/yr - \$85,000/yr SHIFT: Mon – Fri DEPARTMENT: Finance DIVISION: N/A APPROVED: December 3, 2014
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JOB SUMMARY:

Under general administrative direction of the Mayor and City Council and daily oversight by the Mayor, maximizes the return of financial assets by establishing financial policies, procedures, controls and reporting systems. Ensures legal and regulatory compliance for all accounting and financial reporting functions. Oversee cost and general accounting, accounts receivable/collection and payroll. Supervise, control, interpret and communicate the fiscal operations of the city to provide information and guidance to the mayor, council members and finance committee. Performs other duties as assigned. The Director of Administrative Services acts as the liaison for the Municipal Court.

ESSENTIAL JOB FUNCTIONS (Other duties may be assigned in accordance with the City of Bay City Charter):

- Direct general finance operations of the City by establishing, monitoring, and enforcing policies and procedures.
- Protect assets by establishing, monitoring and enforcing internal controls.
- Formulate and direct the City's investment policies by maximizing return and limits risk on cash by minimizing cash balances and making investments.
- Discuss and advise Mayor and Council in the financial condition of the City by collecting, interpreting, and reporting key financial data.
- Assist the Mayor and Department Heads in the preparation of the budgets for all departments.
- Analyze, interpret and communicate financial operating results to provide information and guidance to city officials and departments, and provide technical support to city departments.
- Ensure compliance with federal, state, and local legal requirements by researching existing and new legislation, consulting with outside advisors, and filing financial reports. Advises Mayor and Council of actions and potential risks.
- Arrange for audits as required and appropriate. Coordinate the annual audit and prepare the city's Comprehensive Annual Financial Report.
- Manage budget and controls expenses effectively.
- Maintain all official accounting records in conformance with generally accepted government accounting principles.
- Represent the department in employee relations matters, including the disciplinary conference process and grievance proceedings.
- Monitor relevant industry developments, evaluate their impact on City operations, and implement policy and procedure improvements.
- File annual financial disclosure information as required by the City's outstanding bond issues and outstanding Certificates of obligation.
- Supervise and maintain the city's payroll operations to ensure the efficient handling of employees' pay,

deductions and benefit payments.

- Manage and direct the development, implementation, and evaluation of plans, policies, and procedures to achieve department annual goals, objectives, and work standards.
- With supervisors develop, implement, and monitor long-term plans, goals, and objectives focused on achieving the City's mission and City Council's priorities.
- Direct, plan, and organize, through subordinate the operation of the Information Technology Division.
- Direct, plan, and organize, through subordinate the operation of the Utility Billing Division.
- Serves as the liaison for the Municipal Court.
- Provide customer service. Receive the public and answers questions; respond to inquiries from employees, citizens and others and refers, when necessary, to the appropriate persons.
- Accept and receipt monies in relation to Hotel/Motel fees; permit fees; franchise payments; etc.
- Procurement of department materials and supplies.
- Oversee the City's purchasing procedures.
- Compose, type, and edit a variety of correspondence, reports, memoranda, and other material requiring judgment as to content, accuracy, and completeness.
- Create forms, documents, and flyers for department and/or the City.
- Responsible for efficient and safe operation, care and appearance of assigned equipment.
- Ability to meet deadlines and work well under pressure.
- Advise the Mayor, City Council, and others on departmental issues.
- Attend various City Council, Commission, City staff and community meetings as required.
- Participate on external committees, boards, and task forces as appropriate.
- Required to work weekends.
- Subject to after-hours call out as needed or for emergency situations.
- Abide by all policies, procedures, and rules established by the personnel policy, department policy, and the City's Safety Program.
- Perform special assignments as appropriate.
- Perform data input of standard office forms and complies tabulated data for various reports.
- Input data for assessed property liens, vendors/peddlers, garage sale permits, etc.
- Perform other duties as assigned.

JOB QUALIFICATION REQUIREMENTS:

Mandatory Requirements

- Bachelors of Business Administration in Accounting or Finance.
- Minimum of seven to eight years of supervisory level experience in governmental Accounting and/or Finance.
- A member of the Government Finance Officers Association (GFOA).
- Able to Navigate Windows operating systems: Windows XP, 7, 8 and/or Apple operating systems.
- Able to Navigate Windows Explorer.
- Proficient in Microsoft Word, Excel, Outlook, Publisher, and Access.
- Ability to plan and organize work to meet daily and periodic objectives.
- Ability to work independently in completing assigned tasks and in maintaining records and other documentation accurately and legibly.
- To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily.
- Must have good communication skills; requires a calm demeanor in responding to customer questions/and or complaints, and dealing with the general public in everyday activities.
- Knowledge of municipal accounting, banking, and municipal bonds.
- Knowledge of municipal budget and control.
- Knowledge of long term debt issuance and management.
- Ability to perform broad range of supervisory responsibilities.

- Ability to work within established guidelines.
- Ability to perform repetitious tasks.
- Skilled in the operation of standard office machines, personal computer, 10-key calculator, phone, copy machine, postage machine, fax machine, scanners, and printers, etc.
- Ability to safeguard sensitive and/or confidential information from intentional or unintentional disclosure.
- Ability to establish and maintain effective working relationships with employees, other departments, and the public.
- Ability to communicate effectively verbally and in writing.
- Ability to handle stressful situations and/or work with frequent interruptions.
- High School diploma or GED.
- Valid Class C Texas State Driver's License and safe driving record.
- Four years of experience in general secretarial work or extensive experience in related field, such as computer data entry skills.
- Must pass a medical physical examination and drug test.
- Must pass a criminal background check.

Desirable Requirements.

- Bilingual in English and Spanish.

PHYSICAL DEMANDS OF THE POSITION:

- Endurance/Moving About: Frequently (1/3 to 2/3 of the time). Move from location to location.
- Endurance/Overall strength: Heavy work. Exerts force and/or lifts or carries objects weighing up to 25 pounds occasionally.
- Walking: Periodic (up to 1/3 of the time). Move about on foot.
- Sitting: Frequently (2/3 or more of the time).
- Lifting/Carrying: Periodic. Lift by manually raising or lowering an object from one level to another (including upward pulling), and/or carry transport and object, usually holding it in the hands or arms, or on the shoulder.
- Pushing/Pulling: Periodic. Push by exerting force on an object so that it moves away from the force or worker (including slapping, striking, kicking, and treadle actions); and/or pull by exerting force on an object so that it moves toward the force or worker (including jerking).
- Climbing Periodic. Ascend or descend ladders, stairs, and the like using the feet and legs and/or hands and arms above or below 5 feet.
- Balancing: Periodic. Maintain body equilibrium to prevent falling when walking, standing, crouching, or running on narrow, slippery or erratically moving surfaces.
- Bending/Stooping: Periodic. Stoop by bending the body downward or forward by flexing the spine at the waist, and /or bend by extending the spine backward or from side to side.
- Kneeling/Crouching: Periodic. Kneel by bending the legs at the knees to come to rest on the knee or knees, and/or crouch by bending the body downward and forward by bending the legs and spine.
- Reaching: Constantly (2/3 or more of the time). Extend hands and arms in any direction.
- Handling: Constantly (up to 2/3 of the time). Seize, hold, grasp, turn or otherwise work with the hand or hands.
- Rotation: Frequently (1/3 to 2/3 of the time). Twist and turn the spine or a ball and socket joint such as the shoulder or hip.
- Talking: Constantly (2/3 or more of the time). Express or exchange ideas by means of the spoken word to impart oral information to clients or to the public and convey detailed spoken instructions to other workers accurately, loudly or quickly.
- Hearing: Constantly (2/3 or more of the time). Perceive the nature of sounds by the ear.
- Seeing: Constantly (2/3 or more of the time). Obtain impressions through the eyes of the shape, size, distance, motion, color or other characteristics of objects.

- Reading: Read written reports and instructions; computer screens.
- Writing: Able to accurately and legibly, write, record information, and assist with department correspondence.

WORKING CONDITIONS:

- Location: Inside. Work is spent inside (where there is protection from weather, but not necessarily from temperature changes).
- Noise / Vibration: Periodic. Occasionally endure noises, either constant or intermittent, on work sites.
- Smell: Fumes chemicals, or toxic substances.
- Overtime work (including weekends and holidays) may be required.

SUPERVISORY RESPONSIBILITIES:

Supervises Finance, IT and Utility Billing personnel.

SUPERVISION RECEIVED:

Receive direction from the Mayor, and/or Council, and, on occasion, from more experienced office staff members.

WORKING HOURS:

Normal working hours are from 8:00 a.m. to 5:00 p.m. with one hour for lunch. Overtime may be required. In emergencies may be called into work and work schedule will be adjusted during the emergency.

EXPECTATIONS OF ALL CITY EMPLOYEES:

- Support City and Department goals and objectives.
- Serve and meet the needs of our citizens during routine or emergency situations.
- Ability and willingness to work as part of a team, demonstrate team skills, and perform a fair share of team responsibilities.
- Plan and organize his/her work, time and resources, and, if applicable, that of subordinates.
- Contribute to the development of others, to the Department, and the City.
- Produce desired work outcomes including quality, quantity and timeliness.
- Communicate effectively with peers, supervisors, subordinates and people to whom service is provided.
- Understand and value differences in employees and value input from others.
- Consistently report to work and work assignments prepared and on schedule.
- Consistently display a positive behavior with regard to work, willingly accept constructive criticism and be respectful of others.

MISCELLANEOUS:

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

The job description does not constitute an employment agreement between the City of Bay City and the employee and is subject to change by the City of Bay City as the needs of the City and requirements of the job change. The City of Bay City is an Equal Opportunity Employer.

In compliance with the American's with Disability Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective employees and incumbents to discuss potential accommodations with the employer.

Formal application or letter of interest, rating of education and experience; oral interview, reference and criminal background checks, and drug screens are required. In addition, job related tests may also be required.



City of Bay City Job Description

POSITION TITLE:	Assistant Director of Finance	SALARY RANGE:	\$47,000/yr - \$60,000/yr
FLSA STATUS:	Exempt	SHIFT:	Mon – Fri, 8 – 5
LOCATION:	City Hall	DEPARTMENT:	Finance
REPORTS TO:	Finance Director	DIVISION:	Utility Billing
SUPERVISES:	In the absence of the Finance Director supervises Finance and IT. Directly supervises Utility Billing Personnel.	APPROVED:	January 5, 2015

JOB SUMMARY:

Under general administrative direction of the Finance Director, the Assistant Finance Director will assist in managing and directly overseeing the daily activities and operations of the Utility Billing Division and its staff. The Assistant Director will maintain the Utility Billing records consistent with Governmental Accounting Standards, Generally Accepted Accounting Principles, and City policies and procedures. This position is responsible for the implementation and management of the City's Purchasing policy; management of grants; and assisting the Finance Director in the development of the City's Five Year Capital Improvements Plan and annual budget. Will perform other duties as assigned.

ESSENTIAL JOB FUNCTIONS:

- Plan, prioritize, assign, supervise, review, and participate in the work of staff responsible for Utility Billing. Will be required to interview, select, hire, and terminate employees.
- Answer and screen in-coming calls and routes callers or provides information as required.
- Provide customer service. Receive the public and answer questions and respond to inquiries from employees, citizens and others.
- Implement and manage Purchasing policy. Assist in overseeing the City's purchasing procedures.
- Responsible for the City's Financial Transparency Program.
- Assist in the preparation of the City's annual budget and five year Capital Improvements Plan.
- Assist in the preparation of the annual audit and prepare the city's Comprehensive Annual Financial Report.
- Protect assets by monitoring and enforcing internal controls.
- Evaluate efficiency and effectiveness of financial procedures, monitor work load, and identify opportunities for improvement.
- Assist in supervision of internal controls and audit checks.
- Assist in preparation of data to be presented to the Mayor and City Council.
- Procure department materials and supplies.
- Ability to meet deadlines and work well under pressure.
- Ability to maintain a high level of confidentiality when handling sensitive documents and information.
- Will assume the duties and responsibilities of the Finance Director in his/her absence.
- Advise the Mayor, City Council, and others on departmental issues.
- Attend various City Council, Commission, City staff and community meetings as required.
- Participate on external committees, boards, and task forces as appropriate.
- Maybe required to work weekends and/or from home.
- Subject to after-hours call out as needed or for emergency situations.
- Abide by all policies, procedures, and rules established by the personnel policy, department policy, and the City's Safety Program.
- Perform special assignments as appropriate.

- Perform data input of standard office forms and compiles tabulated data for various reports.
- Perform other duties as assigned.

JOB QUALIFICATION REQUIREMENTS:

Mandatory Requirements

- Bachelor's Degree in Accounting, Finance, Business Administration, or related field; or a combination of college courses and work experience in Accounting and/or Finance.
- Minimum of five years progressively responsible experience in Accounting or a related field, with preference given for municipal finance experience.
- Minimum of four years supervisory experience.
- Familiar with State and Federal financial reporting requirements.
- Able to Navigate Windows operating systems: Windows XP, 7, 8 and/or Apple operating systems.
- Able to Navigate Windows Explorer.
- Proficient in Microsoft Word, Excel, Outlook, Publisher, and Access.
- Ability to plan and organize work to meet daily and periodic objectives.
- Ability to work independently in completing assigned tasks and in maintaining records and other documentation accurately and legibly.
- To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily.
- Must have good communication skills; requires a calm demeanor in responding to customer questions/and or complaints, and dealing with the general public in everyday activities.
- Knowledge of municipal accounting, taxation, revenue and expense practices.
- Knowledge of municipal budget and control.
- Knowledge of procedures for accounting and reporting for Federal and State grant funds.
- Knowledge of long term debt issuance and management.
- Ability to perform broad range of supervisory responsibilities.
- Ability to work within established guidelines.
- Ability to perform repetitious tasks.
- Skilled in the operation of standard office machines, personal computer, 10-key calculator, phone, copy machine, postage machine, fax machine, scanners, and printers, etc.
- Ability to safeguard sensitive and/or confidential information from intentional or unintentional disclosure.
- Ability to establish and maintain effective working relationships with employees, other departments, and the public.
- Ability to communicate effectively verbally and in writing.
- Ability to handle stressful situations and/or work with frequent interruptions.
- Valid Class C Texas State Driver's License and safe driving record.
- Must pass a medical physical examination and drug and alcohol test.
- Must pass a criminal background check.

Desirable Requirements.

- Bilingual in English and Spanish.
- A member of the Government Finance Officers Association (GFOA).

PHYSICAL DEMANDS OF THE POSITION:

- Endurance/Moving About: Frequently (1/3 to 2/3 of the time). Move from location to location.
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- Bending/Stooping: Periodic. Stoop by bending the body downward or forward by flexing the spine at the waist, and /or bend by extending the spine backward or from side to side.
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- Rotation: Frequently (1/3 to 2/3 of the time). Twist and turn the spine or a ball and socket joint such as the shoulder or hip.
- Talking: Constantly (2/3 or more of the time). Express or exchange ideas by means of the spoken word to impart oral information to clients or to the public and convey detailed spoken instructions to other workers accurately, loudly or quickly.
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WORKING CONDITIONS:

- Location: Inside. Work is spent inside (where there is protection from weather, but not necessarily from temperature changes).
- Noise / Vibration: Periodic. Occasionally endure noises, either constant or intermittent, on work sites.
- Smell: Fumes chemicals, or toxic substances.
- Overtime work (including weekends and holidays) may be required.

SUPERVISORY RESPONSIBILITIES:

Supervises Utility Billing personnel; and in the absence of the Finance Director will supervise Finance and IT personnel.

SUPERVISION RECEIVED:

Receive direction from the Finance Director, Mayor, and/or Council, and, on occasion, from more experienced office staff members.

WORKING HOURS:

Normal working hours are from 8:00 a.m. to 5:00 p.m. with one hour for lunch. In emergencies may be called into work and work schedule will be adjusted during the emergency.

EXPECTATIONS OF ALL CITY EMPLOYEES:

- Support City and Department goals and objectives.
- Serve and meet the needs of our citizens during routine or emergency situations.
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- Understand and value differences in employees and value input from others.
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- Consistently display a positive behavior with regard to work, willingly accept constructive criticism and be respectful of others.

MISCELLANEOUS:

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City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 09/10/15 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2007

ADOPTED

ORDINANCE (ID # 2007)

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING THE CITY OF BAY CITY CODE OF ORDINANCES CHAPTER 74 PEDDLERS AND SOLICITORS BY AMENDING SECTION 74-33, TITLED REQUIRED; AMENDING SECTION 74-39 TITLED FEE AND TERM; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING THE CITY OF BAY CITY CODE OF ORDINANCES CHAPTER 74 PEDDLERS AND SOLICITORS BY AMENDING SECTION 74-33, TITLED REQUIRED; AMENDING SECTION 74-39 TITLED FEE AND TERM; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Chapter 74 of the City's Municipal Code of Ordinances regulates peddlers and solicitors within the City; and

WHEREAS, Chapter 6002 of the Texas Insurance Code (Fire Detection and Alarm Device Installation) prohibits a city from requiring a registered firm, license holder, or an employee of a license holder who holds a valid license under said chapter to obtain a permit from the city, pay a fee to the city, or post a bond; and

WHEREAS, Chapter 1702 of the Texas Occupations Code (Private Security Act) prohibits a city from requiring a registered firm, license holder, or an employee of a license holder who holds a valid license under said chapter to obtain a permit from the city, pay a fee to the city, or post a bond; and

WHEREAS, the City Council recognizes registered firms, license holders, and employees of license holders of licenses issued under Chapter 6002 of the Texas Insurance Code and Chapter 1702 of the Texas Occupations Code are exempt from the permit, permit fee, and bond requirements of Chapter 74 of the City's Municipal Code of Ordinances; and

WHEREAS, the City Council has determined that the safety, health and welfare of the citizens and general public require amendments to Chapter 74 of the Code of Ordinances to exempt registered firms, license holders, and employees of license holders of licenses issued under Chapter 6002 of the Texas Insurance Code and Chapter 1702 of the Texas Occupations Code from the permit, permit fee, and bond requirements of Chapter 74 of the City's Municipal Code of Ordinances; and

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

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

Section 2. Amendment to Municipal Code of Ordinances. The City of Bay City's Municipal Code of Ordinances, Chapter 74 (entitled "*Peddlers and Solicitors*"), Article II ("*Permit*"), Section 74-33 (b) (entitled "*Required*") is hereby amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

(b) This article shall not apply to any of the following:

- (1) Commercial travelers;
- (2) Sales or exhibits at fairs, rodeos, conventions or events sponsored by one or more city civic organization, school, church or the Chamber of Commerce; ~~or~~
- (3) Charitable solicitation;~~;~~
- (4) A registered firm, license holder, or an employee of a license holder who holds a valid license issued under Chapter 6002 of the Texas Insurance Code (Fire Detection and Alarm Device Installation); or
- (5) A registered firm, license holder, or an employee of a license holder who holds a valid license issued under Chapter 1702 of the Texas Occupations Code (Private Security Act);

(c) All holders of state licenses exempt from this article shall wear and display their state issued identification cards at all times so as to be visible to any person who might be approached by the holder of said license.

~~(c)~~(d) This article does apply to transient vendors, itinerant merchants and peddlers involved in interstate commerce.

The City of Bay City's Municipal Code of Ordinances, Chapter 74 (entitled "*Peddlers and Solicitors*"), Article II ("*Permit*"), Section 74-39 (a) (entitled "*Fee and term*") is hereby amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

- (a) Any person who is required to obtain a permit by the provisions of this article may apply for either a 30-day permit or a 12-month permit. When a 30-day permit is issued to any such person, ~~the applicant~~ such person shall

pay to the city secretary a license fee of \$50.00 and an administrative fee of \$5.00. When a 12-month permit is issued to any such person, such person shall pay to the city secretary a permit fee of \$70.00 and an administrative fee of \$5.00. All such fees shall be used to defray part of the expense of administration and enforcement of this article.

Section 3. Payment of Fees. All persons, firms, or corporations applying for licenses or permits or receiving other City services described herein that require the payment of a fee incident to such application or service shall pay the fees as prescribed herein. It shall be a violation of this Ordinance to conduct any activity or commence any use or receive any service for which payment of a fee described herein is required until such fee has been paid (if required to be paid in advance) or to fail to pay such fee when properly billed.

Section 4. Cumulative. This Ordinance shall be cumulative of all fee provisions of the Code of Ordinances of the City of Bay City, Texas as to the fees set forth herein on the effective date of this Ordinance, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

Section 5. Amending Fees. The City Council may, from time to time, by adopting new ordinances add to the fees set forth herein, and the fees now or hereafter set forth may be modified from time to time by order of the City Council.

Section 6. 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 7. Remedies. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Code of Ordinances in effect on the effective date of this Ordinance and modified by this Ordinance or any other ordinances in effect on the effective date of this Ordinance and modified by this Ordinance and requiring the payment of fees for licenses, permits, and other services provided by the City which have accrued on the effective date of this Ordinance; and any and all accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its final passage and any publication required by law.

PASSED AND APPROVED ON this _____ day of _____ 2015.

Mark Bricker, Mayor

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

George E. Hyde, City Attorney
Denton Navarro Rocha Bernal Hyde & Zech, P.C.