



BAY CITY

REVISED MINUTES • AUGUST 13, 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 - COUNCILMAN BILL CORNMAN

Texas State Flag Pledge:

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

3. PUBLIC COMMENTS

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

Haskell Simon informed everyone of the 100 Club dinner that honors law enforcement. The dinner will be held on Friday, August, 21, 2015 at 6:30 p.m.

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

1. Public Hearing

PUBLIC HEARING ON THE PROPOSED DISANNEXATION OF CERTAIN LOTS WITHIN THE GOLDEN GLEN SUBDIVISION.

City Secretary Rhonda Clegg provided background on the reason behind the disannexation of the three properties on Skelly Road.

The Mayor opened the Public Hearing at 7:08 p.m.

Curtis Franklin of the Whitson Heights Subdivision inquired about brush pick up. The Mayor informed him that he would speak with him after the meeting, since the Public Hearing were for comments regarding the disannexation of Golden Glen.

The Mayor closed the Public Hearing at 7:09 p.m.

2. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE PROVIDING FOR THE DISANNEXATION OF CERTAIN LOTS WITHIN THE GOLDEN GLEN SUBDIVISION; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Council was polled.

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

ORDINANCE

Enacted and approved this 13th day of August, 2015, at Bay City

3. Ordinance

CONSIDER AND/OR APPROVE THE ADOPTION OF AN ORDINANCE PROVIDING FOR THE EXTENSION OF BAY CITY, TEXAS CITY LIMITS BY THE ANNEXATION OF 33 PLATTED LOTS AND 3 RESERVE LOTS WITHIN THE LIVE OAKS ESTATES SUBDIVISION GENERALLY LOCATED NEAR 12TH STREET, EAST OF ANDREA DRIVE, BAY CITY, TEXAS BY THE CITY OF BAY CITY AND APPROVING A SERVICE PLAN FOR SUCH AREAS.

Council was polled.

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

ORDINANCE

Enacted and approved this 13th day of August, 2015, at Bay City

4. Public Hearing

PUBLIC HEARING ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY MORE PARTICULARLY DESCRIBED AS APPROXIMATELY .92 ACRES OUT OF I & G N AB 273 10.00 AC, COMMONLY KNOWN AT 5290 OLD VAN VLECK ROAD, BAY CITY, TEXAS 77414.

Councilwoman Folse recused herself during this item.

The Mayor opened the Public Hearing at 7:12 P.M.

No comments

The Mayor closed the Public Hearing at 7:13 P.M.

5. Property

CONSIDER AND/OR APPROVE A PETITION TO ANNEX A CERTAIN PORTION OF PROPERTY MORE PARTICULARLY DESCRIBED AS APPROXIMATELY .92 ACRES OUT OF I & G N AB 273 10.00 AC, COMMONLY KNOWN AT 5290 OLD VAN VLECK ROAD, BAY CITY, TEXAS 77414.

Council was polled. Councilwoman Folse recused herself from participating and voting on this item.

RESULT:	APPROVED [4 TO 0]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Estlinbaum, Cornman, Johnson, Thames
RECUSED:	Folse

Enacted and approved this 13th day of August, 2015, at Bay City

6. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE PROVIDING FOR THE EXTENSION OF THE CITY LIMITS BY THE ANNEXATION OF A TRACT OF LAND TOTALING .92 ACRES, MORE OR LESS, ADJACENT AND CONTIGUOUS TO THE CITY OF BAY CITY LIMIT; GRANTING TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; ESTABLISHING AN EFFECTIVE DATE.

Council was polled. Councilwoman Folse recused herself from voting and participating on this item.

RESULT:	APPROVED [4 TO 0]
MOVER:	Carolyn Thames, Councilwoman
SECONDER:	Julie Estlinbaum, Mayor Pro-Tem
AYES:	Estlinbaum, Cornman, Johnson, Thames
RECUSED:	Folse

ORDINANCE

Enacted and approved this 13th day of August, 2015, at Bay City

7. Agreement

CONSIDER AND/OR APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF BAY CITY AND JOHNNIE MONTALBO FOR THE COMMUNITY PARK CENTER LOCATED AT 2908 RUGELEY.

Mayor Mark A. Bricker

The Mayor requested that the insurance provision be removed from the agreement, as well as the City waive utilities for six months or a year.

MOTION BY COUNCILMAN JOHNSON, SECOND BY COUNCILWOMAN FOLSE, TO APPROVE THE LICENSE AGREEMENT BETWEEN THE CITY OF BAY CITY AND JOHNNIE MONTALBO, WITH THE AGREE UPON MODIFICATIONS. MOTION CARRIED BY UNANIMOUS VOTE.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Chrystal Folse, Councilwoman
AYES:	Estlinbaum, Cornman, Folse, Johnson, Thames

Enacted and approved this 13th day of August, 2015, at Bay City

8. Agreement

CONSIDER AND/OR APPROVE GIVING GUIDANCE TO STAFF TO PURCHASE BUILDING FOR CULTURAL ARTS CENTER.

Administrative Intern, Dawson Friesenhahn and Branson Cobb
Administrative Interns Dawson Friesenhahn and Branson Cobb presented a PowerPoint presentation to Mayor and Council.

Councilman Cornman asked if the building had been inspected. Ms. Zanib Ghais stated that she was not sure. Councilman Cornman stated that they needed to go into the project as if it was a risk. He pointed out some of the following as risks: inspection, closing cost, possible asbestos, egress, and sprinkler system. He added that his main concern was that he sees this project as a million dollar project. Councilman Cornman stated that he needed a better feel as to who was supporting the project. He suggested letters of commitment, verbal commitments, etc. He added that he felt that a lot of the estimates were too low. Councilman Cornman suggested that they run a proforma; determine how much fundraising they would need to do; how much they would need from the City; etc. Councilman Cornman suggested that they start with the architecture and break it down. He also pointed out that City Council needed to see the building. He suggested that Ms. Ghais bring the keys, Mayor and Council adjourn from the meeting and they go and look at the building. Councilman Cornman pointed out that one of the things not listed under operations was maintenance.

Councilman Johnson asked if they had a 501 3C, and Ms. Ghais stated they did not. She added that it was proposed that they use the Art League's or C.A.S.T.'s 501 3C until they got one.

It was the consensus of Council to fund the architectural study. It was also the consensus of Council to have a Special Called Meeting on Thursday, August 27, 2015 at 6 p.m. to visit the Rhema Church.

RESULT:	TABLED	Next: 8/27/2015 6:00 PM
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9. Policy

DISCUSS AMENDING CITY OF BAY CITY CHAPTER 14 - ANIMALS OF CITY OF BAY CITY'S CODE OF ORDINANCES AND DIRECT CITY STAFF AND CITY ATTORNEY AS NECESSARY

Sgt. Suzanne Sullivan

Sgt. Suzanne Sullivan with the Bay City Police Department addressed Mayor and Council with the proposed revisions to Chapter 14 - Animals. She explained that they have faced a number of things over the years, so they have reviewed ordinances from other cities. Sgt. Sullivan turned the discussion over to Animal Control Officer Dorothy (Dottie) Grandstaff. Ms. Grandstaff reviewed the different proposed changes.

Councilman Cornman asked if there would be any changes to the Impound itself, and if there would be any thing the City would have to do to the Impound itself. Sgt. Sullivan stated no. She added that it was more of an educational issue. Councilman Cornman asked how they would educate the public of the changes. Sgt. Sullivan stated that they would give them 30 days from the time the ordinance was approved, if they found that someone was in violation of the ordinance. She added that the Animal Control Officers normally provided citizens with a number of warnings prior to citing them, and in the process they also educated the citizen.

The Mayor clarified the question asked by Councilman Cornman regarding a change to the Impound. Sgt. Sullivan stated that it was not their goal to have animals in the Impound.

Councilman Johnson asked Mrs. Clegg the cost of obtaining a Peddler's permit, and Mrs. Clegg stated \$50 for a month or \$70 for a year. He asked if the individuals that sold or gave away animals in front of Wal-Mart had permits, and Sgt. Sullivan stated that most do not. However, their concern was mainly about the animals health.

Councilwoman Thames suggested that they write the ordinance and bring it back to Council.

10. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING THE CURRENT NEW HOME CONSTRUCTION INCENTIVE PROGRAM.

Mayor Mark A. Bricker

Dustin Hodges provided Mayor and Council with a handout that reflected the recent amendment to the proposed ordinance. Mr. Hodges explained that the only revision since the last Council Meeting was the change for basing it on the appraised value to square footage.

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

ORDINANCE

Enacted and approved this 13th day of August, 2015, at Bay City

11. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING CHAPTER 98 OF THE CITY'S CODE OF ORDINANCES TO ALLOW CITY COUNCIL TO REVIEW AND APPROVE PLATS ON BEHALF OF THE PLANNING COMMISSION, AMEND CHAPTER 98 OF THE CITY'S CODE OF ORDINANCES TO CORRECT CLERICAL ERRORS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Bill Cornman

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

ORDINANCE

Enacted and approved this 13th day of August, 2015, at Bay City

12. Bond

DISCUSS, CONSIDER, AND/OR APPROVE AWARDDING OR REJECTING THE CONSTRUCTION BID FOR THE STREET REHAB PHASE II FULL DEPTH RECONSTRUCTION PROJECT TO THE LOWEST RESPONSIBLE BIDDER AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BAY CITY AND THE LOWEST RESPONSIBLE BIDDER IN A FORM APPROVED BY THE CITY ATTORNEY.

Barry Calhoun, Director of Public Works

Mr. Calhoun explained that the funding was available and recommended that they award the bid to James Construction. He also recommended removing some of the proposed streets.

The Mayor suggested that Eagles Road be added to the list of full reconstruction roads. Mr. Calhoun stated that they were trying to keep the amount of reconstruction no more than \$3 million, so adding Eagles Road would put the City over the amount. Mr. Calhoun suggested Avenue A, if they wanted to add a street since it is more traveled than Eagles. Councilman Cornman asked how much did the City borrow, and the Mayor stated \$3.995 million. Councilman Cornman asked if the Mayor was convinced the City had \$2.8 million, and the Mayor stated yes. Councilman Cornman asked how much of the money had been spent. Mr. Calhoun explained that Phase IA cost \$800,000, Phase II would cost roughly \$2.8 million, and they have spent \$630,000 on the Sewer Project. The Mayor stated that there was around \$1 million in Fund 28 for Streets and \$4 million from the Bond.

The item was approved with the addition of adding Avenue A to the list.

Council asked what the order of reconstruction would be. Mr. Calhoun stated Thompson Road, the subdivision at the end of Thompson Road, and then Hamman Road.

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

Enacted and approved this 13th day of August, 2015, at Bay City

13. Presentation

RECEIVE SAFETY REPORT FOR THE PUBLIC WORKS AND PARKS & RECREATION DEPARTMENT FOR MAY 2015 THROUGH JULY 2015.

Marla Jasek, Assistant Director of Public Works

Mrs. Jasek reviewed the incidents for the month's of May through July, upcoming Safety Meeting topics, and proposed changes to the Safety Committee.

14. Report

RECEIVE REPORT ON PLANS TO OPERATE A PRIVATE CLOSED POINT OF DISPENSING (POD) MEDICATIONS DURING A CATASTROPHIC PUBLIC HEALTH EMERGENCY.

Marla Jasek, Assistant Director of Public Works

Mrs. Jasek reminded Mayor and Council that in March the City agreed to participate in the closed POD program. She explained that she met with Rhonda Clegg and they reviewed the plan. There is a location, the Service Center, and have designated personnel to different tasks. She added that they would conduct a run through of the plan once the City Secretary returned from leave.

Councilman Johnson asked if Mrs. Jasek could send Council the plan. Mrs. Jasek stated she could.

Councilman Cornman commented that it was a good plan, but asked that it not be allowed to go dormant.

15. Report

RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS- STREET REHABILITATION, WATER TOWER, TANKS AND LINES, WASTERWATER LINES, GRANTS, NEW DEVELOPMENT AND BUILDING PERMITS.

Barry Calhoun, Director of Public Works

Mr. Calhoun reviewed the ongoing projects in Public Works.

It was asked if the City had Henderson Fabrication off and running, and Mr. Calhoun stated yes. He added that there were issues with the plan review, mainly communication issues, but that they were moving forward.

Mayor Pro Tem Estlinbaum asked when would the City hear something about the TAP Program, and Matt Breazeale of Jones & Carter stated that it would possibly be some time in September before they heard anything. Councilman Cornman asked if the City had money in the budget for it. The Mayor stated that it would have to come out of a different area than where they were originally planning to take it.

Councilman Johnson asked where did they stand with the portable generators. Mr. Calhoun stated that the contract had been awarded and executed. The generators had been ordered. Mr. Calhoun added that it would probably be September before they would be installed. Councilman Johnson asked about the portable generators, and Mr. Calhoun stated that they were seeking grant funding for those generators. It was still in the application phase. Councilman Johnson asked if Mr. Calhoun had any idea on cost. Mr. Calhoun stated that he was not sure about the portables.

16. Budget

PROVIDE UPDATE ON PROPOSED FY16 BUDGET, DISCUSSION AS NECESSARY AND SET DATE FOR SECOND BUDGET WORKSHOP

Mayor Mark A. Bricker

It was the consensus of Council to have the second budget meeting on Monday, August 24, 2016 at 6 p.m. and a possible follow up budget meeting on August 27, 2016 at 6:00 p.m.

17. Policy

DISCUSS POSSIBLE AMENDMENT(S) TO THE SIGN ORDINANCE.

Councilman Steven Johnson

Councilman Johnson reviewed the concerns he had with the ordinance as well as the issues enforcing it.

Mr. Hyde stated that they were obtaining interpretations of the new Supreme Court regulations on signs and would submit it to Council, so that they could determine what they would like in the new ordinance.

Mrs. Jasek stated that the current Building Inspector was reviewing the ordinance and would bring it back in September.

18. Policy

DISCUSS RESCHEDULING SECOND REGULAR CITY COUNCIL MEETING OF SEPTEMBER 24, 2015 AND TAKE AS NECESSARY

Mayor Mark A. Bricker

It was the consensus of Council to have the second meeting in September on Monday, September 21, 2015 at 7:00 p.m.

19. Ordinance

CONSIDER AND/OR APPROVE AN AMENDMENT TO THE PERSONNEL POLICY APPROVED MARCH 26, 2015, TO BE EFFECTIVE IMMEDIATELY.

Rhonda Clegg, City Secretary

RESULT:	TABLED	Next: 9/10/2015 7:00 PM
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20. Report

STATUS UPDATE RELATIVE TO THE REPAIR PLAN FOR NILE VALLEY ROAD.

No update

5. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Pro Tem Estlinbaum thanked everyone for their reports.

Mayor thanked the Interns. He informed everyone that City Office hours had been changed back to 8 a.m. - 5 p.m. Monday through Friday, and only approved positions would be allowed to work a 9/80 schedule. Those that would be allowed to work a 9/80 schedule there day off would be on Friday.

Councilwoman Thames informed everyone that Dunn Heat was hiring CDL Drivers, Welders, and Boiler Makers.

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 Thursday, August 6, 2015. 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: 08/13/15 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1962

DISCUSSION ITEM (ID # 1962)

**PUBLIC HEARING ON THE PROPOSED DISANNEXATION OF
CERTAIN LOTS WITHIN THE GOLDEN GLEN SUBDIVISION.**



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1963

ADOPTED

ORDINANCE (ID # 1963)

CONSIDER AND/OR APPROVE AN ORDINANCE PROVIDING FOR THE DISANNEXATION OF CERTAIN LOTS WITHIN THE GOLDEN GLEN SUBDIVISION; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

ORDINANCE NO. _____

PROVIDING FOR THE DISANNEXATION OF CERTAIN LOTS WITHIN THE GOLDEN GLEN SUBDIVISION; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Texas Local Government Code Section 43.142 provides that a home-rule municipality may disannex 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; and

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

WHEREAS, the owners of certain territory within the City's Corporate limits have petitioned City Council to disannex the territory; and

WHEREAS, the petitioner acknowledges, and 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 was roughly proportional to the amount of money the City spent for the direct benefit of the area during that period; and, therefore, the City shall not be required to refund any taxes or fees to the petitioner; and

WHEREAS, the petitioner acknowledges, and City Council finds, that the petition does not allege that the City Council failed or refused to provide services or to cause services to be provided within the territory with a period required by statute or specified in a service plan prepared for the territory; and, therefore, the disannexation does not fall under the purview of Texas Local Government Code Section 43.141; and

WHEREAS, the petitioner acknowledges, and City Council finds, that the territory to be disannexed does not include the disannexation of a road or highway; and

WHEREAS, before City Council shall take action on this Ordinance a hearing was held on August 13, 2015, to allow members of the public to give testimony and express opinions as to the merits of the disannexation.

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

SECTION 1. The above findings are hereby incorporated for all purposes as if each word was set out herein; the petitions for disannexation are attached hereto as **Exhibits "A", "B" and "C"**; and are hereby incorporated for all purposes as if each were set out fully herein.

SECTION 2. As of the effective date of this Ordinance, the land and territory described as follows, are hereby disannexed 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.

Lot 1, Block 2, Golden Glen Subdivision, Matagorda County, Texas
 Lot 2, Block 2, Golden Glen Subdivision, Matagorda County, Texas
 Lot 3, Block 2, Golden Glen Subdivision, Matagorda County, 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, as such shall be limited in application to the citizens and corporate limits of said City.

SECTION 4. As of the effective date of this Ordinance, the Service Plan previously adopted for the subject property is no longer in effect as to the subject property only.

SECTION 5. This Ordinance is not severable.

SECTION 6. This ordinance shall be effective immediately from and after passage.

PASSED AND APPROVED this _____ day of _____, 2015.

 Mark A. Bricker, Mayor

ATTEST:

 Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

 George E. Hyde, 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:

George Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

EXHIBITS “A”, “B” and “C”

CITY OF BAY CITY

MARK BRICKER
MAYOR



CITY COUNCIL
CAROLYN THAMES
MAYOR PRO TEM

GEORGE HYDE
CITY ATTORNEY

RHONDA CLEGG
CITY SECRETARY

BILL CORNMAN
JULIE ESTLINBAUM

CHRYSTAL FOLSE
STEVEN JOHNSON

2015-L-72

May 14, 2015

Nathan and Martha Cashion
3805 CR 106 Skelly 1 Rd.
Bay City, TX 77414

Dear Nathan and Martha Cashion,

You are receiving this letter because your property, referenced above, was included in the 2014 annexation of the Golden Glen Subdivision inadvertently.

City Council has authorized this letter be sent to you to inquire if you would like your property to be dis-annexed.

Should you elect to have your property dis-annexed, you would no longer pay City property taxes, receive City services, or be eligible to receive City utilities at the in-City rate. Moreover, you will be refunded all City property taxes you have paid to date. Should you elect to remain in the City you need not take any further action.

Should you elect to have your property dis-annexed, please place your signature at the place provided below and return this letter in the stamped self-addressed envelope provided.

If you have any questions or concerns, please do not hesitate to contact me at (979) 245-5311.

Sincerely,


Rhonda Clegg
City Secretary

Enclosure: (1) Copy of Ordinance No. 1503 – Golden Glen Annexation

^{WE} NATHAN & MARTHA CASHION wish to have my property ~~dis~~-annexed from the City of Bay City, and request the dis-annexation be placed on a City Council Agenda for consideration.


Property Owner Signature

MAY 24, 2015
Date

Marttha Cashion
Property Owner Signature

MAY 24, 2015
Date

CITY OF BAY CITY

MARK BRICKER
MAYOR



CITY COUNCIL
CAROLYN THAMES
MAYOR PRO TEM

GEORGE HYDE
CITY ATTORNEY

RHONDA CLEGG
CITY SECRETARY

BILL CORNMAN
JULIE ESTLINBAUM

CHRYSTAL FOLSE
STEVEN JOHNSON

2015-L-72

May 14, 2015

Richard Wright
3815 Skelly Rd
Bay City, TX 77414

Dear Richard Wright,

You are receiving this letter because your property, referenced above, was included in the 2014 annexation of the Golden Glen Subdivision inadvertently.

City Council has authorized this letter be sent to you to inquire if you would like your property to be dis-annexed.

Should you elect to have your property dis-annexed, you would no longer pay City property taxes, receive City services, or be eligible to receive City utilities at the in-City rate. Moreover, you will be refunded all City property taxes you have paid to date. Should you elect to remain in the City you need not take any further action.

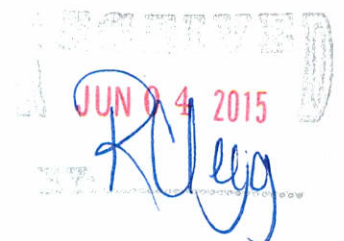
Should you elect to have your property dis-annexed, please place your signature at the place provided below and return this letter in the stamped self-addressed envelope provided.

If you have any questions or concerns, please do not hesitate to contact me at (979) 245-5311.

Sincerely,

Rhonda Clegg
City Secretary

Enclosure: (1) Copy of Ordinance No. 1503 – Golden Glen Annexation



I Richard Wright wish to have my property dis-annexed from the City of Bay City, and request the dis-annexation be placed on a City Council Agenda for consideration.


Property Owner Signature

5/30/15
Date

Property Owner Signature

Date

CITY OF BAY CITY

MARK BRICKER
MAYOR



CITY COUNCIL
CAROLYN THAMES
MAYOR PRO TEM

GEORGE HYDE
CITY ATTORNEY

RHONDA CLEGG
CITY SECRETARY

BILL CORNMAN
JULIE ESTLINBAUM

CHRYSTAL FOLSE
STEVEN JOHNSON

2015-L-72

May 14, 2015

Wanda and Kenny Lam
3825 CR 106 Skelly 1 Rd.
Bay City, TX 77414

Dear Wanda and Kenny Lam,

You are receiving this letter because your property, referenced above, was included in the 2014 annexation of the Golden Glen Subdivision inadvertently.

City Council has authorized this letter be sent to you to inquire if you would like your property to be dis-annexed.

Should you elect to have your property dis-annexed, you would no longer pay City property taxes, receive City services, or be eligible to receive City utilities at the in-City rate. Moreover, you will be refunded all City property taxes you have paid to date. Should you elect to remain in the City you need not take any further action.

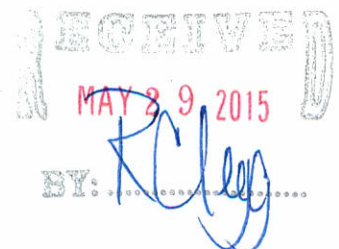
Should you elect to have your property dis-annexed, please place your signature at the place provided below and return this letter in the stamped self-addressed envelope provided.

If you have any questions or concerns, please do not hesitate to contact me at (979) 245-5311.

Sincerely,

Rhonda Clegg
City Secretary

Enclosure: (1) Copy of Ordinance No. 1503 – Golden Glen Annexation



I KENNY LAM & WANDA LAM wish to have my property dis-annexed from the City of Bay City, and request the dis-annexation be placed on a City Council Agenda for consideration.



Property Owner Signature

5/26/15

Date



Property Owner Signature

5/26/15

Date



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1937

ADOPTED

ORDINANCE (ID # 1937)

**CONSIDER AND/OR APPROVE THE ADOPTION OF AN
ORDINANCE PROVIDING FOR THE EXTENSION OF BAY
CITY, TEXAS CITY LIMITS BY THE ANNEXATION OF 33
PLATTED LOTS AND 3 RESERVE LOTS WITHIN THE LIVE
OAKS ESTATES SUBDIVISION GENERALLY LOCATED NEAR
12TH STREET, EAST OF ANDREA DRIVE, BAY CITY, TEXAS
BY THE CITY OF BAY CITY AND APPROVING A SERVICE
PLAN FOR SUCH AREAS.**

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

ORDINANCE NO. _____

PROVIDING FOR THE EXTENSION OF BAY CITY, TEXAS CITY LIMITS BY THE ANNEXATION OF 33 PLATTED LOTS AND 3 RESERVE LOTS WITHIN THE LIVE OAKS ESTATES SUBDIVISION GENERALLY LOCATED NEAR 12TH STREET, EAST OF ANDREA DRIVE, BAY CITY, TEXAS BY THE CITY OF BAY CITY AND APPROVING A SERVICE PLAN FOR SUCH AREAS.

WHEREAS, Texas Local Government Code section 43.021 authorizes the City of Bay City, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

WHEREAS, section 1.04 of the City Charter of the City of Bay City provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

WHEREAS, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

WHEREAS, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

WHEREAS, Texas Local Government Code section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code section 43.035(b)(1) stipulates provides that a municipality must offer to make a development agreement with landowners eligible under TLGC 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

WHEREAS, none of the properties subject to this annexation are appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code; and

WHEREAS, on the 9th day of July, 2015, and the 23rd day of July, 2015, the City Council of the City of Bay City, Texas held public hearings on the proposed annexation of approximately 33 lots, situated outside of, but immediately adjacent to, the current corporate limits of the City of Bay City, Texas and such public hearings gave all interested persons the right to appear and be heard on the proposed annexation of such land; and

WHEREAS, notice of the above referenced public hearings was published in the Bay City Tribune on July 9, 2015, and July 23, 2015, a newspaper having general circulation in the City of Bay City, Texas and within the territory to be annexed, in accordance with law; and

WHEREAS, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; and

WHEREAS, the aforementioned public hearings were conducted not more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, the population of the City of Bay City, Texas is in excess of approximately 17,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Bay City, Texas, and lies adjacent to and adjoins the City of Bay City, Texas.

NOW THEREFORE:

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

SECTION 1. The land and territory lying outside of, but adjacent to and adjoining the City of Bay City, Texas, more particularly described below is hereby added and annexed to the City of Bay City, Texas, and said territory, as described as those portions of the tracts of land described in **Exhibit "A"**, attached hereto and incorporated herein by reference, shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described in **Exhibit "A"**, are altered and amended so as to include said areas within the corporate limits of the City of Bay City, Texas.

SECTION 2. The land and territory more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by reference, shall be part of the City of Bay City, Texas and inhabitants thereof shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Bay City, Texas.

SECTION 3. A service plan outlining the provisions of necessary municipal service to the properties described in **Exhibit "B"** is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as **Exhibit "B"**.

SECTION 4. This ordinance shall be effective from and after August 13, 2015.

PASSED AND APPROVED this, the 13th day of August 2015.

Mark A. Bricker
Mayor, City of Bay City

ATTEST:

Rhonda Clegg
City Secretary, City of Bay City

APPROVED AS TO FORM:

George Hyde, 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:

George Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

EXHIBIT "A"

DESCRIPTION OF LAND ANNEXED

Attachment: ORDINANCE NO. - Live Oak Involuntary Annexation (1937 : Annexation of Live Oak Estates)

EXHIBIT "B"
SERVICE PLAN

Attachment: ORDINANCE NO. - Live Oak Involuntary Annexation (1937 : Annexation of Live Oak Estates)

	Property ID	Geographic ID	Type	Property Address	Legal Description	Owner Name		
	80966	2850-0010-000900	Real	3509 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 9	AGUILERA ROGER A & CASSANDRA L	N/A	
	80959	2850-0010-000200	Real	3405 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 2	BARERRA AMANDA	N/A	
	80978	2850-0020-000600	Real	3512 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 6	BOLTON JOSHUA	N/A	
	80979	2850-0020-000700	Real	3508 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 7	BOLTON JOSHUA & STEPHANIE	N/A	
	80971	2850-0010-001400	Real	3605 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 14	BYNUM JULIE	N/A	
	80962	2850-0010-000500	Real	3415 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 5	CURTNER TILER J & LYNSEY E	N/A	
	80964	2850-0010-000700	Real	3501 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 7	EMANUEL MARGARET	N/A	
	80967	2850-0010-001000	Real	3513 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 10	ERO STEPHANIE	N/A	
	80986	2850-0020-001400	Real	3404 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 14	FERNANDEZ NOE	N/A	
	80965	2850-0010-000800	Real	3505 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 8	GREENAWALT JOHN DAVID & STACY LYNN	N/A	
	80981	2850-0020-000900	Real	3500 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 9	JARRELL LIVING TRUST	N/A	
	80958	2850-0010-000100	Real	3401 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 1	JOHNSON RAYMOND & GLADYS	N/A	
	80970	2850-0010-001300	Real	3601 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 13	LIN NIAN HAO & XIAO YAN YANG	N/A	
	80969	2850-0010-001200	Real	3521 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 12	LOPEZ ASHLEY RENEE	N/A	
	80972	2850-0010-001500	Real	3609 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 15	ONEILL MARY & JAMES W MCCOY	N/A	
	80973	2850-0020-000100	Real	3532 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 1	REINA VINCENT J FAMILY TRUST	N/A	
	80983	2850-0020-001100	Real	3416 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 11	REINA VINCENT J FAMILY TRUST	N/A	
	80985	2850-0020-001300	Real	3408 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 13	REINA VINCENT J FAMILY TRUST	N/A	
	80987	2850-0020-001500	Real	3400 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 15	REINA VINCENT J FAMILY TRUST	N/A	
	80974	2850-0020-000200	Real	3528 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 2	REINA VINCENT J FAMILY TRUST	N/A	
	80975	2850-0020-000300	Real	3524 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 3	REINA VINCENT J FAMILY TRUST	N/A	
	80976	2850-0020-000400	Real	3520 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 4	REINA VINCENT J FAMILY TRUST	N/A	
	80977	2850-0020-000500	Real	3516 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 5	REINA VINCENT J FAMILY TRUST	N/A	
	80988	2850-0010-000A00	Real	0 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, RESERVE A	REINA VINCENT J FAMILY TRUST	N/A	
	80989	2850-0010-000B00	Real	0 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, RESERVE B	REINA VINCENT J FAMILY TRUST	N/A	
	80990	2850-0010-000C00	Real	0 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, RESERVE C	REINA VINCENT J FAMILY TRUST	N/A	
	80980	2850-0020-000800	Real	3504 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 8	RIEDEL JENNIFER	N/A	
	80968	2850-0010-001100	Real	3517 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 11	RIVERA RONALD & NICOLE L BRADY	N/A	

	80982	2850-0020-001000	Real	3420 12TH ST BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 10	SMITH DEREK A & LEAH	N/A	
	80984	2850-0020-001200	Real	3412 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 2, LOT 12	SNIDER INTERESTS LLC	N/A	
	80961	2850-0010-000400	Real	3411 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 4	VARGAS CAROL K & JOSHUA VILLALOVOS	N/A	
	80960	2850-0010-000300	Real	3409 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 3	VARGAS TIMOTHY RENEE	N/A	
	80963	2850-0010-000600	Real	3419 12TH STREET BAY CITY, TX 77414	LIVE OAK ESTATES SEC 1, BLOCK 1, LOT 6	WILLIAMS SANDI	N/A	

EXHIBIT B
2015 ANNEXATION PROGRAM
CITY OF BAY CITY, TEXAS

SERVICE PLAN FOR 2015 ANNEXATION

Upon annexation of the area identified in Ordinance No. _____ Exhibit A, the City of Bay City will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. **Police Protection**

The City of Bay City, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of Bay City, Texas contracts with the Bay City Volunteer Fire Department and EMS services and will provide fire protection to newly annexed areas through that contract at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

All water/wastewater facilities owned or maintained by the City of Bay City at the time of the proposed annexation shall continue to be maintained by the City of Bay City. All water/wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by the City of Bay City to the extent of its ownership. The now existing water/wastewater mains at existing locations shall be available for the point of use extension based upon the City of Bay City standard extension policy now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City's Code of Ordinances.

4. **Solid Waste Collection**

The City of Bay City, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with WCA. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Bay City, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly Owned Facility, Building or Municipal Service**

The City of Bay City, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of Bay City, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS

1. **Police and Fire Protection and Solid Waste Collection**

The City of Bay City, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Bay City, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water/Wastewater Facilities**

For the next 2 ½ years, Bay City finds and determines that there is sufficient capacity for wastewater to provide services to the annexed areas pursuant to the City of Bay City's extension policies. The construction of any capital improvements for water and wastewater services to an annexed area will be completed pursuant to the City's infrastructure extension policies.

3. **Roads and Streets**

The City of Bay City, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of Bay City, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Bay City, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Bay City.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1964

DISCUSSION ITEM (ID # 1964)

**PUBLIC HEARING ON THE PROPOSED ANNEXATION OF
CERTAIN PROPERTY MORE PARTICULARLY DESCRIBED AS
APPROXIMATELY .92 ACRES OUT OF I & G N AB 273 10.00
AC, COMMONLY KNOWN AT 5290 OLD VAN VLECK ROAD,
BAY CITY, TEXAS 77414.**



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1965

AGENDA ITEM (ID # 1965)

CONSIDER AND/OR APPROVE A PETITION TO ANNEX A CERTAIN PORTION OF PROPERTY MORE PARTICULARLY DESCRIBED AS APPROXIMATELY .92 ACRES OUT OF I & G N AB 273 10.00 AC, COMMONLY KNOWN AT 5290 OLD VAN VLECK ROAD, BAY CITY, TEXAS 77414.

RESULT:	APPROVED [4 TO 0]
MOVER:	Steven Johnson, Councilman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Julie Estlinbaum, William Cornman, Steven Johnson, Carolyn Thames
RECUSED:	Chrystal Folse

Re: Petition for Annexation

Hon. Rhonda Clegg
 City Secretary
 City of Bay City
 1901 5th Street
 Bay City, Texas 77414

Dear Ms. Clegg:

This Petition for Annexation is filed by James and Chrystal Folse, relating to that certain portion of property out of 10 acres of land more particularly described as:

Legal Description: .92 acres out of I & G N AB 273 10.00 AC
 Location Address: 5290 Old Van Vleck Road, Bay City, Texas 77414
 MCAD Property ID: 113373

hereinafter, the "Land".

Pursuant to Texas Local Government Code Section 43.028, the petitioners request city council to have the land annexed into the City of Bay City's corporate limits as soon as reasonably practicable.

Respectfully submitted,



Printed Name: JAMES RAY FOLSE

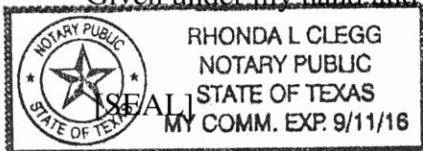


Printed Name: Chrystal Folse

STATE OF TEXAS
 COUNTY OF MATAGORDA

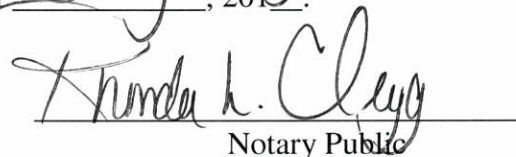
Before me, on this day personally appeared James Folse and Chrystal Folse, proved to me through personal appearance to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that [he/she] executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 24th day of July, 2015.



My commission expires:

9/11/2016



Notary Public

RECEIVED
 JUL 24 2015
 53

EXHIBIT A
METES AND BOUNDS DESCRIPTION
OF 10.000 ACRES IN
MATAGORDA COUNTY, TEXAS

BEING 10.000 acres of land out of all that certain called 39.3672 acres of land out of Survey No. 5, Block No. 3, and I. & G. N. RR. Company Survey and being the East called 39.3672 acres of land in Lot No.2 of the O'Connell Subdivision, recorded in Deed Records of Matagorda County Texas, in Volume 19, page 179 and being more fully described by metes and bounds as follows:

BEGINNING at an iron rod found in the south line of Old Van Vleck Road (60 feet wide), for the northeast corner of said 39.3672 acres, the northwest corner of The First National. Bank "Buck's Bayou" Subdivision, recorded in Volume 1, Page 67, Plat Records of Matagorda County, Texas, the northwest corner of Lot 14, said "Buck's Bayou Subdivision" as conveyed to Daniel and Alice Caballero, and recorded in Volume 476, Page 735 Official Records of Matagorda County, Texas, and the PLACE OF BEGINNING hereof;

THENCE South 18° 08' 09" East and along the said Southwest line of said "Buck's Bayou" Subdivision at 1550 .7 feet pass the South corner of said "Buck's Bayous Subdivision and the northwest corner of a certain 9.56 acre tract to SARAMA INVESTMENTS, LLC, at a total distance of 1590.72 feet to an iron rod for corner in the South line of said LOT 2 of the O'Connell Subdivision and the East corner of this tract;

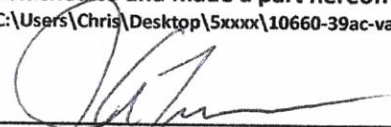
THENCE South 71 ° 50 ' 34 " West along an old fence line in the said South line of Lot 2 of the O'Connell Subdivision, a distance of 280.27 feet to an iron rod set;

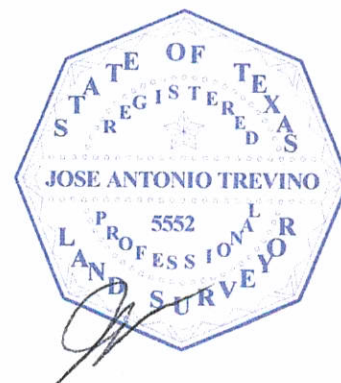
THENCE North 18° 08' 18" West, 1517.76 feet to an iron rod in the said Southeast right-of-way line of the Old Van Vleck Road;

THENCE North 57 ° 15' 11" East along the Southeast right-of-way line of the Old Van Vleck Road, a distance of 289.63 feet to the PLACE OF BEGINNING and containing 10.000 acres of land, more or less .

Note: I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. All iron rods set are ½ inch rebar with survey caps attached. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.

C:\Users\Chris\Desktop\5xxxx\10660-39ac-vanvleck\10660_1AC_MB.docx


Jose Antonio Trevino
Registered Professional Land Surveyor
Texas Registration No. 5552
JANUARY 17, 2013



Attachment: Folse - Petition for Annexation (1965 : Petition for Annexation - Folse)

OLD VAN VLECK ROAD
(60' R.O.W.)
N57°14'35"E 120.00'
N57°16'11"E 122.38'

I. & G. N. RR. COMPANY SURVEY NO.
BLOCK No. 3, ABSTRACT No. 273

MICHELE MIGNON LETULLE MATHEWS
INDIVIDUALLY
7.62 ACRES (CALLED)
VOL. 395, PAGE 797
OFFICIAL RECORDS

BEARING BASIS
S71°50'34"W 1193.7
S71°50'34"W 1194.1

CITY OF BAY CITY
11.624 ACRES (CALLED)
VOL. 243, PG. 213
OFFICIAL RECORDS

WALMART
7.61 ACRES (C)
VOL. 604, PG. 539
OFFICIAL RECORDS

BLANKET PIPELINE EASEMENT
VOL. 199, PG 178 DEED REC
NOTIFIED VOL. 219, PG 588 DEED REC.
SHOWN HEREON BY PIPELINE MARKERS
IN NORTH AND SOUTH FENCES
(NO PROBING OR EXCAVATION TO
LOCATE LINE WAS DONE.)

FIRST NATIONAL BANK'S
BUCKS BAYOU SUBDIVISION
VOL. 1, PAGE 67 PLAT REG.

SARAMA INVESTMENTS, LLC
9.56 ACRES (CALLED)
DOC# 066-710

JOSE ANTONIO TREVINO
Registered Professional Land Surveyor
Texas Registration No. 5552

Packet Pg. 38



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 1966)

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1966

CONSIDER AND/OR APPROVE AN ORDINANCE PROVIDING FOR THE EXTENSION OF THE CITY LIMITS BY THE ANNEXATION OF A TRACT OF LAND TOTALING .92 ACRES, MORE OR LESS, ADJACENT AND CONTIGUOUS TO THE CITY OF BAY CITY LIMIT; GRANTING TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; ESTABLISHING AN EFFECTIVE DATE.

RESULT:	APPROVED [4 TO 0]
MOVER:	Carolyn Thames, Councilwoman
SECONDER:	Julie Estlinbaum, Mayor Pro-Tem
AYES:	Julie Estlinbaum, William Cornman, Steven Johnson, Carolyn Thames
RECUSED:	Chrystal Folse

Ordinance No. _____

ORDINANCE NO. _____

PROVIDING FOR THE EXTENSION OF THE CITY LIMITS BY THE ANNEXATION OF A TRACT OF LAND TOTALING .92 ACRES, MORE OR LESS, ADJACENT AND CONTIGUOUS TO THE CITY OF BAY CITY LIMIT; GRANTING TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; ESTABLISHING AN EFFECTIVE DATE

WHEREAS, a petition, attached hereto as **Exhibit “A”**, has been filed by the property owner of the following described area to wit: Approximately .92 acres of land located East of Bay City, commonly known at 5290 Old Van Vleck Road and that is more precisely described on **Exhibit “B”**; and

WHEREAS, the area is less than one-half mile in width; and

WHEREAS, the area is contiguous to the City of Bay City; and

WHEREAS, the area is currently without residents or which three or less voter reside; and

WHEREAS, after conducting a public hearing, City Council desires to grant the petition,

NOW THEREFORE:

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

SECTION 1. The land and territory that is described in **Exhibit “B”** is hereby added and annexed to the City of Bay City, Texas, and said territory as described shall hereafter be included within the boundary limits of said city, and the present boundary limits of said city are altered and amended so as to include said area within the corporate limits of the City of Bay City, Texas.

SECTION 2. The land and territory so described and so amended shall be part of the City of Bay City, Texas and the property so added shall bear its share of the taxes levied by the City of Bay City, Texas and the future inhabitants thereof shall be entitled to all the rights and the privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Bay City, Texas.

SECTION 3. This ordinance shall be effective immediately from and after passage.

Attachment: ORDINANCE NO. - Folse Annexation (1966 : Annexation - Folse)

Ordinance No. _____

PASSED AND APPROVED this _____ day of _____, 2015._____
Mark A. Bricker, Mayor

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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

Attachment: ORDINANCE NO. - Folse Annexation (1966 : Annexation - Folse)

Ordinance No. _____

<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:

George Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

Attachment: ORDINANCE NO. - Folse Annexation (1966 : Annexation - Folse)

AFFIDAVIT

4.6.b

THE STATE OF TEXAS
COUNTY OF MATAGORDA
CITY OF BAY CITY

Agenda Item No. _____
Agenda of: August 13, 2015

I, Crystal Folsie, as a member of the City Council of the City of Bay City make this affidavit and hereby on oath state the following:

Section one. I have a substantial interest in Real Property as defined in Chapter 171, Texas Local Government Code, which is an equitable or legal ownership interest in the Real Property that has a fair market value of \$2500.00 or more, and which is located at: 5990 Old Van Vleet Road, Bay City, Matagorda County, Texas.

Section two. The City Council is to consider and take action on the annexation of the Real Property at its regularly scheduled public meeting on August 23, 2015.

Section three. Due to the possibility that action on the annexation may be reasonably foreseeable to have a special economic effect on my Real Property I am filing this affidavit and abstaining from voting or further participation on any action involving the annexation of said property.

Upon filing of this affidavit with the City Secretary, I affirm that I will abstain from voting on any decision involving the annexation of the Real Property identified in section one herein and from any further participation on the matter whatsoever.

Signed this 29th day of July, 2015.

Crystal Folsie
Signature of Official

City Council Pos. 3

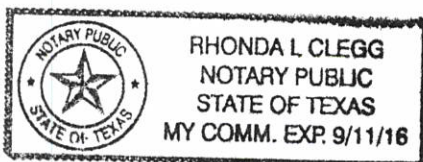
Title

STATE OF TEXAS

COUNTY OF MATAGORDA

BEFORE ME, the undersigned authority, this day personally appeared Crystal Folsie and on oath stated that the facts herein above stated are true to the best of my knowledge or belief.

SWORN TO SUBSCRIBED BEFORE ME ON THIS 29th **DAY OF** July, 2015.



Rhonda Clegg
Notary Public in and for the State of Texas
My commission expires: 9/11/2016

Attachment: ORDINANCE NO. - Folsie Annexation Affidavit (1966 : Annexation - Folsie)

EXHIBIT A
METES AND BOUNDS DESCRIPTION
FOR ANNEXATION
OF 0.92 ACRES IN
MATAGORDA COUNTY, TEXAS

BEING 0.92 acres of land out of all that certain called 10.000 acres of land out of Survey No. 5, Block No. 3, and I. & G. N. RR. Company Survey and being that same tract of land to James and Chrystal Folse by deed recorded in Clerks File No. 2013-307 Official Records of Matagorda County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at an iron rod found in the south line of Old Van Vleck Road (60 feet wide), for the northeast corner of said 10.000 acres, the northwest corner of The First National Bank "Buck's Bayou" Subdivision, recorded in Volume 1, Page 67, Plat Records of Matagorda County, Texas, the northwest corner of Lot 14, said "Buck's Bayou Subdivision" as conveyed to Daniel and Alice Caballero, and recorded in Volume 476, Page 735 Official Records of Matagorda County, Texas, and the PLACE OF BEGINNING hereof;

THENCE South 18° 08' 18" East and along the said Southwest line of said "Buck's Bayou" Subdivision a distance of 206.68 feet to point for the southeast corner hereof;

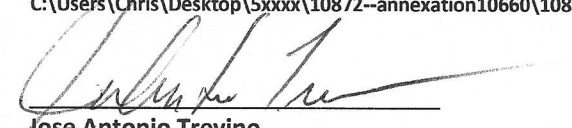
THENCE South 57° 15' 11" West a distance of 200.20 feet, crossing said 10.00 acres with a line 200 feet from and parallel to Old Van Vleck Road to a point in the east line of Modesto Oros. and wife Ruby Oros remainder of 39.3675 acres (called) VOL. 419, PAGE 390 and the southwest corner hereof;

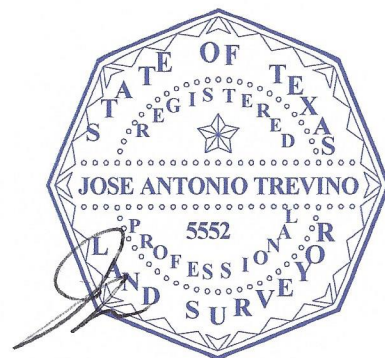
THENCE with said east Oros line, North 18° 08' 18" West, 206.73 feet to an iron rod in the said Southeast right-of-way line of the Old Van Vleck Road;

THENCE North 57° 15' 11" East along the Southeast right-of-way line of the Old Van Vleck Road, a distance of 200.00 feet to the PLACE OF BEGINNING and containing 0.92 acres of land, more or less.

Note: I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. All iron rods set are ½ inch rebar with survey caps attached. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.

C:\Users\Chris\Desktop\5xxxx\10872--annexation10660\10872_1.0AC_MB.docx


Jose Antonio Trevino
Registered Professional Land Surveyor
Texas Registration No. 5552
July 31, 2015



Attachment: Folse - Exhibit A (1966 : Annexation - Folse)

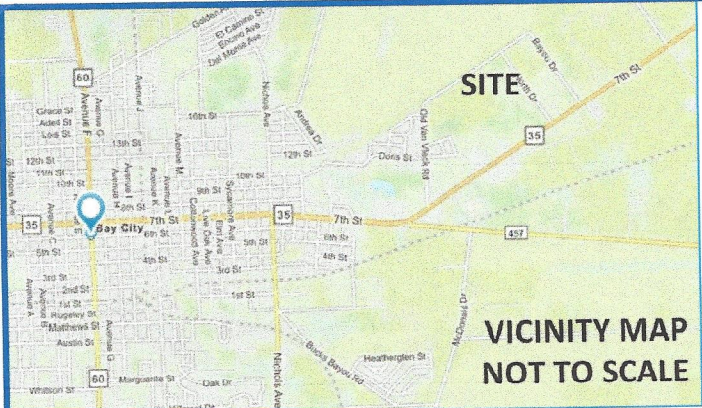


EXHIBIT FOR PROPOSED ANNEXATION

EXHIBIT A
METES AND BOUNDS DESCRIPTION
OF 1.338 ACRES IN
MATAGORDA COUNTY, TEXAS

BEING 1.338 acres of land out of all that certain called 10.000 acres of land out of Survey No. 5, Block No. 3, and I. & G. N. RR. Company Survey and being that same tract of land to James and Chrystal Folsie by deed recorded in Clerks File No. 2013-307 Official Records of Matagorda County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at an iron rod found in the south line of Old Van Vleck Road (60 feet wide), for the northeast corner of said 10.000 acres, the northwest corner of The First National Bank "Buck's Bayou" Subdivision, recorded in Volume 1, Page 67, Plat Records of Matagorda County, Texas, the northwest corner of Lot 14, said "Buck's Bayou Subdivision" as conveyed to Daniel and Alice Caballero, and recorded in Volume 476, Page 735 Official Records of Matagorda County, Texas, and the PLACE OF BEGINNING hereof;

THENCE South 18° 08' 18" East and along the said Southwest line of said "Buck's Bayou" Subdivision a distance of 206.68 feet to point for the southeast corner hereof;

THENCE South 57° 15' 11" West a distance of 200.20 feet, crossing said 10.00 acres with a line 200 feet from and parallel to Old Van Vleck Road to a point in the east line of Modesto Oros, and wife Ruby Oros remainder of 39.3675 acres (called) VOL. 419, PAGE 390 and the southwest corner hereof;

THENCE with said east Oros line, North 18° 08' 18" West, 206.73 feet to an iron rod in the said Southeast right-of-way line of the Old Van Vleck Road;

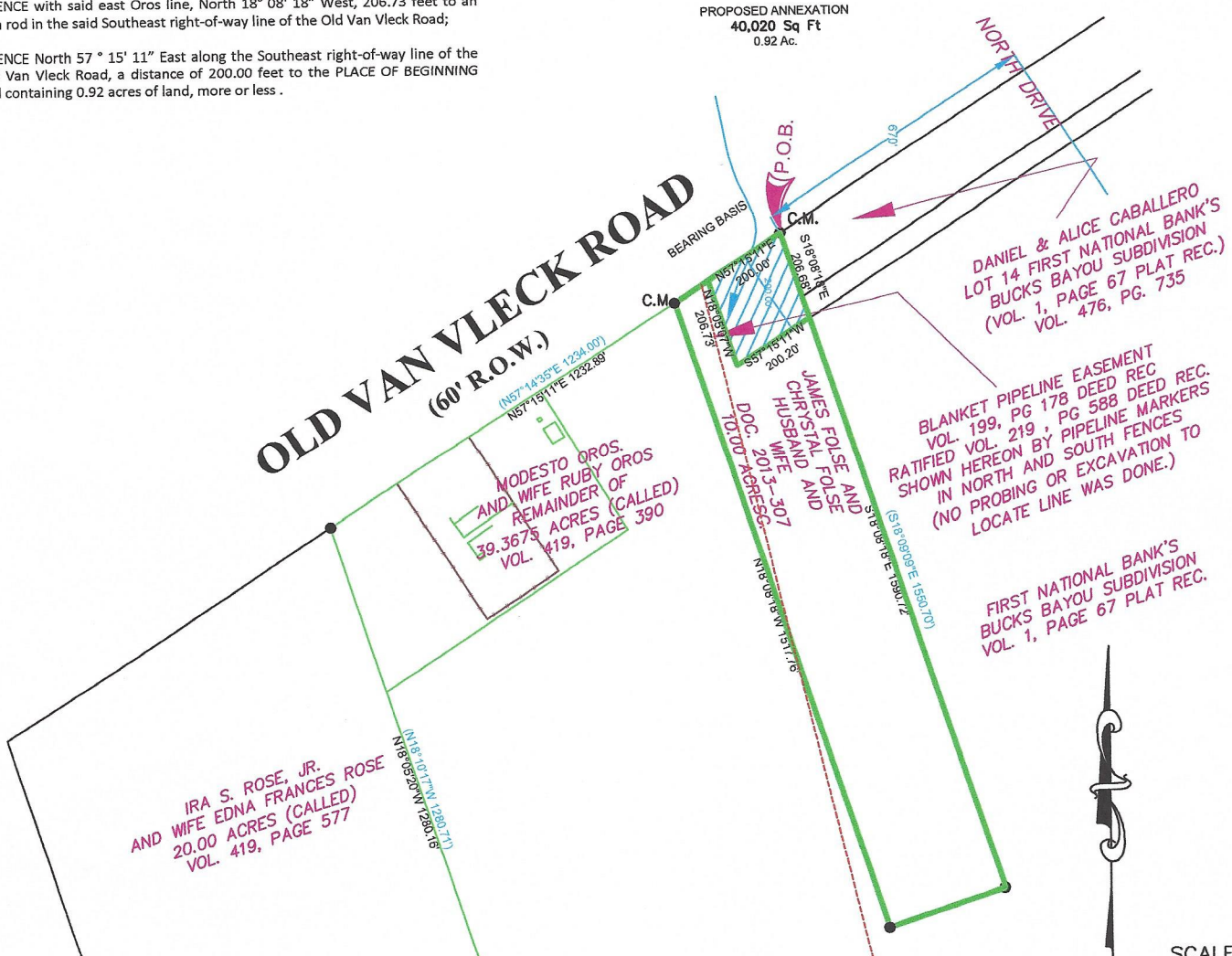
THENCE North 57° 15' 11" East along the Southeast right-of-way line of the Old Van Vleck Road, a distance of 200.00 feet to the PLACE OF BEGINNING and containing 0.92 acres of land, more or less.

NOTE:
THIS LOT IS SUBJECT TO BLANKET TYPE (pipeline)
EASEMENT RECORDED IN VOLUME 199, PAGE 178
DEED RECORDS AS RATIFIED BY VOLUME 218,
VOLUME 588, MATAGORDA COUNTY, TEXAS.

LEGEND

- = SET 1/2" IRON ROD
- = FND 1/2 IRON ROD
- ⊙ = FND IRON ROD IN CONC
- () = RECORD INFORMATION
- B.S. = BUILDING SETBACK
- C.M. = CONTROLLING MONUMENT
- ⊕ = POWER POLE
- = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- OVERHEAD ELECTRIC

PROPOSED ANNEXATION
40,020 Sq Ft
0.92 Ac.



IRA S. ROSE, JR.
AND WIFE EDNA FRANCES ROSE
20.00 ACRES (CALLED)
VOL. 419, PAGE 577

MODESTO OROS
AND WIFE RUBY OROS
REMAINDER OF
39.3675 ACRES (CALLED)
VOL. 419, PAGE 390

DANIEL & ALICE CABALLERO
LOT 14 FIRST NATIONAL BANK'S
BUCKS BAYOU SUBDIVISION
(VOL. 1, PAGE 67 PLAT REC.)
VOL. 476, PG. 735

BLANKET PIPELINE EASEMENT
VOL. 199, PG 178 DEED REC.
RATIFIED VOL. 219, PG 588 DEED REC.
SHOWN HEREON BY PIPELINE MARKERS
IN NORTH AND SOUTH FENCES
(NO PROBING OR EXCAVATION TO
LOCATE LINE WAS DONE.)

FIRST NATIONAL BANK'S
BUCKS BAYOU SUBDIVISION
VOL. 1, PAGE 67 PLAT REC.

Property Address:
OLD VAN VLECK ROAD
BAY CITY, TX. 77414

Property Description:

BEING 1.338 acres of land out of all that certain called 10.000 acres of land out of Survey No. 5, Block No. 3, and I. & G. N. RR. Company Survey and being that same tract of land to James and Chrystal Folsie by deed recorded in Clerks File No. 2013-307 Official Records of Matagorda County, Texas and being more fully described by metes and bounds attached hereto and made a part hereof.

Vested Parties
James & Chrystal Folsie

J. TREVINO SURVEYOR
241 J.E. Brown Lane
Jarrell, Tx. 76537
PH: (210)657-2189

CERTIFIED TO:
VESTED PARTIES: JAMES FOLSE AND
CHRISTAL FOLSE

I, JOSE ANTONIO TREVINO, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.



JOSE ANTONIO TREVINO
Registered Professional Land Surveyor
Texas Registration No. 5552

DATE: July 31, 2015 job no 10872



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1957)

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1957

**CONSIDER AND/OR APPROVE A LICENSE AGREEMENT
BETWEEN THE CITY OF BAY CITY AND JOHNNIE
MONTALBO FOR THE COMMUNITY PARK CENTER
LOCATED AT 2908 RUGELEY.**

HISTORY:

07/23/15 City Council

TABLED

Next: 08/13/15

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Steven Johnson, Councilman
SECONDER:	Chrystal Folse, Councilwoman
AYES:	Estlinbaum, Cornman, Folse, Johnson, Thames

COMMUNITY PARK CENTER LICENSE AGREEMENT

STATE OF TEXAS §
 §
 COUNTY OF MATAGORDA §

This License Agreement ("**Agreement**") is made the date set forth below by and between the CITY OF BAY CITY, TEXAS, a home-rule city located in Matagorda County, Texas, (the "CITY") and JONNIE MONTALBO ("MONTALBO"), an individual.

RECITALS:

WHEREAS, MONTALBO, provides substance abuse prevention, education, intervention, and treatment programs and activities in the City of Bay City area; and

WHEREAS, The CITY recognizes that these services provide a significant benefit to the residents of the community, regardless of their financial situation, by providing prevention and intervention services to those at risk of developing lifelong addictions or struggling to overcome them; and

WHEREAS, The CITY is desirous of ensuring that substance abuse prevention and education programs continue to be available to the local community; and

WHEREAS, The CITY owns a building located at 2908 Rugeley, Bay City, Texas, 77414, which is referred to as the Community Park Center; and

WHEREAS, The CITY believes that allowing MONTALBO to utilize the Community Park Center constitutes a public benefit;

WHEREAS; MONTALBO acknowledges and agrees that the CITY has exclusive jurisdiction and control of the Community Park Center; and

WHEREAS; MONTALBO has requested that the CITY grant her a license to occupy and maintain the Community Park Center, more particularly described on **Exhibit A** (the "**Licensed Property**") for the operation of its substance abuse prevention, education, intervention, and treatment programs and activities; and

NOW, THEREFORE, in consideration of the premises; in furtherance of the mutual benefits to be derived by the general public and the clients of MONTALBO; and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the CITY and MONTALBO agree as follows:

1. RECITALS ADOPTED

The recitals set out above in this instrument are hereby adopted in whole as each were set out herein.

1.1. **License granted subject to CITY approval.** Subject to the review and approval requirements set out in Section 1.2, immediately below, the CITY grants MONTALBO the specific license, permission, authorization and right, at the sole cost and expense of MONTALBO, to occupy, operate, and maintain the Community Park Center

1.2 **Review and approval.** MONTALBO is not authorized to, and shall not, modify, change, or alter the Licensed Property, for any purpose under this Agreement, without submitting all plans to the CITY and obtaining approval of said plans. The plans shall be submitted to the CITY in such form as required by the CITY to assure that proposed modifications comply with CITY'S ordinances and will not pose a threat to either public safety.

1.3 **Term.** The license granted hereby shall be for a term of 1 year beginning on the effective date of this Agreement unless terminated by CITY pursuant to the terms hereof.

1.4 **Fee.** One Dollar (\$1.00) per year, commencing on _____ 2015.

1.5 **Operation.** MONTALBO shall only use the Licensed Property to operate substance abuse prevention, education, intervention, and treatment programs and activities.

1.6 **Licenses and Safety.** MONTALBO shall comply with all regulations of the Texas Health and Safety Code. MONTALBO shall enact, maintain, and enforce all safety measures necessary to protect the health and welfare of its clients.

1.7 **Maintenance and Repair.** MONTALBO shall be solely responsible for all operation and maintenance fees and expenses associated with the Licensed Property, including all utilities fees and charges. MONTALBO shall repair, replace, and maintain the Licensed Property, normal wear excepted.

1.8 **City Superior Interest.** MONTALBO acknowledges that this license is personal in nature, and therefore, is revocable by CITY and CITY does not purport to convey any real property interest in any of the License Property. City reserves the right to enter into the Licensed Property to assert its superior fee simple rights, for emergency purposes. In that regard, the Parties agree as follows:

NOTWITHSTANDING ANY PROVISIONS IN THIS AGREEMENT TO THE CONTRARY, THE CITY RETAINS THE ABSOLUTE RIGHT TO ENTER UPON THE LICENSED PROPERTY, AT ANY TIME AFTER NOTICE OR IN CASE OF EMERGENCY, ASSUMING NO OBLIGATION TO MONTALBO, TO INSPECT THE LICENSED PROPERTY OR TO INSPECT MODIFICATIONS THAT FAIL TO COMPLY WITH THE PLANS APPROVED BY THE CITY AND ARE NOT BROUGHT INTO COMPLIANCE BY MONTALBO WITHIN A REASONABLE TIME AFTER WRITTEN NOTICE OF SUCH FAILURE, WHENEVER SUCH INSPECTION IS DEEMED NECESSARY FOR: (A) EXERCISING THE CITY'S RIGHTS OR DUTIES WITH RESPECT TO THE LICENSED PROPERTY; (B) PROTECTING PERSONS OR PROPERTY; OR (C) PROTECTING THE PUBLIC HEALTH OR SAFETY WITH

RESPECT TO THE LICENSED PROPERTY, MONTALBO SHALL REIMBURSE ALL COSTS INCURRED BY THE CITY IN THE CITY'S ENFORCEMENT OF THIS SECTION. SHOULD THE CITY INVOKE THE REMEDIES PROVIDED IN THIS SECTION THE CITY MAY IMMEDIATELY TERMINATE THIS AGREEMENT UPON A DETERMINATION, IN THE CITY'S SOLE DISCRETION, THAT THE PREMISES CONSTITUTE A DANGER TO THE PUBLIC WHICH CANNOT TO BE REMEDIED BY ALTERATION OR MAINTENANCE THEREOF.

1.9 No Warranty or Representations. The license and permission granted to MONTALBO, pursuant to this Agreement, is limited to those CITY rights in, and control of the Licensed Premises. No warranty of any nature or kind is given with the consent given by CITY herein. MONTALBO agrees that no representations, respecting the conditions of the Licensed Property, and no promises to decorate, alter, repair, or improved the Licensed Property, either before or after the execution hereof, have been made by CITY or its agents to MONTALBO, unless the same contained herein or made a part hereof by specific reference herein.

2. INSURANCE

2.1 Prior to the effective date of this Agreement, MONTALBO shall furnish copies of all required endorsements and an original completed Certificate(s) of Insurance to the CITY's City Manager, which shall be clearly labeled with the legal name of the Community Park Center project in the Description of Operations block of the Certificate. The original Certificate(s) shall be completed by an agent and signed by a person authorized by that insurer to bind coverage on its behalf. The CITY will not accept Memorandum of Insurance or Binders as proof of insurance. The original certificate(s) or form must have the agent's original signature, including the signer's company affiliation, title and phone number, and be mailed, with copies of all applicable endorsements, directly from the insurer's authorized representative to the CITY. The CITY shall have no duty to perform under this Agreement until such certificate and endorsements have been received and approved by the CITY's City Manager. No officer or employee, other than the CITY's City Manager, shall have authority to waive this requirement.

2.2 The CITY reserves the right to review the insurance requirements of this Article during the effective period of this Agreement and any extension or renewal hereof and to modify insurance coverages and their limits when deemed necessary and prudent by CITY's City Manager based upon changes in statutory law, court decisions, or circumstances surrounding this Agreement. In no instance will the CITY allow modification whereupon CITY may incur increased risk.

2.3 A licensee's financial integrity is of interest to the CITY; therefore, subject to MONTALBO'S right to maintain reasonable deductibles in such amounts as are approved by the CITY, MONTALBO shall obtain and maintain in full force and effect for the duration of this Agreement, and any extension hereof, at MONTALBO's sole expense, insurance coverage written on an occurrence basis, by companies authorized and admitted to do business in the State of Texas and with an A.M. Best's rating of no less than B+ (V), in the following

types and for an amount not less than the amount listed:

TYPE	AMOUNTS
1. Workers' Compensation	Statutory
2. Employers' Liability	\$1,000,000 / \$1,000,000 / \$1,000,000
3. Commercial General Liability Insurance to include coverage for the following: a. Premises operations *b. Independent Contractors c. Products/completed operations d. Personal Injury e. Contractual Liability *f. Environmental Impairment/ Impact – sufficiently broad to cover disposal liability. *g. Broad form property damage, to include fire legal liability	For Bodily Injury and Property Damage of \$1,000,000 per occurrence \$2,000,000 General Aggregate, or its equivalent in Umbrella or Excess Liability Coverage
4. Business Automobile Liability a. Owned/leased vehicle b. Non-owned vehicle c. Hired Vehicles	Combined Single Limit for Bodily Injury and Property Damage of \$1,000,000 per occurrence

* May be waived by City Manager if not applicable to activities performed by MONTALBO.

2.4 The CITY shall be entitled, upon request and without expense, to receive copies of the policies, declaration page and all endorsements thereto as they apply to the limits required by the CITY, and may reasonably require the deletion, revision, or modification of particular policy terms, conditions, limitations or exclusions (except where policy provisions are established by law or regulation binding upon either of the parties hereto or the underwriter of any such policies). MONTALBO shall be required to comply with any such requests and shall submit a copy of the replacement certificate of insurance to CITY at the address provided below within 10 days of the requested change. MONTALBO shall pay any costs incurred resulting from said changes.

City of Bay City
Attn. City Manager
1901 Fifth Street
Bay City, Texas 77414

2.5 MONTALBO agrees that with respect to the above required insurance, all insurance policies are to contain or be endorsed to contain the following provisions:

- Name the CITY, its officers, officials, employees, volunteers, and elected representatives as *additional insured's* by endorsement, as respects operations and activities of, or on behalf of, the named insured performed under contract with the CITY, with the exception of the workers' compensation and professional liability policies;

- Provide for an endorsement that the “other insurance” clause shall not apply to the City of Bay City where the CITY is an additional insured shown on the policy;
- Workers’ compensation and employers’ liability policies will provide a waiver of subrogation in favor of the CITY.
- Provide thirty (30) calendar days advance written notice directly to CITY of any suspension, cancellation, non-renewal or material change in coverage, and not less than ten (10) calendar days advance notice for nonpayment of premium.

2.6 Within five (5) calendar days of a suspension, cancellation or non-renewal of coverage, MONTALBO shall provide a replacement Certificate of Insurance and applicable endorsements to CITY. CITY shall have the option to suspend MONTALBO’s authorization under this agreement should there be a lapse in coverage at any time during this Agreement. Failure to provide and to maintain the required insurance shall constitute a material breach of this Agreement.

2.7 Nothing herein contained shall be construed as limiting in any way the extent to which MONTALBO may be held responsible for payments of damages to persons or property resulting from MONTALBO’s or its subcontractors’ performance under the terms of this Agreement.

2.8 It is agreed that MONTALBO’s insurance shall be deemed primary and non-contributory with respect to any insurance or self-insurance carried by the City of Bay City for liability arising out of operations under this Agreement.

2.9 It is understood and agreed that the insurance required is in addition to and separate from any other obligation contained in this Agreement.

3. INDEMNIFICATION

3.1 MONTALBO COVENANTS AND AGREES TO FULLY INDEMNIFY AND HOLD HARMLESS CITY, AND ITS ELECTED OFFICIALS, EMPLOYEES, OFFICERS, DIRECTORS, AND REPRESENTATIVES OF CITY, INDIVIDUALLY OR COLLECTIVELY, FROM AND AGAINST ANY AND ALL COSTS, CLAIMS, LIENS, DAMAGES, LOSSES, EXPENSES, FEES, FINES, PENALTIES, PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY AND SUITS OF ANY KIND AND NATURE, INCLUDING BUT NOT LIMITED TO, BODILY INJURY OR DEATH AND PROPERTY DAMAGE, MADE UPON CITY, DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM OR RELATED TO MONTALBO’S ACTIVITIES UNDER THIS AGREEMENT, INCLUDING ANY ACTS OR OMISSIONS OF MONTALBO, ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, CONSULTANT OR SUBASSOCIATION OF ASSOCIATION, AND THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS AND REPRESENTATIVES WHILE IN THE EXERCISE OR PERFORMANCE OF THE RIGHTS OR DUTIES UNDER THIS AGREEMENT, ALL WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY

AVAILABLE TO CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW. THE PROVISIONS OF THIS INDEMNIFICATION ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. MONTALBO SHALL PROMPTLY ADVISE CITY IN WRITING OF ANY CLAIM OR DEMAND AGAINST THE CITY OR MONTALBO KNOWN TO MONTALBO RELATED TO OR ARISING OUT OF MONTALBO'S ACTIVITIES UNDER THIS AGREEMENT AND SHALL SEE TO THE INVESTIGATION AND DEFENSE OF SUCH CLAIM OR DEMAND AT MONTALBO'S COST. CITY SHALL HAVE THE RIGHT, AT ITS OPTION AND AT ITS OWN EXPENSE, TO PARTICIPATE IN SUCH DEFENSE WITHOUT RELIEVING MONTALBO OF ANY OF ITS OBLIGATIONS UNDER THIS PARAGRAPH.

4. TERMINATION

4.1 **Termination by CITY.** This Agreement may be revoked at any time by the CITY, after providing at least 30 days prior written notice to MONTALBO for any of the following reasons:

- (a) MONTALBO fails to comply with the terms and conditions of this Agreement, including but not limited to, the insurance requirements specified herein, and such failure continues uncured for a period of 30 days following notice (or such longer period of time as is reasonably necessary to promptly commence and diligently cure the same).
- (b) MONTALBO fails to form a I.R.C. 501(c) (3) non-profit organization to which to assign this Agreement and fulfill the obligations contained herein. If such an organization is formed, MONTALBO shall provide CITY notice of its formation and assignment of this Agreement in writing.
- (c) In the event CITY terminates this Agreement, MONTALBO shall have 14 days after the termination of this Agreement to remove her property from the Licensed Property.

5. ASSIGNMENT

5.1 Except as to a I.R.C. 501(c)(3) non-profit organization created by MONTALBO, MONTALBO shall not assign, sublet, or transfer its interest in this Agreement without the prior written consent of the CITY, which may be withheld for any reason. If such consent is granted, it shall then be the duty of MONTALBO, her successors and assigns, to give prompt written notice to the CITY of any assignment or transfer of any of the MONTALBO's rights in this Agreement.

6. MISCELLANEOUS PROVISIONS

6.1 **Laws Observance.** MONTALBO shall not do, nor suffer to be done, anything on the Licensed Property, during the term of this Agreement, in violation of the laws of the

United States, the State of Texas, or any of the ordinances of CITY.

6.2 **Attorney's fees.** If either party is required to file suit to collect any amount owed under this Agreement for the use of the Licensed Property, the prevailing party shall be entitled to seek reasonable attorney's fees.

6.3 **No Waiver.** No waiver by CITY of any default or breach of any covenant, condition, or stipulation herein contained shall be treated as a waiver of any subsequent default or breach of the same or any other covenant, condition, or stipulation hereof.

6.4 **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained herein.

6.5 **Notice.** Any notices required or appropriate under this Agreement shall be given in writing to MONTALBO at the address shown below, and to CITY, City of Bay City; Attn. City Manager, 1901 Fifth Street, Bay City, TX 77414.

6.6 **Headings.** The paragraph headings contained herein are for convenience of reference and are not intended to define, extend, or limit any provisions of this Agreement.

6.7 **Jurisdiction and Venue.** This Agreement will be interpreted according to the Constitution and laws of the State of Texas. Venue of any court action brought directly or indirectly by reason of this Agreement shall be in Matagorda County, Texas. This Agreement is made and is to be performed in Matagorda County, Texas, and is governed by the laws of the State of Texas.

6.8 **Authorized Agent.** The signer of this Agreement for MONTALBO hereby represents that he or she has full authority to execute this Agreement on behalf of MONTALBO.

6.9 **Entire Agreement.** This Agreement and addendum contain the final and entire agreement between the parties hereto and contains all of the terms and conditions agreed upon, and supersedes all other agreements, oral or otherwise, regarding the subject matter of this Agreement, none of which shall hereafter be deemed to exist or to bind the parties hereto; it being the intent of the parties that neither shall be bound by any term, condition, or representation not herein written.

6.10 **Modification.** No change or modification shall be made effective unless in writing and signed by an authorized representative of each party.

Signature page to follow

EXECUTED effective as of this ____ day of _____ 2015.

CITY OF BAY CITY, TEXAS,
a Texas home-rule municipality

By: _____
Mark Bricker, Mayor

JONNIE MONTALBO:

By: _____
Name: Jonnie Montalbo
2900 Live Oak
Bay City, Texas 77414

DRAFT

STATE OF TEXAS §
 §
 COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ____ day of _____ 2015,
 by _____ as _____ of THE CITY OF BAY CITY,
 TEXAS, a home rule city, on behalf of said city.

 Notary Public, State of Texas

STATE OF TEXAS §
 §
 COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ____ day of _____ 2015,
 by Jonnie Montalbo.

 Notary Public, State of Texas

AFTER RECORDING, PLEASE RETURN TO:

City of Bay City
 Attn. City Manager
 1901 Fifth Street
 Bay City, Texas 77414

EXHIBIT A
Licensed Property

DRAFT



City Council
1901 5Th Street
Bay City, TX 77414

TABLED

Meeting: 08/13/15 07:00 PM
Department: Mayor's Office
Category: Agreement
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1975

AGENDA ITEM (ID # 1975)

**CONSIDER AND/OR APPROVE GIVING GUIDANCE TO STAFF
TO PURCHASE BUILDING FOR CULTURAL ARTS CENTER.**

RESULT: TABLED

Next: 8/27/2015 6:00 PM



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/13/15 07:00 PM
Department: Mayor's Office
Category: Policy
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1972

DISCUSSION ITEM (ID # 1972)

**DISCUSS AMENDING CITY OF BAY CITY CHAPTER 14 -
ANIMALS OF CITY OF BAY CITY'S CODE OF ORDINANCES
AND DIRECT CITY STAFF AND CITY ATTORNEY AS
NECESSARY**

Bay City Ordinance Sec 14-8

Sec. 14-8 - Vicious animal.

a) A vicious animal is:

1. Any animal that has, on one previous occasion without provocation, attacked or bitten any person or other animal;
2. Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack such that the person reasonably believes that the animal will cause physical injury to that person;
3. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of persons or otherwise domestic animals; or
4. Any animal which a city-designated veterinarian has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

(b) Any vicious animal found running at large may be destroyed by a peace officer or animal warden in the interest of public safety.

(c) The municipal court, after a notice and hearing, may order any owner or person having care, control or custody of any vicious animal to take such animal permanently from the city, or the court may, upon making a finding that such animal is vicious or that it represents a clear and present danger or nuisance to the citizens or other animals in the community, order the animal to be euthanized (killed) in a humane manner. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated.

(d) If the owner or person having care, custody or control of a vicious animal fails to remove such animal as provided for in subsections (b) and (c) of this section, such animal may be impounded and/or destroyed.

(e) The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of such animal to the chief of police in writing, within ten days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.

(f) The chief of police or his deputy shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being vicious has not been so removed.

Add:

1. If a report is made regarding an animal being accused of a vicious act the animal may be Seized and held at the animal impound pending vicious animal hearing.

2. After hearing owner will be responsible for any fees or cost of caring for the animal while waiting for final judgment. This will also include: Euthanasia by impound, or other expenses other than daily impound fees, any veterinarian fee, or vaccinations.

* Not having #1 or #2 in our ordinance we were not able to get reimbursed for impound fees in the past.

Penalty.

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor punishable by a fine of not less than \$100.00, nor more than \$2,000.00. Each day that a violation occurs shall constitute a separate offense.

Add to Bay City Ordinance 14-6 Nuisances

Gonzales:

Sec. 2.109 Restraint; Nuisances; Animal Bites

- a) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner to help prevent a female dog or cat to come into contact with another animal of the same type but of opposite sex except for planned breeding.

1. We often get calls regarding 3-5 dogs running at large together. When we locate them we find one female and 2-4 male dogs following her. Catching the dogs is challenging, the male dogs protect the female, and the male dogs have a one track mind. This addition to the ordinance would help in dogs running at large. A male dog can smell a female in heat for up to 5 miles away.

2. A female cat can give birth to two litters a year, and there female kittens can have a litter before they are a year old.

3. This will help with over population of dogs or cats and unwanted puppies or kittens we get in the animal impound.

Lake Jackson Sec 10-135**Animal waste removal**

- a) It shall be unlawful for any person not to immediately remove and dispose of, in a sanitary manner, feces left by a dog being handled by that person on property, public or private, other than the premises of the owner or handler of such dog.
 - b) It shall be unlawful for any person to walk a dog on public property or the private property of someone other than the owner or handler of such dog without having in their possession a container or other instrument suitable for the removal and disposal of the dog's feces in a sanitary manner.
 - c) This section shall not, however apply to handicapped persons using guide dogs or to peace officers while using animals in the discharge of emergency law enforcement activities
-
1. We receive many complaints regarding people walking their dogs and allowing them to defecate on their property without the dog owner removing the feces. The only violation we have is littering.
 2. Like to also see this to include all of our city parks.

Lake Jackson

Sec. 10-86. - Selling of animals.

- a) It shall be unlawful for any person to sell, trade, barter, lease, rent, or give away, any animal on any roadside, public right-of-way, commercial parking lot, or at any, flea market or festival.
- b) It shall be unlawful for any person to display for a commercial purpose any animal on any roadside, public right-of-way, commercial parking lot, or at any garage sale, flea market or festival.
- c) This section shall not apply to any non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

1. On any weekend you can drive up Wal-Mart no matter what the weather, extreme hot or cold and find a vehicle backed up to 7th Street selling or giving away animals. 9 out of 10 intentional breed animals end up in an animal impound.

The reasons animals coming into impound:

- 1. Can no longer keep them
- 2. I'm moving and can't take animal with me
- 3. Picked up stray and owner does not reclaim

Lake Jackson

Sec. 10-81. - Animal care; cruelty.

- a) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper protection from the weather, **shade, shelter**, veterinary care, when needed to prevent suffering, and with humane care and treatment.
- b) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse an animal, including a wild animal, or cause, instigate or permit any combat between animals and humans or another animal
- c) No owner of an animal shall abandon such animal.
- d) If an animal is found in an enclosed vehicle without adequate ventilation and is in distress, an animal control officer, police officer, or personnel of the fire department may use reasonable force to remove the animal from the vehicle and the owner of the animal shall be subject to fine. Neither the city nor any of its employees will be held responsible for any damage done to the vehicle during the attempt to remove the animal from the vehicle.
- e) **(add) No owner of animals shall place animals at vacant house or on vacant lot/field. If animals are found at vacant house or lot/field animals may be picked up and placed at animal impound for a 72 hour hold.**

1. With the extreme heat in our city, several times animals are found with no shade to be able to get out of the direct sun light.

2. (c) Place at vacant house or vacant fields. Worked several cases this past year where owners were not checking on the animals daily due to them being placed on vacant lots or houses. Animals have died and/or have not been given adequate care like food, water, shelter, or shade. Animal owners living in an apartment complex could not have animals inside the apartment, so they placed animals at a vacant house or lot without owner's permission.

3. This is to help with cases that do not have quite enough to file Cruelty to Animal charges / or another step to keep from filing Cruelty to Animals charges, but show some type of enforcement.

Lake Jackson Sec. 10-82.1**Feeding of stray animals prohibited.**

- a) It shall be unlawful for any person knowingly to cause or permit the maintenance of an attractive environment for any dog, cat or other animal, by the placement of food or other means, when the animal is not confined inside a fenced or otherwise restrictive area.
- b) It is a defense to prosecution under this section that the person placed the food or other attractive environment solely for the purpose of apprehending an animal for surrender to a humane organization or to the animal control officer.

1. Attempt to keep citizens from feeding animals not belonging to them, then calling and complaining about all the animals around the house.
2. Citizens are also known to create cat colonies throughout town and city parks.
3. Citizens are also known to stop and dump large amount of food along roadways, BCISD property, and city parks.
4. Citizen knowing that animals are being fed at these locations will dump their unwanted cats and kittens.

Lake Jackson Sec. 10-81.1**Tying and staking.**

- (a) It shall be unlawful to tie or stake any animal unless:
1. The tying or staking is accomplished by providing an overhead cable onto which is attached a lead or leash that allows the animal to be free to travel unrestricted between the extreme terminations of the overhead cable and the lead or leash is of sufficient length to allow the animal to move about laterally from the overhead cable without the possibility of strangulation but not so long to allow it to wrap around or become entangled on any obstacles that may restrict the movement of the animal; or
 2. The at-grade tying and staking systems include posts or rod stakes with three hundred sixty-degree swivels to which the lead is attached and cable hoop and lead wherein the lead is free to slide three hundred sixty (360) degrees around the cable hoop which is placed around a tree or fixed post and without the possibility of strangulation but not so long to allow it to wrap around or become entangled on any obstacles that may restrict the movement of the animal.
- b) Within the range of travel of the lead or leash, the animal shall be provided ready access to water, food, shade and shelter
1. Many times animals are found tangled up with the chain, and not able to reach water, food, shade, or shelter. It has also caused injury and death to some animals.



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 1952)

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1952

CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING THE CURRENT NEW HOME CONSTRUCTION INCENTIVE PROGRAM.

HISTORY:

07/23/15 City Council

TABLED

Next: 08/13/15

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 22 (ENTITLED “BUILDINGS AND BUILDING REGULATION”), ARTICLE I (ENTITLED “IN GENERAL”) BY AMENDING SECTION 22-2 (ENTITLED “NEW HOME CONSTRUCTION PROGRAM ESTABLISHED”); PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bay City is a home rule City acting under its home rule Charter and the laws of the State of Texas; and

WHEREAS, the City Council finds that it is beneficial and in the best interest to the City to provide an incentive for the construction of new homes within the city limits; and

WHEREAS, the City Council finds that financial benefits for the voluntary construction of new homes in compliance with this ordinance is in the best interest of the City to promote new development and encourage appropriate housing development; and

WHEREAS, the City Council finds that incentives for the construction of quality homes in the community encourages construction that strengthens the local tax base and promotes the health, safety and general welfare of the City; and

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

Section one. Findings. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

Section two. Amendments. The Code of Ordinances, Chapter 22 (entitled “Building and Building Regulations”), Article I (entitled “In General”), Section 22-2 (entitled “New Home Construction Program Established”) is hereby amended as set forth in Exhibit "A" attached hereto and incorporated for all purposes herein.

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

Section four. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality

shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section five. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on this _____ day of _____, 2015.

Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary
City of Bay City

George Hyde, City Attorney
City of Bay City

EXHIBIT "A"



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 1961)

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1961

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING CHAPTER 98 OF THE CITY'S CODE OF ORDINANCES TO ALLOW CITY COUNCIL TO REVIEW AND APPROVE PLATS ON BEHALF OF THE PLANNING COMMISSION, AMEND CHAPTER 98 OF THE CITY'S CODE OF ORDINANCES TO CORRECT CLERICAL ERRORS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING CHAPTER 98 OF THE CITY'S CODE OF ORDINANCES TO ALLOW CITY COUNCIL TO REVIEW AND APPROVE PLATS ON BEHALF OF THE PLANNING COMMISSION, AMEND CHAPTER 98 OF THE CITY'S CODE OF ORDINANCES TO CORRECT CLERICAL ERRORS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 212.005 of the Texas Local Government Code requires a municipal authority to approve a plat or replat that is filed under Subchapter A of Chapter 212 of the Local Government Code and satisfies all applicable regulations; and

WHEREAS, Section 212.006 of the Local Government Code allows a municipal planning commission, if one, or the governing body of a municipality to approve plats filed under Subchapter A of Chapter 212 of the Local Government Code; and

WHEREAS, City Council established a Planning Commission in Article XIV of the City's Charter; and

WHEREAS, Section 98-39(b)(3) of the City's Municipal Code of Ordinances requires a plat to be filed with the Planning Commission; and

WHEREAS, Section 98-40 of the City's Municipal Code of Ordinances provides for the plat final approval process by the Planning Commission; and

WHEREAS, from time to time, the Planning Commission is unable to review and approve plats due to a lack of a quorum. In those instances, plats submitted to the Planning Commission are not acted upon within the statutory timeframe provided in Section 212.009 of the Texas Local Government Code; and

WHEREAS, when the Planning Commission cannot establish a quorum, City Council with review and approve plats filed under Subchapter A of Chapter 212 of the Texas Local Government Code; and

WHEREAS, City Council seeks to protect the health, safety, and welfare of the citizens of the City of Bay City, Texas.

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

Section one. Findings. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and are adopted as part of this Ordinance for all purposes.

Section two. Amendment to Municipal Code of Ordinances. The City of Bay City's Code of Municipal Ordinances, Chapter 98 (entitled "*Subdivisions*") Article II (entitled "*Platting Procedures, Etc.*") Section 98-39 (b)(3) (entitled "*Completeness Review*") is hereby amended by adding the language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

- (3) *Final submittal.* A final submittal for subdivision plat approval may be filed after a certificate of completeness, has been issued by the director of public works. An application for subdivision plat shall not be complete and shall not ~~approval shall not~~ be filed until after a certificate of completeness has been issued. As required by V.T.C.A., Local Government Code § 212.008 an application for plat approval shall be filed with the planning commission. The public works director shall serve as the agent for the planning commission for purposes of accepting plat applications pursuant to this chapter. For the purpose of the time limits established by V.T.C.A., Local Government Code § 212.009, no plat shall be deemed filed with the planning commission until the plat, and all required items as set forth in this section and section 98-40, and performance agreements, as applicable, tax certificates, letters of certification and, if applicable, a request for a variance have been submitted to the planning commission. The plat application shall expire unless the plat application is heard by and approved by planning commission within 24 months from the date the plat application is submitted to the public works director.
- (4) In the event the planning commission lacks a quorum to hold a meeting, final plat approval shall be determined by City Council.

The City of Bay City's Code of Municipal Ordinances, Chapter 98 (entitled "*Subdivisions*") Article II (entitled "*Platting Procedures, Etc.*") Section 98-40 (a) (entitled "*Final Approval*") is hereby amended by adding the language that is underlined (underlined) as follows:

- (a) The final plat shall be submitted to the director of public works at least seven days prior to the planning commission meeting at which time final approval is sought and accompanied by the final filing fee as prescribed in section 98-42. If the planning commission cannot meet, the director of public works will notify the applicant and the final plat shall be submitted to the director of public works at least seven days prior to the City Council at which time final approval is sought and accompanied by the final filing fee as prescribed in section 98-42.

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

Section four. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by

the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section five. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on this the ____ day of _____ 2015.

Mark A. Bricker, Mayor
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary
City of Bay City

APPROVED AS TO FORM:

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

Attachment: ORDINANCE NO. - City Council Approve Disapprove Plats (1961 : Council to approve/deny Plats)

<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	_____	_____	_____

City of Bay City

Mark A. Bricker, Mayor,

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

George Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

Attachment: ORDINANCE NO. - City Council Approve Disapprove Plats (1961 : Council to approve/deny Plats)



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1954)

Meeting: 08/13/15 07:00 PM
Department: Public Works
Category: Bond
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1954

**DISCUSS, CONSIDER, AND/OR APPROVE AWARDING OR
REJECTING THE CONSTRUCTION BID FOR THE STREET
REHAB PHASE II FULL DEPTH RECONSTRUCTION
PROJECT TO THE LOWEST RESPONSIBLE BIDDER AND
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT
BETWEEN THE CITY OF BAY CITY AND THE LOWEST
RESPONSIBLE BIDDER IN A FORM APPROVED BY THE CITY
ATTORNEY.**

Below is the list of streets included in this project:

1. Thompson Dr.
2. Lori Ln
3. La Bradford Dr.
4. Joan of Arc Dr.
5. Hamman Rd.
6. Toulouse Dr.
7. La Belle Dr.
8. Bordeaux Dr.
9. Bordeaux Cir.
10. Eagles Rd.
11. Grace St.
12. Ave A

HISTORY:

07/23/15 **City Council**

TABLED

Next: 08/13/15

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



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/13/15 07:00 PM
Department: Public Works
Category: Presentation
Prepared By: Marla Jasek
Initiator: Marla Jasek
Sponsors:
DOC ID: 1971

DISCUSSION ITEM (ID # 1971)

RECEIVE SAFETY REPORT FOR THE PUBLIC WORKS AND PARKS & RECREATION DEPARTMENT FOR MAY 2015 THROUGH JULY 2015.

Public Works (including Parks and Recreation)
Safety Report
May - July 2015

Current safety committee

Jim Hendrickson, Sharon Spiller, William “Jr” Parks, Michael Burchard, Ryan Vacek, Joan Perez and Marla Jasek (Department heads welcome to attend)

Incidents that were reviewed since May 1, 2015

Date	Description
5/5/2015	Slightly cut electrical conduit when trenching on city property
5/11/2015	Injured hand while hammering
5/7/2015	Bleach splashed into eye
5/26/2015	Vactor caught low hanging electrical service line
6/ /2015	Equipment door swung open and impacted rear fender
July 2015	No accidents through 7/28/15 when committee met

Monthly safety meeting topics

June	Summer Safety
July	Ronda’s Wellness Challenge
August	DPS/TxDOT—Distracted Driving Presentation
September	School Zone and Back to School Safety
October	Bay City Gas Company—Gas Safety
November	Identity Theft

MISC

- Change safety committee structure in October to get more employee involvement.
- Hot weather—keeping employees hydrated and taking breaks to cool off



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/13/15 07:00 PM
Department: Public Works
Category: Report
Prepared By: Marla Jasek
Initiator: Marla Jasek
Sponsors:
DOC ID: 1969

DISCUSSION ITEM (ID # 1969)

**RECEIVE REPORT ON PLANS TO OPERATE A PRIVATE
CLOSED POINT OF DISPENSING (POD) MEDICATIONS
DURING A CATASTROPHIC PUBLIC HEALTH EMERGENCY.**

The purpose of a Closed POD is to provide lifesaving medications to a designated population of people and their family members during a catastrophic public health emergency. Training and a workbook have been provided by the Texas Department of State Health Services to assist in the planning and operating of a closed POD. The City now has a plan in place to operate a Closed POD to take care of the employees and their families.



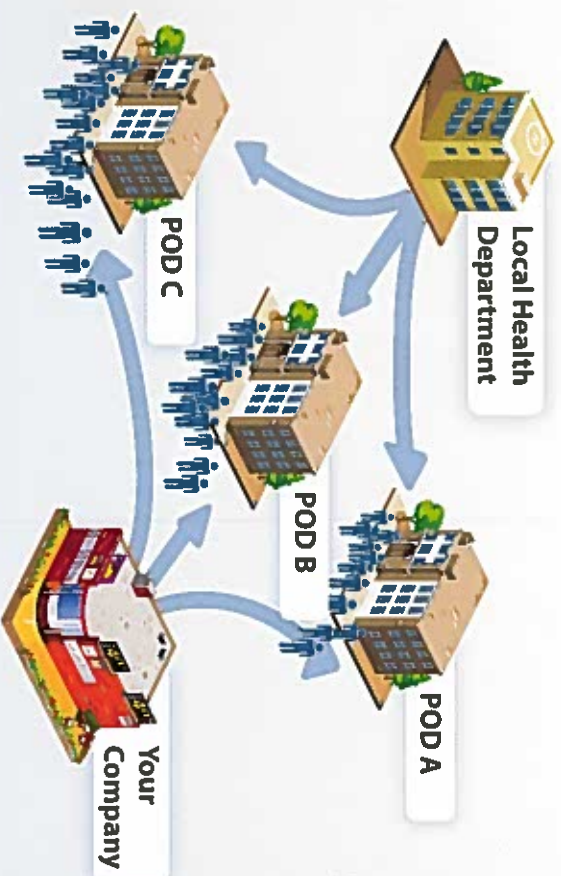
POWERED BY
**Bio-Defense
Network**

In the event of a bio-terrorist attack,
how do you protect your employees and their families?

How it works?

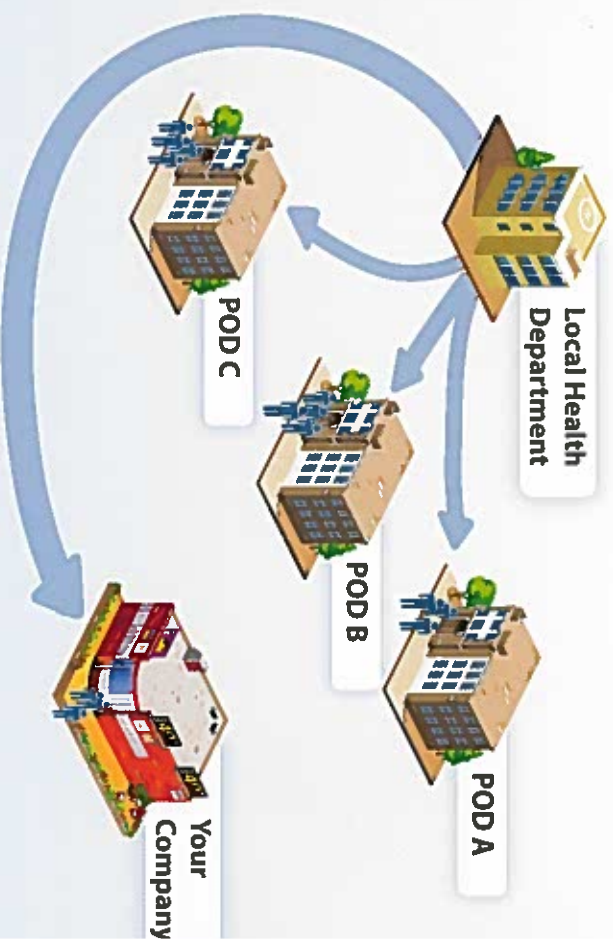
The current scenario:

Your local health department delivers life saving medication to schools. Your employees must wait in long lines to receive medication.



Once enrolled in the Bio-Defense Network:

Your local health department delivers life saving medication straight to you for employees, and families.
No long lines. No waiting.



Why you should enroll

1 Access to lifesaving medication when you and your employees need it the most.

2 No lines. No waiting. Direct access.

3 Protect your most important asset: Your people.

4 It's **FREE** and easy to sign up!

Enroll online today at www.Bio-DefenseNetwork.com

or call 855.BDN.1970



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/13/15 07:00 PM
Department: Public Works
Category: Report
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1970

DISCUSSION ITEM (ID # 1970)

**RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC
WORKS PROJECTS- STREET REHABILITATION, WATER
TOWER, TANKS AND LINES, WASTERWATER LINES,
GRANTS, NEW DEVELOPMENT AND BUILDING PERMITS.**

Regular City Council Meeting
August 13, 2015 | 7:00 p.m.

Public Works Project Updates

- **Street Rehab Project – Phase I**
 - Project is 100% complete
- **Street Rehab Project – Phase II-A – Seal Coat Project**
 - Bid Awarded On: April 23, 2015
 - Contractor: James Construction Group, LLC
 - Pre-Construction Meeting: June 17, 2015
 - Engineer Estimate: \$400,000
 - Award Amount: \$376,748.25
 - Change Orders:
 - 1) \$69,866.40 – Live Oak Ave
 - 2) \$352,875.00 – Anticipated Overrun on Number of Repairs (30 Days added)
 - Construction Time: 90 Days
 - Construction Start Date: July 20, 2015
 - Target Construction End Date: October 18, 2015
 - Streets Included:
 - Ave E
 - Nichols Ave
 - 6th St
 - Helen Ave
 - 3rd St
 - Norvell Ave
 - Waldron Ave
 - Lois St
 - Live Oak Ave
- **Street Rehab Project – Phase II-B – Street Full Depth Reconstruction Project**
 - Bid Advertising: July 1st & July 8th
 - Bid Opening: July 15th
 - Award Bid: July 23rd (Award tabled until 8/13/15 meeting pending funding options)
 - Engineer Estimate: \$2,184,200.25
 - Target Construction Start Date: October 2015
 - Target Construction End Date: September 2016
 - Streets Included:
 - Thompson Dr.
 - Lori Ln.
 - La Bradford Dr.
 - Joan of Arc Dr.
 - Hamman Rd.
 - Toulouse Dr.
 - La Belle Dr.
 - Bordeaux Dr.

- Bordeaux Cir.
- Eagles Rd.
- Grace St.
- Ave A

- Matagorda Oil Field Specialties

- Bid Awarded On: April 23, 2015
- Contractor: Texas Pride Utilities, Inc.
- Pre-Construction Meeting: May 14, 2015
- Engineer Estimate: \$150,000
- Award Amount: \$71,925
- Change Orders:
 - 1) \$39,412 – Repair 36" Sewer Line
- Construction Time: 45 Days
- Construction Start Date: June 1, 2015
- Target Construction End Date: July 15, 2015
 - Contractor completed work on time however change order is pending

- Water Towers & Tanks

- Bid Awarded On: April 23, 2015
- Contractor: Gulf States Protective Coating, Inc.
- Pre-Construction Meeting: May 21, 2015
- Engineer Estimate: \$500,000
- Award Amount: \$462,400
- Change Orders:
 - 1) \$15,750 – Repair Vent & Remove 2.5' of silt
 - 2) \$17,000 – Add Compression Ring to support rafters
- Construction Time: 195 Days
- Construction Start Date: June 15, 2015
- Target Construction End Date: November 2015
- Grace Ground Storage Tank
 - Interior, 90% complete
 - Exterior, 80% complete
- Katy Tower
 - Plan to start Sept 1st

- Tenaris

- Water & Phase I Sewer Force Main:
 - Project is complete
- Phase II Sewer Force Main (EDA Grant):
 - Bid Awarded On: April 23, 2015
 - Contractor: Texas Pride Utilities, Inc.
 - Pre-Construction Meeting: May 21, 2015
 - Engineer Estimate: \$1,559,000
 - Award Amount: \$1,085,139.30
 - Construction Time: 300 Days
 - Construction Start Date: June 22, 2015
 - Target Construction End Date: September 2016

- Lift Station (EDA Grant):
 - o Bid Awarded On: April 23, 2015
 - o Contractor: Reddico Construction Company, Inc.
 - o Pre-Construction Meeting: May 21, 2015
 - o Engineer Estimate: \$949,000
 - o Actual Amount: \$1,183,930
 - o Construction Time: 200 Days
 - o Construction Start Date: June 22, 2015
 - o Target Construction End Date: April 2016
- Dunn Heat Exchangers (TCF Grant)
 - Water Line:
 - o Bid Awarded On: June 4, 2015
 - o Contractor: MMG Contractors, LLC
 - o Pre-Construction Meeting: June 25, 2015
 - o Engineer Estimate: \$270,000
 - o Award Amount: \$270,646.70
 - o Construction Time: 60 Days
 - o Construction Start Date: July 6, 2015
 - o Target Construction End Date: September 2015
 - Sewer Force Main
 - o Bid Awarded On: June 4, 2015
 - o Contractor: Alcott, Inc. dba TCH
 - o Pre-Construction Meeting: June 25, 2015
 - o Engineer Estimate: \$320,000
 - o Award Amount: \$303,522.55
 - o Construction Time: 60 Days
 - o Construction Start Date: July 20, 2015
 - o Target Construction End Date: September 2015
- CP Homes (TCF Grant)
 - City received another 6-month extension from the State
 - This project is on hold until CP Homes can secure funding to start construction
- Main Street Pavers (TCF Grant)
 - Contractor: Precise Services
 - Actual Amount: \$156,062.32
 - Construction Time: 63 Days
 - Construction Start Date: April 27, 2015
 - Construction Completion Date: June 25, 2015
 - TDLR Inspection completed on 8/5/15 with no deficiencies
- TxDOT TAP Program (Sidewalk along SH60 btwn Hamman Rd. & Nile Valley Rd.)
 - Received confirmation from TxDOT that our submittal is currently in review.
 - Engineer Estimate: \$731,990
 - TAP Program Participation (87%): \$562,011
 - City Participation (13%+Engineering): \$169,979

- City Planning Projects:

- Transportation Plan – Jones & Carter completed thoroughfare standards; first meeting with committee was on 7/30/15.
- Truck Routes – Meet with Councilperson Chrystal Folse, Chief Barker, Captain Christella Rodriguez, and Lieutenant Clayton Ryman on July 8th; Identified locations where trucks are utilizing residential roads, looked at possible truck routes, & discussed signage and enforcement.
- Water Model – Jones & Carter completed the capacity analysis; currently building network model; field calibration testing is pending.
- Maintenance Plan on All Elevated & Ground Storage Water Tanks – Working with Jones & Carter on developing a Preventative Maintenance Plan and Rehab Schedule on all water tanks.
 - Mockingbird & 4th Street Ground Storage Water Tank Rehab:
 - Engineer Estimate: \$515,000
 - Design & Bid: 60 Days
 - Construction Time: 120 Days

- New Development:

- Candlewood Suites – 30% complete
- Holiday Inn Express – 80% complete
- Fairfield Inn – Currently clearing site across the street from Bay City High School
- Independent Motel – Corner of SH35 East & North Dr.
- Best Western Plus – SH35 next to Fairfield Inn
- Baytex Hotel Building
- 9'ers Bar & Grill – 50% complete
- Dollar General – Final Plat will be submitted to Planning Commission in August
- FEMA Safe Dome

- New Building Permits:

- Residential:
 - April 2015: 9
 - May 2015: 1
 - June 2015: 5
 - July 2015: 9
- Commercial:
 - April 2015: 1
 - May 2015: 2
 - June 2015: 0
 - July 2015: 0

- Building Inspections:

- April 2015: 154
- May 2015: 141
- June 2015: 115
- July 2015: 162



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/13/15 07:00 PM
Department: Mayor's Office
Category: Budget
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1973

DISCUSSION ITEM (ID # 1973)

**PROVIDE UPDATE ON PROPOSED FY16 BUDGET,
DISCUSSION AS NECESSARY AND SET DATE FOR SECOND
BUDGET WORKSHOP**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1968

DISCUSSION ITEM (ID # 1968)

**DISCUSS POSSIBLE AMENDMENT(S) TO THE SIGN
ORDINANCE.**

Chapter 22

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Sec. 22-1. Appeals.
Secs. 22-2—22-20. Reserved.

Article II. Residential Buildings

Sec. 22-21. Residential code adopted by reference.
Sec. 22-22. Amendments.
Secs. 22-23—22-47. Reserved.

Article III. Building Code

Sec. 22-48. Adopted by reference.
Sec. 22-49. Definitions.
Sec. 22-50. Amendments.
Secs. 22-51—22-73. Reserved.

Article IV. Electrical Code

Division 1. Generally

Sec. 22-74. Definitions.
Sec. 22-75. Compliance.
Sec. 22-76. Civil liability.
Sec. 22-77. Existing contracts.
Sec. 22-78. Interference with work of fire department; unsafe, nonconforming conductors and apparatus.
Sec. 22-79. Wiring and other electrical work by public service companies.
Sec. 22-80. Electrical signs.
Sec. 22-81. Installation of smoke detectors by contractors.
Secs. 22-82—22-105. Reserved.

Division 2. Electrical Inspectors

Sec. 22-106. Chief electrical inspector.
Sec. 22-107. Deputy electrical inspectors.
Sec. 22-108. Qualifications; compensation.
Sec. 22-109. Duties.
Sec. 22-110. Interference with performance of duty.
Secs. 22-111—22-133. Reserved.

Division 3. Licensing and Regulation of Electricians

Sec. 22-134. Homeowner's exemption.
Sec. 22-135. Licensing of master and journeyman electricians.
Sec. 22-136. Regulation of maintenance electricians.
Sec. 22-137. Regulation of journeyman electricians.
Sec. 22-138. Regulation of apprentice electricians.
Secs. 22-139—22-159. Reserved.

***Charter reference**—Authority to adopt codes of technical regulations, § 5.01.

State law references—Regulation of housing and other structures, V.T.C.A., Local Government Code § 214.001 et seq.; authority to regulate buildings and construction, V.T.C.A., Local Government Code § 342.011 et seq.

BAY CITY CODE

Division 4. Permits and Inspections

- Sec. 22-160. Requirements; application; permit nontransferable.
- Sec. 22-161. Inspections and certificate of approval.
- Sec. 22-162. Concealed wiring or apparatus.
- Sec. 22-163. Fees.
- Secs. 22-164—22-194. Reserved.

Division 5. Technical Standards

- Sec. 22-195. Compliance.
- Sec. 22-196. Standards adopted by reference.
- Sec. 22-197. Chief electrical inspector and electrical board to determine additional standards.
- Sec. 22-198. Wiring generally.
- Sec. 22-199. Meter loop and interior feeder installations.
- Sec. 22-200. Conductors.
- Sec. 22-201. Normal placement of meter cabinets and metering equipment.
- Sec. 22-202. Irregular placement of meters.
- Sec. 22-203. Service drop attachments.
- Sec. 22-204. Location of service disconnecting means.
- Sec. 22-205. Requirements to facilitate work of fire department.
- Secs. 22-206—22-233. Reserved.

Article V. Plumbing and Gas

Division 1. Generally

- Sec. 22-234. Definitions.
- Sec. 22-235. Violations.
- Sec. 22-236. Appeals.
- Secs. 22-237—22-265. Reserved.

Division 2. Licensing of Plumbers

- Sec. 22-266. Licensing and regulation of plumbers.
- Secs. 22-267—22-295. Reserved.

Division 3. Technical Standards

- Sec. 22-296. Plumbing and gas codes adopted.
- Sec. 22-297. Plumbing code amendments.
- Sec. 22-298. Gas code amendments.
- Secs. 22-299—22-329. Reserved.

Article VI. Mechanical Code

Division 1. Generally

- Sec. 22-330. Definitions.
- Secs. 22-331—22-348. Reserved.

Division 2. Mechanical Contractor License

- Sec. 22-349. Required.
- Sec. 22-350. Adoption of state rules.
- Sec. 22-351. Insurance.
- Sec. 22-352. Display of names and license numbers.
- Sec. 22-353. Homeowner rights.

BUILDINGS AND BUILDING REGULATIONS

Sec. 22-354. Registration fee.
Secs. 22-355—22-381. Reserved.

Division 3. Technical Standards

Sec. 22-382. Adopted.
Sec. 22-383. Amendments.
Secs. 22-384—22-409. Reserved.

Article VII. Housing Code

Sec. 22-410. International Property Maintenance Code adopted.
Sec. 22-411. Violations.
Sec. 22-412. Applicability.
Sec. 22-413. Amendments to adopted code.
Secs. 22-414—22-439. Reserved.

Article VIII. Substandard Buildings

Sec. 22-440. Substandard buildings defined.
Secs. 22-441—22-463. Reserved.

Article IX. House Moving

Division 1. Generally

Sec. 22-464. Definitions.
Sec. 22-465. Permit and compliance with building code.
Sec. 22-466. Time restrictions.
Sec. 22-467. Manner of moving.
Sec. 22-468. Disconnecting utilities by city utility department; fee.
Sec. 22-469. Cutting down trees or branches.
Sec. 22-470. Disconnecting utilities by licensee.
Sec. 22-471. Notice to utility companies.
Sec. 22-472. Route.
Sec. 22-473. Repair, certificate of facts and amount of damage.
Secs. 22-474—22-499. Reserved.

Division 2. License

Sec. 22-500. Required.
Sec. 22-501. Application.
Sec. 22-502. Fee and expiration date.
Sec. 22-503. Bond.
Sec. 22-504. Insurance.
Sec. 22-505. Issuance.
Sec. 22-506. Transfer.
Sec. 22-507. Renewal.
Sec. 22-508. Suspension or revocation.

ARTICLE I. IN GENERAL

Sec. 22-1. Appeals.

Appeals of any provision of this chapter shall be pursuant to the process outlined in section 2-267.

Secs. 22-2—22-20. Reserved.

ARTICLE II. RESIDENTIAL BUILDINGS*

Sec. 22-21. Residential code adopted by reference.

The International Residential Code, 2009 Edition, prepared by the International Code Council, a copy of which is authenticated by the signature of the mayor and city secretary and made a public record which is on file in the city secretary's office, is hereby adopted by reference as the residential building code of the city as fully as if copied at length in this article.
(Ord. No. 1401, 3-24-2011)

Sec. 22-22. Amendments.

The International Residential Code, adopted in section 22-21 is hereby amended in the following respects:

Section R112. Delete section.

Section 2603.6.1. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

Secs. 22-23—22-47. Reserved.

ARTICLE III. BUILDING CODE†

Sec. 22-48. Adopted by reference.

The International Building Code, 2009 Edition, prepared by the International Code Council, a

***State law reference**—Adoption of residential code required, V.T.C.A., Local Government Code § 214.212.

†**State law references**—Building and rehabilitation codes, V.T.C.A., Local Government Code § 214.211 et seq.; authority of city to regulate buildings and construction to aid in fire prevention, V.T.C.A., Local Government Code § 342.011 et seq.

copy of which, authenticated by the signature of the mayor and the city secretary and made a public record by this section, is on file in the city secretary's office, is hereby adopted by reference as the building code of the city as fully as if copied at length in this article.

(Code 1985, § 6-16; Code 2000, § 22-31; Ord. No. 1372, 8-13-2009; Ord. No. 1401, 3-24-2011)

State law reference—International Building Code adoption required, V.T.C.A., Local Government Code § 214.216.

Sec. 22-49. Definitions.

The following words, when used in the International Building Code, 2009 Edition, adopted in section 22-48, shall be defined as shown below:

Building department means the inspection division of the city.

Chief appointing authority means the mayor and city council.

Construction board of adjustments and appeals means the variance committee created in section 2-267.

Inspector means an individual who has been designated by the city as an inspector.
(Code 1985, § 6-17; Code 2000, § 22-32; Ord. No. 1372, 8-13-2009)

Sec. 22-50. Amendments.

The International Building Code, adopted in section 22-48, is hereby amended and changed in the following respects:

Section 101.1 is hereby amended to read as follows:

101.1. Title. The provisions embraced within the following chapters and sections shall constitute and be known and may be cited as the building code of the City of Bay City, Texas, hereinafter referred to as "this code."

Section 103.1 is hereby amended and shall read as follows:

103.1. Appointment. The building inspector shall be appointed by the mayor with the consent of the city council. The mayor and council shall establish his qualifications.

The building inspector shall be an employee of the city and subject to the terms of the personnel policy of the City of Bay City, Texas, as in effect now or hereafter amended.

Section 103.3 is hereby amended and shall read as follows:

103.3. Inspectors. The mayor with the consent of the city council may appoint such other officers, inspectors, assistants, and other employees as he deems necessary and who will be responsible to the building inspector. All city employees shall be subject to the terms of the personnel policy of the City of Bay City as in effect now or hereafter amended.

Section 103.4 is hereby added to read as follows:

103.4. Addresses. The owner of each commercial building in the city shall conform to the street address numbering system as developed and assigned by the building department. Such number shall be at least four inches in the vertical direction of a contrasting color to the background and installed so that the address number is plainly visible from the street or roadway.

Section 105.8 is hereby created and shall read as follows:

105.8. Contractor's registration required. It shall be the duty of every contractor or builder, who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same, or any part thereof, to register his name in a card file provided for that purpose with the city building inspection official, giving full name, physical residence and business address, mailing address, and address for service of process, said information to be kept updated.

Contractors shall be required to have the following insurance requirements:

- (1) Public liability insurance to the extent of \$300,000.00 for any one accident and \$300,000.00 for any one person.

- (2) Property damage insurance to the extent of \$100,000.00 for any one accident and \$100,000.00 for any one piece of property.

Building contractor's registration requirements will be waived for owners of rental property who have employees on staff 20 hours or more per week to perform carpentry maintenance on their property. A permit will be required as described in the Schedule of Permit Fees.

Section 109.7 is hereby created and shall read as follows:

SCHEDULE OF PERMIT FEES

<i>Total project valuation</i>	<i>Fee</i>
\$1,000.00 or less	\$20.00
\$1,001.00 to \$50,000.00	\$20.00 for the first \$1000.00 plus \$5.50 for each additional \$1,000.00 or fraction thereof
\$50,001 to \$100,000.00	\$289.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof
\$100,001 to \$500,000.00	\$514.50 for the first \$100,000.00 plus \$3.50 for each additional \$100,000.00 or fraction thereof
\$500,001.00 and up	\$1,914.00 for the first \$500,000.00 plus \$2.50 for each additional \$1,000.00 or fraction thereof

Demolition Fees

<i>Size of structure</i>	<i>Fees</i>
0 to 100,000 cubic ft.	\$50.00
100,001 cubic ft. and over	\$50.00 plus \$0.60 per each 1,000 cubic ft.

Section 111.1, *Use and Occupancy*, is hereby amended and shall read as follows:

No building or structure or parcel of land used for commercial purposes, shall be used or

occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building inspector has issued a certificate of occupancy therefor as provided herein. Issuance of certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Chapter 16 is amended to read as follows:

1609.3. Basic wind speed. The basic wind speed, in mph, for the determination of wind loads in building design shall be 110 mph (3 second gust) minimum.

1609.4.3. Exposure categories. Exposure factor C shall be used in the calculation of all wind loads.

Section 1609.10 is hereby created to read as follows:

A contractor or property owner who constructs any structure within the city limits shall provide the following documentation, materials, and methods of construction for windstorm and hurricane protection.

1609.10.1. Permit requirements. The building inspector shall be provided design documentation from a state licensed engineer registered with the Texas Department of Insurance to perform windstorm inspections, for construction, renovation, or modifications of all structures over 250 square feet, prior to release of permit. The person, firm, or corporation responsible for permitting shall provide prior to final inspection approval a copy of a Texas Department of Insurance (TDI) report certifying compliance with the current building specifications of the Texas Windstorm Insurance Association (TWIA) Plan of Operation.

1609.10.2. Masonry wall ties. Masonry wall tie devices will be of galvanized or electroplated materials and installed on 16-inch centers, vertically and horizontally.

1609.10.3. Asphalt shingles. All asphalt shingles used in the city shall comply with ASTM D 3161 Class F, or ASTM D 6381/UL 2390 Class G or H, or ASTM D 7158 Class G or H. Conformance with more than one standard is not required.

1609.10.4. Securing outdoor mechanical equipment. All outdoor mechanical equipment and building components shall be anchored against overturning, uplift, and sliding in a design wind event.

1609.10.5. Signs. All signs of any type exceeding 32 square feet in surface area.

Section 1612.3. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled, "The Flood Insurance Study for Bay City," dated January 1, 1997, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Chapter 34 is amended to read as follows:

Section 3412.2. Structures existing prior to January 1, 1997, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

Section 105.9 is hereby created and shall read as follows:

(a) *Specification and approval for demolition.* All subcontractors must be specified on

the permit for demolition of a building or structure and approved by the building inspector in writing on the permit prior to any demolition occurring.

- (b) *Utility termination fee.* There will be a utility termination fee of \$125.00. Only the city may disconnect private water and sewer lines when a building or structure is demolished, and a utility termination fee of \$125.00 shall be paid to the city prior to the permit being approved by the building inspector.
- (c) *After-hours inspection fee.* In case of a request by the owner, contractor or installer for an inspection at times other than 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays, a fee shall be charged of \$50.00 per inspection.
- (d) *Flood zone elevation confirmation fee.* In all cases of construction within the boundaries of the flood zone, as designated by Federal Emergency Management Agency, the first-floor elevation shall be confirmed by a building inspector prior to the setting in place of the foundation forms. The fee for such confirmation inspection shall be \$10.00.
- (e) *Reinspection fee.* In all cases where an inspection is performed upon request, and the construction does not meet the code requirements, a reinspection shall be required. A reinspection fee shall be \$25.00.
- (f) *Timely inspection.* It shall be required of each permit holder to request a timely inspection of their installation as indicated on their permit form.
- (g) *Permit fee penalty.* Persons required to obtain building permits who commence work prior to obtaining the permit will be charged a penalty fee in addition and equal to the permit fee.
- (h) *Homeowner's exemption.* Nothing in this chapter shall be construed so as to prevent a property owner from doing carpentry work in a building owned by the owner or to be occupied by the owner as a dwelling or home; provided that, if the cost of

the carpentry work, repair, renovation, or addition is greater than \$500.00, the property owner must actually perform the work, and no person other than the property owner shall do any part of the work for compensation, unless the other person is bonded and licensed in full compliance with all provisions of this article; and further provided that all work performed and materials used shall meet the requirements of this article and receive a city inspector's approval.

Section 105.9.1 is hereby created and shall read as follows:

- (a) All new construction and additions shall meet the setback requirements of section 98-100 of the City of Bay City Code of Ordinances.
- (b) No new construction or addition shall be located closer than 5 feet from the rear property line of any lot.

Section 113 is hereby amended in its entirety to read as follows:

The construction board of adjustments and appeals shall mean the variance committee created in section 2-267.

Section 202, Definitions, is hereby amended to amend or add the following definitions:

Billboards. Any sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises where such sign appears. If such business, commodity, service or entertainment is merely incidental to the use of such property where such sign appears, such sign shall be deemed a billboard.

Ground sign. An outdoor advertising display sign supported by uprights or braces in or upon the ground, principally used for the purpose of advertising.

Mobile portable sign. A temporary outdoor advertising display mounted on a vehicle, trailer, or mobile stand or structure which

is not permanently affixed to the ground or another structure, and is principally used for the purpose of advertising.

Political sign. An outdoor advertising display that refers to a particular issue or candidate relating to a particular election.

Section I H101.1.1 is added and shall read as follows:

H101.1.1. Sign permit procedures.

- (a) *Application.* All applications for erection permits shall be accompanied by a plan or plans drawn to scale which shall include the following:
 - (1) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.
 - (2) The dimensions of the sign's supporting members.
 - (3) The maximum and minimum height of the sign.
 - (4) The proposed location of the sign in relation to the face of the building in front of which or above which it is to be erected.
 - (5) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.
 - (6) The location of all electrical transmission lines within 30 feet of any part of such proposed sign structure.
- (b) *Issuance.* Upon the filing of an application for an erection permit, the plans, specifications, and other data shall be examined by the building inspector. If it appears that such proposed sign is in compliance with the requirements of this section and section 66-1 and other laws of the city, the building inspector shall issue the applicant an erection permit.
- (c) *Sign use permits.*
 - (1) *Application.* At the time an application is made for an erection permit, an application shall also be made for a sign use permit.

- (2) *Issuance.* Upon completion of the construction of the sign, the building inspector shall inspect the sign to determine if it is in conformity with the specifications approved at the time the erection permit was granted. If such sign was constructed in conformity with the specifications approved at the time the erection permit was granted, then the building inspector shall issue a sign use permit.
- (3) *Stop orders.* The issuance of an erection permit or a sign use permit shall not constitute a waiver of the ordinance from which this requirement derived or other ordinances of the city. The building inspector is authorized to issue stop orders for any sign which is being constructed or used in violation of the ordinance from which this requirement derived or any other ordinance of the city.

Section H101.2 is hereby amended and shall read as follows:

H101.2. Partially exempted signs. The following signs are exempted from permit procedures and may be installed and maintained in compliance with all other city ordinances and within the limitations set forth below:

- (a) *Public signs.* Noncommercial signs erected by or at the direction of a public officer in furtherance of the public interest or in the performance of his duty.
- (b) *Real estate sign.* Nonilluminated sign, not exceeding six square feet in area per face, pertaining to the sale or lease of a premise.
- (c) *Contractor's sign.* Nonilluminated, advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, material, or labor to said premises during the period of construction, providing the size of such sign is not in excess of 32 square feet

- and eight feet in height. Such signs may only remain in place during construction and thereafter for 30 days following cessation of construction.
- (d) *Temporary signs.* Temporary signs announcing any public, charitable, educational, or religious event or function may be installed for a period of not more than 21 days prior to the event and not more than seven days after the event, with a total sign area of not more than 32 square feet to all sign faces.
 - (e) *Integral signs.* Names of buildings, dates of erection, monumental citations and commemorative tablets that are carved into stone, concrete, or similar permanent materials and constructed as an integral part of the structure.
 - (f) *Name plates.* One nonilluminated sign per entrance per business attached to the building and not exceeding two square feet of area per face with the wording limited to name and occupation.
 - (g) *Private signs.* Signs not visible beyond the boundaries of the lot or series of contiguous lots under the same ownership on which they are located and which are not visible from any public right-of-way.
 - (h) *Traffic signs.* Traffic and other official signs and devices installed by governmental agency.
 - (i) *On-site traffic zones.* On-site traffic directional signs that do not carry any commercial message or identification.
 - (j) *Garage sales signs.* One garage sale sign not exceeding six square feet of sign area for all sign faces which is installed on a lot or a series of contiguous lots under the same ownership on which the garage sale is located, which is installed not more than seven days prior to the garage sale and which is removed not more than two days after the garage sale.
 - (k) *Flag emblems.* An insignia of any governmental body, charitable organization, and/or decorative display for holidays or public demonstrations that do not contain advertising and are not used as such, including noncommercial flags and banners. This provision shall not authorize the hanging of any banner on or across any public street or city-owned property without the consent of city council.
 - (l) *Political signs.* Signs that would refer to a particular issue or candidate relating to a particular public election. Such signs may be erected for not more than 90 days, and must be removed by the property owner, political candidate, or sponsoring political action committee not more than ten days after the election for which they relate. If such signs are not removed within the above time period, then the owner of the property upon which the signs are located, the person erecting or placing the sign, and the candidate sponsored shall be jointly and severally liable and responsible under the penalty provisions of the ordinance from which this requirement derived.
 - (m) *Menu boards.* Eating establishments with drive-through services are permitted one menu board sign per lot limited to 36 square feet in area and six feet in height which sign or board shall be permanently attached to the property.
 - (n) *Gasoline price signs.* Gasoline pricing signs are exempt provided the total area of all signs does not exceed 12 square feet in area for each service island.
 - (o) *Shingle sign.* A shingle sign over a show window or door of a store or business establishment announcing

without display or elaboration only the name of the proprietor and nature of the business.

Section H114.2 hereby added and shall read as follows:

H114.2. Portable signs. Any outdoor advertising display mounted on a vehicle, trailer or mobile stand or structure which is not permanently affixed to the ground or another structure and is principally used for the purpose of advertising.

Portable signs shall be permitted for one 60-day period with one 60-day extension.

Section H114.5 is hereby added and shall read as follows:

H114.5. Prohibited signs. The following signs are hereby prohibited:

- (a) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
- (b) Signs that imitate an official sign or signal or that contain the words "stop," "go slow," "caution," "danger," "warning," or similar words.
- (c) Signs that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic-control device, or would hide from view any traffic street signs or signal or that obstruct the view in any direction of a person attempting to use a public street, road, or public right-of-way or attempting to use a street or road intersection.
- (d) Signs that are flashing, moving, blinking, chasing, or other animation effects, except that time and temperature signs and electronic message board signs are not prohibited when installed in conformance with the other sections of the ordinance from which this requirement derived.
- (e) Signs which are placed upon a tree, rock or other natural feature.
- (f) Signs which extend in a predominately residential area beyond the established building setback line of the city. If no setback has been established for the residential area, then the sign shall be at least 20 feet from any public roadway.
- (g) Billboards.
- (h) Snipe signs or signs which are placed upon a tree, rock, or other natural features as well as utility poles, fire escapes, stand pipes and the like.
- (i) Sandwich board is a type of advertisement composed of two boards (holding a message or graphic) and being either carried by a person, with one board in front and one behind, creating a "sandwich" effect; or set up (for example next to a store advertising its goods) in a triangle shape, hinged along the top. The carried version is usually attached to straps acting as suspenders, allowing the person wearing the boards to carry the weight on his or her shoulders and keeping the boards balanced on the wearer. Sandwich boards are most typically deployed in busy pedestrian areas and advertise businesses within easy walking distance.
- (j) Signs which contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices.
- (k) Signs attached to or located upon exposed amenities such as benches, trash containers, or fences; however, this provision shall not prevent a trash or garbage company from displaying its logo or name on its own trash containers.
- (l) Permanent signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.
- (m) Signs erected or maintained on any public property, including but not

limited to public buildings, streets, bridges, sidewalks, easements, or rights-of-way within the city; provided, however, that this section shall not apply to a public employee in the regular course and scope of his employment and to school or athletic facilities.

Section H114.6 is hereby added and shall read as follows:

H114.6. Sign maintenance. All signs, including those painted on the walls of buildings, shall be permanently maintained in a safe, presentable condition. All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or plastic, or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frames, and fastenings shall be free from deterioration, termite infestation, rot or loosening. Additionally all property surrounding the sign shall be kept in a neat and orderly condition, including any grasses or plants which may be growing within ten feet of said sign.

Section H114.7 is hereby added and shall read as follows:

H114.7. Abandoned signs.

- (a) An abandoned sign depicts or refers to a product, business, service, activity, condition or person that has changed in such a fashion that the sign no longer correctly identifies or describes him or it, that no longer exists at the location referred to in the sign, or that no longer exists in any way or at any place.
- (b) Abandoned building signs shall be removed or painted out within 90 days of the cessation of such business or sale of such product by the owner, agent or person having the beneficial interest in the building or premises on which such sign is located.

- (c) Abandoned freestanding signs shall be removed in accordance with the following provisions:

- (i) Signs faces shall be removed within 90 days of abandonment. The building inspector may grant one extension of up to 90 days upon a showing of good cause.
- (ii) Sign supports shall be removed within 180 days of the abandonment. The building inspector may grant one extension of up to 90 days upon showing of a good cause.

Section H114.8 is hereby added and shall read as follows:

H114.8. Nonconforming signs.

- (a) Signs which do not conform to this article, but which lawfully existed and were maintained on the effective date of December 31, 2011, shall, within three years after the effective date be removed or made to conform; provided however, mobile portable signs and any other temporary signs shall be removed or made to conform within 180 days after the effective date of December 31, 2011.
- (b) During the interim period, such nonconforming signs shall be kept in good repair and visual appearance and no structural alterations shall be made thereto. In the event that more than 50 percent of a nonconforming sign is damaged, the sign shall be replaced with a conforming sign rather than repairing the damage.
- (c) Nonconforming signs advertising a business which has been vacated 60 days shall be removed or made to conform.
- (d) Variances. A relaxation of the terms of the ordinance from which this requirement derived may be permitted where such variance will not be

contrary to the public interest, health and welfare, and where, because of conditions peculiar to the property and as the result of the actions of the applicant, a literal enforcement of the ordinance from which this requirement derived would result in unnecessary and undue hardship. A variance is authorized under this section only for height, sign area, and length of time allowed to remove or conform a nonconforming sign. Request for variance shall be pursuant to the procedures outlined in section 2-267.

- (e) Required conformity to existing ordinances. Nothing contained herein grants or allows an existing sign presently in violation of the City of Bay City Code of Ordinances or the standard building code, a nonconforming use status. Any existing violation must be remedied without regard to the nonconforming time exemption contained herein.
- (f) Nothing contained herein shall prevent the building inspector from ordering the removal of any sign which is deemed to be dangerous to the sign owner, or the public, or which places the public's health, safety or welfare at risk.

Section H114.9 is hereby added and shall read as follows:

H114.9. Violations.

- (a) Any person convicted of a violation of any provision of this chapter shall be fined in an amount as established in section 1-16 of this Code. Each day of violation under this chapter shall be a separate violation.
- (b) Additionally, the building inspector or designated representative shall have the authority, and the duty, to immediately seize, remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising sign erected, placed, altered, maintained or neglected in violation of this chapter, if

the same is located on, in or above any public street or sidewalk area, or other public property.

- (c) The cost of any such removal or impoundment shall be chargeable to the persons, jointly and severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties, if any, unless the offense was one of neglect of maintenance, in which case such cost shall be chargeable to the owner of the sign or the owner of the property upon which the sign is located.
- (d) Any item impounded by authority of this section shall be held for a period of 30 days and then disposed of in any manner designated by the building inspector or designee. During the 30 days, the owner of the item upon proof of same may reclaim such item at the place of storage by paying to the city the actual cost of removal and impounding. This charge shall in any event be not less than \$25.00 per sign.

Section H114.10 is created to read as follows:

H114.10. Design-stress diagram. Before a permit shall be granted the erector of every outdoor advertising sign, with the exception of those signs identified in H101.2—Partially Exempted Signs shall submit to the building inspector a design and stress diagram or plan, containing the necessary information to enable the building inspector to determine that such sign complies with all regulations of this Code.

(Code 1985, § 6-18; Code 2000, § 22-33; Ord. No. 1372, 8-13-2009)

Secs. 22-51—22-73. Reserved.

ARTICLE IV. ELECTRICAL CODE***DIVISION 1. GENERALLY****Sec. 22-74. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice electrician means any person who is licensed by the state as an apprentice electrician and is engaged in the practical installation, alteration, or changing of electric wiring and apparatus under the direct, constant, personal supervision and control of either a master electrician or a journeyman electrician.

Electric wiring and apparatus means all materials, devices, machinery, appliances, appurtenances or conductors used in connection with the production of electric lights, heat or power or the transmission of electrical signals.

Journeyman electrician means any person licensed by the state as a journeyman electrician.

Maintenance electrician means any person licensed by the state as a maintenance electrician.

Master electrician means any person licensed by the state as a master electrician.
(Code 1985, § 6-32; Code 2000, § 22-66)

Sec. 22-75. Compliance.

All electrical construction, all material and apparatus used in connection with electrical work, and the operation of all electrical apparatus shall be done in conformity with the provisions of this article and the National Electrical Code.
(Code 1985, § 6-33; Code 2000, § 22-67; Ord. No. 1271, § 1, 3-8-2001)

Sec. 22-76. Civil liability.

This article shall not be construed to relieve from or lessen the responsibility of any party owning, operating or controlling any electric wiring, apparatus, devices, appliances, fixtures or

*State law reference—Adoption of National Electrical Code, V.T.C.A., Local Government Code § 214.214.

equipment for damages to persons or property used by any defect therein, nor shall the city be held as assuming any such liability by reason of the inspection authorized herein or the certificates or approval issued as herein provided, or otherwise.

(Code 1985, § 6-34; Code 2000, § 22-68)

Sec. 22-77. Existing contracts.

The terms of this article shall not be construed to operate against or upon any contract or contracts for the installation, alteration or changes in electrical wiring or apparatus which may have been entered into under existing ordinances, if the performance of the work under such contract or contracts has been undertaken and is unfinished at the time of the taking effect of this article.

(Code 1985, § 6-35; Code 2000, § 22-69)

Sec. 22-78. Interference with work of fire department; unsafe, nonconforming conductors and apparatus.

(a) The chief of the fire department, the fire marshal or an electrical inspector, or a competent person delegated by one or more of them, shall have the power to at once cause the removal of all wires, or the turning off of all electric current where the circuits interfere with the work of the fire department during the progress of a fire. An electrical inspector is hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus which are deemed by him to be in an unsafe condition, or which have not been installed in conformity with the provisions of this article.

(b) Where wires or apparatus are found in dangerous or unsafe condition, or are deemed to be an interference with the work of the fire department, the fire marshal shall notify the person, firm or company owning, using or operating them to place them in a safe, secure and noninterfering condition. Any person failing, neglecting or refusing within a reasonable time to make the necessary repairs or changes and to have the necessary work completed within a reasonable time after receipt of such notice, shall be deemed guilty of violation of this article, and

every day which shall elapse after expiration of said reasonable time until the wires and apparatus are repaired, removed or changed as required by the electrical inspector or fire marshal, shall be considered a separate offense.

(Code 1985, § 6-36; Code 2000, § 22-70)

Sec. 22-79. Wiring and other electrical work by public service companies.

An electric public service company shall not do any wiring on a customer's premises other than wiring which is part of the company's distribution system, including metering equipment and transformer vaults in which the company's transformers are located, nor shall any of its employees do any work other than that done for the company by virtue of this section.

(Code 1985, § 6-38; Code 2000, § 22-72)

Sec. 22-80. Electrical signs.

All supply wiring for electrical signs shall be contained and encased in conduit or approved overhead conductor. Conduits shall be continuous from sign enclosure to the main line switch or point of distribution. Approved cables shall be used in all underground conduit services, and all conduit exposed to moisture shall be continuous from entrance to the main line switch. From the load side of the transformer, all wiring shall not be less than 15,000-volt wire.

(Code 1985, § 6-40; Code 2000, § 22-74)

Sec. 22-81. Installation of smoke detectors by contractors.

To implement the International Building Code, the installation of smoke detectors in bedroom wings of all residential occupancies shall be performed by the electrical contractor unless battery powered.

(Code 1985, § 6-41; Code 2000, § 22-75)

Secs. 22-82—22-105. Reserved.

DIVISION 2. ELECTRICAL INSPECTORS

Sec. 22-106. Chief electrical inspector.

The office of chief electrical inspector is hereby created. Such office shall be filled by appointment by the mayor, with council approval.

(Code 1985, § 6-76; Code 2000, § 22-131)

Sec. 22-107. Deputy electrical inspectors.

(a) The position of deputy electrical inspector is hereby authorized. The chief electrical inspector shall appoint and remove deputy inspectors as needed.

(b) Each deputy electrical inspector shall be known to be competent to discharge the duties of the chief electrical inspector, and the rights and privileges conferred upon the chief electrical inspector are hereby conferred upon each deputy electrical inspector.

(Code 1985, § 6-77; Code 2000, § 22-132)

Sec. 22-108. Qualifications; compensation.

(a) Electrical inspectors shall:

- (1) Be well versed in the rules and regulations as set out in this article and all local ordinances relating to electrical work;
- (2) Be thoroughly versed in the requirements of the latest edition of the National Electrical Code and the National Fire Code; and
- (3) Maintain a library of such codes and ordinances in order to be of aid in maintaining uniformity in work requirements.

(b) The compensation of such persons shall be set by the city council.

(c) No electrical inspector shall be engaged in electrical contracting or repair work.

(Code 1985, § 6-78; Code 2000, § 22-133)

Sec. 22-109. Duties.

(a) The chief electrical inspector shall be responsible for the enforcement of this article, shall make thorough inspections of all electrical work

and shall cause to be disconnected from any source of electrical energy any wiring not meeting the requirements as set out in this article.

(b) The chief electrical inspector shall cause to be issued for each job requiring any type of electrical work, a permit and inspection report; shall see that the fees set out in this article are properly paid; and shall see that all persons doing electrical work within the city comply with the provisions of this article and all related ordinances.

(c) The chief electrical inspector shall submit, through the building inspector, a written quarterly report of the activities of his office directed to the city council at their first meeting in January, April, July and October of each year.

(d) The chief electrical inspector shall cause to be kept a full and complete record of all work done, permits issued, examinations made, or other official work performed as required by this article, and shall annually make a full and detailed report thereof to the city council. The record shall be so arranged as to afford prompt information concerning the condition and general arrangement of any electrical equipment at the time of the last visit of an electrical inspector.

(e) Electrical inspectors are authorized to schedule routinely the following building inspections:

- (1) The following buildings that are more exposed to electrical fire and/or shock due to the type of business conducted therein:
 - a. Lumber yard;
 - b. Light industry (especially if welding is conducted on the premises or large amounts of fuel or flammables are stored);
 - c. Service outlets repairing appliances, motors and small machinery;
 - d. Restaurants and fast food outlets;
 - e. Clothing stores, department stores, discount houses, cleaners, etc.
- (2) The following buildings where the public is more exposed to the hazards of an electrical fire and/or shock due to the special vulnerability of the occupants:
 - a. Public schools, private schools, and licensed day care centers;
 - b. Hospitals and nursing homes;
 - c. Hotels and motels;
 - d. Taverns and cocktail lounges.
- (3) The following buildings with a high density of occupants:
 - a. Auditoriums, theaters, civic centers, fraternal halls, skating rinks, bowling alleys, country clubs, etc.;
 - b. Church sanctuaries, meeting halls;
 - c. City hall, courthouse, jails;
 - d. Office buildings exceeding two stories in height, grocery stores, shopping malls.
- (4) Buildings suspected of electrical code violations as determined by an electrical inspector, department head of the city, the mayor, a city councilmember, or citizen upon formal complaint shall be inspected by the issuance of a complaint permit.
- (5) If, after the inspection an electrical inspector determines that the wires or apparatus are in dangerous or unsafe condition, or are deemed to be an interference with the work of the fire department, he shall notify the person owning, using or operating them to place them in a safe, secure and noninterfering condition. Any person failing, neglecting or refusing within a reasonable time to make the necessary repairs or changes and have the necessary work completed within a reasonable time after receipt of said notice, shall be guilty of a misdemeanor or an offense, and every day which shall elapse after the expiration of said reasonable time until the wires and/or apparatus are repaired, removed or changed as required by said electrical inspector, shall be considered a separate offense.

(f) It shall be the duty of the chief electrical inspector and the deputy electrical inspectors to enforce the provisions of this article or any ordinances now in force or which may hereafter be adopted concerning electric wiring or apparatus. The chief electrical and/or the deputy electrical inspectors shall have the right during reasonable hours to enter any building or manhole in the discharge of official duties and/or for the purpose of inspecting the electrical apparatus or appliances therein contained; for that purpose they shall be given prompt access to all buildings, and to all manholes on application to the person owning or in charge or control of same. (Code 1985, § 6-79; Code 2000, § 22-134)

Sec. 22-110. Interference with performance of duty.

No person shall interfere with the chief electrical inspector or any person deputized to assist him as provided in section 22-109, while in the performance of his duty, and each such interference shall be deemed to constitute a separate offense. (Code 1985, § 6-80; Code 2000, § 22-135)

Secs. 22-111—22-133. Reserved.

DIVISION 3. LICENSING AND REGULATION OF ELECTRICIANS*

Sec. 22-134. Homeowner's exemption.

Nothing in this article shall be construed so as to prevent a property owner from doing electrical work in a building owned by him, to be occupied by him as a dwelling or home, of a two-family dwelling or single-family dwelling type; provided that the property owner must actually perform the work and that no person other than the property owner shall do any part of the work unless the other person is licensed in full compliance with all provisions of this article; and further

*State law reference—Electricians, V.T.C.A., Occupations Code § 1305.001 et seq.

provided, that all work performed and material used shall meet the requirements of this article and has the city inspector's approval. (Code 1985, § 6-96; Code 2000, § 22-161; Ord. No. 1271, § 5, 3-8-2001)

State law reference—Exemption for homeowner, V.T.C.A., Occupations Code § 1305.003(6).

Sec. 22-135. Licensing of master and journeyman electricians.

(a) No person shall cause or allow any electric wiring or apparatus to be installed, altered or changed in any building within the city unless the person doing all such work is licensed under the provisions of this article to do that particular electric wiring and apparatus work.

(b) Other than as provided in section 22-134, no person shall engage in the business of installing, altering or changing of any electric wiring and apparatus within any building in the city, who does not hold a valid and unexpired master electrician's license from the city or state, or a valid and unexpired journeyman electrician's license from the city.

(Code 1985, § 6-97; Code 2000, § 22-162; Ord. No. 1267, § 1, 10-12-2000; Ord. No. 1271, §§ 6, 7, 3-8-2001; Ord. No. 1299, § I, 1-23-2003)

State law reference—License required, V.T.C.A., Occupations Code § 1305.151.

Sec. 22-136. Regulation of maintenance electricians.

A maintenance electrician shall not install any extension to an existing electrical system. (Code 1985, § 6-104; Code 2000, § 22-168)

Sec. 22-137. Regulation of journeyman electricians.

No person shall work as a journeyman electrician in the city unless he is employed by and actually working under the supervision and control of a person holding a valid and unexpired master electrician's license issued by the state. (Code 1985, § 6-105; Code 2000, § 22-169)

Sec. 22-138. Regulation of apprentice electricians.

An apprentice electrician shall only engage in electrical work in the city when employed by and working under the supervision and control of one holding a valid and unexpired master electrician's license from the city and when under the direct, constant, personal supervision and control of one holding a valid and unexpired master electrician's license or journeyman electrician's license from the city. There shall not be more than two apprentice electricians for each master electrician or journeyman electrician on a job at any one time. (Code 1985, § 6-106; Code 2000, § 22-170)

Secs. 22-139—22-159. Reserved.

DIVISION 4. PERMITS AND INSPECTIONS

Sec. 22-160. Requirements; application; permit nontransferable.

(a) No alteration or change shall be made in the electric wiring or apparatus located within a building nor shall any such electric wiring or apparatus be installed in any building without first securing from the permit clerk a permit therefor, nor shall any change be made in any wiring or apparatus after inspection without notifying an electrical inspector and securing a new permit therefor.

(b) Before issuing a permit for the installation of any electric wiring or apparatus, or for the alteration of or change in any electric wiring or apparatus, as provided in subsection (a) of this section, an application shall be filed with the chief electrical inspector, describing such installation, alteration or change to be made, including the apparatus and material to be used. No permit shall be issued until such application shall have been approved by an electrical inspector and the permit and inspection fees, provided for herein, shall have been paid to the permit clerk. Permits shall be issued only when the application bears the true signature of the master electrician or his authorized agent.

(c) No permit shall be required for the installation, maintenance or alteration of wiring, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence; provided, however, that a permit shall be required where electrical work is done on the primary side of the source of power which has voltage over 50 volts and a wattage of more than 500 watts.

(d) No person shall transfer any electrical permit issued pursuant to the provisions of this division, or do any electrical work which is subject to the provisions of this article under any transferred electrical permit. Any transfer of such a permit shall be void, and if any person allows the transfer of any such permit or allows any electrical work which is subject to the provisions of this article to be done by any person other than by the person to whom such permit is issued, such action shall be cause for revocation of their own permits or licenses.

(Code 1985, § 6-121; Code 2000, § 22-196)

Sec. 22-161. Inspections and certificate of approval.

Upon completion of the installation or of any alteration or change of electric wires and apparatus in any building, it shall be the duty of any person doing the same to notify an electrical inspector, who shall inspect the same within a reasonable time; and if the work is in accordance with the ordinances, rules and regulations of the city, he shall issue a certificate of satisfactory inspection, which shall contain the date of inspection and an outline of the results of such examination. No certificate shall be issued unless all apparatus, wires, etc., connected therewith are in strict conformity with the rules and regulations set forth in this article, nor shall current be turned on for any wiring or apparatus until a certificate of satisfactory inspection is issued. All electrical construction, all material and all apparatus used in connection with electric work, and the operation of all electrical apparatus shall be in conformity with this article.

(Code 1985, § 6-122; Code 2000, § 22-197)

Sec. 22-162. Concealed wiring or apparatus.

No person shall hereafter conceal or cause to be concealed any electric wiring or apparatus mentioned in this article without the express permission of an electrical inspector; the inspector is hereby authorized and directed to have removed any flooring, lathing or plaster, sheet metal or any other material which may conceal any electrical wiring or apparatus contrary to the provisions of this article. On completion of the inspection of any electric wiring or apparatus designed to be concealed and found to be in full compliance with the provisions of this article, it shall be the duty of the electrical inspector to post a notice to that effect at the main disconnecting means, or other conspicuous place. The notice shall be considered as an express permission to conceal the wiring or apparatus; no concealment shall take place until such notice has been posted by an electrical inspector.

(Code 1985, § 6-123; Code 2000, § 22-198)

Sec. 22-163. Fees.

(a) The holder of the master electrician's license, making or supervising any installation, alteration or change of the electrical wiring and apparatus with a building in the city, shall pay the city the amounts hereafter specified in this section for each of the following items disclosed by the application for such permit. Any electrical installation started before obtaining a permit therefor shall cause the permit fees of this section to be doubled.

(b) Inspection fees for the following newly constructed residential dwellings shall be as follows:

Temporary pole	\$ 15.00
Fee for issuing permit	20.00
Multifamily building per unit	40.00
Single-family residence:	
a. Less than 1000 sq. ft.	60.00
b. 1,001 to 1,500 sq. ft.	70.00
c. 1,501 to 2,000 sq. ft.	90.00
d. 2,001 to 2,500 sq. ft.	100.00
e. 2,500 sq. ft. and up (up to 200 amp service)	125.00

Square footage shall be determined by the heated or air conditioned footage only (this shall exclude porches, carports and garages).

(c) The base minimum inspection fees for all other buildings shall be \$20.00 plus a compilation of the following individual charges per each item listed below:

	<i>Fees</i>
Temporary pole	\$15.00
Meter loop and service each	15.00
200 amp	
Temporary cut-in	10.00
Signs (each circuit)	15.00
X-ray machines	10.00
Misc. 220 volt appliances	2.50
Light fixtures, outlets, switches, per opening	0.40
Subpanels	15.00
Transformers	15.00
Electric equipment of any nature not otherwise specified shall be charged as follows:	
0 to 5 KW, per KW	1.00
Over 5 KW, per KW	0.50
Reinspection fee	25.00

(d) In case of a request by the owner, contract or installer for an inspection at times other than 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays, the fee shall be \$50.00 per inspection.

(Code 1985, § 6-124; Code 2000, § 22-199)

Secs. 22-164—22-194. Reserved.**DIVISION 5. TECHNICAL STANDARDS****Sec. 22-195. Compliance.**

No electrical materials, apparatus, devices, appliances, fixtures or equipment shall be installed in the city unless they are in conformity with the provisions of this article, the statutes of the state and the rules and regulations issued by the state under the authority of law.

(Code 1985, § 6-136; Code 2000, § 22-221)

Sec. 22-196. Standards adopted by reference.

The 2011 Edition of the National Electrical Code as recommended by the National Fire Protection Association is hereby adopted by reference as if set out at length in this article and the same shall be complied with in all electrical wiring, and in the construction, installation, repair, alteration, operation and maintenance of electrical wiring, apparatus or fixtures, except insofar as they may conflict with the provision of this article. (Code 1985, § 6-137; Code 2000, § 22-222; Ord. No. 1297, § 1, 11-21-2002; Ord. No. 1372, 8-13-2009; Ord. No. 1401, 3-24-2011)

State law reference—Adoption of electric code, V.T.C.A., Local Government Code 214.214.

Sec. 22-197. Chief electrical inspector and electrical board to determine additional standards.

The chief electrical inspector and the electrical board shall decide all issues not provided for in this article pertaining to the installation, operation or maintenance of electric wiring and apparatus.

(Code 1985, § 6-138; Code 2000, § 22-223)

Sec. 22-198. Wiring generally.

No wire smaller than number 12 shall be used, other than motor control wiring. All metal and non-metallic conduit shall have a ground wire.

(Code 1985, § 6-140; Code 2000, § 22-225; Ord. No. 1271, § 13, 3-8-2001)

Sec. 22-199. Meter loop and interior feeder installations.

Except in those occupancies outlined in chapter 5 of the adopted National Electrical Code as being hazardous locations, meter loops and interior feeders may be installed in rigid metal conduit, electrical metallic tubing or rigid nonmetallic (pvc) conduit. Cable assemblies are not approved for meter loop or interior feeders.

(Code 1985, § 6-148; Code 2000, § 22-232)

Sec. 22-200. Conductors.

All conductors on the load side of the power company service drop shall be copper material. No aluminum conductors shall be permitted, with the exception of aerial.

(Code 1985, § 6-149; Code 2000, § 22-233; Ord. No. 1271, § 14, 3-8-2001)

Sec. 22-201. Normal placement of meter cabinets and metering equipment.

The meter cabinets and electrical metering equipment through which service is rendered by the electric public service company to domestic establishments and buildings combining domestic establishments with commercial or industrial usage shall be installed where readily accessible on the exterior of the building; fireproof meter cabinets or meter sockets shall be supplied by the electric public service company and installed by the electrician performing the work; said meter cabinets are to be located so the center of the opening for the meter dial shall be five feet, nine inches above mean ground level, and shall be readily accessible to the electric public service company service. On apartment buildings, where space limitations will not permit placing all meters at the same heights, they may be arranged in two tiers, with the openings for the meter dials in the lower tier as near as practicable to five feet above mean ground level and the second tier placed as near as practicable above the first. Where space limitations will not permit, the electric public service company, subject to the approval of the chief electrical inspector, may determine the arrangement to be used. All service outlets shall be located so as to permit placing the electric public service company's wires on the wall of the building next to the supply.

(Code 1985, § 6-153; Code 2000, § 22-237)

Sec. 22-202. Irregular placement of meters.

The electric public service company shall never require the placing of the meter on the front or street side of a building without the written consent of the owner; where not practical in the opinion of the chief electrical inspector to place metering devices on the exterior of the building,

the location shall be at a point convenient to the electric public service company's service as determined by the chief electrical inspector.
(Code 1985, § 6-154; Code 2000, § 22-238)

Sec. 22-203. Service drop attachments.

The point of attachment of the service drop shall be at the highest practical point, but in no instance less than 12½ feet or more than 25 feet above mean ground level, unless a greater height is necessary to obtain required clearances. Minimum height of the service head shall be 13 feet and the point of service drop attachment shall, in general, be six inches below the service head.
(Code 1985, § 6-155; Code 2000, § 22-239)

Sec. 22-204. Location of service disconnecting means.

Service disconnecting means shall be located so that the height to the center of the operating handle shall not be less than four feet nor more than six feet above the floor or finish grade. The maximum distance between meter service and disconnection means shall be six feet.
(Code 1985, § 6-156; Code 2000, § 22-240)

Sec. 22-205. Requirements to facilitate work of fire department.

For the purpose of expediting the extinguishing of fires in all buildings, both public and private, the main disconnect switch shall be placed adjacent to the power company meter on the exterior of all buildings, residential and commercial. No wire or wires shall be installed, operated or maintained over any street, alley, sidewalk or building in the city which shall seriously interfere with the work of the fire department in the use of ladders or other apparatus or which shall obstruct or render hazardous the use of fire escapes; and on complaint of the fire chief or fire marshal, said obstruction or interfering or hazardous wires shall be removed or properly arranged.
(Code 1985, § 6-160; Code 2000, § 22-244)

Secs. 22-206—22-233. Reserved.

ARTICLE V. PLUMBING AND GAS*

DIVISION 1. GENERALLY

Sec. 22-234. Definitions.

Words, when not otherwise separately defined below or in chapter 1 of this Code, shall have meanings which conform to the meaning in the International Plumbing Code, 2009 Edition, if set out; otherwise, they shall have their usual meanings.

Building inspector means the head of the building department of the city.

Plumbing inspector means an individual who has been designated by the city as an inspector and is licensed as a plumbing inspector through the Texas State Board of Plumbing Examiners.
(Code 1985, § 6-236; Code 2000, § 22-276; Ord. No. 1372, 8-13-2009)

State law reference—Plumbing inspector, V.T.C.A., Local Government Code § 214.011.

Sec. 22-235. Violations.

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor. Conviction of a violation of this article shall be cause for the revocation of a license issued to the person under the provisions of this article.
(Code 1985, § 6-242; Code 2000, § 22-277)

Sec. 22-236. Appeals.

(a) Any person aggrieved by any interpretation of this article, or by any decision or ruling by the plumbing inspector under this article, shall have the right to appeal to the plumbing appeals and advisory board.

(b) Within ten days from the filing of the appeal the board shall hear the appeal, together with the testimony of all parties concerned, and render a decision thereon within three days thereafter. In hearing such an appeal, the board shall not have the power to waive or set aside the requirements of this code but shall have the

***State law references**—Plumbing rules and regulations and licensing, V.T.C.A., Occupations Code § 1301.001 et seq.; plumbing and sewers, V.T.C.A., Local Government Code § 214.011 et seq.

power to interpret its provisions and in case of alternate types of construction or material, shall determine whether or not such alternate type of construction or material is in fact equal to the standards of this code, considering adequacy, stability, strength, sanitation and safety to the public health and welfare.

(c) Any person aggrieved by the decision of the board shall have a right of appeal to the city council within ten days from the rendition of the decision. The appeal shall be perfected by written notice addressed to the mayor and city council asking for a hearing by the council, and the action of the city council thereon shall be final.
(Code 1985, § 6-241; Code 2000, § 22-278)

Secs. 22-237—22-265. Reserved.

DIVISION 2. LICENSING OF PLUMBERS*

Sec. 22-266. Licensing and regulation of plumbers.

(a) All persons who engage in or work at the actual installation, alteration, repair and renovating of plumbing, piping and equipment shall possess either a master or journeyman plumber's license or tradesman plumber-limited license or an apprentice registration card in accordance with the provisions of the Texas Plumbing License Law.

(b) Plumbing permits shall be issued to only a master plumber licensed by the Texas State Board of Plumbing Examiners and has met the requirements of V.T.C.A., Occupations Code § 1301.552 of the Texas Plumbing License Law.

(c) Nothing in this section shall prevent a property owner from installing or maintaining plumbing equipment within the property owner's homestead, provided that the work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate the provision of this article nor is it to be

*State law reference—Plumbing License Law, V.T.C.A., Occupations Code § 1301.001 et seq.

construed as exempting any such property owner from obtaining a permit and paying the required fees therefor.

(Code 1985, § 6-239; Code 2000, § 22-326)

State law reference—Exception for property owner in homestead, V.T.C.A., Occupations Code § 1301.051.

Secs. 22-267—22-295. Reserved.

DIVISION 3. TECHNICAL STANDARDS

Sec. 22-296. Plumbing and gas codes adopted.

The International Plumbing Code, 2009 Edition, and the International Fuel Gas Code, 2009 Edition, prepared by the International Code Congress, a copy of each, authenticated by the signature of the mayor and the city secretary is hereby made a public record and is on file in the city secretary's office are hereby adopted by reference as the plumbing code of the city as if copied at length in this article.

(Code 1985, § 6-237; Code 2000, § 22-351; Ord. No. 1372, 8-13-2009; Ord. No. 1401, 3-24-2011)

Sec. 22-297. Plumbing code amendments.

The International Plumbing Code adopted in section 22-296 is hereby amended in the following respects. The following sections of the International Plumbing Code are hereby revised:

Section 106.6.2. Insert permit fee schedule as follows:

Fee for issuing permit	\$20.00
Water piping	5.00
Sewer line	5.00
Water closets	2.50
Lavatories	2.50
Tubs	2.50
Showers	2.50
Disposals	2.50
Dishwashers	2.50
Urinals	2.50
Sinks	2.50
Washing machines	2.50
Water heaters	2.50
Floor drains	2.50
A/C drain	2.50

Grease trap	20.00
Ice maker	2.50
Backflow device	15.00
Miscellaneous	2.50
Gas piping fees:	
Gas piping w/1—4 openings	5.00
Each additional opening	2.50
Gas repair and test	5.00

Section 106.6.3. Delete section.

Section 108.4. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 or more than \$500.00.

Section 109. Delete section (Means of appeal).

Section 305.6.1. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

Section 904.1. All open vent pipes that extend through a roof shall be terminated at least six inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (2134 mm) above the roof.

Section 107.0.1 is hereby added and shall read as follows:

107.0.1. Inspections required.

107.0.1. It shall be required of each permit holder to request a timely inspection of their installations as indicated on their permit form.

107.0.2. Fee for after-hours inspection: In case of a request by the owner, contractor, or installer for an inspection at times other than 8:30 a.m. to 4:30 p.m., Monday through Friday excluding holidays, the fee shall be \$50.00 per inspection.

Section 608.18 is hereby added and shall read as follows:

608.18. Backflow prevention assembly testing.

608.18.1. All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. All backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. A test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original form must be submitted to the city within five working days of the test.

608.18.2. Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such tests, repairs, and overhauls shall be kept and sub-

mitted to the city within five working days of the test, repair, or overhaul of each backflow prevention assembly.

608.18.3. No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the city. Whenever the existing assembly is moved from the present location or can not be repaired, the backflow prevention assembly shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association Manual M14, current edition, University of Southern California Manual of Cross Connection Control, current edition, or the current plumbing code of the city, whichever is more stringent.

608.18.4. All backflow prevention assemblies shall be installed in accordance with the manufacturer's instructions, the American Water Works Association Manual M14 or the University of Southern California Manual of Cross-Connection Control.

608.18.5. Test gauges used for backflow prevention assemblies testing shall be calibrated at least annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14). The original calibration form must be submitted to the city within five working days after calibration.

608.18.6. A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality.

Section 608.19 is hereby added and shall read as follows:

608.19. Customer service inspections.

608.19.1. A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

608.19.2. Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:

608.19.2.1. Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.

608.19.2.1. Customer service inspectors who have completed a TCEQ approved course, passed an examination administered by the commission or its designated agent and hold current certification or endorsement as a customer service inspector.

608.20 is hereby added and shall read as follows:

The customer service inspection must certify that the plumbing installation is in compliance with the following requirements:

608.20.1. There is no direct connection between the public drinking water supply and a potential source of contamination. Potential sources of contamination are isolated from the public water system by an air-gap or an appropriate backflow prevention device.

608.20.2. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.

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608.20.3. No connection that allows water to be returned to the public drinking water supply is permitted.

608.20.4. No pipe or pipe fitting which contains more than eight percent lead may be used for the installation or repair of plumbing at any connection that provides water for human use.

608.20.5. No solder or flux that contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

Section 702.3.1 is hereby added and shall read as follows:

702.3.1. *Materials.* Clay sewer pipe is not permitted on private property installations. All sewer collector lines shall be a minimum of four inches in diameter, whether publicly or privately owned and, must be PVC pipe as required by ASTM Schedule 40.

Section 1003.2., "Approval," is hereby amended to read as follows:

1003.2. *Approval.* The size, type and location of each interceptor or separator shall be approved by the plumbing official.

Section 1003.6.1 is hereby added and shall read as follows:

1003.6.1. *Trap size for lint traps.*

- a. Lint traps for washaterias that operate five to ten machines shall be at least a small trap (300 gallons).
- b. Lint traps for washaterias that operate 11 to 20 machines shall be at least an intermediate trap (500 gallons).
- c. Lint traps for washaterias that operate 21 or more machines shall be at least a large trap (1,000 gallons).

Section 1003.2.1 is hereby added to read as follows:

1003.2.1. *Maintenance.* Inceptors shall be maintained in an efficient operating condition by a periodic removal of accumulated grease.

Section 1003.2.2 is hereby added to read as follows:

1003.2.2. *Maintenance of interceptors.* Interceptors shall be maintained in efficient operating condition by periodic removal of accumulated grease and lint. All devices or safeguards required by this chapter shall be maintained in good working order. The owner, operator or lessee of the establishment or his designated agent shall be responsible for their maintenance.

Section 1003.2.3 is hereby added to read as follows:

1003.2.3. *Frequency of maintenance.* The building inspector shall establish the frequency of maintenance and inspect such traps as deemed necessary.

Section 1003.2.4 is hereby added to read as follows:

1003.2.4. *Change of frequency of maintenance.* The building inspector has the authority to change the frequency of maintenance of each establishment as said official deems reasonable and necessary.

Section 1003.2.6 is hereby added to read as follows:

1003.2.6. *Records.* Each establishment shall maintain a log of the date of clean out, amount of grease removed, and the contractor's name and the signature of who performed the service. The records shall be readily available to the building inspector or his designate.

(Code 1985, § 6-238; Code 2000, § 22-352; Ord. No. 1372, 8-13-2009)

Sec. 22-298. Gas code amendments.

The International Fuel Gas Code is hereby amended in the following respects:

Section 106.6.2. Delete section.

Section 106.6.3. Delete section.

Section 108.4. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than \$50.00 or more than \$500.00.

Section 109. Delete section.

Secs. 22-299—22-329. Reserved.

ARTICLE VI. MECHANICAL CODE***DIVISION 1. GENERALLY****Sec. 22-330. Definitions.**

The following words, terms and phrases, when used in the International Mechanical Code, shall have the meanings ascribed to them in this section:

Building inspector means the head of the building department of the city.

Inspector or mechanical inspector means a person who has been designated by the city as an inspector.

Mechanical inspection department (department) means the inspection department of the city.

(Code 1985, § 6-218; Code 2000, § 22-411; Ord. No. 1372, 8-13-2009)

Secs. 22-331—22-348. Reserved.

DIVISION 2. MECHANICAL CONTRACTOR LICENSE†**Sec. 22-349. Required.**

No person shall engage in or work at the actual installation, alteration, repair, and renovating of any mechanical equipment which is subject to the International Mechanical Code or cause the same to be done, without first having obtained a city air conditioning and refrigeration contractor license; however, proof of a valid air conditioning and refrigeration contractor license issued by the state is acceptable in lieu of a city license. In the event that a mechanical contractor has a valid mechanical license issued by the state, then such license must be registered with the city.

(Code 1985, § 6-219(a); Code 2000, § 22-436; Ord. No. 1372, 8-13-2009)

*State law reference—Air conditioning and refrigeration contractors, V.T.C.A., Occupations Code § 1302.001 et seq.

†State law reference—License, V.T.C.A., Occupations Code § 1302.001 et seq.

Sec. 22-350. Adoption of state rules.

The state permanent rules adopted pursuant to the air conditioning and refrigeration contractor license law, V.T.C.A., Occupations Code § 1302.001 et seq., are hereby adopted. (Code 1985, § 6-219(c); Code 2000, § 22-438)

Sec. 22-351. Insurance.

Insurance requirements for state and city licensees shall be those found in the permanent rules referenced in section 22-350. (Code 1985, § 6-219(d); Code 2000, § 22-439)

Sec. 22-352. Display of names and license numbers.

All persons who are issued a license under this section or who have a valid state air conditioning and refrigeration contractor's license shall display their names and license numbers on all their trucks. (Code 1985, § 6-219(e); Code 2000, § 22-440)

Sec. 22-353. Homeowner rights.

Nothing in this section shall prevent a homeowner from installing or maintaining mechanical equipment within his own property boundaries, provided that the work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate the provisions of this article nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor. (Code 1985, § 6-219(f); Code 2000, § 22-441)

Sec. 22-354. Registration fee.

Employees responsible for mechanical maintenance of dwellings, schools, hospitals, churches, commercial and noncommercial buildings shall register with the city building inspection department and pay a one-time registration fee of \$10.00. (Code 1985, § 6-219(g); Code 2000, § 22-442)

Secs. 22-355—22-381. Reserved.**DIVISION 3. TECHNICAL STANDARDS****Sec. 22-382. Adopted.**

The International Mechanical Code, 2009 Edition, prepared by the International Code Council, a copy of which is authenticated by the signature of the mayor and the city secretary, is made a public record and is on file in the city secretary's office and is hereby adopted by reference as the mechanical code of the city as if copied at length in this article. (Code 1985, § 6-126; Code 2000, § 22-466; Ord. No. 1372, 8-13-2009; Ord. No. 1401, 3-24-2011)

Sec. 22-383. Amendments.

The International Mechanical Code adopted in section 22-382 is hereby amended in the following respects:

Section 106.5.2. Insert fee schedule as follows:

	<i>Fee</i>
\$0—\$1,000.00 inclusive	\$ 5.00
Each add'l \$1,000.00 or fraction thereof	2.50
Fee for issuing permit	20.00
Reinspection fee	25.00

Section 106.5.3. Delete section.

Section 108.4. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C Misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under

which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than \$50.00 or more than \$500.00.

Section 109. Delete section.

Section 106.5.4 is hereby created to read as follows:

106.5.4. Fee for after-hours inspection. In case of a request by the owner, contractor, or installer for an inspection at times other than 8:30 a.m. to 4:30 p.m., Monday through Friday excluding holidays, the fee shall be \$50.00 per inspection.

(Code 1985, § 6-217; Code 2000, § 22-467; Ord. No. 1372, 8-13-2009)

Secs. 22-384—22-409. Reserved.

ARTICLE VII. HOUSING CODE

Sec. 22-410. International Property Maintenance Code adopted.

The International Property Maintenance Code, 2009 Edition, prepared by the International Code Council, a copy of which is authenticated by the signature of the mayor and the city secretary, is made a public record and is on file in the city secretary's office and is hereby adopted by reference as the standard housing code of the city as if copied at length in this article.

(Code 1985, § 6-261; Code 2000, § 22-491)

Sec. 22-411. Violations.

Any person who shall willfully refuse or fail to leave a building which has been ordered vacated under the terms of this article, or who shall enter a building which has been ordered vacated under the terms of this article, or who shall enter an area around such building that has been declared to be dangerous and notice of which declaration shall have been posted, and/or any person who

shall interfere with or hinder the vacation, repair or demolition of any building under the terms of this article, or who shall procure the violation of any provision of this article, shall be deemed guilty of an offense punishable as provided in section 1-16.

(Code 1985, § 6-263; Code 2000, § 22-492)

Sec. 22-412. Applicability.

(a) The provisions of this article shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(b) The provisions of this article shall apply to any building or structure irrespective of when the building or structure was constructed, altered or repaired.

(c) All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this article in a building when erected, altered or repaired, shall be maintained in good working order.

(d) No provision of this article shall be held to deprive any federal or state agency, or any municipal authority having jurisdiction, of any power or authority, or of any remedy then existing for the enforcement of its orders, nor shall it deprive any person of any rights provided by law.

(Code 1985, § 6-264; Code 2000, § 22-493)

Sec. 22-413. Amendments to adopted code.

The following amendments to the housing code are hereby adopted:

106.2. Powers and duties of building inspector.

(a) The building inspector shall keep, or cause to be kept, a record of the business of this office. The records of the office of the building inspector shall be open to public inspection.

(b) The building inspector shall enforce the provisions of this article, and he, or his duly authorized representative, may en-

ter any building, structure, dwelling, apartment, apartment house, or premises in the city to perform any duty imposed upon him by this article.

- (c) It shall be the duty of the building inspector or his designated representative to inspect all buildings or structures reported to be or believed to be substandard. He shall make a record of every such inspection and of all violations of this article.
- (d) Any requirement, not specifically covered by this article, found necessary for the safety, health and general welfare of the occupants of any building or structure shall be determined by the building inspector subject to appeal to the building standards and housing board of appeals.
- (e) The building inspector shall annually submit a report to the city council covering the work of his office during the preceding year. He shall incorporate in said report a summary of the decisions of the building standards and housing board of appeals during said year.

106.3. Duty of city attorney. It shall be the duty of the city attorney to enforce the orders and citations of the building inspector or his designee in the appropriate court of this state.

Section 301A is hereby created to read as follows:

Section 301A. Addresses. Each owner of a residential building in the city shall conform to a street address numbering system as developed and assigned by the building department. Such numbers shall be at least four inches in the vertical dimension of a contrasting color to the background and installed so the number or address is plainly visible from the street or roadway.

Section 304.14 During the period from January 1 to January 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly

fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 602.3 Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15 to March 31 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

(Code 1985, §§ 6-266—6-272; Code 2000, § 22-494)

Secs. 22-414—22-439. Reserved.

ARTICLE VIII. SUBSTANDARD BUILDINGS*

Sec. 22-440. Substandard buildings defined.

All buildings or structures which have any or all of the following defects or lack of facilities, shall be deemed substandard buildings:

- (1) All buildings or structures which do not have the number of plumbing fixtures as required by the plumbing regulations of the city or which have pit privies where the same are not permitted by law, or which are not connected to the city sewer when required by law, or where inadequate and unsanitary pit privies or septic tanks exist.
- (2) All buildings or structures that have become deteriorated through accident or lack of repair or natural causes, or by damage through exposure to the elements, especially winds, hail or rain, or damage through fire, to the extent that the roof, windows and doors, or portions of the building or structure, which protect from the weather will no longer protect from the weather.

***State law reference**—Substandard and dangerous structures, V.T.C.A., Local Government Code §§ 214.001—214.005.

- (3) All buildings or structures which constitute or in which are maintained, fire hazards, as that term is defined through the fire prevention code of the city.
- (4) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand winds of hurricane force.
- (5) All buildings or structures not wired in conformity with the electrical code of the city.
- (6) All buildings or structures not constructed in conformity with the city building code.
- (7) All buildings or structures so constructed or permitted to be so constructed as to constitute a menace to health or safety including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease, and including such conditions hazardous to safety as inadequate bracing or the use of deteriorated materials.
- (8) All dwellings, apartment houses, rooming houses or buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress; or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment or which do not comply with the minimum standards for dwellings and apartments as set out in the International Property Maintenance Code, as adopted in this chapter.
(Code 1985, § 6-273; Code 2000, § 526)

Secs. 22-441—22-463. Reserved.

ARTICLE IX. HOUSE MOVING

DIVISION 1. GENERALLY

Sec. 22-464. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

House means any building or structure used or designed to be used for human habitation or occupancy in any manner or for any purpose.

House moving means the transportation of a house from place to place along or across any public street within the corporate limits of the city.

Licensee means any person who shall obtain and have a current license as provided in division 2 of this article.

Permit means any permit issued under the provisions of the building code of the city which authorizes the moving of a building.

Street means any part of the street, exclusive of the sidewalk area.
(Code 1985, § 6-176; Code 2000, § 22-561)

Sec. 22-465. Permit and compliance with building code.

(a) *Permit.* There shall be a \$50.00 permit fee for moving any building or structure. The permit must be obtained prior to moving any equipment onto the site.

(b) *Specifications.* The building inspector must specify on the permit acceptable route, total permissible height and width of structure moved and moving vehicle, and may require any other reasonable conditions.

(c) *Permanent location and installation.* It shall be unlawful for any person to begin or complete the moving of any house onto any property in the city unless the permanent location and installation of such house on such property in all respects complies with article III and this article of this chapter.

(d) *City permit required.* It shall be unlawful to begin razing a house or structure from its foundation or moving it prior to obtaining a valid city permit.

(e) *Permit display.* The approved permit must be displayed to the public on the building or structure at all times prior to moving and during moving.

(Code 1985, § 6-177; Code 2000, § 22-562)

Sec. 22-466. Time restrictions.

Houses shall only be moved through the city between the hours of 6:00 a.m. and 1:00 p.m. The maximum period of time which any house shall be allowed to remain in the streets of the city while being moved shall be seven hours.

(Code 1985, § 6-178; Code 2000, § 22-563)

Sec. 22-467. Manner of moving.

During the entire time that a house being moved is occupying any street, the licensee shall keep it continuously in motion toward its destination and shall not allow the work of moving to stop during such time.

(Code 1985, § 6-179; Code 2000, § 22-564)

Sec. 22-468. Disconnecting utilities by city utility department; fee.

Only the city utility department shall disconnect and seal utility openings. A termination fee as provided in section 22-50 shall apply.

(Code 1985, § 6-180; Code 2000, § 22-565)

Sec. 22-469. Cutting down trees or branches.

It shall be unlawful for any licensee engaged in moving a house to cut down any tree growing within any parkway or esplanade of a public street or to cut any branches from such street without having first obtained permission from the building inspector.

(Code 1985, § 6-181; Code 2000, § 22-566)

Sec. 22-470. Disconnecting utilities by licensee.

It shall be unlawful for any licensee to disconnect any electric light and power connection, gas connection, water connection or telephone connec-

tion from any house which he proposes to move without the consent of the public utility owning such connection.

(Code 1985, § 6-182; Code 2000, § 22-567)

Sec. 22-471. Notice to utility companies.

It shall be the duty of the person, firm or corporation moving the house or building to give immediate notice of the move to any and all companies maintaining overhead wires across or along any street or alley included in the designated route along which such house or building is to be moved. Said company or companies shall be told the time when the move is to be undertaken and when it will be necessary to raise or cut such wires.

(Code 1985, § 6-183; Code 2000, § 22-568)

Sec. 22-472. Route.

The route to be used for house moving shall be approved in advance by the city police department. Proof of such approval shall be delivered to the public works department of the city as a condition of permit issuance.

Sec. 22-473. Repair, certificate of facts and amount of damage.

If the building inspector discovers that the licensee has caused damage to the streets, curbs, gutters, sidewalks or other public property, he shall notify the licensee of such fact, specifying the damage by mailing to him a written notification at either of the addresses listed in the licensee's application. The licensee shall proceed within two days from the date of such notification to reimburse the city for the cost of all required repairs. Should the licensee fail or refuse to timely make such reimbursement, the building inspector shall file a claim against either licensee's bond, insurance or both. If the bond is insufficient to cover the full cost of repairs, the city attorney shall proceed against the licensee in the appropriate court of this state to recover judgment.

(Code 1985, § 6-184; Code 2000, § 22-569)

Secs. 22-474—22-499. Reserved.

DIVISION 2. LICENSE

Sec. 22-500. Required.

It shall be unlawful for any person to move any house along or across any public street within the corporate limits of the city without being licensed to engage in the business of house moving. (Code 1985, § 6-196; Code 2000, § 22-591)

Sec. 22-501. Application.

Any person desiring to engage in the business of house moving shall make application for a license to the building inspector of the city. Such application shall be in writing and shall contain the following:

- (1) The name of the applicant and his residence and business address. If a partnership or association, the application shall state the names of all partners, their residence addresses and the office address of the partnership or association. If a corporation, the application shall state the names and residence addresses of all officers and directors and the principal office of the corporation.
- (2) A statement that the applicant, or officers if the applicant is a corporation, have read and thoroughly understood the terms of this article and agree to abide by its terms in the business of house moving.
- (3) The application shall contain such other information as may be required by the building inspector, including the applicant's permission to review his traffic and criminal record.
- (4) The building inspector, in his sole discretion, may deny the application based upon an unsatisfactory traffic record, criminal record, route, safety hazard, failure to provide required insurance and/or bond, or any other relevant reason.
- (5) The application shall be signed by the applicant, if an individual; by a partner, if a partnership; by the president, if an association or corporation.

(Code 1985, § 6-197; Code 2000, § 22-592)

Sec. 22-502. Fee and expiration date.

The applicant for a house moving license shall pay an annual license fee of \$100.00; however, all licenses shall expire and be renewed on March 31, regardless of whether the license has been in effect a full year.

(Code 1985, § 6-198; Code 2000, § 22-593)

Sec. 22-503. Bond.

(a) The applicant for the license required by this division shall file with the city an original bond executed by the applicant and by a good and sufficient corporate surety company which is incorporated under state law or authorized to do business in this state and which has fully paid-up capital stock of at least \$100,000.00. Such bond shall be in the sum of \$3,000.00 and conditioned that the principal obligor, if granted a license, will engage in the business of house moving within the corporate limits of the city in strict accordance with the terms of this article and will pay to the city any and all damages to streets, curbs, gutters, water lines, fire hydrants and other public property occasioned in any manner by the principal obligor's moving of houses, and further conditioned that the principal obligor will pay to the city as minimum liquidated damages the sum of \$100.00 per day for each day or part of day that any house being moved by the obligor shall remain on any street in excess of the number of days shown in the permit for moving such house issued to such licensee by the city. The bond shall contain a provision that the parties recognized that the damages to the city occasioned by any house remaining on any street in excess of number of days shown in the permit will, in all probability, be difficult to ascertain and consequently, that the parties have agreed on the minimum amount of such damages. Such bond shall contain a further provision that the amount agreed upon is the minimum amount of damages which the city will sustain in any event and that the city shall not be prevented from proving and claiming any ascertainable amount in excess of such minimum sum.

(b) The bond, while made payable to the city, shall also insure to the benefit of any person damaged or injured in any manner by the princi-

pal obligor by reason of the moving of any house within the corporate limits of the city, other than agents, servants or employees of said principal obligor.

(c) The bond shall provide for a minimum 30 days' notice to the city by the surety of any cancellation or termination and shall contain a provision that it shall not be exhausted until recovery of its full amount is obtained, provided that if the surety shall so elect, this bond may be cancelled by giving 30 days' notice in writing to the said obligee and this bond shall be deemed cancelled at the expiration of said 30 days; but said surety so filing said notice shall not be discharged from any liability already incurred under this bond or which shall accrue hereunder before the expiration of said 30-day period. (Code 1985, § 6-199; Code 2000, § 22-594)

Sec. 22-504. Insurance.

Prior to obtaining a license, the applicant shall file with the building inspector a valid certificate of insurance in the amount of \$300,000.00 each person and \$500,000.00 each accident for bodily injury liability, and, in addition, not less than \$100,000.00 property damage coverage. The insurer must notify the city 30 days prior to cancellation of the policy and name the city as an additional insured on the face of the valid certificate of insurance. (Code 1985, § 6-199.1; Code 2000, § 22-595)

Sec. 22-505. Issuance.

The building inspector shall examine the application and bond and if he is satisfied that the same are in order and that the surety signing the bond is good and sufficient, he shall issue to the applicant a license to engage in the business of house moving in the city. (Code 1985, § 6-200; Code 2000, § 22-596)

Sec. 22-506. Transfer.

The house moving license shall constitute a personal privilege and shall not be transferable. (Code 1985, § 6-201; Code 2000, § 22-597)

Sec. 22-507. Renewal.

A house moving license may be renewed upon the filing of a new application, payment of the required fee and filing of a new bond and certificate of insurance, all as required by this division. (Code 1985, § 6-203; Code 2000, § 22-598)

Sec. 22-508. Suspension or revocation.

The building inspector is empowered to suspend or revoke the license of any licensee who violates any provision of this article. Such suspension or revocation shall not bar a prosecution for the same offense. (Code 1985, § 6-203; Code 2000, § 22-599)

Chapters 23—25

RESERVED

Attachment: 22 Buildings and Building Regulations (1968 : Sign Ordinance)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/13/15 07:00 PM
Department: Mayor's Office
Category: Policy
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1974

DISCUSSION ITEM (ID # 1974)

DISCUSS RESCHEDULING SECOND REGULAR CITY COUNCIL MEETING OF SEPTEMBER 24, 2015 AND TAKE AS NECESSARY



City Council
1901 5Th Street
Bay City, TX 77414

TABLED

ORDINANCE (ID # 1967)

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Personnel
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1967

**CONSIDER AND/OR APPROVE AN AMENDMENT TO THE
PERSONNEL POLICY APPROVED MARCH 26, 2015, TO BE
EFFECTIVE IMMEDIATELY.**

RESULT: TABLED

Next: 9/10/2015 7:00 PM

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING ORDINANCE NO. 1533, EFFECTIVE MARCH 26, 2015, BY AMENDING THE EMPLOYEE GUIDELINES FOR CITY EMPLOYEES; PROVIDING FOR PUBLICATION OF CHANGE IN THE EMPLOYEE GUIDELINES; PROVIDING FOR A CUMULATIVE AND CONFLICT CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current edition of the City of Bay City Employee Guidelines for City Employees (hereinafter “Employee Guidelines”) was adopted on March 26, 2015, by passage of Ordinance No. 1533; and

WHEREAS, the Council finds it appropriate to revise the Employee Guidelines to provide conformance with the City’s Charter:

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

I. EMPLOYEE GUIDELINES AMENDED

The Employee Guidelines adopted on March 26, 2015 by passage of Ordinance No. 1533 is hereby amended by replacing same in its entirety with the language set out in Exhibit “A” attached hereto and incorporated herein for all purposes.

2.1 PROFESSIONAL APPEARANCE

While the City does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner which is appropriate to the particular job being performed. Every attempt should be made to keep tattoos covered and inconspicuous. Expensive clothes are not necessary, but a neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the City's work force. Employees in certain departments are required to wear uniforms which must be maintained and worn in a clean, neat manner.

The acceptable professional business attire guidelines are as follows:

1. Slacks.

- a. Jeans and/or khakis can be worn on Friday’s only with a blouse (woman) as described below, or a City polo shirt is acceptable.

- b. No shorts.
- 2. Dresses and skirts should be of a professional nature. The length should be knee length or near knee length.
- 3. Tailored capris.
- 4. Dress Shirts and Polo Shirts.
 - a. Women's blouses must be professional and modest.
 - i. No low cut tops.
 - ii. No tank tops, unless worn under a shirt or jacket.
 - iii. No t-shirts.
 - iv. No exposed bra straps.
 - b. Men's: every attempt should be made to tuck in shirts when working in the office.
 - i. No tank tops
 - ii. No t-shirts
 - c. Advertising and Comments on shirts will not be acceptable, unless advertising for a future City event or project.
- 5. Shoes.
 - a. Dress strappy sandals with a heel that have a back or strap.
 - b. Closed toe shoes.
 - c. Boots.
 - d. Tennis shoes (only on Friday).
 - e. No flip flops and/or beach flip flop shoes.

5.5 ON-CALL PAY

Employees within certain departments will be subject to being placed on the on-call schedule. Each week the on-call schedule will be made available, and will consist of a supervisor, crew leader and a crew (the number of employees on the crew will be subject to the Department Head or supervisor). Non-exempt eEmployees designated by their supervisors to be on-call will receive two (2) hours of pay at the regular rate for the week they are assigned to be on-call, if they do not get called-out. Exempt employees are not eligible for on-call pay. See Section 6 on "Work Schedule and Time Reporting" for additional information on on-call status.

5.6 CALL-BACK PAY

Call-back is defined as the time the City requires an employee to return to work on an unscheduled or emergency basis to work outside the employee's regularly scheduled work hours.

"Responding to a call" is defined as reporting to the office, clocking in, handling the issue in the field or at the office and then clocking out.

Non-exempt employees assigned to call-back duty shall be paid according to the following:

- a.) The crew leader that is on-call will receive one (1) hour of pay for each day of the on-call period at the regular hourly rate, regardless of the number of phone calls he/she receives unless the crew leader responds to a call-out. If the crew leader responds to a call-out,

he/she will receive the actual time worked, at the regular hourly rate or overtime rate, as appropriate based on the number of hours worked in the work week.

- b.) The crew members will receive two (2) hours for the first call-out each day. If the employee receives a second call-out the same day, ~~they~~ he/she will only receive the actual time worked, at the regular hourly rate or overtime rate as appropriate based on the number of hours worked in the work week.
- c.) Crew leaders and members that respond to call-outs on a holiday shall be compensated in accordance with Section 6.7.

Exempt employees who are required to respond to call-outs or personnel issues outside of normal working hours may be granted work leave in accordance with Section 6.7.

If an employee does not respond to a call-out, he/she will be subject to disciplinary action, up to and including termination. Exempt employees are not eligible for call-back pay. See the chapter on “Work Schedule and Time Reporting” for additional information on call-back status.

6.3 CALL-BACK STATUS

~~When a call back¹ occurs, the employee will receive two (2) hours for the first call-out. If there is another call-out during the same day the employee will only receive the actual time worked.~~ The time that a non-exempt employee is assigned to be on call-back status will be considered hours worked if during that time the employee is required to:

- 1.) Return to the employee’s usual place of work;
- 2.) Remain near a telephone at a fixed location; or
- 3.) Perform the employee’s regular duties, whether by telephone or otherwise.

Departments can establish their own policies concerning what positions will be mandated for call-back duty as long as the policies do not interfere with the rules established in these *Employee Guidelines for City of Bay City Employees*. Call-back time must be specified as such on the employee’s bi-weekly timesheet.

8.4 HOLIDAYS

The following rules apply to holiday leave:

An employee who has to work on a holiday will be paid the hours worked, in addition to their holiday

¹ Call back is defined as the time the City requires an employee to return to work on an unscheduled or emergency basis to work outside the employee’s regularly scheduled work hours.

pay. [Overtime will be determined in accordance with Section 6.7.](#)

II. PUBLICATION

The City Secretary is hereby authorized and directed to revise the publication of the “City of Bay City Employee Guidelines for City Employees” to reflect the revisions adopted herein.

III. CUMULATIVE & CONFLICTS

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

IV. 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.

V. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on this the 13th day of August, 2015.

Mark Bricker, Mayor
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary
City of Bay City

APPROVED AS TO FORM:

George Hyde, City Attorney
City of Bay City
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	_____	_____	_____
Bill Cornman	_____	_____	_____
Chrystal Folse	_____	_____	_____
Steven Johnson	_____	_____	_____
Carolyn Thames, Mayor Pro Tem	_____	_____	_____

Mark A. Bricker, Mayor,
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

Georg Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

Attachment: ORDINANCE NO. - Personnel Policy Amendment 6 (1967 : Personnel Policy Amendment - 6)

**EXHIBIT “A”
EMPLOYEE GUIDELINES AS ADOPTED**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/13/15 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1822

DISCUSSION ITEM (ID # 1822)

STATUS UPDATE RELATIVE TO THE REPAIR PLAN FOR NILE VALLEY ROAD.