BAY CITY

REVISED MINUTES • JULY 9, 2015

Council Chambers	Regular Meeting	7:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER & CERTIFICATION OF QUUORUM

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 - COUNCILWOMAN CAROLYN THAMES

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.

There were no Public Comments.

4. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

Councilwoman Thames asked that item 4-3 be pulled for further discussion.

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

1. Agreement

   CONSIDER AND/OR APPROVE PROVIDING LARGE DUMPSTER FOR THE UNITED METHODIST (U.M.) ARMY DURING THE WEEK OF JULY 12TH THRU JULY 18TH.

   Judy Sansing, First United Methodist Church Bay City

Enacted and approved this 9th day of July, 2015, at Bay City

2. Appointment

CONSIDER AND/OR APPROVE THE APPOINTMENT OF ERIK FRANKSON TO THE PLANNING COMMISSION.

Mayor Mark A. Bricker

Enacted and approved this 9th day of July, 2015, at Bay City

3. Appointment

CONSIDER AND/OR APPROVE THE APPOINTMENT OF COUNCIL MEMBERS BILL CORNMAN, CHRYSTAL FOLSE, AND JULIE ESTLINBAUM TO THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S BOARD FOR A TWO YEAR TERM.

DC Dunham, BCCDC Executive Director
Councilwoman Thames asked why the appointments would be for two year terms, and not 6 year terms. The Mayor explained that the By-laws were in conflict with the Charter.

Enacted and approved this 9th day of July, 2015, at Bay City

4. <u>Resolution</u>

DISCUSS, CONSIDER AND/NOR APPROVE AMENDING THE BYLAWS OF THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION, AS APPROVED AT THE JUNE 29, 2015 MEETING.

DC Dunham, BCCDC Executive Director

RESOLUTION

Enacted and approved this 9th day of July, 2015, at Bay City

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

1. Public Hearing

PUBLIC HEARING ON THE PROPOSED ANNEXATION OF APPROXIMATELY 33 PLATTED AND RESERVE LOTS WITHIN THE LIVE OAK ESTATES SUBDIVISION.

The Mayor provided some background on the impending annexation of Live Oak Estates. Councilwoman Thames asked how the City found out that the subdivision had not been annexed. Mrs. Clegg stated that Marla Jasek made the discovery while researching.

The Mayor opened the Public Hearing at 7:05 p.m.

Live Oak Estates resident, Raymond Johnson, informed Mayor and Council that he has lived in the subdivision for nine (9) years and has been paying City taxes that he should not have been. The Mayor explained that the City continued to provide the same services to the residents that other Bay City residents received, and had not charged any of the residents double the water rates for receiving City services. Mr. Johnson wondered if he was supposed to receive the funds he paid towards taxes back, since he was not a citizen of Bay City. Mr. Hyde informed Mayor and Council that if Mr. Johnson would like to submit documentation he could. He added that Mr. Johnson should submit a letter making a claim for any excess fees paid.

Live Oak Estates resident, James McCoy, spoke about a piece of property that was supposed to be sold, but the deal fell through. Now the property looks unkept. He asked if the City would annex the subdivision would they be treated like the others with the Street Sweeper going through the subdivision and the properties being mowed and kept.

The Mayor closed the Public Hearing at 7:11 p.m.

2. Audit

CONSIDER AND/OR APPROVE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AS OF SEPTEMBER 30, 2014.

Phill Conner, Finance Director
Mr. Conner yielded to Mr. Van Manen. Mr. Van Manen reviewed the Comprehensive Annual Financial Report (CAFR) ending September 30, 2014.

While reviewing the CAFR, Councilman Cornman expressed his concern regarding the difference between the Fund Balance presented in the CAFR, versus the Financial Statement for month ending September 30, 2014. Councilman Cornman wanted to know why there was a difference. Mr. Conner explained that there were things that were adjusted after year end. Mr. Van Manen added that the CAFR was done on an accrual basis, and the City did its Financial Statements on a Cash Funding basis. Councilman Cornman asked why that was. He also questioned why there was a $600,000 difference between the Fund Balance they received monthly versus what was being presented in the CAFR. Councilman Cornman expressed that he was quite disappointed in how the City was reporting the Financial Statements.

Councilman Cornman asked Mr. Van Manen when he presents the CAFR, was that how he normally presented it. Mr. Van Manen stated no. Mr. Van Manen went on to stated that he normally spent time going through the CAFR in a Workshop setting with Council. Councilman Cornman commented that he was expected to approve the CAFR, but he could not because he just received it.

Councilman Johnson asked if there was a reason why the accounts were not being reconciled in a timely fashion. Mr. Conner stated that the employee that was doing the reconciliation, it was not their sole responsibility; however, he had made some changes in the office to address the issue.

It was the consensus of Council to have a Workshop at 5:30 p.m. on July 23, 2015, prior to the start of the Regular Council Meeting.

RESULT:	**TABLED**	**Next: 7/23/2015 7:00 PM**

3. Bid

CONSIDER AND/OR APPROVE AWARDING BID FOR USO PHASE III REMODEL TO ESTELL ALLEN BUILDERS AND AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A CONTRACT ON BEHALF OF THE CITY.

John Garr, Community Services Director
Mr. Garr informed Mayor and Council that there was one bidder, Estell Allen Builders. The City's portion for Phase III of the USO would be $19,768.69; however, he would

like to add contingency of 20% on top of that, which would be approximately an additional $7,500.

Councilman Johnson made a motion to accept the bid of $19,768.69, and reserve judgment on the contingency. Councilman Johnson later withdrew his motion.

Mayor Pro Tem Estlinbaum made a motion to accept the bid with the contingency. Her motion was seconded by Councilwoman Thames. Motion carried. Councilman Johnson voted nay.

RESULT:	**APPROVED [4 TO 1]**
MOVER:	Julie Estlinbaum, Mayor Pro-Tem
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Estlinbaum, Cornman, Folse, Thames
NAYS:	Johnson

Enacted and approved this 9th day of July, 2015, at Bay City

4. Property

CONSIDER FOR APPROVAL AN ORDINANCE OF THE CITY OF BAY CITY AUTHORIZING THE MAYOR TO ACCEPT THE HIGHEST BID OBTAINED AND SELL THE FOLLOWING SURPLUS REAL PROPERTY OWNED BY THE CITY OF BAY CITY: 1920 GRACE, 4115 HEATHERGLEN, 2200 SAGO, 4520 RATTAN & 4405 ARECA.

Councilman Cornman asked that the sales prices be read aloud for the public. Erik Frankson of Ward Real Estate read from the offers received and accepted.

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

Enacted and approved this 9th day of July, 2015, at Bay City

5. Report

RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS.

Barry Calhoun, Director of Public Works
Mr. Calhoun reviewed the ongoing Public Works projects.

Councilman Johnson asked if PPI had began work, and Mr. Calhoun stated that they were sent a letter to proceed. Councilwoman Folse asked about property on Hwy 60 going to Wharton. Mr. Calhoun stated that Code Enforcement was aware of the issue, and have taken the owners to court.

Councilman Cornman asked how many meters were not working, and Mr. Calhoun stated approximately 500 were not working.

6. Report

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

Councilman Cornman informed Mayor and Council that he had received some assistance from Nate McDonald and DC Dunham, and found that the EDA has some funds available and Nile Valley Road fit. He went on to state that he put some things together and provided them to Martha Drake of GrantWorks. Councilman Cornman pointed out that the numbers were a little higher than what the EDA liked. He added that he could not recommend putting anything in the budget for the reclamation of Nile Valley Road.

7. Agreement

DISCUSS GIVING GUIDANCE TO STAFF REGARDING ACQUIRING A BUILDING FOR USE AS A COMMUNITY ART CENTER

Mayor Mark A. Bricker
Zeinab Ghais thanked the Mayor, Councilwoman Thames and Mitch Thames for support and assistance. Ms. Ghais presented Mayor and Council with CVB's recommendation regarding the proposed Community Art Center. The CVB recommended that the City contribute $300,000 toward the Center, with $150,000 from Hotel/Motel taxes and the other $150,000 from the General Fund.

Councilman Cornman asked who would own the building. Ms. Ghais stated the City of Bay City. Councilwoman Thames stated that she had met with the CVB Board and reassured them that the funds would not come out of their budgets. Mayor Pro Tem Estlinbaum asked if $150,000 would be for the cost of the building and the other $150,000 would be for renovations; and Ms. Ghais stated yes. Mayor Pro Tem Estlinbaum asked who would manage it on a day to day basis, and Ms. Ghais stated that John Garr would be the Project Manager.

Councilman Cornman stated that in order to approve the $300,000 he would like to have a basis for the estimate, a project estimate sheet. He also pointed out that there was no cost on how much it would cost to run the building. Councilman Cornman stated that they would need to run a business model proforma. Ms. Ghais stated that she did have some of the numbers Councilman Cornman mentioned, but that it was their mission not to have the City pay for any of those things. Councilwoman Folse expressed her concern of John Garr being over the Center, since he had other City Departments he was responsible for. The Mayor reiterated that Mr. Garr would only be over the project.

Ms. Ghais stated that she would try to be back for the next Council Meeting, if not, she would be back in August. The Mayor stated that they would bring it up during budget.

RESULT:	**WITHDRAWN**

8. Presentation

DISCUSS TRANSFER OF EMERGENCY FUNDS AND DISASTER FUNDS TO UTILITY FUND, CLASSIFYING IT AS RESTRICTED FUND BALANCE

Mayor Mark A. Bricker
The Mayor explained that Mr. Conner had discussions with the City's Auditors and City Attorney. The plan would be to transfer the funds back to Utility and make them restrictive. The funds could be used for emergency issues like back up generators.

Motion by Councilwoman Thames, second by Mayor Pro Tem Estlinbaum, to enter into Executive Session to further discuss the issue. Motion carried. Councilman Cornman voted nay.

Mayor adjourned from Open Session at 8:37 p.m. to enter into Executive Session, under Section 552.071.

Mayor and Council entered into Executive Session at 8:41 p.m.
Mayor and Council adjourned from Executive Session at 8:51 p.m.

Mayor reconvened Open Session at 8:52 p.m.

It was the Consensus of Council to table the item and discuss it during budget meetings.

6. EXECUTIVE SESSION

Mayor adjourned from Open Session at 8:53 p.m.

Mayor and Council entered into Executive Session at 8:56 p.m.

Mayor adjourned from Executive Session at 9:16 p.m.

1. Report

   PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THE EXTENSION OF WATER AND SEWER SERVICE IN ACCORDANCE WITH CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE.

2. Personnel

   IN ACCORDANCE WITH TEXAS GOVERNMENT CODE SECTION 551.071 COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO SEEK THE ADVICE OF THE CITY ATTORNEY REGARDING DAVID L. GREEN'S PETITION TO CORRECT THE REPORT OF HIS SEPARATION FROM THE BAY CITY POLICE DEPARTMENT.

7. OPEN SESSION

Mayor reconvened into Open Session at 9:18 p.m.

1. Report

   CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND MAY CONSIDER AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE FOR CONSIDERATION/DISCUSSION IN EXECUTIVE SESSION (IF NECESSARY).

   No action

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Pro Tem Estlinbaum informed everyone that she received a letter from Teresa with the Museum regarding the Special Needs Prom. She also provided Mayor and Council with a document regarding CAT Camp.

The Mayor stated that Jonnie Montalbo would be at the next meeting to provide an update and that the new home construction ordinance would be placed on the agenda. The Mayor added that he would like to the July 25th Budget Meeting held at the Train Depot.

Bay City Tribune Reporter, Barry Halvorson, informed everyone that the Bay City 7 on 7 team had advanced to State.

9. ADJOURNMENT

AGENDA NOTICES:

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

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

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

This is to certify that the above notice of a Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Thursday, July 2, 2015, before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

____
Rhonda Clegg
City Secretary

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 07/09/15 07:00 PM
Department: Mayor's Office
Category: Agreement
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1942

AGENDA ITEM (ID # 1942)

CONSIDER AND/OR APPROVE PROVIDING LARGE DUMPSTER FOR THE UNITED METHODIST (U.M.) ARMY DURING THE WEEK OF JULY 12TH THRU JULY 18TH.

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

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 07/09/15 07:00 PM
Department: Mayor's Office
Category: Appointment
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1940

AGENDA ITEM (ID # 1940)

CONSIDER AND/OR APPROVE THE APPOINTMENT OF ERIK FRANKSON TO THE PLANNING COMMISSION.

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

CITY OF BAY CITY
VOLUNTEER INTEREST FORM

Dear Resident:

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

PLEASE TYPE OR PRINT:

Date: 5/7/15

Name: Erik Frankson Home Address: 4205 Mockingbird Ln

City: Bay City State TX Zip 77414

Home Phone: 979-244-6194 Business Phone: Same

Employer: Ward Real Estate Occupation: Real Estate Agent

E-mail: erik@wardre.com

Resident of the Bay City Corporate City Limits: (circle one) ☒ Yes ☐ No

Resident of City for 19 years

I am interested in serving on the following boards:

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

1.) Planning Commission

2.) __________

3.) __________

4.) __________

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

Bay City Chamber of Commerce Ambassador - attend Chamber functions and recruit new members
Member of Matagorda Board of Realtors
Lions Club

Signature

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

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 07/09/15 07:00 PM
Department: Community Development
Category: Appointment
Prepared By: D C Dunham
Initiator: D C Dunham
Sponsors:
DOC ID: 1936

AGENDA ITEM (ID # 1936)

CONSIDER AND/OR APPROVE THE APPOINTMENT OF COUNCIL MEMBERS BILL CORNMAN, CHRYSTAL FOLSE, AND JULIE ESTLINBAUM TO THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S BOARD FOR A TWO YEAR TERM.

RESULT:	**APPROVED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Carolyn Thames, Councilwoman
SECONDER:	Chrystal Folse, Councilwoman
AYES:	Estlinbaum, Cornman, Folse, Johnson, Thames

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 07/09/15 07:00 PM
Department: Community Development
Category: Amendment
Prepared By: D C Dunham
Initiator: D C Dunham
Sponsors:
DOC ID: 1935

RESOLUTION (ID # 1935)

DISCUSS, CONSIDER AND/NOR APPROVE AMENDING THE BYLAWS OF THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION, AS APPROVED AT THE JUNE 29, 2015 MEETING.

To change the BCCDC bylaws to allow non-council directors to serve no more than three consecutive terms. This is a change from two terms to three terms.

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

THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS
RESOLUTION NO. ___________

WHEREAS, the Bay City Community Development Corporation, (BCCDC) is Type B development corporation established pursuant to the Texas Local Government Code Chapter 505, subchapter B, and the City Council of the City of Bay City, Texas is the BCCDC's authorizing unit; and

WHEREAS, Section 501.064, of Subchapter B., of Chapter 501, commonly referred to as the "Development Corporation Act," of Subtitle C1, of Title 12, of the Texas Local Government Code provides for the adoption and amendment of bylaws for the administration and regulation of the corporation's affairs, and that any amendment to the bylaws must be consistent with state law, the certificate of formation of the corporation, and be approved by resolution of the governing body of the corporations' authorizing unit; and

WHEREAS, ARTICLE VIII AMENDMENTS TO BYLAWS, of the Bylaws of the BCCDC also require the consent of the corporation's authorizing unit, the City Council of the City of Bay City, for any alteration, amendment, or repeal of the BCCDC's Bylaws; and

WHEREAS, at its Regular Board Meeting held, June 29th, 2015, the BCCDC held a public hearing, discussed, considered, and voted to amend it's Bylaws for the administration and regulation of it's affairs consistent with state law, and the BCCDC's certificate of formation pursuant to Section 501.064 and ARTICLE VIII of it's Bylaws; and

WHEREAS, a copy of said Amendment to the Bylaws of the Bay City Community Development Corporation approved by the BCCDC is attached hereto as **Exhibit "A"**;

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

In accordance with Texas Local Government Code Section 501.064, the BCCDC's authorizing unit, the City Council of Bay City, Texas, hereby approves and consents to the attached Amendment to the Bylaws of the Bay City Community Development Corporation.

PASSED AND APPROVED ON AT BAY CITY TEXAS THIS ________ DAY OF ____________, 2015.

____
Mark Bricker, Mayor
City of Bay City

ATTEST:

____
Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

____
George Hyde, City Attorney

Exhibit "A"

AMENDMENT TO THE BYLAWS OF THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION

AMENDMENT

TO THE BYLAWS

OF THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION

Pursuant the ***Texas Government Code, Sec. 501.064 Bylaws,*** and to powers unto them by Article VIII of the Bylaws of the Bay City Community Development Corporation, the Board of Directors hereby resolve as follows:

I.

Article III of the Bylaws of the Corporation is hereby amended by changing the following Section 3.021 (b):

Rotation and Term Limits of Directors

3.021 (b) To afford other citizens the opportunity to serve the community, non-council directors shall serve no more than three (3) consecutive terms.

II.

This amendment shall become effective upon approval by resolution of the City Council of the City of Bay City, Texas.

ADOPTED this 29th day of June, 2015, by majority vote of the Board of Directors, in witness whereof hereunto set my hand.

Bobby Wilkinson, President

CERTIFICATE OF SECRETARY

I, Karen Hitzfield, the duly appointed Assistant Corporation Secretary of the Bay City Community Development Corporation, do hereby certify that the foregoing Amendment to the Bylaws was duly adopted at a meeting of the Board of Directors held on the ____day of _________, 2015, and was subsequently approved and ratified by the City Council of the City of Bay City, Texas, at a meeting held on the ___day of __________, 2015.

Karen Hitzfield, Assistant Secretary of the Corporation

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/09/15 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1917

DISCUSSION ITEM (ID # 1917)

PUBLIC HEARING ON THE PROPOSED ANNEXATION OF APPROXIMATELY 33 PLATTED AND RESERVE LOTS WITHIN THE LIVE OAK ESTATES SUBDIVISION.

City Council
1901 5Th Street
Bay City, TX 77414

TABLED

Meeting: 07/09/15 07:00 PM
Department: Finance
Category: Audit
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1938

AGENDA ITEM (ID # 1938)

CONSIDER AND/OR APPROVE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AS OF SEPTEMBER 30, 2014.

RESULT:	**TABLED**	**Next: 7/23/2015 7:00 PM**

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1941)

Meeting: 07/09/15 07:00 PM
Department: Mayor's Office
Category: Bid
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1941

CONSIDER AND/OR APPROVE AWARDING BID FOR USO PHASE III REMODEL TO ESTELL ALLEN BUILDERS AND AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A CONTRACT ON BEHALF OF THE CITY.

RESULT:	**APPROVED [4 TO 1]**
MOVER:	Julie Estlinbaum, Mayor Pro-Tem
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Julie Estlinbaum, William Cornman, Chrystal Folse, Carolyn Thames
NAYS:	Steven Johnson

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 07/09/15 07:00 PM
Department: Mayor's Office
Category: Property
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1946

AGENDA ITEM (ID # 1946)

CONSIDER FOR APPROVAL AN ORDINANCE OF THE CITY OF BAY CITY AUTHORIZING THE MAYOR TO ACCEPT THE HIGHEST BID OBTAINED AND SELL THE FOLLOWING SURPLUS REAL PROPERTY OWNED BY THE CITY OF BAY CITY: 1920 GRACE, 4115 HEATHERGLEN, 2200 SAGO, 4520 RATTAN & 4405 ARECA.

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

ORDINANCE NO. _____________

AN ORDINANCE DIRECTING THE MAYOR OF THE CITY OF BAY CITY, TEXAS TO CONVEY PARKLAND PROPERTY; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

WHERAS, Section 253.001(b) of the Texas Local Government Code authorizes the sale of parkland property upon the submittal of the sale to the qualified voters and after the approval of a majority of votes received at said election.

WHEREAS, the City of Bay City, Texas enacted Ordinance No. 1531 on February 26, 2015 ordering a special election of qualified voters of the City of Bay City, Texas to approve or reject a proposal to authorize the sale of parkland property.

WHEREAS, a special election was held on May 9, 2015 to which qualified voters of the City of Bay City, Texas voted to approve or reject the proposal to authorize the sale of parkland property.

WHEREAS, City staff provided proper notice of the special election.

WHEREAS, the City of Bay City conducted the special election in accordance with the Texas Election Code.

WHEREAS, the majority of votes received approved the sale of parkland property.

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

Section 1. Findings. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

Section 2. Conveyance Order. The City Council of the City of Bay City, hereby directs the Mayor of Bay City, Texas to convey the following parkland property by special warranty deed and to execute all other instruments necessary to convey the property according to the terms set forth below:

Property Address	Purchaser	Sales Price
1. 4520 Rattan Bay City, Texas 77414	Apple Builders/Dale Baxter	$30,000.00
2. 4405 Areca Bay City, Texas 77414	Apple Builders/Dale Baxter	$20,000.00

3.	2200 Sago Bay City, Texas 77414	Nell B. Middleton	$6,000.00
4.	1920 Grace Bay City, Texas 77414	Robert V. Bell Rentals, LLC	$4,000.00
5.	4115 Heatherglen Bay City, Texas 77414	Richard and Carol Crow	$4,500.00

Section 3. **Repealing Clause.** That all Ordinances, Resolutions, or part thereof, in conflict herewith are repealed to the extent of such conflict.

Section 4. **Severability Clause**. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, and the validity of the remaining portions or sets of circumstances shall not be affected hereby, it being the intent of City Council in adopting this Ordinance that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of an unconstitutionality and all provisions of this Ordinance are declared to be severable.

Section 5. **Effective Date.** This Ordinance was passed, approved, and effective on the 9th day of July 2015.

COUNCIL MEMBER	VOTED AYE	VOTED NO	ABSENT
William Cornman	____________	____________	______
Julie Estlinbaum, Mayor Pro Tempore	____________	____________	______
Chrystal Folse	____________	____________	______
Steven Johnson	____________	____________	______
Carolyn Thames	____________	____________	______

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

ATTEST:

____
Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/09/15 07:00 PM
Department: Public Works
Category: Report
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1939 A

DISCUSSION ITEM (ID # 1939)

RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS.

Regular City Council Meeting
July 9, 2015 | 7:00 p.m.

Public Works Project Updates

- Street Rehab Project – Phase I
  - Project is substantially complete; Currently working on punch list items

- 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
  - Construction Time: 60 Days
  - Construction Start Date: July 20, 2015
  - Target Construction End Date: September 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
  - Engineer Estimate: $2,184,200.25
  - Target Construction Start Date: September 2015
  - Target Construction End Date: August 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
  - Construction Time: 45 Days
  - Construction Start Date: June 1, 2015
  - Target Construction End Date: July 15, 2015

- 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
  - Construction Time: 195 Days
  - Construction Start Date: June 15, 2015
  - Target Construction End Date: November 2015

- 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):
    - Bid Awarded On: April 23, 2015
    - Contractor: Reddico Construction Company, Inc.
    - Pre-Construction Meeting: May 21, 2015
    - Engineer Estimate: $949,000
    - Actual Amount: $1,183,930
    - Construction Time: 200 Days
    - Construction Start Date: June 22, 2015
    - Target Construction End Date: April 2016

- Dunn Heat Exchangers (TCF Grant)
  - Water Line:
    - Bid Awarded On: June 4, 2015
    - Contractor: MMG Contractors, LLC

- Pre-Construction Meeting: June 25, 2015
- Engineer Estimate: $270,000
- Award Amount: $270,646.70
- Construction Time: 60 Days
- Construction Start Date: July 6, 2015
- Target Construction End Date: September 2015

- Sewer Force Main
  - Bid Awarded On: June 4, 2015
  - Contractor: Alcott, Inc. dba TCH
  - Pre-Construction Meeting: June 25, 2015
  - Engineer Estimate: $320,000
  - Award Amount: $303,522.55
  - Construction Time: 60 Days
  - Construction Start Date: July 20, 2015
  - 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

- Demolition Project (Code Enforcement)
  - Bid Awarded On: May 14, 2015
  - Contractor: J.T.B. Services, Inc.
  - Pre-Construction Meeting: Week of May 25th
  - Estimate: $40,000
  - Actual Amount: $32,385
  - Construction Time: 11 Days
  - Construction Start Date: June 8, 2015
  - Construction Completion Date: June 24, 2015
  - Current Demolition List:
    - 1112 Duncan St
    - 1116 Duncan St
    - 2913 Nancy Ave
    - 1101 Ave D
    - 3216 Nolan St

- 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 prepared thoroughfare standards; Mayor is forming a committee
  - Water Model – Jones & Carter completed the capacity analysis; currently building network model; field calibration testing is pending.
  - Maintenance Plan on 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
  - McDonald Subdivision – Jones & Carter looking at drainage improvements for this subdivision.

• New Development:
  - Oak Manor Villas – 100% complete; currently working on amenities center
  - Candlewood Suites
  - Holiday Inn Express
  - Stripes & Stop – Open for business (they have really good breakfast tacos)
  - Fairfield Inn – Currently clearing site across the street from Bay City High School
  - Independent Motel – Corner of SH35 East & North Dr.
  - Best Western Plus
  - Baytex Hotel Building
  - 9'ers Bar & Grill
  - Dollar General
  - FEMA Safe Dome

• New Building Permits:
  - Residential:
    - January 2015: 1
    - February 2015: 2
    - March 2015: 3
    - April 2015: 9
    - May 2015: 1
    - June 2015: 5
  - Commercial:
    - January 2015: 3
    - February 2015: 2
    - March 2015: 2
    - April 2015: 1
    - May 2015: 2
    - June 2015: 0

• Building Inspections:
  - January 2015: 173

- February 2015: 164
- March 2015: 211
- April 2015: 154
- May 2015: 141
- June 2015: 115

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

DISCUSSION ITEM (ID # 1820)

Meeting: 07/09/15 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1820

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

City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

Meeting: 07/09/15 07:00 PM
Department: Mayor's Office
Category: Agreement
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1945

AGENDA ITEM (ID # 1945)

DISCUSS GIVING GUIDANCE TO STAFF REGARDING ACQUIRING A BUILDING FOR USE AS A COMMUNITY ART CENTER

RESULT:	**WITHDRAWN**

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

DISCUSSION ITEM (ID # 1944)

Meeting: 07/09/15 07:00 PM
Department: Mayor's Office
Category: Presentation
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1944

DISCUSS TRANSFER OF EMERGENCY FUNDS AND DISASTER FUNDS TO UTILITY FUND, CLASSIFYING IT AS RESTRICTED FUND BALANCE

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/09/15 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1933

DISCUSSION ITEM (ID # 1933)

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THE EXTENSION OF WATER AND SEWER SERVICE IN ACCORDANCE WITH CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE.

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/09/15 07:00 PM
Department: City Secretary
Category: Personnel
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1934

DISCUSSION ITEM (ID # 1934)

IN ACCORDANCE WITH TEXAS GOVERNMENT CODE SECTION 551.071 COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO SEEK THE ADVICE OF THE CITY ATTORNEY REGARDING DAVID L. GREEN’S PETITION TO CORRECT THE REPORT OF HIS SEPARATION FROM THE BAY CITY POLICE DEPARTMENT.

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/09/15 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1943

DISCUSSION ITEM (ID # 1943)

CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND MAY CONSIDER AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE FOR CONSIDERATION/DISCUSSION IN EXECUTIVE SESSION (IF NECESSARY).