



BAY CITY

REVISED MINUTES • JUNE 11, 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
Chrystal Folse	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Mark Bricker	Mayor	Present	
Carolyn Thames	Mayor Pro-Tem	Present	
Julie Estlinbaum	Councilwoman	Present	
William Cornman	Councilman	Excused	

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILWOMAN CHRYSTAL FOLSE

Texas State Flag Pledge:

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

3. PUBLIC COMMENTS

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

Bay City resident Stanley Rosenthal spoke to Mayor and Council about several things that worried him.

Bay City resident David Torrez spoke to Mayor and Council about several topics including Wells Fargo's limb pile and tall grass; LeTulle Park; the City's Brush site; and signs. Mr. Torrez informed Mayor and Council that he met a courteous City employee in the Utility Department that was very helpful with his situation. He asked Council to reconsider the trailer ordinance, because many of the young people do not want to build homes; they prefer a trailer home.

Bay City resident Alicia Waters thanked the Mayor, Councilwoman Estlinbaum, and Marla Jasek for their hard work regarding the Building Codes. She asked that their be a timeline placed on getting it taken care of.

12 Strings owner, Shane Daniel, informed Mayor and Council that the lights in front of the hospital have not worked. His concern was that the Bowling Alley makes children leave around 9:30 p.m. and there are a lot of children walking along the highway with no lights.

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

1. Presentation

SWEARING-IN OF RE-ELECTED COUNCIL MEMBERS CHRYSTAL FOLSE, STEVEN JOHNSON AND CAROLYN THAMES.

Rhonda Clegg, City Secretary

City Secretary Clegg swore in re-elected Council Members Chrystal Folse, Steven Johnson, and Carolyn Thames.

2. Appointment

CONSIDER AND/OR APPROVE THE ELECTION OF MAYOR PRO TEM.

Council nominated Councilwoman Estlinbaum for Mayor Pro Tem.

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

Enacted and approved this 11th day of June, 2015, at Bay City

3. Presentation

PRESENTATION OF U.S. FLAG TO JOSHUA DYLAN D'LIMA FOR ADMITTANCE INTO THE U.S. MERCHANT MARINE ACADEMY.

Carol Wooten of Congressman Farenthold's Office

Councilwoman Thames informed everyone that Joshua was actually at training and he requested he be presented with the flag when he graduated.

4. Proclamation

PROCLAMATION PROCLAIMING JUNE AS MYASTHENIA GRAVIS AWARENESS MONTH.

Mayor Mark A. Bricker

Mayor Bricker read the proclamation, prior to presenting it to Mr. DeSoto.

Mr. DeSoto provided Mayor and Council with a handout regarding Myasthenia Gravis.

5. Presentation

PRESENTATION TO ACKNOWLEDGE THE COMMUNITY SERVICE EFFORTS OF ROBERT "BOBBY" HEAD.

Councilwoman Chrystal Folse

Mayor and Council thanked Mr. Head for all that he does for the City.

Mr. Head provided a brief background on how his patriotism began.

6. Property

DISCUSS, CONSIDER AND/OR APPROVE PROVIDING ROBERT "BOBBY" HEAD WITH A KEY TO THE ARMORY.

Councilwoman Chrystal Folse

The Mayor wanted to make it known that the issue was not a Bobby Head issue. He wanted to limit access to City facilities. Councilwoman Folse pointed out that Mr.

Head had the key for the last 25 years, and did not see anything wrong with him having it. Both Mayor Pro Tem Estlinbaum and Councilwoman Thames did not agree with citizens having keys to City facilities. Councilwoman Thames pointed out that Council Members did not have keys to buildings. Councilman Johnson stated that he did not have an issue with Mr. Head having a key. He pointed out that the City had a volunteer Fire Department that are not employees.

Mr. Hyde explained that the issue was presented to him by Councilwoman Folse. She requested an avenue to allow for this. Mr. Hyde explained that Council is the policy makers and the Mayor was the CEO, and in order to create an avenue, he had to create a resolution that approved a volunteer policy.

RESULT:	DEFEATED [2 TO 2]
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Steven Johnson, Councilman
AYES:	Folse, Johnson
NAYS:	Thames, Estlinbaum
EXCUSED:	Cornman

7. Agreement

CONSIDER AND/OR APPROVE RESOLUTION TO FORMALLY ACCEPT DEDICATION OF AN EASEMENT ALONG HIRAM BRANDON DRIVE FROM BAY CITY INDEPENDENT SCHOOL DISTRICT

Marla Jasek, Assistant Public Works Director

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

Enacted and approved this 11th day of June, 2015, at Bay City

8. Agreement

CONSIDER AND/OR APPROVE A RESOLUTION TO ACCEPT DEDICATION OF PROPERTY, ALONG HIRAM BRANDON DRIVE FOR USE AS A STREET AND UTILITY EASEMENT, FROM AMY BROWN BATTS AND GENNI PATRICE STANLEY

Marla Jasek, Assistant Public Works Director

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

Enacted and approved this 11th day of June, 2015, at Bay City

9. Budget

DISCUSS, CONSIDER AND/OR APPROVE THE PURCHASE OF A LOADER AND MOTOR GRADER, INSTEAD OF A GRADALL.

Mayor Mark A. Bricker and Barry Calhoun, Director of Public Works

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

Enacted and approved this 11th day of June, 2015, at Bay City

10. Report

STAFF UPDATE ON REVIEW OF THE EXISTING BUILDING CODE AMENDMENTS AND PROPOSED ADOPTION OF THE 2015 INTERNATIONAL CODES AND 2014 NATIONAL ELECTRIC CODE.

Marla Jasek, Asst. Director of Public Works

Mrs. Jasek explained the process they have taken to get to this point. She informed Mayor and Council that they have made an offer to a candidate for the Building Inspector position, and he has accepted. The candidate would start on June 29th. Mrs. Jasek stated that she would like to adopt the ordinance in September, and allow for a 6 month grace period before it would become effective. She suggested postponing the adoption until after the six month education process.

Mayor Pro Tem Estlinbaum asked if someone wanted to begin using the new codes, once it is approved. Mr. Hyde stated yes.

It was the direction of the Mayor to place the item on the first meeting in September for and update and/or adoption.

11. Report

PRESENTATION AND DISCUSSION ON THE TEXAS COLORADO RIVER FLOODPLAIN COALITION (TCRFC) PROJECT TO UPDATE THE LOCAL HAZARD MITIGATION PLAN.

Marla Jasek, Assistant Director of Public Works

Mrs. Jasek reminded everyone that the Hazard Mitigation Plan must be updated and approved before we could receive funds from FEMA. She explained that they were currently undertaking the meat of the program. They are on track with the original schedule. Mrs. Jasek stated that the plan is to adopt the updated plan in October 2015.

12. Policy

DISCUSS EXPANDING THE NUMBER OF COMMISSIONERS AND REVISING QUALIFICATIONS REQUIREMENTS FOR PLANNING COMMISSION MEMBERS, AND DIRECT STAFF TO TAKE ANY NECESSARY ACTION.

Mayor Mark A. Bricker

The Mayor informed Council that he had been approached by Steve Smith with the hospital regarding the Planning Commission, but Mr. Smith currently resides in the City's ETJ. He explained that he would like to propose amending the ordinance to reflect that majority of the members would reside in the City. He added that he did

not want to hinder good people. The Mayor reminded Council that the Commission has had a lot of resignations. He added that there were always vacancies, so extending the members from 5 to 7 would help with that.

Councilman Johnson stated that he felt like they should reside in the City, and that it should be considered one on one. Councilwoman Folse stated that she should Rafael Gonzales was supposed to come off this year.

It was the consensus of Council to place on the next Council Agenda an ordinance amending the Planning Commission members from 5 to 7.

13. Policy

REVIEW AND DISCUSS GARAGE SALE ORDINANCE FOR PROVISIONS TO RESTRICT GARAGE SALES TO CERTAIN TIMES OF THE YEAR AND TAKE ACTION AS NECESSARY TO DIRECT STAFF AND CITY ATTORNEY.

Mayor Mark A. Bricker

The Mayor explained that there is no enforcement. There is currently no fee, and it is limited to one every six months. The Mayor suggested restricting garage sales to four times a year, with no need for a permit. He added that it would allow for easier enforcement. The Mayor stated that the City could allow for a variance if a persons lease was up or if they moved.

It was the consensus of Council not to restrict citizens. It was also the consensus of Council to have the City Attorney prepare an ordinance to do away with permits, placed on the next Council agenda.

14. Report

STATUS UPDATE ON REPAIR OPTIONS FOR NILE VALLEY ROAD.

No update

5. EXECUTIVE SESSION

The Mayor adjourned from Open Session at 8:13 p.m.

1. Report

PURSUANT TO TEXAS GOVERNMENT CODE 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS) CITY COUNCIL SHALL CONVENE IN CLOSED SESSION TO DELIBERATE AND DISCUSS THE POSSIBLE GRANT OF FINANCIAL INCENTIVES TO ENCOURAGE FUTURE EXPANSION OF THE HENDERSON FABRICATION INC., BAY CITY FACILITIES

Mayor Mark A. Bricker

Mayor and Council entered into Executive Session at 8:17 p.m. to discuss the agenda item.

Mayor adjourned from Executive Session at 8:30 p.m.

6. OPEN SESSION

Mayor reconvened into Open Session at 8:31 p.m.

1. Report

CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND MAY TAKE ACTION ON ANY MATTER LAWFULLY DISCUSSED IN CLOSED SESSION.

No action taken

7. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Pro Tem Estlinbaum reminded everyone of the fishing tournament in Matagorda, and of Our Lady of Guadalupe's annual BBQ.

Councilwoman Thames thanked the citizens for entrusting her with another two years. She expressed her appreciation to her family for always being there. She also informed everyone that she would not be present at the next Council Meeting.

Mayor provided Council with an update on the following: the new fuel tank at the Airport had been installed; at the next meeting the TIRZ Consultant would be in town; he will provide an update on the selling of City property; will provide an update on the recovery program; and the City will be meeting with WCA on their performance.

8. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

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

Attendance By Other Elected or Appointed Officials:

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

Executive Sessions Authorized:

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

This is to certify that the above notice of a Regular Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Thursday, June 4, 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

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1906

DISCUSSION ITEM (ID # 1906)

**SWEARING-IN OF RE-ELECTED COUNCIL MEMBERS
CHRYSTAL FOLSE, STEVEN JOHNSON AND CAROLYN
THAMES.**



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1907)

Meeting: 06/11/15 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1907

CONSIDER AND/OR APPROVE THE ELECTION OF MAYOR PRO TEM.

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



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1915

DISCUSSION ITEM (ID # 1915)

**PRESENTATION OF U.S. FLAG TO JOSHUA DYLAN D'LIMA
FOR ADMITTANCE INTO THE U.S. MERCHANT MARINE
ACADEMY.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: Mayor's Office
Category: Proclamation
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1904

DISCUSSION ITEM (ID # 1904)

PROCLAMATION PROCLAIMING JUNE AS MYASTHENIA GRAVIS AWARENESS MONTH.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1909

DISCUSSION ITEM (ID # 1909)

**PRESENTATION TO ACKNOWLEDGE THE COMMUNITY
SERVICE EFFORTS OF ROBERT "BOBBY" HEAD.**



City Council
1901 5Th Street
Bay City, TX 77414

DEFEATED

Meeting: 06/11/15 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1910

AGENDA ITEM (ID # 1910)

**DISCUSS, CONSIDER AND/OR APPROVE PROVIDING
ROBERT "BOBBY" HEAD WITH A KEY TO THE ARMORY.**

RESULT:	DEFEATED [2 TO 2]
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Steven Johnson, Councilman
AYES:	Chrystal Folse, Steven Johnson
NAYS:	Carolyn Thames, Julie Estlinbaum
EXCUSED:	William Cornman

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY,
TEXAS, AUTHORIZING THE ADOPTION OF A POLICY REGARDING
VOLUNTEER PARTICIPATION

WHEREAS, the Bay City City Council is committed to encouraging community participation in City program and services; and

WHEREAS, the Council finds that an efficient and coordinated volunteer program will enhance the services provided by Volunteers; and

WHEREAS, the Council finds that the adoption of policies and procedures is intended to assist in providing a uniform Volunteer Services Program; and

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

Section one. The City of Bay City adopts the Volunteer Participation Policy as provided for in **Exhibit "A"**.

PASSED AND APPROVED AT BAY CITY TEXAS THIS _____ DAY OF JUNE, 2015.

Mark Bricker, Mayor
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

Attachment: R-2015- Volunteer Policy (1910 : Armory Key)

EXHIBIT “A”

VOLUNTEER PARTICIPATION POLICY

Attachment: R-2015- Volunteer Policy (1910 : Armory Key)

CITY OF BAY CITY VOLUNTEER PARTICIPATION POLICY

I. INTRODUCTION

- 1.1 The City of Bay City appreciated volunteer efforts to encourage public involvement in government affairs and providing quality services and programs to the residents of Bay City.

II. DEFINITIONS

- 2.1 City – the City of Bay City, Texas.
- 2.2 Volunteer – An individual who performs hours of service for the City of Bay City for civic reasons, without promise, expectation or receipt of compensation, benefits or privileges for services rendered.

III. CONDITIONS FOR SERVING AS A VOLUNTEER

- 3.1 Volunteers **are not** employees of the City and shall not represent themselves as a municipal employee.
- 3.2 Volunteers **are not** covered by any of the City's benefit plans, including its worker's compensation plan.
- 3.3 Volunteers shall submit an application and be screened prior to the City's acknowledgement of any volunteer service. Volunteers may be subject to a criminal background check.
- 3.4 Volunteers are required to conduct themselves in an appropriate manner and in accordance with City policies and regulations, as well as all other applicable State and Federal laws.
- 3.5 Volunteers are required to complete the Volunteer Acknowledgement Form.

IV. FACILITY, EQUIPMENT AND INFORMATION ACCESS

- 4.1 Volunteers may be granted access to City facilities and issued a key for entrance to secured facilities. Volunteer access will be allowed only for governmental business and shall be determined on a case by case basis at the discretion of the Mayor. If a volunteer requests key access and the access is not granted by the Mayor, the volunteer's request may be appealed to the City Council with support of the Department Head in control of the facility in question. Absent Department Head support the denial of the request by the Mayor is final.

- 4.2 Volunteers may be granted access to and authorized to use City equipment, supplies and other materials under this policy. This use is authorized for governmental business only.

V. LIMITATIONS

- 5.1 The City reserves the right to limit the use of volunteers, adjust the hours of any volunteer or to reject the services of a volunteer in order to achieve the City's public purpose.
- 5.2 The City may terminate volunteer services for any reason at any time, upon written notice to the Volunteer.
- 5.2 No employment or any other contractual right is created by this policy.



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 06/11/15 07:00 PM
Department: Mayor's Office
Category: Agreement
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1912

AGENDA ITEM (ID # 1912)

**CONSIDER AND/OR APPROVE RESOLUTION TO FORMALLY
ACCEPT DEDICATION OF AN EASEMENT ALONG HIRAM
BRANDON DRIVE FROM BAY CITY INDEPENDENT SCHOOL
DISTRICT**

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

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

DEDICATION OF PUBLIC STREET AND UTILITY
EASEMENT

Date: May _____, 2015

Grantor: BAY CITY INDEPENDENT SCHOOL DISTRICT

Grantor's Mailing Address: 520 Seventh Street
Bay City, Texas 77414

Grantee: THE CITY OF BAY CITY

Grantee's Mailing Address: 1900 Fifth Street
Bay City, Texas 77414

Consideration: GRANTEE'S agreement to maintain the easement granted herein.

Property: A Public Street and Utility Easement in 60 feet (60') wide and 1076.6 feet (1076.6') long, out of the E. Hall League, Abstract No. 45 in Matagorda County, Texas, being HIRAM BRANDON DRIVE from the South right-of-way line of Thompson Drive to the South right-of-way line of Morningside Drive, more particularly described by metes and bounds in the PROPERTY EXHIBIT attached hereto and made a part hereof.

Reservations from Conveyance and Warranty: NONE

Exceptions to Conveyance and Warranty: Validly existing easements, rights-of-way and prescriptive rights, whether of record or not, all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations and other matters arising from and existing by reason of actions of any political subdivision or governmental agency, and taxes for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership or both, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, dedicates and grants to Grantee the property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold unto Grantee, Grantee's heirs, executors, administrators, successors and assigns forever. Grantor hereby binds

Grantor and Grantor’s heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty when the claim is by, through or under Grantor, but not otherwise.

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

SIGNED this _____ day of May, 2015.

BAY CITY INDEPENDENT SCHOOL DISTRICT

By: _____
TIM POWELL, School Board President

THE STATE OF TEXAS §

COUNTY OF MATAGORDA §

This instrument was acknowledged before me on this the _____ day of May, 2015, by TIM POWELL, President of the School Board of the BAY CITY INDEPENDENT SCHOOL DISTRICT, on behalf of said District.

NOTARY PUBLIC

PROPERTY EXHIBIT

A Public Street and Utility Easement in 60 feet (60') wide and 1076.6 feet (1076.6') long, out of the E. Hall League, Abstract No. 45 in Matagorda County, Texas, being HIRAM BRANDON DRIVE from the South right-of-way line of Thompson Drive to the South right-of-way line of Morningside Drive, more particularly described by metes and bounds as follows:

BEGINNING at a point in the center of a 40 foot road along the common line between the Hannah Thompson and the Ira T. Anderson land, at the intersection of a projection of the West line of the Thompson Place Subdivision, plat of which subdivision is recorded in Volume 2 at Page 41 of the Map Records of Matagorda County, Texas, and which point of beginning is set 30 feet North of the Northwest corner of Lot No. 24 of the said Thompson Place Subdivision. The said point of beginning is the Northeast corner of this tract.

THENCE South at 968.6 feet cross the 6 inch gas line of the Tennessee Gas Company, in all a total of 1076.6 feet to a ½ inch steel rod set in the South right-of-way line in Morningside Drive, for the Southeast corner of this tract.

THENCE South 88° 20' West, a distance of 60.00 feet to a stake for the Northeast of a 3.00 acre tract described in a deed recorded in Volume 515 at Page 552 of the Deed Records of Matagorda County, Texas and the Southwest corner of this tract.

THENCE North 1076.6 feet to a point in centerline of Thompson Drive for the Northwest corner of this tract.

THENCE East 60 feet to the PLACE OF BEGINNING.

After recording return to:
DANIEL E. HAYES
1704 Fifth Street
Bay City, Texas 77414

Prepared in the Law Office of:
HAYES & PENDERGRAFT
DANIEL E. HAYES
1704 Fifth Street
Bay City, Texas 77414
Telephone: 979-245-8359
Facsimile: 979-245-1235

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, FORMALLY
ACCEPTING A DEDICATION OF A SIXTY FEET (60') WIDE PUBLIC
STREET AND UTILITY EASEMENT BY THE BAY CITY INDEPENDENT
SCHOOL DISTRICT FOR A PUBLIC WORKS PROJECT, INCLUDING THE
PREVIOUS INSTALLATION OF WATER AND SEWER LINES**

WHEREAS, the Bay City Independent School District owns real property as described in **Exhibit A**; and

WHEREAS, the Bay City Independent School District has offered to dedicate a street and utility easement to the City; and

WHEREAS, the City of Bay city (the "City") a Texas home rule municipality has completed a public works project that included the installation of water and sewer lines where the property is located along Hiram Brandon Drive; and

WHEREAS, the formal acceptance of the dedication of a sixty (60') feet wide public street and utility easement will enhance the development of the area and improve the general health, welfare and public safety of the citizens of the City of Bay City; and

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

SECTION 1. That the City Council hereby finds and determines that it is in the best interest of the citizens of the City of Bay City to accept the dedication of a street and utility easement as described in the attached **Exhibit "A"**, by the Bay City Independent School District.

SECTION 2. That the City Council of the City of Bay City accepts the dedication of a street and utility for the purposes described herein.

PASSED AND APPROVED AT BAY CITY TEXAS THIS ____ DAY OF _____, 2015

Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary

George Hyde, City Attorney

Attachment: R-2015 - Dedication of ISD Easement (1912 : Resolution Accepting Dedication of Hiram Brandon from School District)

EXHIBIT A

Attachment: R-2015 - Dedication of ISD Easement (1912 : Resolution Accepting Dedication of Hiram Brandon from School District)



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1913)

Meeting: 06/11/15 07:00 PM
Department: Mayor's Office
Category: Agreement
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1913

**CONSIDER AND/OR APPROVE A RESOLUTION TO ACCEPT
DEDICATION OF PROPERTY, ALONG HIRAM BRANDON
DRIVE FOR USE AS A STREET AND UTILITY EASEMENT,
FROM AMY BROWN BATTS AND GENNI PATRICE STANLEY**

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

COPY

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

DEED WITHOUT WARRANTY

Date: Jan. 2, 2015

Grantors: (1) AMY BROWN BATTS
(2) GENNI PATRICE STANLEY

Grantors' Mailing Address: (1) ~~101 Frazier~~ 101 Park St
~~Lindon, Texas 75563~~ Atlanta, TX 75551
(2) 17201 Tranquility Drive
Flint, Texas 75762

Grantee: THE CITY OF BAY CITY

Grantee's Mailing Address: 1900 Fifth Street
Bay City, Texas 77414

Consideration: TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration

Property: 60 feet by 311.1 feet out of the E. HALL LEAGUE, Abstract No. 45 in Matagorda County, Texas being HIRAM BRANDON DRIVE from the North boundary line of Morningside Drive to the South boundary line of that 3.0 acre tract of land described in the Deed from Joe Brown to Morningside Manor Associates, Ltd., dated November 28, 1972, recorded in Volume 515 at Pages 552-554 of the Deed Records of Matagorda County, Texas.

Reservations From Conveyance and Warranty: Grantor, on behalf of herself, her successors and assigns, reserves all oil, gas, associated hydrocarbons, royalties and earthen minerals in, on, under or that may be produced from the aforesaid Property or property pooled therewith.

Exceptions to Conveyance and Warranty: Subject to all reservations, restrictions, covenants, conditions, rights-of-way, easements, and oil, gas and mineral lease or leases of record, if any.

Grantors for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold unto Grantee and Grantee's heirs, successors, and assigns forever, without express or implied warranty. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded.

This conveyance is intended to include any property interests obtained by after-acquired title.

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

Attachment: hiram brandon deed-hayes (1913 : Resolution Accepting Dedication of Hiram Brandon Easements from Property Owners)

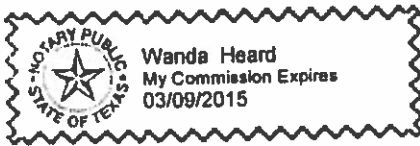
Each of the Grantors has signed this document on a separate page and agrees that the original signatures and notary acknowledgments may be affixed to the original and recorded as a single original document.

SIGNED this 2nd day of JANUARY, 20 15.

Amy Brown Batts
AMY BROWN BATTS

THE STATE OF TEXAS §
 §
COUNTY OF MATAGORDA §

This instrument was acknowledged before me this 2nd day of JANUARY, 20 15, by AMY BROWN BATTS.



Wanda Heard
NOTARY PUBLIC

Attachment: hiram brandon deed-hayes (1913 : Resolution Accepting Dedication of Hiram Brandon Easements from Property Owners)

Genni Patrice Stanley
GENNI PATRICE STANLEY

THE STATE OF TEXAS §
 §
COUNTY OF MATAGORDA §

This instrument was acknowledged before me this 19th day of JANUARY,
20 14 by GENNI PATRICE STANLEY.

Jay Dean Misenheimer
NOTARY PUBLIC



After recording return to:

Prepared in the Law Office of:
HAYES & PENDERGRAFT
DANIEL E. HAYES
1704 Fifth Street
Bay City, Texas 77414
Telephone: 979-245-8359
Facsimile: 979-245-1235

Attachment: hiram brandon deed-hayes (1913 : Resolution Accepting Dedication of Hiram Brandon Easements from Property Owners)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, FORMALLY
ACCEPTING A DEDICATION OF A 60 BY 311.1 FEET (60" x 311.1') WIDE
PIECE OF PROPERTY BY AMY BROWN BATTS AND GENNI PATRICE
STANLEY FOR A PUBLIC WORKS PROJECT, INCLUDING THE
PREVIOUS INSTALLATION OF WATER AND SEWER LINES**

WHEREAS, Amy Brown Batts and Genni Patrice Stanley own real property as described in **Exhibit A**; and

WHEREAS, Amy Brown Batts and Genni Patrice Stanley have offered to convey and did convey a piece of property as described in **Exhibit A**; and

WHEREAS, the City of Bay city (the "City") a Texas home rule municipality has completed a public works project that included the installation of water and sewer lines where the property is located along Hiram Brandon Drive; and

WHEREAS, the formal acceptance of the dedication of a 60 by 311.1 feet (60' x 311.1') wide piece of property for use as a street and utility easement will enhance the development of the area and improve the general health, welfare and public safety of the citizens of the City of Bay City; and

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

SECTION 1. That the City Council hereby finds and determines that it is in the best interest of the citizens of the City of Bay City to accept the dedication of a piece of property for use as a street and utility easement as described in the attached **Exhibit "A"**, by Amy Brown Batts and Genni Patrice Stanley

SECTION 2. That the City Council of the City of Bay City accepts the dedication of a parcel of property for use as a street and utility easement for the purposes described herein.

PASSED AND APPROVED AT BAY CITY TEXAS THIS ____ DAY OF _____, 2015

Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary

George Hyde, City Attorney

EXHIBIT A

Attachment: R-2015 - Dedication of Batts Easement (1913 : Resolution Accepting Dedication of Hiram Brandon Easements from Property



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 06/11/15 07:00 PM
Department: City Secretary
Category: Budget
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1905

ADOPTED

AGENDA ITEM (ID # 1905)

**DISCUSS, CONSIDER AND/OR APPROVE THE PURCHASE
OF A LOADER AND MOTOR GRADER, INSTEAD OF A
GRADALL.**

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

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

MEMORANDUM

TO: Mark A. Bricker, Mayor
Phill Conner, Finance Director

FROM: Barry Calhoun, Director of Public Works

DATE: May 15, 2015

SUBJECT: Request to Purchase Loader & Motor Grader Instead of a Gradall in 2015 Fiscal Year Budget

I am requesting that the City postpone the purchase of a new Gradall that is in the 2015 Fiscal Year Budget. Instead, I feel it would benefit the Public Works Department and the City more to purchase a new Loader and new Motor Grader now. Below is my justification for my request.

Gradalls are a very useful piece of equipment that are used for excavating ditches, loading material, excavating for street repairs, storm cleanup and demolition projects. The Street and Bridge Division currently has two (2) Gradalls. Unit #590 is a 1997 Model IGWD-3 and Unit #749 is a 2010 Model XL-3100. Both Gradalls are operational, with the older unit being used mainly as backup. The older unit has some maintenance issues and it is sometimes difficult to find replacement parts. The 1997 Gradall will eventually need to be replaced but should meet the City's needs for another couple of years.

This primary use for a Motor Grader is to "finish grade" or smooth the layer of dirt or roadway base material to an acceptable elevation. The Street and Bridge Division currently has a Motor Grader (also referred to as a blade or maintainer). Unit #505 is a 1993 Fiat. Unit #505 has over 24,000 hours. Repairs are needed on the engine, transmission, brakes, hydraulic pump, drive trains and steering linkage. Due to the age and wear of Unit #505, finishing the roadway is difficult for even the most experienced operators. A new Motor Grader would have increased power, advanced controls and improved articulation (tighter blade), which would allow for increased productivity, improved finishing and an overall better ride for rehabilitated pavement sections.

A Loader is primarily used to load materials but is also used to move materials and push the material into stockpiles. The City does not currently own a Loader and has not used one since the 1996 Fiat loader became inoperable several years ago. A Loader could be utilized by all departments to load and unload materials. The loader bucket is larger than a Gradall or Backhoe bucket and would speed up loading of materials. Attachments could also be purchased to use the Loader as a grapple and forklift. Acquiring a Loader would provide more effective methods to load, move and stockpile materials while reducing the wear on the Gradalls and Backhoes.

Attachment: 20150611 - PW Memo (1905 : Public Works Budget Change)

The proposed cost of a new Gradall is \$312,000. A new Wheel Loader would cost \$170,000 and a new Motor Grader would cost 160,000. It would be beneficial to Street and Bridge to purchase the Loader and Motor Grader now and postpone the purchase of another Gradall.

Should you have any questions or concerns, please don't hesitate to call.

Sincerely,



Barry Calhoun
Director of Public Works
City of Bay City, Texas

cc: File

Attachment: 20150611 - PW Memo (1905 : Public Works Budget Change)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: Public Works
Category: Report
Prepared By: Marla Jasek
Initiator: Marla Jasek
Sponsors:
DOC ID: 1902

DISCUSSION ITEM (ID # 1902)

**STAFF UPDATE ON REVIEW OF THE EXISTING BUILDING
CODE AMENDMENTS AND PROPOSED ADOPTION OF THE
2015 INTERNATIONAL CODES AND 2014 NATIONAL
ELECTRIC CODE.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: Public Works
Category: Report
Prepared By: Marla Jasek
Initiator: Marla Jasek
Sponsors:
DOC ID: 1903

DISCUSSION ITEM (ID # 1903)

**PRESENTATION AND DISCUSSION ON THE TEXAS
COLORADO RIVER FLOODPLAIN COALITION (TCRFC)
PROJECT TO UPDATE THE LOCAL HAZARD MITIGATION
PLAN.**

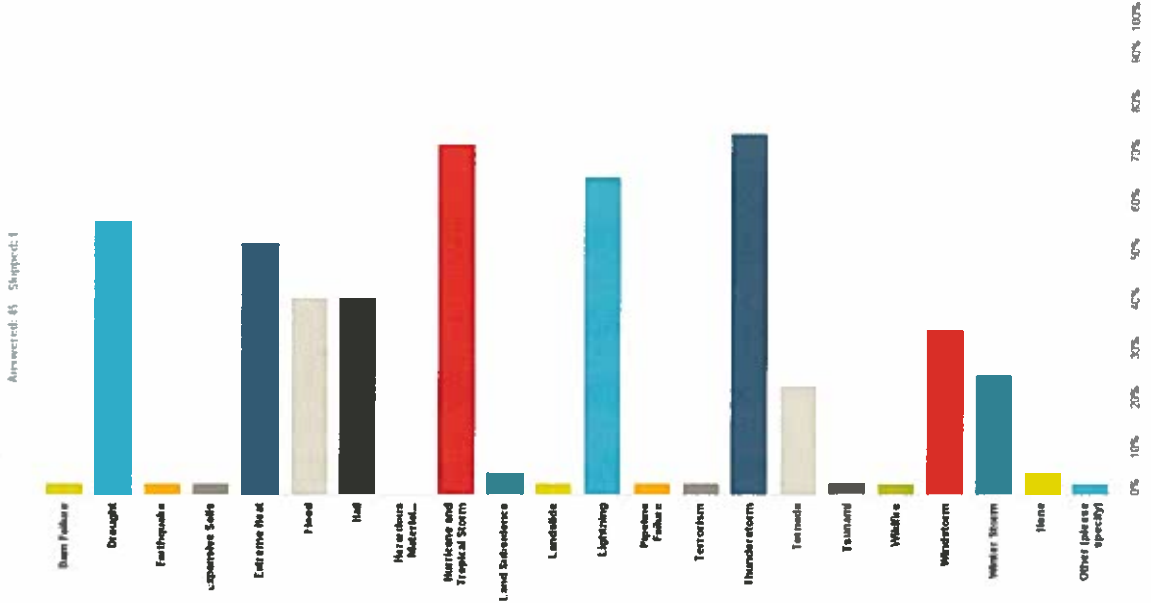
Report from staff on the items completed to date, discussion of the mandatory meeting held on June 2, 2015, and the schedule for completion.

Community Participation Survey Results (to date)

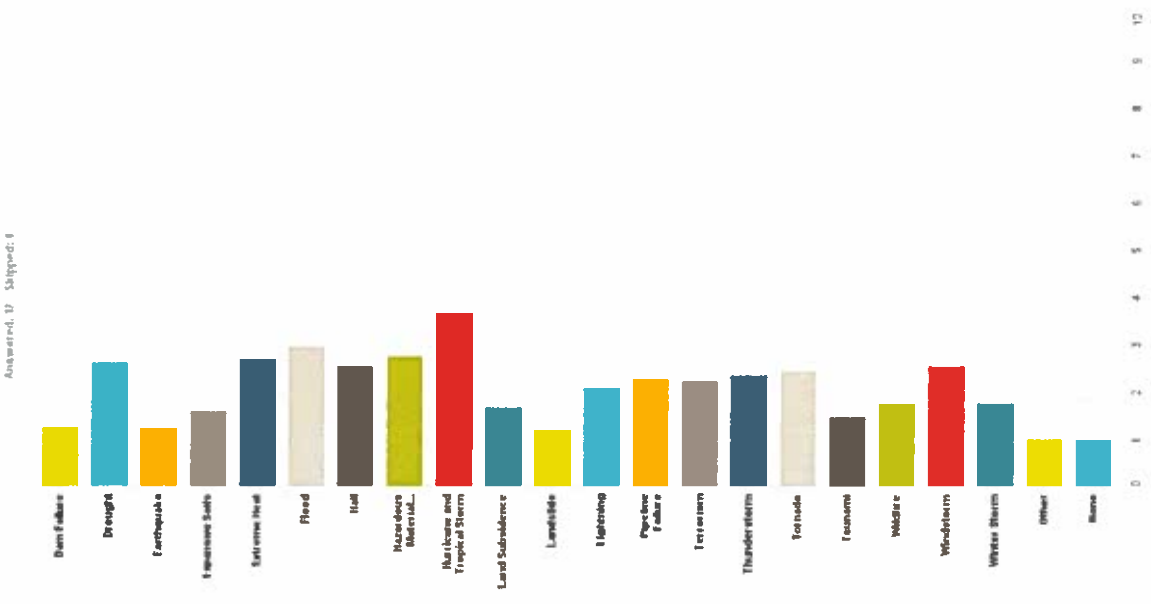
Matagorda County 46 Responses

- Top 10 Natural Hazards
- 1. Hurricane/Tropical Storm
 - 2. Flood
 - 3. Extreme Heat
 - 4. Drought
 - 5. Hail
 - 6. Windstorm
 - 7. Tornado
 - 8. Thunderstorm
 - 9. Lightning
 - 10. Wildfire
- Winter Storm

Q3 Which of the following hazard events have you or has anyone in your household experienced in the past 20 years within Matagorda County? (Check all that apply)



Q7 How concerned are you about the following natural hazards in Matagorda County? (Check one response for each hazard)



Hazard Ranking Exercise

PLANNING AREA RISK RANKING

RANKING FOR
Colorado County or _____ Community
(please insert name)

Hazard	Probability of Occurrence	Impact on People	Impact on Property	Impact on Economy
Coastal Erosion				
Dam/Levee Failure				
Drought				
Earthquake				
Expansive Soils				
Extreme Heat				
Flood				
Hail				
Hurricane and Tropical Storm				
Land Subsidence				
Lightning				
Thunderstorm				
Tornado				
Wildfire				
Wind				
Winter Weather				

Mitigation Action Worksheet

Mitigation Action Worksheet

Please complete one worksheet per action with as much detail as possible, using the instructions beginning on page 3 and examples provided by FEMA.

Name of Jurisdiction: _____ Mitigation Action #:

Mitigation Action Title: _____

Hazard(s) addressed: (check all that apply)	Assessing the Risk	
	☐ All Hazards ☐ Natural Hazards ☐ Explosive Sols ☐ Land Subsidence ☐ Winter Weather	☐ Human-Led Failure ☐ Flood ☐ Lightning ☐ Thunderstorm ☐ Tornado ☐ Wildfire
Specific problem being Mitigated (describe why action is needed)		
Alternatives Considered (name of project and reason for not selecting)	Evaluation of Potential Alternatives	
	1. _____ 2. _____ 3. _____	
	Action Project Intended for Implementation	
Describe how action will be implemented (include steps involved)		
Action/Project Type	☐ Local Plans and Regulations ☐ Natural Systems Protection ☐ Local Plans and Regulations ☐ Natural Systems Protection ☐ Education and Awareness Programs ☐ Goal #1 ☐ Goal #2 ☐ Goal #3 ☐ Goal #4 ☐ Goal #5 ☐ Goal #6	
Applicable Goals/Objectives (refer to list of goals/objectives)	☐ Future Development ☐ Both Existing and Future Development ☐ Not Applicable ☐ Life Safety ☐ Damage Reduction ☐ Other	
Applies to existing or future development		
Describe benefits (losses avoided)		
Estimated Cost	☐ < \$10,000; ☐ \$10,000 to \$100,000; ☐ > \$100,000 Other Amount: \$	
Responsible Department	Plan for Implementation	
Local Planning Mechanism (check all that apply)	☐ Capital Improvement Plan ☐ Comprehensive Plan ☐ Building Code ☐ Ordinance ☐ Other:	
Potential Funding Sources		
Timeline for Completion	☐ Short Term (1-5 yrs) ☐ Long Term (>5 yrs) ☐ Ongoing	
Status/Comment	☐ Not Started ☐ In Progress ☐ Delayed ☐ Completed ☐ No Longer Required Comment:	
Completed by: (name, title, phone #)	Date:	

Prioritization Worksheet

Mitigation Action #:

Mitigation Action Title:

Criteria	Numerical Rating: Definitely Yes = 4 Maybe Yes = 3 Unknown/Neutral = 2 Probably No = 1 Definitely No = 0	Provide brief rationale for numeric rank when appropriate
1. Will the action result in Life Safety?	4, 3, 2, 1, 0	
2. Will the action result in Financial Protection?	4, 3, 2, 1, 0	
3. Will the action be Cost-Effective? (ensure benefits exceed cost)	4, 3, 2, 1, 0	
4. Is the action Technically Feasible?	4, 3, 2, 1, 0	
5. Is the action Politically Acceptable?	4, 3, 2, 1, 0	
6. Does the jurisdiction have the Legal Authority to implement?	4, 3, 2, 1, 0	
7. Is Funding available for the action?	4, 3, 2, 1, 0	
8. Will the action have a positive impact on the national Environment?	4, 3, 2, 1, 0	
9. Is the action Socially Acceptable?	4, 3, 2, 1, 0	
10. Does the jurisdiction have the Administrative capability to execute the action?	4, 3, 2, 1, 0	
11. Will the action reduce risk to more than one hazard (Multi-Hazard)?	4, 3, 2, 1, 0	
12. Can the action be implemented quickly?	4, 3, 2, 1, 0	
13. Is there an Agency/Department Charged for the action?	4, 3, 2, 1, 0	
14. Will the action meet other community objectives?	4, 3, 2, 1, 0	
Total		
Priority:	☐ Low ☐ Medium ☐ High	



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: Mayor's Office
Category: Policy
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1896

DISCUSSION ITEM (ID # 1896)

**DISCUSS EXPANDING THE NUMBER OF COMMISSIONERS
AND REVISING QUALIFICATIONS REQUIREMENTS FOR
PLANNING COMMISSION MEMBERS, AND DIRECT STAFF TO
TAKE ANY NECESSARY ACTION.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: Mayor's Office
Category: Policy
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1895

DISCUSSION ITEM (ID # 1895)

**REVIEW AND DISCUSS GARAGE SALE ORDINANCE FOR
PROVISIONS TO RESTRICT GARAGE SALES TO CERTAIN
TIMES OF THE YEAR AND TAKE ACTION AS NECESSARY TO
DIRECT STAFF AND CITY ATTORNEY.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1818

DISCUSSION ITEM (ID # 1818)

**STATUS UPDATE ON REPAIR OPTIONS FOR NILE VALLEY
ROAD.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:

DOC ID: 1911 A

DISCUSSION ITEM (ID # 1911)

**PURSUANT TO TEXAS GOVERNMENT CODE 551.087
(DELIBERATION REGARDING ECONOMIC DEVELOPMENT
NEGOTIATIONS) CITY COUNCIL SHALL CONVENE IN
CLOSED SESSION TO DELIBERATE AND DISCUSS THE
POSSIBLE GRANT OF FINANCIAL INCENTIVES TO
ENCOURAGE FUTURE EXPANSION OF THE HENDERSON
FABRICATION INC., BAY CITY FACILITIES**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 06/11/15 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1914

DISCUSSION ITEM (ID # 1914)

**CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND
MAY TAKE ACTION ON ANY MATTER LAWFULLY
DISCUSSED IN CLOSED SESSION.**