



BAY CITY

REVISED MINUTES • NOVEMBER 6, 2014

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	Present	

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILWOMAN JULIE ESTLINBAUM

Texas State Flag Pledge:

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

3. PUBLIC COMMENTS

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

Bay City resident Jerry Hance provided an analogy of what it is like regarding the Sanitation brush pick up. He referenced the agenda item increasing the Sanitation rate. Mr. Hance asked about the company that chips the City's Chipping Site. The Mayor asked if Council would like to invite WCA to the next Council Meeting to talk about their performance.

Bay City resident Jo Halbert commented on the previous meeting's agenda item, the Vision 2040 Plan. She stated that it was a wonderful plan, and that it would take everyone to work on it. Mrs. Halbert stated that the Planning Commission had taken ownership and that they should allow them to do this. She added that the City should allow people that were good in areas, to encourage them to help. Mrs. Halbert stated that she had a problem with the Council making a decision regarding the plan tonight. She did not think that they were ready for that.

Bay City Chamber of Commerce and Agriculture President, Mitch Thames, wanted to thank those that wrote letters to the Corps of Engineers. He thanked Judge McDonald for creating a compromise. Mr. Thames invited everyone out to the Civic Center for a meeting on December 11, 2014 from 5 p.m. - 7 p.m.

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.

The Mayor informed Council that the Housing Authority had a resignation. The appointment was to fill the resident position, which was required.

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

1. Appointment

CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT OF CASSANDRA THOMAS TO THE BAY CITY HOUSING AUTHORITY BOARD.

Mayor Bricker

Enacted and approved this 6th day of November, 2014, at Bay City

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

1. Ordinance

DISCUSS, CONSIDER AND DIRECT STAFF REGARDING ANY NECESSARY ADJUSTMENTS NEEDED TO CITY BUILDING PERMIT AND INSPECTION FEES, INCLUDING FEES FOR OUTSOURCED INDEPENDENT INSPECTIONS.

Barry Calhoun, Director of Public Works

Mr. Calhoun provided Mayor and Council with a comparative document of fees from the City and Bureau Veritas. He stated that he requested the Mayor to have a Workshop to provide a better understanding of their services.

Councilman Cornman asked what he concluded, and Mr. Calhoun stated that the City needed to make adjustments.

It was Council's consensus to schedule a Workshop for Monday, November 10, 2014, at 6 p.m. However, if Bureau Veritas would be unable to attend an alternative date was selected, Monday, November 17, 2014, at 6:00 p.m.

RESULT:	TABLED	Next: 11/17/2014 6:00 PM
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2. Presentation

PRESENTATION OF A CHECK IN THE AMOUNT 10% OF THE FUNDS FOR THE VISION 2040 PLAN.

Mitch Thames, President of Bay City Chamber of Commerce and Agriculture
Bay City Chamber of Commerce and Agriculture President, Terry Farrar, presented Mayor and Council with a check in the amount of \$9,350. He stated that he hoped Council approved the plan, and that he was very excited about it.

3. Policy

DISCUSS, CONSIDER, AND/OR APPROVE THE VISION 2040 COMPREHENSIVE PLAN.

Councilman Bill Cornman

Councilman Cornman asked the Mayor if he had the opportunity to review the document with his staff. The Mayor stated that he did not.

Councilwoman Estlinbaum stated that whether they approved it tonight or in two weeks, she would like to have the Workshops Councilman Cornman spoke about.

Mayor stated that the document was a fluid document, that provided direction on where to start.

Council's consensus was to schedule a Workshop on Monday, December 1, 2014, at 6:00 p.m. Mrs. Clegg asked if they would like a place holder on the December 4th's Council Meeting, and Council stated yes.

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

Enacted and approved this 6th day of November, 2014, at Bay City

4. Amendment

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, MERGING INFORMATION TECHNOLOGY DEPARTMENT AND ALL POSITIONS RELATED TO UTILITY BILLING INTO THE FINANCE DEPARTMENT; REDESIGNATING THE INFORMATION TECHNOLOGY DEPARTMENT AND ALL POSITIONS RELATED TO UTILITY BILLING AS DIVISIONS OF THE FINANCE DEPARTMENT; REASSIGNING AND REDESIGNATING DEPARTMENTAL PERSONNEL; DESIGNATING CONTROL OF PERSONNEL; ESTABLISHING OPERATIVE DATES FOR CONSOLIDATION; PROVIDING FOR A REPEALING CLAUSE, SEVERABILITY CLAUSE, AND DESIGNATING AN EFFECTIVE DATE.

Phill Conner, Finance Director and Barry Calhoun, Director of Public Works

Mr. Conner explained that the ordinance would move the IT Department and the employees of the Utility Billing Division to the Finance Department.

Councilman Cornman asked if the change would be headcount and cost neutral, and Mr. Conner stated yes. Councilman Cornman asked if it would be a supervisory change. Mr. Conner explained that when the current Utility Supervisor retired he would make the position an Assistant Finance Director position. This position would assume the supervisory duties of the Utility Billing employees and Customer Service Techs.

Councilwoman Folse asked if the current employees would have additional duties. Mr. Conner stated that he could not state what it would be like in six months, but would like to make two billing cycles. Councilwoman Folse stated that she did not feel like IT should be under Finance. She felt like it was a division that supported all of the City's functions and it should report directly to the Mayor. Councilman Cornman disagreed with Councilwoman Folse, and provided his reasons why he felt it was not a good reason to do that.

Item approved. Council polled.

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

Enacted and approved this 6th day of November, 2014, at Bay City

5. Budget

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE 2014-2015 FISCAL YEAR BUDGET IN THE AMOUNT OF \$66,000.00.

Phill Conner, Finance Director

Mr. Conner explained to Mayor and Council that the Civic Center had been having issues with five (5) a/c units. He added that they had already spent almost \$20,000 to get in compliance with the Windstorm Association.

Item was approved. Council was polled.

Mayor commented that he was disappointed in a budget amendment so early in the budget. He felt that the items was more of Capital Project.

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

Enacted and approved this 6th day of November, 2014, at Bay City

6. Property

DISCUSS USE OF PROPERTY BY LICENSE AGREEMENT BY OR SALE OF PROPERTY TO ADJACENT PROPERTY OWNER A PORTION OF 9TH STREET (UNIMPROVED) BETWEEN AVENUE E AND AVENUE F.

Marla Jasek, Assistant Director of Public Works

Mrs. Jasek explained that just North of 9er's development she was approached by Bearden Development to purchase or license property. They would like to purchase the property with the option of the City retaining the drainage easement.

Councilman Cornman asked if they planned to develop the property. Mrs. Jasek stated that they would improve the drainage and asphalt it for parking.

Both Mayor and Council agreed that they did not want to sell the property. Mrs. Jasek stated that it was fine, she just wanted some guidance. Mr. Hyde provided some verbiage on hindering natural flow of water.

RESULT:	WITHDRAWN
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7. Contract

DISCUSS CONSIDER AND TAKE NECESSARY ACTION ON THE 2.1% CPI RATE INCREASE REQUEST PURSUANT TO THE SOLID WASTE CONTRACT WITH WCA AS PROVIDED BY SECTION 8.0 OF THE CONTRACT

Phill Conner, Finance Director

The Mayor stated that he would like for WCA to be back on the 20th's meeting to discuss their performance. He added that the complaints have increased.

Mr. Hyde stated that they could suspend the increase, until they come back to Council.

MOTION BY MAYOR PRO TEM THAMES, SECOND BY COUNCILWOMAN ESTLINBAUM, TO SUSPEND THE INCREASE. MOTION CARRIED BY UNANIMOUS VOTE.

Councilman Cornman stated that they needed a plan for WCA when they did not do what they say they will do. He asked what was the 2.1% increase worth, and Mr. Conner stated approximately \$3,000 a month. Councilman Cornman stated that they needed punitive action to make them do what they should be doing.

Bay City resident commented that even when the City was in the trash service, we still had issues with picking up brush and bulk items. He stated that we needed to get to the bottom of the issue.

RESULT:	TABLED	Next: 11/20/2014 7:00 PM
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8. Report

DISCUSS AND PROVIDE DIRECTION TO STAFF REGARDING WATER AND SEWER LINES SERVING MATAGORDA OILFIELD SPECIALTY.

Mr. Calhoun explained that he had been working with the engineer on where to bring the utilities. Councilman Johnson asked what the cost was to bring utilities there, and Mr. Calhoun stated \$272,000. Mr. Calhoun added that they were looking to capture other properties, not just the MOS.

Mr. Hyde explained to Council that the AD Valorem and Sales Taxes did not go to Utility projects.

9. Ordinance

CONSIDER AND/OR APPROVE AN AMENDMENT TO THE PERSONNEL POLICY APPROVED JUNE 12, 2014, TO BE EFFECTIVE NOVEMBER 7, 2014.

Rhonda Clegg, City Secretary

Mayor asked the item be tabled because he just learned of the item earlier this week.

RESULT:	TABLED	Next: 11/20/2014 7:00 PM
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10. Agreement

DISCUSS, CONSIDER, AND/OR APPROVE AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BAY CITY AND THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION FOR CONTRACTING THE MAIN STREET DEPARTMENT SERVICES FOR THE CITY OF BAY CITY TO THE BCCDC, WITH OPERATIONAL COST NOT TO EXCEED CURRENT BUDGETED AMOUNTS FOR THE DEPARTMENT

Rhonda Clegg, City Secretary

Mr. Hyde provided some background as to the issues. He added that the funds would be transferred on a monthly basis. Mrs. Dunham stated that she felt it would be a win-win situation.

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

Enacted and approved this 6th day of November, 2014, at Bay City

11. Policy

CONSIDER AND/OR APPROVE THE CITY HOLIDAY SCHEDULE FOR CALENDAR YEAR 2015.

Rhonda Clegg, City Secretary

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

Enacted and approved this 6th day of November, 2014, at Bay City

6. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Estlinbaum informed everyone that next Thursday began the production of Shrek.

The Mayor stated that if Bay City High School won, they could make it to State.

Councilman Johnson stated that Mr. Calhoun did an excellent job on the building permit document.

7. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

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

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be

Agenda City Council August 8, 2013 in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized:

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

This is to certify that the above notice of a Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Monday, November 3, 2014, 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

AGENDA ITEM (ID # 1678)

Meeting: 11/06/14 07:00 PM
Department: Mayor's Office
Category: Appointment
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 1678

**CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT
OF CASSANDRA THOMAS TO THE BAY CITY HOUSING
AUTHORITY BOARD.**

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



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 11/06/14 07:00 PM
Department: City Council
Category: Policy
Prepared By: Mark Bricker
Initiator: Mark Bricker
Sponsors:
DOC ID: 1646

TABLED

ORDINANCE (ID # 1646)

DISCUSS, CONSIDER AND DIRECT STAFF REGARDING ANY NECESSARY ADJUSTMENTS NEEDED TO CITY BUILDING PERMIT AND INSPECTION FEES, INCLUDING FEES FOR OUTSOURCED INDEPENDENT INSPECTIONS.

The City has not adjusted building and inspection fees since March 2012. Fees may need adjustment and/or need to be modified as council determines. Fees may also need to be adjusted to cover the actual cost of using a contracted independent third-party inspector when necessary.

HISTORY:

10/23/14 City Council TABLED Next: 11/06/14

RESULT:	TABLED	Next: 11/17/2014 6:00 PM
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City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/06/14 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1669

DISCUSSION ITEM (ID # 1669)

**PRESENTATION OF A CHECK IN THE AMOUNT 10% OF THE
FUNDS FOR THE VISION 2040 PLAN.**



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1620)

Meeting: 11/06/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1620

DISCUSS, CONSIDER, AND/OR APPROVE THE VISION 2040 COMPREHENSIVE PLAN.

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



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1674)

Meeting: 11/06/14 07:00 PM
Department: Finance
Category: Amendment
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1674

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, MERGING INFORMATION TECHNOLOGY DEPARTMENT AND ALL POSITIONS RELATED TO UTILITY BILLING INTO THE FINANCE DEPARTMENT; REDESIGNATING THE INFORMATION TECHNOLOGY DEPARTMENT AND ALL POSITIONS RELATED TO UTILITY BILLING AS DIVISIONS OF THE FINANCE DEPARTMENT; REASSIGNING AND REDESIGNATING DEPARTMENTAL PERSONNEL; DESIGNATING CONTROL OF PERSONNEL; ESTABLISHING OPERATIVE DATES FOR CONSOLIDATION; PROVIDING FOR A REPEALING CLAUSE, SEVERABILITY CLAUSE, AND DESIGNATING AN EFFECTIVE DATE.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, MERGING INFORMATION TECHNOLOGY DEPARTMENT AND ALL POSITIONS RELATED TO UTILITY BILLING INTO THE FINANCE DEPARTMENT; REDESIGNATING THE INFORMATION TECHNOLOGY DEPARTMENT AND ALL POSITIONS RELATED TO UTILITY BILLING AS DIVISIONS OF THE FINANCE DEPARTMENT; REASSIGNING AND REDESIGNATING DEPARTMENTAL PERSONNEL; DESIGNATING CONTROL OF PERSONNEL; ESTABLISHING OPERATIVE DATES FOR CONSOLIDATION; PROVIDING FOR A REPEALING CLAUSE, SEVERABILITY CLAUSE, AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, Section 7.05, Subsection (b) of the City of Bay City Home Rule charter provides that Council may, by Ordinance, redesignate or combine any of the departments appointed officers, city positions, deputies, assistant department heads; and

WHEREAS, Section 7.05, Subsection (h) of the City of Bay City Home Rule charter provides that Council may by Ordinance, create, discontinue, redesignate, or combine any of the departments, appointed officers, City positions, deputies, assistant officers and assistant department heads; and

WHEREAS, the City Council of the City of Bay City believes that redesignating Information Technology (IT) Department as a division of the Finance Department and that merging all of the positions related to the Utility Billing function (Utility Billing) into the Finance Department and designating them as a division of the Finance Department will streamline operations, expedite manpower, increase cost effectiveness, increase efficiency, and make management more responsive to the needs of the City, and

WHEREAS, by creating the IT Department and Utility Billing Division as divisions within and under the Finance Department, accountability and oversight by the Finance Director will increase.

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

Section 1. Consolidation of the IT Department and Utility Billing Division into the Finance Department

That the IT Department and Utility Billing Division are hereby merged into the Finance Department of the City of Bay City.

Section 2. Redesignation of the position of the IT Department and the Utility Billing Division as divisions of the Finance Department

That the IT Department and the Utility Billing Division are hereby redesignated as divisions of the Finance Department of the City of Bay City.

Section 3. Reassignment of Department Personnel and creation of the Assistant Finance Director position

That all existing department heads, if any, of the IT Department and the Utility Billing Division are hereby reassigned to the Finance Department.

That the Utility Billing Superintendent position will be redesignated as the Assistant Finance Director upon the retirement of the incumbent in the Utility Billing Superintendent position and that said Assistant Finance Director will supervise the Utility Billing Division and will assume any other duties assigned by the Finance Director.

Section 4. Control of Department Personnel

That all existing non-department head employees with the IT Department or the Utility Billing Division are hereby placed under the full control and authority of the Finance Director.

Section 9. Budgets of the IT Department and the Utility Billing Division

That the budget of the Utility Billing Division will continue to be included as part of the Utility General Department of the Utility Fund until the end of the 2015 Fiscal Year. During which time the expenditures related to the Utility Billing Division will be carefully tracked to be used to create a separate budget for the Utility Billing Division in the Utility Fund in the 2016 Fiscal Year Budget.

That the budget of the IT Department will continue to be a separate budget as an Internal Service Fund.

Section 10. Operative Dates for Consolidation

This Ordinance shall be effective and operative November 10, 2014.

Section 11. Repealing Clause

That all Ordinances, Resolutions, or parts thereof, in conflict herewith are repealed to the extent of such conflict.

Section 12. 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 the remaining provisions, sections, subsections, sentences, clauses, and phrases shall not be affected hereby, it being the intent of the City Council in adopting the Ordinance that no portion thereof or provisions or regulation contained therein shall become inoperative or fail by reason of an unconstitutionality or invalidity of any one or more of provision hereof, and all provisions of this Ordinance are declared to be severable.

Section 12. Effective Date. This Ordinance was passed and approved on the 6th day of November, 2014.

Mayor Mark A. Bricker
City of Bay City, Texas

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.

<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:

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

Attachment: ORDINANCE NO - Utility and Finance (1674 : Move IT Dept & Utility Billing to Finance Dept)



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 11/06/14 07:00 PM
Department: Finance
Category: Budget
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1675 A

ADOPTED

AGENDA ITEM (ID # 1675)

**CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY
OF BAY CITY, TEXAS, AMENDING THE 2014-2015 FISCAL
YEAR BUDGET IN THE AMOUNT OF \$66,000.00.**

This budget amendment is for repairs to the Civic Center.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ADOPTING “BUDGET AMENDMENT #1” TO THE “ANNUAL BUDGET OF THE CITY OF BAY CITY, TEXAS, FOR THE FISCAL YEAR 2014-2015”; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

WHEREAS, by Ordinance No. 1520, the City council of the City of Bay City, Texas, adopted its “Annual Budget” for Fiscal Year 2014-2015;

WHEREAS, the City Council has determined the revenues and/or reserves are available for supplement appropriation and/or transfer of certain funds interdepartmentally is economically feasible and in the best interest of prudent budgeting; and

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2014-2015; now, therefore,

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The “Annual Budget” of the City of Bay City, Texas, for the Fiscal Year 2014-2015, is hereby amended as shown on “Budget Amendment #1” to the Original Budget of the City of Bay City, Texas, for the Fiscal Year 2014-2015, attached hereto. Said Budget Amendment shall be attached to and made a part of such Annual Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibit “A” and made a part hereof for all purposes.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bay City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first and final reading this _____ day of November 2014.

CITY OF BAY CITY, TEXAS

Mark 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.

<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 AND SUBSTANCE:

George Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,

Attachment: Budget Amendment #1 - Civic Center Repairs (1675 : Budget Amendment #1)

BERNAL, HYDE & ZECH, P.C.

BUDGET AMENDMENT

DEPARTMENT: _____Civic Center_____

Date: Nov. 6, 2014

Reason for Budget Amendment: (Please indicate)

- | |
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| |
| xxx |
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Brief description of request:	<u>Repair and / or replace 5 air conditioning units that are no longer functional; repaint the exterior of the Civic Center and complete repairs necessary to comply with TWIA requirements.</u>

			Exp. Decrease Expenditure or Rev. Increase Increase		
Account Description	Fund #	Account #	Debit	Credit	Notes
R&M Equipment	25	415-4505	\$ 30,000		Replace 5 Air Conditioners
R&M Building	25	415-4515	\$ 16,000		Paint Exterior of Civic Center
R&M Building	25	415-4515	\$ 20,000		Repairs to building to comply with TWIA requirements
TOTAL			\$ 66,000	\$ -	

Dept. Supervisor Signature: _____

Date

City Treasurer Signature: _____

Date

Authorized by:

Council Authorized Signature [Ord #]

Date

Attachment: ORDINANCE NO. 2014-2015 #1 Supplemental Doc (1675 : Budget Amendment #1)



City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

Meeting: 11/06/14 07:00 PM
Department: Public Works
Category: Property
Prepared By: Marla Jasek
Initiator: Marla Jasek
Sponsors:
DOC ID: 1666

AGENDA ITEM (ID # 1666)

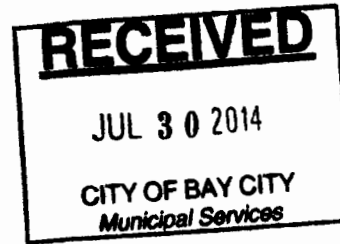
**DISCUSS USE OF PROPERTY BY LICENSE AGREEMENT BY
OR SALE OF PROPERTY TO ADJACENT PROPERTY OWNER
A PORTION OF 9TH STREET (UNIMPROVED) BETWEEN
AVENUE E AND AVENUE F.**

Bearden Development has requested use of 1/2 of the 9th Street easement between Ave E and Ave F adjacent to their property (currently Century AC). The request was presented to the Planning Commission at their August Meeting. The Planning Commission did not identify any immediate need for the property and recommended allowing use of the property by the adjacent landowner. In further discussions with the City Attorney and Bearden Development representative, Bearden Development would like the City to consider sale of the property with reservation of a drainage easement for the property. If sale of the property is not an option, Bearden Development would like to proceed with a license agreement for use of the property.

RESULT: WITHDRAWN

BEARDEN
DEVELOPMENT

To: Mr. Barry Calhoun
1901 5th St
Bay City, Texas 77414



July 29, 2014

Re: 1904 Avenue F

Dear Mr. Calhoun

Century A C Supply is the occupant of the building located at 1904 Avenue F. The property line is the actual side of the building on each side of the building. The North side is 9th which I understand is not dedicated as a street but is an easement for the storm water piping buried underneath. According to the Meets and Bounds description this area is 90 feet wide.

The distance along the 1900 block is unsightly most of the time. We also have concern about the drainage in that area. From the center of the easement the direction of drainage is all toward the building. Because of the "lay of the land" water stands at the side of the building. There are cracks in the foundation and the side of the wall which may have been caused by soil conditions and water related.

We are requesting surface rights 30 ft. wide running parallel to the North side of the 1900 block. Our intent would be to bring in soil to fill in next to the building and slope toward the center of the easement but not to the center. We would then grade toward each end of the building to allow for drainage around the building via an existing trench drain in the front and an existing swale at the back.

Our hope would then be to use the 30 foot area at the West end for parking of employee and service vehicles. It would also be easier to maintain the area next to the building not having to deal with standing water. At present a large part of the easement area is used by 18 wheel trucks and trailers for parking and pass through. It seems those 18 wheelers should be restricted to hard surface roads or parking designed for that purpose.

Sincerely,

William D. Sanford

A handwritten signature in cursive script that reads "William D. Sanford".

Owners Representative

Cell # 281-844-2710

Attachment: Bearden Development 7-29-14 (1666 : Bearden Development)

BEARDEN DEVELOPMENT

10460 W. Sam Houston Parkway S., Suite 200, Houston, TX 77099
281 / 568-4185 Office 281 / 495-9889 Fax

A black silhouette of a tree with a thick trunk and a full, rounded canopy of leaves.

Packet Pg. 25

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

September 18, 2014

Bearden Development
ATTN: Mr. William D Sanford
10460 W. Sam Houston Parkway S.
Suite 200
Houston, TX 77099

RE: Use of 9th Street Right of Way Between Ave E & Ave F for New Development

Dear Mr. Sanford:

Your request for use of the 9th Street Right of Way (ROW) between Avenue E and Avenue F has been reviewed by the City of Bay City Public Works Department and presented to the City of Bay City Planning Commission for their recommendation to City Council. The Planning Commission has recommended that you be granted use of the surface for one-half of the ROW width adjacent to the Bearden Development property. They recommended uses such as drainage improvement, asphaltic parking and driveway surfacing and fencing. The City must retain the property for subsurface drainage. At this time there are no plans for the City to make any surface improvements, however the Planning Commission recommends that the City retain the right to use the surface at a later date if necessary.

In order to take this issue to City Council for their consideration and/or approval. We will need you to provide a survey, prepared by a licensed surveyor, showing the limits of the Bearden Development property and the limits of the 9th Street ROW to be used for drainage, parking, etc. Once we receive the survey, we can prepare an agenda item for City Council's consideration.

Should you have any questions or concerns, please do not hesitate to contact Marla Jasek at (979) 323-1160.

Sincerely,

A handwritten signature in blue ink that reads "Barry Calhoun".

Barry Calhoun
Director of Public Works
City of Bay City

cc: Planning Commission
File

BEARDEN
DEVELOPMENT

To: Mr. Barry Calhoun

October 6, 2014

1901 5th St

Bay City, Texas 77414

Re: 1904 Avenue F

Dear Mr. Calhoun

Per your earlier request of September 18, please find included an original survey of the 40 foot wide by 300 feet long area next Century AC at Avenue F and 9th street. Also included is a copy of the WARRANTY DEED showing the Owner and Owners address.

We appreciate the consideration being given.

Sincerely,

William D. Sanford



Owners Representative

Cell # 281-844-2710

BEARDEN DEVELOPMENT

10460 W. Sam Houston Parkway S., Suite 200, Houston, TX 77099
281 / 568-4185 Office 281 / 495-9889 Fax



070594

WARRANTY DEED

Date: January 24, 2007

Grantor(s): CARL A. WELLS

Grantor's Mailing Address:
(include county) 1916 Ave. F
Bay City, Matagorda County, Texas 77414

Grantee: BAY CITY AVENUE F, L. P., a Texas limited partnership

Grantee's Mailing Address:
(include county) 10460 West Sam Houston Parkway South, Suite 200
Houston, Harris County, Texas 77099

Consideration: TEN (10) AND NO/100--DOLLARS AND OTHER GOOD AND
VALUABLE CONSIDERATION

Property: Lots No. Five (5), Six (6), Seven (7), Eight (8), Nine (9) and Ten
(include any improvements) (10), in Block No. Seventy-six (76) of the ORIGINAL
TOWNSITE OF BAY CITY, in Matagorda County, Texas,
according to the map of said townsite, recorded in Volume 5, at
Page 36, of the Deed Records of Matagorda County, Texas,
together with abandoned alley adjacent and contiguous to Lots No.
Five (5), Six (6), Seven (7), Eight (8), Nine (9) and Ten (10), as set
out in Certified Copy of Application by Property Owners, recorded
under Clerk's File No. 46305, in Volume 218, at Page 304, of the
Deed Records of Matagorda County, Texas, and Certified Copy of
Ordinance by City of Bay City, Texas, recorded under Clerk's File
No. 46306, in Volume 218, at Page 304, of the Deed Records of
Matagorda County Texas.

Grantor does hereby convey the Subject Property described above,
together with all rights, titles, interests, of Grantor in and to (i) any
roads, easements, streets and right-of-way within, adjoining,
adjacent or contiguous to the Subject Property, (ii) all utility rights
including but not limited to, water, waste water and storm water
capacity, and (iii) all condemnation awards, reservations,
remainders, together with each and every right, privilege,
hereditament and appurtenance in anywise incident or appertaining
to the Subject Property. The term "Subject Property" shall refer to
and include the property as described in this paragraph.

Reservations From
Conveyance and
Warranty: NONE

Exceptions to
Conveyance and
Warranty: This conveyance is made and accepted subject to the following
matters, to the extent same are valid and in effect at this time: (i)
any and all restrictions, covenants, conditions, encumbrances,
reservations, easements, and other exceptions to title, if any,
relating to the Subject Property, shown of record in the
hereinabove mentioned County and State, and (ii) all zoning laws,
regulation and ordinances of municipal and/or other governmental
authorities, if any, relating to the Subject Property and to all



matters which would be revealed by an inspection and/or a current survey of the Subject Property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or 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.

Taxes for the current year have been prorated and are assumed by Grantee.

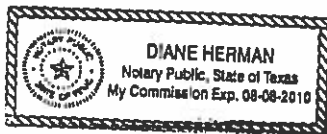
When the context requires, singular nouns and pronouns include the plural.

SIGNED this 24 day of January, 2007.

Carl A. Wells
CARL A. WELLS

THE STATE OF TEXAS §
 §
COUNTY OF MATAGORDA §

This instrument was acknowledged before me this 24 day of January, 2007, by
CARL A. WELLS.

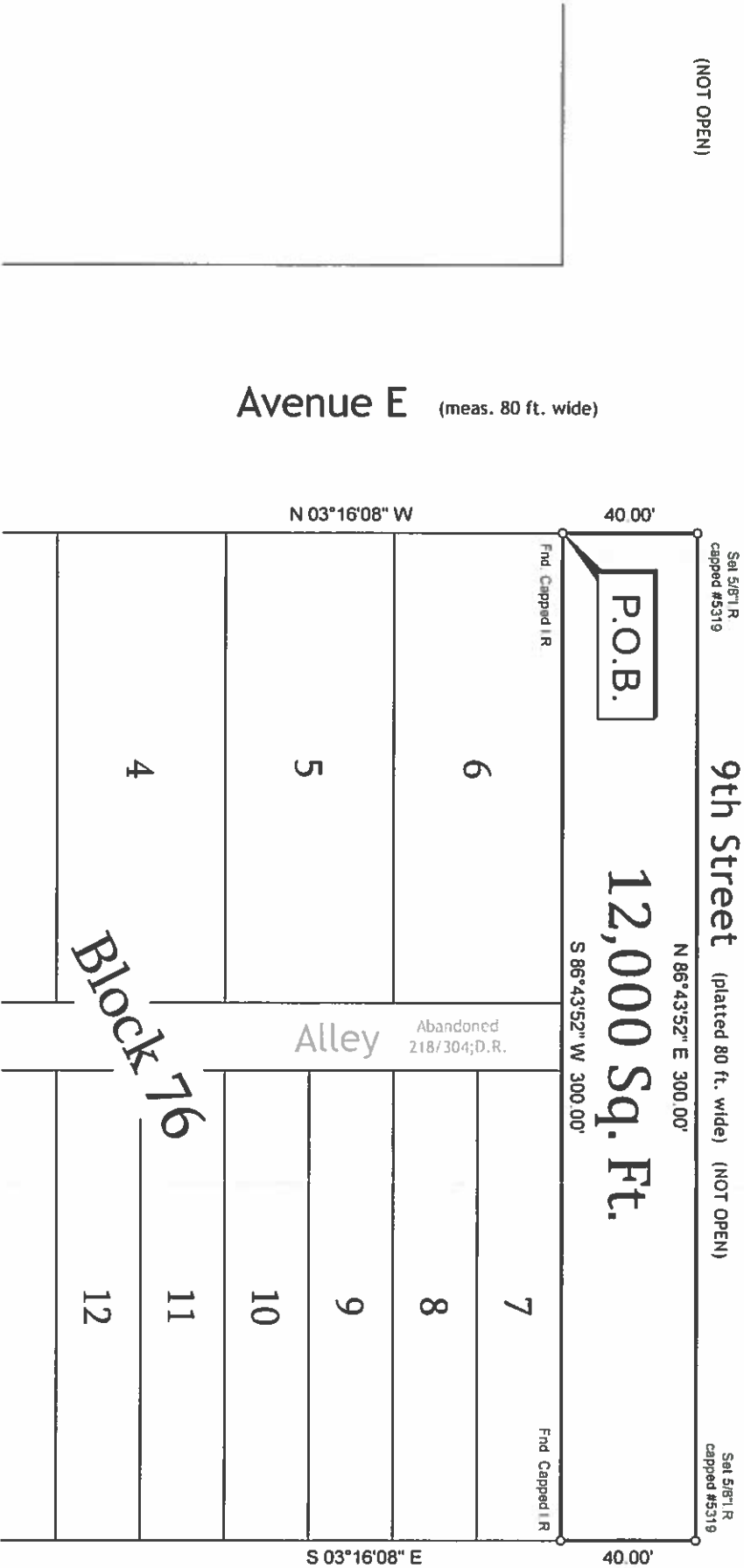


Diane Herman
Notary Public, State of Texas

After recording return to:

DENNIS D. TEETER, Esquire
10460 West Sam Houston Parkway South, Suite 200
Houston, Texas 77099

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



SURVEY PLAT

SHOWING THE SOUTH HALF (S/2) OF 9TH STREET, IN THE ORIGINAL TOWNSITE OF BAY CITY, AS PER PLAT THEREOF RECORDED IN VOLUME 5, PAGE 36, OF THE MATAGORDA COUNTY DEED RECORDS.

NOTE: Bearings are based on the Texas Coordinate System of 1983, Texas South-Central Zone.

I, Robert W. Kolacny, Registered Professional Land Surveyor No. 5319, do hereby certify that the foregoing Plat correctly describes results of a Survey made under my supervision on the ground, September 29, 2014.

Robert W. Kolacny
Registered Professional Land Surveyor No. 5319
Ph. (979) 532-8056



Scale: 1" = 50'

Robert Kolacny & Assoc. LLC
- Registered Professional Land Surveyors -
140 S. Houston St. - Wharton, TX 77488
OFFICE (979) 532-8056 - kolacny.survey@gmail.com



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 11/06/14 07:00 PM
Department: Finance
Category: Contract
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1676

TABLED

AGENDA ITEM (ID # 1676)

**DISCUSS CONSIDER AND TAKE NECESSARY ACTION ON
THE 2.1% CPI RATE INCREASE REQUEST PURSUANT TO
THE SOLID WASTE CONTRACT WITH WCA AS PROVIDED
BY SECTION 8.0 OF THE CONTRACT**

RESULT: TABLED

Next: 11/20/2014 7:00 PM



August 13, 2014

VIA HAND DELIVERY

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

RE: Annual Rate Adjustment Notification

Dear Board Members:

WCA Waste Corporation is proud to be your solid waste and recycling services provider. We are committed to providing you with the most professional and reliable service available. We hope you are pleased with our performance and we urge you to contact us at any time with any questions or concerns that you may have.

A component of our mutual contract allows for an annual rate adjustment on the anniversary date of the contract based on the most recently published CPI-U Series CUSR0000SEHG02. The CPI-U data rating for June 2014 was 237.693 versus 232.860 for June 2013, an increase of 2.1%. Effective **November 1, 2014** the current rate of \$10.00 will change to \$10.21, an increase of \$0.21 cents per month per connection.

It is WCA's goal to continue to provide you with high quality, trash-hauling services at a competitive rate. Should you have any questions or require additional information, please do not hesitate to contact me.

We appreciate the opportunity to include you as one of our valued customers and consider it our privilege to serve you!

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Royal", written over a horizontal line.

Trevor Royal
WCA Waste Corporation

COPY

Attachment: 20141106 - WCA Letter (1676 : Rate increase from WCA)



August 13, 2014

VIA - HAND DELIVERY

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

RE: Annual Rate Adjustment Notification

Dear Board Members:

WCA Waste Corporation is proud to be your solid waste service provider. We are committed to providing you with the most professional and reliable service available. We hope you are pleased with our performance and we urge you to contact us at any time with any questions or concerns that you may have.

A component of our mutual contract allows for an annual rate adjustment on the anniversary date of the contract based on the most recently published CPI-U Series CUSR0000SEHG02. The CPI-U data rating for June 2014 was 237.693 versus 232.860 for June 2013, an increase of 2.1%. Effective **November 1, 2014** the current rates of:

CITY OF BAY CITY RATES

Days	Days Per Week						
	1	2	3	4	5	6	x-tra p/u
2	\$ 45.12	\$ 90.99	\$ 135.49	\$ 178.60	\$ 220.36	\$ 265.48	\$ 17.83
3	\$ 63.60	\$ 127.27	\$ 188.89	\$ 248.42	\$ 305.92	\$ 368.63	\$ 25.14
4	\$ 78.66	\$ 156.69	\$ 231.98	\$ 304.54	\$ 374.35	\$ 453.01	\$ 31.09
6	\$ 108.78	\$ 215.54	\$ 318.22	\$ 416.77	\$ 511.21	\$ 617.89	\$ 42.99
8	\$ 132.03	\$ 260.51	\$ 383.89	\$ 501.60	\$ 613.85	\$ 715.18	\$ 52.18

Will change per month per connection.

It is WCA's goal to continue to provide you with high quality, trash-hauling services at a competitive rate. Should you have any questions or require additional information, please do not hesitate to contact me.

We appreciate the opportunity to include you as one of our valued customers and consider it our privilege to serve you!

Sincerely,

Trevor Royal
WCA Waste Corporation

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Databases, Tables & Calculators by Subject

FONT SIZE:

Change Output Options:

From: 2004

To: 2014

GO

☐ include graphs[More Formatting Options](#)

Data extracted on: July 24, 2014 (11:08:27 AM)

Consumer Price Index - All Urban Consumers

Series Id: CUSR0000SA0

Seasonally Adjusted

Area: U.S. city average

Item: All items

Base Period: 1982-84=100

Download:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2004	186.3	186.7	187.1	187.4	188.2	188.9	189.1	189.2	189.8	190.8	191.7	191.7			
2005	191.6	192.4	193.1	193.7	193.6	193.7	194.9	196.1	198.8	199.1	198.1	198.1			
2006	199.3	199.4	199.7	200.7	201.3	201.8	202.9	203.8	202.8	201.9	202.0	203.1			
2007	203.437	204.226	205.288	205.904	206.755	207.234	207.603	207.667	208.547	209.190	210.834	211.445			
2008	212.174	212.687	213.448	213.942	215.208	217.463	219.016	218.690	218.877	216.995	213.153	211.398			
2009	211.933	212.705	212.495	212.709	213.022	214.790	214.726	215.445	215.861	216.509	217.234	217.347			
2010	217.466	217.251	217.305	217.376	217.299	217.285	217.677	218.012	218.281	219.024	219.544	220.437			
2011	221.082	221.816	222.955	224.056	224.918	224.990	225.553	226.149	226.674	226.761	227.136	227.093			
2012	227.666	228.138	228.732	229.184	228.884	228.825	228.779	229.952	231.086	231.652	231.190	231.099			
2013	231.321	232.599	232.075	231.707	232.124	232.860	233.252	233.433	233.743	233.782	234.033	234.594			
2014	234.933	235.169	235.640	236.254	237.083	237.693									

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City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/06/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1667

DISCUSSION ITEM (ID # 1667)

**DISCUSS AND PROVIDE DIRECTION TO STAFF REGARDING
WATER AND SEWER LINES SERVING MATAGORDA
OILFIELD SPECIALTY.**

Update on request by Matagorda Oilfield Specialty for water/sewer lines



City Council
1901 5Th Street
Bay City, TX 77414

TABLED

ORDINANCE (ID # 1672)

Meeting: 11/06/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1672

**CONSIDER AND/OR APPROVE AN AMENDMENT TO THE
PERSONNEL POLICY APPROVED JUNE 12, 2014, TO BE
EFFECTIVE NOVEMBER 7, 2014.**

RESULT: TABLED

Next: 11/20/2014 7:00 PM

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING ORDINANCE NO. 1512, EFFECTIVE JUNE 12, 2014, 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 June 12, 2014, by passage of Ordinance No. 1512; and

WHEREAS, staff deemed it appropriate to amend the Social Media Section in the Employee Guidelines:

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

I. EMPLOYEE GUIDELINES AMENDED

The Employee Guidelines adopted on June 12, 2014, by passage of Ordinance No. 1512, and amended on June 12, 2014 by passage of Ordinance No. 1512 is hereby amended which shall read as follows:

5.7 INTERIM PAY

*In some instances when a supervisor or other member of management is absent for an extended period of time, interim pay may be activated for the employee temporarily performing those job duties. Interim pay applies to ~~positions at the Department Head~~ **Division Supervisors up to Department Director** status. The employee who is temporarily promoted or assigned to perform the full range of duties of a higher classified position on an extended-term basis will receive an increase. Such interim pay can only be authorized by the Mayor. Interim pay will be 15% greater than the employee’s regular wage.*

8.3 VACATION LEAVE

*8.) A maximum of 80 hours may be carried forward past the anniversary date on which it was earned. Vacation leave is taken in minimum increments of ~~four~~ **one** (41) hours.*

11.7.1 TAKE HOME VEHICLES

*Vehicles assignments shall be evaluated based on department provided services, special/critical needs, special skills, emergency status, and frequency of recall after hours. The Department Head will consider the following criteria in approving an **exempt** employee to be permitted to take a City vehicle home after normal work hours:*

- *The employee is the primary operator of the vehicle;*
- *The employee meets the City of Bay City's driving requirements;*
- *The employee has not had his or her driving privileges revoked or suspended within the last five (5) years;*
- *The vehicle is to be used to respond to emergencies or as a part of on-call responsibilities;*
- *The vehicle is used to contribute to the efficiency and/or effectiveness of City operations; ~~and~~ **or***
- *The employee does not receive a car allowance.*

II. PUBLICATION

The City Secretary is hereby authorized and directed to revise and recodify 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 6th day of November, 2014.

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.

Attachment: ORDINANCE NO. - Personnel Policy Amendment 4 (1672 : Personnel Policy)

<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 4 (1672 : Personnel Policy)

**EXHIBIT “A”
EMPLOYEE GUIDELINES AS ADOPTED**

Attachment: ORDINANCE NO. - Personnel Policy Amendment 4 (1672 : Personnel Policy)



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 11/06/14 07:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:

ADOPTED

AGENDA ITEM (ID # 1668)

DOC ID: 1668 A

**DISCUSS, CONSIDER, AND/OR APPROVE AUTHORIZING
THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT
BETWEEN THE CITY OF BAY CITY AND THE BAY CITY
COMMUNITY DEVELOPMENT CORPORATION FOR
CONTRACTING THE MAIN STREET DEPARTMENT SERVICES
FOR THE CITY OF BAY CITY TO THE BCCDC, WITH
OPERATIONAL COST NOT TO EXCEED CURRENT
BUDGETED AMOUNTS FOR THE DEPARTMENT**

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

MAIN STREET PROGRAM MANAGEMENT INTERLOCAL AGREEMENT

THIS AGREEMENT is entered into by and between the City of Bay City, Texas, a Texas home-rule municipal corporation (“City”) and the Bay City Community Development Corporation, (“BCCDC”). City and BCCDC are shown below as contracting parties (the “Parties”). This agreement is entered into pursuant to the authority granted and in compliance with the provisions of the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code.

RECITALS

WHEREAS, Section 791 of the TEXAS GOVERNMENT CODE authorizes local governments to contract with one another to increase the efficiency and effectiveness of local governments by jointly performing governmental functions in which the contracting parties are mutually interested; and

WHEREAS, the City is a recognized participant in the Texas Main Street Program and receives grant funds for use in the implementation of Main Street Program projects; and

WHEREAS, the City seeks to comply with all the Main Street Program’s staffing and contractual requirements; and

WHEREAS, the Parties seek to integrate, consolidate and streamline program services to more efficiently administer the grant consistent with the goals of the program; and

WHEREAS, the Parties seek to engage BCCDC to provide Department and program management and administrative services for the City;

NOW THEREFORE:

ARTICLE I PURPOSE

1.1 The purpose of this Agreement is to establish an agreement between the parties, which will outsource to BCCDC the staffing and management of the Texas Main Street Program (TMSP) and to provide the city with all necessary services and program managers to staff the Department.

ARTICLE II TERM

2.1 The term of this Agreement shall be for a period of one (1) year commencing on the last date of execution hereof (“Effective Date”).

2.2 This Agreement shall automatically renew for successive periods of one (1) year each consistent with the fiscal year of the City and shall remain under the terms and conditions stated herein, unless either party notifies the other at least sixty (60) days prior to the then current expiration date of its intention to not renew the agreement or it is amended by agreement in writing.

2.3 This Agreement is subject to the city's right to terminate the agreement at the end of any City fiscal year if the City Council does not appropriate funds sufficient to continue the contract and the continued approved grant status as a TMSP city.

ARTICLE III PROGRAM MANAGEMENT SERVICES

3.1 For and in consideration of the following mutual promises and obligations, and for the benefit of the City of Bay City Texas and the Bay City Community Development Corporation, the parties agree as follows:

- A) BCCD agrees to provide program management and administrative services to the City according to the terms of this Agreement.
- B) The current BCCDC Director shall serve as the grant program director. BCCDC shall designate a co-director who will serve as a co-manager of the program. Together, the two BCCDC Program Managers shall equal one full-time grant position.
- C) As BCCDC employees, they will continue to carry out their assigned duties for the BCCDC and will integrate with the City to administer the grant.
- D) The City shall provide the following services to the BCCDC:
 - 1. Assist with the developing and updating of a comprehensive strategic plan of action.
 - 2. Reviewing and advising the BCCDC Program Managers of the tasks and responsibilities required under the grant.
 - 3. Preparing a budget for the forthcoming year in accordance with grant requirements.
 - 4. Providing all necessary accounting and financial management through the City's Finance Department for the Department
 - 5. Providing all personnel necessary to assist BCCDC Program Manager and Co-Manager with the administration of grant projects and programs.
 - 6. Providing all necessary secretarial support, minutes, repository of records, and office and conference space for the Main Street Department.
- E) The City shall finance the cost of the management services provided under this Agreement by paying BCCDC a monthly fee to BCCDC, in the amount of one-twelfth of the annual budgeted for regular recurring expenses as provided for in the City Budget for the Department, with the exception of funds budgeted for Contracted Services (4425), Special Projects (4493) and Facade Grant (4950). The City shall make monthly installments from the current revenues available to the BCCDC. The amount for the current fiscal year shall be prorated based on the current budget expenditures. Any current city employee's employment with end and transfer to the BCCDC, who will staff this contract with the existing employees.

- F) The Director or Co-Director shall make fund requested in accordance with city policy to spend funds from the Contracted Services (4425), Special Projects (4493) and Facade Grant (4950) line-item accounts consistent with all other department expense protocols and procedures.
- G) The Parties agree that it is the express purpose of this Agreement to have BCCDC through its Director and Co-Director, implement, administer, carry out and ensure that all obligations in administering the TMSP programs and to manage and administer such programs of the TMSP are carried out in accordance with the policies and directives of the TMSP and the City. Nothing in this Agreement shall be construed to divest the City of its discretion and policy making functions.
- H) If any provision of this Agreement is for any reason held to be unconstitutional, void, or invalid, the remaining provisions or sections contained herein shall remain in effect and the section so held shall be reformed to reflect the intent of the parties.
- I) The signers of this Agreement for represent, warrant, assure and guarantee that they have full legal authority to execute this Agreement on behalf of the Parties and to bind the Parties to all of the terms, conditions, provisions and obligations herein contained.

IN WITNESS OF WHICH this Agreement has been executed on this ____ day of _____, 2014.

CITY OF BAY CITY

BAY CITY COMMUNITY DEVELOPMENT
CORPORATION

By: _____

Mark Bricker, Mayor
City of Bay City
1901 5th Street
Bay City, Texas 77414

By: _____

Carolyn Thames, President
Bay City Community Development
Corporation

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

ADOPTED

AGENDA ITEM (ID # 1677)

Meeting: 11/06/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1677

CONSIDER AND/OR APPROVE THE CITY HOLIDAY SCHEDULE FOR CALENDAR YEAR 2015.

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

CITY COUNCIL**JULIE ESTLINBAUM****WILLIAM "Bill" CORNMAN****CHRYSTAL FOLSE****STEVEN JOHNSON****CAROLYN THAMES**

City of Bay City

Mark A. Bricker, MAYOR**Bay City, Texas 77414****1901 FIFTH STREET****(979) 245-5311****(979) 323-1681 FAX****RHONDA CLEGG**

City Secretary

CECELIA ALLEN

Deputy City Secretary

JOAN PEREZ

Personnel Generalist

CITY SECRETARY OFFICE**2014-M-20****TO:** Department Heads**FROM:** Rhonda Clegg**DATE:** November 7, 2014**SUBJECT:** Approved 2015 Holiday Schedule for the City of Bay City

2014 CITY OF BAY CITY HOLIDAY SCHEDULE

<u>DATE</u>	<u>HOLIDAY</u>	<u>DAY OF WEEK</u>	<u>TOTAL # OF DAY(S)</u>
January 1, 2015	New Year's Day	Thursday	1
January 19, 2015	Martin Luther King, Jr.	Monday	1
February 16, 2015	President's Day	Monday	1
April 3, 2015	Good Friday	Friday	1
May 25, 2015	Memorial Day	Monday	1
July 3, 2015	Independence Day	Friday	1
September 7, 2015	Labor Day	Monday	1
November 11, 2015	Veterans Day	Wednesday	1
November 26, 2015	Thanksgiving Day	Thursday	1
November 27, 2015	Thanksgiving Day After	Friday	1
December 24, 2015	Christmas Eve	Thursday	1
December 25, 2015	Christmas Day	Friday	1
December 31, 2015	New Year's Eve	Thursday	1

Please pass this information on to the employees within your departments, as well as the departments in which you are the liaison.

Thank you.

City Secretary's Office

Attachment: 2014-M-20 Approved 2015 Holiday Schedule (1677 : 2015 Holiday Schedule)