



BAY CITY

REVISED MINUTES • SEPTEMBER 11, 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 - MAYOR PRO TEM CAROLYN THAMES

Texas State Flag Pledge:

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

3. PUBLIC COMMENTS

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

Eric Rooth came before Mayor and Council representing the investors of the Shooting Range. He stated that they felt as if they were progressing. Mr. Rooth stated that they had met with Mitch Thames, DC Dunham, as well as the investors attorney. Mr. Rooth asked that the item be placed on the next Council Meeting agenda.

Bay City resident Bobby Head informed everyone that Vince DiNino passed away. He was the founder of the Longhorn band. Mr. Head moved on and informed Mayor and Council that he noticed blinking lights on Nile Valley. He went to state that he went to look and found that they were going to block the overpass. Mr. Head stated that he spoke with four Council Members, and went back to Nile Valley to check, and found out that there was still room to pass.

Bay City resident Jo Halbert informed Mayor and Council that tomorrow the Wounded Warriors would be escorted through town, going to Matagorda. She asked that everyone have their flags out.

Main Street Co-Director, DC Dunham informed Council that the proposed budget included the Main Street budget, but it had been cut by 20%. She added that the previous year their budget had been cut by 8%. Mrs. Dunham requested that the funds be put back, or at least a portion.

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.

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

1. Resolution

CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, URGING STATE LEGISLATURES TO INCREASE THE LEGAL MINIMUM AGE FOR THE SALE AND POSSESSION OF TOBACCO PRODUCTS.

Mayor Mark A. Bricker

RESOLUTION

Enacted and approved this 11th day of September, 2014, at Bay City

5. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:**1. Presentation**

PRESENTATION OF PLAQUE TO JUDITH ALLEN.

Mayor Mark A. Bricker

The Mayor thanked Judith Allen for all of her hard work and dedication.

Mrs. Allen thanked the Mayor, Council, the Historic Commission, Main Street, Matagorda Historic Commission, and the many groups that have helped restore the USO.

2. Ordinance

CONSIDER AND/OR PASS AND APPROVE AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF BAY CITY FISCAL YEAR 2014-2015 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICATED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURES INHERENT, EXPRESSED, AND INCLUDED THEREIN AND DISCUSS ALLOCATION OF FUNDS BUDGETED FOR EMPLOYEE RAISES

Phill Conner, Finance Director

Mr. Conner discussed a few changes and amendments since the last budget meeting. He explained that the CVB budget was adjusted to what it was last year. In the Parks Department they looked at adding \$6,500 for a trailer to transport equipment. It would be added to account 4498 on page 23, which would increase the account to over \$11,000. Mr. Conner moved on to the Building Inspector. He stated that the position was moved out of Code Enforcement and into Public Works. Mr. Conner stated that \$39,000 was moved from Code Enforcement to Public Works. In the Library Fund he added \$2,600 for part-time Summer help and increased supplies to \$6,000.

The Mayor explained that the cuts to the Main Street Budget were based on what was currently spent. Mrs. Dunham reviewed the accounts that had been amended. The Mayor asked Mrs. Dunham what specifically was concerning her. Mrs. Dunham stated advertising, printing material, etc... Mrs. Dunham was asked if she had a figure for training. Mrs. Dunham stated \$1,500 would be fine, but would like \$10,000 for advertising. Councilman Cornman asked why not round the \$37,397 to \$40,000. Mayor stated that with the discussed changes it would be rounded to \$40,000.

Councilman Cornman asked what the City's net expenditures would be with the changes. Mr. Conner stated that there was \$413,490 in the General Fund, minus the changed just made. It would be roughly \$410,490. Councilman Cornman stated that we were roughly \$30,000 in the negative.

Councilwoman Folse stated that she thought they were going to increase Street Maintenance from \$300,000 to \$500,000, as well as increase striping. Mr. Conner stated that it was in there.

Councilman Johnson stated that he would like to discuss this in Executive Session. Mr. Hyde explained that the delay could cause the republication of Public Hearings, which could push back the time to adopt the budget and tax rate. Mrs. Clegg informed Council that Cristyn Hallmark wanted the budget and tax rate adopted by September 18, 2014.

MOTION BY COUNCILMAN CORNMAN, SECOND BY COUNCILWOMAN FOLSE, TO APPROVE AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF BAY CITY FISCAL YEAR 2014-2015, AS PRESENTED. MOTION CARRIED. COUNCILMAN JOHNSON VOTED NAY. COUNCIL WAS POLLED.

Councilman Cornman stated that there was supposed to be a narrative that was to be included in the beginning of the budget. Mr. Conner stated that he would make it a part of the budget presented to them next week.

Councilman Cornman moved on and asked how should they disburse the approved pay increases. He believed that Council should give the staff the funds and allow them to disburse them.

MOTION BY COUNCILMAN CORNMAN, SECOND BY MAYOR PRO TEM THAMES, TO ALLOW STAFF TO ALLOCATE FUNDS BUDGETED FOR EMPLOYEE RAISES AS THEY SEE FIT. MOTION CARRIED BY UNANIMOUS VOTE.

RESULT:	APPROVED AS AMENDED [4 TO 1]
MOVER:	William Cornman, Councilman
SECONDER:	Chrystal Folse, Councilwoman
AYES:	Folse, Thames, Estlinbaum, Cornman
NAYS:	Johnson

ORDINANCE

Enacted and approved this 11th day of September, 2014, at Bay City

3. Budget

CONSIDER AND/OR APPROVE THE ADOPTION OF A TAX RATE OF .60209, WITH THE MAINTENANCE AND OPERATIONS RATE TO BE .54343 OF THE TAX RATE AND THE DEBT SERVICE RATE (I&S) TO EQUAL .05866, BY APPROVING AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF BAY CITY'S FISCAL YEAR 2014-2015.

Phill Conner, Finance Director

Mr. Hyde pointed out that in the Executive Summary portion, there were three (3) motions that needed to be made. Councilman Cornman asked if they were right under the Rollback Rate. Mr. Conner stated that they were right at the Rollback rate. Councilman Cornman asked that Mr. Conner verify his work, because the percentage he got was higher than Mr. Conner's. Councilman Cornman stated that having someone check his work was no reflection on Mr. Conner.

MOTION BY COUNCILMAN JOHNSON, SECOND BY MAYOR PRO TEM THAMES, TO ADOPT THE M&O RATE AS PRESENTED. MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY COUNCILMAN JOHNSON, SECOND BY COUNCILWOMAN ESTLINBAUM, TO ADOPT THE DEBT SERVICE RATE AS PRESENTED. MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY COUNCILMAN JOHNSON, TO MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$.06209, WHICH IS EFFECTIVELY AN 8.46% INCREASE IN THE TAX RATE, SECONDED BY COUNCILWOMAN FOLSE. MOTION CARRIED BY UNANIMOUS VOTE.

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

Enacted and approved this 11th day of September, 2014, at Bay City

4. Budget

CONSIDER AND/OR APPROVE A MOTION TO RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET FOR THE CITY OF BAY CITY FISCAL YEAR 2014-2015.

Phill Conner, Finance Director

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

Enacted and approved this 11th day of September, 2014, at Bay City

5. Policy

DISCUSS, CONSIDER AND/OR APPROVE A PROPOSED FACILITY USAGE AGREEMENT FOR THE CITY OF BAY CITY AQUATIC FACILITIES.

Kelly Penewitt, Parks and Recreation Supervisor

Ms. Penewitt stated that at the last meeting that Council that they go and discuss it with the major users. She informed Council that the ISD's attorney had the agreement. Ms. Penewitt stated that they would incorporate any changes they may have and bring it back to Council. After that they would have the Aquacats review it.

Councilwoman Folse asked what was the condition of the pool, and Ms. Penewitt stated that she was working on it. She added that there was black algae affecting the deep in.

Councilman Cornman asked what would be the cost for the Summer League kids, and what would their cost increase. He stated that he wanted the overall impact. Councilman Cornman suggested that they provide the Aquacats with the agreement, now, and allow them opportunity to review it. Councilwoman Folse stated that she did not think that we should regulate their colors.

The Mayor stated that they would review it in one month.

RESULT: TABLED

Next: 10/9/2014 7:00 PM

6. Report

RECEIVE UPDATE FROM BCCDC EXECUTIVE DIRECTOR, DC DUNHAM ON THE 380 AGREEMENT FOR 9ER'S GRILL.

DC Dunham, BCCDC Executive Director

Councilman Cornman stated that he would like to know what is going on.

Mr. Hyde stated that the document was prepared and was here at the City. He stated that he would find it and get it to Rhonda. Mrs. Clegg stated that once she received it she would provide it Mrs. Dunham, but it was suggested that it be provided to Mayor Bricker.

7. Appointment

DISCUSS, CONSIDER AND POSSIBLE ACTION TO ESTABLISH A FINANCE COMMITTEE AS PRESCRIBED IN SECTION 4.09 OF THE CITY CHARTER

Mayor Mark Bricker

Mayor stated that he would like to have a Council member be a part of the Finance Committee. Council recommended Councilman Cornman. He stated that he would bring it back to Council.

Mayor Pro Tem Thames asked how many would be on the committee. Councilman Cornman stated that he envisioned five people, including the Mayor. He stated that he would like for the Committee to review how the money was spent; what are the policies in place; a place that Mr. Conner could bounce ideas off of. Councilman Cornman commented that the Committee would be huge for budget.

6. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Folse asked if Mayor would be approving an appointment for the CDC. She also asked if the City was spraying for mosquitos, and the Mayor stated yes.

Councilman Cornman stated that when the City held Public Hearings, he was disappointed that no one was here. He commented that the City needed to do better at publishing it. Councilman Cornman stated that we should introduce the subject that we were having a hearing on.

Mayor informed everyone that the Rice Festival would be next Saturday. He wanted to know what Council would like to do. Council's consensus was to walk. He informed everyone that housing demolition had started. They started on two structures and will be moving on to another two. Mayor also informed everyone that the City was spraying for mosquitos.

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, September 8, 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

Meeting: 09/11/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1621

ADOPTED

RESOLUTION (ID # 1621)

CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, URGING STATE LEGISLATURES TO INCREASE THE LEGAL MINIMUM AGE FOR THE SALE AND POSSESSION OF TOBACCO PRODUCTS.

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

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, URGING STATE LEGISLATURES TO INCREASE THE LEGAL MINIMUM AGE FOR THE SALE AND POSSESSION OF TOBACCO PRODUCTS.

WHEREAS, In the United States 90% of smokers started smoking by the age of 18¹; and

WHEREAS, Tobacco use is the leading cause of preventable disease and death in Texas. Smoking-related illnesses cause more deaths than alcohol, car accidents, illegal drugs, suicides, homicides, driving while intoxicated, and fire – combined²; and

WHEREAS, Tobacco use, including cigarette smoking, cigar smoking, and smokeless tobacco use, remains the leading preventable cause of death in the United States³; and

WHEREAS, Smoking and smokeless tobacco use are initiated and established primarily during adolescence with nearly 9 out of 10 smokers starting to smoke by age 18⁴; and

WHEREAS, Each day in the United States, more than 3,200 people younger than 18 years of age smoke their first cigarette, and an estimated 2,100 youth and young adults who have been occasional smokers become daily cigarette smokers⁵; and

WHEREAS, People who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age⁶, which is attributed to tobacco being substantially more addictive than alcohol, cocaine, or heroin⁷; and

WHEREAS, Incorporating community based policies that restrict youth access to tobacco use will help to reduce the rates of youth smoking today and adult health outcomes in the future to accomplish such goals. By preventing youth access to tobacco products for another year, youth will be given more time to develop informed decisions about their health and the consequences of such choices; and

¹ <https://www.dshs.state.tx.us/tobacco/bestpractices/>

² *Id.*

³ *Id.*

⁴ U.S. Department of Health and Human Services. Preventing Tobacco Use Among Young People: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 1994 [accessed August 3, 2014].

⁵ *Id.*

⁶ American Legacy Foundation. 2000. National Youth Tobacco Survey. 2001

⁷ <https://www.dshs.state.tx.us/tobacco/bestpractices/>

WHEREAS, It should be the goal of every community to contribute to the health and wellbeing of its residents, especially youth, and to provide for an increasingly supportive environment to build a foundation of health upon which healthy and happy smoke free lives will grow; and

WHEREAS, The City of Bay City recognizes that in order to help prevent people from becoming smokers and dying as a result of smoking, it is necessary to raise the age for legal purchase and possession of tobacco products to at least the age of 19; and

WHEREAS, The City of Bay City recognizes that the most effective policies in regulating and preventing tobacco use are those adopted by the State.

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

SECTION ONE. Calls on the Texas State Legislature to take action to raise the legal age of purchase and possession of tobacco products to at least the age of nineteen (19).

SECTION TWO. Calls on other communities and jurisdictions to join this action by passing similar resolutions.

PASSED AND APPROVED AT BAY CITY, TEXAS, THIS ____ DAY OF _____, 2014

Mark Bricker, Mayor
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

George Hyde, City Attorney
DNRBH&Z, P.C.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/11/14 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1619

DISCUSSION ITEM (ID # 1619)

PRESENTATION OF PLAQUE TO JUDITH ALLEN.



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 09/11/14 07:00 PM
Department: City Secretary
Category: Budget
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1602

ADOPTED

ORDINANCE (ID # 1602)

**CONSIDER AND/OR PASS AND APPROVE AN ORDINANCE
ADOPTING THE BUDGET FOR THE CITY OF BAY CITY
FISCAL YEAR 2014-2015 AND ALL DESIGNATED, SPECIFIED,
NOTED, AND INDICATED LEVIES, RATES, RESERVES,
REVENUE PROVISIONS, AND PLANNED EXPENDITURES
INHERENT, EXPRESSED, AND INCLUDED THEREIN AND
DISCUSS ALLOCATION OF FUNDS BUDGETED FOR
EMPLOYEE RAISES**

RESULT:	APPROVED AS AMENDED [4 TO 1]
MOVER:	William Cornman, Councilman
SECONDER:	Chrystal Folse, Councilwoman
AYES:	Chrystal Folse, Carolyn Thames, Julie Estlinbaum, William Cornman
NAYS:	Steven Johnson

ORDINANCE _____

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BAY CITY, TEXAS FOR FISCAL YEAR 2014-2015 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICTED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURE INHERENT: EXPRESSED AND INCLUDED THEREIN; PROVIDING FOR A CUMULATIVE CLAUSE: PROVIDING FOR SEVERABILITY: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bay City, Texas, is desirous of adopting a budget for the fiscal year of 2014-2015; and

WHEREAS, the proposed budget was placed on file with the City Secretary on the 8th day of August, 2014; and

WHEREAS, a public hearing on the budget for the City of Bay City for the year 2014-2015 has heretofore been published in accordance with the law; and

WHEREAS, the required time has passed since the last public hearing as required by the City of Bay City Home Rule Charter; and

WHEREAS, it is necessary, at this time that said budget is adopted.

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

Section one. Budget Approved. The budget for the fiscal year 2014-2015, a copy of which is attached hereto as **Exhibit “A”** is hereby approved and adopted and does include:

- a. all designated, specified, noted, and indicated levies, rate, reserves, revenues provisions, and planned expenditures inherent, expressed, and included therein; and
- b. a contingent appropriation of 0.5 percent of the total budget to be used for unforeseen expenditures. Expenditures from this appropriation shall be made only with Council approval, and a detailed account of all expenditures shall be recorded and reported.

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

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

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

Section four. Effective Date. This Ordinance shall become effective October 1, 2014.

PASSED AND APPROVED on this _____ day of September 2014.

Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary
City of Bay City

George Hyde, City Attorney
City of Bay City

<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:

City Attorney



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1603)

Meeting: 09/11/14 07:00 PM
Department: City Secretary
Category: Budget
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1603

CONSIDER AND/OR APPROVE THE ADOPTION OF A TAX RATE OF .60209, WITH THE MAINTENANCE AND OPERATIONS RATE TO BE .54343 OF THE TAX RATE AND THE DEBT SERVICE RATE (I&S) TO EQUAL .05866, BY APPROVING AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF BAY CITY'S FISCAL YEAR 2014-2015.

Three motions are required by law. 1) Motion to adopt the M&O rate as presented; 2) Motion to adopt the Debt Service rate as presented; and, 3) "I move that the property tax rate be increased by the adoption of a tax rate of \$.06209, which is effectively an 8.46% increase in the tax rate.

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

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE TAX RATE OF \$0.60209 PER \$100.00 OF ASSESSED VALUATION FOR THE CITY OF BAY CITY, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, LEVYING A MAINTENANCE AND OPERATIONS RATE OF \$0.54343 AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPAL AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY LEVYING A DEBT SERVICE RATE OF \$0.05866; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; PROVIDING A SERVERABILITY CLAUSE HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of Bay City, Texas, has on this date, by way of separate Ordinance, duly approved, adopted a Budget for the operation of the City for fiscal year 2014-15 (FY 2014-2015); and

WHEREAS, the aforesaid Ordinance anticipates and requires the levy of an *ad valorem* tax on taxable property in the City of Bay City; and

WHEREAS, the Chief Appraiser of Matagorda County Tax Appraisal District has prepared and certified the appraisal roll for the City of Bay City, Texas, that roll being that portion of the approved appraisal roll of the Bay City Tax Appraisal District which lists property taxable by the City of Bay City, Texas; and

WHEREAS, it is necessary to levy such an *ad valorem* tax at a given rate to generate revenues sufficient to meet the projected expenses of the City for FY 2014-2015; and

WHEREAS, the City has acknowledged that:

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 8.46 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$35.72; and

WHEREAS, the City has fully and timely complied with all notice and other requirements relative to the adoption of a tax rate for FY2014-2015.

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

Section one. There is hereby levied for the FY 2014-2015 upon all real property situated within the corporate limits of the City of Bay City, Texas, and upon all personal property which is owned within the corporate limits of the City of Bay City, Texas on January 1, 2014, except so much thereof as may be exempt by the Constitution or laws of the State of Texas, a total tax of \$0.60209 on each \$100 of assessed valuation on all taxable property, which total tax herein so levied shall consist and be comprised of the following components:

- a. An *ad valorem* tax rate of \$0.54343 on each \$100 of assessed valuation of all taxable property is hereby levied for general City purposes and to pay the current operating expenses of the City of Bay City, Texas, for the fiscal year ending September 30, 2015, which tax, when collected shall be appropriated to and for the credit of the General Fund of the City of Bay City, Texas.
- b. An *ad valorem* tax rate of \$0.05866 on each \$100 of assessed valuation of taxable property is hereby levied for the purpose of creating an Interest and Sinking Fund with which to pay the interest and principal of the valid bonded indebtedness, and related fees of the City of Bay City, now outstanding and such tax, when collected, shall be appropriated and deposited in and to the credit of the General Debt Service Fund of the City of Bay City, Texas, for fiscal year ending September 30, 2015.

Section two. The City of Bay City shall have lien on all taxable property located in the City of Bay City to secure the payments of taxes, penalty, and interest, and all costs of collection, assessed and levied hereby.

Section three. Taxes are payable in Bay City, Texas at the Office of the Tax Assessor/Collector of Matagorda County. The City shall have available all the rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

Section four. The tax roll presented to the City Council, together with any supplements thereto, are hereby accepted and approved.

Section five. A copy of the "Vote Results" sheet for this Ordinance, reflecting the record vote of the City Council on this Ordinance, shall be attached to this Ordinance by the City Secretary, and shall constitute a part of this Ordinance for all purposes.

Section six. Should any paragraph, sentence, provision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance, as a whole or any part or provision thereof, other than the part or parts adjudged to be invalid, illegal, or unconstitutional.

Section seven. This ordinance shall be in full force and effect from and after its adoption by the City Council and publication of its caption as the law and the City Charter provide in such cases.

Section eight. All other ordinances and Code provisions in conflict herewith are hereby repealed, but only to the extent of any such conflict or inconsistency and all other provisions of the Bay City Code and ordinances not in conflict herewith shall remain in full force and effect.

Section nine. The repeal of any ordinance or parts thereof by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying, or altering any penalty accruing or to accrue, nor as affecting any rights of the City under any section or provision of any ordinance at the time of passage of this Ordinance.

PASSED AND APPROVED on this _____ day of September 2014.

Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary
City of Bay City

George Hyde, City Attorney
City of Bay City

<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:

City Attorney

Attachment: ORDINANCE NO. - 2014 - 2015 Tax Rate (1603 : Adoption of Tax Rate)



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1622)

Meeting: 09/11/14 07:00 PM
Department: City Secretary
Category: Budget
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1622

**CONSIDER AND/OR APPROVE A MOTION TO RATIFY THE
PROPERTY TAX INCREASE REFLECTED IN THE BUDGET
FOR THE CITY OF BAY CITY FISCAL YEAR 2014-2015.**

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

Meeting: 09/11/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1612

TABLED

AGENDA ITEM (ID # 1612)

**DISCUSS, CONSIDER AND/OR APPROVE A PROPOSED
FACILITY USAGE AGREEMENT FOR THE CITY OF BAY CITY
AQUATIC FACILITIES.**

HISTORY:

08/28/14 **City Council**

TABLED

Next: 09/11/14



CITY OF BAY CITY PARKS & RECREATION DEPARTMENT

OFFICE HOURS: MONDAY - FRIDAY 8 A.M. - 5 P.M.
RESERVATION HOURS: MONDAY - FRIDAY 8 A.M. - 5 P.M.
FACILITIES RESERVATIONIST: (979) 323-1660
MAIN OFFICE (979) 323-1660

1217 AVENUE J, BAY CITY, TEXAS 77414

HOME PAGE: WWW.CITYOFBAYCITY.ORG

AQUATIC FACILITY USE POLICY

AUGUST 2014

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Section 1. Purpose

- 1.1 This document sets forth the policies and procedures that govern allocation and use of City of Bay City (“City”) recreational facilities, athletic fields and parks with the goal of fair, equitable and efficient allocation of use among all users.
- 1.2 The City of Bay City develops and maintains recreational facilities, athletic fields and parks to serve the resident of Bay City. Priority use of all City facilities is reserved for the public. Any reservation of City facilities will be limited and scheduled around normal operating hours.
- 1.3 The Parks and Recreation Department (“PRD”) is authorized to grant approval for usage and to schedule activities in accordance with the City’s established policies and procedures. The PRD will maintain a schedule for use of City facilities and has the authority to make changes to the schedule as necessary.

Section 2. Definitions

“Applicant” means an individual or group reserving a facility and completing and signing a city facility reservation application.

“Bay City Resident” means any individual who resides within the City of Bay City municipal boundaries.

“City” means City of Bay City including officials and employees.

“Historical use” means a history established by the ongoing use of a specific facility by a group during a designated time frame or season that has occurred more than one season.

“Non-Profit Organization” means any group chartered, organized and acting as a non-profit organization in the State of Texas and showing proof of 501(c)3 status.

“Non-Resident” means any individual who does not reside within the City of Bay City municipal boundaries.

“Recognized Closed Non-Profit Organized Youth Sports Associations” means a sports association that limits participation based on skill level, tryouts or regular monetary dues.

“Recognized Open Non-Profit Organized Youth Sports Associations” means a sports association open to all City of Bay City youths that meet the age, grade or weight requirement.

“Recognized Status” means status is established through the submission of all documentation that support a group’s claim as a locally based, non-profit group.

“Sports Associations” means a group organized for the purpose of providing recreational athletic programs and opportunities.

“Supervisor” means the Supervisor of Parks and Recreation or designee.

Section 3. Permissible Activities

- 3.1 Approved activities include organized athletic activities including related practices, games, tournaments or instructional programs for non-profit youth and adult Sports Associations and Matagorda County ISD sponsored groups.

- 3.2 Additional approved activities include classes and special events and rental by for profit groups and businesses.
- 3.3 The hours of facility use for each facility will be determined by the City and are subject to change at the Supervisor's discretion. The current hours of operation are listed below:

16th Street/Valiant Pool

Winter/Spring/Fall – Dates subject to approval of Parks and Recreation Supervisor or designate

Monday - Friday	8 a.m. – 5 p.m.
Saturday and Sunday	Limited Use

Summer - Dates subject to approval of Parks and Recreation Supervisor or designate

Mondays	2 – 11 p.m.
Tuesday - Friday	6 a.m. - 11 a.m.*
Saturday and Sunday	6 – 11:30 a.m.*

*Swim team and all equipment must be out of the pool by 11 a.m.

Section 4. Priority of Use

- 4.1 The City has a limited number of facilities available for use by sports associations. The City will use the following criteria and a priority schedule as follows:
- City of Bay City programs and events
 - Bay City ISD events
 - Recognized Open Non-Profit Organized Youth Sports Associations
 - Recognized Closed Non-Profit Organized Youth Sports Associations
 - Matagorda County based ISD events
 - Resident, Non Profit Adult Organizations
 - All other uses
- 4.2 In the event two organizations have established historical use, the group with the longer history of use will be given preference.
- 4.3 All other scheduling conflicts will be resolved at the Supervisor's discretion.

Section 5. Recognized Status

- 5.1 The following requirements must be met in order for a Sports Associations to be approved by the City:
- All Sports Associations must submit proof of not for profit status pursuant to §501(c)(3) of the Internal Revenue Code or self-certify as a not for profit organization as a Bay

City based organization. Self-certification will require that the league president attest in notarized affidavit that the organization is operated as a not for profit. An organization's articles of incorporation or other documents shall be submitted to the City with the affidavit which evidence the organization is not for profit;

- b) Fifty-one percent (51%) of each organization's membership must include Bay City residents. Rosters of names and addresses of participants will be used to verify this percentage. If a group has less than 51% City residents, athletic facility space will be allocated to those organizations based on Section 4, Priority of Use.
- c) A copy of the by-laws, policies and regulations;
- d) Proof of insurance as provided for in Section 9, naming the City as an additional insured;
- e) List of all board members which contains current contact information (phone number, email address and mailing address);
- f) List of all coaches and coaching staff which contains current contact information (phone number, email address and mailing address);
- g) Proof of criminal background check on each coach, coaching assistant or related staff member indicating no adverse record;
- h) The organization's written code of conduct for athletes, spectators, and coaches that emphasizes the importance of good character and specifies ethical obligations and sportsmanship expectations;
- i) Signed statement of athletic facility compliance

5.2 Requests for recognized status may be submitted in conjunction with seasonal facility scheduling request.

5.3 Failure to maintain the required insurance shall result in the immediate cancellation of scheduled facility use.

5.4 The City reserves the right not to issue authorization for reservation approval or revoke authorization for reservations of groups that have demonstrated refusal to comply with these regulations.

Section 6. Seasonal Facility Scheduling

6.1 All Recognized Sports Associations are required to submit a written request for seasonal use of facilities ninety (90) days prior to the start date of any requested facility use. Request for seasonal facility scheduling may be submitted in conjunction with requests for recognized status.

6.2 All requests for seasonal scheduling must include the following information:

- a) Proof of insurance as set forth in Section 9;
- b) Tryout, practice and competition schedules;

- c) Designated contact person and current information (daytime and evening phone numbers, email address and mailing address);
- d) If not previously submitted, list of all board members which contains current contact information (phone number, email address and mailing address);
- e) Signed waiver of liability as set forth in Section 11.

6.3 Notify the Supervisor of any changes in the above listed information within 10 days of change.

Section 7. Facility Use Permit

7.1 Groups or individual seeking reserved use of city athletic and pool facilities may do so by submitted a completed facility reservation form. Reservations are subject to the approval of the Supervisor and the following conditions:

- a) Applicant must be a Bay City resident;
- b) Request does not conflict with previously scheduled events or seasonal scheduling;
- c) Request if for two (2) consecutive days or less;
- d) Request is made no more than thirty (30) days in advance and no less than five (5) working days of requested date(s);
- e) All fees must be paid five (5) working days in advance of requested date(s);
- f) Signed waiver of liability as set forth in Section 11.

7.2 Facilities will be rented "as is". Other arrangements (lane lines, backstroke flags, chalking, lining, dragging field, nets, flags, bases, etc.) are the responsibility of the applicant and at their expense.

7.3 Sports Associations groups renting swimming pool facilities must install lane lines and backstroke flags prior to their scheduled practice time and meets and must remove lane lines and backstroke flags immediately after practice times and meets unless prior arrangements have been made with the Supervisor.

7.4 Applicant shall leave the facility in the same condition (i.e. if upon arrival, lines were chalked at a baseball field then lines must be re-chalked after use). Failure to comply with this provision may result in loss of future use and/or loss of deposit, if any was required.

7.5 The City will be responsible for turning lights on/off for the applicant.

Section 8. Special Use of Facilities

8.1 The City reserves the right to host athletic leagues, special events and programs at all public swimming pool facilities. Sports Associations will be notified in advance of any special

events or programs that may conflict with their scheduled use.

- 8.2 Sports Associations must request approval to host clinics, workshops or other programs to be conducted by a group other than the Sports Association. A written request must be submitted to the City ninety (90) days prior to the anticipated event date. The Sports Association will be required to name the other group or agency as an additional insured on their insurance policy.

Section 9. Insurance

- 9.1 Sports Associations must provide proof of insurance in the amount of \$1,000,000 for accidental death and dismemberment and \$100,000 accident and medical expense coverage with the City named as an additional insured.

Section 10. Facility Usage Fees

- 10.1 All Recognized Sports Associations/ISD's will be required to pay \$110 per week for September – May usage and \$150 per week for June – August usage. An invoice for usage will be sent at the end of the season and the balance due is payable within 30 days of date of invoice.

- a) Non-Recognized Sports Associations/ISD's will be required to pay \$150 per week for September – May usage and \$200 per week for June – August usage. An invoice for usage will be sent at the end of the season and the balance due is payable within 30 days of date of invoice.

- 10.2 State law requires that a certified or licensed lifeguard **and** a pool watcher (CPR and First Aid Trained) be on duty with proper rescue equipment during tryouts, swim practices, meets and parties. **These must be in addition to coaches.** The Sports Association or ISD may hire their own lifeguards to work during practice and meets. Any guards hired by the Sports Association or School District are NOT considered employees of the City of Bay City and therefore are not entitled to any employee benefits.

- 10.3 City lifeguards can be requested through the Parks and Recreation Department at (979) 323 - 1660. The cost is \$35 per hour for two guards and one manager. Cost are subject to change based on the City's annual review.

10.4 Deposits

Section 11. Waiver of Liability

- 11.1 All Sports Associations must sign a waiver of liability agreeing to indemnify, save harmless and defend the City, its officers, agents, and employees from and against any and

Commented [CT1]: Verify any other swimming fees – such as couple hours of rental for pool parties

Commented [CT2]: Check if city is collecting deposits at beginning of season – if not needed delete.

Commented [KP3R2]:

Commented [KP4R2]:

all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, attorney's fees and any and all other costs or fees (whether grounded in Constitutional law, Tort, Contract, or Property Law, or raised pursuant to local, state or federal statutory provision), arising out of the performance of this agreement and/or arising out of a willful or negligent act or omission of the contractor, its officers, agents, and employees.

- 11.2 An original signed copy must be on file for review by the City prior to the start of any scheduled activity.

Section 12. Facility Keys

- 12.1 When applicable, keys will be provided to the storage buildings, restrooms and gates. A maximum of three (3) keys will be issued for a facility. The City reserves the right to re-key all buildings at the end of each season.
- 12.2 Unauthorized duplication of keys will result in the immediate revocation of current and future use.
- 12.3 All keys issued for seasonal facility use shall be returned within five (5) days of the conclusion of the season. In the event access to facilities is required after the scheduled seasonal use has ended, contact the Supervisor to arrange entrance to the facility.
- 12.4 The City shall be notified immediately in the event of lost or stolen keys. The City will immediately rekey the facility and the responsible group or Sports Association will be invoiced for the cost of the rekeying. The amount will be due within thirty (30) days of the invoice.

Section 13. Maintenance of City Facilities

- 13.1 In order to conduct preventative maintenance or emergency repairs, the City reserves the right to close its athletic facilities at any point during the year. All maintenance and repairs will be conducted at the discretion of the Supervisor.
- 13.2 The City is prohibited from providing maintenance or upkeep to property or facilities that are not owned by the City.
- 13.3 All Sports Associations and other organizations will be responsible for and bear all costs associated with the operations and maintenance of all league, season or sport specific upkeep to the facility (i.e. lane lines, backstroke flags, chalking boundary lines, dragging infields, screening, etc.) and shall furnish their own equipment, materials and supplies for

operating their games and events (i.e. lane lines, backstroke flags, chalk, officials, bases, first aid kits).

- 13.4 All Sports Associations shall report any hazardous or dangerous conditions to the City.
- 13.5 All requests for maintenance or repairs must be submitted on a Service/Work Order Request form. Completed forms can be submitted by delivery to the main office, faxed to (979) 323-1672 or emailed to parks-rec@cityofbaycity.org. Emergency request can be called in to (979) 323-1660. A copy of the form is attached.

Section 14. Storage

- 14.1 The City will determine and allot limited storage building space each season based on availability and at the Supervisor's discretion.
- 14.2 The signed Waiver of Liability designated in Section 11.1 shall be construed to include any loss or damage related to equipment or materials stored on City property. An on-site facility inspection will be conducted prior to and at the end of each season.
- 14.3 The City reserves the right of entry at any time and reserves the right of priority use at all times.
- 14.4 Storage of flammable, hazardous, or toxic substances or material is prohibited.
- 14.5 All supplies and equipment must be stored in a manner that does not block access to facility equipment such as air conditioners, ice machines, breaker panels, filters, pump motors, chemical systems and chemicals, etc. Notice of improperly stored items will be provided and the responsible party will be given twenty four (24) hours to either remove all items from the storage area or rearrange items for compliance with this provision.
- 14.6 All air conditioned facilities must be maintained at temperatures within the range of 76 – 80° F.
- 14.7 All supplies and equipment must be removed at the end of each season.
- 14.8 The City will maintain all storage facilities and will schedule maintenance and repairs as needed. Any repairs stemming from damages incurred by the Sports Association's use of

the facilities will be repaired and invoiced to the Sports Association. All payments will be due within thirty (30) days.

Section 15. Concessions

- 15.1 Organizations may operate their own food and beverage concessions provided that all applicable permits are obtained and all City ordinances, rules and regulations, including but not limited to health laws are complied with.
- 15.2 A Temporary Mobile Food Unit Permit must be visible at all times if concessions are sold. Information regarding food permits is available at (979) 244 – 2717. Applications for food permits are processed at the Environmental Health Office, 2200 7th St., Bay City, Texas 77414.

Section 16. Parking

- 16.1 The City will enforce all traffic and parking laws and regulations.
- 16.2 “No Parking” and Handicapped parking spaces/areas are designated by posted signs and will be strictly enforced.
- 16.3 Except for emergency vehicles or delivery vehicles, no motorized vehicles are permitted in pool areas.

Section 17. Restroom Facilities

- 17.1 Restroom facilities or portable toilets are available at all city parks. The City does not encourage the use of restroom facilities are private or semi-private facilities located adjacent to city owned parks.
- 17.2 Sports Associations are responsible for cleaning restrooms after tournaments, swim meets, swim practice or other large gatherings and are responsible for providing their own cleaning supplies and equipment.
- 17.3 The City will provide cleaning and maintenance at all other times.

Section 18. Emergency and Accidents

- 18.1 All accidents requiring emergency medical attention shall be reported to the Supervisor no later than the next business day.
- 18.2 After hours emergencies requiring immediate facility or property repairs should be reported to the Bay City Police Department at (979) 245 – 8500. The Police Department will notify on-call personnel of the emergency.

Section 19. Signs

- 19.1 All signs must be approved by the Supervisor prior to installation. With the exception of signs attached to buildings, signs that have been previously approved may be replaced with a sign of the same dimensions and quality. Requests for any new sign must be submitted to the Supervisor thirty (30) days prior to the desired date of installation.
- 19.2 All Sponsorship signs attached to building must have design and placement approved prior to installation or removal.
- 19.3 Sponsorship signs attached to fence work must be 1'4" tall, at least 1/4" thick, and 8' long, painted royal blue or black with white lettering. Signs may be attached to pool fences so long as they are legible from the fence viewing area, are well painted and maintained and all placed at the same height from the ground.
- 19.4 Free standing sponsorship signs must be 4' x 8', 1/2" thick, attached to 4' x 4' wooden posts, placed 12" – 18" from the ground to the bottom of the sign. Signs must be painted dark green or black with white lettering.
- 19.5 All signs must be routinely inspected for damage and repaired, replaced or removed within five (5) days in needed. Additionally at the end of each season signs should be reviewed for needed updates, repairs or removal.

Section 20. Vandalism

- 20.1 Sports Associations with access facilities are required to ensure all doors, window, or any other point of entry are secured prior to leaving the building. Failure to do so may result in the City assessing the costs of vandalism repairs to the Sport Association or revocation of use.
- 20.2 In the event of vandalism to City facilities, the City will conduct an investigation and if it determines that the Sport Association failed to properly secure the building, the City may

assess the costs of vandalism repairs to the Sport Association or revoke use of City facilities.

- 20.3 The City will not be responsible for replacing supplies or equipment or repairing any equipment that is not owned by the City.

Section 21. Capital Improvement Projects

- 21.1 Sports Associations wishing the City to consider funding specific capital improvement projects should submit in writing a detailed description of the type of project for consideration (i.e., two additional youth soccer fields, new overhead lights at pool). Written requests should be submitted to the Parks and Recreation Supervisor, by March 1, for consideration in the following fiscal years' program budget. The City of Bay City's fiscal year runs October 1 - September 31. Approval of projects is based on priority need and available funding as determined by the City of Bay City.

Section 22. Enhancements

- 22.1 Sports Associations will not install, build or perform or any type of facility or property improvements without the express written consent of the City. Requests for improvements must be submitted in writing to the Parks and Recreation Supervisor at least ninety (90) days prior to the desired date of performing the improvement. All requests require approval of the Parks & Recreation Supervisor.
- 22.2 Any improvements attached to a facility or real property (i.e. shelving, storage shed) shall be considered a permanent fixture and becomes property of the City. Permanent fixtures may qualify for facility fee usage credits as determined in Section 23.
- 22.3 The placement of temporary fixtures (i.e. portable lights, sports equipment, garbage cans) must also be approved prior to placement and use.

Section 23. Facility Fee Credits

- 23.1 Sports Associations may reduce the seasonal usage fees by volunteering hours towards maintenance of facilities or through the donation of supplies, material or equipment for maintenance of facilities.
- 23.2 Volunteer hours towards general maintenance of a facility may be credited at a rate of \$22.55 per hour. All work and number of hours must be pre-approved by the Supervisor. Volunteers must sign a waiver of liability prior to doing any approved maintenance at the

Aquatic Facility. All projects must be pre-approved and will be inspected prior to any credit being given.

- 23.3 Facility fee credits for donations in the form of supplies, materials or equipment for maintenance of a facility may be granted. Documentation in the form of invoices, receipts, contracts or other detailed documents must explicitly detail expenses incurred by leagues during a given year, detailing a leagues expenditures dedicated towards general maintenance of facilities, equipment for maintenance of facilities, materials purchased for maintenance of facilities, or personnel employed by a Youth Sports Association/ISD for the sole purpose of supplemental maintenance at a City athletic facility. All work and number of hours must be pre-approved by the Supervisor.
- 23.4 For organizational investments that match or exceed 25% of the facility use fee total for the given year, a credit will granted on the total fee. (EXAMPLE: \$10,000 total bill, \$5,000 league responsibility, receipts and /or invoices reflecting \$2,500+ worth of investment into the maintenance of facilities = \$2,500 credit towards the fees by leagues.)

Section 24. General Regulations

- 24.1 All pool rules must be followed by all swimmers, volunteers, coaches, board members and spectators.

Pool Rules

1. **Walk - don't run**
2. **No horseplay**
3. **No balls, rafts, floats, etc. allowed in pool**
4. **Only approved swim suits allowed in pool - no cut-offs or leotards**
5. **No food, drinks or gum in or around pool deck area**
6. **No glass containers allowed in pool area**
7. **PETS ARE NOT ALLOWED IN THE POOL AREA**
 - a. **Service animals are the only exception**
8. **The consumption of alcoholic beverages, tobacco products or use of illegal drugs by swimmers, volunteers, coaches, directors or spectators is prohibited in the pool area.**

Smoking is allowed outside of the pool facility but not within 50 feet of any fence or building.

Section 25. Penalties for Violations

- 25.1 The City of Bay City Parks and Recreation Department reserves the right to terminate any tryout, practice or meet or revoke authorization for facility use if the Sports Association or any other group is in violation of any written policies and usage rules.

[Handwritten signature in blue ink]

APPENDIX A

**CHECKLIST FOR SPORTS ASSOCIATIONS
USE OF ATHLETIC FACILITIES**

- ☐ Application submitted 90 days prior to planned use
- ☐ Application dates span no more than one season or six months duration (i.e., Winter, Spring, Summer, Fall, Jan-June or July-Dec.) whichever is shorter
- ☐ City of Bay City is named as an additional insured on the certificate of insurance
- ☐ Last season's financial statement is enclosed (YSA only)
- ☐ List of association's board of directors is enclosed with names and addresses (YSA only)
- ☐ Tryout, practice and game schedules are enclosed
- ☐ Contact person's name, title, address, home and work phone numbers are included
- ☐ Signed statement of athletic facility policy compliance is enclosed
- ☐ Signed waiver of liability is enclosed
- ☐ Copies of Certifications
- ☐ Keys issued

Signature of Parks and Recreation Supervisor

Date

Signature of Association Representative

Date

APPENDIX B

STATEMENT OF COMPLIANCE

I, _____ representative for President,
 Executive Director

the _____, have received
 (Organization)

and agree to abide by procedures and guidelines as established in the document
 "City of Bay City Aquatic Facility Use Policies."

SIGNED: _____ DATE: _____

APPENDIX C

ORGANIZATION WAIVER OF LIABILITY

The undersigned applicant, individually, and/or as agent for the organization known as, _____
 _____ does agree and shall indemnify, save harmless and defend the City, its officers, agents, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, attorney's fees and any and all other costs or fees (whether grounded in Constitutional law, Tort, Contract, or Property Law, or raised pursuant to local, state or federal statutory provision), arising out of the performance of the resulting agreement and/or arising out of a willful or negligent act or omission of the Sports Association or Organization, its officers, agents, and employees. It is understood and agreed that the Sports Association and any employee or its contractor shall not be considered an employee of the City. The Sports Association or any of its employees shall not be within protection or coverage of the City's workers' compensation insurance, health insurance, liability insurance or any other insurance that the City from time to time may have in force and effect. City specifically reserves the right to reject any and all Sports Association's employees, representatives or sub-contractors and/or their employees for any cause, should the presence of any such person on City property or their interaction with City employees be found not in the best interest of the City, harassing, or is found to interfere with the effective and efficient operation of the City's workplace. In the event a claim would be made by any third party, including a member of an organized team, the undersigned individually, and/or as agent of any organization as herein named, agrees to fully cooperate with the City of Bay City, its insurance carriers or any other person or organization designated by the City to investigate such claims, and to provide such information as shall reasonably be necessary and/or required. In connection herewith, the organization also agrees to obtain from each member of the organized team a signed statement agreeing to hold the City of Bay City harmless from any claim whatsoever growing out of the use of City facilities.

SIGNATURE OF APPLICANT: _____

ORGANIZATION: _____ DATE: _____

SEASON: SUMMER FALL SPRING

APPENDIX D

CITY OF BAY CITY, TEXAS
 WAIVER OF LIABILITY AND HOLD HARMLESS AGREEMENT
 (This is page one of a two page document)

1. In consideration for receiving permission to participate in the volunteer activities offered through City of Bay City ("the City"), including any activities within its Departments, programs, facilities or on any property or part within the City, I, _____ hereby release, waive, discharge and covenant not to sue the City, its officers, servants, agents, employees and insurers, including but not limited to the Texas Municipal League Intergovernmental Risk Pool (hereinafter referred to as "releasee") from any and all liability, claims, demands, actions and causes of action whatsoever arising out of or relating to any loss, damage or injury, including death, that may be sustained by me, or to any property belonging to me, whether caused by the negligence of the releases, or otherwise, while participating in the activities, or while in, on or upon the premises where the activities are being conducted, while in transit to or from the premises, or in any place or places connected with the activities.
2. I am fully aware of risks and hazards connected with being on the premises and participating in the activities, and I am fully aware that there may be risks and hazards unknown to me connected with being on the premises and participating in the activities, and I hereby elect to voluntarily participate in the activities, to enter upon the above named premises and engage in activities knowing that conditions may be hazardous, or may become hazardous or dangerous to me and my property. I voluntarily assume full responsibility for any risks or loss, property damage or personal injury, including death, that may be sustained by me, or any loss or damage to property owned by me, as a result of my being a participant in the activities, whether caused by the negligent of releasee or otherwise.
3. I further hereby agree to agree and shall indemnify, save harmless and defend the City, its officers, agents, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, attorney's fees and any and all other costs or fees (whether grounded in Constitutional law, Tort, Contract, or Property Law, or raised pursuant to local, state or federal statutory provision), arising out of the performance of the resulting agreement and/or arising out of a willful or negligent act or omission of the Sports Association or Organization, its officers, agents, and employees. It is my express intent that this Release shall bind the members of my family and spouse, if I am alive, and my heirs, assigns and personal representative, if I am deceased, and shall be deemed as a Release, Waiver, Discharge and Covenant Not to Sue the above named releasee.

In signing this release, I acknowledge and represent that:

- A. I have read the foregoing release, understand it, and sign it voluntarily as my own free act and deed;
- B. No oral representation, statements or inducements, apart from the foregoing written agreement have been made;
- C. I am at least eighteen (18) years of age and fully competent or if a minor my parent(s) or guardian(s), by their signatures below, indicate they have fully read and understand this waiver and indicate, on behalf of their minor child, their full and unqualified consent to the terms of this waiver; and

CITY OF BAY CITY, TEXAS
 WAIVER OF LIABILITY AND HOLD HARMLESS AGREEMENT
 (This is page two of a two page document)

- D. I execute this Release for full, adequate and complete consideration fully intending to be bound by same.
 E. I acknowledge that I will not be entitled to any compensation for my services, I will not be an employee of the City, and I will not be entitled to any benefits from the City.
 F. I understand and agree that no particular hours of service are guaranteed for the volunteer work at the City's _____, that the City may determine at any time that is no longer needs such volunteer services performed, and that I may decide at any time to end my volunteer activities for the City.

Participant Signature: _____

Name Printed: _____

Signature of Parent or Guardian (if under 18): _____

Name Printed: _____

Witness: _____

Witness Name Printed: _____

Date: _____

Organization: _____

INTERNAL USE ONLY:

See Attachment - City listed as an additional insured verified.

Participation APPROVED:

By: _____

Title: _____

APPENDIX E

CAPITAL PROJECT REQUEST FORM

NAME OF FACILITY: [Click here to enter text.](#)

PROJECT NAME: [Click here to enter text.](#)

SUBMITTED BY: [Click here to enter text.](#) TITLE: [Click here to enter text.](#)

ORGANIZATION NAME: [Click here to enter text.](#)

PROJECT PRIORITY (1, 2, 3 ETC): [Click here to enter text.](#)

ESTIMATED COST OF PROJECT: [Click here to enter text.](#)

CONSEQUENCES IF NOT FUNDED: [Click here to enter text.](#)

DESCRIPTION OF PROJECT: [Click here to enter text.](#)

APPENDIX F**FACILITY RESERVATION FORM**

APPLICATION DATE: _____

NAME OF ORGANIZATION: _____

REPRESENTATIVE'S NAME: _____ TITLE: _____

ADDRESS: _____

E-MAIL: _____

DAYTIME PHONE: _____ EVENING PHONE: _____

FAX: _____

ATTACH LEAGUE SCHEDULE TO THIS FORM

RESERVATION CONFIRMED BY: _____
PARKS & RECREATION SUPERVISOR

DATE: _____

APPENDIX G**SPORTS ASSOCIATION WORK REQUEST**

ALL SPORTS ASSOCIATION REQUESTS FOR ANY SERVICE MUST BE PROPERLY SUBMITTED USING THIS FORM IN THE MANNER DESCRIBED BELOW FOR CONSIDERATION

FACILITY: [Click here to enter text.](#)

SPECIFIC MAINTENANCE ISSUE (BRIEF DESCRIPTION AND LOCATION):

[Click here to enter text.](#)

REQUESTED BY: [Click here to enter text.](#)

ORGANIZATION: [Click here to enter text.](#)

CONTACT PHONE NUMBER: [Click here to enter text.](#) OTHER PHONE/FAX: [Click here to enter text.](#)

E-MAIL: [Click here to enter text.](#)

REASON FOR WORK: [Click here to enter text.](#)

DATED NEEDED BY: [Click here to enter a date.](#)

WORK TO BE PERFORMED BY: ☐ CITY STAFF
(CHECK ONE) ☐ SPORTS ASSOCIATION STAFF
☐ OTHER (CONTRACTED)

APPROXIMATE COST TO THE CITY OF BAY CITY: [Click here to enter text.](#)

PLEASE SUBMIT FORM BY:
FAX TO (979)323-1672
EMAIL TO: PARKS-REC@CITYOFBAYCITY.ORG
OR MAIL TO:

BAY CITY PARKS AND RECREATION DEPARTMENT
ATTN: AQUATICS
1217 AVENUE J
BAY CITY, TEXAS 77414

FORMS MAY BE PICKED UP AT THE MUNICIPAL SERVICES BUILDING (1217 AVENUE J)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/11/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1618

DISCUSSION ITEM (ID # 1618)

**RECEIVE UPDATE FROM BCCDC EXECUTIVE DIRECTOR, DC
DUNHAM ON THE 380 AGREEMENT FOR 9ER'S GRILL.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/11/14 07:00 PM
Department: Mayor's Office
Category: Appointment
Prepared By: Rhonda Clegg
Initiator: Mark Bricker
Sponsors:

DISCUSSION ITEM (ID # 1286)

DOC ID: 1286 C

**DISCUSS, CONSIDER AND POSSIBLE ACTION TO
ESTABLISH A FINANCE COMMITTEE AS PRESCRIBED IN
SECTION 4.09 OF THE CITY CHARTER**



CITY OF BAY CITY

1901 FIFTH STREET
BAY CITY, TEXAS 77414
(979) 245-2137
FAX: (979) 323-1626

AGENDA ITEM REQUEST FORM

Complete Submissions Required:

Any item, to be considered for action by the City Council, must be presented on this form, along with any unprivileged documentation and must be filed and complete to have an item placed on the City Council Agenda for consideration (This process is not required for members of the governing body, but it is encouraged). Before being considered filed for placement on the agenda, a summary of the item, all supporting documentation and review of the item from each City Department must be performed for the request to be complete. If the request is from a citizen, the City shall expedite review through internal means. Request forms must be complete and received by the City Secretary's office no later than 5:00 p.m. on the Wednesday of the week prior to the Regular Council meeting to be placed on that meeting's agenda. The item may be placed on workshop or special council meeting agenda if deemed appropriate by the City. Only completed request forms are considered for placement on the agenda.

Regular Council meetings are held on the second and fourth Thursday of the month at 7:00 p.m. in the Council Chambers at City Hall. Agenda items shall be set for consideration pursuant to City Code Section 2-47, as amended.

Requestor: _____ Date Submitted: _____
PRINTED NAME and/or CITY DEPARTMENT

☐ Citizen ☐ City Department ☐ Council Member

Address: _____

Preferred contact: ☐ Cell _____ ☐ Work phone _____
☐ E-mail _____ ☐ Fax _____

I respectfully request the below item be placed on the _____ Agenda for City Council consideration.

1) Describe Item to be considered and area of City involved, if any: _____

2) Executive Summary of Item and action by council sought: _____

3) Do you need time to present this item? ☐ Yes ☐ No If so, how much? _____

ADMIN / OFFICIAL USE ONLY:

Consent Item: ☐ Yes ☐ NoAny Prior City Council Action: ☐ Yes ☐ No

Deadline for City Council Action: _____

Projected Future City Council Action: _____

Fiscal Impact: _____

Staff Recommendation on this requested item:

Mayor's Office ☐ Yes ☐ No ☐ Na
 City Attorney's Office ☐ Yes ☐ No ☐ Na
 City Secretary Department ☐ Yes ☐ No ☐ Na
 Finance Department ☐ Yes ☐ No ☐ Na
 Police Department ☐ Yes ☐ No ☐ Na

Public Works ☐ Yes ☐ No ☐ Na
 Community Service ☐ Yes ☐ No ☐ Na
 (AP, PR, MS, and LB)
 Utility Department ☐ Yes ☐ No ☐ Na

Staff Comments: _____

Anticipated Time necessary for Item: _____

TRACKING:

Received by City Secretary: _____ Staff Initial

Administratively Complete: _____ Staff Initial

Date of Agenda placed for consideration: _____ Staff Initial

Council action taken: _____ on _____

☐ Yes ☐ No ☐ Na

SIGNATURE – City Secretary's Office