



BAY CITY

REVISED MINUTES • JULY 24, 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 - COUNCILMAN STEVEN JOHNSON

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 Carol Wedgeworth wanted to make two points. She addressed the curfew ordinance and the need for it. Mrs. Wedgeworth spoke about WCA. She stated that Council voted for WCA, so they could not complain about the service. She added that Council knew that they would pay off the debt and still provide bad service. Mr. Wedgeworth stated that her bill still had not been lowered.

Bay City resident Jo Halbert stated that the issue was getting the word out. There were different mediums in which to get information out. She stated church, leaflets, chamber, etc. She asked that they not use that as an excuse. Mrs. Halbert asked Council how many of them have gone to google to look up the Tenaris location. She stated that the it had very negative reviews from people that no longer live here. Mrs. Halbert stated that they should change that. She went on to state that the attitude of people have been negative. If you have an issue with a person, you should go to that person, not go on Facebook.

Bay City resident Jerry Hance believes that the trash issue is a management issue, not an employee issue. He added that they are doing their job.

Bay City resident David Torrez stated that if you tear up someone else's yard you are supposed to fix it in a timely fashion. Mr. Torrez explained that Mardis had a sink hole by the meter that had not been fixed. Mr. Torrez stated that he had spoken with an employee and was told that there was no leadership; when they start a project and cannot finish it, it

is because they are being pulled off to do something else. Mr. Torrez told Council that he did not see them representing the typical person. He did not see them as typical people. Mr. Torrez asked what they were going to do with all of the roads, besides the three that they have money for. He also asked about signage.

Bay City resident Quinon Bonner spoke about unsafe road in Chateaux Oaks Subdivision. He stated that children have to ride in the street because there are no pedestrian sidewalks for children. He added that it must be difficult for Mayor and Council to side with people, if you have not been through it.

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 [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Chrystal Folsie, Councilwoman
AYES:	Folsie, Johnson, Thames, Estlinbaum, Cornman

1. Policy

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS GRANTING OF AN EXCEPTION TO THE PROHIBITION AGAINST THE SALE OF ALCOHOLIC BEVERAGES SET OUT IN SECTION 6-5 OF THE CITY CODE OF ORDINANCES.

Zeinab Ghais, Main Street

Enacted and approved this 24th day of July, 2014, at Bay City

2. Appointment

CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT OF KYLE JACOBS TO THE PLANNING COMMISSION.

Mayor Mark A. Bricker

Enacted and approved this 24th day of July, 2014, at Bay City

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

1. Ordinance

A PUBLIC HEARING TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING THE NEED TO CONTINUE ORDINANCE NO. 1403, (THE CURFEW ORDINANCE) IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SECTION 370.002. THIS IS THE SECOND OF TWO PUBLIC HEARINGS.

Captain Robert Lister

Councilwoman Estlinbaum asked that the reason behind the ordinance be reviewed. Mr. Erkan went over that statute that required the review of the Curfew Ordinance every three (3) years. Councilman Cornman informed Mayor and Council that he did not want to vote on the ordinance without first hearing from the Police Department.

Mayor opened the Public Hearing at 7:30 p.m.

Ronnie Reeves stated that the City was behind the ball. This was supposed to be done three (3) months ago. He wondered why was the City doing it now; was there a spike in youth crimes; if there was sensitivity training for the officers; and if the Police Department worked with the School.

Councilman Johnson asked if there were any gangs, and it was stated no.

Jerry Hance thanked Councilwoman Estlinbaum for clarifying the reason to do this. He asked if the City could hold the parents responsible for them not enforcing the curfew? Mayor explained that the ordinance addressed it when a parent knowingly allows this, then the parent can be cited.

Sharon Lenzy expressed her concern with single-family households, and the parent is taken to jail and they have other children at home it defeats the purpose.

Jo Halbert stated that she had not lived anywhere they did not have a curfew. She added that the ordinance protects others, as well as the children.

Terevea Williams stated that we could expect them to be in trouble when they have nothing to do. She added that we should go back to the way it was. Ms. Williams stated that they have lost the word community.

Jo Halbert came to the defense to the schools system. With the school system, if a child misses a day they receive a call.

Jerry Hance stated that it revolves around the youth not having anything to do.

Quinn Bonner apologized to Mayor and Council if he offended anyone earlier during the Public Hearing.

Captain Rodriguez clarified the hours in which the ordinance was addressing.

The Public Hearing ended at 8:09 p.m.

RESULT:	WITHDRAWN
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2. Agreement

CONSIDER AND/OR APPROVE AWARDING THE DEPOSITORY AGREEMENT TO THE ONLY BIDDER, IBC BANK AND AUTHORIZING THE MAYOR TO EXECUTE THE DEPOSITORY AGREEMENT, AFTER THE CITY ATTORNEY HAS REVIEWED AND APPROVED THE LEGAL FORM OF THE AGREEMENT.

Phill Conner, Interim Finance Director

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

Enacted and approved this 24th day of July, 2014, at Bay City

3. Report

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE CLOSING AND ABANDONING TO THE OWNER OF THE SURROUNDING PROPERTY: (1) AN ALLEY SHOWN ON BLOCK 104 OF THE ORIGINAL TOWNSITE PLAT AND LOCATED BETWEEN 8TH AND 9TH STREET AND (2) AN ADJACENT UNIMPROVED SEGMENT OF 9TH STREET AS RECOMMENDED BY THE PLANNING COMMISSION.

Rafael Gonzales, Chairman of Planning Commission
Council was polled.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Chrystal Folsie, Councilwoman
AYES:	Folsie, Johnson, Thames, Estlinbaum, Cornman

Enacted and approved this 24th day of July, 2014, at Bay City

4. Policy

DISCUSS, CONSIDER AND/OR APPROVE THE 2014-2015 CITY OF BAY CITY EMPLOYEE BENEFITS PLAN.

Rhonda Clegg, City Secretary and Jeff Noyes, The Noble Group
Mrs. Clegg and Mr. Noyse reviewed the renewal information with Mayor and Council.
Mrs. Clegg provided her recommendations regarding the proposed plans.

Council stated that they would like to see BCBS come back between 9 and 10%.
Mayor stated that they would wait on the direction of the City Secretary to receive direction to move forward.

RESULT:	TABLED	Next: 8/7/2014 6:00 PM
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6. EXECUTIVE SESSION

Mayor adjourned from Open Session at 8:56 p.m.

Mayor entered into Executive Session at 8:57 p.m.

Mayor adjourned from Executive Session at 9:12 p.m.

1. Personnel

PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE THE CITY COUNCIL WILL CONVENE IN CLOSED SESSION TO DELIBERATE ON THE APPOINTMENT & DUTIES OF THE ASSOCIATE MUNICIPAL JUDGE, DUE TO THE RESIGNATION OF THE PRIOR ASSOCIATE MUNICIPAL JUDGE.

Judge Suzan Thompson

2. Property

PURSUANT TO SECTION 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE THE CITY COUNCIL WILL CONVENE IN CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY AND DISCUSS THE VALUE OF THE REAL PROPERTY IN WHICH THE CITY HOLDS A REVERSIONARY INTEREST AND THAT IS CONTIGUOUS TO THE BAY CITY COUNTRY CLUB.

Councilwoman Chrystal Folse

7. OPEN SESSION

Mayor reconvened into Open Session at 9:13 p.m.

1. Personnel

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

Executive Session Item #2:

MOTION BY COUNCILMAN JOHNSON, SECOND BY MAYOR PRO TEM THAMES, TO MAKE NO DECISION AND HOLD OFF TO A LATER DATE. MOTION CARRIED BY UNANIMOUS VOTE.

Executive Session Item #1:

MOTION BY MAYOR PRO TEM THAMES, SECOND BY COUNCILWOMAN ESTLINBAUM, TO CONFIRM THE APPOINTMENT OF JASON SANDERS FOR ASSOCIATE MUNICIPAL COURT JUDGE. MOTION CARRIED BY UNANIMOUS VOTE.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Cornman asked that when the Mayor places appointments on the agenda that he please provide some bullet points or a bio so that they know more about it. He also asked that when they do Public Hearings the public should be told about the ordinance and its contents. He would like for the Police Department to provide feedback on what they think about it. Councilman Cornman stated that the City's road crew was doing a great job on repairing the roads.

Mayor informed everyone that there would be a local number that citizens would be able to call that will auto forward the calls to WCA. WCA is supposed to provide weekly logs of complaints, and the City's Code Enforcement was also taking weekly photos of brush piles.

9. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

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

Attendance By Other Elected or Appointed Officials:

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

provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized:

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

This is to certify that the above notice of a Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Monday, July 21, 2013 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: 07/24/14 07:00 PM
Department: Main Street
Category: Policy
Prepared By: D C Dunham
Initiator: D C Dunham
Sponsors:
DOC ID: 1554

ADOPTED

AGENDA ITEM (ID # 1554)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS GRANTING OF AN EXCEPTION TO THE PROHIBITION AGAINST THE SALE OF ALCOHOLIC BEVERAGES SET OUT IN SECTION 6-5 OF THE CITY CODE OF ORDINANCES.

Bay City Historic Commission is planning a fund raiser on October 11, 2014 at the Service Center/USO. We would like to allow alcohol to be served.

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, GRANTING OF AN EXCEPTION TO THE PROHIBITION AGAINST THE SALE OF ALCOHOLIC BEVERAGES SET OUT IN SECTION 6-5 OF THE CITY CODE OF ORDINANCES.

WHEREAS, Section 6-5(a) of the Bay City Code of Ordinances prohibits the sale of alcoholic beverages in any city-owned building, enclosed structure, and/or upon any real property owned by the city; and;

WHEREAS, City Council has adopted an Ordinance, which provides an exception to the prohibition set out in Section 6-5(a) when such exception is granted by resolution of Council and said resolution contains a finding that the event associated with the sale of alcoholic beverages is charitable in nature; and

WHEREAS, City Council has adopted a Resolution, which provides guidelines for authorizing such exceptions; and

WHEREAS, City Council has received a request that an exception be granted for the dates and times listed below, at the USO facility; and

WHEREAS, City Council finds that this request is made in association with a charitable event.

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

Section one. City Council hereby conditionally approves the request of to consume and sell alcoholic beverages for on premise consumption as follows:

- a) Applicant: Bay City Historic Commission
- b) Date and time: October 11, 2014 6:00 p.m. – 11:00 p.m.
- c) Location: USO building at: 2105 Avenue M, Bay City, Texas
- d) Type of alcoholic beverages authorized: Beer, Wine, and Liquor (BYOB)
- e) The purpose of the event: Bay City Historic Commission Fundraiser

Section two. The authorization granted hereby is contingent upon, and shall not be effective, unless prior to the event date the applicant provides written confirmation to the City Secretary that the request has been reviewed and approved by the Police Department; and the Department's confirmation letter verifies the following:

- a) The party designated by the applicant to sell alcoholic beverages has in its possession a valid licensed, issued by the Texas Alcoholic Beverage Commission, that allows the sale of alcoholic beverages at the proposed premises; and

- b) The applicant has coordinated with the Police Department for the provision of adequate security for the event.

PASSED AND APPROVED AT BAY CITY TEXAS THIS 24th DAY OF JULY, 2014

Mark 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: R-2014- USO Historic Commission Fundraiser (1554 : Allow Alcohol for a fund raiser in the USO)



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 07/24/14 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1559

AGENDA ITEM (ID # 1559)

**CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT
OF KYLE JACOBS TO THE PLANNING COMMISSION.**

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

CITY OF BAY CITY VOLUNTEER INTEREST FORM

Dear Resident:

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

PLEASE TYPE OR PRINT:

Date: 7-8-14
 Name: Kyle Jacobs Home Address: 918 6th St
 City: Bay City State: TX Zip: 77414
 Home Phone: 979-240-5737 Business Phone: _____
 Employer: Quality Treating Occupation: Sales
 E-mail: ksjacobs@hotmail.com
 Resident of the Bay City Corporate City Limits: (circle one) Yes No
 Resident of City for 3 years

I am interested in serving on the following boards:

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

- | | |
|--------------------------------|-----------|
| 1.) <u>Planning Commission</u> | 3.) _____ |
| 2.) _____ | 4.) _____ |

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

Steering Committee

Kyle Jacobs
 Signature

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



City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

Meeting: 07/24/14 07:00 PM
Department: City Secretary
Category: Amendment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1536

ORDINANCE (ID # 1536)

**A PUBLIC HEARING TO RECEIVE TESTIMONY AND
COMMENTS FROM THE PUBLIC REGARDING THE NEED TO
CONTINUE ORDINANCE NO. 1403, (THE CURFEW
ORDINANCE) IN ACCORDANCE WITH TEXAS LOCAL
GOVERNMENT CODE SECTION 370.002. THIS IS THE
SECOND OF TWO PUBLIC HEARINGS.**

HISTORY:

07/10/14 City Council

RESULT:	WITHDRAWN
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ESTABLISHING A CURFEW FOR MINORS FIFTEEN (15) YEARS OF AGE AND UNDER TO PROHIBIT BEING IN ANY PUBLIC PLACE BETWEEN THE HOURS OF 11:00 P.M. AND 6:00 A.M. WEEKDAYS, AND MIDNIGHT AND 6:00 A.M. WEEKENDS; PROVIDING AN ENFORCEMENT PROCEDURE; ESTABLISHING CRIMINAL PENALTIES FOR MINORS AND FOR PARENTS OF MINORS AND ADOPTING CERTAIN EXCEPTIONS AND FURTHER PROVIDING FOR REVIEW OF THE EFFICACY OF THIS ORDINANCE EVERY THREE YEARS FROM AND AFTER THE DATE OF PASSAGE HEREOF; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Bay City has previously adopted Juvenile Curfew Ordinance for the City of Bay City; and

WHEREAS, the City Council of the City of Bay City finds that said previously adopted Juvenile Curfew Ordinance has expired; and

WHEREAS, the City Council of the City of Bay City finds that it has held two public hearings regarding the adoption of this ordinance; and

WHEREAS, the City Council of the City of Bay City finds that the City is a stable family community where parental responsibility for the whereabouts of children is the norm; and

WHEREAS, the City Council of the City of Bay City finds that during nocturnal hours children are at a greater risk for victimization or becoming involved in delinquent or criminal behavior; and

WHEREAS, the City Council of the City of Bay City finds that during school hours, children should be pursuing education goals and not engaged in activities which are non-productive; and

Attachment: ORDINANCE NO. - Curfew Ordinance (1536 : Curfew Ordinance)

WHEREAS, the City Council of the City of Bay City finds that as parental control increases, the likelihood of children being victimized or becoming involved in delinquent or criminal behavior decreases; and

WHEREAS, the City Council of the City of Bay City finds that the victimization of children and the involvement of children in crime and violent crime have reached an unacceptable and alarming level compelling this City Council to adopt an ordinance of this nature for the public good, safety and welfare ; and

WHEREAS, a curfew would equip law enforcement with a tool for keeping youth off the streets, and provide parents with a legitimate, legal basis for restricting the activities of their children; and

WHEREAS, the City Council of the City of Bay City finds and determines that a curfew for those fifteen years of age and under will be in the interest of the public health, safety, and general welfare, and will help to attain the foregoing objectives and will continue to diminish the undesirable impact of such conduct on the citizens of the City of Cibolo.

NOW, THEREFORE,

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

SECTION ONE. Short Title.

This Ordinance shall be known and may be cited as the "Curfew Ordinance."

SECTION TWO. Purpose.

The purpose of this Ordinance is to protect the welfare of children by:

1. Reducing the likelihood that children will be the victims of criminal acts during curfew hours;
2. Reducing the likelihood that children will become involved in criminal acts during curfew hours;

3. Encouraging children to remain in school; and
4. Aiding parents, guardians, custodians, or other responsible persons in carrying out their responsibility to exercise reasonable supervision of the children entrusted to their care.

SECTION THREE. Definitions.

In this Ordinance the following terms and definitions shall apply:

A. *CHIEF OF POLICE* means the chief of police of the City of Bay City or a designated representative.

B. *COMMERCIAL ESTABLISHMENT* means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement or entertainment and includes all adjacent parking areas under the control of the owner of the commercial establishment.

C. *CURFEW HOURS* means:

1. 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day;
2. 12:00 midnight until 6:00 A.M. on any Friday or Saturday; and
3. 9:00 A.M. through 3:00 P.M. on School Attendance Days.

D. *DIRECT ROUTE* means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

E. *EMERGENCY* means, but is not limited to, a fire, a natural disaster, accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

F. *MINOR* means any person 15 years of age or younger.

G. *PARENT* means a person who is any natural parent of a minor or a legal guardian.

H. *GUARDIAN* means an adult person who has, by any court order, the guardianship or conservatorship of a minor.

I. *CUSTODIAN* means an adult person with whom the minor resides and who has apparent control of the minor.

J. *TRUANT* means a student who stays away from school without permission.

K *REMAIN OR REMAINS* means:

1. To stay behind, tarry and stay unnecessarily upon a public place, including congregating in groups or individual minors in which any minor included would not be using the public place for exempted purpose as set forth in Section Five of this Ordinance; and
2. To fail to leave a public place or commercial establishment when requested to do so by a police officer or the owner, operator, or other person in control of the public place or commercial establishment.

SECTION FOUR: *Offenses.*

A. A minor commits an offense if he remains in any public place or on the premises of any commercial establishment within the city during curfew hours.

B. A parent, guardian, or custodian commits an offense if he or she knowingly permits or by insufficient control allows a minor in his or her care to be or remain in any public

place or to be or remain in any commercial establishment other than for excepted activities as cited in Section Five, during the curfew hours established by this ordinance. The term "knowingly" includes knowledge which a parent, guardian, or custodian should reasonably be expected to have concerning the whereabouts of a minor in such person's custody. It shall be prima facie evidence of violation of this section if a responsible parent, guardian or custodian has no knowledge of a minor's whereabouts during the hours of curfew established by this ordinance.

C. It shall be unlawful for the owner or operator of a commercial establishment to knowingly allow a minor to remain upon such business premises during the hours of curfew established in this ordinance beyond the time necessary to conduct an expected activity. It shall be no defense to this section that a minor made a purchase, if the minor did not immediately make such purchase upon arrival and depart immediately thereafter. It shall be a defense to prosecution under this section that the owner or operator of such commercial establishment has promptly notified the Bay City Police Department that a minor or minors who are present on the premises after hours have refused to depart.

SECTION FIVE. Defenses.

It is a defense to prosecution under Section 2 of this Ordinance that:

- (a) The minor was accompanied by his or her parent;
- (b) On an errand at the direction of the minor's parent, guardian, or custodian and was using a direct route;
- (c) The minor was accompanied by another adult approved by the parents;
- (d) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area is the most direct route;
- (e) Engaged in an employment activity, including, but not limited to, newspaper delivery and was using a direct route;
- (f) Involved in an emergency;
- (g) The minor was attending a school, government sponsored, or religious activity or was going to or coming from a school, government or religious sponsored activity by a direct route;
- (h) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor has permission from his/her parent or guardian to be or on the sidewalk of a next-door neighbor not communicating an objection to the police officer;
- (i) High School lunch with a valid Bay City High School I.D. Card;

- (j) The minor was exercising his or her First Amendment Rights protected by the United States or Texas Constitution, including, but not limited to the free exercise of religion, freedom of speech and freedom of assembly.
- (k) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or
- (l) Traveling in a direct route to the minor's residence after any organized athletic activity.

SECTION SIX. Penalties.

- (a) Any minor violating the provisions of this Ordinance shall be guilty of a Class "C" misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of Title 3 of the Texas Family Code.
- (b) A parent of a minor violating this Ordinance shall be guilty of a Class "C" misdemeanor, which shall be punishable by a fine of not less than \$50.00 nor more than \$500.00.
- (c) A commercial establishment owner or operator violating this Ordinance shall be guilty of a Class "C" misdemeanor, which shall be punishable by a fine of not less than \$50.00 nor more than \$500.00.

SECTION SEVEN. Review.

Pursuant to Texas Local Government Code 370.002 the City Council shall review this juvenile curfew ordinance every three (3) years from and after the date of passage hereof to determine:

- (1) the effects on the community and on problems the ordinance is intended to remedy;
- (2) to conduct a public hearing on the need to continue the ordinance; and,
- (3) if necessary or appropriate to abolish, continue, or modify this ordinance.

SECTION EIGHT. Severability.

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

SECTION NINE. Effective Date.

This Ordinance shall become effective upon passage and publication in a newspaper of general circulation within ten (10) days after passage.

MARK A. BRICKER, MAYOR

ATTEST:

RHONDA CLEGG, CITY SECRETARY

APPROVED AS TO LEGAL SUFFICIENCY:

GEORGE HYDE, CITY ATTORNEY
Denton Navarro Rocha Bernal Hyde & Zech, P.C.

Attachment: ORDINANCE NO. - Curfew Ordinance (1536 : Curfew Ordinance)



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 07/24/14 07:00 PM
Department: Finance
Category: Agreement
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1558

ADOPTED

AGENDA ITEM (ID # 1558)

**CONSIDER AND/OR APPROVE AWARDING THE
DEPOSITORY AGREEMENT TO THE ONLY BIDDER, IBC
BANK AND AUTHORIZING THE MAYOR TO EXECUTE THE
DEPOSITORY AGREEMENT, AFTER THE CITY ATTORNEY
HAS REVIEWED AND APPROVED THE LEGAL FORM OF THE
AGREEMENT.**

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

Tabulation Sheet

ID#.	
Time	10:00 A.M.

Informationen Sie die Schüler

~~Low~~ ^{Only} BIDDER: BC

AWARDED TO: BC

RECOMMENDATION/COMMENTS: _____

SIGNED: Bob Corns DATE: 7/21/14



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 07/24/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1562

ADOPTED

AGENDA ITEM (ID # 1562)

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE CLOSING AND ABANDONING TO THE OWNER OF THE SURROUNDING PROPERTY: (1) AN ALLEY SHOWN ON BLOCK 104 OF THE ORIGINAL TOWNSITE PLAT AND LOCATED BETWEEN 8TH AND 9TH STREET AND (2) AN ADJACENT UNIMPROVED SEGMENT OF 9TH STREET AS RECOMMENDED BY THE PLANNING COMMISSION.

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

Planning commission meeting 7/17/2014

Agenda item IV.

2. Consider and make recommendation to City Council regarding the closing and abandoning to the owner of the surrounding property: (1) an alley shown on Block 104 of the Original Townsite Plat and located between 8th and 9th Street' and (2) an adjacent unimproved segment of 9th Street.

Planning commission recommends to Mayor and City Council to abandon the 20' wide alley in the parking lot that is surrounded by Avenue G, 8th Street, Avenue H and 9th Street. There are no utilities that would need to be relocated.

In reference to the abandoning of a segment of 9th Street, the Planning Commission would like to investigate further before recommending it to be abandoned. Public works needs to verify where, if any, utilities are located.

This location is part of Phase I of the North Downtown Plan that was completed May 2013. Phase I also proposes public spaces with park and creek improvements. As laid out in the North Downtown Plan Implementation Strategies, *STEP 1: FORMATION OF A PROJECT MANAGEMENT TEAM*. With the current interest of developing this property into residential, now would be the time to begin the implementation strategies.



City Council
1901 5Th Street
Bay City, TX 77414

TABLED

AGENDA ITEM (ID # 1557)

Meeting: 07/24/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1557

DISCUSS, CONSIDER AND/OR APPROVE THE 2014-2015 CITY OF BAY CITY EMPLOYEE BENEFITS PLAN.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/24/14 07:00 PM
Department: City Secretary
Category: Personnel
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1555

DISCUSSION ITEM (ID # 1555)

**PURSUANT TO SECTION 551.074 OF THE TEXAS
GOVERNMENT CODE THE CITY COUNCIL WILL CONVENE IN
CLOSED SESSION TO DELIBERATE ON THE APPOINTMENT
& DUTIES OF THE ASSOCIATE MUNICIPAL JUDGE, DUE TO
THE RESIGNATION OF THE PRIOR ASSOCIATE MUNICIPAL
JUDGE.**



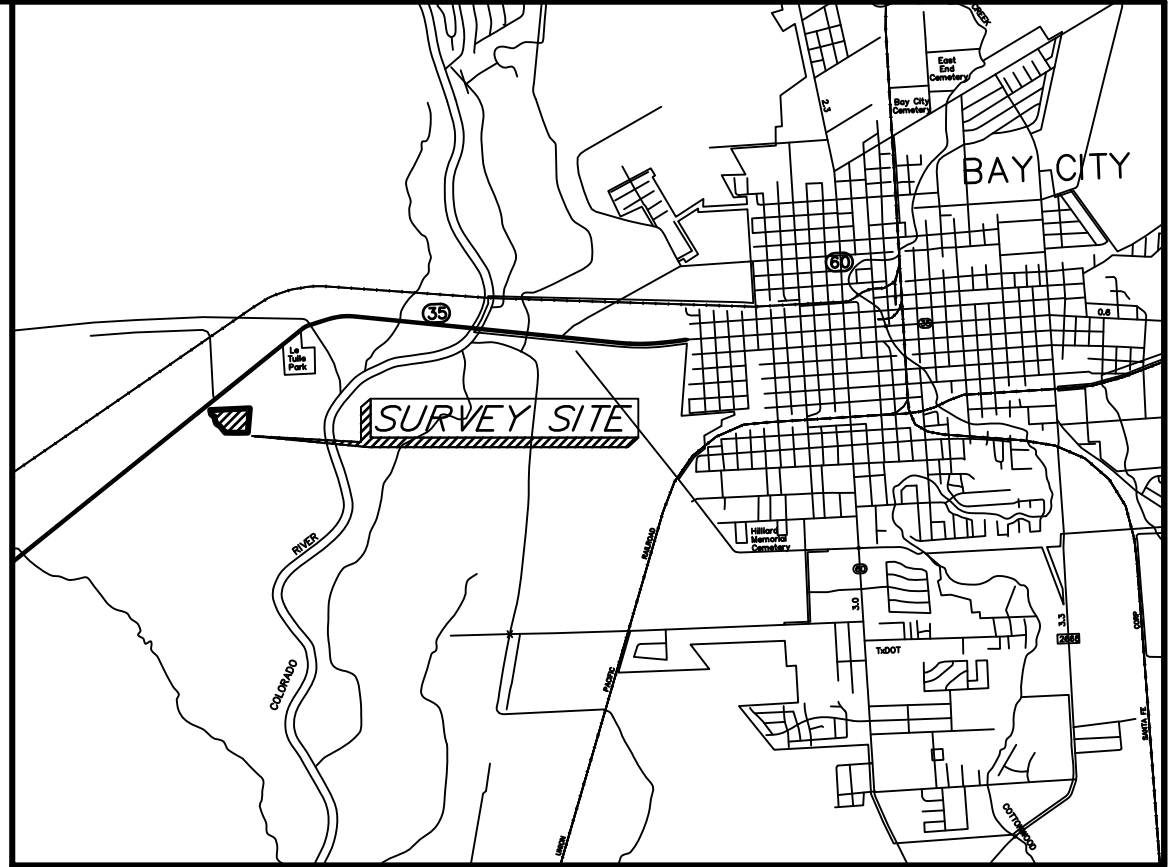
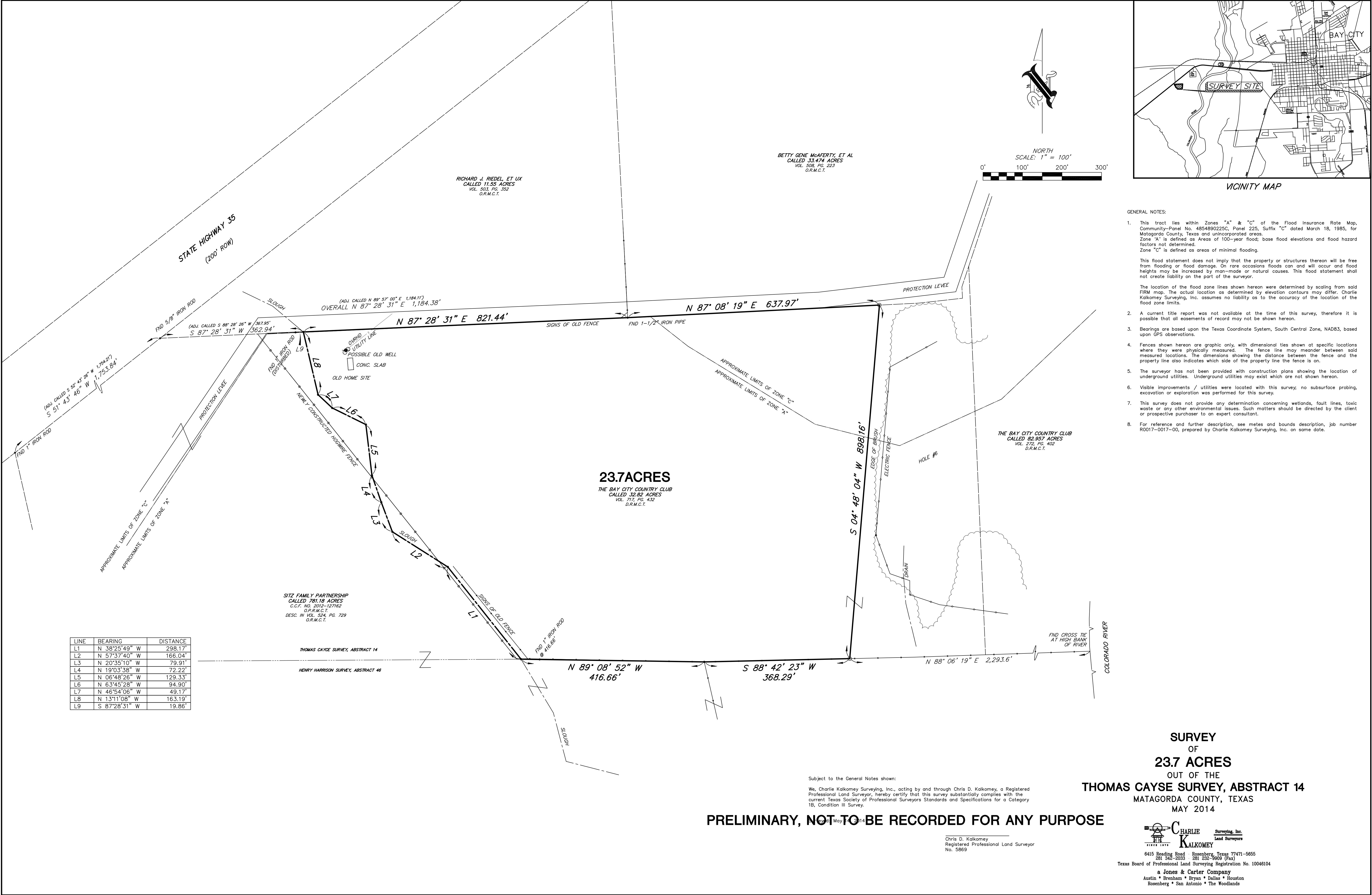
City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/24/14 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1561

DISCUSSION ITEM (ID # 1561)

PURSUANT TO SECTION 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE THE CITY COUNCIL WILL CONVENE IN CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY AND DISCUSS THE VALUE OF THE REAL PROPERTY IN WHICH THE CITY HOLDS A REVERSIONARY INTEREST AND THAT IS CONTIGUOUS TO THE BAY CITY COUNTRY CLUB.



- GENERAL NOTES:
- This tract lies within Zones "A" & "C" of the Flood Insurance Rate Map, Community-Panel No. 4854890225C, Panel 225, Suffix "C" dated March 18, 1985, for Matagorda County, Texas and unincorporated areas. Zone "A" is defined as Areas of 100-year flood; base flood elevations and flood hazard factors not determined. Zone "C" is defined as areas of minimal flooding.
 - This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
 - The location of the flood zone lines shown hereon were determined by scaling from said FIRI map. The actual location as determined by elevation contours may differ. Charlie Kalkomey Surveying, Inc. assumes no liability as to the accuracy of the location of the flood zone limits.
 - A current title report was not available at the time of this survey, therefore it is possible that all easements of record may not be shown hereon.
 - Bearings are based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.
 - Fences shown hereon are graphic only, with dimensional ties shown at specific locations where they were physically measured. The fence line may meander between said measured locations. The dimensions showing the distance between the fence and the property line also indicates which side of the property line the fence is on.
 - The surveyor has not been provided with construction plans showing the location of underground utilities. Underground utilities may exist which are not shown hereon.
 - Visible improvements / utilities were located with this survey; no subsurface probing, excavation or exploration was performed for this survey.
 - This survey does not provide any determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed by the client or prospective purchaser to an expert consultant.
 - For reference and further description, see metes and bounds description, job number R0017-0017-00, prepared by Charlie Kalkomey Surveying, Inc. on same date.

**SURVEY
OF
23.7 ACRES
OUT OF THE
THOMAS CAYSE SURVEY, ABSTRACT 14
MATAGORDA COUNTY, TEXAS
MAY 2014**

CHARLIE KALKOMEY
Surveying, Inc.
Land Surveyors
6415 Reading Road - Rosenberg, Texas 77471-5655
281 342-2033 281 232-9909 (Fax)
Texas Board of Professional Land Surveying Registration No. 10046104
a Jones & Carter Company
Austin • Brenham • Bryan • Dallas • Houston
Rosenberg • San Antonio • The Woodlands

Subject to the General Notes shown:
We, Charlie Kalkomey Surveying, Inc., acting by and through Chris D. Kalkomey, a Registered Professional Land Surveyor, hereby certify that this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, Condition III Survey.

Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869

PRELIMINARY, NOT TO BE RECORDED FOR ANY PURPOSE



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/24/14 07:00 PM
Department: City Secretary
Category: Personnel
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1556

DISCUSSION ITEM (ID # 1556)

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