



BAY CITY

REVISED MINUTES • MAY 22, 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	
Rhonda Clegg	City Secretary	Present	
Habib Erkan	Assistant City Attorney	Present	

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILMAN BILL CORNMAN

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 David Torrez expressed his concern for how things were going with the plant coming to Bay City. He asked why nothing had been done with the Katy Water Tower. Mr. Torrez informed Mayor and Council that the City's Parks were an issue. He added that the roads needed to be paved in LeTulle Park, and the restrooms needed to be fixed. Mr. Torrez stated that he was concerned about the Mayor being chastised for taking time off. He added that the Mayor had personal time and he had earned time off to get married.

Mayor Martinez wanted to speak on a couple of items. He stated that a few years back the Mayor and Council annexed the property along Highway 35, because it looked as if that was where the businesses were going. Mayor Martinez stated that he read in the local paper about the de-annexation of said property. He asked if it would affect the citizens and to what affect. Mayor Martinez asked if the City thought it would be a win for the Mayor and Council. He stated that the City was blessed to get Tenaris. Mayor Martinez stated that he was aware that they received incentives from the State and the County. He wanted Mayor and Council to make sure that they were sure about this, and if they were not to wait a little while longer.

Bay City resident Floyce Bankston Brown informed Mayor and Council that the City came out and did some water work and left the City street in horrible condition. Mrs. Brown stated

that she resided on Willow for 10 years, and the condition of the street had not changed. She stated that the City should start looking at taking care of its citizens.

Bay City Chamber of Commerce and Agriculture President, Mitch Thames formally resigned from the 2040 Steering Committee.

DC Dunham, Executive Director of BCCDC, provided a brief history on what it took to get Tenaris here. She stated that they had received a \$500 million commitment and a \$50,000 check toward education from Tenaris. Mrs. Dunham spoke about another item on the agenda. She stated that with construction and home building, she would like for companies to be able to build without their being any complaints.

Bay City resident Jerry Hance would like to applaud Council on their decision regarding the Soccer Club. He hoped that they did what they needed to do to make it right and reimburse the Club. Mr. Hance wanted to point out that the City had a single Chief elected by the people and 5 Indians; if you feel as if you can do it better, then go before the people and see.

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.

JE, CT

RESULT:	APPROVED [5 TO 0]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman
ABSTAIN:	Clegg, Erkan

1. Budget

ACCOUNTS PAYABLE FOR: 2/6/2014, 2/13/2014, 2/20/2014, 2/27/2014, 3/3/2014, 3/6/2014, 3/12/2014, 3/20/2014, 3/27/2014 and 4/3/2014. DIRECT PAYABLES FOR: 2/20/2014, 3/12/2014, 3/20/2014, and 3/25/2014. UTILITY REFUNDS FOR: 2/20/2014, 3/6/2014 and 4/3/2014.

Phill Conner, Interim Finance Director

Enacted and approved this 22nd day of May, 2014, at Bay City

2. 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.

Judith Allen

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

1. Report

DISCUSS CONCERNS WITH THE CONDITION AND OPERATION OF THE 16TH STREET POOL

Rhonda Morales, Aquacats

Councilwoman Folse explained that Mrs. Morales and the City met. They had a good meeting.

2. Property

CONSIDER AND/OR APPROVE THE MATAGORDA COUNTY AMATEUR RADIO CLUB TO HOLD THE 24-HOUR 2014 FIELD DAY PUBLIC SAFETY ACTIVITY IN LETULLE PARK ON JUNE 28, 2014 AND JUNE 29, 2014.

Rick Gangluff

Mr. Gangluff explained that it was the same request as last year. He was sought permission to be in the park for 24-hours.

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

Enacted and approved this 22nd day of May, 2014, at Bay City

3. Report

DISCUSS AND/OR APPROVE REPAIRS NEEDED TO AMERICAN LEGION HALL PARKING SPACES.

Manuel Ramos, American Post #11

Marla Jasek, Assistant Director of Public Works, explained that she looked at the Service Center and the American Legion parking spaces. She added that it was estimated to be \$20,000. Mrs. Jasek stated that they would like to piggy back off the change order for Phase I of road construction.

MOTION BY COUNCILMAN JOHNSON, SECOND BY MAYOR PRO TEM THAMES, TO APPROVE THE REPAIR OF THE SERVICE CENTER AND AMERICAN LEGION HALL PARKING SPACES ESTIMATED TO COST \$20,000 AND ALLOW FOR THE FUNDS TO COME FROM THE CHANGE ORDER ALLOTTED FOR PHASE I OF ROAD CONSTRUCTION.

4. Property

IN ACCORDANCE WITH SECTION 1.04 OF THE BAY CITY CHARTER, THE CITY COUNCIL WILL CONSIDER ACTION ON AN ORDINANCE PROVIDING FOR THE DE-ANNEXATION OF APPROXIMATELY 200 ACRES, LOCATED SOUTH OF STATE HIGHWAY 35 AND EAST OF SHOWBOAT ROAD, FROM THE CITY LIMITS; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Bricker explained why he felt that it was necessary to hold off on the item.

Councilman Cornman expressed concern over the veto of the ordinances, as well as the Council passing the same item that was vetoed. Mr. Erkan read from the Charter explaining the process of overriding the veto.

The Mayor informed Council of an email sent out from the Chamber of Commerce, and the contents of the email regarding components of an agreement. Mayor stated that he had responded to the Board Chairman asking if the Chamber would like for Council to consider providing those components to them. The Chamber Board

Chairman replied asking that Council provide some insight.

It was the consensus of Council not provide any information, but also they felt that the topic had nothing to do with the ordinance.

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

Enacted and approved this 22nd day of May, 2014, at Bay City

5. Ordinance

CONSIDERATION AND ACTION ON AN ORDINANCE PROVIDING FOR THE EXPANSION OF THE CITY OF BAY CITY'S EXTRATERRITORIAL JURISDICTION UPON PETITION OF THE OWNER OF APPROXIMATELY 1534 ACRES LOCATED SOUTH OF STATE HIGHWAY 35 AND EAST OF SHOWBOAT ROAD; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

ORDINANCE

Enacted and approved this 22nd day of May, 2014, at Bay City

6. Budget

DISCUSS, CONSIDER AND/OR APPROVE REFURBISHING AND/OR REPLACING SEWER LINE IN THE ALLEYWAY ON THE WEST SIDE OF THE BAYTEX HOTEL.

DC Dunham, BCCDC Executive Director and Barry Calhoun, Director of Public Works Mayor Bricker explained that it would cost a lot of money to tap into the lines under the street, so it was more cost effective to tap into the lines in the alley.

Mrs. Dunham explained that there was a 4-inch line that ran between the Museum and Prosperity Bank. The building is going to be converted into 18-unit loft style apartments. She added that the contractors planned to close on the property at the end of the month, and the property owners wanted to know that they could move forward without slowing down.

Mrs. Jasek informed Council that the lines being discussed were included in Phase II of road construction, of utility lines that have been identified.

It was the consensus of the Council that the quicker Mrs. Jasek could come back to Council with a scope and estimate of how much it would cost, the City would be amendable to doing what was being requested.

RESULT: WITHDRAWN

7. Report

PROVIDE UPDATE ON THE SALE OF SURPLUS CITY PROPERTIES .

Mayor Mark A. Bricker

The Mayor tabled the item, and asked that it be brought back at the next Council Meeting.

8. Ordinance

DISCUSS, CONSIDER, AND/OR APPROVE CHANGING ORDINANCE CHAPTER 38 ENVIRONMENT SECTION 171 AND 172 TO ACCOMMODATE CURRENT AND FUTURE CONSTRUCTION ACTIVITIES WITHIN A RESIDENTIAL OR BUSINESS DISTRICT TO EXTEND THE CURRENT WORKING HOURS FROM 7:00 A.M. - 6:00 P.M. TO 6:00 A.M. - 8:00 P.M. AND/OR INTRODUCE PERMITTING FEES FOR SPECIFIC TIME PERIODS BEYOND THE TIME LIMITS SET FORTH IN THE AFOREMENTIONED ORDINANCE.

Barry Calhoun, Director of Public Works

The Mayor explained that the City was currently having an issue with the current developer working after 6 p.m. Mrs. Jasek added that the current ordinance also constricts work on Saturday's. Mayor felt that the days and hours should be consistent at six days a week.

COUNCIL APPROVED, WITH THE ADDITION OF EXCLUDING SUNDAY.

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

ORDINANCE

Enacted and approved this 22nd day of May, 2014, at Bay City

6. EXECUTIVE SESSION

Mayor adjourned from Open Session at 8:05 p.m.

1. Report

CITY COUNCIL SHALL CONVENE IN CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY REGARDING LEGAL ISSUES AND TO DELIBERATE REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH TENARIS/MAVERICK TUBE CORPORATION RELATING TO THE INCENTIVE AGREEMENTS BETWEEN THE PARTIES PURSUANT TO TEXAS GOVERNMENT CODE §551.071 AND §551.087.

7. OPEN SESSION

Mayor adjourned from Executive Session at 8:42 p.m.

Mayor reconvened into Open Session at 8:45 p.m.

1. Report

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

MOTION BY MAYOR PRO TEM THAMES, SECOND BY COUNCILMAN JOHNSON, TO INSTRUCT THE CITY ATTORNEY TO DRAW UP FINAL AGREEMENT WITH TENARIS, AND HAVE READY FOR FINAL APPROVAL AT SPECIAL CALLED MEETING ON TUESDAY, JUNE 5, 2014 AT 6:00 P.M.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Cornman spoke about the comprehensive plan and provided updates. He added that they were off to an excellent start. Councilman Cornman reminded the Mayor that he needed to go to 2 - 3 organizations and appeal to them for funding.

Mayor Bricker expressed extreme disappointment with Council for moving forward with Tenaris.

Councilwoman Folse stated to the Mayor that while he was disappointed, Council was disappointed as well. She added that they needed to meet more frequently. Councilwoman Estlinbaum stated that emails should come directly to them as Council members.

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, May 19, 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: 05/22/14 07:00 PM
Department: Finance
Category: Budget
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1488

ADOPTED

AGENDA ITEM (ID # 1488)

ACCOUNTS PAYABLE FOR: 2/6/2014, 2/13/2014, 2/20/2014, 2/27/2014, 3/3/2014, 3/6/2014, 3/12/2014, 3/20/2014, 3/27/2014 and 4/3/2014. DIRECT PAYABLES FOR: 2/20/2014, 3/12/2014, 3/20/2014, and 3/25/2014. UTILITY REFUNDS FOR: 2/20/2014, 3/6/2014 and 4/3/2014.

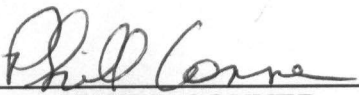
RESULT:	APPROVED BY CONSENT VOTE [5 TO 0]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman
ABSTAIN:	Rhonda Clegg, Habib Erkan

AGENDA ITEM REQUEST FOR CITY COUNCIL APPROVAL

THE FOLLOWING **ACCOUNTS PAYABLE** ITEMS HAVE BEEN APPROVED BY THE FINANCE COMMITTEE. PLEASE PLACE THESE ITEMS ON THE AGENDA OF THE NEXT SCHEDULED CITY COUNCIL MEETING AND REQUEST APPROVAL BY CITY COUNCIL.

ACCOUNTS PAYABLE	02/06/14
ACCOUNTS PAYABLE	02/13/14
ACCOUNTS PAYABLE	02/20/14
ACCOUNTS PAYABLE	02/27/14
ACCOUNTS PAYABLE	03/03/14
ACCOUNTS PAYABLE	03/06/14
ACCOUNTS PAYABLE	03/12/14
ACCOUNTS PAYABLE	03/20/14
ACCOUNTS PAYABLE	03/27/14
ACCOUNTS PAYABLE	04/03/14
DIRECT PAYABLES	02/20/14
DIRECT PAYABLES	03/12/14
DIRECT PAYABLES	03/20/14
DIRECT PAYABLES	03/25/14
UTILITY REFUNDS	02/20/14
UTILITY REFUNDS	03/06/14
UTILITY REFUNDS	04/03/14

RESPECTFULLY SUBMITTED


 PHILL CONNER
 FINANCE DIRECTOR

May 2, 2014
 DATE

Attachment: AP list for Council 5-22-14 (1488 : Accounts Payable)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 05/22/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1494

DISCUSSION ITEM (ID # 1494)

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.

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; 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: BCHS Class of 1964
- b) Date and time: June 28, 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: 50th Class Reunion

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 22nd DAY OF MAY, 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 Reunion (1494 : USO Alcohol Exception)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 05/22/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1495 B

DISCUSSION ITEM (ID # 1495)

**DISCUSS CONCERNS WITH THE CONDITION AND
OPERATION OF THE 16TH STREET POOL**



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: Rhenda Morales / Aguacats Date Submitted: 5/16/2014
PRINTED NAME and/or CITY DEPARTMENT

☐ Citizen Crystal & else ☐ City Department ☒ Council Member

Address: _____

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

I respectfully request the below item be placed on the 5/22/14 Agenda for City Council consideration.

1) Describe Item to be considered and area of City involved, if any: Would like to discuss ~~the~~ concerns she has about the 12th Street pool.

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? _____



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 05/22/14 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1496

ADOPTED

AGENDA ITEM (ID # 1496)

**CONSIDER AND/OR APPROVE THE MATAGORDA COUNTY
AMATEUR RADIO CLUB TO HOLD THE 24-HOUR 2014 FIELD
DAY PUBLIC SAFETY ACTIVITY IN LETULLE PARK ON JUNE
28, 2014 AND JUNE 29, 2014.**

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



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: Rick Gangluff
PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: 5/6/14

☒ Citizen

☐ City Department

☐ Council Member

Address: 2808 Sycamore
Bay City, TX 77414

Preferred contact: ☐ Cell (979) 245-9654
☒ E-mail ragangluff@hotmail.com

☐ Work phone _____
☐ Fax _____

I respectfully request the below item be placed on the 05/22/2014 Agenda for City Council consideration.

1) Describe Item to be considered and area of City involved, if any: _____
Approval for Matagorda County Amateur Radio Club to hold the 2014 Field Day public service emergency communications demonstration activity in LeTulle Park. This involves 24 hour operation on June 28th and June 29th, including the overnight period.

2) Executive Summary of Item and action by council sought: Approve the Matagorda County Amateur Radio Club to hold the 2014 Field Day Public Service Activity in LeTulle Park which would require the park to stay open 24 hours on June 28, 2014 and June 29, 2014. This activity will be open to the public and will include public information and demonstrations on amateur radio and emergency communications capabilities. This is a nationwide activity known as the American Radio Relay League (ARRL) Field Day. This activity was approved by council and held in LeTulle Park in June of 2013 with no issues.

3) Do you need time to present this item? ☒ Yes ☐ No If so, how much? 5 minutes

Facts and Information for the Matagorda County Amateur Radio Club 5/5/14

The Matagorda County Amateur Radio Club has a current Letter of Agreement with Matagorda County for backup emergency communications as part of the County Emergency Plan.

Our club sponsors the W5WTM two meter VHF repeater which operates on a frequency of 146.12/.72. Our area two meter net meets weekly on Tuesday evening at 1900 (7 PM) local time. <http://www.qrz.com/db/W5WTM?ref=314515445>

The club also has monthly breakfast meetings on the second Saturday of each month at the Diamond-S Restaurant in Bay City, TX. starting at 0800.

Our club is affiliated with the American Radio Relay League (ARRL) and was originally chartered in 1979. Link to ARRL Affiliated Club information:
<http://www.arrl.org/Groups/view/matagorda-county-arc/type:club>

Background on Field Day approval process:

I am one of the officers and a member of the Matagorda County Amateur Radio Club and we sponsor an annual operating event that is part of a nationwide activity scheduled for June 28th and 29th, 2014 . This operation covers the entire 24 hour period from noon Saturday morning to noon on Sunday. We would occupy only a small area on the east side of the park near the East Pavillion. Since this is a 24 hour activity, we would be operating through the night in the park (i.e. not camping) but operating two or more portable radio stations on emergency power. In 2013 Our group received permission from City Council to hold this activity in Letulle Park including the approval to operate through the night. The public park is an optimum location because it allows the public and interested officials to interact and learn about our amateur radio public service capabilities. We are also initiating communication to have groups like the Boy Scouts visit us and learn about ham radio. The Boy Scouts can receive merit badges and other credit for radio communication and Morse code, etc. Ham radio operators provide many types of voluntary public service communications. Amateur Radio Emergency Services are identified locally in the Matagorda County Emergency Plan and we have a current Letter of Agreement with the County Judge for backup communications in disaster situations. There are approximately 70 Federal Communications Commission licensed amateur radio operators in Matagorda County. 15 to 20 hams actively participate in our routine club activities.

In 2013 we received approval from the Council on May 9th, at their regular meeting for overnight operation in the park. We appreciated the insights from John Garr, Community Services Director and Lieutenant Lister of the BCPD to support approval for this operation. We are requesting approval for the same type of operation on June 28th and 29th, 2014. Please contact Rick Gangluff with any questions or if any additional information is required. 979 245 9654

Example of Public Information Display for 2013 Field Day



2013 Field Day Operation in Le Tulle Park





City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 05/22/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1497

DISCUSSION ITEM (ID # 1497)

**DISCUSS AND/OR APPROVE REPAIRS NEEDED TO
AMERICAN LEGION HALL PARKING SPACES.**



CITY OF BAY CITY

1901 FIFTH STREET
BAY CITY, TEXAS 77414
(979) 245-5311
FAX: (979) 323-1681

AGENDA ITEM REQUEST FORM

Note:

This form, along with documentation that is to be considered/approved by Council and/or any support documentation, must be received by the City Secretary's office no later than 5:00 p.m. on the Wednesday, the week prior to the regular Council meeting you have requested to be placed on.

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 scheduled as soon as possible by the Mayor, but no later than thirty (30) days from the date of the written request, per Ordinance 1096.

NAME: MANUEL RAMOS/ AMERICAN POST #11 COM Date Submitted: 04/22/2014
PRINTED NAME

ADDRESS: 12898 HWY. 60 SOUTH
BAY CITY, TX 77414

Please indicate preferred contact: ☒ Home phone ☐ Work phone ☐ Fax ☐ E-mail
TELEPHONE: (HOME) 1-817-682-0393 (WORK) n/a
(FAX) n/a E-MAIL: n/a

I respectfully request to be placed on the Agenda for the Regular Council Meeting of: 05/08/2014

My request is as follows: DISCUSS REPAIRS NEEDED TO AMERICAN LEGION HALL PARKING

SPACES. Restore the surface of the parking area. Fill in all
pot holes. Clean holes of all loose material. Fill same and pack
material to surface level. Then recap with at least 3" of material
and roll it with steel roller. Paint all stripes including Handicap

sign, Location(s): BAY CITY AMERICAN LEGION POST #11, (NEXT TO SERVICE CENTER) P.O.BOX 13

Manuel Ramos
SIGNATURE

Mayor's approval to be placed on the agenda: _____ Date: _____

Council action taken: _____ on _____

RECEIVED
APR 29 2014

BY: _____ Packet Pg. 22

Attachment: 20140522 - American Legion (1497 : American Legion Hall Parking)

ICE House

7th Street

OR

Highway 35 - EAST

TRAFFIC LIGHT

WEST

SIDEWALK

EAST

150 FT LONG + 15 FT WIDE

AMERICAN
BEGIN POST 11

5644
8 8 8

NO PARKING

Sign

PARKING SPACE ON AREA
IN NEED OF REPAIR

STONEMANWOOD STREET

Church's
Fried Chicken

WORK ORDER
Requested

Bay City American Legion
Post 11 Department of Texas

Commander Manuel Ramon

DATE 05/08-20
Phone 1-0

AHLEY

Service Center











City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 05/22/14 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1491

ADOPTED

AGENDA ITEM (ID # 1491)

IN ACCORDANCE WITH SECTION 1.04 OF THE BAY CITY CHARTER, THE CITY COUNCIL WILL CONSIDER ACTION ON AN ORDINANCE PROVIDING FOR THE DE-ANNEXATION OF APPROXIMATELY 200 ACRES, LOCATED SOUTH OF STATE HIGHWAY 35 AND EAST OF SHOWBOAT ROAD, FROM THE CITY LIMITS; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

AN ORDINANCE**PROVIDING FOR THE DIS-ANNEXATION OF APPROXIMATELY 200.9233 ACRES FROM THE CITY LIMITS (SOUTH OF STATE HIGHWAY 35 AND EAST OF SHOWBOAT ROAD); PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, Texas Local Government Code Section 43.142 provides that a home-rule municipality may dis-annex an area in the municipality according to rules as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by Chapter 43; and

WHEREAS; Section 1.04 of the City Charter provides that the City may dis-annex territory by ordinance after a public hearing; and

WHEREAS, the owner of certain territory within the City's Corporate limits has petitioned City Council to dis-annex the territory; and

WHEREAS, the petitioner acknowledges, and City Council finds, that during the time that the territory has been located within the City's Corporate Limits the amount of property taxes collected by the City was roughly proportional to the amount of money the City spent for the direct benefit of the area during that period; and, therefore, the City shall not be required to refund any taxes or fees to the petitioner; and

WHEREAS, the petitioner acknowledges, and City Council finds, that the petition does not allege that the City Council failed or refused to provide services or to cause services to be provided within the territory with a period required by statute or specified in a service plan prepared for the territory; and, therefore, the dis-annexation does not fall under the purview of Texas Local Government Code Section 43.141; and

WHEREAS, the petitioner acknowledges, and City Council finds, that the territory to be dis-annexed does not include the dis-annexation of a road or highway; and

WHEREAS, before City Council shall take action on this Ordinance a hearing was held on April 29, 2014, to allow members of the public to give testimony and express opinions as to the merits of the dis-annexation.

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

SECTION 1. The above findings are hereby incorporated for all purposes as if each word was set out herein; the petition for dis-annexation is attached hereto as **Exhibit "A"** and is hereby incorporated for all purposes as if it were set out fully herein; and, the map of the territory to be dis-annexation is attached hereto as **Exhibit "B"** and is hereby incorporated for all purposes as if it were set out fully herein.

Ordinance No. _____

SECTION 2. As of the effective date of this Ordinance, the land and territory shown on **Exhibit "B"** is hereby dis-annexed from the corporate limits of the City of Bay City, Texas, and said territory as described shall hereafter be removed from the boundary limits of said City, and the present boundary limits of said City are altered and amended so as to remove the territory from the corporate limits of the City of Bay City, Texas.

SECTION 3. As of the effective date of this Ordinance, the land and territory so described and so amended shall no longer be part of the City of Bay City, Texas and the land and territory shall no longer bear any of the taxes levied by the City of Bay City, Texas, and the future inhabitants thereof shall no longer be entitled to any rights or privileges as citizens; nor shall they be bound by the acts, ordinances, resolutions, and regulations of the City of Bay City, Texas, as such shall be limited in application to the citizens and corporate limits of said City.

SECTION 4. This Ordinance is not severable.

SECTION 5. This Ordinance shall be effective immediately from and after passage.

PASSED AND APPROVED this _____ day of _____, 2014.

MAYOR:

Mark Bricker

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

CITY ATTORNEY:

DENTON NAVARRO ROCHA BERNAL
HYDE & ZECH, P.C.

By: _____

Attachment: ORDINANCE NO. - Disannexation Tenaris (1491 : De-annexation)

Ordinance No. _____

EXHIBIT “A”

Attachment: ORDINANCE NO. - Disannexation Tenaris (1491 : De-annexation)



MAVERICK TUBE CORPORATION
 2200 West Loop South, Suite 800
 Houston, Texas 77027
 Attn: Legal Department
 713.767.4400 (Main)

Rhonda Clegg
 City Secretary, City of Bay City
 1901 Fifth Street
 Bay City, Texas 77414
 (979) 245-5311

RE: Petition for Disannexation; Petition for Inclusion in Bay City's ETJ

Dear Ms. Clegg,

Maverick Tube Corporation ("Maverick") is the sole owner of the properties listed in Exhibit A. Some of these properties, listed in Exhibit B, lie within the boundaries of Bay City, Texas ("Bay City"). Maverick and its affiliates intend to construct and operate a steel pipe production plant on such properties ("Tenaris Project"). On October 11, 2012, Bay City adopted Resolution R-2012-42, committing to disannex the portion of the Tenaris Project within Bay City limits. Maverick hereby petitions Bay City to disannex the properties listed in Exhibit B. Bay City may take this action under Section 1.04(c) of its Home Rule Charter, which section is authorized by Local Gov't Code § 43.142.

Maverick acknowledges that during the time that the properties listed in Exhibit B were located within Bay City limits, the amount of taxes and fees collected from Maverick and its affiliates with respect to the property listed in Exhibit B were spent for the direct benefit of such properties. Therefore, Maverick and its affiliates will not pursue a refund of taxes and fees under Local Gov't Code § 43.148 with respect to the requested disannexation.

Maverick acknowledges that Bay City has not refused or failed to provide services or to cause services to be provided to the area reflected in Exhibit B within the period specified by Local Gov't Code § 43.056 or specified in a service plan applicable to that area. Therefore, Maverick is not petitioning for disannexation under Local Gov't Code § 43.141(a).

Maverick acknowledges that the area reflected in Exhibit B does not include a road or highway. Therefore, Maverick is not requesting that a road or highway be included in the area to be annexed.

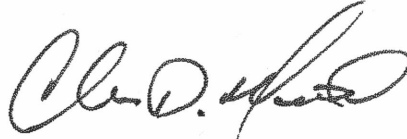
Maverick also petitions Bay City to include all of the properties listed in Exhibit A in its extraterritorial jurisdiction following the disannexation petitioned for in the first paragraph. These properties are contiguous to Bay City's extraterritorial jurisdiction as it exists now and as it will exist immediately following the disannexation of the properties listed in Exhibit B. Texas

Local Gov't Code § 42.022(b) allows Bay City to expand its extraterritorial jurisdiction as Maverick requests.

Should you have questions about these petitions, please contact David Wrobel at (713) 585-3198 or at dwrobel@tenaris.com.

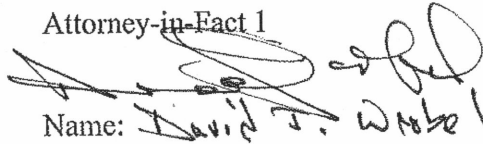
Sincerely,

MAVERICK TUBE CORPORATION



Name: Chris North

Attorney-in-Fact 1



Name: David J. Wrobel

Attorney-in-Fact 2

Enclosures

- Exhibit A: A list of properties owned by Maverick Tube Corporation within Matagorda County
- Exhibit B: A list of properties owned by Maverick Tube Corporation within Bay City, Texas
- Resolution R-2012-42

cc: Mr. Habib H. Erkan, Jr. (*with enclosures*)
Denton, Navarro, Rocha & Bernal, P.C.
2517 N. Main Avenue
San Antonio, Texas 78212
habib.erkhan@rampage-sa.com



Exhibit A**Maverick Tube Corporation Properties within Matagorda County**

	Special Warranty Deed Recorded Date	Instrument Number	Acres
1.	March 26, 2013	2013-1120	30.1 and .535
2.	April 1, 2013	2013-1246	94.78
3.	April 1, 2013	2013-1248	8.47 and 5.27
4.	April 4, 2013	2013-1319	29.95
5.	May 16, 2013	2013-2264	.239
6.	May 16, 2013	2013-2265	.147
7.	July 22, 2013	2013-3675	1010.23
8.	August 1, 2013	2013-3982	206
9.	August 1, 2013	2013-3985	148.24
Total Acreage			1,533.961

Exhibit B**Maverick Tube Corporation Properties within Bay City Limits**

	Matagorda County Property ID	Geographic ID	Legal Description	Acres
1	18126	0150-0000-002800	John Duncan AB 150 State Parcels 19-22	1.5693
2	18131	0150-0000-003300	AB 150, John Duncan	.14
3	18132	0150-0000-003400	AB 150, John Duncan	.23
4	18134	0150-0000-0035A0	AB 0150, John Duncan	84.48
5	77793	0150-0000-0035B0	John Duncan AB 150	34.56
6	21337	0356-0000-001700	AB 0356, WJ Maynard	4.204 UND INT
7	21338	0356-0000-001701	AB 356, WJ Maynard	
8	86690	0356-0000-0017A0	AB 0356, WJ Maynard	
9	86691	0356-0000-0017B0	AB 0356, WJ Maynard	
10	86692	0356-0000-001702	AB 356, WJ Maynard	
11	86693	0356-0000-001703	AB 356, WJ Maynard	75.74 UND INT
12	77794	0356-0000-0018A0	WJ Maynard AB 356	
13	88842	0356-0000-0018A0	WJ Maynard AB 356	
14	88843	0356-0000-0018A0	WJ Maynard AB 356	
15	88844	0356-0000-0018A0	WJ Maynard AB 356	That portion within City limits of 32.34
16	23017	0476-0000-000400	AB 476, M O'Connell	
Approximate Acreage				200.9233

Ordinance No. _____

EXHIBIT “B”

Attachment: ORDINANCE NO. - Disannexation Tenaris (1491 : De-annexation)





City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 05/22/14 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1490

ADOPTED

ORDINANCE (ID # 1490)

**CONSIDERATION AND ACTION ON AN ORDINANCE
PROVIDING FOR THE EXPANSION OF THE CITY OF BAY
CITY'S EXTRATERRITORIAL JURISDICTION UPON PETITION
OF THE OWNER OF APPROXIMATELY 1534 ACRES
LOCATED SOUTH OF STATE HIGHWAY 35 AND EAST OF
SHOWBOAT ROAD; PROVIDING FOR NON-SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE.**

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

AN ORDINANCE

PROVIDING FOR THE EXPANSION OF EXTRATERRITORIAL JURISDICTION BY APPROXIMATELY 1533.961 ACRES (SOUTH OF STATE HIGHWAY 35 AND EAST OF SHOWBOAT ROAD); PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Texas Local Government Code Section 42.022 provides that a home-rule municipality may add area to its extraterritorial jurisdiction upon request of the owners of the area; and

WHEREAS, the owner of a certain area within Matagorda County has petitioned City Council to add an area to the City's extraterritorial jurisdiction.

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

SECTION 1. The above findings are hereby incorporated for all purposes as if each word was set out herein; the petition for adding area to the City's extraterritorial jurisdiction is attached hereto as **Exhibit "A"** and is hereby incorporated for all purposes as if it were set out fully herein; and, the chart and the map of the area to be added to the City's extraterritorial jurisdiction are attached hereto as **Exhibit "B"** and are hereby incorporated for all purposes as if it were set out fully herein.

SECTION 2. As of the effective date of this Ordinance, the land and territory shown on **Exhibit "B"** is hereby added to the extraterritorial jurisdiction of the City of Bay City, Texas.

SECTION 3. As of the effective date of this Ordinance, the land and territory so described shall be included in the extraterritorial jurisdiction of the City of Bay City, Texas.

SECTION 4. This Ordinance is not severable.

SECTION 5. This Ordinance shall be effective immediately from and after passage.

PASSED AND APPROVED this _____ day of _____, 2014.

MAYOR:

Mark Bricker

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

CITY ATTORNEY:

DENTON NAVARRO ROCHA BERNAL
HYDE & ZECH, P.C.

By: _____

Attachment: ORDINANCE NO. - ETJ Tenaris (1490 : Expansion)

EXHIBIT "A"



MAVERICK TUBE CORPORATION
2200 West Loop South, Suite 800
Houston, Texas 77027
Attn: Legal Department
713.767.4400 (Main)

Rhonda Clegg
City Secretary, City of Bay City
1901 Fifth Street
Bay City, Texas 77414
(979) 245-5311

RE: Petition for Disannexation; Petition for Inclusion in Bay City's ETJ

Dear Ms. Clegg,

Maverick Tube Corporation ("Maverick") is the sole owner of the properties listed in Exhibit A. Some of these properties, listed in Exhibit B, lie within the boundaries of Bay City, Texas ("Bay City"). Maverick and its affiliates intend to construct and operate a steel pipe production plant on such properties ("Tenaris Project"). On October 11, 2012, Bay City adopted Resolution R-2012-42, committing to disannex the portion of the Tenaris Project within Bay City limits. Maverick hereby petitions Bay City to disannex the properties listed in Exhibit B. Bay City may take this action under Section 1.04(c) of its Home Rule Charter, which section is authorized by Local Gov't Code § 43.142.

Maverick acknowledges that during the time that the properties listed in Exhibit B were located within Bay City limits, the amount of taxes and fees collected from Maverick and its affiliates with respect to the property listed in Exhibit B were spent for the direct benefit of such properties. Therefore, Maverick and its affiliates will not pursue a refund of taxes and fees under Local Gov't Code § 43.148 with respect to the requested disannexation.

Maverick acknowledges that Bay City has not refused or failed to provide services or to cause services to be provided to the area reflected in Exhibit B within the period specified by Local Gov't Code § 43.056 or specified in a service plan applicable to that area. Therefore, Maverick is not petitioning for disannexation under Local Gov't Code § 43.141(a).

Maverick acknowledges that the area reflected in Exhibit B does not include a road or highway. Therefore, Maverick is not requesting that a road or highway be included in the area to be annexed.

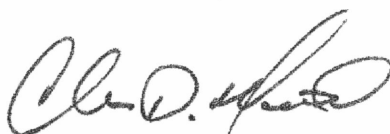
Maverick also petitions Bay City to include all of the properties listed in Exhibit A in its extraterritorial jurisdiction following the disannexation petitioned for in the first paragraph. These properties are contiguous to Bay City's extraterritorial jurisdiction as it exists now and as it will exist immediately following the disannexation of the properties listed in Exhibit B. Texas

Local Gov't Code § 42.022(b) allows Bay City to expand its extraterritorial jurisdiction as Maverick requests.

Should you have questions about these petitions, please contact David Wrobel at (713) 585-3198 or at dwrobel@tenaris.com.

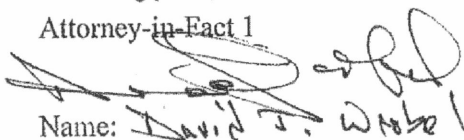
Sincerely,

MAVERICK TUBE CORPORATION



Name: Chris North

Attorney-in-Fact 1



Name: David T. Wrobel

Attorney-in-Fact 2

Enclosures

- Exhibit A: A list of properties owned by Maverick Tube Corporation within Matagorda County
- Exhibit B: A list of properties owned by Maverick Tube Corporation within Bay City, Texas
- Resolution R-2012-42

cc: Mr. Habib H. Erkan, Jr. (*with enclosures*)
Denton, Navarro, Rocha & Bernal, P.C.
2517 N. Main Avenue
San Antonio, Texas 78212
habib.erkhan@rampage-sa.com



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	Special Warranty Deed Recorded Date	Instrument Number	Acres
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4.	April 4, 2013	2013-1319	29.95
5.	May 16, 2013	2013-2264	.239
6.	May 16, 2013	2013-2265	.147
7.	July 22, 2013	2013-3675	1010.23
8.	August 1, 2013	2013-3982	206
9.	August 1, 2013	2013-3985	148.24
Total Acreage			1,533.961

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3	18132	0150-0000-003400	AB 150, John Duncan	.23
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5	77793	0150-0000-0035B0	John Duncan AB 150	34.56
6	21337	0356-0000-001700	AB 0356, WJ Maynard	UND INT
7	21338	0356-0000-001701	AB 356, WJ Maynard	
8	86690	0356-0000-0017A0	AB 0356, WJ Maynard	
9	86691	0356-0000-0017B0	AB 0356, WJ Maynard	
10	86692	0356-0000-001702	AB 356, WJ Maynard	
11	86693	0356-0000-001703	AB 356, WJ Maynard	75.74 UND INT
12	77794	0356-0000-0018A0	WJ Maynard AB 356	
13	88842	0356-0000-0018A0	WJ Maynard AB 356	
14	88843	0356-0000-0018A0	WJ Maynard AB 356	
15	88844	0356-0000-0018A0	WJ Maynard AB 356	That portion within City limits of 32.34
16	23017	0476-0000-000400	AB 476, M O'Connell	
Approximate Acreage				200.9233

EXHIBIT “B”





City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

Meeting: 05/22/14 07:00 PM
Department: Community Development
Category: Budget
Prepared By: D C Dunham
Initiator: D C Dunham
Sponsors:
DOC ID: 1486

AGENDA ITEM (ID # 1486)

**DISCUSS, CONSIDER AND/OR APPROVE REFURBISHING
AND/OR REPLACING SEWER LINE IN THE ALLEYWAY ON
THE WEST SIDE OF THE BAYTEX HOTEL.**

The BayTex is under contract and due to close the end of May. The purchaser plans to build 18 loft style apartments. This will take a property that has been on the demolition list to a great asset for our downtown area.

The 4" sewer line that runs parallel and between Avenue F and Avenue E needs to be upgraded. The city has experienced problems in that area in the past.

RESULT:	WITHDRAWN
----------------	------------------



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 05/22/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: George H Hyde
Sponsors:
DOC ID: 1434

DISCUSSION ITEM (ID # 1434)

**PROVIDE UPDATE ON THE SALE OF SURPLUS CITY
PROPERTIES .**



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 05/22/14 07:00 PM
Department: Public Works
Category: Amendment
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1489

ADOPTED

ORDINANCE (ID # 1489)

**DISCUSS, CONSIDER, AND/OR APPROVE CHANGING
ORDINANCE CHAPTER 38 ENVIRONMENT SECTION 171
AND 172 TO ACCOMMODATE CURRENT AND FUTURE
CONSTRUCTION ACTIVITIES WITHIN A RESIDENTIAL OR
BUSINESS DISTRICT TO EXTEND THE CURRENT WORKING
HOURS FROM 7:00 A.M. - 6:00 P.M. TO 6:00 A.M. - 8:00 P.M.
AND/OR INTRODUCE PERMITTING FEES FOR SPECIFIC
TIME PERIODS BEYOND THE TIME LIMITS SET FORTH IN
THE AFOREMENTIONED ORDINANCE.**

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

Bay City, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 38 - ENVIRONMENT >> ARTICLE V. NOISE >>**

ARTICLE V. NOISE ^[6]

Sec. 38-171. Unreasonable noise prohibited.

Sec. 38-172. Specific noises, acts declared loud and disturbing.

Sec. 38-171. Unreasonable noise prohibited.

The creation of any unreasonable loud, disturbing and unnecessary noises in the city is hereby prohibited. Noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary reasonable person are hereby prohibited.

(Code 1985, § 17-1; Code 2000, § 38-171)

Sec. 38-172. Specific noises, acts declared loud and disturbing.

- (a) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter; provided however, that such enumeration shall not be construed to be exclusive of other noises:
- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
 - (2) The playing of any radio, phonograph or any musical instrument in such manner, or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity. No stationary loudspeaker or amplifier shall be operated on any weekday between the hours of 11:00 p.m. and 7:00 a.m., and no such stationary loudspeaker or amplifier shall be operated at any time on Sunday between the hours of 7:00 a.m. and 1:00 p.m.
 - (3) The use of an automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.
 - (4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
 - (5) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (6)

- The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.
- (7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the city council, which permit may be renewed for a period of three days or less while the emergency continues.
 - (8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
 - (9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof.
 - (11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.
 - (12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.
 - (13) The making, assisting in making, permitting, continuing, causing to be made or continued, or permitting the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated:
 - a. In such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants; or
 - b. At any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto.

The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet from a vehicle shall be presumed to be in violation of this section. The operation of any such sound amplifier in such a manner that bass or other sounds are plainly audible at a distance of 50 feet from the property line of a property or premises in which the amplification is located shall be presumed to be in violation of this section.
 - (14) The use of an exhaust braking system on any motor vehicle (e.g., Jake Brake) at any time within the city limits.
- (b) It is an affirmative defense to prosecution under this section that the sound source is a motor vehicle and that:
- (1) The motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location not situated upon any street for the purpose of providing sound, during daytime hours, for an event or function; and
 - (2) The use is in compliance with all other provisions of this chapter.

Daytime hours shall mean the hours from 7:00 a.m. on one day and 10:00 p.m. the same day.

(c)

The term "property line" means, with respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person. With respect to shared occupancy properties, the term "property line" means the imaginary line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.

(Code 1985, § 17-2; Code 2000, § 38-172; Ord. No. 1284, § I, 5-9-2002)

FOOTNOTE(S):

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State Law reference— Noise near residential areas, V.T.C.A., Penal Code § 42.01(c). [\(Back\)](#)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 05/22/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1492

DISCUSSION ITEM (ID # 1492)

CITY COUNCIL SHALL CONVENE IN CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY REGARDING LEGAL ISSUES AND TO DELIBERATE REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH TENARIS/MAVERICK TUBE CORPORATION RELATING TO THE INCENTIVE AGREEMENTS BETWEEN THE PARTIES PURSUANT TO TEXAS GOVERNMENT CODE §551.071 AND §551.087.



City Council
1901 5Th Street
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SCHEDULED

Meeting: 05/22/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1493

DISCUSSION ITEM (ID # 1493)

**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).**