



BAY CITY

REVISED MINUTES • JANUARY 23, 2014

Council Chambers

Regular Meeting

7:00 PM

**1901 5TH STREET
BAY CITY, TX 77414**

1. CALL TO ORDER & CERTIFICATION OF QUORUM

Attendee Name	Title	Status	Arrived
Chrystal Folse	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Mark Bricker	Mayor	Present	
Carolyn Thames	Mayor Pro-Tem	Present	
Julie Estlinbaum	Councilwoman	Present	
William Cornman	Councilman	Present	

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILWOMAN CHRYSTAL FOLSE

Texas State Flag Pledge:

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

3. PUBLIC COMMENTS

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

Bay City resident Joe Lozano informed Mayor and Council that as of 6:00 p.m. there were two shelters for those that needed a place to stay. One shelter was located off of 6th Street across from Taylor Steves, and the second shelter was located on 4th Street. He thanked the Public Works Department for their anticipation of the freeze by putting sand on the streets.

Mitch Thames of the Bay City Chamber of Commerce informed Mayor and Council that he and Matagorda County Judge Nate McDonald met with TCEQ, and that a decision would be made tomorrow.

Bay City resident Ricky Clinton asked that Council allow for independent businesses be given the opportunity to determine if they wanted smoking in their restaurants.

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.

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

1. Report

RECEIVE QUARTERLY UPDATE ON CITY OF BAY CITY HEALTH INSURANCE PLAN.

Rhonda Clegg, City Secretary / Bill Brown, The Noble Group
City Secretary Rhonda Clegg introduced Jeff Noyse of the Noble Group.

Mr. Noyse passed out the quarterly analysis booklet. He reviewed the contents of the booklet.

Council asked when the information for budget would be available. Mr. Noyse stated August. Mrs. Clegg stated that they would have options by July. Mr. Noyse stated that they would be able to provide an estimation in May.

2. Report

DISCUSS, CONSIDER AND/OR APPROVE THE CITY COUNCIL AMENDING CHAPTER 22 OF THE CITY'S CODE OF ORDINANCES REGARDING SPRINKLER AND FIRE ALARM SYSTEMS IN DAYCARES.

Valerie Ragland

Mrs. Valerie Ragland requested an amendment to Chapter 22 of the City's Code of Ordinances. Mrs. Ragland explained that she had been in business for three (3) years this May. She has taken care of children for 10 years. Mrs. Ragland explained that she worked with children 18 months and older. Mrs. Ragland informed Mayor and Council that she chose to stop caring for infants, because she wanted to ensure that all children could be evacuated. She pointed out that her center did not utilize the stove top. She only used the oven and the microwave.

Council asked if Mrs. Raglan was looking at another building. Mrs. Ragland stated that she was looking at one on Avenue F, the Lynn Bates building and the other location was next to Max's Doughnuts. Both buildings are one story.

Building Inspector Byron Smith explained that the current center that Mrs. Ragland occupies was previously a daycare, and when she moved in it was grandfathered as such. Mr. Smith informed Mayor and Council that the issue arose when the usage of a building changed. Once the usage of the building changed the code requirements changed.

Council asked if the potential locations Mrs. Ragland was considering were better than her current location. Mrs. Ragland stated that the places would be better, wanted to make it clear that she would not add additional children. Mrs. Ragland stated that she had 9 employees including herself. Council wanted to know what Mrs. Ragland would do if it was not approved. Mrs. Ragland stated that she would probably close. Mr. Smith stated that he felt the new place would be a lot better than the current location, because the current location would be more likely to catch fire.

MOTION BY MAYOR PRO TEM THAMES, SECOND BY COUNCILWOMAN FOLSE TO REFER THE MATTER TO THE BUILDING CODE AND ORDINANCE COMMITTEE.
MOTION CARRIED BY UNANIMOUS VOTE.

3. Bid

CONSIDER AND/OR APPROVE AWARDING THE USO RESTORATION PHASE II PROJECT TO THE ONLY BIDDER - ESTELLE ALLEN BUILDERS; APPROVING A DRAW SCHEDULE AND

AUTHORIZING THE MAYOR TO NEGOTIATE A CONTRACT BETWEEN THE CITY OF BAY CITY, TEXAS AND ESTELLE ALLEN BUILDERS FOR THE PROJECT

John Garr, Community Services Director

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

Enacted and approved this 23rd day of January, 2014, at Bay City

4. Amendment

RECEIVE CHAMBER OF COMMERCE PRESENTATION ON PROHIBITING SMOKING WITHIN RESTAURANTS AND BARS SERVING FOOD WITHIN THE CITY LIMITS AND CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING CHAPTER 38 OF THE CITY OF BAY CITY'S CODE OF ORDINANCES TO ADDRESS SAME

Bay City Chamber of Commerce and Agriculture

Bay City Chamber Board President, Terry Farrar, provided background on the proposed ordinance.

Council asked how the proposed ordinance came about, and Mr. Thames stated that members of the Chamber wanted to see a smoke-free environment. He added that the restaurant owners also wanted to see the ordinance passed. Council asked if the ordinance would pertain to bars, and Mr. Thames stated that how the ordinance was worded bars would be excluded. Council asked who created the ordinance and how many restaurants were polled. Mr. Thames stated that the City Attorney created the ordinance, and the he did not believe that he missed anyone.

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

Enacted and approved this 23rd day of January, 2014, at Bay City

5. Amendment

CONSIDER AND/OR APPROVE A RESOLUTION AMENDING THE TEXPOOL AUTHORIZED REPRESENTATIVES FOR THE CITY OF BAY CITY.

Phill Conner, Finance Director

RESULT:	TABLED [UNANIMOUS]	Next: 2/13/2014 7:00 PM
MOVER:	Carolyn Thames, Mayor Pro-Tem	
SECONDER:	William Cornman, Councilman	
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman	

6. Report

DISCUSS, CONSIDER AND/OR APPROVE THE CITY OF BAY CITY AND THE BAY CITY INDEPENDENT SCHOOL DISTRICT PARTNERING FOR THE MAY 2014 ELECTION.

Mayor Pro Tem Carolyn Thames

Mayor Pro Tem Thames explained to Mayor and Council her thoughts on having a joint election and working with the ISD. Mrs. Clegg explained why she would not be opposed to a joint polling place, but her reservations on conducting a joint election.

Councilman Cornman stated that he believed that the entities should work together as a county.

MOTION BY COUNCILMAN CORNMAN, SECOND BY COUNCILMAN JOHNSON TO HAVE MAYOR AND STAFF AND SUPERINTENDENT AND STAFF TO WORK TOGETHER ON AN AGREEMENT.

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

Enacted and approved this 23rd day of January, 2014, at Bay City

7. Property

CONSIDER AND/OR APPROVE A REQUEST TO DEEM ONE AIRPORT VEHICLE AS SURPLUS AND AUTHORIZE STAFF TO SELL SAID SURPLUS VEHICLE BY PUBLIC AUCTION.

Lieutenant Irene Kjergaard

RESULT:	TABLED [UNANIMOUS]	Next: 2/13/2014 7:00 PM
MOVER:	Carolyn Thames, Mayor Pro-Tem	
SECONDER:	William Cornman, Councilman	
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman	

8. Budget

CONSIDER AND/OR APPROVE DECLARATION OF UNUSABLE EQUIPMENT AS SURPLUS AND AUTHORIZE STAFF TO SELL SAID SURPLUS EQUIPMENT THROUGH THE USE OF AN ONLINE AUCTION AND USE PROCEEDS FROM THE ONLINE AUCTION TO PURCHASE NEW EQUIPMENT.

Barry Calhoun, Director of Public Works

RESULT:	TABLED [UNANIMOUS]	Next: 2/13/2014 7:00 PM
MOVER:	Carolyn Thames, Mayor Pro-Tem	
SECONDER:	William Cornman, Councilman	
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman	

9. Property

CONSIDER AND/OR APPROVE RATIFYING THE MAYOR'S EMERGENCY DECLARATION DUE TO A FAILURE OF THE BACKUP GENERATOR SERVICING THE WASTEWATER TREATMENT PLANT.

Barry Calhoun, Director of Public Works

Mr. Calhoun explained that the generator fell and they tried to repair it. Per TCEQ requirements, they have to have a backup generator.

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

Enacted and approved this 23rd day of January, 2014, at Bay City

10. Purchase

CONSIDER AND/OR APPROVE THE PURCHASE OF NEW VEHICLES USING THE PROCEEDS FROM THE EQUIPMENT AUCTION SALE.

Barry Calhoun, Director of Public Works

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

Enacted and approved this 23rd day of January, 2014, at Bay City

11. Property

CONSIDER AND/OR APPROVE AN ORDINANCE SETTING DATES, TIMES AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED NON-VOLUNTARY ANNEXATION OF THE PROPERTIES DESCRIBED AS APPROXIMATELY 254.3 ACRES LOCATED EAST OF MCCROSKEY ROAD AND NORTH OF HIGHWAY 35 BY THE CITY OF BAY CITY AUTHORIZING AND DIRECTING THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARINGS; AUTHORIZING AND DIRECTING THE PUBLIC WORKS DIRECTOR TO PREPARE A SERVICE PLAN.

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

Enacted and approved this 23rd day of January, 2014, at Bay City

12. Appointment

CONSIDER AND/OR APPROVE THE APPOINTMENT OF TO THE DOWNTOWN ORDINANCE COMMITTEE.

Mayor Mark A. Bricker

The following members were approved to be on the committee:

Jerry Manning
Jack Brannon
Tom Uher

Erwin Ward
Frieda Daniels
Alice Lowery
Bill Frontz, Jr.

Council agreed to change the name of the committee to Building Code and Ordinance Committee.

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

Enacted and approved this 23rd day of January, 2014, at Bay City

13. Report

DISCUSS, CONSIDER AND/OR APPROVE THE DEVELOPMENT OF A LONG RANGE STRATEGY FOR BAY CITY, TO BE INCLUDED WITH THE STRATEGY FOR MATAGORDA COUNTY.

Councilman Bill Cornman

Councilman Cornman explained that the strategy the City had in place was last updated in 2006 to last through 2011. It has since been dormant. He added that he had taken some time last year to update it, but realized that it would require a rewrite. Councilman Cornman stated that it would be a tremendous effort on the part of Council and beyond. He stated that he would like to resurrect Bay City Matagorda United.

Mayor Pro Tem Thames informed everyone that this particular topic would be on the CDC's agenda on Monday.

Council was in agreement that the City needed it. Mayor asked that Ray Tennant be a part of it.

14. Presentation

DISCUSS, CONSIDER AND/OR APPROVE SEVERAL OPTIONS OF THE STREET REHABILITATION PROJECT FROM THE STREET INVENTORY REPORT COMPLETED BY JONES & CARTER ENGINEERING.

Barry Calhoun, Director of Public Works

Mr. Calhoun provided an update to Council on the progress of the roads. Mr. Charles Kalkomey provided Mayor and Council with cost estimates.

Mr. Kalkomey informed everyone that Bayou, North, and Chateaux roads have already been identified. He stated that they have identified other roads that would require work and the estimated cost. Hamman Road would be three lanes of concrete at a cost of \$6 million; 12th Street from Avenue C to Hwy 35 would cost \$6.4 million; and Nichols from Carey Smith Blvd to Golden would cost \$3.6 million. He stated that the first section of Nichols would cost \$3.6 million for asphalt, and the second section would be asphalt with curb and gutter. Mr. Kalkomey explained that the numbers included water and sewer. He added that with water and sewer it would be approximately \$85,000 a block, and without water and sewer it would cost \$60,000 a block.

Mr. Kalkomey stated that they would start with a \$5 million bond. He estimated that it would be +/- \$350,000 a year for 20 years. The City would need \$500,000 toward rebuilding. The City would be able to build 4 to 6 streets a year. They would set aside \$100,000 for striping and minor maintenance. It would be an annual cost \$950,000. In year two the City would have the same payment of \$350,000+/- . In year three the City would go out for another \$5 million. The bond payment would increase to \$1 million. The City would then skip to year six and get another \$5 million bond. The bond payment would increase to \$1.6 million. Mr. Kalkomey stated that the City would be selling \$15 million in street bonds over six years.

Councilman Cornman stated that a lot of 12th Street was in the County. It was clarified that on Hamman Road they would start at the bridge and go West. Councilman Cornman stated that it would be a significant tax increase, and the City would need to spread out the borrowing. He pointed out that they did not mention seal coating. Mr. Kalkomey stated that it would be taken out of the \$100,000. Councilman Cornman stated that LeTulle Park needed help as well. Mr. Kalkomey stated that it would be taken out of the \$500,000.

Councilwoman Folse pointed out that the City had set aside funds for three roads, but nothing has been done.

RESULT:	TABLED [UNANIMOUS]	Next: 2/13/2014 7:00 PM
MOVER:	Carolyn Thames, Mayor Pro-Tem	
SECONDER:	Chrystal Folse, Councilwoman	
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman	

15. Report

RECEIVE UPDATE ON NILE VALLEY ROAD AND SEWER WORK.

Barry Calhoun, Director of Public Works

Mr. Calhoun explained that the company would be back to finish up within the week. They had some setbacks due to the weather.

16. Report

RECEIVE UPDATE ON DUNN HEAT EXCHANGE FACILITY PROGRESS

DC Dunham, BCCDC Executive Director / Barry Calhoun, Director of Public Works

Mr. Calhoun stated that he had received an executed contract, and that they could begin work. He stated that construction plans were currently being reviewed.

17. Presentation

CONSIDER AND/OR RECEIVE PRESENTATION ON THE PUBLIC WORKS DEPARTMENT QUARTERLY REPORT FOR OCTOBER 2013 TO DECEMBER 2013.

Barry Calhoun, Director of Public Works

Mr. Kalkomey explained that the blowers were adjusted and that they could be used with other blowers. He added that some tweaking would be done to ensure that it would run efficiently. Council asked who would do the tweaking, and Mrs. Allums with Siemens stated that the manufacturer would. Mrs. Allums stated that Siemens had worked out an agreement to have a local person/representative respond to issues at the plant. Nick Stienbach, Project Engineer on the Siemens project, stated that they had replaced the system. Council asked that they come back with an update in a month.

Mr. Calhoun provided Mayor and Council with an update/report on Public Works.

Council asked Mr. Calhoun for his assessment on trash. Mr. Calhoun stated that he met with a representative and that complaints have decreased. He informed Mayor and Council that they would meet to discuss and review the ordinance to address brush.

RESULT: WITHDRAWN

18. Presentation

CONSIDER AND/OR RECEIVE PRESENTATION ON THE QUARTERLY SAFETY REPORT FOR THE PUBLIC WORKS DEPARTMENT FOR OCTOBER 2013 TO DECEMBER 2013.

Marla Jasek, Assistant Director of Public Works

Mrs. Jasek informed Mayor and Council that there were new members on the Safety Committee. She reviewed the safety accidents discussed by the committee for the last quarter of 2013. She reminded Council that the Safety Committee held mass Safety meeting the first Wednesday of every month.

RESULT: WITHDRAWN

6. EXECUTIVE SESSION

Mayor adjourned from Open Session at 9:05 p.m.

Mayor convened into Executive Session at 9:13 p.m.

Mayor adjourned from Executive Session at 10:54 p.m.

1. Report

EXECUTIVE SESSION: THE CITY COUNCIL WILL MEET IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SEC. 551.071 TO DELIBERATE AND SEEK THE ADVICE OF THE CITY ATTORNEY REGARDING: LEGAL ISSUES RELATED TO THE USE AND CONSUMPTION OF ALCOHOL WITHIN THE CITY LIMITS

2. Report

EXECUTIVE SESSION: THE CITY COUNCIL WILL SEEK LEGAL ADVICE FROM CITY ATTORNEY REGARDING CITY BUILDING CODE REGULATIONS AND ENFORCEMENT PURSUANT TO TEXAS GOVERNMENT CODE § 551.071

3. Report

EXECUTIVE SESSION: CITY COUNCIL SHALL CONVENE IN CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY REGARDING A LEGAL ISSUES AND TO DELIBERATE REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH TENARIS/MAVERICK TUBE CORPORATION PURSUANT TO TEXAS GOVERNMENT CODE §551.071 AND §551.087

MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY COUNCILWOMAN FOLSE, TO

4. Property

EXECUTIVE SESSION: DISCUSS AND/OR CONSIDER THE SALE OF REAL PROPERTY ADJACENT TO THE BAY CITY COUNTRY CLUB AND SEEK LEGAL ADVICE REGARDING THE REAL PROPERTY INTERESTS RELATED THERETO.

Councilman Bill Cornman

RESULT:	TABLED [UNANIMOUS]	Next: 2/13/2014 7:00 PM
MOVER:	Carolyn Thames, Mayor Pro-Tem	
SECONDER:	Julie Estlinbaum, Councilwoman	
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman	

7. OPEN SESSION

Mayor reconvened into Open Session at 10:57p.m.

1. Report

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

MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY COUNCILWOMAN FOLSE, TO APPROVE A WASTEWATER RATE INCENTIVE TO BE INCLUDED IN THE 380 AGREEMENT WITH TENARIS STABILIZING THE INDUSTRIAL RATE PAID FOR 10 YEARS ON CONDITION THAT ALL PERFORMANCE TERMS ARE MET IN A FORM APPROVED BY THE CITY ATTORNEY, USING THE INDUSTRIAL RATE TERMS LAST PRESENTED BY THE TENARIS NEGOTIATING COMMITTEE. MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY MAYOR PRO TEM THAMES, SECOND BY COUNCILWOMAN ESTLINBAUM TO TABLE ITEM 6 - 4. MOTION CARRIED.

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

Enacted and approved this 23rd day of January, 2014, at Bay City

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Pro Tem Thames informed everyone that Applebee's would be holding a hiring event at the Civic Center from 8 a.m. to 4 p.m.

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 Friday, January 17, 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

SCHEDULED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1288

DISCUSSION ITEM (ID # 1288)

RECEIVE QUARTERLY UPDATE ON CITY OF BAY CITY HEALTH INSURANCE PLAN.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1284

DISCUSSION ITEM (ID # 1284)

**DISCUSS, CONSIDER AND/OR APPROVE THE CITY COUNCIL
AMENDING CHAPTER 22 OF THE CITY'S CODE OF
ORDINANCES REGARDING SPRINKLER AND FIRE ALARM
SYSTEMS IN DAYCARES.**



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: Valerie Ragland
PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: 1/13/2014

☒ Citizen

☐ City Department

☐ Council Member

Address: 25116 Ave K
Bay City, TX 77414

Preferred contact: ☒ Cell 979-419-1189 ☒ Work phone (979) 244-0400
☐ E-mail vr@agland@gmail.com ☐ Fax _____

I respectfully request the below item be placed on the Jan. 23rd Agenda for City Council consideration.

- 1) Describe Item to be considered and area of City involved, if any: ~~Fire~~ Sprinkler & Fire Alarm Systems installation in existing daycare businesses who are looking to relocate.
- 2) Executive Summary of Item and action by council sought: Requesting Council to amend code regarding Sprinkler & Fire Alarm Systems in daycares.

3) Do you need time to present this item? ☒ Yes ☐ No

If so, how much? 10 minutes

"Here are the pertinent code sections. The 1st reference is in chapter 3 of the building code which is "Use and Occupancy Classification". The 2nd reference is from chapter 9 of both the building and fire codes which is "Fire Protective Systems". Since her business is for school age kids, it will be classified as an I-4.

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. Places of worship during religious functions are not included.

308.5.1 Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and *personal care services* shall be classified as Group I-4.

Exception: A facility where occupants are capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group R-3.

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2½ years of age or less shall be classified as Group I-4.

Exception: A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit* door directly to the exterior, shall be classified as Group E.

903.2.6 Group I. An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*. [F]

Exception: An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 or 903.3.1.3 shall be allowed in Group I-1 facilities.



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1281)

Meeting: 01/23/14 07:00 PM
Department: Main Street
Category: Bid
Prepared By: D C Dunham
Initiator: D C Dunham
Sponsors:
DOC ID: 1281

**CONSIDER AND/OR APPROVE AWARDING THE USO
RESTORATION PHASE II PROJECT TO THE ONLY BIDDER -
ESTELLE ALLEN BUILDERS; APPROVING A DRAW
SCHEDULE AND AUTHORIZING THE MAYOR TO NEGOTIATE
A CONTRACT BETWEEN THE CITY OF BAY CITY, TEXAS
AND ESTELLE ALLEN BUILDERS FOR THE PROJECT**

Estelle Allen Builders was the only bidder on the USO Phase II project. They have done various other projects with the City. Staff recommends awarding the bid for the USO Phase II to Estelle Allen Builders.

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

Packet Pg. 16

Bid Description: REQUEST FOR PROPOSAL – USO PHASE II RE-BID	
Department: PARKS & RECREATION	ID#.
Scheduled Closing Date: JANUARY 15, 2014	Time 10:00 A.M.

[illegible]

LOW BIDDER:

Estell Allen Builders

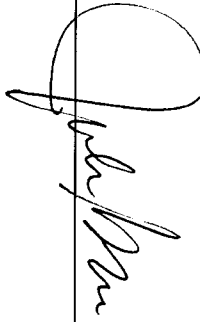
AWARDED TO:

Estell Allen Builders

RECOMMENDATION/COMMENTS:

I Recommend.

SIGNED:



DATE:

4/15/2014

Proposal to



In Response to Request for Proposals

For the



2105 Avenue M • Bay City, Texas 77414

Restoration Phase II

By

Table of Contents

<i>Letter of Transmittal.....</i>	<i>Page 3</i>
<i>Bid Form.....</i>	<i>Page 4</i>
<i>Experience/Qualifications.....</i>	<i>Page 6</i>
<i>Technical Ability.....</i>	<i>Page 7</i>
<i>Key Personnel/Subcontractors.....</i>	<i>Page 7</i>
<i>Fee Structure.....</i>	<i>Page 8</i>
<i>Disclosure of Interests & Statement of Non-Collusion</i>	

LETTER OF TRANSMITTAL

We have examined all Bidding Requirements, Contract Form, Conditions of the Contract, Place of Work and all matters referred to in the Instructions to Bidders and the Contract Documents prepared by the City for the mentioned project.

We, the undersigned, hereby offer to enter into a Contract to furnish all labor, materials, equipment, tools, construction equipment and machinery, temporary facilities and utilities and other services necessary for the construction, accomplishment and completion in a workmanlike manner of the above project in accordance with the Contract Documents, as listed in the TABLE OF CONTENTS.

The City's primary contact for the Project will be:

Estell Allen Builders
Mark Strange
3618 Bucks Bayou Rd
Bay City TX 77414
Mobile (979) 557-6720

BID FORM

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

Project: USO Restoration Phase II
2105 Avenue M
Bay City, TX 77414

Date: January 14, 2014

Submitted By: Estell Allen Builders

PART 1 – ACCEPTANCE

This offer shall be open to acceptance and is irrevocable for thirty days from the Bid closing date. If this Bid is accepted by the City within the time period stated above we will:

1. Execute the Agreement within seven days of receipt of Notice of Award.
2. Furnish the required insurance within seven days of receipt of Notice of Award.
3. Commence work within seven days after written Notice to Proceed.

PART 2 – CONTRACT TIME

If this bid is accepted, we will complete the Work within approximately sixty-five (95) calendar days from Notice to Proceed.

PART 3 – CHANGES TO WORK

The method of valuation for Changes in the Work will be the City approved net cost plus a percentage fee in accordance with General Conditions. Our percentage fee will be:

15 percent overhead and profit on the net cost of our own Work;

15 percent on the cost of work done by any Subcontractor.

On work deleted from the Contract, our credit to the City shall be the City approved net cost plus 50% of the overhead and profit percentage noted above.

PART 4 – ADDENDA

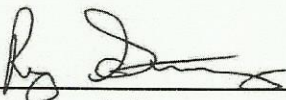
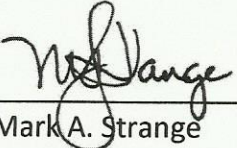
None.

PART 5 – BID FORM SIGNATURE(S)

The Corporate Seal of:

The Ashwood Group Inc dba Estell Allen Builders

(Seal) was hereunto fixed in the presence of:

	_____
Raymon E. Strange	President Date
	_____
Mark A. Strange	Secretary Date

If the Bid is a joint venture or partnership, add additional forms of execution of each member of the joint venture in the appropriate form or forms above.

BIDS WILL NOT BE ACCEPTED WITHOUT ACCOMPANYING QUALIFICATIONS AND PROJECT SCHEDULE.

EXPERIENCE/QUALIFICATIONS

Estell Allen Builders and, separately, its employees have completed the following Historic Building renovations:

USO Restoration Phase I
2105 Ave M, Bay City TX 77414
DC Dunham

Bay City Train Depot
2620 Ave G, Bay City TX 77414

Farrar Financial Building
1709 7th Street, Bay City TX 77414
Terry Farrar

Bowlera Fun Center
57 7th Street, Bay City TX 77414

701 Matagorda Street
Matagorda, Texas
Donna & Leonard Casey

Bay City Funeral Home
Bay City, Texas
Ronnie Lewis

The Henley-Gusman House
2120 6th Street, Bay City, Texas
Timothy Sloan

Estell Allen Builders is a Bay City corporation registered in Texas. We employ 7 employees, all in Bay City TX. We have been a Builder, Contractor, & Developer for 14 years, the last four in Bay City. We have a unique appreciation for historic restoration as noted above with the Projects we have managed. In addition, we have significant experience working with the City of Bay City staff.

Technical Ability

Estell Allen Builders uses a pragmatic approach to remodeling and historic restoration. After ascertaining the existing structural considerations, we demo as required taking special care to not destroy historical architecture that is not a part of the Project. Utilizing available historical materials and new "like" materials, we fabricate the architecture to return the Project to its intended historical design. Finally, we shall finish to match, as closely as possible, existing color schematics so the finished Project mirrors, as closely as possible, the original design and the historical requirements of the City of Bay City.

Key Personnel/Subcontractors

NAME OF SUPERINTENDENT TO BE ASSIGNED TO PROJECT:

Mark Strange – Project Manager

Raymon Strange – Construction Manager

LISTING OF SUBCONTRACTORS IS AS FOLLOWS:

Hewitt Air-Tex (HVAC Re-Routing)

Install new HVAC flex ducting to meeting rooms, main hall, restrooms and kitchen, Install new spiral pipe or ceiling vents (as framing allows), Install new return air grills, Service unit.

J&J Plumbing (Plumbing)

Replace bathroom vanities.

Ron Lowe Electrical (Electrical Re-Routing)

Install recessed can lights, Install wall sconces, Install exterior Plugs.

FEE STRUCTURE

	Written Words (This governs)	Written Figures
Interior Work	Sixty-eight thousand eight hundred fourteen and 00/100 Dollars	\$68,814.00
Kitchen Work	Four thousand seven hundred fifty and 00/100 Dollars	\$4,750.00
Total	Seventy-three thousand five hundred sixty-four and 00/100 Dollars	\$73,564.00

All applicable federal, state and local taxes, however no sales taxes, are included in the Bid Sum.



January 21, 2014

Mr. John Garr
City of Bay City
1901 5th St
Bay City TX 77414

RE: USO RESTORATION PHASE 2

Dear Mr. Garr:

The following is the USO Restoration Phase 2 Draw Schedule:

Draw 1	--	\$15,101.30 (20.5%)	Purchase required materials and begin project
Draw2	--	\$29,037.10 (39.5%)	Complete Demolition, HVAC installation, Electrical installation, and Insulation installation.
Draw 3	--	\$14,712.80 (20.0%)	Complete Drywall, Carpentry, Cabinetry, and Plumbing installation
Draw 4	--	\$11,034.60 (15.0%)	Complete Painting, Countertops, Electrical fixtures installation, and Finish-out
Final Payment	--	\$3,678.20 (5.0%)	Upon Project completion

Should you have any questions regarding the schedule, do not hesitate to give me a call.

Cordially,

ESTELL ALLEN BUILDERS

Attachment: 20140123 - USO Draw Schedule (1281 : USO Restoration Phase II)



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Amendment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:

AGENDA ITEM (ID # 1272)

DOC ID: 1272 B

**RECEIVE CHAMBER OF COMMERCE PRESENTATION ON
PROHIBITING SMOKING WITHIN RESTAURANTS AND BARS
SERVING FOOD WITHIN THE CITY LIMITS AND CONSIDER
AND/OR APPROVE AN ORDINANCE AMENDING CHAPTER
38 OF THE CITY OF BAY CITY'S CODE OF ORDINANCES TO
ADDRESS SAME**

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 38 BY ADDING A NEW SECTION VI TO REGULATE SMOKING IN CERTAIN PUBLIC PLACES IN THE CITY; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, smoking and secondhand smoke are widely considered to be a threat to public health; and

WHEREAS, many citizens of the City are not comfortable consuming food in places where smoking occurs; and

WHEREAS, the City wishes to protect the employees of restaurants and bars from the negative effects of secondhand smoke.

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

Section one. Amendment to Municipal Code of Ordinances Chapter 38, adding new Article VI. The City of Bay City's Code of Municipal Ordinances, Chapter 38 (entitled "*Environment*"), is hereby amended to include the following new Article VI:

ARTICLE VI. SMOKING.

Sec. 38-173. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bar means an establishment which is devoted to serving of alcoholic beverages for the consumption by guests on the premises and in which the serving of food is only incidental to the consumption of alcoholic beverages.

Business means any sale proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making or not-for-profit purposes, including retail establishments where goods or services are sold as well as professional corporations and

other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

Employee means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

Employer means any person, partnership, corporation, including a municipal corporation, or nonprofit entity, which employs the services of one or more individual persons.

Patio means an improved and defined unenclosed outside area associated with a food service establishment or bar used for purposes of dining or entertainment, provided that walkways are not to be considered patios; and further provided such establishment has a defined entrance at least ten feet from the designated smoking area.

Restaurant means an establishment open to the public where food is prepared and served for on-site consumption.

Smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or combustible substance in any manner or in any form.

Sec. 38.174. Places where smoking is prohibited.

Smoking shall be prohibited in the following locations in the City:

- (1) all restaurants and bars within city limits;
- (2) any area within 25 feet of any door, operable window/vent or other opening to a restaurant or bar within city limits; and
- (3) any place where smoking is prohibited by state law.

Sec. 38-175. Places where smoking is not prohibited.

Notwithstanding any other provision of this article to the contrary, the following areas shall not be subject to the smoking restrictions of this article:

- (1) Patios; and
- (2) A bar that derives 90 percent or more of the establishment's gross revenue on a quarterly (three month basis) from the sale of alcoholic beverages for on-premises consumption provided the establishment:

- (A) conspicuously posts a sign stating "This Is A Smoking Establishment" at all entrances to the establishment and in which the establishment has separate ventilation;
 - (B) and provides the City Secretary, at the end of each calendar quarter, with a written report of the establishment's gross revenue of all food items and its gross revenue from the sale of alcoholic beverages; and
 - (C) provides a HVAC system that prevents the commingling of air with other businesses, common areas, hallways and other nonsmoking areas.
- (3) For purposes of this section, gross revenue shall be calculated using the normal selling price of all food items and all alcoholic beverages served in the establishment and shall reflect the price normally charged for such items in the particular establishment for which the establishment for which the gross revenue figure is calculated, whether such item is actually sold at normal selling price, below normal entrance fee or other consideration paid. Reduced prices charged during promotions, happy hours and other occasions when drinks are sold at reduced prices or served at no charge, shall not be considered "normal selling price" for calculation of the gross revenue.

Sec. 38-176. Posting of signs.

- (a) The owner, manager or other person having control of such building or premises where smoking is prohibited by this article, shall have a conspicuously posted sign clearly stating "No Smoking" at each entrance, whether for the public, employees or deliveries, and at restroom entrances.
- (b) "No Smoking" and "This is a Smoking Establishment" signs shall have bold lettering of not less than one inch in height. The international "No Smoking" symbol may also be used (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with red bar across it).
- (c) Any owner, manager, or other person having control of any establishment regulated by this article shall be responsible for posting appropriate signage.

Sec. 38-177. Enforcement.

- (a) Enforcement of this article shall be enforced by issuance of a municipal court citation.
- (b) Any person may register a complaint under this article to initiate enforcement by the City.

- (c) It is the duty of the owner, manager, operator or person in charge of any establishment regulated by this article:
 - (1) To post signs in accordance with section 38-176 of this article;
 - (2) To not provide ashtrays, matches, lighters or other smoking related paraphernalia in a regulated premises;
 - (3) To advise a person who violates this article that smoking is not allowed; and
 - (4) To request a person remove themselves from this location after that person has been advised that smoking is not allowed and that person willfully continues to smoke.

Sec. 38-178. Offenses and penalties.

- (a) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this article.
- (b) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this article to fail to comply with the following sections of this article:
 - (1) Section 38-176; and
 - (2) Section 38-177.
- (c) Any person who violates any provision of this article shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00.
- (d) Each day on which a violation of this article occurs shall be a separate and distinct violation.

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

Section three. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section four. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on this ____ day of January, 2014.

Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary

George E. Hyde

Denton Navarro Rocha Bernal Hyde & Zech, P.C.
attorneys & counselors at law • rampagelaw.com
City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Julie L. Estlinbaum	_____	_____	_____
Bill Cornman	_____	_____	_____
Chrystal Folse	_____	_____	_____
Steven Johnson	_____	_____	_____
Carolyn Thames, Mayor Pro Tem	_____	_____	_____

Mark A. Bricker, Mayor,
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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

Attachment: ORDINANCE NO. - Smoking Ordinance (1272 : No Smoking)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 38 BY ADDING A NEW SECTION VI TO REGULATE SMOKING IN CERTAIN PUBLIC PLACES IN THE CITY; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, smoking and secondhand smoke are widely considered to be a threat to public health; and

WHEREAS, many citizens of the City are not comfortable consuming food in places where smoking occurs; and

WHEREAS, the City wishes to protect the employees of restaurants and bars from the negative effects of secondhand smoke.

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

Section one. Amendment to Municipal Code of Ordinances Chapter 38, adding new Article VI. The City of Bay City's Code of Municipal Ordinances, Chapter 38 (entitled "*Environment*"), is hereby amended to include the following new Article VI:

ARTICLE VI. SMOKING.

Sec. 38-173. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bar means an establishment which is devoted to serving of alcoholic beverages for the consumption by guests on the premises and in which the serving of food is only incidental to the consumption of alcoholic beverages.

Business means any sale proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making or not-for-profit purposes, including retail establishments where goods or services are sold as well as professional corporations and

other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

Employee means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

Employer means any person, partnership, corporation, including a municipal corporation, or nonprofit entity, which employs the services of one or more individual persons.

Hospital means any Business where medical services are rendered or provided, including but not limited to a Hospital Facility, Clinic, Doctor's Office, or other similar Business.

Patio means an improved and defined unenclosed outside area associated with a food service establishment or bar used for purposes of dining or entertainment, provided that walkways are not to be considered patios; and further provided such establishment has a defined entrance at least ten feet from the designated smoking area.

Restaurant means an establishment open to the public where food is prepared and served for on-site consumption.

Smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or combustible substance in any manner or in any form.

Sec. 38.174. Places where smoking is prohibited.

Smoking shall be prohibited in the following locations in the City:

- (1) all Hospitals, Restaurants and Bars within city limits;
- (2) any area within 25 feet of any door, operable window/vent or other opening to a Hospital, Restaurant or Bar within city limits; and
- (3) any place where smoking is prohibited by state law.

Sec. 38-175. Places where smoking is not prohibited.

Notwithstanding any other provision of this article to the contrary, the following areas shall not be subject to the smoking restrictions of this article:

- (1) Patios; and
- (2) A bar that derives 90 percent or more of the establishment's gross revenue on a quarterly (three month basis) from the sale of alcoholic beverages for on-premises consumption provided the establishment:

- (A) conspicuously posts a sign stating "This Is A Smoking Establishment" at all entrances to the establishment and in which the establishment has separate ventilation;
 - (B) and provides the City Secretary, at the end of each calendar quarter, with a written report of the establishment's gross revenue of all food items and its gross revenue from the sale of alcoholic beverages; and
 - (C) provides a HVAC system that prevents the commingling of air with other businesses, common areas, hallways and other nonsmoking areas.
- (3) For purposes of this section, gross revenue shall be calculated using the normal selling price of all food items and all alcoholic beverages served in the establishment and shall reflect the price normally charged for such items in the particular establishment for which the establishment for which the gross revenue figure is calculated, whether such item is actually sold at normal selling price, below normal entrance fee or other consideration paid. Reduced prices charged during promotions, happy hours and other occasions when drinks are sold at reduced prices or served at no charge, shall not be considered "normal selling price" for calculation of the gross revenue.

Sec. 38-176. Posting of signs.

- (a) The owner, manager or other person having control of such building or premises where smoking is prohibited by this article, shall have a conspicuously posted sign clearly stating "No Smoking" at each entrance, whether for the public, employees or deliveries, and at restroom entrances.
- (b) "No Smoking" and "This is a Smoking Establishment" signs shall have bold lettering of not less than one inch in height. The international "No Smoking" symbol may also be used (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with red bar across it).
- (c) Any owner, manager, or other person having control of any establishment regulated by this article shall be responsible for posting appropriate signage.

Sec. 38-177. Enforcement.

- (a) Enforcement of this article shall be enforced by issuance of a municipal court citation.
- (b) Any person may register a complaint under this article to initiate enforcement by the City.

- (c) It is the duty of the owner, manager, operator or person in charge of any establishment regulated by this article:
 - (1) To post signs in accordance with section 38-176 of this article;
 - (2) To not provide ashtrays, matches, lighters or other smoking related paraphernalia in a regulated premises;
 - (3) To advise a person who violates this article that smoking is not allowed; and
 - (4) To request a person remove themselves from this location after that person has been advised that smoking is not allowed and that person willfully continues to smoke.

Sec. 38-178. Offenses and penalties.

- (a) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this article.
- (b) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this article to fail to comply with the following sections of this article:
 - (1) Section 38-176; and
 - (2) Section 38-177.
- (c) Any person who violates any provision of this article shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00.
- (d) Each day on which a violation of this article occurs shall be a separate and distinct violation.

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

Section three. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section four. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on this ____ day of January, 2014.

Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary

George E. Hyde

Denton Navarro Rocha Bernal Hyde & Zech, P.C.
attorneys & counselors at law • rampagelaw.com
City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Julie L. Estlinbaum	_____	_____	_____
Bill Cornman	_____	_____	_____
Chrystal Folse	_____	_____	_____
Steven Johnson	_____	_____	_____
Carolyn Thames, Mayor Pro Tem	_____	_____	_____

Mark A. Bricker, Mayor,
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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

Attachment: ORDINANCE NO. - Smoking Ordinance Amended (1272 : No Smoking)



City Council
1901 5Th Street
Bay City, TX 77414

TABLED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Amendment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1287

AGENDA ITEM (ID # 1287)

**CONSIDER AND/OR APPROVE A RESOLUTION AMENDING
THE TEXPOOL AUTHORIZED REPRESENTATIVES FOR THE
CITY OF BAY CITY.**



RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES

WHEREAS, City of Bay City, Location #77988

(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool *Prime*"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool *Prime* and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool *Prime* account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: Phill Conner Title: Finance Director
Phone/Fax/Email: 979-323-1634 / 979-323-1035 / pconner@cityofbaycity.org
Signature: _____
2. Name: Starla Justice Title: Payroll Administrator
Phone/Fax/Email: 979-323-1133 / 979-323-1035 / sjustice@cityofbaycity.org
Signature: _____

ORIGINAL SIGNATURE AND DOCUMENT REQUIRED

TEX – REP

TexPool Participant Services • Federated Investors Inc
1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

06/13

3. Name: Carolyn Thames Title: Council Woman
 Phone/Fax/Email: 979-245-2137 / 979-323-1626 / Carolyn.Thames@wrksolutions.com
 Signature: _____

4. Name: Mark Bricker Title: Mayor
 Phone/Fax/Email: 979-245-2137 / 979-323-1626 / mbricker@cityofbaycity.org
 Signature: _____

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name Phill Conner

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name: Mark Bricker Title: Mayor
 Phone/Fax/Email: 979-245-2137 / 979-323-1626 / mbricker@cityofbaycity.org

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the _____ day _____, 20 ____.

Document is to be signed by your Board President, Mayor or County Judge and attested by your Board Secretary, City Secretary or County Clerk.

NAME OF PARTICIPANT: City of Bay City

SIGNED: _____

Signature

Mark Bricker

Printed Name

Mayor

Title

ATTEST: _____

Signature

Rhonda Clegg

Printed Name

City Secretary

Title

This document supersedes all prior Authorized Representative designations.

ORIGINAL SIGNATURE AND DOCUMENT REQUIRED

TexPool Participant Services • Federated Investors Inc
 1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

TEX – REP



DELETION FORM FOR AUTHORIZED REPRESENTATIVES

*LOCATION NUMBER:	77988	*EFFECTIVE DATE:	01/23/2014
*PARTICIPANT NAME:	City of Bay City		

PART I: DELETIONS -Please enter the names of the individuals to be deleted as Authorized Representatives.			
PRINTED NAME		PRINTED NAME	
1.	Cathy Ezell	3.	
2.			Inquiry Only Representative

PART II: PRIMARY CONTACT -If the person deleted above was the Primary Contact, please provide the name of the Authorized Representative that will be the Primary Contact. The Primary Contact is the individual who will receive the daily transaction confirmations, monthly statements, monthly newsletter, TexPool Updates and other TexPool mailings.	
Name:	
Phone, Fax, Email:	

PART III: INQUIRY ONLY - If the person deleted above was an inquiry only representative please specify below if you wish to add another individual. This limited representative cannot perform transactions.	
Name:	
Phone, Fax, Email:	

PART IV: APPROVALS - Please enter the names of two individuals who are currently Authorized Representatives and who authorize the deletion(s) of the individual(s) above.		
PRINTED NAME	TITLE	SIGNATURE
Mark Bricker	Mayor	
Starla Justice	Payroll Administrator	

ORIGINAL SIGNATURE AND DOCUMENT REQUIRED *REQUIRED FIELDS TEX-REP

TexPool Participant Services • Federated Investors Inc
1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com
Phone 1-866-839-7665 • Fax 1-866-839-3291

7/12



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1283

ADOPTED

AGENDA ITEM (ID # 1283)

DISCUSS, CONSIDER AND/OR APPROVE THE CITY OF BAY CITY AND THE BAY CITY INDEPENDENT SCHOOL DISTRICT PARTNERING FOR THE MAY 2014 ELECTION.

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



City Council
1901 5Th Street
Bay City, TX 77414

TABLED

Meeting: 01/23/14 07:00 PM
Department: Police Department
Category: Property
Prepared By: Clayton Ryman
Initiator: Roger Barker
Sponsors:
DOC ID: 1261

AGENDA ITEM (ID # 1261)

**CONSIDER AND/OR APPROVE A REQUEST TO DEEM ONE
AIRPORT VEHICLE AS SURPLUS AND AUTHORIZE STAFF
TO SELL SAID SURPLUS VEHICLE BY PUBLIC AUCTION.**



City Council
1901 5Th Street
Bay City, TX 77414

TABLED

Meeting: 01/23/14 07:00 PM
Department: Public Works
Category: Budget
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1279 A

AGENDA ITEM (ID # 1279)

**CONSIDER AND/OR APPROVE DECLARATION OF
UNUSABLE EQUIPMENT AS SURPLUS AND AUTHORIZE
STAFF TO SELL SAID SURPLUS EQUIPMENT THROUGH THE
USE OF AN ONLINE AUCTION AND USE PROCEEDS FROM
THE ONLINE AUCTION TO PURCHASE NEW EQUIPMENT.**

CONSIDER AND/OR APPROVE TO DECLARE UNUSABLE EQUIPMENT AND SMALL TOOLS
EQUIPMENT AS SURPLUS AND AUTHORIZE STAFF TO SALE SAID SURPLUS EQUIPMENT
THROUGH THE USE OF AN ONLINE AUCTION AND USE PROCEEDS FROM THE ONLINE
AUCTION TO PURCHASE NEW EQUIPMENT.



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1274

ADOPTED

AGENDA ITEM (ID # 1274)

**CONSIDER AND/OR APPROVE RATIFYING THE MAYOR'S
EMERGENCY DECLARATION DUE TO A FAILURE OF THE
BACKUP GENERATOR SERVICING THE WASTEWATER
TREATMENT PLANT.**

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

CITY OF BAY CITY

MARK BRICKER
MAYOR

GEORGE HYDE
CITY ATTORNEY



CITY COUNCIL
CAROLYN THAMES
MAYOR PRO TEM

RHONDA CLEGG
CITY SECRETARY

CATHY EZELL
FINANCE DIRECTOR

BILL CORNMAN
JULIE ESTLINBAUM

CHRYSTAL FOLSE
STEVEN JOHNSON

DECLARATION OF AN EMERGENCY

On this the 14th day of January 2014, I Mark A. Bricker, Mayor of the City of Bay City, pursuant to the authority vested in my office by virtue of TEX. GOV'T CODE § 418.1015, the city charter and other applicable laws or statutes, do hereby declare a public emergency due to the failure of the backup generator that services the City's Wastewater Treatment Plant, located at 4511 Starling Dr. Additionally, I find it necessary, in order to address this emergency, to immediately procure a contractor to replace the generator. This action is necessary to preserve or protect the public health. Consequently, I respectfully request that City Council authorize such procurement as an emergency matter in accordance with TEX. LOC. GOV'T CODE § 102.010 and § 252.022.

The City Secretary is hereby directed to make this declaration a part of the public records of the City and present same to the City Council for consideration at its regular city council meeting scheduled for January 23, 2014.

Executed this 14th day of January 2014.

Mark A. Bricker, Mayor

WITNESSED:

Rhonda Clegg, City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1278)

Meeting: 01/23/14 07:00 PM
Department: Public Works
Category: Purchase
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1278

CONSIDER AND/OR APPROVE THE PURCHASE OF NEW VEHICLES USING THE PROCEEDS FROM THE EQUIPMENT AUCTION SALE.

CONSIDER AND/OR APPROVE THE PURCHASE OF NEW VEHICLES USING THE PROCEEDS FROM THE EQUIPMENT AUCTION SALE.

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

Verification of ACH Deposits - Govdeals.com

Equip. #	Auction Amount	Tax	Total	Dept
582	\$500.00		\$500.00	S&B
579	\$5,201.00	\$429.08	\$5,630.08	Rec Grant
297	\$27,300.00	Exempt	\$27,300.00	S&B
ACH Deposit 10/24/13			\$33,430.08	

Equip. #	Auction Amount	Tax	Total	Dept
607	\$8,050.00	Exempt	\$8,050.00	UT
653	\$34,500.00		\$34,500.00	UT
ACH Deposit 11/1/13			\$42,550.00	

Equip. #	Auction Amount	Tax	Total	Dept
664	\$3,500.00		\$3,500.00	S&B
575	\$600.00		\$600.00	UT
639	\$850.00		\$850.00	UT
ACH Deposit 11/8/13			\$4,950.00	

Equip. #	Auction Amount	Tax	Total	Dept
616	\$1,051.00		\$1,051.00	UT
461	\$2,300.00		\$2,300.00	S&B
ACH Deposit 11/15/13			\$3,351.00	

Equip. #	Auction Amount	Tax	Total	Dept
613	\$200.00	\$16.50	\$216.50	S&B
ACH Deposit 11/22/13			\$216.50	

Equip. #	Auction Amount	Tax	Total	Dept
514	\$500.00		\$500.00	Ut
552	\$1,800.00	\$148.50	\$1,948.50	S&B
ACH Deposit 12/5/13			\$2,448.50	

Equip. #	Auction Amount	Tax	Total	Dept
673	\$12,400.00	\$1,023.00	\$13,423.00	S&B
ACH Deposit 12/19/13			\$13,423.00	

Equip. #	Auction Amount	Tax	Total	Dept
321	\$1,572.00	Exempt	\$1,572.00	P&R
Meters	\$30,200.00	Exempt	\$30,200.00	Ut
ACH Deposit 12/27/13			\$31,772.00	

Equip. #	Auction Amount	Tax	Total	Dept
669	\$1,655.00	\$136.54	\$1,791.54	Ut
542	\$425.00		\$425.00	PD
ACH Deposit 1/3/14			\$2,216.54	

Equip. #	Auction Amount	Tax	Total	Dept
692	\$4,000.00	\$330.00	\$4,330.00	S&B
667	\$13,750.00	\$0.00	\$13,750.00	S&B
ACH Deposit 1/9/14			\$18,080.00	

Equip. #	Auction Amount	Tax	Total	Dept
668	\$28,500.00	\$2,351.25	\$30,851.25	S&B
ACH Deposit 1/16/14			\$30,851.25	

Equip. #	Auction Amount	Tax	Total	Dept	
661	\$10,500.00		\$10,500.00	S&B	Waiting on Finance to confirm receipt of ACH Deposit
662	\$19,300.00	\$ 1,592.25	\$20,892.25	S&B	
Waiting on ACH Deposit			\$31,392.25		

Equip. #	Auction Amount	Tax	Total	Dept	
671	\$9,500.00		\$9,500.00	S&B	Waiting on Buyer to Pick Up Item - The City is not paid until items are picked up
302	\$1,711.00		\$1,711.00	Airport	
Waiting on P/U of Item			\$11,211.00		

Equip. #	Auction Amount	Tax	Total	Dept	
612	\$100.00	\$ 8.25	\$108.25	S&B	Waiting of Payment of Item
Waiting on Pmnt of Item			\$108.25		

Revenue Distribution:

S&B	UT	HGAC Recycling Grant	Parks	Airport	Police	TAX
500.00						
		5,201.00				429.08
27,300.00						
	8,050.00					
	34,500.00					
3,500.00						
	600.00					
	850.00					
	1,051.00					
2,300.00						
200.00						16.50
	500.00					
1,800.00						148.50
12,400.00						1,023.00
			1,572.00			
	30,200.00					
	1,655.00					136.54
					425.00	
4,000.00						330.00
13,750.00						
28,500.00						2,351.25
\$94,250.00	\$77,406.00	\$5,201.00	\$1,572.00	\$0.00	\$425.00	\$4,434.87
ST & BR	UTILITY	RECYCLING	PARKS	AIRPORT	POLICE	TAX

Amount Collected To Date:	\$183,288.87
Total Revenue Amount:	\$226,000.37

PRODUCT PRICING SUMMARY BUYBOARD CONTRACT #430-13

Vehicles and Heavy Duty Trucks
 VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF BAY CITYPrepared by: RICHARD HYDERContact: BARRY CALHOUN 979.459.1900Phone: (409) 300-1385Email: BCALHOUN@CITYOFBAYCITY.ORGEmail: rhyder.cowboyfleet@gmail.comProduct Description: 2015 FORD F250Date: January 14, 2014A. Bid Series: 113A. Base Price: \$ 16,513.00**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
X2B	F250 SUPERCAB 4X4 LWB	\$ 5,315.00	66S	UPFITTER SWITCHES	\$ 118.00
996	6.2L V8 GAS	\$ -	76C	BACKUP ALARM	\$ 118.00
44P	6-SPD AUTO TRANSMISSION	\$ -	18B	RUNNING BOARDS	\$ 348.00
535	TRAILER TOWING PKG	\$ -	17X	FX4 OFF ROAD PKG	\$ 278.00
Z1	EXTERIOR WHITE	\$ -			
AS	INTERIOR VINYL 40/20/40	\$ -			
90L	POWER EQUIPMENT GROUP	\$ 842.00			
525	CRUISE CONTROL	\$ 221.00			
TBM	ALL TERRAIN TIRES	\$ 118.00			
X3E	3.73 ELECTRONIC LOCKING AXLE	\$ 367.00			
52B	BRAKE CONTROLLER	\$ 217.00			

Total of B. Published Options: \$ 7,942.00**C. Unpublished Options [Itemize each below, not to exceed 25%]**

\$= 8.5 %

Options	Bid Price	Options	Bid Price
EXTRA KEY WITH REMOTE	\$ 95.00		
AMBER VERTEX IN CORNERS W/ SWITCH	\$ 500.00		
SPRAY IN BEDLINER	\$ 495.00		
ALUMINUM DIAMOND PLATE TOOLBOX	\$ 650.00		
EQUIPMENT SERVICES	\$ 350.00		

Total of C. Unpublished Options: \$ 2,090.00

D. Pre-delivery Inspection:	\$ <u>80.00</u>
E. Texas State Inspection:	\$ <u>23.95</u>
F. Manufacturer Destination/Delivery:	\$ <u>1,195.00</u>
G. Floor Plan Interest (for in-stock and/or equipped vehicles):	\$ <u>165.00</u>
H. Lot Insurance (for in-stock and/or equipped vehicles):	\$ <u>53.00</u>
I. Contract Price Adjustment:	
J. Additional Delivery Charge: <u>183</u> miles	\$ <u>320.25</u>
K. Subtotal:	\$ <u>28,382.20</u>
L. Quantity Ordered <u>1</u> x K =	\$ <u>28,382.20</u>
M. Trade in:	
N. BUYBOARD Administrative Fee (\$400 per purchase order)	\$ <u>400.00</u>
O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE	\$ <u>28,782.20</u>

PRODUCT PRICING SUMMARY BUYBOARD CONTRACT #430-13

Vehicles and Heavy Duty Trucks
 VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF BAY CITYPrepared by: RICHARD HYDERContact: BARRY CALHOUN 979.459.1900Phone: (409) 300-1385Email: BCALHOUN@CITYOFBAYCITY.ORGEmail: rhyder.cowboyfleet@gmail.comProduct Description: 2015 FORD F250Date: January 14, 2014A. Bid Series: 113A. Base Price: \$ 16,513.00**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
X2A	F250 SUPERCAB 4X2 LWB	\$ 2,510.00	66S	UPFITTER SWITCHES	\$ 118.00
996	6.2L V8 GAS	\$ -	76C	BACKUP ALARM	\$ 118.00
44P	6-SPD AUTO TRANSMISSION	\$ -	18B	RUNNING BOARDS	\$ 348.00
535	TRAILER TOWING PKG	\$ -	250	KNAPHEIDE 696FJ SERVICE BODY	\$ 5,695.00
Z1	EXTERIOR WHITE	\$ -			
AS	INTERIOR VINYL 40/20/40	\$ -			
90L	POWER EQUIPMENT GROUP	\$ 842.00			
525	CRUISE CONTROL	\$ 221.00			
TBM	ALL TERRAIN TIRES	\$ 118.00			
X3E	3.73 ELECTRONIC LOCKING AXLE	\$ 367.00			
52B	BRAKE CONTROLLER	\$ 217.00			

Total of B. Published Options: \$ 10,554.00**C. Unpublished Options [Itemize each below, not to exceed 25%]**

\$= 7.6 %

Options	Bid Price	Options	Bid Price
EXTRA KEY WITH REMOTE	\$ 95.00		
AMBER VERTEX IN CORNERS W/ SWITCH	\$ 500.00		
SPRAY IN BEDLINER	\$ 450.00		
ALUMINUM DIAMOND PLATE TOOLBOX	\$ 650.00		
EQUIPMENT SERVICES	\$ 350.00		

Total of C. Unpublished Options: \$ 2,045.00

D. Pre-delivery Inspection:

\$ 80.00

E. Texas State Inspection:

\$ 23.95

F. Manufacturer Destination/Delivery:

\$ 1,195.00

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ 165.00

H. Lot Insurance (for in-stock and/or equipped vehicles):

\$ 53.00

I. Contract Price Adjustment:

J. Additional Delivery Charge: 283 miles\$ 495.25

K. Subtotal:

\$ 31,124.20L. Quantity Ordered 1 x K =\$ 31,124.20

M. Trade in:

N. BUYBOARD Administrative Fee (\$400 per purchase order)

\$ 400.00

O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE

\$ 31,524.20

Attachment: 20140123 - New Vehicles (1278 : Purchase Vehicles Using Proceeds from Equipment Auction)

PRODUCT PRICING SUMMARY BUYBOARD CONTRACT #430-13

Vehicles and Heavy Duty Trucks
VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF BAY CITY**Prepared by:** RICHARD HYDER**Contact:** BARRY CALHOUN 979.459.1900**Phone:** (409) 300-1385**Email:** BCALHOUN@CITYOFBAYCITY.ORG**Email:** rhyder.cowboyfleet@gmail.com**Product Description:** 2015 FORD F250**Date:** January 14, 2014**A. Bid Series:** 113**A. Base Price:** \$ 16,513.00**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
X2A	F250 SUPERCAB 4X2 LWB	\$ 2,510.00	66S	UPFITTER SWITCHES	\$ 118.00
996	6.2L V8 GAS	\$ -	76C	BACKUP ALARM	\$ 118.00
44P	6-SPD AUTO TRANSMISSION	\$ -	18B	RUNNING BOARDS	\$ 348.00
535	TRAILER TOWING PKG	\$ -			
Z1	EXTERIOR WHITE	\$ -			
AS	INTERIOR VINYL 40/20/40	\$ -			
90L	POWER EQUIPMENT GROUP	\$ 842.00			
525	CRUISE CONTROL	\$ 221.00			
TBM	ALL TERRAIN TIRES	\$ 118.00			
X3E	3.73 ELECTRONIC LOCKING AXLE	\$ 367.00			
52B	BRAKE CONTROLLER	\$ 217.00			

Total of B. Published Options: \$ 4,859.00**C. Unpublished Options [Itemize each below, not to exceed 25%]**

\$= 9.6 %

Options	Bid Price	Options	Bid Price
EXTRA KEY WITH REMOTE	\$ 95.00		
AMBER VERTEX IN CORNERS W/ SWITCH	\$ 500.00		
SPRAY IN BEDLINER	\$ 450.00		
ALUMINUM DIAMOND PLATE TOOLBOX	\$ 650.00		
EQUIPMENT SERVICES	\$ 350.00		

Total of C. Unpublished Options: \$ 2,045.00**D. Pre-delivery Inspection:**

\$ 80.00

E. Texas State Inspection:

\$ 23.95

F. Manufacturer Destination/Delivery:

\$ 1,195.00

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ 165.00

H. Lot Insurance (for in-stock and/or equipped vehicles):

\$ 53.00

I. Contract Price Adjustment:**J. Additional Delivery Charge:** 183 miles

\$ 320.25

K. Subtotal:

\$ 25,254.20

L. Quantity Ordered 1 **x K =**

\$ 25,254.20

M. Trade in:**N. BUYBOARD Administrative Fee (\$400 per purchase order)**

\$ 400.00

O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE

\$ 25,654.20

Attachment: 20140123 - New Vehicles (1278 : Purchase Vehicles Using Proceeds from Equipment Auction)



CONTRACT PRICING WORKSHEET

For MOTOR VEHICLES Only

**Contract
No.:**

VE11-13

Date Prepared:

1/14/2014

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	CITY OF BAY CITY	Contractor:	SILSBEE FORD
Contact Person:	BARRY CALHOUN	Prepared By:	RICHARD HYDER
Phone:	(979) 459-1900	Phone:	(409) 300-1385
Fax:		Fax:	
Email:	BCALHOUN@CITYOFBAYCITY.ORG	Email:	RHYDER.COWBOYFLEET@GMAIL.COM

Product Code:	D12	Description:	2014 FORD EXPLORER BASE
---------------	-----	--------------	-------------------------

A. Product Item Base Unit Price Per Contractor's H-GAC Contract:	\$ 22,121.0
---	--------------------

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.

(Note: Published Options are options which were submitted and priced in Contractor's bid.)

[illegible]

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.

(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
REMOTE START	\$ 295.00		
EXTRA KEY AND REMOTE	\$ 95.00	Subtotal From Additional Sheet(s):	
		Subtotal C:	\$ 390.0

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).

For this transaction the percentage is:

10

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	\$ 31,060.00	=	Subtotal D: \$ 31,060.0
-------------------	---	--------------------------	--------------	---	-------------------------

E. H-GAC Order Processing Charge (Amount Per Current Policy)	

Subtotal E:	\$	600.0
--------------------	----	-------

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges	
---	--

[illegible]

Delivery Date: 60-90 DAYS ARO

G. Total Purchase Price (D+E+F):

\$ 31,980.2

PRODUCT PRICING SUMMARY BUYBOARD CONTRACT #430-13

Vehicles and Heavy Duty Trucks
 VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF BAY CITYPrepared by: RICHARD HYDERContact: BARRY CALHOUN 979.459.1900Phone: (409) 300-1385Email: BCALHOUN@CITYOFBAYCITY.ORGEmail: rhyder.cowboyfleet@gmail.comProduct Description: 2015 FORD F250Date: January 14, 2014A. Bid Series: 113A. Base Price: \$ 16,513.00**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
F2A	F250 REGULAR CAB 4X2 LWB	\$ 115.00	66S	UPFITTER SWITCHES	\$ 118.00
996	6.2L V8 GAS	\$ -	76C	BACKUP ALARM	\$ 118.00
44P	6-SPD AUTO TRANSMISSION	\$ -	18B	RUNNING BOARDS	\$ 348.00
535	TRAILER TOWING PKG	\$ -	250	KNAPHEIDE 696FJ SERVICE BODY	\$ 5,695.00
Z1	EXTERIOR WHITE	\$ -	217	TOMMY G254-1342TP27 LIFTGATE	\$ 2,750.00
AS	INTERIOR VINYL 40/20/40	\$ -			
90L	POWER EQUIPMENT GROUP	\$ 842.00			
TBM	ALL TERRAIN TIRES	\$ 118.00			
X3E	3.73 ELECTRONIC LOCKING AXLE	\$ 367.00			
52B	BRAKE CONTROLLER	\$ 217.00			

Total of B. Published Options: \$ 10,688.00**C. Unpublished Options [Itemize each below, not to exceed 25%]**

\$= 7.5 %

Options	Bid Price	Options	Bid Price
EXTRA KEY WITH REMOTE	\$ 95.00		
AMBER VERTEX IN CORNERS W/ SWITCH	\$ 500.00		
SPRAY IN BEDLINER	\$ 450.00		
ALUMINUM DIAMOND PLATE TOOLBOX	\$ 650.00		
EQUIPMENT SERVICES	\$ 350.00		

Total of C. Unpublished Options: \$ 2,045.00

D. Pre-delivery Inspection:		\$ <u>80.00</u>
E. Texas State Inspection:		\$ <u>23.95</u>
F. Manufacturer Destination/Delivery:		\$ <u>1,195.00</u>
G. Floor Plan Interest (for in-stock and/or equipped vehicles):		\$ <u>165.00</u>
H. Lot Insurance (for in-stock and/or equipped vehicles):		\$ <u>53.00</u>
I. Contract Price Adjustment:		
J. Additional Delivery Charge: <u>283</u> miles		\$ <u>495.25</u>
K. Subtotal:		\$ <u>31,258.20</u>
L. Quantity Ordered <u>1</u> x K =		\$ <u>31,258.20</u>
M. Trade in:		
N. BUYBOARD Administrative Fee (\$400 per purchase order)		\$ <u>400.00</u>
O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE		\$ <u>31,658.20</u>

Unit # 547 – 1995 Ford F-350 1-Ton Truck

Department: Street and Bridge

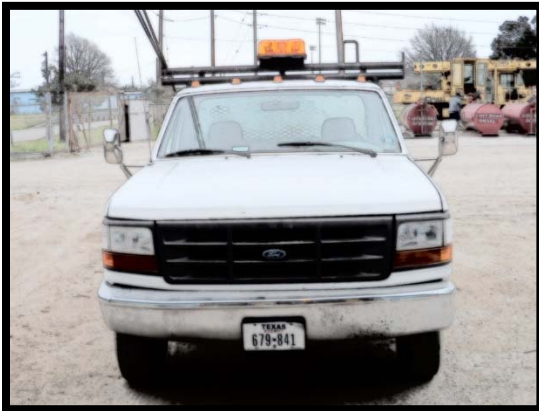
Vehicle Age: 18 years old

Mileage: 154,055 miles

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found.

- The engine is knocking and has oil leaks
- The front suspension needs repairs
- There are problems with the frame of the truck. The rear axle seal keeps going out and leaking oil. The front suspension frame is bent from the accident it had several years ago.
- Both door hinges are worn out and the door hangs down.

The repair cost for this vehicle can range from \$5,000 to \$7,000.



Unit # 586 – 1997 Chevrolet ½ ton Pick-Up

Department: Street & Bridge
Mowing Crew

Vehicle Age: 15years old
Mileage: 113,011 miles

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found.

- The engine has been repaired but is still weak
- The air bag is on the on position and there is a short in the system.
- The cab and the truck bed needs to be repaired and painted.
- The air condition has been repaired but by next year will need to be replaced

The estimated cost for repairs of this unit would be a minimum of \$4,500.00 to \$6,000.00





Unit # 609 – 1999 3/4 Ton Chevrolet Truck

Department: Utility Department

Vehicle Age: 13 years old

Mileage: 90,515.3 miles

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found.

- This unit just had repairs done to the truck bed and truck bed doors. The Utility Bed needs further repairs due to the doors being bent and damaged beyond repair, causing them not to close properly.
- The air conditioning system needs to be repaired.
- The front suspension needs to be checked. It has play in the steering system.
- The brakes also need to be checked.
- The master cylinder for the brakes is going all the way to the floor. This is a serious safety issue.
- Both door window regulators are not functioning.

The repair cost for this vehicle can range from \$5,500.00 to \$7,500.00 on up.



Unit # 610 - 1999 Chevrolet 3/4 Ton Truck

Department: Utility

Vehicle Age: 15 years old

Mileage: 123,995

Upon inspection by the Equipment Maintenance Lead Mechanic, the follow was found:

- The driver and side door handle keeps falling off.
- The engine is weak and has no power.
- The transmission will not always shift and it is starting to slip.
- Some engine oil leaks.
- Some body work needed.
- The a/c system does not work or if the heater comes on it will not-turn off.
- Front end suspension feels very loose.
- Estimation cost for the repairs of this unit can range from \$3,500 to \$5,000.



Unit # 685 – 1995 Chevrolet 3/4 Ton Truck

Department: Equipment Maintenance

Vehicle Age: 18 years old

Mileage: 271,359 miles

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found:

- The driver and passenger side door hinges are worn out
- The engine is weak and has no power
- The transmission will not always shift on high
- Some engine oil leaks.
- The seat needs repairs
- Some body work needed
- The A/C system does not operate
- The gas gauge does not work
- Other miscellaneous repairs will be needed with this unit.

The estimated cost for repairs to this unit can range from \$ 5,500.00 to \$ 7,500.00 on up.





City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1271

ADOPTED

AGENDA ITEM (ID # 1271)

CONSIDER AND/OR APPROVE AN ORDINANCE SETTING DATES, TIMES AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED NON-VOLUNTARY ANNEXATION OF THE PROPERTIES DESCRIBED AS APPROXIMATELY 254.3 ACRES LOCATED EAST OF MCCROSKEY ROAD AND NORTH OF HIGHWAY 35 BY THE CITY OF BAY CITY AUTHORIZING AND DIRECTING THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARINGS; AUTHORIZING AND DIRECTING THE PUBLIC WORKS DIRECTOR TO PREPARE A SERVICE PLAN.

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

ORDINANCE _____

AN ORDINANCE SETTING DATES, TIMES AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF APPROXIMATELY 254.3 ACRES OF LAND GENERALLY LOCATED EAST OF McCRUSKY ROAD AND NORTH OF STATE HIGHWAY 35 BY THE CITY OF BAY CITY; AUTHORIZING AND DIRECTING THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARINGS; AUTHORIZING AND DIRECTING THE PUBLIC WORKS DIRECTOR TO PREPARE A SERVICE PLAN.

WHEREAS, Texas Local Government Code Section 43.021 authorized the City of Bay City, as a home-rule municipality, to extend its City Limit boundaries through the annexation of area adjacent to those boundaries; and

WHEREAS, Section 1.04 of the City Charter of the City of Bay City provides that the City Council has authority by ordinance to fix the City Limit boundaries, provided for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

WHEREAS, Texas Local Government Code Section 43.052(h) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land of which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan and not be annexed before the third anniversary of the date that the annexation plan is adopted; and

WHEREAS, the areas described herein that are proposed for annexation contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

WHEREAS, the City Council of the City of Bay City believes that it is in the best interest of the City of Bay City to institute annexation proceedings for the areas described herein.

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

Section 1: On the 13th day of March, 2014 at 7:00 p.m. and on the 27th day of March, 2014, at 7:00 p.m., in the City Council Chambers of the City of Bay City, the City Council of the City of Bay City will hold Public Hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of Bay City, of the following described properties, to wit,

Approximately 254.3 acres of land generally located east of McCrisky road and north of State Highway 35 as further described in Exhibit A.

Section 2: The City Secretary of the City of Bay City is hereby authorized and directed to cause notice of such Public Hearings to be published once in a newspaper having general circulation in the City of Bay City not more than twenty (20) days, nor less than ten (10) days, prior to the date of such Public Hearings, in accordance with Texas Local Government Code Section 43.063(c), as amended.

Section 3: The Public Works Director of the City of Bay City is hereby authorized and directed to prepare a service plan that provides for the extension of full municipal services to the area to be annexed pursuant to Texas Local Government Code Section 43.065(a).

PASSED AND APPROVED this, the 23rd day of March 2014.

Mark A. Bricker
Mayor, City of Bay City

ATTEST:

Rhonda Clegg
City Secretary, City of Bay City

APPROVED AS TO FORM:

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

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Julie L. Estlinbaum	_____	_____	_____
Bill Cornman	_____	_____	_____
Chrystal Folse	_____	_____	_____
Steven Johnson	_____	_____	_____
Carolyn Thames, Mayor Pro Tem	_____	_____	_____

Mark A. Bricker, Mayor,
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1273

AGENDA ITEM (ID # 1273)

**CONSIDER AND/OR APPROVE THE APPOINTMENT OF TO
THE DOWNTOWN ORDINANCE COMMITTEE.**

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



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1285

DISCUSSION ITEM (ID # 1285)

**DISCUSS, CONSIDER AND/OR APPROVE THE
DEVELOPMENT OF A LONG RANGE STRATEGY FOR BAY
CITY, TO BE INCLUDED WITH THE STRATEGY FOR
MATAGORDA COUNTY.**


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: Bill Cornman
PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: Jan 9, 2014

☐ Citizen

☐ City Department

☐ Council Member

Address: 2617 Encino

Preferred contact: ☐ Cell 240-4142
☐ E-mail _____

☐ Work phone _____
☐ Fax _____

I respectfully request the below item be placed on the 01/23/2014 Agenda for City Council consideration.

1) Describe Item to be considered and area of City involved, if any: _____
Discuss the possibility and wisdom of moving forward with the development of a long range Strategy for Bay City, but doing it in conjunction with, and as a part of an all inclusion Strategy for the County and entities within (i.e. the Matagorda County Strategy)

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? 15 minutes

ADMIN / OFFICIAL USE ONLY:

Consent Item: ☐ Yes ☒ NoAny Prior City Council Action: ☒ Yes ☐ NoDeadline for City Council Action: TBD

Projected Future City Council Action: _____

Fiscal Impact: We would need a consultant firm to assist with this project - so there would be cost involved depending on the number of entities that choose to participate - these are undefined at the moment - range could be \$ 50-150 M

Staff Recommendation on this requested item:

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

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

Staff Comments: _____

Anticipated Time necessary for Item: _____

TRACKING:Received by City Secretary: 1/10/2014Administratively Complete: 1/10/2014Date of Agenda placed for consideration: 1/23/2014

RC Staff Initial
RC Staff Initial
RC Staff Initial

Council action taken: _____ on _____

☐ Yes ☐ No ☐ Na

Rhonda Clay
 SIGNATURE - City Secretary's Office



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 01/23/14 07:00 PM
Department: Public Works
Category: Presentation
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1250

TABLED

AGENDA ITEM (ID # 1250)

**DISCUSS, CONSIDER AND/OR APPROVE SEVERAL
OPTIONS OF THE STREET REHABILITATION PROJECT
FROM THE STREET INVENTORY REPORT COMPLETED BY
JONES & CARTER ENGINEERING.**

PRESENT SEVERAL OPTIONS TO MOVE FORWARD WITH THE CITY OF BAY CITY STREET REHABILITATION PROJECT FROM THE STREET INVENTORY REPORT COMPLETED BY JONES & CARTER ENGINEERING.

HISTORY:

01/09/14 **City Council**

TABLED

Next: 01/23/14



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1290

DISCUSSION ITEM (ID # 1290)

**RECEIVE UPDATE ON NILE VALLEY ROAD AND SEWER
WORK.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1289

DISCUSSION ITEM (ID # 1289)

RECEIVE UPDATE ON DUNN HEAT EXCHANGE FACILITY PROGRESS



City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

Meeting: 01/23/14 07:00 PM
Department: Public Works
Category: Presentation
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1277

AGENDA ITEM (ID # 1277)

**CONSIDER AND/OR RECEIVE PRESENTATION ON THE
PUBLIC WORKS DEPARTMENT QUARTERLY REPORT FOR
OCTOBER 2013 TO DECEMBER 2013.**

CONSIDER AND/OR RECEIVE PRESENTATION ON THE PUBLIC WORKS DEPARTMENT
QUARTERLY REPORT FOR OCTOBER 2013 TO DECEMBER 2013.

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



City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

Meeting: 01/23/14 07:00 PM
Department: Public Works
Category: Presentation
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1276

AGENDA ITEM (ID # 1276)

**CONSIDER AND/OR RECEIVE PRESENTATION ON THE
QUARTERLY SAFETY REPORT FOR THE PUBLIC WORKS
DEPARTMENT FOR OCTOBER 2013 TO DECEMBER 2013.**

CONSIDER AND/OR RECEIVE PRESENTATION ON THE QUARTERLY SAFETY REPORT FOR THE
PUBLIC WORKS DEPARTMENT FOR OCTOBER 2013 TO DECEMBER 2013.

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



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 01/23/14 07:00 PM
Department: City Council
Category: Report
Prepared By: George H Hyde
Initiator: George H Hyde
Sponsors:
DOC ID: 1263

DISCUSSION ITEM (ID # 1263)

**EXECUTIVE SESSION: THE CITY COUNCIL WILL MEET IN
EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT
CODE SEC. 551.071 TO DELIBERATE AND SEEK THE
ADVICE OF THE CITY ATTORNEY REGARDING: LEGAL
ISSUES RELATED TO THE USE AND CONSUMPTION OF
ALCOHOL WITHIN THE CITY LIMITS**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1264 B

DISCUSSION ITEM (ID # 1264)

**EXECUTIVE SESSION: THE CITY COUNCIL WILL SEEK
LEGAL ADVICE FROM CITY ATTORNEY REGARDING CITY
BUILDING CODE REGULATIONS AND ENFORCEMENT
PURSUANT TO TEXAS GOVERNMENT CODE § 551.071**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1280

DISCUSSION ITEM (ID # 1280)

**EXECUTIVE SESSION: CITY COUNCIL SHALL CONVENE IN
CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY
REGARDING A LEGAL ISSUES AND TO DELIBERATE
REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
WITH TENARIS/MAVERICK TUBE CORPORATION
PURSUANT TO TEXAS GOVERNMENT CODE §551.071 AND
§551.087**



City Council
1901 5Th Street
Bay City, TX 77414

TABLED

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1251

AGENDA ITEM (ID # 1251)

**EXECUTIVE SESSION: DISCUSS AND/OR CONSIDER THE
SALE OF REAL PROPERTY ADJACENT TO THE BAY CITY
COUNTRY CLUB AND SEEK LEGAL ADVICE REGARDING
THE REAL PROPERTY INTERESTS RELATED THERETO.**

HISTORY:

01/09/14 City Council

TABLED

Next: 01/23/14

**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: Bill Cornman
 PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: January 3, 2014

☐ Citizen

☐ City Department

☒ Council Member

Address: 2617 Encino

Preferred contact: ☐ Cell 240-4142 ☐ Work phone _____
☐ E-mail _____ ☐ Fax _____

I respectfully request the below item be placed on the 01/09/2014 Agenda for City Council consideration.

1) Describe Item to be considered and area of City involved, if any: _____
 Discuss the possibility of selling a parcel of land adjacent to the Bay City Country Club Golf Course - see the attached, which provides summary information, along with attached sketch relative to property location.

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? 15 minutes

ADMIN / OFFICIAL USE ONLY:

Consent Item: ☐ Yes ☒ NoAny Prior City Council Action: ☐ Yes ☒ NoDeadline for City Council Action: NoneProjected Future City Council Action: Yes future agendaFiscal Impact: To be determined

Staff Recommendation on this requested item:

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

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

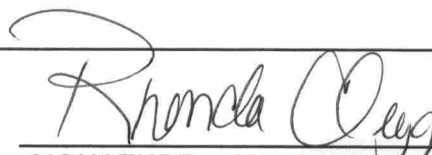
Staff Comments: _____

Anticipated Time necessary for Item: _____

TRACKING:Received by City Secretary: 1/3/2014RC Staff InitialAdministratively Complete: 1/3/2014RC Staff InitialDate of Agenda placed for consideration: 1/9/2014RC Staff Initial

Council action taken: _____ on _____

☐ Yes ☐ No ☐ Na


 SIGNATURE – City Secretary's Office

CITY PROPERTY AT THE BAY CITY COUNTRY CLUB GOLF COURSE

I have been approached by a citizen of Matagorda County who is interested in purchasing a parcel of land owned by the City of Bay City, on long term lease to the Bay City Country Club (BCCC), and adjacent to the BCCC golf course. It is requested that Council make a determination of the willingness of the City to put this land parcel up for sale.

BACKGROUND

By way of a special public election, the City of Bay City executed a 75 year lease of ~ 83 acres of land, comprised of a 9 hole golf course (built in 1939), to the BCCC on October 19, 1954 for a one time cost of \$ 3,000. Since this time 4 more smaller parcels of land have been added bringing the total acreage leased to the BCCC to ~ ~ 127 acres, all covered under the original terms of the lease. The lease matures on October 9, 2029, at which time all property and improvements revert to the City - to execute a new lease with the BCCC, or to do otherwise.

The most significant of the 4 subsequent parcels of land added, was a **32 acres tract** conveyed to the BCCC from the estate of Mrs. Elmore Hawkins McDonald in 1982 for a sum of \$ 10, with the provision that the land ownership revert to the City of Bay City at the end of the above leased agreement on October 9, 2029. So it seems (?) that ownership of this 32 acres currently lies with the BCCC until October 9, 2029 at which time the City will become owner.

CURRENT

It is a **portion of 32 acres tract** that is of interest to the potential buyer. The #6 golf course hole has been built on ~ 20% of this land, which leaves roughly ~ ~ 20-25 acres unused and undeveloped. This portion of the property is heavily wooded, inaccessible via any developed road, does not boarder LeTulle Park, has no water front, and is adjacent on the south to the Sitz ranch property (see sketch). The tract is, in fact, land-locked.

In 2012 the Properties Committee reviewed all City owned properties for retention or sale, and obviously concluded that the BCCC leased property should be retained - but never thought to consider the notion of selling an unused portion of the property.

Conversation with Greg Westmoreland, President of the BCCC revealed that the BCCC board has deliberated relative to this issue, and has concluded they have no present or future practical use for the property in question, and desire to sell so to benefit from the proceeds.

The question before Council is whether or not the City is interested in divesting **roughly ~ ~ 80%** of the 32 acre tract. Should council favor selling the property, then more work would be required to determine who rightfully should complete the transaction (i.e. the City, the BCCC, or some combination of both), who would be the beneficiary of the proceeds, and to determine the proper process steps.

WGC 12/29/2013

BCCC GOLF COURSEPROPERTY IN QUESTION

Attachment: Country Club (1251 : Bay City Country Club)

WGC 1/3/14



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 01/23/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:

DOC ID: 1299 A

ADOPTED

AGENDA ITEM (ID # 1299)

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

City Council will reconvene in open session and consider and take action on any item discussed in executive session (if necessary)

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