



BAY CITY

REVISED MINUTES • MARCH 20, 2014

Council Chambers

Special 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	Absent	
Carolyn Thames	Mayor Pro-Tem	Present	
Julie Estlinbaum	Councilwoman	Present	
William Cornman	Councilman	Present	

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

1. Property

PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF APPROXIMATELY 12 PLATTED LOTS WITHIN THE GOLDEN GLEN SUBDIVISION GENERALLY LOCATED SOUTH OF GOLDEN AVENUE AND NORTHWEST OF SKELLY ROAD BY THE CITY OF BAY CITY.

Mayor Pro Tem Thames opened the Public Hearing at 7:06 p.m.

No comment

Mayor Pro Tem Thames closed the Public Hearing at 7:07 p.m.

2. Property

PUBLIC HEARING ON THE PROPOSED ANNEXATION OF APPROXIMATELY 254.3 ACRES OF LAND GENERALLY LOCATED EAST OF McCROSKY ROAD AND NORTH OF STATE HIGHWAY 35 BY THE CITY OF BAY CITY.

Mayor Pro Tem Thames opened the Public Hearing at 7:07 p.m.

Jimmy Hubbard, a property owner on Highway 35 North, stated that he had asked for the exact dimensions of his property that would be annexed, but he had not received it. He wanted to know why the City wanted to annex the properties. Mr. Hubbard stated that he could not stop the annexation, but he could protest it. He asked what the requirements were for checking ground water. Mr. Hubbard asked Council what were their plans for the environment and for the toxins coming off the plant, as well as the toxins in the air. He added that he wanted to know the City's plans testing the water and air quality.

Mr. Calhoun explained the City's water lines, but stated that the City did not monitor air quality.

Mr. Hubbard asked why the City wanted to annex the property. Mr. Hyde explained

the City's reason to annex the property. Mr. Hubbard wanted it clarified that if they City annexed their property would the City tell them what they could and could not with their property. He also wanted to know what services they would receive once they were annexed. Mr. Hyde explained that they would be afforded police and fire protection. Mr. Hyde further stated that although the City would not be extending water and sewer, the lines would be brought closer, and if they wanted utilities they could get them.

Sharon Hubbard, a property owner on Highway 35 North, informed Council that the sand blasting that took place made it difficult for her to breathe. She added that she has breathing issues.

Timmy Hubbard, a property owner on Highway 35 North, informed Council that he had issues with Infinity. Mr. Hyde explained to Mr. Hubbard that once they were annexed the City could regulate those issues.

Bill Winfrey, a property owner on Highway 35 North, stated that he had a plant on the outside of Bay City. He asked if that area would become an Industrial Park. He felt that it should be.

Calvin Shiflet, an employee of Infinty, stated that the facility had a TCEQ permit. The facility also had an air permit. He stated that the reason the plant was brought to Bay City was because it was easier to obtain a permit. He added that it was difficult for anyone to receive a permit in Freeport.

Mayor Pro Tem Thames closed the Public Hearing at 7:26 p.m.

3. Personnel

CONSIDER AND/OR APPROVE TAKING ACTION TO APPROVE FUNDING FOR TWO ALLOCATED POLICE DEPARTMENT PATROL POSITIONS.

Assistant Chief Robert Lister

Assistant Chief Lister explained that the department had the funds, and would not require a budget amendment. He added that they had enough funds to fund the both positions, and would still come under budget. The total to fund both positions was \$42,252.

MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY COUNCILMAN JOHNSON, TO APPROVE FUNDING FOR TWO ALLOCATED POLICE DEPARTMENT PATROL POSITIONS. MOTION CARRIED BY UNANIMOUS VOTE.

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

Enacted and approved this 20th day of March, 2014, at Bay City

4. Report

RECEIVE AN UPDATE FROM THE SIEMENS PROJECT TEAM ON THE STATUS OF THE SIEMENS ENERGY SAVINGS PROJECT.

Chad Nobles, Siemens Industry, Inc.

Deval Allums of Siemens updated Council on the project. She explained that the Sewer Plant had six months of data and it was on track. Council asked when would the City find out data on the meters. Mrs. Allums stated when they would receive about 60 - 75 days of data, then they would provide a report.

Council asked if the City received a report on the Compressor, and Mr. Calhoun stated no, they only had the City's detailed information. Mrs. Allums stated that she would provide that information to Mr. Calhoun tomorrow morning.

5. Report

DISCUSS THE PLANNING, FINANCING, AND DESIGN COMPONENTS OF A ROAD IMPROVEMENT PLAN FOR CITY STREETS AND ROADS.

Barry Calhoun, Director of Public Works

Mr. Kalkomey informed Council that the streets had been surveyed, and that they hoped that they would have the preliminary reports next week.

Mr. Calhoun stated that he would get with Mayor and Phill to get some numbers and he would be back to Council. Mr. Calhoun provided Council with his Street Rehabilitation Program. He reviewed the document with Council. Mr. Calhoun stated that he would contact Phill to see if he received any feedback from Bond Counsel.

6. Resolution

DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY OF BAY CITY AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE CITY OF BAY CITY IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BAY CITY WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE HOUSTON-GALVESTON AREA COUNCIL, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

Barry Calhoun, Director of Public Works

Marla Jasek, Assistant Director of Public Works, explained that a few months ago Council was told that the City had a grease problem. The program through H-GAC would be an oil recycling program. Mrs. Jasek explained that it would be for additional equipment for the Recycling Center and different places around town for citizen drop off. She stated that she was asking for an employee and truck, as well as educational funds. Mrs. Jasek explained that the City would pick up the remaining portion of the employee, at a cost for \$26,000. She stated that the approval or denial would come in April, which would be in time to place the position in the new fiscal year.

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

RESOLUTION

Enacted and approved this 20th day of March, 2014, at Bay City

7. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET IN THE AMOUNT OF \$78,941.84.

Barry Calhoun, Director of Public Works

Mr. Calhoun explained that the budget amendment was a part of his reorganization of his departments. He would be creating a position in Facility Maintenance and a position in Utility for a Construction Inspector. He stated that he spoke with the Mayor and Phill and they found the funds to support the amendment.

Council asked if the amendment for the two positions was for the remaining fiscal year, and Mr. Calhoun stated yes. Council asked if Mr. Calhoun had something for this person to do in the slow times, and Mr. Calhoun stated yes.

Council was polled.

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

ORDINANCE

Enacted and approved this 20th day of March, 2014, at Bay City

8. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE TO AMEND AN EXISTING EASEMENT TO ALLOW SOUTH TEXAS ELECTRIC COOP. TO UPGRADE THEIR POWER LINES TO SERVE THE TENARIS BAY CITY PLANT SITE.

Barry Calhoun, Director of Public Works

Mrs. Jasek stated that they would be replacing the wooden poles with concrete poles. The concrete poles were larger, which was the reason for the amendment.

Council was polled.

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

ORDINANCE

Enacted and approved this 20th day of March, 2014, at Bay City

9. Personnel

DISCUSS, CONSIDER AND/OR APPROVE AMENDING THE SALARY RANGE OF THE FINANCE DIRECTOR POSITION.

Rhonda Clegg, City Secretary

Mrs. Clegg explained to Council her reason for the request. She asked that the range increase to \$85,000. Council asked Mrs. Clegg what she thought the range

should be, and Mrs. Clegg stated \$75,000 - \$85,000.

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

Enacted and approved this 20th day of March, 2014, at Bay City

10. Amendment

CONSIDER AND/OR APPROVE TAKING ACTION ON AN ORDINANCE AMENDING THE CITY OF BAY CITY'S CODE OF ORDINANCES CHAPTER 118 (ENTITLED "VEHICLE FOR HIRE").

Rhonda Clegg, City Secretary
Council was polled.

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

Enacted and approved this 20th day of March, 2014, at Bay City

3. EXECUTIVE SESSION

1. Report

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.

Mayor Pro Tem Thames adjourned from Open Session at 8:18 p.m.

Mayor Pro Tem Thames and Council entered into Executive Session at 8:19 p.m.

Mayor Pro Tem Thames adjourned from Executive Session at 8:49 p.m.

4. OPEN SESSION

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).

Mayor Pro Tem reconvened into Open Session at 8:49 p.m.

5. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Estlinbaum reminded everyone that E4E2 would have fish fry tomorrow for \$8 a plate, and the Boys and Girls Club would have fund raiser at the Civic Center.

Councilman Cornman informed Council that the Comprehensive Strategy and an update on the Dome Shelter would be on the next agenda.

Councilman Johnson informed Council that the Bay City Volunteer Fire Department helped Parks and Recreation revamp the Girls softball fields.

Councilwoman Folsie informed everyone that she would not be at the next meeting. She also reminded everyone that Opening Day of Little League.

Mayor Pro Tem Thames thanked everyone for their thoughts and prayers on the loss of her mother.

6. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

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

Attendance By Other Elected or Appointed Officials:

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

Executive Sessions Authorized:

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

This is to certify that the above notice of a Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Monday, March 17, 2014 before 6:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

Rhonda Clegg
City Secretary

7. AGENDA ITEMS



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 03/20/14 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1266

DISCUSSION ITEM (ID # 1266)

**PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF
APPROXIMATELY 12 PLATTED LOTS WITHIN THE GOLDEN
GLEN SUBDIVISION GENERALLY LOCATED SOUTH OF
GOLDEN AVENUE AND NORTHWEST OF SKELLY ROAD BY
THE CITY OF BAY CITY.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 03/20/14 07:00 PM
Department: City Secretary
Category: Property
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1357

DISCUSSION ITEM (ID # 1357)

**PUBLIC HEARING ON THE PROPOSED ANNEXATION OF
APPROXIMATELY 254.3 ACRES OF LAND GENERALLY
LOCATED EAST OF McCROSKY ROAD AND NORTH OF
STATE HIGHWAY 35 BY THE CITY OF BAY CITY.**



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 03/20/14 07:00 PM
Department: Police Department
Category: Personnel
Prepared By: Robert Lister
Initiator: Roger Barker
Sponsors:
DOC ID: 1370

ADOPTED

AGENDA ITEM (ID # 1370)

**CONSIDER AND/OR APPROVE TAKING ACTION TO
APPROVE FUNDING FOR TWO ALLOCATED POLICE
DEPARTMENT PATROL POSITIONS.**

Funding approval of these two remaining allocated patrol positions will allow the department to post job openings.

HISTORY:

03/13/14 City Council TABLED Next: 03/20/14

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

	OFFICER #1	OFFICER #2
Hourly Rate	18.55	18.55
Base Salary	\$ 16,324.00	\$ 16,324.00
<i>Education</i>		
<i>Longevity</i>		
<i>Certification Pay</i>	\$ -	\$ -
Total Salary	\$ 16,324.00	\$ 16,324.00
FICA	\$ 1,248.79	\$ 1,248.79
<i>Annual salary x 7.65%</i>		
Retirement	\$ 1,828.29	\$ 1,828.29
<i>Total Salary x11.2%</i>		
Workers Comp	\$ 471.66	\$ 471.66
<i>*.867 * .877 = workers comp</i>		
Medical Ins @ 607.25 mo	1214.52	1214.52
Dental Ins @ 19.28 mo	38.56	38.56
Total per person	\$ 21,125.81	\$ 21,125.81
	TOTAL	\$ 42,251.63

Note: Employees are not eligible for Medical and Dental Insurance for 90 days

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ADOPTING A “BUDGET AMENDMENT #7” TO THE “ANNUAL BUDGET OF THE CITY OF BAY CITY, TEXAS, FOR THE FISCAL YEAR 2013-2014”; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

WHEREAS, by Ordinance No. 1471, the City council of the City of Bay City, Texas, adopted its “Annual Budget” for Fiscal Year 2013-2014;

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

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2013-2014; now, therefore,

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

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

Section 2. The “Annual Budget” of the City of Bay City, Texas, for the Fiscal Year 2013-2014, is hereby amended as shown on “Budget Amendment #7” to the Original Budget of the City of Bay City, Texas, for the Fiscal Year 2013-2014, attached hereto. Said Budget Amendment shall be attached to and made a part of such Annual Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibits “A” and made a part hereof for all purposes.

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

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

CITY OF BAY CITY, TEXAS

Mark Bricker, Mayor**ATTEST:**

Rhonda Clegg, City Secretary**APPROVED as to FORM:**

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

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

Mark Bricker, Mayor

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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

Attachment: ORDINANCE NO. 2013-2014 #7 Budget Amendment (1370 : Approve funding for patrol positions)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 03/20/14 07:00 PM
Department: Public Works
Category: Report
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1359 A

DISCUSSION ITEM (ID # 1359)

**RECEIVE AN UPDATE FROM THE SIEMENS PROJECT TEAM
ON THE STATUS OF THE SIEMENS ENERGY SAVINGS
PROJECT.**

Receive an update from the Siemens project team on the status of the Siemens Energy Savings Project.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 03/20/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1391

DISCUSSION ITEM (ID # 1391)

**DISCUSS THE PLANNING, FINANCING, AND DESIGN
COMPONENTS OF A ROAD IMPROVEMENT PLAN FOR CITY
STREETS AND ROADS.**



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 03/20/14 07:00 PM
Department: Public Works
Category: Grant
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1389

ADOPTED

RESOLUTION (ID # 1389)

DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY OF BAY CITY AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE CITY OF BAY CITY IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BAY CITY WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE HOUSTON-GALVESTON AREA COUNCIL, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

The City will apply for grants funds in the amount \$50,000 to implement a program within the City of Bay City to reduce the amount of grease that infiltrates our sewer system causing numerous amount of workhours and equipment to keep our sewer lines from stopping up. The grant will provide the City to purchase a 300 gallon container with spill pan, 4 collection station cabinets, 4 precast pads for collection station cabinets, signs and hardware, one gallon plastic jugs with lids, labels, printed rack cards, and marketing supplies. A portion of the grant funds will also be able to help fund the purchase of a truck and part-time personnel to help manage the program.

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

Houston-Galveston Area Council (H-GAC)
In Cooperation with the Texas Commission on Environmental Quality (TCEQ)

*Announces Availability of Municipal Solid Waste Grants Program Funding
 For Fiscal Year 2015 and Issues This Request for Project Applications*

I. PURPOSE

Provide grant funding for projects that will provide a direct and measurable effect on reducing the amount of waste going into Texas landfills, by diverting various materials from the municipal solid waste (MSW) stream for beneficial use or by reducing waste generation at the source.

II. ELIGIBLE RECIPIENTS

The following public entities are eligible for grant funding under this program (non-profit organizations and private companies are not directly eligible, but may be subcontracted by eligible public entities):

- Cities
- Counties
- Public school districts (excluding universities and other post-secondary educational institutions)
- General and special law districts with the authority and responsibility for water quality protection or MSW management (e.g., river authorities and municipal utility districts)
- Councils of Governments (COGs)

III. GOVERNING STANDARDS

The conduct of projects provided funding under this program shall be in accordance with all applicable state and local statutes, rules, regulations, and guidelines. The main governing standards, include, but may not be limited to, the following:

- §361.014(b) of the Texas Health and Safety Code.
- Title 30 Texas Administrative Code (30 TAC) Chapter 330, Subchapter O, TCEQ Rules.
- 30 TAC Chapter 14, TCEQ Rules.
- General Appropriations Act, 81st Legislature.
- Pursuant to §391 of the Local Government Code, funds received under this Agreement may be expended only subject to the limitations and reporting requirements set forth in this Article.
- H-GAC/TCEQ Allowable Expenditure Guidelines (pertaining to allowable costs for cost reimbursement contracts and grants).
- The Uniform Grant and Contract Management Act, Texas Government Code, §§783.001 et seq., and the Uniform Grant Management Standards (collectively, UGMS); and
- The Grant Agreement between the Council of Governments and TCEQ.

IV. FY15 PRIORITIES

This fiscal year, H-GAC has identified some specific needs in solid waste infrastructure and programs throughout the region. A higher priority will be placed on projects that address the following. Any projects in these categories will receive an additional 10 points in the scoring process.

- Development of new infrastructure
- Development of targeted education programs to change recycling and waste diversion behavior
- Development of new programs or expansion of existing programs to minimize environmental risk and promote safe disposal

H-GAC staff will determine if an application qualifies as a priority project.

V. AUTHORIZED PROJECT CATEGORIES

The following project categories are eligible for funding. Under each category heading is a brief description of the purpose of that category, as well as special requirements pertaining to that project category.

Category 1. Local Enforcement

This category consists of projects that contribute to the prevention of illegal dumping of municipal solid waste, including liquid wastes. Under this category, grant recipients may investigate illegal dumping problems; enforce laws and regulations pertaining to the illegal dumping of municipal solid waste, including liquid waste; establish a program to monitor the collection and transport of municipal liquid wastes through administration of a manifesting system; and educate the public on illegal dumping laws and regulations. Funding limitations applicable to this category include:

- As provided by the General Appropriations Act (80th Leg. R.S.), funds may not be expended to any law enforcement agency regulated by Chapter 1701, Texas Occupations Code, unless: (a) the law enforcement agency is in compliance with all rules on Law Enforcement Standards and Education; or (b) the Commission on Law Enforcement Officer Standards and Education certifies that the requesting agency is in the process of achieving compliance with such rules.
- When funding is to be provided for salaries of local enforcement officers, the funds recipient must certify that at least one of the officers has attended or will attend within the term of the funding the TCEQ's Criminal Environmental Law Enforcement Training or equivalent training.
- Local enforcement vehicles and related enforcement equipment purchased entirely with funds provided under this program may only be used for activities to enforce laws and regulations pertaining to littering and illegal dumping, and may not be used for other code enforcement or law enforcement activities. Vehicles and equipment that are only partially funded must be dedicated for use in local enforcement activities for a percentage of time equal to the proportion of the purchase expense funded.
- Entities receiving funds for a local enforcement officer, enforcement vehicles, and/or related equipment for use by an enforcement officer, must investigate major illegal dumping problems, on both public and private property, in addition to investigating general litter problems on public property.

- Entities receiving funds to conduct a local enforcement program must cooperate with the TCEQ's regional investigative staff in identifying and investigating illegal dumping problems. Lack of cooperation with the TCEQ staff may constitute a reason to withhold future funding to that entity for local enforcement activities.
- Funds may not be used for investigation and enforcement activities related to the illegal dumping of industrial and/or hazardous waste. Instances where industrial or hazardous waste is discovered at a site do not preclude the investigation of that site, so long as the intent and focus of the investigation and enforcement activities are on the illegal dumping of municipal solid waste.
- Grant funds may not be used for either the cleanup of illegal disposal sites or the transportation and/or disposal of wastes collected during such cleanups.

Category 2. Litter and Illegal Dumping Cleanup and Community Collection Events

Litter and illegal dumping cleanup may include both ongoing and periodic activities to clean up litter and illegal dumping of MSW, excluding cleanup of scrap tire dumping sites. Projects under this category may support Lake and River Cleanup events, conducted in conjunction with the TCEQ's and Keep Texas Beautiful's Lake and River Cleanup program. Eligible expenses include waste removal, recycling of removed materials, fencing and barriers, and signage. Placement of trash collection receptacles in public areas with chronic littering problems may also be funded. Reuse or recycling options should be considered for managing the materials collected through these efforts, to the extent feasible. Cleanup of hazardous waste will not be eligible for funding.

Periodic community collection events to provide for collection of residential waste materials for which there is not a readily available collection alternative may also be funded. This type of project may not include regular solid waste collection efforts, such as weekly waste collection. Collection events may be held no more frequently than four times per year, and must only be intended to provide residents an opportunity to dispose of hard-to-collect materials, such as large and bulky items (eg: large appliances and electronics) that are not picked up under the regular collection system. Funds may not be used for the disposal of collected wastes.

Funding limitations applicable to this category include:

- Lake and River Cleanup events must be coordinated with the TCEQ's cleanup program staff and/or the Keep Texas Beautiful organization, which is contracted by the TCEQ to administer the Lake and River Cleanup program.
- Projects funded to clean up litter or illegal dumping on private property must be conducted through a local government sponsor or H-GAC. Funds may not be provided directly to a private landowner or other private responsible party for cleanup expenses. The local government sponsor or H-GAC must either contract for and oversee the cleanup work, or conduct the work with its own employees and equipment.
- The costs for cleanup of hazardous waste that may be found at a municipal solid waste site must be funded from other sources, unless a waiver from this restriction is granted by the TCEQ to

deal with immediate threats to human health or the environment.

- The costs for cleanup of Class 1 nonhazardous industrial waste that may be found at a municipal solid waste site must be funded from other sources unless a waiver from this restriction is granted by the TCEQ to deal with immediate threats to human health or the environment. The cleanup of Class 2 and 3 nonhazardous industrial waste that may be found at a municipal solid waste site may be funded in conjunction with the cleanup of the municipal solid waste found at a site.
- All notification, assessment, and cleanup requirements pertaining to the release of wastes or other chemicals of concern, as required under federal, state, and local laws and regulations, including 30 TAC Chapter 330, TCEQ's MSW Regulations, and 30 TAC Chapter 350, TCEQ's Risk Reduction Regulations, must be complied with as part of any activities funded under this program.
- All materials cleaned up using funds provided under this program must be properly disposed of or otherwise properly managed in accordance with all applicable laws and regulations. To the extent feasible, it is recommended that materials removed from a site be reused or recycled. For projects to clean up large amounts of materials, H-GAC will consider withholding at least ten percent (10%) of the reimbursements under a pass-through grant or subcontract, until documentation is provided that the cleanup work has been completed and the materials properly managed.
- Periodic community collection events, to provide for collection and proper disposal of non-recyclable residential waste materials for which there is not a readily-available collection alternative, may be funded. This type of project may not include regular solid waste collection activities, such as weekly waste collection. Funded collection events may be held no more frequently than four times per year, and must only be intended to provide residents an opportunity to dispose of hard-to-collect materials, such as large and bulky items (eg: large appliances and electronics) that are not picked up under the regular collection system, and might otherwise be illegally dumped by residents.

Category 3. Source Reduction and Recycling

This category may include projects that are intended to provide a direct and measurable effect on reducing the amount of MSW going into landfills, by diverting materials from the MSW disposal stream for recycling or reuse, or by reducing waste generation at the source. Funded activities may include: diversion from the waste stream and/or collection, processing for transport, and transportation of materials for reuse and/or recycling; implementation of efficiency improvements in order to increase source reduction and recycling, to include full-cost accounting systems and cost-based rate structures, establishment of a solid waste services enterprise fund, and mechanisms to track and assess the level of recycling activity in the community on a regular basis; and educational and promotional activities to increase source reduction and recycling.

Funding limitations applicable to this category include:

- Any program or project funded under this program with the intent of demonstrating the use of products made from recycled and/or reused materials shall have as its primary purpose the

education and training of residents, governmental officials, private entities, and others to encourage a market for using these materials.

Category 4. Local Solid Waste Management Plans

This category includes projects to develop and/or amend local solid waste management plans by local governments, in accordance with Subchapter D, Chapter 363, Texas Health & Safety Code, as implemented by state rule, Subchapter O, 30 TAC Chapter 330. In selecting a local solid waste management plan project for funding, H-GAC shall ensure that at least one year is available for the completion and adoption of the local plan.

Funding limitations applicable to this category include:

- All local solid waste management plans funded under this program must be consistent with H-GAC regional solid waste management plan and prepared in accordance with 30 TAC Subchapter O, Chapter 330, TCEQ Regulations, and the Content and Format Guidelines provided by the TCEQ.

Category 5. Citizens' Collection Stations and "Small" Registered Transfer Stations

Funds may be used for projects to construct and equip citizens' collection stations, as these facilities are defined under 30 TAC §330.3, TCEQ Regulations. Projects funded for these types of facilities shall include consideration of an integrated approach to solid waste management, to include providing recycling services at the site, if appropriate to the management system in place. The following MSW facilities may qualify on a case by case basis for funding:

- Notification tier municipal solid waste transfer stations that qualify under 30 TAC 330.11(g).
- Registered municipal solid waste transfer stations that qualify under 30 TAC 330.9(b)(1) through (3), or (f).
- Notification tier citizens' collection stations that qualify under 30 TAC 330.11(e)(1).
- Exempt local government recycling facilities as provided for under 30 TAC 328.4(a)(1).
- Notification tier recycling facilities that qualify under 30 TAC 330.11(e)(2).
- Notification tier composting facilities which qualify under 30 TAC 332.21 – 332.23.
- Notification tier liquid waste temporary storage facilities which qualify under 30 TAC 330.11(e)(5).
- Liquid waste transfer stations which qualify for registration in 30 TAC 330.9(g) and (o).
- Notification tier used oil collection facilities which qualify under 30 TAC 324.7(1) or (3).

Category 6. Household Hazardous Waste (HHW)

This category includes projects that provide a means for the collection, recycling, reuse, and/or proper disposal of HHW, including household chemicals, used oil and oil filters, antifreeze, lead-acid batteries, and other materials. This category does not include programs and facilities for collecting, recycling, or disposing of scrap tires, except as may be an ancillary part of the overall program or facility. Funded activities can include: collection events; consolidation and transportation costs associated with collection activities; recycling or reuse of materials; proper disposal of materials; permanent collection facilities, and education and public awareness programs.

Funding limitations applicable to this category include:

- All HHW collection, recycling, and/or disposal activities must be coordinated with the TCEQ's

HHW program staff, and all applicable laws, regulations, guidelines, and reporting requirements must be followed.

- First-time applicants may request funds for disposal costs. Second and subsequent year requests will be considered at the discretion of the Solid Waste Management Committee (SWMC).

Category 7. Technical Studies

This category includes projects for the collection of pertinent data, analysis of issues and needs, evaluation of alternative solutions, public input, and recommended actions, to assist in making solid waste management decisions at the local or regional level. Projects under this category may also include research and investigations to determine the location, boundaries, and contents of closed municipal solid waste landfills and sites, and to assess possible risks to human health or the environment associated with those landfills and sites.

Funding limitations applicable to this category include:

- All technical studies funded under this program must be consistent with H-GAC's regional solid waste management plan, and prepared in accordance with guidelines provided by the TCEQ.

Category 8. Educational and Training Projects

This category is intended for educational projects or training events dealing with a variety of MSW management topics. This category does not include the educational components of projects funded under the other categories.

Funding limitations applicable to this category include:

- Educational and training programs and projects funded under this program must be primarily related to the management of municipal solid waste, and funds applied to a broader education program may only be used for those portions of the program pertaining to municipal solid waste.

Category 9. Other Types of Projects

Other types of projects, not specifically prohibited from funding under the more detailed funding standards and restrictions, may be considered by H-GAC on a case-by-case basis.

VI. ELIGIBLE EXPENSES

The following categories of expenses may be eligible for funding under this program. All expenses must directly relate to the conduct of the proposed project. The Narrative sections of the Grant Budget Summary portion of the Application will be used to describe how proposed expenditures will support the proposed project (refer to the FY15 Solid Waste Grant Application, Grant Budget Summary Instructions for detailed instructions).

1. **Personnel.** Appropriate salaries and fringe benefits for employees working directly on the funded project are authorized under most of the grant categories. Personnel funding is limited to no more than 2 years; however, second year funding is not guaranteed. All second year funding requests will need to compete in the overall grant process as any other

grant application would need to compete. Also, grant funds cannot supplant existing salaries, and overtime is treated the same as salary.

2. **Travel.** Travel expenses directly related to the conduct of the funded program are authorized. Only the employees of the funds recipient assigned to the project will receive reimbursement for travel expenses. In accordance with UGMS, in those instances where grantees do not have an established organization-wide written travel policy approved by the governing board of the local jurisdiction, all employee-related travel expenses must be claimed at no higher than the same rates allowed by the State of Texas for its employees.
3. **Supplies.** Expenses for supplies necessary for the conduct of the funded project are authorized. Expenses included under the Supplies expense category of a project budget should be for non-construction related costs for goods and materials having a unit acquisition cost (including freight) of less than \$1,000. Such expenditures must generally relate to the routine purchase of office supplies (paper, pencils, and staplers) or other goods that are consumed in a relatively short period of time, in the regular performance of the general activities of the proposed project.
4. **Equipment.** Equipment necessary and appropriate for the proposed project are authorized. H-GAC will carefully evaluate all requests for equipment to determine appropriateness of the equipment for the project. No equipment is to be purchased by a pass-through grant recipient unless approved in advance by H-GAC. Expenses included under the Equipment expense category should be for non-construction related, tangible, personal property having a unit acquisition cost of \$5,000 or more (including freight and set up costs) with an estimated useful life of over one year. Any equipment that will be used for other projects or activities, in addition to the funded project, may only be funded at an amount reflecting the appropriate percentage of time that the equipment will be directly used for the funded project.
5. **Construction.** Appropriate construction costs are authorized. Expenses budgeted under this category should be for costs related to the enhancement or building of permanent facilities. A pass-through grant recipient shall incur no construction costs unless H-GAC approves the construction details in advance. Appropriate costs that may be included are:
 - a. The cost of planning the project;
 - b. The cost of materials and labor connected to the construction project;
 - c. The cost of equipment attached to the permanent structure; and
 - d. Any subcontracts, including contracts for services, performed as part of the construction.
6. **Contractual Expenses.** Professional services or appropriate tasks provided by a firm or individual who is not employed by the pass-through grant recipient for conducting the funded project are authorized for subcontracting by the funds recipient. A pass-through grant recipient shall incur no contractual costs unless H-GAC approves the subcontract in advance. ***Applicable laws and regulations concerning bidding and contracting for services must be followed.*** Any amendment to a subcontract that will result in or require substantive changes to any of the tasks required to be performed must be approved in writing by H-GAC.

7. **Other Expenses.** Other expenses, not falling under the main expense categories, are included, if connected with the tasks and activities of the proposed project. Promotional items are expressly prohibited. Expenses in this category include:

- a) Postage/delivery
- b) Telephone/FAX
- c) Utilities
- d) Printing/reproduction
- e) Advertising/public notices
- f) Signage
- g) Training/registration fees
- h) Dues/membership fees
- i) Office space
- j) Basic office furnishings
- k) Equipment rentals
- l) Books/subscriptions
- m) Repair/maintenance
- n) Legal services
- o) Temporary services
- p) Recycling bins
- q) Personal protective equipment
- r) Computer hardware (less than \$5,000)
- s) Computer software
- t) Audio/visual equipment
- u) Other equipment (less than \$5,000)

8. **Indirect.** Indirect costs may be funded, if applicable to the project. In accordance with UGMS, indirect charges are authorized if the applicant has a negotiated indirect cost rate agreement signed within the past 24 months by a federal cognizant agency or state single audit coordinating agency. Alternatively, the applicant may be authorized to recover up to ten percent (10%) of direct salary and wage costs (excluding overtime, shift premiums, and fringe benefits) as indirect costs, subject to adequate documentation. If the Applicant has an approved cost allocation plan, enclose documentation of the approved indirect rate with the project application.

Types of Expenses That May Be Appropriate Under Each Project Category

Following are examples of some of the types of expenses that may be appropriate under each of the project categories.

Category 1: Local Enforcement

- Equipment, such as vehicles, communications equipment, and surveillance equipment (NOTE: this does not include local code enforcement officer firearms nor ammunition)
- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, training, and vehicle maintenance
- Protective gear and supplies (NOTE: this does not include self contained breathing apparatus equipment)
- Education and outreach materials

Category 2: Litter and Illegal Dumping Cleanup and Community Collection Events

- Equipment, such as trailers and trucks
- Program administration expenses, such as, salaries/fringe benefits, office supplies and equipment, travel, training, and vehicle maintenance
- Subcontract expenses
- Protective gear and supplies
- Fencing, barriers, and signage
- Education and outreach materials

Category 3: Source Reduction and Recycling

- Facility design and construction
- Equipment, such as chippers, balers, crushers, recycling and composting containers, trailers, forklifts, and trucks
- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, training, and equipment maintenance
- Education and outreach materials
- Printing and advertisement expenses

Category 4: Local Solid Waste Management Plans

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

Category 5: Citizens' Collection Stations and “Small” Registered Transfer Stations

- Facility design and construction
- Equipment, such as dumpsters or roll-off containers, trailers, compactors, crushers, scales, and recycling containers
- Protective gear
- Education and outreach materials
- Printing and advertisement expenses

Category 6: Household Hazardous Waste Management

- Design and construction of permanent collection facilities
- Equipment for permanent collection facilities, such as recycling containers, trailers, forklifts, and crushers
- Protective gear
- Contractual services for special collection events
- Education and outreach materials
- Printing and advertising expenses
- School chemical clean-out campaign (SC3) events and programs

Category 7: Technical Studies

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

Category 8: Educational and Training Projects

- Education and outreach materials
- Printing and advertising expenses
- Contractual services
- Program administrative expenses, such as salaries/fringe benefits, office supplies, and travel

Category 9: Other

- Expenses for projects that do not fall within categories 1-8 will be reviewed on a case-by-case basis.

VII. SUPPLEMENTAL FUNDING STANDARDS

In addition to the standards set forth in applicable law and regulations, as well as the category-specific funding limitations, the standards outlined below apply to all uses of the FY 2015 solid waste grant funds.

1. **Uniform Grant Management Standards.** The provisions of the Uniform Grant Management standards (UGMS) issued by the Office of the Governor apply to the use of these funds, as well as the supplement financial administration provided in the program Administrative Procedures.
2. **Procurement of Goods and Services.** Recipients of funds under this Contract, including H-GAC, pass-through grant recipients, and subcontractors shall comply with all applicable state and local laws and regulations pertaining to the use of state funds, including laws concerning the procurement of goods and services and competitive purchasing requirements.
3. **Minimum Grant Award.** The minimum grant award will be \$2,500.
4. **Payment of Fees.** Local and regional political subdivisions subject to the payment of state solid waste disposal fees and whose payments are in arrears are not eligible to receive grant funding.
5. **Land Acquisition Costs.** Funds may not be used to acquire land or an interest in land.
6. **Municipal Solid Waste-Related Programs Only.** Funds may not be used for programs dealing with wastes that are not considered MSW, including programs dealing with industrial or hazardous wastes.
7. **Activities Related to the Disposal of Municipal Solid Waste.** Except as may be specifically authorized under an eligible project category, funds may not be used for activities related to the disposal of MSW. This restriction includes: solid waste collection and transportation to a disposal facility; waste combustion (incineration or waste-to-energy); processing for reducing the volume of solid waste which is to be disposed of; any landfill-related facilities or activities, including the closure and post-closure care of a landfill; or other activities and facilities associated with the ultimate disposal of MSW. This provision does not apply to activities specifically included under an authorized project category.
8. **Projects Requiring a TCEQ Permit.** Funds may not be used for expenses related to projects or facilities that require a permit from the TCEQ and/or that are located within the boundaries of a permitted facility, including landfills, wastewater treatment plants, and other facilities. This provision, however, may be waived by the TCEQ, at its discretion, for otherwise eligible activities to be located at a closed permitted facility and/or for recycling activities that will take place within the boundaries of an open facility. Recycling activities that may qualify for such a waiver may include recyclables collection, composting, and land application of bio-solids for beneficial use. The applicant and/or H-GAC will request a preliminary determination from the TCEQ as to the eligibility of the project prior to consideration for funding.

9. **Projects Requiring TCEQ Registration.** Projects or facilities that require registration from the TCEQ, and which are otherwise eligible for funding, may be funded. However, the registration for the facility must be finally received before that project can be selected for funding.
10. **Projects that Create a Competitive Advantage Over Private Industry.** In accordance with §361.014(b) of the Texas Health and Safety Code, a project or service funded under this program must promote cooperation between public and private entities and may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. Under this definition, the term “private industry” includes non-profit entities.
11. **Supplanting Existing Funds.** Funds may not be used to supplant existing funds. In particular, staff positions where the functions assigned to that position will remain the same, were active at the time of the grant application and were funded from a source other than a previous solid waste grant, are not eligible for grant funding.
12. **Food/Entertainment Expenses.** Funds may not be used for food or entertainment expenses, including refreshments at meetings and other functions. This provision does not apply to authorized employee per diem expenses for food costs incurred while on travel status.
13. **Use of Alcoholic Beverages.** Funds may not be used for payment of salaries to any employee who uses alcoholic beverages on active duty. None of these funds may be used for the purchase of alcoholic beverages, including travel expenses reimbursed with these funds.
14. **State Contracts.** Funds may not be provided through a pass-through grant or subcontract to any public or private entity that is barred from participating in state contracts by the Texas Building and Procurement Commission, under the provisions of §2155.077, Government Code, and 1 TAC §113.02, GSC Regulations.
15. **Intended Purpose.** All equipment and facilities purchased or constructed with funds provided under this program shall be used for the purposes intended in the funding agreement.
16. **Consistency with Regional Solid Waste Management Plan.** A project or service funded under this program must be consistent with H-GAC’s approved regional solid waste management plan, and must be intended to implement the goals, objectives, and priorities established in the regional plan.
17. **Lobbyists.** Funds may not be used for employment or contracts for services of a lobbyist or for dues to an organization that employs or otherwise contracts for the services of a lobbyist.
18. **Enforcement Actions.** Funds may not be used to assist an entity or individual to comply with an existing or pending federal, state, or local judgment or enforcement action. This restriction includes assistance to an entity to comply with an order to clean up and/or remediate problems at an illegal dumpsite. However, the TCEQ may waive this restriction, at its discretion and on a limited case-by-case basis, to address immediate threats to human

health or the environment, and where it is demonstrated that the responsible party does not have the resources to comply with the order.

19. **Penalties.** Funds may not be used to pay penalties imposed on an entity for violation of federal, state, or local laws and regulations. This restriction includes expenses for conducting a supplemental environmental project (SEP) under a federal or state order or penalty. Funds may be used in conjunction with SEP funds to support the same project.

VIII. NOTIFICATION OF PRIVATE INDUSTRY REQUIRED

According to state law (Section 361.014 (b) TX Health & Safety Code), a project or service funded under this program must promote cooperation between public and private entities, and the grant-funded project or service may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. In accordance with grant requirements established by the TCEQ, an applicant for funding under one of the listed project categories below must adhere to the requirements listed below.

Applicable Categories

1. Source Reduction and Recycling
2. Citizens' Collection Stations and "Small" Registered Transfer Stations
3. A demonstration project under the Educational and Training Projects category

Applicant Notification Requirements

1. Contact in person or in writing the known private service providers of similar services that, at the time of the application development, are providing services within the geographic service area that the project intends to serve, prior to making the application. A list of private service providers within the region is available from H-GAC.
2. Inform the private service providers of the basic details of the proposed project and consider any input and concerns from the private service providers about the project when completing the project proposal.
3. Consider, where appropriate, meeting directly with private service providers that may have a concern about the proposed project to attempt to resolve any concerns before an application is submitted.
4. Complete applicable information on the appropriate grant application forms to provide documentation that private service providers were notified of the project prior to submission of the application and submit written comments provided by any private service provider.

IX. FISCAL YEAR 2015 GRANT PROJECT DURATION

Projects selected for FY 2015 Solid Waste Implementation Grant Cycle funding will begin September 1, 2014 and should be completed by June 30, 2015.

X. HOW PROPOSALS WILL BE CONSIDERED

Proposals will be reviewed by H-GAC's Solid Waste Grants Scoring Subcommittee, using screening and selection criteria developed in cooperation with the TCEQ. The Solid Waste Grants Scoring Subcommittee, consisting of at least nine (9) members with representation from local government, private industry, citizen/environmental groups, non-profit organizations and H-GAC staff, will

score the solid waste grant applications. All review committee members, excluding H-GAC staff, are either members or alternates of H-GAC's Solid Waste Management Committee. Any change to the makeup of the Solid Waste Grants Scoring Subcommittee will be posted on the H-GAC web site under www.h-gac.com/go/swgrants.

SCREENING CRITERIA

In order for any proposed project to be considered, the following screening criteria must be met. If these screening criteria are not met, the proposed project will receive no further consideration for grant funding.

1. The application must be complete and all application requirements and procedures followed, including requirements to notify private service providers of the proposed project, when applicable.
2. The proposed project must conform to eligible category standards, eligible recipient standards, and allowable expense and funding standards, as established by the TCEQ and H-GAC and under all applicable laws and regulations.
3. The applicant must agree to document the results of the project as required by H-GAC.
4. The proposed project must be technically feasible, and there must be a reasonable expectation that the project can be satisfactorily completed within the required time frames.
5. The proposed project activities and expenses must be reasonable and necessary to accomplish the goals and objectives of the project.
6. The proposed project must be consistent with the approved H-GAC regional solid waste management plan and must directly support implementation of the regional plan.

SELECTION CRITERIA

If a proposed project meets all of the applicable screening criteria, it will be evaluated by H-GAC's Solid Waste Grants Scoring Subcommittee, using the following selection criteria. There are four sets of selection criteria:

- Priorities (0 or 10 points)
- Project Merits and Needs (0 - 40 points)
- Local Resources and Commitments (0 - 25 points)
- Project Evaluation (0 - 25 points)
- Bonus (0, 3, or 5 points)

PRIORITIES (0 or 10 Points)

H-GAC staff will make the final determination if an application qualifies as a priority project.

- Development of new infrastructure
- Development of targeted education programs to change recycling and waste diversion behavior
- Development of new programs or expansion of existing programs to minimize environmental risk and promote safe disposal

PROJECT MERITS AND NEEDS (0 - 40 Points)

The SWMC gives the most points for “Project Merits and Needs.”

- Project Objective and Need: Please include answers to the following questions in the "Objective" and "Need for Project" sections of the application.

Local Enforcement

1. Additional case load to be investigated?
2. Estimated tons of waste removed from illegal dumping sites through enforcement action?
3. Estimated number of chronic dump sites to be investigated?
4. Will you or do you currently file charges or does your entity require cleanup only?

Litter & Illegal Dumping/Cleanup Events

1. Amount of material to be collected for disposal?
2. Amount of material to be collected for recycling/reuse?
3. Total estimated land area to be cleaned (in acres or linear miles)?
4. Cost per acre of land area or linear mile to be cleaned: (grant request/acres cleaned)?

Source Reduction & Recycling

1. Have you identified end markets? If yes, what are they?

Local Solid Waste Management Plans & Technical Studies

1. Estimated number of entities implementing actions related to study findings/plan?

Household Hazardous Waste Management

1. Estimated number of participants at collection event?
2. Cost per car (disposal cost/number of participants)?
3. Amount of HHW to be collected (in pounds)?
4. Amount of Used Electronics to be collected (in tons)?
5. Are you planning to charge a fee or ask for monetary donations from participating citizens?
6. Are you partnering with a private industry?

Citizens' Collection Stations and "Small" Registered Transfer Stations

1. Estimated amount of waste collected for disposal?
2. Estimated amount of material collected for recycling/reuse?
3. Distance to closest landfill?

Education & Training

1. Amount of educational items to be produced and distributed?
2. Estimated number of people reached through education activities?
3. Estimated number of mass media activities (press releases, PSAs, etc)?

- Project Objective: List the overall goal or objectives of the proposed project. Describe the expected benefits of the proposed project.
- Need for Project: Describe the proposed project and justify the need for it.
- Project Feasibility:
 1. Indicate if this is a startup or pilot project where no such program exists; how does it benefit the local government or region? or,

2. *Indicate if this is an enhancement of an existing program; give a brief description of your existing program and indicate how the proposed project would significantly improve the program.*
 3. *Describe how the project effectiveness will be measured.*
 4. *Indicate if this project has received solid waste grant funding in the past years (FY93 – FY14).*
 5. *Describe progress or agreements made regarding this project so far.*
 6. *Describe staff qualifications.*
- Outreach and Education: *Explain what steps you will take to promote the program to the public, local officials, etc. How will your project be publicized? Are there adequate levels of customer incentives, public education or public input, as appropriate to the proposed project? How will the public be involved in your project? What kind of education methods will be used?*
 - Innovation: *Explain what makes your proposed program different than other existing programs. How will it improve upon past programs? Why will it have greater success than other programs/activities? What makes your program/activity unique?*

LOCAL RESOURCES AND COMMITMENT (0 - 25 Points)

In this section, describe the ways your organization intends to provide resources to make the project succeed during the grant period and beyond.

- Ability to Sustain the Project: *If the proposed project could become an ongoing service, describe/demonstrate how this project may be sustained beyond the grant period. To what extent are salaries or operational expenses requested, how will the salary or operational expenses be continued when grant funding ends? List previously demonstrated commitments to preferred solid waste management practices, such as implementing other solid waste projects. If the proposed project has received previous H-GAC grant funding, describe to what extent this proposal involves expansion of current services or operations and present quantifiable documentation of the success of the project in order to warrant further funding.*
- Matching Funds or In-Kind Services: *Local match through cash or in-kind services is encouraged. If the applicant is providing significant contributions (at least 10% of grant request) to the project either through cash matching funds or in-kind services, please identify the match on your application in this section. In-kind services should relate only to staff or services directly involved with the proposed project. Your narrative should show the relative importance or effort of the local contribution in relationship to the entire project. (H-GAC Solid Waste Grants Scoring Subcommittee understands that due to the timing of this RFA, cash contributions may not be feasible.)*
- Partnerships: *Please explain any partnerships involved with the project and describe the role of each partner.*

Supporting Documentation: *Please place copies of letters, resolutions, etc. in Attachments.*

PROJECT EVALUATION (0 - 25 Points)

This section describes how the project is cost-effective and a good use of grant funds.

- Economic Viability: *Explain how the proposed project will be able to fund itself in the future. Will the project bring in funds? Will the project reduce costs of another program?*
- Cost Per Impacted Capita: *Please explain calculations. Divide grant request by population served.*
- Anticipated Effectiveness: *Describe the expected results. What makes you believe this project will be successful? By how much will recycling rates increase, litter reduce, etc.?*
- Measures of Success: *Discuss the results that would indicate success has been achieved for your project. Additionally you should touch on the methods of measurement.*

BONUS (0, 3, or 5 Points)

Bonus points will be given to an application based on how well it is written and how thoroughly it is completed. A poorly written application will receive 0 bonus points, a well written application 3 bonus points, and an excellently written application 5 bonus points.

XI. SCORING PROCESS AND PROCEDURES

- Staff will provide each member of the Solid Waste Grants Scoring Subcommittee with a summary table of all applications received and log in information to view applications received by the deadline established.
- Each applicant will have a representative available at the review meeting to provide a summary of the project and to answer review committee members' questions and concerns.
- The high and low scores will be eliminated. The remaining scores will be averaged to obtain the final score.
- There will be no consensus scoring. Each member will score project applications individually (See attached score sheet on page 20).
- Ranking of projects will be based on scores derived from the review process.
- Scores will be tabulated and averaged (on less than full point intervals/decimal points) by staff, transmitted to the H-GAC Board of Directors (for final approval), provided to interested parties and made available to applicants.
- Order of presentation of proposed projects will be determined by project type and applicant availability.

XII. CONFLICT OF INTEREST

Members of the H-GAC governing body, SWMC members and their alternates, and H-GAC staff members must abstain from voting on any application during the Solid Waste Grants Scoring Subcommittee review and scoring process if the member or an individual related to the member within the third degree of consanguinity or within the second degree of affinity

- Is employed by the applicant agency and works for the unit or division that would administer the grant, if awarded;
- Serves on any board that oversees the unit or division that would administer the grant, if awarded;
- Receives any funds from the applicant as a result of the grant; or
- Uses or receives a substantial amount of tangible goods, services or funds from the applicant.

A member will not be prohibited from voting or commenting upon projects that are being carried out to serve the entire region.

A member who abstains from voting on any application will document the abstention by signing the appropriate scoring sheet and writing “abstained” on the sheet. This sheet will be kept on file along with the scored sheets.

XIII. OTHER REQUIREMENTS

Grant recipients will be required to enter into standard legal agreements with H-GAC to ensure that the approved work program of the project is followed. Among other provisions, legal agreements will include the following:

- Grant funding will be provided on a reimbursement basis only, and all requests for reimbursement must be handled through H-GAC. All requests for reimbursement must include a progress report on the project in order to justify expenditures.
- Grant recipients must agree to provide data related to the results of the project to H-GAC. As appropriate to the project, the grant recipient will also be asked to commit to monitoring the results of the project beyond the grant term, and periodically provide H-GAC additional reports on the status of the project.
- Grant recipients must agree to allow staff of H-GAC and/or TCEQ to perform on-site visits to monitor the progress of projects.

XIV. APPEALS

Applicants may appeal the funding recommendations to the H-GAC SWMC after the results of the scoring process have been announced. All appeals must be based on a **specific, identified error** of the Solid Waste Grants Scoring Subcommittee and not on factors that allow discretion by the Solid Waste Grants Scoring Subcommittee members.

The appeal deadline is **5:00 p.m., Monday, April 21, 2014**. Applicants must notify H-GAC staff of any appeals. Notification must be in writing and may be via email or letter. The written notification must include a justification of the grounds for the appeal.

The SWMC will meet on **Wednesday, April 23, 2014, at 10:00 a.m. in Conference Room A, Second Floor, 3555 Timmons Lane, Houston, Texas 77027**, to hear appeals if needed. If any appeals are upheld, H-GAC staff will send out a notice with the revised project rankings, funding amount recommendations and comments. However, please note that these recommendations will not be final until considered by the H-GAC Board of Directors on May 20, 2014 from 10 a.m. to noon in Conference Room A, Second Floor, 3555 Timmons Lane, Houston, TX 77027.

XV. HOW TO APPLY

Project proposals should be submitted directly to the Houston-Galveston Area Council via the online application website: www.h-gac.com/go/swgrants. Submit your completed online application(s) by **noon, Tuesday, March 25, 2014**. No late applications will be accepted.

H-GAC staff members are available to assist interested parties during the application process.

Erin Livingston

(832) 681-2525

erin.livingston@h-gac.com

Cheryl Mergo

(713) 993-4520

cheryl.mergo@h-gac.com

XVI. GENERAL APPLICATION INSTRUCTIONS

A separate application must be submitted for each individual project proposed. In completing your application, please be concise, but provide a sufficient level of detail to facilitate the consideration of your proposed project.

Please remember...

- Complete all parts of the application as requested, including all application certifications, assurances, and deliverables.
- Save a copy of your application for your records.
Notify private service providers, if applicable (*see instructions on Page 13*).

FY15 Grant Scoring Sheet

Applicant	Project Type	Priority?	Application Number
City of X	SRR	Yes	1

Grant Request	Local Match	Total Cost	Local Match as % of Total
\$100,000	\$25,000	\$125,000	20

Score

Merits and Needs

Need for project	_____	out of 10 points
Objective	_____	out of 5 points
Project feasibility	_____	out of 10 points
Outreach and education	_____	out of 5 points
Innovation	_____	out of 10 points

	Total out of 40 points
--	-------------------------------

Local Resources and Commitments

Ability to sustain project	_____	out of 15 points
Matching Funds or In-kind Services	_____	out of 5 points
Partnerships	_____	out of 5 points

	Total out of 25 points
--	-------------------------------

Project Evaluation

Economic viability	_____	out of 10 points
Cost per impacted capita	_____	out of 5 points
Anticipated effectiveness	_____	out of 5 points
Appropriate measures of success	_____	out of 5 points

	Total out of 25 points
--	-------------------------------

Priority Project

(10 points for Priority)

_____ 0 or 10 points

Attachment: FY15-Grant-Announcement-round-2 (1389 : Apply for the H-GAC Regional Solid Waste Grants Program Grant)

Final decision made by H-GAC staff

Bonus

_____ **0, 3, or 5 points**

(0 points for a poorly written application, 3 points for a good application, and 5 points for an excellent application)

TOTAL FOR PROJECT

out of 100 points

Comments

Scored by:

Signature

Printed Name

Date

RESOLUTION
{Example}

RESOLUTION OF The City of Bay City AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE Houston-Galveston Area Council FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING the Mayor TO ACT ON BEHALF OF The City of Bay City IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED The City of Bay City WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE Houston-Galveston Area Council , THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

WHEREAS, the Houston-Galveston Area Council is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation the COG's adopted regional solid waste management plan; and

WHEREAS, The City of Bay City in the State of Texas is qualified to apply for grant funds under the Request for Applications.

NOW, THEREFORE, BE IT RESOLVED BY The City of Bay City IN Matagorda County TEXAS;

1. That _____ is authorized to request grant funding under the Houston-Galveston Area Council Request for Applications of the Regional Solid Waste Grants Program and act on behalf of The City of Bay City in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, The City of Bay City will comply with the grant requirements of the Houston-Galveston Area Council , Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. That activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

PASSED AND APPROVED by (board or chief official as applicable) in Bay City, Texas , on this the 20th day of March, 2014.

_____ (Signature of Authorized Official)	Attest	_____ (Signature)
_____ (Typed or Printed Name)		_____ (Type or Printed Name)
_____ (Title)		_____ (Title)

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE HOUSTON-GALVESTON AREA COUNCIL FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE CITY OF BAY CITY, TEXAS IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BAY CITY, TEXAS WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE HOUSTON-GALVESTON AREA COUNCIL, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

WHEREAS, the Houston-Galveston Area Council is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation the COG's adopted regional solid waste management plan; and

WHEREAS, the City of Bay City in the State of Texas is qualified to apply for grant funds under the Request for Applications.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BAY CITY IN MATAGORDA COUNTY TEXAS;

1. That Mayor is authorized to request grant funding under the Houston-Galveston Area Council Request for Applications of the Regional Solid Waste Grants Program and act on behalf of The City of Bay City in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, The City of Bay City will comply with the grant requirements of the Houston-Galveston Area Council, Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. That activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

PASSED AND APPROVED by the City Council in Bay City, Texas, on this the 20th day of March, 2014.

Mark Bricker, Mayor
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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

Attachment: R-2014- HGAC Grant (1389 : Apply for the H-GAC Regional Solid Waste Grants Program Grant)



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 03/20/14 07:00 PM
Department: Public Works
Category: Budget
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1379 A

ADOPTED

ORDINANCE (ID # 1379)

**CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING
THE FISCAL YEAR 2013-2014 BUDGET IN THE AMOUNT OF
\$78,941.84.**

This Budget Amendment is to transfer one employee from the IT Department to the Facilities Maintenance Department in an effort to restructure both departments to better serve City services and the creation of a new position entitled Construction Inspector to provide construction inspections and customer service on new development projects within the City of Bay City.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ADOPTING A “BUDGET AMENDMENT #6” TO THE “ANNUAL BUDGET OF THE CITY OF BAY CITY, TEXAS, FOR THE FISCAL YEAR 2013-2014”; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

WHEREAS, by Ordinance No. 1471, the City council of the City of Bay City, Texas, adopted its “Annual Budget” for Fiscal Year 2013-2014;

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

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2013-2014; now, therefore,

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

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

Section 2. The “Annual Budget” of the City of Bay City, Texas, for the Fiscal Year 2013-2014, is hereby amended as shown on “Budget Amendment #6” to the Original Budget of the City of Bay City, Texas, for the Fiscal Year 2013-2014, attached hereto. Said Budget Amendment shall be attached to and made a part of such Annual Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibits “A” and made a part hereof for all purposes.

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

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

CITY OF BAY CITY, TEXAS

Mark Bricker, Mayor**ATTEST:**

Rhonda Clegg, City Secretary**APPROVED as to FORM:**

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

Attachment: ORDINANCE NO. 2013-2014 #6 Budget Amendment (1379 : Budget Amendment)

<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 Bricker, Mayor

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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

2915

FUND BALANCE
B E G I N N I N G B A L A N C E

2,746,810.28CR

--*-*-*-*-*-*-*-*

000 ERRORS IN THIS REPORT!

--*-*-*-*-*-*-*-*

** REPORT TOTALS **

--- DEBITS ---

--- CREDITS ---

BEGINNING BALANCES: 0.00 2,746,810.28CR

REPORTED ACTIVITY: 0.00 0.00

ENDING BALANCES: 0.00 2,746,810.28CR

Attachment: 20140320 - Budget Amendment (1379 : Budget Amendment)

2910

UNRESERVED EARNINGS
B E G I N N I N G B A L A N C E

9,821,804.17CR

000 ERRORS IN THIS REPORT!

** REPORT TOTALS **

--- DEBITS ---

--- CREDITS ---

BEGINNING BALANCES:

0.00

9,821,804.17CR

REPORTED ACTIVITY:

0.00

0.00

ENDING BALANCES:

0.00

9,821,804.17CR



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 1380)

Meeting: 03/20/14 07:00 PM
Department: Public Works
Category: Property
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 1380

CONSIDER AND/OR APPROVE AN ORDINANCE TO AMEND AN EXISTING EASEMENT TO ALLOW SOUTH TEXAS ELECTRIC COOP. TO UPGRADE THEIR POWER LINES TO SERVE THE TENARIS BAY CITY PLANT SITE.

This Easement Amendment is to allow South Texas Electric Cooperative, Inc. (STEC) and Owner to amend said Easement so that said Easement on the Premises shall include the right of STEC to replace the existing 69 kV electric transmission line with a double circuit 138 kV electric transmission line consisting of variable number and sizes of wires, and all necessary or desirable appurtenances (including structures made of wood, metal, concrete, or other materials), and communication circuits and to use an additional area of land twenty five feet (25') in width adjacent to the existing fifty foot (50') wide electric transmission easement, as depicted in the attached metes and bounds (Exhibit A) and Plat (Exhibit B).

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



SOUTH TEXAS ELECTRIC COOPERATIVE, INC.

PO BOX 119 • 2849 FM 447 • NURSERY, TX 77976 • (361) 575-6491 • FAX (361) 576-1433

January 8, 2014

City of Bay City
1901 5th Street
Bay City, Texas 77414-6199

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: Tenaris Project Easement and Right-of-Way, in Matagorda County, Texas

Dear: Sir or Madam,

South Texas Electric Cooperative, Inc. ("STEC") is acquiring easements necessary for the addition of a second circuit to our existing transmission line Northeast of Bay City to the new Tenaris Substation East of Bay City. This line crosses property in which our records indicate you have ownership interest. This additional circuit is needed to provide service to the Tenaris-Bay City pipe plant. This project will include the replacement of the existing wood poles with new concrete poles, as well as the existing wire with new wire.

STEC would like to offer you \$3,750.00 per acre for the 0.377 acres of additional easement area needed on your property. The total offer for this additional easement will be \$1413.75. To accept this offer, please sign and have notarized the enclosed easement. Upon receipt of the executed document, a check for the total amount will be returned. Return the signed and notarized easement, along with the attached Exhibits A and B to the address listed above to my attention.

If you wish to discuss this matter further, please contact me at the telephone number shown below.

Thank you for your time and prompt consideration of this offer.

Sincerely,

Philip J. McGuill
Land Agent
South Texas Electric Cooperative, Inc.
(361) 485-6140

Enclosures:

Attachment: City of Bay City Initial (1380 : Amendment to Existing Easement)

Easement, Metes and Bounds, and Plat

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF MATAGORDA §

AMENDMENT TO EASEMENT

That SOUTH TEXAS ELECTRIC COOPERATIVE, INC. having an office at 2849 FM 447, Nursery, TX 77976, hereinafter referred to as "STEC", is the owner of an electric transmission line easement, hereinafter "Easement," dated March 18, 1963 and recorded in Volume 404, Page 226, Matagorda County, Deed Records, and;

WHEREAS, City of Bay City, a Municipal Corporation, hereinafter referred to as "Owner," represents that they are the fee Owner(s) of the lands described in said Easement or that portion thereof to which this Amendment applies, hereinafter the "Premises":

AND WHEREAS, STEC and Owner desire to amend said Easement so that said Easement on the Premises shall include the right of STEC to replace the existing 69 kV electric transmission line with a double circuit 138 kV electric transmission line consisting of variable number and sizes of wires, and all necessary or desirable appurtenances (including structures made of wood, metal, concrete, or other materials), and communication circuits and to use an additional area of land twenty- five feet (25') in width adjacent to the existing fifty foot (50') wide electric transmission easement, as depicted in the attached metes and bounds (Exhibit A) and Plat (Exhibit B).

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner does hereby grant, sell and convey to STEC the right to replace the existing 69 kV electric transmission line with a double circuit 138 kV electric transmission line consisting of variable number and sizes of wires, and all necessary or desirable appurtenances (including structures made of wood, metal, concrete, or other materials), and communication circuits and an additional easement of twenty- five feet (25') in width adjacent to the existing fifty foot (50') wide electric transmission easement, as depicted on the attached metes and bounds (Exhibit A) and Plat (Exhibit B), so that after the execution and delivery of this document the entire easement will be as depicted on the attached metes and bounds and Plat; said additional easement to be subject to all the rights, terms and covenants of the aforesaid Easement.

Attachment: City of Bay City Amendment (1380 : Amendment to Existing Easement)

To have and to hold the above described additional easement and rights unto STEC, its successors and assigns, until said transmission line shall be abandoned.

And Owner does hereby bind himself, his heirs and legal representatives, to warrant and forever defend all and singular the above described additional easement and rights unto STEC, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The rights and covenants herein contained shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

Dated this ____ day of _____, 2014.

Owner(s):

CITY OF BAY CITY

By: _____

Title: _____

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, _____.

Notary Public, State of Texas

Notary Printed or Typed Name
My commission expires : _____

Attachment: City of Bay City Amendment (1380 : Amendment to Existing Easement)



engineers | architects | contractors

SOLUTIONS TODAY WITH
A VISION FOR TOMORROW

METES AND BOUNDS

FOR

A 0.828 of an acre, or 36,062 square feet tract of land being out of a called 50.23 acre tract conveyed to the City of Bay City by instrument recorded in Volume 473, Pages 100-102 of the Deed Records of Matagorda County, Texas, out of the John J. Bowman and Henry Williams League, Abstract No. 9, the Low, Thaxton and Baxter Survey, Abstract No. 534, and the I. and G.N.R.R. Co. Survey No. 9, Abstract No. 256 of Matagorda County Texas. Said 0.828 of an acre tract being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone:

BEGINNING: At a found ½" iron rod at the south corner of said 50.23 acre tract, the east corner of a called 3.00 acre tract described by instrument recorded in Document ID 63322 of the Official Records of Matagorda County, Texas, on the northwest line of a called 16.85 acre tract described by instrument recorded in 319, Pages 282-286 of the Official Records of Matagorda County, Texas, said iron rod also having state plane coordinate values of, X: 2,940,944.62, Y: 13,566,643.36, from which a found iron rod bears S 60°32'45" W, a distance of 332.54 feet, for the south corner of said 3.00 acre tract;

THENCE: N 27°51'58" W, departing the northwest line of said 16.85 acre tract, along and with the southwest line of said 50.23 acre tract, the northeast line of said 3.00 acre tract, a distance of 58.73 feet to a point;

THENCE: Departing the northeast line of said 3.00 acre tract, over and across said 50.23 acre tract, the following bearings and distances:

N 60°25'11" E, a distance of 572.89 feet to a point;

N 29°39'41" W, a distance of 59.98 feet to a point;

N 60°20'19" E, a distance of 20.00 feet to a point;

S 29°39'41" E, a distance of 60.01 feet to a point;

N 60°25'11" E, a distance of 39.88 feet to a point;

S 30°08'25" E, a distance of 40.19 feet to a point;

N 59°51'35" E, a distance of 20.29 feet to a point on the east line of said 50.23 acre tract, on the west line of Tract No. 3 of the Matagorda Canal section of that conveyance described in Volume 232, Pages 38-80 (said Tract No. 3 described on Page 52) of the Deed Records of Matagorda County, Texas;

THENCE: S 03°58'53" E, along and with the east line of said 50.23 acre tract, a distance of 11.68 feet to a point at the southeast corner of said 50.23 acre tract, a reentrant corner in said Tract No. 3;

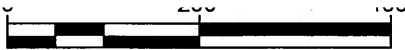


engineers | architects | contractors

SOLUTIONS TODAY WITH
A VISION FOR TOMORROW

THENCE: S 59°41'54" W, along and with the southeast line of said 50.23 acre tract, the northwest line of said Tract No. 3 and the northwest line of aforementioned 16.85 acre tract, a distance of 650.22 feet to the POINT OF BEGINNING and containing 0.828 of an acre of land in Matagorda County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.;

Prepared by: LNV, Inc.
Job No.: 130188.070
File: S:\Projects\South Texas Electric Cooperative\130188 Survey Master Agreement\070 Magill to Tenaris Bay City\Survey\MB130188-TR 9.docx
Date: December 31, 2013
TBPLS Firm No.: 10126502



SCALE: 1"=200'



LINE	BEARING	DISTANCE
L1	N 27°51'58" W	58.73'
L2	N 60°25'11" E	572.89'
L3	N 29°39'41" W	59.98'
L4	N 60°20'19" E	20.00'
L5	S 29°39'41" E	60.01'
L6	N 60°25'11" E	39.88'
L7	S 30°08'25" E	40.19'
L8	N 59°51'35" E	20.29'
L9	S 03°58'53" E	11.68'
L10	S 59°41'54" W	650.22'

GROSS EASEMENT -	0.828 AC (36,062 SF)
LESS AND EXCEPT	
EXISTING EASEMENT -	0.451 AC (19,628 SF)
NET AREA-	0.377 AC (16,434 SF)

PROPERTY DETAIL

NOT TO SCALE

TRACT NO. 9

PROPOSED EASEMENT

TRACT 9

50.23 ACRES

CITY OF BAY CITY

(VOL. 473, PGS. 100-102 D.R.)

50-FOOT ELECTRIC
TRANSMISSION EASEMENT
(VOL. 399, PGS. 282-286 D.R.)
(VOL. 404, PGS. 226-232 D.R.)
0.462 AC
(20,128 SF)

PROPOSED EASEMENT
0.828 AC
(36,062 SF)

7.00 ACRES
(DOC. ID 61913 O.R.)

3.00 ACRES
(DOC. ID 63322 O.R.)

13.87 ACRES
(VOL. 400, PGS.
121-123 O.R.)

S 60°32'45" W
332.54'

FOUND 1/2" IRON ROD

P.O.B.

FOUND 1/2" IRON ROD
X: 2,940,944.62
Y: 13,566,643.36

OHP
X

LEGEND

- = FOUND MONUMENT
- = FOUND WOOD FENCE POST
- = POWER POLE
- = OVERHEAD TRANSMISSION LINE
- = BARBED WIRE FENCE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- D.R. = DEED RECORDS MATAGORDA COUNTY TEXAS
- O.R. = OFFICIAL RECORDS MATAGORDA COUNTY TEXAS

NOTES

1. BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83.

I HEREBY CERTIFY THIS SURVEY WAS PERFORMED ON THE GROUND AND THAT PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.

BRETT WALKER
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE NO. 6216, STATE OF TEXAS
SURVEYED DECEMBER 31, 2013



SOUTH TEXAS ELECTRIC COOPERATIVE

LNVC

engineers | architects | contractors

801 NAVIGATION, SUITE 300
CORPUS CHRISTI, TEXAS 78408
TYPE FIRM NO. F-388

PH (361) 883-1984
FAX (361) 883-1986
WWW.LNVC.COM

SOUTH TEXAS ELECTRIC
COOPERATIVE EASEMENT

0.828 ACRE (36,062 SF)

JOB NO.
130188.070

COUNTY
MATAGORDA
ACCOUNT NO.

PAGE 3 OF 3



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1390)

Meeting: 03/20/14 07:00 PM
Department: City Secretary
Category: Personnel
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1390

DISCUSS, CONSIDER AND/OR APPROVE AMENDING THE SALARY RANGE OF THE FINANCE DIRECTOR POSITION.

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

ADOPTED

AGENDA ITEM (ID # 1341)

Meeting: 03/20/14 07:00 PM
Department: City Secretary
Category: Amendment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1341

CONSIDER AND/OR APPROVE TAKING ACTION ON AN ORDINANCE AMENDING THE CITY OF BAY CITY'S CODE OF ORDINANCES CHAPTER 118 (ENTITLED "VEHICLE FOR HIRE") .

HISTORY:

03/13/14 City Council

TABLED

Next: 03/20/14

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 118 VEHICLES FOR HIRE; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council finds that City of Bay City, Texas is a home rule municipality established by City Charter and the laws and Constitution of the State of Texas; and,

WHEREAS, the City Council finds that vehicles for hire, such as taxis and limousines are operated for the public good, provide necessary transportation and are businesses operated and maintained upon the City streets; and,

WHEREAS, the City Council finds that regulating such businesses serve the general public and protect the public welfare;

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

Section one. Amendment to Municipal Code of Ordinances Chapter 118, replacing said Chapter with this new Chapter of the City of Bay City's Code of Municipal Ordinances, Chapter 118 (entitled "*Vehicles for Hire*"), and is hereby amended to include the following new Chapter 118:

Chapter 118

VEHICLES FOR HIRE*

*

ARTICLE I.

IN GENERAL

Secs. 118-1--118-30. Reserved.

Attachment: ORDINANCE NO - Vehicle for Hire - red-line version (1341 : Vehicle for Hire)

¹ARTICLE II.

TAXICABS*

* **State Law References:** Authority to regulate hackmen and persons pursuing similar occupations, V.T.C.A., Local Government Code §§ 215.029, 215.030.

DIVISION 1.

GENERALLY

Sec. 118-31. 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:

Conduct a taxicab business means the use of one or more taxicabs within the corporate limits of the city, by the owner thereof, for the purpose of carrying passengers for hire, either by driving the same himself or having the same driven by some other person. This definition shall not apply to any licensed chauffeur hired as a driver by any person holding a permit to conduct a taxicab business in the city.

Limousine means a chauffeured motor vehicle for general passenger use with a rated passenger capacity of not more than 15 passengers and which operates on a prearranged appointment basis only whereby such prearrangement is made not less than one hire in advance of the time transportation is to begin. At no time shall such vehicle operate on a call-and-demand basis as a taxicab.

Street or streets means any street, alley, avenue, boulevard, drive or highway commonly used for the purpose of public travel within the incorporated limits of the city as it now exists or as it may exist in the future.

Taxicab means every vehicle used for the transportation of passengers for hire over the public streets of the city, and not over a defined or fixed route, and irrespective of whether or not the operations extend beyond the city limits of the city. This article shall not apply to motorbuses or motor coaches operated under the rules and/or regulations of the Texas Railroad Commission or any other state agency over designated routes in or through the city.

Taxicab business means the business of transporting passengers in a taxicab on a public street within the incorporated limits of the city for compensation.

Taxicab business permit means a written authorization to engage in the operation of a taxicab business and to operate one or more taxicabs, signed by the City Secretary or his designee.

¹ Are the sections in this article correct? **Yes**

Taxicab business permit holder means the person to whom a taxicab business permit is issued.

Taxicab driver's permit means a written authorization to an individual to operate or drive a taxicab, which permit shall be signed by the City Secretary or his designee.
(Code 1985, § 31-16)

Cross References: Definitions generally, § 1-2.

Secs. 118-32--118-55. Reserved.

DIVISION 2.

BUSINESS PERMIT

Sec. 118-56. Permits for taxicab business generally.

(a) No permit to conduct a taxicab business shall be issued by the city secretary until the ~~council shall, after a hearing duly had, find that the public convenience and necessity requires the proposed taxicab service for which application for permit or permits is made; provided, however, that such declaration of public convenience and necessity shall not be necessary in the following instances~~applicant has filed with the City Secretary a completed application and a policy of commercial liability and property damage insurance executed by an insurance company duly authorized to do business in the state and performable in this county.÷

- (1) ~~For the authorizing of the same number of taxicabs authorized for operation and operated by the applicant under the same ownership on the date of the passage of this article, or the renewal of the same number of permits annually thereafter, provided that such permits as have become invalid for nonuser or cancellation, as provided in this article, shall not be renewed.~~
- (2) ~~For the renewal of permits to the applicant for the number of taxicabs for which the council shall have previously approved at any time prior to the application for such renewal; provided, however, that the taxicab owner shall obtain renewal permits at the time of the expiration date appearing on permits now being used.~~
- (b) ~~In determining whether public convenience and necessity requires the authorizing of such taxicabs for which application may be made, the council shall take into consideration whether the demands for public convenience and necessity require such proposed or additional taxicab service within the city; the financial and moral responsibility and character of the applicant; the number, kind, type and ownership of equipment, and the color scheme to be used by the applicant; the increased traffic congestion of the streets of the city which may result and whether the demands for public convenience and necessity require such proposed or additional taxicab service within the city; whether both vehicular and pedestrian traffic will be unduly endangered by the granting of such additional permit; and such other relevant facts as the council may deem advisable or necessary which may throw light on the~~

~~public necessity and convenience.~~

- ~~(c) — Any applicant for a taxicab permit to operate as a business shall, as provided in this article, make application in writing accompanied by a financial statement and show whether the applicant has ever been charged or convicted in any court for any offense under any city, state or federal law and such application shall be signed and sworn to by the applicant. (This does not apply to presently operating permits up for renewal.) Additionally such additional information as the council may require shall be furnished. Such application shall be considered at the second regular meeting of the council following the filing of the application and all interested parties shall be heard by the council at such meeting. In all such hearings the burden of proof shall be upon the applicant to establish by clear, cogent and convincing evidence that the public convenience and necessity requires such operation of the vehicle or vehicles for which such application has been made. (Renewal permits will be issued upon an application made to the city secretary by the holder of a permit of the previous year without a public hearing unless council determines in its discretion that a hearing shall occur. If a hearing is requested by at least two councilmembers then all of the required information that a new applicant would furnish must be presented to the city secretary prior to the public hearing.) Notice of public hearing shall be published in a local newspaper at least 15 days prior to the hearing.~~
- ~~(d) — If the council finds from its investigation and hearing that the public convenience and necessity justifies the operation of the vehicle or vehicles for which the permit is desired, it shall instruct the city secretary to issue a permit to the applicant for the taxicab or taxicabs upon a compliance by the applicant with all the provisions of this article.~~
- ~~(e) — No permit issued under the terms of this article shall be transferred to any other person or entity, except with the written consent of council, and shall not be used for the operation as a taxicab of any vehicle except a vehicle owned or under the control of the holder of such permit.~~
- ~~(f) — The permit issued for the operation of a taxicab under the terms of this article shall be posted within such taxicab in a conspicuous place and a failure to so post the permit shall be a violation of this article.~~
- ~~(g) — All taxicab permits shall be valid until the January 1 of the next ensuing year following the date they are issued; and all taxicab permits issued during any year shall expire on December 31 of such year, and must be renewed on January 1 of the following year in the manner provided in this article and such permit shall be signed by the city secretary.~~
- ~~(Code 1985, § 31-17)~~

Sec. 118-57. Permit application, amendments, revocation and insurance.

- (a) Every person, entity or business desiring to own or operate a vehicle for hire shall file with the City Secretary a written application signed by such applicant and stating:

- (1) Name of company, telephone number, address, email address, owner(s) name, telephone company, home address, cell phone number, email address, social security number, driver license number state, and date of birth.
- (2) Number of vehicles to be operated under permit. The year; make and model of each vehicle proposed to be used.
- (3) If applicable, the address and description of the stand at which taxicabs will remain while not in actual use.

(b) Before any permit shall be issued to any owner of any taxicab as defined in this article or before any renewal or permit shall be granted, the owner shall be required to file with the city secretary, and to thereafter keep in full force and effect, a policy of public commercial liability insurance executed by an insurance company duly authorized to do business in the state and performable in the county, ~~and to be approved by the city secretary, insuring the public against any loss or damage that may result to any person, persons or property in the operation of such vehicle or vehicles and provided that the maximum amount of recovery in such policy of insurance shall not, as to each and every vehicle, be less than \$20,000.00 for bodily injury or death of one person; and not less than \$40,000.00 for injury or death for more than one person in any one accident; and not less than \$15,000.00 for the injury to or destruction of property in any one accident. (Please increase these amounts, per statute-), in the single limit amount of \$300,000 bodily injury and property damage.~~

(bc) If V.T.C.A., Transportation Code § 601.072 (otherwise known as the Texas Safety Responsibility Law) is amended by the state legislature to increase liability limits beyond the present required ²\$20,000.00, \$40,000.00 and \$15,000.00 limits, then the insurance required by this article shall automatically and ipso facto be increased in the same amount as and in accordance with the statute cited in this subsection. A new application or amendment shall be filed promptly if and when any changes have occurred in the information othen on file with the City and set forth on the permit application.

(d) A permit issued under this chapter shall be nonassignable. A permit issued under this chapter may be revoked by the City Secretary at any time it shall appear to Council that the permit holder has violated any provision of this chapter, or for other good cause.

(e) No permit shall be issued under this chapter unless and until the applicant has furnished copies of such insurance policies. Such policy shall contain a provision that the city shall be given at least 30 days' written notice of cancellation, nonrewnal, or material change of the required insurance coverage. This action shall be evidenced by registered or certified mail.

(f) The owner or operator of each taxicab shall post in a conspicuous place on the inside of each vehicle a card showing the rates charged and the owner or operator may not charge an amount in excess of the rates so displayed. Such rates shall correspond

² The minimum coverage has been increased. Insert correct amounts or just reference the state law? Yes, please do both

with the rates furnished in Section 118-63 of this chapter.

(g) Every taxicab business permit holder shall be responsible for the actions of any taxicab driver or other employee operating under his permit (Code 1985, § 31-18)

Sec. 118-58. Payment and rendering of ad valorem tax on taxicabs.

(a) Before any permit or renewal of a permit to operate a taxicab in the city shall be issued, the city secretary shall examine the tax records and ascertain whether or not ad valorem taxes assessed by the city against the vehicle and other equipment to be used in the business of the applicant have been fully paid. If the ad valorem taxes have not been paid, the city secretary shall refuse to issue the applicant such permit or renewal until all of the ad valorem taxes have been paid and all other provisions of this article have been complied with by the applicant, and the city secretary shall issue to the applicant a permit or renewal thereof for each and every vehicle to which he may be entitled.

(b) It shall be the duty of every owner of every taxicab operated within the city to render or cause to be rendered for ad valorem taxes to the city all vehicles or other equipment used in such business, and a failure to render for and to pay such ad valorem taxes to the city before they become delinquent shall, at the will of the council, operate as revocation and cancellation of any permit authorizing the operation over the public streets, alleys and ways of the city of any such taxicabs. (Code 1985, § 31-19)

~~Sec. 118-59. Rendering taxicabs for ad valorem taxes.~~

~~It shall be the duty of every owner of every taxicab operated within the city to render or cause to be rendered for ad valorem taxes to the city all vehicles or other equipment used in such business, and a failure to render for and to pay such ad valorem taxes to the city before they become delinquent shall, at the will of the council, operate as revocation and cancellation of any permit authorizing the operation over the public streets, alleys and ways of the city of any such taxicabs. (Code 1985, § 31-20)~~

~~Sec. 118-60. Revocation or suspension of permits generally; record of permits.~~

~~(a) The council, on complaint filed by any person against an owner of a taxicab charging violation of any of the terms of this article or any ordinance of the city or laws of the state regulating motor vehicles, may, after giving five days' notice of the ground of such complaint to such permit holder against whom complaint is made, hear evidence of such complaint, and after such hearing the council may revoke or suspend the permit of such owner for good causes shown regardless of whether such permit holder has been charged or convicted in a court on such charge.~~

~~(b) Whenever any person holding one or more permits for taxicabs shall, for a period of 15 consecutive days, fail to make reasonable and consistent effort to operate such taxicabs for any reason other than an emergency over which the permit holder or owner has no control, the council shall, upon hearing and after five days' notice to the owner or permit holder, revoke all permits covering such taxicabs not in use. The city secretary~~

~~shall keep a complete record of each taxicab permit issued and all renewals and revocations thereof.~~

~~(Code 1985, § 31-21)~~

Sec. 118-61. Application fee; Franchise fee; permit card.

~~(a) At the time of original issuance of a permit, the permit holder shall pay to the City Secretary the sum of \$25.00, regardless of the number of vehicles covered by the permittee.~~

~~(b) An administrative fee of \$5.00 will be assessed on each individual in which a criminal history check is conducted.~~

~~(c) A fee of \$100.00 shall be paid to the city by the owners of the taxicab franchise and an additional fee of \$25.00 per taxicab per year shall be paid on or before January 1 of each year at the time of original issuance of permit and renewal.~~ Upon payment of such fee, a permit card shall be issued to each taxicab, and such permit card shall be displayed conspicuously in the taxicab. The permit card shall contain a number and such number shall be placed or displayed on the inside of every taxicab. Any franchise granted by the city shall be nonexclusive.

~~(Code 1985, § 31-22)~~

Sec. 118-62. Identification of taxi.

~~(a) Every taxicab shall have affixed on both sides and on the rear of such cab the name of the owner or the assumed name under which the owner operates, together with the company's telephone number and the cab permit number. All of the lettering mentioned in this section shall not be less than four inches in height and not less than one inch in width and will be of suitable material that will weather the elements; and such lettering must be kept legible at all times.~~

~~(b) A person commits an offense if he:~~

- ~~(1) Operates a taxicab with an expired decal or with no decal affixed to it;~~
- ~~(2) Attaches a decal to a vehicle not authorized to operate as a taxicab;~~
- ~~(3) Forges, alters, or counterfeits a taxicab decal required by this section;~~
- ~~(4) Possess a forged, altered, or counterfeited taxicab decal required by this section; or~~
- ~~(5) Displays more than one taxicab decal issued by the City on a vehicle at the same time.~~

~~(c) A taxicab decal assigned to one person is not transferable to another without consent of the City.~~

~~(Code 1985, § 31-23)~~

Sec. 118-63. Rates and fares.

(a) The following fares shall be charged by all taxicabs operating in the city and shall be set by ordinance. It shall be unlawful for any driver or owner to refuse or avoid a call or to refuse or avoid picking up a passenger coming from any section of the city because

of excessive distance in relation to the amount charged, or for any other reason, and such refusal shall be a violation of this article and shall subject the owner to revocation and cancellation of the permits and/or franchise within the discretion of the city council. This provision shall not prevent a taxicab owner or driver from refusing to pick up an intoxicated, unruly, belligerent or abusive passenger. Additionally the operator shall have the right to refuse service if the operator deems the pickup to be a dangerous situation.

(b) The ~~following~~ taxicab rates and fares shall not exceed the amounts shown in the following schedule and shall apply to passengers only and not to pickup and delivery service for papers, packages, and other items: be effective in the city:

- (1) Initial pickup \$2.50~~A base rate will be charged for every taxicab pickup in the amount of \$4.50.~~
- (2) Each additional 1/12 mile \$0.20
- (3) Each additional passenger \$0.00
- (4) First piece free, each additional piece

<u>Bag of groceries</u>	<u>\$0.00</u>
<u>Box</u>	<u>\$0.00</u>
<u>Suitcase</u>	<u>\$0.00</u>
- (5) Standby or waiting time per ¼ hour \$7.00
- ~~(2) For the first mile or any portion of the first mile, an additional rate of \$0.50 will be charged.~~
- ~~(3) For any distance beyond the first mile, an additional charge shall be levied of \$1.00 per mile.~~
- ~~(4) For children in arms, accompanied by a parent, no additional charge shall be levied.~~
- ~~(5) For children under five years of age, not in arms and accompanied by a parent, an additional charge shall be levied of \$0.50 per child.~~
- ~~(6) For children between age five and 12, accompanied by a parent, an additional charge of \$1.00 per child shall be levied.~~
- ~~(7) For children over age 12 but below the age of 18, accompanied by a parent, an additional charge of \$2.00 per child shall be levied.~~
- ~~(8) Any child not accompanied by a parent or guardian shall be charged the applicable adult rate.~~
- ~~(9) If multiple persons are picked up at the same location and the destination is the same, an additional charge of \$2.00 per each extra person shall be levied.~~
- ~~(10) If multiple persons are picked up at different locations but the destinations are the same, the base rate shall apply to each person, but the additional charge shall be the mileage for only one person.~~

- ~~(11) If a person has groceries, laundry or packages, etc., the applicable rate shall apply plus an additional charge of \$1.00 shall be levied.~~
- ~~(12) A charge for delivery of messages or packages shall be the applicable rate plus \$2.00.~~
- ~~(13) An additional charge of \$2.00 shall be levied for any luggage over two suitcases.~~
- ~~(14) An additional charge of \$2.00 shall be levied for each footlocker.~~
- ~~(15) Each stop in route shall be an additional charge of \$1.50 if the stop is no longer than five minutes.~~
- ~~(16) Waiting time shall be \$30.00 per hour prorated with a minimum of \$18.00 if the waiting time exceeds 30 minutes.~~

(c) The mileage for each taxicab fare will be based on the odometer reading at the location of pickup and at the destination. Every taxicab shall display a board which is legible to the taxicab passenger showing odometer mileage at pickup and odometer mileage at destination.

(d) Such rates schedule shall be posted in a conspicuous place in all taxicabs and vehicles operated under this article, so that it may be seen and understood by such passenger or passengers as may occupy such taxicabs or vehicles. There shall be no discrimination of any of the rates charged passengers because of race, color, creed or sex.

(e) It shall be the responsibility of the taxicab driver to ensure that all passengers abide by the safety requirements in accordance with State Law.
~~(Code 1985, § 31-24; Ord. No. 1273, § 1, 6-14-2001; Ord. No. 1302, § 1, 3-27-2003)~~

Sec. 118-64. Service required.

~~(a) Every taxicab operating under this article shall be inspected periodically by the chief of police or inspector appointed by the chief of police at such intervals as shall be established by the chief of police to insure the continued maintenance of safe operating conditions. Every vehicle operating under this article shall be kept in a clean and sanitary condition. If any taxicab is found to be unsafe, unsanitary or unsightly, the chief of police or taxicab inspector may direct that the vehicle be taken out of service until made safe, sanitary and presents a neat appearance. Such taxicabs taken out of service must be inspected and approved by the chief of police before being returned to service.~~

~~3~~^(b) All taxicabs or vehicles must have current state inspection stickers and be in good operating condition.
~~(Code 1985, § 31-25)~~

Sec. 118-65. Records of taxi stand owners; furnishing information relative to

~~3~~ Is this correct? Yes

accidents and crimes.

(a) Every person or entity conducting a taxicab business shall keep accurate records relating to calls received and services rendered, the time of such calls or services, the name of the driver performing the service or making the service call, the place of such call and the time of return from such call; and every owner shall give access to any and all records kept to the chief of police or any member of the police force; and any and every refusal to give such records or furnish information kept regarding such matters shall be and is hereby made a Class C misdemeanor.

(b) Every owner and/or employee is required to furnish information to the police department concerning the reporting of accidents and crimes witnessed or brought to the attention of such owner and/or employee and anyone failing to do so or to cooperate with any investigation concerning the commission of any offense in violation of the Code of Ordinances of the city, state or federal laws shall subject the owner and/or employee to revocation of the permit.

~~(Code 1985, § 31-26)~~

Sec. 118-66. Penalties; violations; convictions.

(a) *Penalties.*

(1) No person, firm, corporation or association shall operate or advertise a taxicab or taxicab service and charge for such service without complying with this article. No person, firm, corporation or association shall regularly charge a fee or regularly receive compensation for the carrying of passengers within the city without complying with this article. This provision shall not prevent a gratuitous donation to a person carrying another person within the city, so long as such donation is not required or requested.

(2) Any person, firm, corporation or association who violates any of the provisions of this article shall be punished ⁴by a fine of not more than \$200.00, and each and every day of continuance thereof shall constitute a distinct and separate offense.

~~(3) Any person, firm, corporation or association who is caught violating any section of this chapter will not be eligible to apply or renew for one full year.~~

(b) *Violations.* Violation of any of the terms or provisions of this article by any corporation or association shall subject the officers and agents actively in charge of the business or such corporation or association to the penalty provided in this section.

(c) *Convictions.* Conviction under the provisions of this article shall be deemed just cause for the revocation of any license or permit which such person, firm, corporation or association may have and/or hold under the provisions of this article.

~~(d) Indemnification. The City shall not be liable to any person whatsoever for damages~~

⁴~~Delete and reference the general penalty? Yes~~

arising out of the operation or ownership of any vehicle for hire, or arising out of the enforcement, or lack of enforcement, of this chapter. The owner and operator of every vehicle for hire business operated on the streets of the City, whether permitted under this chapter or not, shall indemnify and save the City harmless from all liabilities arising out of the ownership or operation of any such vehicles, even though it be alleged, or even proved, that City negligence caused (in whole or in part) such liability. This subsection is a part of every permit whether stated therein or not.
~~(Code 1985, § 31-27; Ord. No. 1265, 9-28-2000)~~

Secs. 118-67--118-90. Reserved.

DIVISION 3.

DRIVER'S PERMIT

Sec. 118-91. Required license.

It shall be unlawful for any person to drive a taxicab or automobile for hire upon the streets of the city without first having obtained a city chauffeur's permit.
~~(Code 1985, § 31-36)~~

Sec. 118-92. Application.

Any person desiring a permit under the provisions of this division shall make application ~~therefor to the chief of police upon forms provided by to~~ the city secretary. Such application shall contain:

- ~~(1) The driver's full name;~~
- ~~(2) Social security number;~~
- ~~(3) Date of birth;~~
- ~~(4) Age;~~
- ~~(5) Present residence address;~~
- ~~(6) Texas driver license number and expiration date;~~
- ~~(7) Address and place of employment for the previous two years, and reasons for leaving such prior employment;~~
- ~~(8) Whether applicant has been charged with or convicted of any felony or misdemeanor, and if so, full information concerning each;~~
- ~~(9) Whether applicant has been convicted of any violation of any law in the operation of motor vehicles, and if so, full information concerning each;~~
- ~~(10) The signature of the applicant asserting the information required in this subsection to be true and correct, and that the applicant has read in full and understands all applicable provisions of this article~~ and such other information as the ~~chief of police~~City Secretary shall require.

~~(Code 1985, § 31-37)~~

~~Sec. 118-93. Police clearance.~~

~~The chief of police shall make or cause to be made such investigation of the character, experience and qualifications of the applicant desiring a permit under the provisions of this division as may be deemed consistent and judicious; and he shall determine whether or not the applicant is fit and qualified to drive and operate a taxicab~~

~~within the city in a manner consistent with the welfare of the public. The chief of police is authorized to issue a temporary permit not to exceed 30 days permitting the applicant to drive a taxicab pending final decision on his application. In determining whether the city chauffeur's permit should be granted or rejected, the chief of police shall consider any record of the applicant for committing sex offenses, offenses involving habitual or chronic use of alcoholic beverages or narcotic drugs, narcotic or alcoholic beverage law violations and other crimes involving moral turpitude, and if in the opinion of the chief of police such record reflects the present character or propensity to continue such violations, then he may reject the application. Otherwise, if the chief of police shall approve the application, the permit applied for shall be granted.~~
~~(Code 1985, § 31-38)~~

Sec. 118-94. State Class C license prerequisite to issuance.

It shall be unlawful for any person to drive a taxicab within the city unless he is a duly licensed Class ~~C~~AC operator under the laws of the state.
~~(Code 1985, § 31-39)~~

Sec. 118-95. Fee.

Before any permit shall be issued under the provisions of this division, the applicant shall pay an annual fee of ~~\$10.00-\$20.00 per driver. If such permit shall be issued at a time when there are less than six months remaining in the permit year, the required fee shall be \$5.00 for the original permit, provided however, all subsequent permits shall be at the annual fee.~~
~~(Code 1985, § 31-40)~~

Sec. 118-96. Issuance.

Upon the approval of the application, obtaining of police clearance and the payment of the required fee, the applicant shall be issued the permit applied for under the provisions of this division.
~~(Code 1985, § 31-41)~~

Sec. 118-97. Expiration.

All permits issued under the provisions of this division shall expire on December 31 of the year following the issuance therefor.
~~(Code 1985, § 31-42)~~

Sec. 118-98. Revocation.

Any permit issued under the provisions of this division may be immediately revoked by the ~~chief of police~~City Secretary for:

- ~~(1) a~~(1) Good cause shown or by the city council for the violation of any applicable provision of this Code, state law, city ordinance, rule or regulation.
- ~~(2) The applicant has made any materially false or inaccurate statement on the application for such permit;~~
- ~~(3) The applicant has three or more final convictions for violations of any Class C misdemeanor traffic laws or ordinances (not to include parking violations)~~

- within a 12-month period immediately preceding the date of application or during the term of permit; or
- (4) The applicant has had a taxicab drivers permit revoked within two years immediately preceding the date of the application or during the term of the permit.

~~(Code 1985, § 31-43)~~

Sec. 118-99. Display.

It shall be the duty of every permittee under the provisions of this division to display his permit conspicuously in the driving compartment of the vehicle operated by him at all times.

~~(Code 1985, § 31-44)~~

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 118 VEHICLES FOR HIRE; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council finds that City of Bay City, Texas is a home rule municipality established by City Charter and the laws and Constitution of the State of Texas; and,

WHEREAS, the City Council finds that vehicles for hire, such as taxis and limousines are operated for the public good, provide necessary transportation and are businesses operated and maintained upon the City streets; and,

WHEREAS, the City Council finds that regulating such businesses serve the general public and protect the public welfare;

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

Section one. Amendment to Municipal Code of Ordinances Chapter 118, replacing said Chapter with this new Chapter of the City of Bay City's Code of Municipal Ordinances, Chapter 118 (entitled "*Vehicles for Hire*"), and is hereby amended to include the following new Chapter 118:

Chapter 118

VEHICLES FOR HIRE*

*

ARTICLE I.

IN GENERAL

Secs. 118-1--118-30. Reserved.

Attachment: ORDINANCE NO - Vehicle for Hire - Proposed Exeuction Version (1341 : Vehicle for Hire)

¹**ARTICLE II.****TAXICABS***

* **State Law References:** Authority to regulate hackmen and persons pursuing similar occupations, V.T.C.A., Local Government Code §§ 215.029, 215.030.

DIVISION 1.**GENERALLY****Sec. 118-31. 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:

Conduct a taxicab business means the use of one or more taxicabs within the corporate limits of the city, by the owner thereof, for the purpose of carrying passengers for hire, either by driving the same himself or having the same driven by some other person. This definition shall not apply to any licensed chauffeur hired as a driver by any person holding a permit to conduct a taxicab business in the city.

Limousine means a chauffeured motor vehicle for general passenger use with a rated passenger capacity of not more than 15 passengers and which operates on a prearranged appointment basis only whereby such prearrangement is made not less than one hire in advance of the time transportation is to begin. At no time shall such vehicle operate on a call-and-demand basis as a taxicab.

Street or streets means any street, alley, avenue, boulevard, drive or highway commonly used for the purpose of public travel within the incorporated limits of the city as it now exists or as it may exist in the future.

Taxicab means every vehicle used for the transportation of passengers for hire over the public streets of the city, and not over a defined or fixed route, and irrespective of whether or not the operations extend beyond the city limits of the city. This article shall not apply to motorbuses or motor coaches operated under the rules and/or regulations of the Texas Railroad Commission or any other state agency over designated routes in or through the city.

Taxicab business means the business of transporting passengers in a taxicab on a public street within the incorporated limits of the city for compensation.

Taxicab business permit means a written authorization to engage in the operation of a taxicab business and to operate one or more taxicabs, signed by the City Secretary or his designee.

Taxicab business permit holder means the person to whom a taxicab business permit is issued.

Taxicab driver's permit means a written authorization to an individual to operate or drive a taxicab, which permit shall be signed by the City Secretary or his designee.

Cross References: Definitions generally, § 1-2.

Secs. 118-32--118-55. Reserved.

DIVISION 2.

BUSINESS PERMIT

Sec. 118-56. Permits for taxicab business generally.

(a) No permit to conduct a taxicab business shall be issued by the city secretary until the applicant has filed with the City Secretary a completed application and a policy of commercial liability and property damage insurance executed by an insurance company duly authorized to do business in the state and performable in this county.

Sec. 118-57. Permit application, amendments, revocation and insurance.

(a) Every person, entity or business desiring to own or operate a vehicle for hire shall file with the City Secretary a written application signed by such applicant and stating:

- (1) Name of company, telephone number, address, email address, owner(s) name, telephone company, home address, cell phone number, email address, social security number, driver license number state, and date of birth.
- (2) Number of vehicles to be operated under permit. The year; make and model of each vehicle proposed to be used.
- (3) If applicable, the address and description of the stand at which taxicabs will remain while not in actual use.

(b) Before any permit shall be issued to any owner of any taxicab as defined in this article or before any renewal or permit shall be granted, the owner shall be required to file with the city secretary, and to thereafter keep in full force and effect, a policy of public commercial liability insurance executed by an insurance company duly authorized to do business in the state and performable in the county, in the single limit amount of \$300,000 bodily injury and property damage.

(c) A new application or amendment shall be filed promptly if and when any changes have occurred in the information on file with the City and set forth on the permit application.

(d) A permit issued under this chapter shall be nonassignable. A permit issued under

this chapter may be revoked by the City Secretary at any time it shall appear to Council that the permit holder has violated any provision of this chapter, or for other good cause.

(e) No permit shall be issued under this chapter unless and until the applicant has furnished copies of such insurance policies. Such policy shall contain a provision that the city shall be given at least 30 days' written notice of cancellation, nonrenewal, or material change of the required insurance coverage. This action shall be evidenced by registered or certified mail.

(f) The owner or operator of each taxicab shall post in a conspicuous place on the inside of each vehicle a card showing the rates charged and the owner or operator may not charge an amount in excess of the rates so displayed. Such rates shall correspond with the rates furnished in Section 118-63 of this chapter.

(g) Every taxicab business permit holder shall be responsible for the actions of any taxicab driver or other employee operating under his permit

Sec. 118-58. Payment and rendering of ad valorem tax on taxicabs.

(a) Before any permit or renewal of a permit to operate a taxicab in the city shall be issued, the city secretary shall examine the tax records and ascertain whether or not ad valorem taxes assessed by the city against the vehicle and other equipment to be used in the business of the applicant have been fully paid. If the ad valorem taxes have not been paid, the city secretary shall refuse to issue the applicant such permit or renewal until all of the ad valorem taxes have been paid and all other provisions of this article have been complied with by the applicant, and the city secretary shall issue to the applicant a permit or renewal thereof for each and every vehicle to which he may be entitled.

(b) It shall be the duty of every owner of every taxicab operated within the city to render or cause to be rendered for ad valorem taxes to the city all vehicles or other equipment used in such business, and a failure to render for and to pay such ad valorem taxes to the city before they become delinquent shall, at the will of the council, operate as revocation and cancellation of any permit authorizing the operation over the public streets, alleys and ways of the city of any such taxicabs.

Sec. 118-61. Application fee; Franchise fee; permit card.

(a) At the time of original issuance of a permit, the permit holder shall pay to the City Secretary the sum of \$25.00, regardless of the number of vehicles covered by the permittee.

(b) An administrative fee of \$5.00 will be assessed on each individual in which a criminal history check is conducted.

(c) A fee of \$100.00 shall be paid to the city by the owners of the taxicab franchise and an additional fee of \$25.00 per taxicab per year shall be paid at the time of original issuance of permit and renewal. Upon payment of such fee, a permit card shall be issued to each taxicab, and such permit card shall be displayed conspicuously in the taxicab. The permit card shall contain a number and such number shall be placed or displayed on the

inside of every taxicab. Any franchise granted by the city shall be nonexclusive.

Sec. 118-62. Identification of taxi.

- (a) Every taxicab shall have affixed on both sides and on the rear of such cab the name of the owner or the assumed name under which the owner operates, together with the company's telephone number and the cab permit number. All of the lettering mentioned in this section shall not be less than four inches in height and not less than one inch in width and will be of suitable material that will weather the elements; and such lettering must be kept legible at all times.
- (b) A person commits an offense if he:
- (1) Operates a taxicab with an expired decal or with no decal affixed to it;
 - (2) Attaches a decal to a vehicle not authorized to operate as a taxicab;
 - (3) Forges, alters, or counterfeits a taxicab decal required by this section;
 - (4) Possess a forged, altered, or counterfeited taxicab decal required by this section; or
 - (5) Displays more than one taxicab decal issued by the City on a vehicle at the same time.
- (c) A taxicab decal assigned to one person is not transferable to another without consent of the City.

Sec. 118-63. Rates and fares.

(a) The following fares shall be charged by all taxicabs operating in the city and shall be set by ordinance. It shall be unlawful for any driver or owner to refuse or avoid a call or to refuse or avoid picking up a passenger coming from any section of the city because of excessive distance in relation to the amount charged, or for any other reason, and such refusal shall be a violation of this article and shall subject the owner to revocation and cancellation of the permits and/or franchise within the discretion of the city council. This provision shall not prevent a taxicab owner or driver from refusing to pick up an intoxicated, unruly, belligerent or abusive passenger. Additionally the operator shall have the right to refuse service if the operator deems the pickup to be a dangerous situation.

(b) The taxicab rates and fares shall not exceed the amounts shown in the following schedule and shall apply to passengers only and not to pickup and delivery service for papers, packages, and other items:

- | | | |
|-----|---|--------|
| (1) | Initial pickup | \$2.50 |
| (2) | Each additional 1/12 mile | \$0.20 |
| (3) | Each additional passenger | \$0.00 |
| (4) | First piece free, each additional piece | |
| | Bag of groceries | \$0.00 |
| | Box | \$0.00 |

Suitcase \$0.00

(5) Standby or waiting time per ¼ hour \$7.00

(c) The mileage for each taxicab fare will be based on the odometer reading at the location of pickup and at the destination. Every taxicab shall display a board which is legible to the taxicab passenger showing odometer mileage at pickup and odometer mileage at destination.

(d) Such rates schedule shall be posted in a conspicuous place in all taxicabs and vehicles operated under this article, so that it may be seen and understood by such passenger or passengers as may occupy such taxicabs or vehicles. There shall be no discrimination of any of the rates charged passengers because of race, color, creed or sex.

(e) It shall be the responsibility of the taxicab driver to ensure that all passengers abide by the safety requirements in accordance with State Law.

Sec. 118-64. Service required.

(a) All taxicabs or vehicles must have current state inspection stickers and be in good operating condition.

Sec. 118-65. Records of taxi stand owners; furnishing information relative to accidents and crimes.

(a) Every person or entity conducting a taxicab business shall keep accurate records relating to calls received and services rendered, the time of such calls or services, the name of the driver performing the service or making the service call, the place of such call and the time of return from such call; and every owner shall give access to any and all records kept to the chief of police or any member of the police force; and any and every refusal to give such records or furnish information kept regarding such matters shall be and is hereby made a Class C misdemeanor.

(b) Every owner and/or employee is required to furnish information to the police department concerning the reporting of accidents and crimes witnessed or brought to the attention of such owner and/or employee and anyone failing to do so or to cooperate with any investigation concerning the commission of any offense in violation of the Code of Ordinances of the city, state or federal laws shall subject the owner and/or employee to revocation of the permit.

Sec. 118-66. Penalties; violations; convictions.

(a) *Penalties.*

(1) No person, firm, corporation or association shall operate or advertise a taxicab or

taxicab service and charge for such service without complying with this article. No person, firm, corporation or association shall regularly charge a fee or regularly receive compensation for the carrying of passengers within the city without complying with this article. This provision shall not prevent a gratuitous donation to a person carrying another person within the city, so long as such donation is not required or requested.

- (2) Any person, firm, corporation or association who violates any of the provisions of this article shall be punished by a fine of not more than \$200.00, and each and every day of continuance thereof shall constitute a distinct and separate offense.
- (3) Any person, firm, corporation or association who is caught violating any section of this chapter will not be eligible to apply or renew for one full year.
- (b) *Violations.* Violation of any of the terms or provisions of this article by any corporation or association shall subject the officers and agents actively in charge of the business or such corporation or association to the penalty provided in this section.
- (c) *Convictions.* Conviction under the provisions of this article shall be deemed just cause for the revocation of any license or permit which such person, firm, corporation or association may have and/or hold under the provisions of this article.
- (d) *Indemnification.* The City shall not be liable to any person whatsoever for damages arising out of the operation or ownership of any vehicle for hire, or arising out of the enforcement, or lack of enforcement, of this chapter. The owner and operator of every vehicle for hire business operated on the streets of the City, whether permitted under this chapter or not, shall indemnify and save the City harmless from all liabilities arising out of the ownership or operation of any such vehicles, even though it be alleged, or even proved, that City negligence caused (in whole or in part) such liability. This subsection is a part of every permit whether stated therein or not.

Secs. 118-67--118-90. Reserved.

DIVISION 3.

DRIVER'S PERMIT

Sec. 118-91. Required license.

It shall be unlawful for any person to drive a taxicab or automobile for hire upon the streets of the city without first having obtained a city chauffeur's permit.

Sec. 118-92. Application.

Any person desiring a permit under the provisions of this division shall make application to the city secretary. Such application shall contain:

- (1) The driver's full name;
- (2) Social security number;

- (3) Date of birth;
- (4) Age;
- (5) Present residence address;
- (6) Texas driver license number and expiration date;
- (7) Address and place of employment for the previous two years and reasons for leaving such prior employment;
- (8) Whether applicant has been convicted of any felony or misdemeanor, and if so, full information concerning each;
- (9) Whether applicant has been convicted of any violation of any law in the operation of motor vehicles, and if so, full information concerning each;
- (10) The signature of the applicant asserting the information required in this subsection to be true and correct, and that the applicant has read in full and understands all applicable provisions of this article and such other information as the City Secretary shall require.

Sec. 118-93 – Reserved.

Sec. 118-94. State Class C license prerequisite to issuance.

It shall be unlawful for any person to drive a taxicab within the city unless he is a duly licensed Class C operator under the laws of the state.

Sec. 118-95. Fee.

Before any permit shall be issued under the provisions of this division, the applicant shall pay an annual fee of \$20.00 per driver.

Sec. 118-96. Issuance.

Upon the approval of the application, obtaining of police clearance and the payment of the required fee, the applicant shall be issued the permit applied for under the provisions of this division.

Sec. 118-97. Expiration.

All permits issued under the provisions of this division shall expire on December 31 of the year following the issuance therefor.

Sec. 118-98. Revocation.

Any permit issued under the provisions of this division may be immediately revoked by the City Secretary for:

- (1) Good cause shown or by the city council for the violation of any applicable provision of this Code, state law, city ordinance, rule or regulation.
- (2) The applicant has made any materially false or inaccurate statement on the application for such permit;
- (3) The applicant has three or more final convictions for violations of any Class C misdemeanor traffic laws or ordinances (not to include parking violations) within a 12-month period immediately preceding the date of application or during the term of permit; or

- (4) The applicant has had a taxicab drivers permit revoked within two years immediately preceding the date of the application or during the term of the permit.

Sec. 118-99. Display.

It shall be the duty of every permittee under the provisions of this division to display his permit conspicuously in the driving compartment of the vehicle operated by him at all times.

Section two. 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 March, 2014.

Mark Bricker, Mayor

ATTEST:

Rhonda Clegg, City Secretary

APPROVED as to FORM:

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

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

Mark A. Bricker, Mayor,
City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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

Attachment: ORDINANCE NO - Vehicle for Hire - Proposed Exeuction Version (1341 : Vehicle for Hire)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 03/20/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1392

DISCUSSION ITEM (ID # 1392)

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

SCHEDULED

Meeting: 03/20/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1393

DISCUSSION ITEM (ID # 1393)

**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).**