



CITY OF BAY CITY

MINUTES • SEPTEMBER 12, 2019

Council Chambers

Regular Meeting – City Council

7:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

Texas State Flag Pledge:

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

Attendee Name	Title	Status	Arrived
Robert K. Nelson	Mayor	Present	
Brent P. Marceaux	Councilman	Present	
William Cornman	Councilman	Present	
Becca Sitz	Councilwoman	Present	
Jason W. Childers	Mayor Pro Tem	Present	
Julie Estlinbaum	Councilwoman	Present	

3. CERTIFICATION OF QUORUM

Mayor Nelson certified a quorum was present.

4. MISSION STATEMENT

1. Presentation

~ OUR MISSION: THE CITY OF BAY CITY IS A COMMUNITY THAT FOSTERS FUTURE ECONOMIC GROWTH, STRIVES TO DELIVER SUPERIOR MUNICIPAL SERVICES, INVESTS IN QUALITY OF LIFE INITIATIVES AND IS THE GATEWAY TO THE GREAT OUTDOORS. WE ENCOURAGE ACCESS TO OUR UNIQUE HISTORICAL AND ECO-CULTURAL RESOURCES WHILE MAINTAINING OUR SMALL-TOWN TEXAS CHARM.

Councilwoman, Becca Sitz

The Mission Statement was read by Councilwoman, Becca Sitz.

5. APPROVAL OF AGENDA

The agenda was approved as written, by motion. The motion was made by Councilman, Bill Cornman and seconded by Councilman, Brent Marceaux.

6. PUBLIC COMMENTS

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

David Torres -

1. Tax issue with his property.
2. Problem with schools.
3. Sidewalks for students.
4. Water meters.
5. Golden Avenue needs road work.
6. Drainage issues.
7. Weeds near the Recycling Center.

7. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETINGS HELD ON AUGUST 7, 2019 AND AUGUST 22, 2019.

City Secretary, David Holubec

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 12th day of September, 2019, at Bay City

8. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. Budget

~ DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS ADOPTING AN OPERATING BUDGET FOR THE CITY OF BAY CITY, TEXAS FOR FISCAL YEAR 2020 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICATED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURE INHERENT, EXPRESSED, AND INCLUDED THEREIN.

Finance Director, Scotty Jones

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 12th day of September, 2019, at Bay City

2. Budget

~ DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS ADOPTING THE TAX RATE OF \$0.6550 PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION FOR THE CITY OF BAY CITY, TEXAS TO BE EFFECTIVE FOR THE TAX RATE YEAR 2019 (FISCAL YEAR 2020) THEREBY LEVYING A MAINTENANCE AND OPERATIONS TAX RATE OF \$0.50176 AND A DEBT SERVICE RATE TAX RATE OF \$0.15324.

Scotty Jones, Director of Finance

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Brent P. Marceaux, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 12th day of September, 2019, at Bay City

3. Ordinance

~ DISCUSS, CONSIDER AND/OR TAKE ACTION TO ADOPT AN ORDINANCE SETTING THE SCHEDULE OF FEES.

Finance Director, Scotty Jones

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

ORDINANCE

Enacted and approved this 12th day of September, 2019, at Bay City

4. Discussion

~ CONSIDER AND TAKE ACTION TO ACCEPT DECLARATION AND DEDICATION OF PUBLIC-RIGHT-OF-WAY IDENTIFIED AS CAMILLE DRIVE FILED BY SAL HOLDINGS, LLC, FILED OF RECORD AS DOCUMENT #2018-6475, IN THE OFFICIAL RECORDS OF MATAGORDA COUNTY, TEXAS.

Finance Director, Scotty Jones

Owner subject to maintaining this road. Written easement agreement will be developed by the City Attorney.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Becca Sitz, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 12th day of September, 2019, at Bay City

5. Agreement

~ DISCUSS, CONSIDER AND/OR APPROVE A DEVELOPMENT AGREEMENT WITH SAL HOLDINGS, LLC.

Finance Director, Scotty Jones

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 12th day of September, 2019, at Bay City

6. Financial

~ DISCUSS, CONSIDER AND/OR APPROVE THE PAYMENT OF TIRZ #1 & TIRZ #2 INVOICES.

Finance Director, Scotty Jones

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 12th day of September, 2019, at Bay City

7. Grant

~ DISCUSS AND RECEIVE A DONATION OF TWO GAGA BALL PITS FUNDING IN THE AMOUNT OF \$3,500 AND APPROVE VOLUNTEER LABOR TO CONSTRUCT THE PITS.

Parks Director, Shawn Blackburn

Eagle Scout, Caleb Spears raised funds for this Eagle Scout Project. The ball pits will be placed at Amistad and Valiant Parks.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 12th day of September, 2019, at Bay City

8. Appointment

~ DISCUSS, CONSIDER AND/OR APPROVE APPOINTMENTS TO THE CITY OF BAY CITY HOUSING AUTHORITY BOARD. DANYAL MANNING, RONNIE REEVES, VIDALA RODAS-LEAL AND THOMAS BATTLE.

Mayor, Robert K. Nelson

LaWanda Davis spoke to Council about the Bay City Housing Authority projects. This item was moved to Closed/Executive Session.

9. Contract

~ DISCUSS, CONSIDER AND/OR APPROVE THE CONTRACT WITH STRATEGIC GOVERNMENT RESOURCES (SGR).

Mayor, Robert K. Nelson

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 12th day of September, 2019, at Bay City

9. CLOSED / EXECUTIVE SESSION

1. Personnel

~ DISCUSS MAYOR NELSON'S COMPENSATION PACKAGE WITH THE CITY OF BAY CITY, TEXAS.

Councilman, Bill Cornman

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

2. Litigation

~ EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071(2) FOR THE CITY COUNCIL TO CONSULT WITH THE CITY ATTORNEY REGARDING ATTORNEY/CLIENT PRIVILEGED MATTERS.

Mayor, Robert K. Nelson

3. Litigation

~ EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1) FOR CONSULTATION WITH CITY ATTORNEY REGARDING THE FOLLOWING LITIGATION:

(A) CAUSE NO. 19-E-0013, RONNIE DEAN REEVES, VIDALA LEAL RODAS, DANYAL SHENIEL MANNING AND THE BAY CITY HOUSING AUTHORITY VS. MARK A. BRICKER, MAYOR, DEFENDANT; (B) CAUSE NO. 13-18-00484-CV, MAYOR MARK A. BRICKER, JULIE ESTLINBAUM, COUNCILWOMAN, POSITION 1, BILL CORNMAN, COUNCILMAN, POSITION 2, AND THE CITY OF BAY CITY, TEXAS V. ROBERT NEAL HEAD.

Mayor, Robert K. Nelson

10. OPEN SESSION

1. Report

~ DISCUSS, CONSIDER AND/OR TAKE ACTION ON ITEM(S) LISTED IN EXECUTIVE/CLOSED SESSION, (IF ANY).

Mayor, Robert K. Nelson

Item 8.8 Housing Authority Appointments - Mayor Nelson's recommendation was to not reappoint Danyal Manning to the Housing Authority Board. Mayor Nelson recommended that Thomas Battle be appointed to the Housing Authority Board.

Item 9.1 Mayor's Salary - Shall stay the same for the next three months. Motion made by Bill Cornman and seconded by Jason Childers. Unanimously passed.

Item 9.2 No Action, other than the Housing Authority Appointment discussion (8.8).

Item 9.3 No Action.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 12th day of September, 2019, at Bay City

11. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Brent Marceaux - Blackcat Football

Brent Marceaux - Library Fundraiser

Bill Cornman - WCA doing better. Bay City Country Club contract needs to happen soon.

Brent Marceaux - WCA positive changes seen.

Becca Sitz - Fees WCA. Planning Commission appointed.

Jason Childers - Welcomed Morton and thanked Mayor. Julie Estlinbaum did as well.

12. 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 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 Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Friday, September 6, 2019 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

The facility is wheelchair accessible and accessible parking spaces available. Request for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary's Office at 979-245-5311 or email, dholubec@cityofbaycity.org for further information.

David Holubec
City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3973

DISCUSSION ITEM (ID # 3973)

~ OUR MISSION: THE CITY OF BAY CITY IS A COMMUNITY THAT FOSTERS FUTURE ECONOMIC GROWTH, STRIVES TO DELIVER SUPERIOR MUNICIPAL SERVICES, INVESTS IN QUALITY OF LIFE INITIATIVES AND IS THE GATEWAY TO THE GREAT OUTDOORS. WE ENCOURAGE ACCESS TO OUR UNIQUE HISTORICAL AND ECO-CULTURAL RESOURCES WHILE MAINTAINING OUR SMALL-TOWN TEXAS CHARM.

COMMENTS - Current Meeting:

The Mission Statement was read by Councilwoman, Becca Sitz.



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3913)

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Minutes
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3913

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETINGS HELD ON AUGUST 7, 2019 AND AUGUST 22, 2019.

HISTORY:

08/22/19 **City Council**

TABLED

Next: 09/12/19

The minutes did not attach to the agenda even though it was added to the software.
Because of this, Mayor Pro Tem Jason Childers wanted this item placed on the next agenda.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum



CITY OF BAY CITY

MINUTES • AUGUST 7, 2019

Council Chambers

Regular Meeting – City Council

7:00 PM

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

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

Texas State Flag Pledge:

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

Attendee Name	Title	Status	Arrived
Robert K. Nelson	Mayor	Present	
Brent P. Marceaux	Councilman	Present	
William Cornman	Councilman	Present	
Becca Sitz	Councilwoman	Present	
Jason W. Childers	Mayor Pro Tem	Present	
Julie Estlinbaum	Councilwoman	Present	

3. CERTIFICATION OF QUORUM

Mayor Nelson certified a quorum.

4. MISSION STATEMENT

1. Presentation

~ OUR MISSION: THE CITY OF BAY CITY IS A COMMUNITY THAT FOSTERS FUTURE ECONOMIC GROWTH, STRIVES TO DELIVER SUPERIOR MUNICIPAL SERVICES, INVESTS IN QUALITY OF LIFE INITIATIVES AND IS THE GATEWAY TO THE GREAT OUTDOORS. WE ENCOURAGE ACCESS TO OUR UNIQUE HISTORICAL AND ECO-CULTURAL RESOURCES WHILE MAINTAINING OUR SMALL-TOWN TEXAS CHARM.

Mayor Pro Tem, Jason W. Childers

The Mission Statement was read by Mayor Pro Tem Childers.

5. APPROVAL OF AGENDA

The agenda was unanimously approved by motion. The motion was made by Councilman, Brent Marceaux and seconded by Councilwoman, Julie Estlinbaum.

6. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON JULY 25, 2019, 7PM.

City Secretary, David Holubec

RESULT:	APPROVED [4 TO 0]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Cornman, Sitz, Childers, Estlinbaum
ABSTAIN:	Marceaux

Enacted and approved this 7th day of August, 2019, at Bay City

7. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. Presentation

~ PRESENTATION OF MAYOR'S TOP READER CERTIFICATES FOR THE BAY CITY PUBLIC LIBRARY.

Mayor, Robert K. Nelson and Library Director, Samantha Denbow
Mayor Nelson and Library Director, Samantha Denbow presented the "Top Reader" Awards to the Summer Reading Program winners.

2. Presentation

~ RECEIVE AND DISCUSS UPDATES ON THE ONGOING PROJECTS OF THE BAY CITY TOURISM COUNCIL.

Tourism Manager, Heidi Martinez
Tourism Manager, Heidi Martinez, presented the Tourism Department report, which included past and future events.

3. Appointment

~ DISCUSS, CONSIDER AND/OR APPROVE THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S APPOINTMENT OF COUNCILMAN, JASON W. CHILDERS TO THE BOARD OF DIRECTORS.

BCCDC Director, Jessica Russell
Mayor Pro Tem, Jason W. Childers was named to represent the City on the Bay City Community Development Corporation board.

RESULT:	APPROVED [4 TO 0]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Brent P. Marceaux, Councilman
AYES:	Marceaux, Cornman, Sitz, Estlinbaum
ABSTAIN:	Childers

Enacted and approved this 7th day of August, 2019, at Bay City

4. Ordinance

~ DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE FOR A BUDGET AMENDMENT FOR THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION.

BCCDC Director, Jessica Russell
BCCDC Director, Jessica Russell presented budget amendment requests.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Becca Sitz, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 7th day of August, 2019, at Bay City

5. Bid

~ DISCUSS, CONSIDER, AND/OR AWARD THE CONSTRUCTION BID FOR THE FEMA HMGP GENERATORS PROJECT TO C.F. McDONALD ELECTRIC, INC. IN THE AMOUNT OF \$1,353,469.00 AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND C.F. McDONALD ELECTRIC, INC.

Barry Calhoun, Director of Public Works

Finance Director, Scotty Jones presented the bid information regarding the Phase II FEMA Generator project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Becca Sitz, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 7th day of August, 2019, at Bay City

6. Bid

~ DISCUSS, CONSIDER, AND/OR REJECT THE CONSTRUCTION BID FOR THE COTTONWOOD LIFT STATION REHABILITATION PROJECT TO T. GRAY UTILITY & REHAB CO., LLC IN THE AMOUNT OF \$891,200.00.

Louis Rodriguez, Utilities Superintendent

Finance Director, Scotty Jones presented the reasons for recommending the rejection of the Cottonwood Lift Station project bids.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 7th day of August, 2019, at Bay City

7. Budget

~ DISCUSS, CONSIDER, AND/OR AMEND THE PROPOSED BUDGET OF THE CITY OF BAY CITY FOR THE 2020 FISCAL YEAR.

Finance Director, Scotty Jones

No action.

8. Report

~ CONSIDER PLACING A PROPOSAL TO ADOPT A TAX RATE FOR THE 2020 FISCAL YEAR AS AN ACTION ITEM ON THE AGENDA OF A FUTURE COUNCIL MEETING, SPECIFYING THEREIN THE DESIRED RATE AND PUBLISHING NOTICE THEREOF.

Finance Director, Scotty Jones

Finance Director, Scotty Jones, presented her recommendation regarding the tax rate for the Fiscal Year 2020.

Councilman, Bill Cornman made a motion for a proposed tax rate of .67500/100 be placed on the September 12, 2019 agenda. A second was not received. After discussion by Mayor and Council members, Mayor Pro Tem Childers made a motion for a proposed tax rate of .65500/100 be placed on the September 12, 2019 agenda. This motion was seconded by Councilwoman, Julie Estlinbaum. Mayor Pro Tem Childers' motion was passed 4 yes and 1 no. The votes were polled by Mayor Nelson.

RESULT:	APPROVED [4 TO 1]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Marceaux, Sitz, Childers, Estlinbaum
NAYS:	Cornman

Enacted and approved this 7th day of August, 2019, at Bay City

9. Report

~ CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2020 FISCAL YEAR BUDGET AND CAPITAL IMPROVEMENT PLAN FOR THURSDAY, AUGUST 22, 2019 AND THURSDAY AUGUST 29, 2019.

Finance Director, Scotty Jones

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Becca Sitz, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 7th day of August, 2019, at Bay City

10. Report

~ CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2020 FISCAL YEAR TAX RATE FOR THURSDAY, AUGUST 22, 2019 AND THURSDAY AUGUST 29, 2019 (IF REQUIRED).

Finance Director, Scotty Jones
Jason/Brent

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Brent P. Marceaux, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 7th day of August, 2019, at Bay City

11. Presentation

~ DISCUSS, CONSIDER AND/OR APPROVE HIRING AN INTERIM CITY MANAGER.

Mayor, Robert K. Nelson

A Special Council meeting was called to discuss the Interim City Manager position.
Tues. August 13, 2019 - 7PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Becca Sitz, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 7th day of August, 2019, at Bay City

8. CLOSED / EXECUTIVE SESSION

1. Litigation

~ EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071(2) for the City Council to consult with the City Attorney regarding attorney/client privileged matters.

Mayor, Robert K. Nelson
No Action.

2. Litigation

~ EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1) FOR CONSULTATION WITH CITY ATTORNEY REGARDING THE FOLLOWING LITIGATION:

(A) CAUSE NO. 19-E-0013, RONNIE DEAN REEVES, VIDALA LEAL RODAS, DANYAL SHENIEL MANNING AND THE BAY CITY HOUSING AUTHORITY VS. MARK A. BRICKER, MAYOR, DEFENDANT; (B) CAUSE NO. 13-18-00484-CV, MAYOR MARK A. BRICKER, JULIE ESTLINBAUM, COUNCILWOMAN, POSITION 1, BILL CORNMAN, COUNCILMAN, POSITION 2, AND THE CITY OF BAY CITY, TEXAS V. ROBERT NEAL HEAD.

Mayor, Robert K. Nelson
No Action.

9. OPEN SESSION

1. Report

~ DISCUSS, CONSIDER AND/OR TAKE ACTION ON ITEM(S) LISTED IN EXECUTIVE/CLOSED SESSION, (IF ANY).

Mayor, Robert K. Nelson
No Action.

10.PUBLIC COMMENTS

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

None

11.ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

None

12.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:

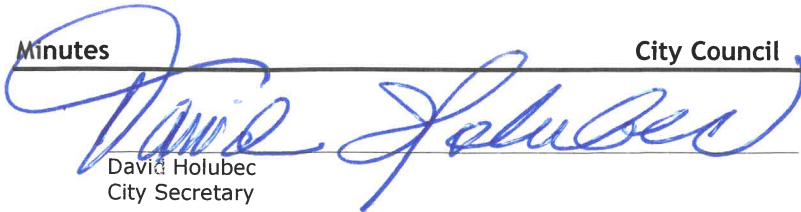
It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be 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.

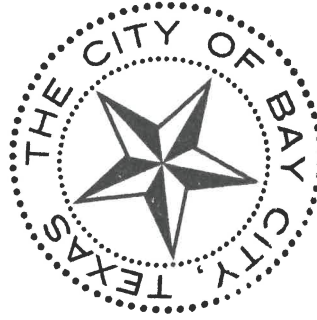
Executive Sessions Authorized:

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 Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Friday, August 2, 2019 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

The facility is wheelchair accessible and accessible parking spaces available. Request for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary's Office at 979-245-5311 or email, dholubec@cityofbaycity.org for further information.


David Holubec
City Secretary





CITY OF BAY CITY

MINUTES • AUGUST 22, 2019

Council Chambers**Regular Meeting – City Council****7:00 PM**

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

1. CALL TO ORDER**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Texas State Flag Pledge:

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

Attendee Name	Title	Status	Arrived
Robert K. Nelson	Mayor	Present	
Brent P. Marceaux	Councilman	Present	
William Cornman	Councilman	Present	
Becca Sitz	Councilwoman	Present	
Jason W. Childers	Mayor Pro Tem	Present	
Julie Estlinbaum	Councilwoman	Present	

3. CERTIFICATION OF QUORUM

Mayor Robert K. Nelson certified that a quorum was present.

4. MISSION STATEMENT

1. Presentation

~ OUR MISSION: THE CITY OF BAY CITY IS A COMMUNITY THAT FOSTERS FUTURE ECONOMIC GROWTH, STRIVES TO DELIVER SUPERIOR MUNICIPAL SERVICES, INVESTS IN QUALITY OF LIFE INITIATIVES AND IS THE GATEWAY TO THE GREAT OUTDOORS. WE ENCOURAGE ACCESS TO OUR UNIQUE HISTORICAL AND ECO-CULTURAL RESOURCES WHILE MAINTAINING OUR SMALL-TOWN TEXAS CHARM.

Councilwoman, Julie Estlinbaum

5. APPROVAL OF AGENDA

Councilman Bill Cornman made a motion to approve the agenda and Mayor Pro Tem Jason Childers seconded the motion. The motion carries.

6. PUBLIC HEARING

1. Public Hearing

~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2020.

Finance Director, Scotty Jones
There were no public comments.

2. Public Hearing

~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED PROPERTY (AD VALOREM) TAX RATE FOR FISCAL YEAR 2020.

Finance Director, Scotty Jones

David Torres addressed the Mayor and Council thanking them for keeping the tax rate the same.

3. Public Hearing

~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY PROPOSED CAPITAL IMPROVEMENT PROGRAM.

Finance Director, Scotty Jones

There were no public comments. Finance Director, Scotty Jones, stated that the final adoption of the program will be on September 12, 2019.

7. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON AUGUST 7, 2019, 7PM.

City Secretary, David Holubec

The minutes did not attach to the agenda even though it was added to the software. Because of this, Mayor Pro Tem Jason Childers wanted this item placed on the next agenda.

RESULT:

TABLED

Next: 9/12/2019 7:00 PM

8. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. Policy

~ DISCUSS, CONSIDER AND/OR APPROVE THE BAY CITY BUDGETARY AND FINANCIAL POLICY.

Finance Director, Scotty Jones

Finance Director, Scotty Jones, addressed the Mayor and Council for approval of the budgetary and financial policy. She stated that the bond ratings have changed from a negative to a positive outlook with the trend of the general fund and how the reserves are moving. This is a document that would be reviewed annually. Councilman Bill Cornman made a motion to approve the policy and Councilman Brent Marceaux seconded the motion. The policy was approved.

2. Resolution

~ DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION OF THE CITY OF BAY CITY, TEXAS FINDING THAT AEP TEXAS INC.'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT

WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW;
REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Finance Director, Scotty Jones

Finance Director, Scotty Jones, addressed the Mayor and Council to receive approval for the AEP denial resolution. This is recommended by TCAP. There is no cost to the city. The citizen impact on this could be a rate increase or decrease. Mayor Pro Tem Jason Childers made a motion to approve the resolution and it was seconded by Councilwoman Julie Estlinbaum. The motion carries.

3. Award

~ RECEIVE AND DISCUSS THE CITY OF BAY CITY'S AWARD FROM THE GOVERNMENT
FINANCE OFFICERS ASSOCIATION.

Finance Director, Scotty Jones

Finance Director, Scotty Jones, introduced her staff to the Mayor, Council and citizens that were present. An award was presented to the Finance department from the Government Finance Officers Association.

4. Award

~ RECOGNIZE AWARDS RECEIVED BY THE TOURISM MANAGER, HEIDI MARTINEZ AND
THE TOURISM COUNCIL FOR THE CITY OF BAY CITY, TEXAS.

Tourism Manager, Heidi Martinez

Finance Director, Scotty Jones, introduced a video of Heidi Martinez, Tourism Manager, on collaboration and planning. Mrs. Martinez introduced the Tourism board members that were present. She also spoke about the Love Where you Live campaign and the murals that were placed around town. A photo was taken with the awards that were received.

5. Agreement

~ DISCUSS, CONSIDER AND/OR APPROVE AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF BAY CITY, TEXAS AND CALHOUN COUNTY REGARDING HOUSING
OF BAY CITY INMATES IN THE CALHOUN COUNTY JAIL.

Police Chief, Robert Lister

Police Chief Robert Lister addressed the Mayor and Council stating that this agreement is the same as the agreement that was passed with Fort Bend County. Passing the agreement with Calhoun County would give the city options should we have a disaster in our area. These contracts will renew every year. Councilwoman Julie Estlinbaum made a motion and both Councilman Corman and Mayor Pro Tem Childers seconded the motion. The motion carries.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	William Cornman, Jason W. Childers
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 22nd day of August, 2019, at Bay City

9. CLOSED / EXECUTIVE SESSION

739

1. Personnel

~ TO DISCUSS PERSONNEL MATTERS IN ACCORDANCE WITH TITLE 5, SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (TO DISCUSS APPOINTMENT, EMPLOYMENT, EVALUATION, RESPONSIBILITIES AND DUTIES, REASSIGNMENT, DISCIPLINE OR DISMISSAL OF AN OFFICER OR EMPLOYEE, OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE [INTERIM CITY MANAGER / CITY MANAGER].

Mayor, Robert K. Nelson

Mayor Nelson advised that an offer was made to one of the candidates that had been interviewed. The candidate, Richard Morton, accepted the offer and will begin working with the city at the beginning of September. Mayor Nelson also advised that this position is a contract position and not a full-time city employee.

2. Litigation

~ EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071(2) FOR THE CITY COUNCIL TO CONSULT THE CITY ATTORNEY REGARDING ATTORNEY/CLIENT PRIVILEGED MATTERS.

Mayor, Robert K. Nelson

Mayor Pro Tem Jason Childers made a motion to engage SGR in the search for the permanent City Manager. Councilman Brent Marceaux seconded the motion. The motion carries.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Brent P. Marceaux, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 22nd day of August, 2019, at Bay City

3. Litigation

~ EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1) FOR CONSULTATION WITH CITY ATTORNEY REGARDING THE FOLLOWING LITIGATION:

(A) CAUSE NO. 19-E-0013, RONNIE DEAN REEVES, VIDALA LEAL RODAS, DANYAL SHENIEL MANNING AND THE BAY CITY HOUSING AUTHORITY VS. MARK A. BRICKER, MAYOR, DEFENDANT; (B) CAUSE NO. 13-18-00484-CV, MAYOR MARK A. BRICKER, JULIE ESTLINBAUM, COUNCILWOMAN, POSITION 1, BILL CORNMAN, COUNCILMAN, POSITION 2, AND THE CITY OF BAY CITY, TEXAS V. ROBERT NEAL HEAD.

Mayor, Robert K. Nelson

No action was taken.

10.OPEN SESSION

1. Report

~ DISCUSS, CONSIDER AND/OR TAKE ACTION ON ITEM(S) LISTED IN EXECUTIVE/CLOSED SESSION, (IF ANY).

Mayor, Robert K. Nelson

The executive session was concluded at 8:23 PM. Open session resumed at 8:25 PM.

11.PUBLIC COMMENTS

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

David Torres addressed the Mayor and Council stating concerns about a city official not being present when the school was torn down, Code Enforcement, and the Recycling Center.

12.ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Brent Marceaux stated that school started on Monday and asked that citizens be more vigilant to the youth going to and from school.

13.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:

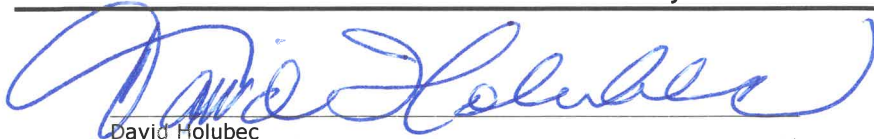
It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be 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 Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Friday, August 16, 2019 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

The facility is wheelchair accessible and accessible parking spaces available. Request for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary's Office at 979-245-5311 or email, dholubec@cityofbaycity.org for further information.



David Holubec
City Secretary





City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Budget
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3908

AGENDA ITEM (ID # 3908)

**~ DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE
OF THE CITY OF BAY CITY, TEXAS ADOPTING AN
OPERATING BUDGET FOR THE CITY OF BAY CITY, TEXAS
FOR FISCAL YEAR 2020 AND ALL DESIGNATED, SPECIFIED,
NOTED, AND INDICATED LEVIES, RATES, RESERVES,
REVENUE PROVISIONS, AND PLANNED EXPENDITURE
INHERENT, EXPRESSED, AND INCLUDED THEREIN.**

This ordinance will adopt the budget for Fiscal Year 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

ORDINANCE NO. 1638

AN ORDINANCE ADOPTING AN OPERATING BUDGET FOR THE CITY OF BAY CITY, TEXAS FOR FISCAL YEAR 2020 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICATED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURE INHERENT, EXPRESSED AND INCLUDED THEREIN; PROVIDING FOR A CUMULATIVE CLAUSE: PROVIDING FOR SEVERABILITY: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bay City, Texas, is desirous of adopting an Operating Budget for the fiscal year 2020 and

WHEREAS, the proposed Operating Budget was placed on file with the City Secretary on the 5th day of August 2019; and

WHEREAS, a public hearing on the Operating Budget for the City of Bay City for the fiscal year 2020 has heretofore been published in accordance with the law; and

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

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

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

Section one. Operating Budget Approved. The Operating Budget for the fiscal year 2020 is hereby approved and adopted and does include:

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

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

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

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

Section four. City Council directs the Director of Finance to file the Operating Budget with the Municipal Clerk.

Section five. City Council directs the Director of Finance to ensure the Operating Budget, including the Cover Page, is posted on the City's website.

Section six. Effective Date. This Ordinance shall become effective October 1, 2019.

PASSED AND APPROVED on this 12th day of September 2019.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

David Holubec, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Julie L. Estlinbaum	_____	_____	_____
Jason Childers, Mayor Pro Tem	_____	_____	_____
Bill Cornman	_____	_____	_____
Becca Sitz	_____	_____	_____
Brent Marceaux	_____	_____	_____

Robert K. Nelson, Mayor, City of Bay City

ATTEST:

David Holubec, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Budget
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3907

AGENDA ITEM (ID # 3907)

~ DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS ADOPTING THE TAX RATE OF \$0.6550 PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION FOR THE CITY OF BAY CITY, TEXAS TO BE EFFECTIVE FOR THE TAX RATE YEAR 2019 (FISCAL YEAR 2020) THEREBY LEVYING A MAINTENANCE AND OPERATIONS TAX RATE OF \$0.50176 AND A DEBT SERVICE RATE TAX RATE OF \$0.15324.

Specific Council motion language required:

"I move that the property tax be increased by the adoption of a tax rate of \$0.6550, which is effectively a .68 % (percent) increase in the tax rate."

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Brent P. Marceaux, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

ORDINANCE NO. 1637

AN ORDINANCE ADOPTING THE TAX RATE OF \$0.65500 PER \$100.00 OF ASSESSED VALUATION FOR THE CITY OF BAY CITY, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020, LEVYING A MAINTENANCE AND OPERATIONS RATE OF \$.50176 AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPAL AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY LEVYING A DEBT SERVICE RATE OF \$.15324; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; PROVIDING A SERVERABILITY CLAUSE HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of Bay City, Texas, has on this date, by way of separate Ordinance, duly approved, adopted an Operating Budget for the operation of the City for fiscal year 2020; and

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

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

WHEREAS, it is necessary to levy such an *ad valorem* tax at a given rate to generate revenues sufficient to meet the projected expenses of the City for fiscal year 2020; and

WHEREAS, the City has acknowledged that:

THIS YEAR'S TAX LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR'S MAINTENANCE AND OPERATIONS TAX LEVY; and

WHEREAS, the City has fully and timely complied with all notice and other requirements relative to the adoption of a tax rate for fiscal year 2020.

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

Section one. There is hereby levied for the fiscal year 2020 upon all real property situated within the corporate limits of the City of Bay City, Texas, and upon all personal property

which is owned within the corporate limits of the City of Bay City, Texas on January 1, 2019, except so much thereof as may be exempt by the Constitution or laws of the State of Texas, a total tax of \$0.6550 on each \$100 of assessed valuation on all taxable property, which total tax herein so levied shall consist and be comprised of the following components:

- a. An *ad valorem* tax rate of \$0.50176 on each \$100 of assessed valuation of all taxable property is hereby levied for general City purposes and to pay the current operating expenses of the City of Bay City, Texas, for the fiscal year ending September 30, 2020, which tax, when collected shall be appropriated to and for the credit of the General Fund of the City of Bay City, Texas.
- b. An *ad valorem* tax rate of \$0.15324 on each \$100 of assessed valuation of taxable property is hereby levied for the purpose of creating an Interest and Sinking Fund with which to pay the interest and principal of the valid bonded indebtedness, and related fees of the City of Bay City, now outstanding and such tax, when collected, shall be appropriated and deposited in and to the credit of the General Debt Service Fund of the City of Bay City, Texas, for fiscal year ending September 30, 2020.

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

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

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

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

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

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

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

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

PASSED AND APPROVED on this 12th day of September 2019.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

David Holubec, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Julie L. Estlinbaum	_____	_____	_____
Jason Childers, Mayor Pro Tem	_____	_____	_____
Bill Cornman	_____	_____	_____
Becca Sitz	_____	_____	_____
Brent Marceaux	_____	_____	_____

Robert K. Nelson, Mayor, City of Bay City

ATTEST:

David Holubec, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 3969)

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Ordinance
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3969

**~ DISCUSS, CONSIDER AND/OR TAKE ACTION TO ADOPT
AN ORDINANCE SETTING THE SCHEDULE OF FEES.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

ORDINANCE NO. 1639

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ADOPTING A FEE SCHEDULE ATTACHED HERETO AS EXHIBIT “A” AND LABELED “APPENDIX B” TO BE ADDED TO THE CODE OF ORDINANCES OF THE CITY OF BAY CITY, TEXAS; ADOPTING FEES AND CHARGES FOR VARIOUS CITY SERVICES AND CONSOLIDATING THOSE FEES AND CHARGES FOR CONVENIENCE; PROVIDING FOR REPEAL; PROVIDING FOR RATIFICATION; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City of Bay City, Texas, (“City”) has adopted numerous ordinances that provide for fees and charges for various city services; and

WHEREAS, the City has determined that it would be convenient to consolidate those fees and charges into one ordinance that can be reviewed and amended as needed from time to time; and

WHEREAS, the City has adopted a budget for the 2020 fiscal year that incorporates these fees and charges specified herein on September 12, 2019; and

WHEREAS, the City has determined that the fees and charges specified herein are reasonable, necessary, fair, and designed to fund the various activities to which they pertain; and

WHEREAS, the City has determined that the fees and charges specified herein will promote the health, safety, and welfare of City;

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

Section 1. The facts and recitations contained in the preamble to this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. *Fees Schedule adopted.* The City hereby adopts the Fee Schedule attached hereto as Exhibit “A” and labeled “Appendix B” to be added to the City of Bay City, Texas, Code of Ordinances and imposes the fees and charges set forth therein upon the various services to which they pertain. These fees and charges shall be collected by the City in accordance with the various City ordinances that more particularly describe each such fee or charge.

Section 3. *Repeal.* All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

Section 4. *Ratification.* The City ratifies any past action taken regarding charging of fees.

Attachment: Fee Ordinance_City of Bay City2019 (3969 : Fee Schedule Ordinance)

Section 5. *Penalty.* Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 6. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances 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 part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. *Effective Date.* This Ordinance shall be effective on October 1, 2019, and may be published as required by law.

PASSED, APPROVED, AND ADOPTED on this 12th day of September 2019.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

David Holubec, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

Appendix A- FEES, RATES AND CHARGES**Color Codes:****Amended**

Section Number	Subject	Fee Amount
Chapter 90 – Solid Waste		
90-28 (3)	Residential Trash	\$21.04/month
	Residential- Extra Toter	\$10.53/month
	Small Commercial	\$37.33/month
	Small Commercial- Extra Toter	\$18.67/month
	Large Commercial:	
	2 Yard 1 time per week	\$59.44/month
	2 Yard 2 times per week	\$119.87/month
	2 Yard 3 times per week	\$178.51/month
	2 Yard 4 times per week	\$235.30/month
	2 Yard 5 times per week	\$290.31/month
	2 Yard 6 times per week	\$349.75/month
	3 Yard 1 time per week	\$83.78/month
	3 Yard 2 times per week	\$167.66/month
	3 Yard 3 times per week	\$248.83/month
	3 Yard 4 times per week	\$327.28/month
	3 Yard 5 times per week	\$403.03/month
	3 Yard 6 times per week	\$485.65/month

	4 Yard 1 time per week	\$103.63/month
	4 Yard 2 times per week	\$206.42/month
	4 Yard 3 times per week	\$305.61/month
	4 Yard 4 times per week	\$401.21/month
	4 Yard 5 times per week	\$493.18/month
	4 Yard 6 times per week	\$596.80/month
	6 Yard 1 time per week	\$143.31/month
	6 Yard 2 times per week	\$283.96/month
	6 Yard 3 times per week	\$419.22/month
	6 Yard 4 times per week	\$549.06/month
	6 Yard 5 times per week	\$673.48/month
	6 Yard 6 times per week	\$814.02/month
	8 Yard 1 time per week	\$173.94/month
	8 Yard 2 times per week	\$343.19/month
	8 Yard 3 times per week	\$505.73/month
	8 Yard 4 times per week	\$660.81/month
	8 Yard 5 times per week	\$808.68/month
	8 Yard 6 times per week	\$942.19/month
	Additional Haul- 2 Yard	\$19.82/month
	Additional Haul- 3 Yard	\$27.96/month
	Additional Haul- 4 Yard	\$34.57/month
	Additional Haul- 6 Yard	\$47.81/month
	Additional Haul- 8 Yard	\$58.04/month
	Lock Fee- Installation (1-time fee)	\$75.00

	Lock Fee	\$5.00/month
<i>(customers outside of city limits pay 1.5 times inside city limit rate)</i>		
Chapter 114 – Utilities		
114-	Return Check Fee	\$30.00
114-22 Water & Sewer Deposits		
114-22 (1)	Residential Customers Single-Family resident	\$150.00
114-22 (1)	Small Business Commercial property with a 3.4 inch water or 4 inch sewer connection, or both	\$200.00
114-22 (1)	Large Business Commercial property with a water connection 1 inch or greater or sewer connection 6 inch or greater, or both	Up to 60-day average bill
114-22 (1)	Multi Unit Multi units connected to one water meter	Up to 60-day average bill

114-22 (1)	Commercial accounts Washeterias, carwashes, and other high volume users	Up to 60-day average bill
114-22(4a1)	Reconnection Fee Upon disconnection at curb stop	\$50.00
114-22(4a2)	Reconnection Fee Upon meter removal	\$100.00
114-22(4a3)	Reconnection Fee Upon locking meter	\$100.00
114-22(4b)	<i>Residential</i> Required deposit (restoration of service due to non-payment)	\$50.00 per occurrence (not to exceed \$300.00)
114-22 (4b)	<i>Commercial</i> Required deposit (restoration of service due to non-payment)	\$50.00 per occurrence (not to exceed 90-day average)
114-26	Late payment Fee	10% of balance , or \$10.00, (whichever is greater)

114-55	Water Tapping Charges	
114-55 (a)	1-inch or less	\$1,250
114-55 (a)	1.5-inch or greater	Based on 3 rd party contractor cost plus cost of meter and inspection fee (\$100.00)
Connection Fees		
114-57 (1)	Connection Fee- New Service	\$15.00
114-57 (2)	Connection Fee- Following Disconnect for non-payment	\$50.00
114-57 (3)	Connection Fee- Tampering (turned on by customer following disconnect for non-payment)	\$100.00
114-57 (3a)	Connection Fee- Tampering with damage to curb stop or meter box	\$150.00
114-57 (3b)	Connection Fee- Tampering with damage to meter or register	Cost of equipment replacement plus tampering fee noted in 114-57 (3)
114-57 (4)	<i>Connection Fee- After normal business hours</i>	\$35.00

Monthly Rate Schedule (Water)

Residential

114-88

*Base Charge 0-2,000 gallons
0.625-10 inch meter*

\$22.13

Volumetric Rate

114-88

2,001 – 5,000 Gallons

\$2.06 per 1,000 gallons

114-88

5,001 – 10,000 Gallons

\$2.59 per 1,000 gallons

114-88

Over 10,000 Gallons

\$3.11 per 1,000 gallons

Non-Residential (Commercial)

Base Monthly Bill

114-88

0.625-inch meter

\$22.13

114-88

0.75-inch meter

\$22.13

114-88	<i>1-inch meter</i>	<i>\$27.67</i>
114-88	<i>1.5-inch meter</i>	<i>\$55.31</i>
114-88	<i>2-inch meter</i>	<i>\$88.49</i>
114-88	<i>3 -inch meter</i>	<i>\$165.92</i>
114-88	<i>4-inch meter</i>	<i>\$276.54</i>
114-88	<i>6-inch meter</i>	<i>\$553.08</i>
114-88	<i>8-inch meter</i>	<i>\$884.92</i>
114-88	<i>10-inch meter</i>	<i>\$1,272.07</i>
<i>Volumetric Rate</i>		
114-88	<i>0-10,000 Gallons</i>	<i>\$2.59 per 1,000 gallons</i>
114-88	<i>Over 10,000 Gallons</i>	<i>\$2.59 per 1,000 gallons</i>

<u>Industrial</u>		
<i>Base Monthly Bill</i>		
114-88	<i>0.625-inch meter</i>	<i>\$22.13</i>
114-88	<i>0.75-inch meter</i>	<i>\$22.13</i>
114-88	<i>1-inch meter</i>	<i>\$27.67</i>
114-88	<i>1.5-inch meter</i>	<i>\$55.31</i>
114-88	<i>2-inch meter</i>	<i>\$88.49</i>
114-88	<i>3-inch meter</i>	<i>\$165.92</i>
114-88	<i>4-inch meter</i>	<i>\$276.54</i>
114-88	<i>6-inch meter</i>	<i>\$553.08</i>
<i>114-88</i>	<i>8-inch meter</i>	<i>\$884.92</i>

114-88	10-inch meter	\$1,272.07
<i>Volumetric Rate</i>		
114-88	0 – 900,000 Gallons	\$4.59 per 1,000 gallons
114-88	900,001 to 4,500,000 Gallons	\$4.13 per 1,000 gallons
114-88	Over 4,500,000 Gallons	\$3.67per 1,000 gallons
<i>(customers outside of city limits pay 2 times inside city limit rates)</i>		
<i>Bulk Water (Metered Water)</i>	<i>Base Charge 0-2,000 gallons</i>	\$75.00
114-88	2,001-10,000 gallons	2 times commercial rate per 1,000 gallons
114-88	Over 10,000 gallons	2 times commercial rate per 1,000 gallons
Article 4 Sewer and Sewer Surcharge Rates		
114-109	Fees and Sewer Taps	

114-109 (1a)	4-inch connection or less	\$1,250
114-109 (1b)	Over 4-inch	Based on 3 rd party contractor plus inspection fee (\$100.00)
114-109 (2)	Line Locate	\$200.00 Additional charges of \$50.00/hour after the first 4 hours
114-134	Monthly Rate Schedule (Sewer)	
114-134	Base Charge 0-2,000 gallons 0.6250-10 inch meter	\$20.28
Volumetric Rate		
114-134	2,001 – 5,000 Gallons	\$5.01 per 1,000 gallons
114-134	5,001 - 10,000 Gallons	\$5.01 per 1,000 gallons
114-134	Over 10,000 Gallons	\$5.01 per 1,000 gallons
<u>Non-Residential (Commercial)</u>		
Base Monthly Bill		

114-134	<i>0.625-inch meter</i>	<i>\$20.28</i>
114-134	<i>0.75-inch meter</i>	<i>\$20.28</i>
114-134	<i>1-inch meter</i>	<i>\$25.36</i>
114-134	<i>1.5-inch meter</i>	<i>\$50.69</i>
114-134	<i>2-inch meter</i>	<i>\$81.12</i>
114-134	<i>3-inch meter</i>	<i>\$152.10</i>
114-134	<i>4-inch meter</i>	<i>\$253.49</i>
114-134	<i>6-inch meter</i>	<i>\$507.00</i>
114-134	<i>8 -inch meter</i>	<i>\$811.18</i>
114-134	<i>10 -inch meter</i>	<i>\$1,166.07</i>
<i>Volumetric Rate</i>		

114-134	0 – 10,000 Gallons	\$5.01 per 1,000 gallons
114-134	Over 10,000 Gallons	\$5.01 per 1,000 gallons
<u>Industrial</u>		
<i>Base Monthly Billing</i>		
	0.625-inch meter	\$20.28
	0.75 -inch meter	\$20.28
	1-inch meter	\$25.36
	1.5-inch meter	\$50.69
	2-inch meter	\$81.12
	3-inch meter	\$152.10
	4-inch meter	\$253.49

	<i>6-inch meter</i>	<i>\$507.00</i>
	<i>8-inch meter</i>	<i>\$811.18</i>
	<i>10-inch meter size</i>	<i>\$1,166.07</i>
<i>Volumetric Rate</i>		
	<i>0 – 900,000 Gallons</i>	<i>\$4.59 per 1,000 gallons</i>
	<i>900,001 to 4,500,000 Gallons</i>	<i>\$4.13 per 1,000 gallons</i>
	<i>Over 4,500,000 Gallons</i>	<i>\$3.67 per 1,000 gallons</i>
<i>(customers outside of city limits pay 2 time inside city limit rates)</i>		

Quantity Cost Recovery Fee (Surcharge)

Source Classification	Remarks	Quantity Variable Daily Sewage Flow - Gallons/Person	Capital Cost Recovery Rate
<i>Municipality</i>	<i>Residential (3 persons)</i>	$\times 100 \times \$2.06 =$	<i>\$618.00 per home</i>
<i>Subdivision</i>	<i>Residential (3 persons)</i>	$\times 100 \times \$2.06 =$	<i>\$618.00 per home</i>
<i>Trailer park transient</i>	<i>2½ Persons per trailer</i>	$\times 50 \times \$2.06 =$	<i>\$257.50 per home</i>
<i>Mobile home park</i>	<i>3 Persons per trailer</i>	$\times 100 \times \$2.06 =$	<i>\$618.00 per home</i>
<i>Schools</i>	<i>Elementary, high (students)</i>	$\times 15 \times \$2.06 =$	<i>\$ 30.90 per student</i>
<i>Recreation parks</i>	<i>Campers</i>	$\times 40 \times \$2.06 =$	<i>\$ 82.40 per unit</i>
	<i>Boaters</i>	$\times 5 \times \$2.06 =$	<i>\$ 10.30 per unit</i>
	<i>Swimmers</i>	$\times 10 \times \$2.06 =$	<i>\$ 20.60 per person</i>
<i>Factory or office building</i>	<i>No showers (employees)</i>	$\times 20 \times \$2.06 =$	<i>\$ 41.20 per person</i>
<i>Factory</i>	<i>With showers (employees)</i>	$\times 25 \times \$2.06 =$	<i>\$ 51.50 per employee</i>
<i>Motor lodge</i>	<i>With toilet (units and bath)</i>	$\times 50 \times \$2.06 =$	<i>\$103.00 per unit</i>
<i>Hospitals</i>	<i>Per bed</i>	$\times 200 \times \$2.06 =$	<i>\$412.00 per bed</i>
<i>Nursing homes</i>	<i>Per bed</i>	$\times 90 \times \$2.06 =$	<i>\$185.40 per bed</i>
<i>Drive-in theater</i>	<i>Per car space</i>	$\times 5 \times \$2.06 =$	<i>\$ 10.30 per space</i>
<i>Restaurant</i>	<i>Per meal served</i>	$\times 5 \times \$2.06 =$	<i>\$ 10.30 per customer</i>
<i>Apartments</i>	<i>3 Persons</i>	$\times 100 \times \$2.06 =$	<i>\$618.00 per apartment</i>
(Code 1985, § 30-87; Code 2000, § 114-127; Ord. No. 1337, § VII, 11-9-2006)			



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3959)

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Discussion
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3959 A

**~ CONSIDER AND TAKE ACTION TO ACCEPT DECLARATION
AND DEDICATION OF PUBLIC-RIGHT-OF-WAY IDENTIFIED
AS CAMILLE DRIVE FILED BY SAL HOLDINGS, LLC, FILED
OF RECORD AS DOCUMENT #2018-6475, IN THE OFFICIAL
RECORDS OF MATAGORDA COUNTY, TEXAS.**

Camille Street is considered a private road as platted. In order for the developer to be reimbursed in compliance with statute (Texas Tax Code Chapter 311), the City must consider accepting Camille Drive as a Public Easement.

Recommendation: If Council action is to approve the acceptance of the public easement (Public ROW), Council may consider accepting contingent on the private requirement to maintain. This could be through a written easement agreement.

COMMENTS - Current Meeting:

Owner subject to maintaining this road. Written easement agreement will be developed by the City Attorney.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Becca Sitz, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

Matagorda County
Janet Hickl County Clerk
1700 7th St. Rm 202
Bay City, TX 77414



Instrument Number: 2018-6475

As

Recorded On: October 24, 2018

Recordings

Billable Pages: 3

Number of Pages: 4

Comment:

(Parties listed above are for Clerks reference only)

**** THIS IS NOT A BILL ****

Recordings	34.00
Total Recording:	34.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2018-6475

Receipt Number: 63777

Recorded Date/Time: October 24, 2018 03:29:27P

Record and Return To:

HAYES & PENDERGRAFT

1704 FIFTH STREET

BAY CITY TX 77414

User / Station: N McLain - CC-Front Counter



STATE OF TEXAS COUNTY OF MATAGORDA
I hereby certify that this Instrument was FILED in File Number
Sequence on the date and at the time stamped hereon by me
and was duly recorded in the OFFICIAL RECORDS of Matagorda
County, Texas.

Janet Hickl
COUNTY CLERK, Matagorda County, Texas

DOCUMENT :

6475

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF MATAGORDA §

DECLARATION AND DEDICATION OF PUBLIC RIGHT-OF-WAY

BEFORE ME, the undersigned authority, on this day personally appeared STUART A. LYNN, President of SAL Holdings, LLC, a Texas Limited Liability Company, and ANN RYAN, (who collectively are the "Owners") of that certain 2.07 acre tract of land that was platted as Cottonwood Park, a subdivision in the City of Bay City, Matagorda County, Texas in Plat No. 555A of the Plat Records of Matagorda County, Texas, known to me and to be the person who signed this *Declaration of Public Right-of-Way*, and who being by me duly sworn, upon their oath, deposed and made the following statements:

"My name is STUART A. LYNN. I am the President of SAL Holdings, LLC, a Texas Limited Liability Company, I am over the age of eighteen and have never been convicted of a felony or any crime involving moral turpitude. I am in all respects fully qualified to make and subscribe to this document and have personal knowledge of the facts contained herein, unless otherwise stated.

"My name is ANN RYAN. I am over the age of eighteen and have never been convicted of a felony or any crime involving moral turpitude. I am in all respects fully qualified to make and subscribe to this document and have personal knowledge of the facts contained herein, unless otherwise stated. I am the owner of Lot No. Three (3) of the replat of Block 104, Cottonwood Park, Bay City, Matagorda County, Texas.

"We are the owners of that certain 2.07 acre tract of land that was platted as Cottonwood Park, a subdivision in the City of Bay City, Matagorda County, Texas in Plat No. 555A of the Plat Records of Matagorda County, Texas, being a re-plat of Block 104 of the Original Townsite of Bay City, in the I. & G. N. R. R. Co. Survey, Abstract No. 269, in Matagorda County, Texas. The plat of the Cottonwood Park Subdivision identifies a Twenty Foot (20') wide private road that traverses the subdivision. It was the intention of the owners and developer of such subdivision to be responsible for the creation and maintenance of such road, however, it was and is the intention of the owners and developer of the subdivision to grant to the public an unqualified right-of-way over and across such road at all times.

"We hereby attest that the foregoing is all true and correct to the best of our personal knowledge, information and belief."

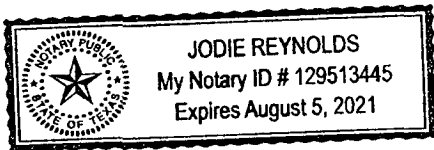
(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

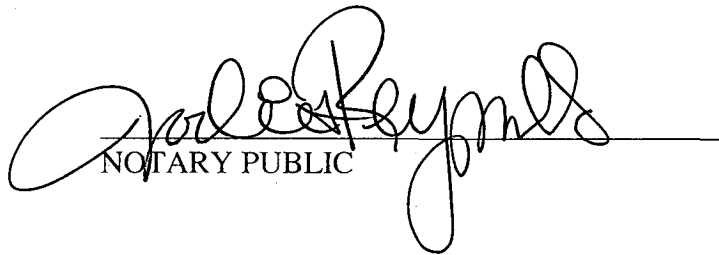
Attachment: Declaration of Public ROW (3959 : Public Right-Of-Way)

SIGNED this 23 day of October, 2018.


ANN RYAN

SWORN TO AND SUBSCRIBED BEFORE ME this 23 day of October, 2018, by ANN RYAN.

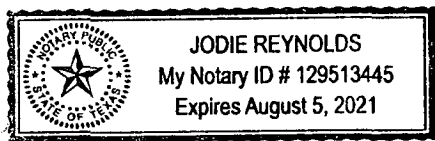


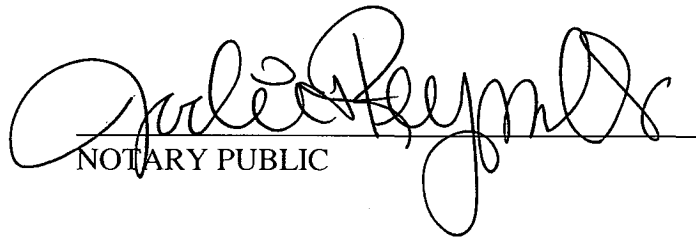

NOTARY PUBLIC

THE STATE OF TEXAS §

COUNTY OF MATAGORDA §

This instrument was acknowledged before me this the 23 day of October, 2018, by ANN RYAN.

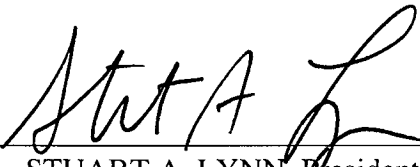



NOTARY PUBLIC

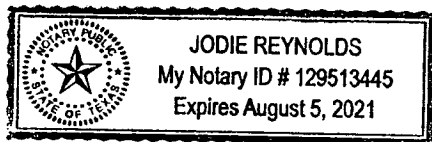
Attachment: Declaration of Public ROW (3959 : Public Right-Of-Way)

SIGNED this 24 day of October, 2018.

SAL Holdings, LLC, a Texas Limited Liability Company

By: 
STUART A. LYNN, President

SWORN TO AND SUBSCRIBED BEFORE ME this 24 day of October, 2018 by
STUART A. LYNN, President of SAL Holdings, LLC, a Texas Limited Liability Company.

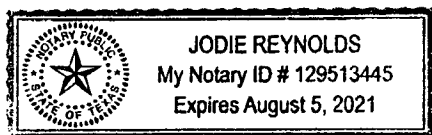



NOTARY PUBLIC

THE STATE OF TEXAS §

COUNTY OF MATAGORDA §

This instrument was acknowledged before me this the 24 day of October, 2018 by
STUART A. LYNN, President of SAL Holdings, LLC, a Texas Limited Liability Company.




NOTARY PUBLIC

After recording return to:

WILLIAM R. PENDERGRAFT
1704 Fifth Street
Bay City, Texas 77414

Prepared in the Law Office of:
HAYES & PENDERGRAFT
WILLIAM R. PENDERGRAFT
1704 Fifth Street
Bay City, Texas 77414
Telephone: 979-245-8359
Facsimile: 979-245-1235

Attachment: Declaration of Public ROW (3959 : Public Right-Of-Way)



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3967)

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Agreement
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3967

**~ DISCUSS, CONSIDER AND/OR APPROVE A
DEVELOPMENT AGREEMENT WITH SAL HOLDINGS, LLC.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

**DEVELOPMENT FINANCING AGREEMENT BY AND BETWEEN
REINVESTMENT ZONE NUMBER ONE,
CITY OF BAY CITY, AND SAL Holdings, LLC**

This DEVELOPMENT FINANCING AGREEMENT ("Agreement") is entered into by and between the REINVESTMENT ZONE NUMBER ONE, CITY OF BAY CITY, TEXAS (the "Zone"), an administrative body appointed in accordance with Chapter 311 of the Texas Tax Code (the "TIRZ Act") to oversee the administration of Tax Increment Reinvestment Zone Number One, City of Bay City, Texas, a reinvestment zone designated by ordinance of the City in accordance with the Tax Increment Financing Act, and SAL Holdings, LLC ("Developer"), a Texas limited liability company.

The Zone and Developer hereby agree that the following statements are true and correct and constitute the basis upon which the Zone and Developer have entered into this Agreement:

WHEREAS, the City created the Zone pursuant to the TIRZ Act; and

WHEREAS, the Board of Directors of the Zone (the "Zone Board" or "Board") and the City each approved and adopted the Reinvestment Zone Project Plan and Financing Plan for Reinvestment Zone Number One, City of Bay City, dated November 19, 2015, (TIRZ Plan), and amended on January 26, 2017; and

WHEREAS, the Developer has or will construct certain improvements described on Exhibit "B", to implement the TIRZ Plan, and the Zone will reimburse the Developer all or a portion of Developer's cost for the public works and public improvements in accordance with this Agreement (described in more detail below in Section 3(a) as Project Costs); and

WHEREAS, pursuant to the TIRZ Plan, certain tax revenues based upon the incremental increase over the base year ("Tax Increment") will flow into a fund to be administered by the Zone, known as the Tax Increment Fund (TIF); also, the Zone may receive other gifts, grants or other revenue to be accounted for separately from the TIF but used only for duly approved authorized purposes of the Zone;

WHEREAS, the Zone and City recognize the importance of its continued role in local economic development, including incentives under Chapter 380, Texas Local Government Code;

WHEREAS, Developer owns or controls certain property located within the Zone and has requested reimbursement for Developer's cost of constructing certain public improvements pursuant to the TIRZ Plan;

WHEREAS, Developer warrants to the Zone that all of the information contained in the Developer's Application is true and correct in all material respects; and,

NOW THEREFORE, in consideration of the mutual covenants and obligations herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Section: Site

Developer owns the real property (the "Property"), which is within the city limits of Bay City and the boundaries of the Zone. The Property is specifically described in as shown in attached Exhibit "A."

2. Section: Project & Financing

Developer has constructed, or is in the process of constructing, private and public improvements including, but not limited to, the Project described in attached Exhibit "B" (the "Project").

Developer understands and agrees that the cost of the Project, to the extent that the improvements associated with the Project are not public improvements ("Private Improvements") shall be funded by and through Developer's own capital or other financing means arranged and obtained by Developer. Further, The TIF payments to be made to Developer pursuant to this Agreement are not intended to reimburse Developer for all of its costs incurred in connection with performing its obligations under this Agreement.

The Developer agrees to deliver to the Zone written notice of the date on which construction of the Project commences. This notice will be delivered within 30 days after the date of commencement. The Developer agrees to complete the construction of the Project within the schedule described on Exhibit "E" attached hereto. The date of completion is the date on which the Project is substantially completed (satisfying City, County and other applicable laws) and all public improvements have been accepted by the applicable governmental entity, and, if required (as, for example, in the case of a roadway) the land has been dedicated for public use or title otherwise transferred to the applicable governmental entity (in accordance with their requirements). Upon completion, the Developer will deliver a written notice to the Zone, signed by Developer and the City of Bay City, stating that the Project has been completed in accordance with these requirements.

The Developer agrees to maintain liability insurance coverage reasonably required by the Zone, until the Project has been completed. The insurance company, the types of insurance and the amounts of coverage will be commercially reasonable in light of the Project. The Developer will provide proof of coverage prior to commencement of construction, in a form reasonably acceptable to the Zone. Current insurance requirements are attached to this Agreement as Exhibit "F."

3. Section: TIF Participation: Partial Reimbursement of Tax Increment

The payments and distributions under this Agreement are subject to obligations under all prior agreements listed on Exhibit "D". Subject to these and all other limitations and conditions precedent contained in this Agreement and the attached exhibits, the Parties agree that Tax Increment generated within the Zone shall be applied as follows:

- (a) Public Improvements: To the Developer to reimburse Developer for the actual expenses related to public improvements (described on Exhibit "C") that are part of the Project (described on Exhibit "B"), to the extent that the expenses are allowable under Chapter 311 of the Texas Tax Code Section 311.002. This

reimbursement will not exceed the projected Project Costs listed on attached Exhibit "C." These allowable costs are called "Project Costs."

- (b) Any remaining TIF Funds, after Developer has been fully reimbursed (the "Available Funds"), will be available for commitment to future projects.

Unless explicitly provided differently in an Exhibit attached hereto, all grants, loans, reimbursements and any other financial payment to Developer under this Agreement shall be made in annual installments in June of each year (commencing in the first year following project completion), provided all current taxes have been paid on the Property and any other prerequisites stated in this Agreement have been satisfied.

During each fiscal year for the term of this Agreement, payment of the annual installment to Developer shall have priority for reimbursement over all other Zone expenditures subject only to preexisting debts or obligations of the Zone, and (ii) any pre-existing annual expenditures required to be made pursuant to other Developer Agreements prior in time to this Agreement, listed on Exhibit "D".

Zone also reserves the right, when payments come into the Tax Increment Fund, to prepay all or any portion of the total amount to be reimbursed under this Agreement at any given time. If City in its sole discretion issues Tax Increment Funds Bonds to pay for previous and future projects, Zone may fully reimburse Developer from bond proceeds received, the existing unpaid balance under this Agreement, and under any other outstanding developer agreements within the Zone.

4. Section: Reimbursement Limited to TIF Fund

Developer understands and agrees that any and all payments, obligations, grants, loans, reimbursements and any other form of financial obligation imposed on the Zone by this Agreement ("Reimbursement") shall be made solely from then-currently available revenues in the TIF Fund and subject to pre-existing commitments and all other terms of this Agreement and applicable laws. In the event that there is not sufficient revenue in the TIF Fund to timely pay Developer any part of the Reimbursement, the Zone will pay Developer such portion of the Reimbursement that may be available at the time. The balance of any due but unpaid Reimbursement shall be carried forward without interest and paid by the Zone in the first year in which there is sufficient revenue in the TIF to pay such balance. Developer agrees that it will not look to other funds of the Zone, bonds or funds of the City, or any property of the Zone or City for all or any portion of the Reimbursement. Upon termination of the Zone on December 31, 2046, or such other date as may be specified in a subsequent ordinance adopted in accordance with Section 311.017 of the Act, any portion of the Reimbursement that has not been paid due to the unavailability of revenue in the TIF Fund or due to Developer's failure to meet any precondition under this Agreement for receipt of the Reimbursement shall no longer be considered Project Costs of the Zone, and any obligation of the Zone to pay Developer any remaining balance of the Reimbursement shall automatically expire.

5. Section: Term

The Effective Date of this Agreement is the last date approved by all of the Parties. The

term of this Agreement shall begin upon the Effective Date and end upon the earlier of:

- (a) the complete performance of all obligations and conditions precedent by Parties to this Agreement;
- (b) expiration of thirty years after Effective Date; or
- (c) the expiration of the term of the Zone.

6. Section: Exhibits

The Parties agree that each and every exhibit that is mentioned in and attached to this Agreement is a material part of this Agreement and each such exhibit is by this reference, incorporated into this agreement for all purposes as thought set forth verbatim here.

7. Section: Force Majeure

It is expressly understood and agreed by the Parties that if the performance of any obligation hereunder is delayed by reason of war, civil commotion, acts of God, inclement weather, governmental restrictions, regulations, or interferences, delays caused by the franchise utilities, fire or other casualty, court injunction, necessary condemnation proceedings, acts of the other party, its affiliates/related entities and/or their contractors, or any actions or inactions of third parties or other circumstances which are reasonably beyond the control of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such design or construction requirement shall be extended for a period of time equal to the period such party was delayed.

8. Section: Indemnity

DEVELOPER AGREES TO DEFEND, INDEMNIFY AND HOLD THE ZONE, THE BOARD, THE CITY AND THEIR RESPECTIVE OFFICIALS, OFFICERS, AGENTS AND EMPLOYEES, ASSIGNS AND SUCCESSORS, HARMLESS AGAINST ANY AND ALL CLAIMS, DEMANDS, LAWSUITS, JUDGMENTS, COSTS AND EXPENSES, INTEREST, AND ATTORNEY FEES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE (INCLUDING LOSS) OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT THAT MAY ARISE OUT OF OR BE OCCASIONED BY DEVELOPER'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT, OR BY ANY NEGLIGENT ACT OR OMISSION OF DEVELOPER, ITS OFFICERS, AGENTS, ASSOCIATES, EMPLOYEES, CONTRACTORS OR SUBCONTRACTORS IN THE PERFORMANCE OF THIS AGREEMENT; EXCEPT THAT THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OF THE ZONE, BOARD OR CITY OR THEIR RESPECTIVE OFFICIALS, OFFICERS, AGENTS, EMPLOYEES OR CONTRACTORS, AND IN THE EVENT OF JOINT AND CONCURRENT NEGLIGENCE OF BOTH DEVELOPER AND ZONE, RESPONSIBILITY, IF ANY, SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS. HOWEVER, NOTHING IN THIS SECTION WAIVES ANY IMMUNITY OR OTHER

DEFENSE AVAILABLE TO THE ZONE, BOARD, OR CITY UNDER TEXAS OR FEDERAL LAW. THIS INDEMNITY WILL SURVIVE THE TERMINATION OF MS AGREEMENT.

9. Section: Events of Default & Remedies

A default shall exist if either party fails to perform or observe any material covenant contained in this Agreement, including exhibits, which is not otherwise excused under the terms of this Agreement. The non-defaulting party shall immediately notify the defaulting party in writing upon becoming aware of any change in the existence of any condition or event that would constitute a default or, with the giving of notice or passage of time, or both, would constitute a default under this Agreement. Such notice shall specify the nature and the period of existence thereof and what action, if any, the non-defaulting party requires or proposes to require with respect to curing the default.

If a default shall occur and continue, after thirty (30) days' notice to cure default, the non-defaulting party may, at its option, pursue any and all remedies it may be entitled to, at law or in equity, in accordance with Texas law, without the necessity of further notice to or demand upon the defaulting party. Neither party, however, shall pursue remedies against the other as long as (i) the defaulting party has commenced to cure such default within the 30 days following notice, and the defaulting party proceeds in good faith and with due diligence to remedy and correct the default.

10. Section: Venue and Governing Law

This Agreement is performable in Matagorda County, Texas and venue of any action arising out of this Agreement shall be exclusively in the State Courts of Matagorda County. This Agreement shall be governed and construed in accordance with the Charter, ordinances, and resolutions of the City of Bay City, applicable federal and state laws, the violation of which shall constitute a default of this Agreement. To the extent permitted by law, the law of the state of Texas shall apply without regard to applicable principles of conflicts of law, and the Parties submit to the jurisdiction of state district courts in Matagorda County, Texas.

11. Section: Notices

Any notice required by this Agreement shall be deemed to be properly served if deposited in the U.S. mail by certified letter, return receipt requested, addressed to the recipient at the recipient's address shown below, subject to the right of either party to designate a different address by notice given in the manner just described.

If intended for Zone, to: Board Chairman Tax Increment Reinvestment Zone No. 1 to:

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

With a copy to:
Scotty Jones, City Treasurer City of Bay City
1901 5th St.
Bay City, Texas 77414

With a copy to:
 Anne Marie Odefey, City Attorney
 Roberts, Odefey, Witte & Wall, LLP
 P.O. Box 9
 2206 Hwy 35 N
 Port Lavaca, Texas 77979

If intended for Developer, to:

Stuart A. Lynn, Member
 SAL Holdings, LLC
 1221 Avenue F
 Bay City, TX 77414

12. Section: No Third Party Rights

This Agreement is solely for the benefit of the Parties hereto and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

13. Section: Severability

In case any one or more of the provisions of this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect by a court or agency of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other remaining provisions hereof and this Agreement shall remain in full force and effect and be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

14. Section: Counterparts & Signatures

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument. This agreement may be executed in multiple originals. This agreement may be executed by facsimile signatures which shall be deemed originals and equally admissible as originals.

15. Section: Captions

The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

16. Section: Successors and Assigns

The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. Provided, however, Developer shall not assign this Agreement without prior Zone approval, which approval shall not be unreasonably withheld. Notwithstanding the foregoing, written approval of the Zone shall not be required for an assignment to an Affiliate of Developer, collateral assignments of the reimbursements to other developers or lenders. "Affiliate of Developer" as used herein, includes any parent, sister, partner, joint venturer, or subsidiary entity of Developer; any entity in which Developer is a major shareholder, owns an equity interest, or is a joint venturer or partner (whether general or limited), or to the Developer's financial institution.

17. Section: Limited Rights and Non-waiver

This agreement is intended only to establish the rights and obligations as between the Parties hereto and it creates no right, expectation, benefit or obligation for or toward any other person or entity. Nothing stated or omitted from this Agreement shall be construed as a waiver of any defense, affirmative defense, or immunity available to the Zone or the City and their respective officials, directors, members, employees, agents, assigns, successors.

18. Section: Entire Agreement

This Agreement, including any exhibits attached hereto and any documents incorporated herein by reference, contains the entire understanding and agreement between the Zone, and Developer, their assigns and successors in interest, as to the matters contained herein. Any prior or contemporaneous oral or written agreement is hereby declared null and void to the extent in conflict with any provision of this Agreement. This Agreement shall not be amended unless executed in writing by both Parties and approved by the governing bodies in an open meeting held in accordance with Chapter 551 of the Texas Government Code.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed in multiple counterparts, each of equal dignity and effect, on behalf of the City, the Zone, and Developer effective as of the Effective Date.

(signatures follow on next page)

Attachment: Lynn Dev. Ag 2019090619 amo (3967 : Development Agreement)

Recommended for approval by Reinvestment Zone Number One, City of Bay City, Texas
at its meeting on the 17th day of July, 2019.

SAL Holdings, LLC, a Texas limited partnership.	REINVESTMENT ZONE NUMBER ONE CITY OF BAY CITY, TEXAS
_____ Stuart Lynn, Member	_____ William Bell, Chairman

PASSED AND APPROVED this _____ day of _____, 2019.

City of Bay City, Texas

Robert K. Nelson, Mayor

ATTEST:

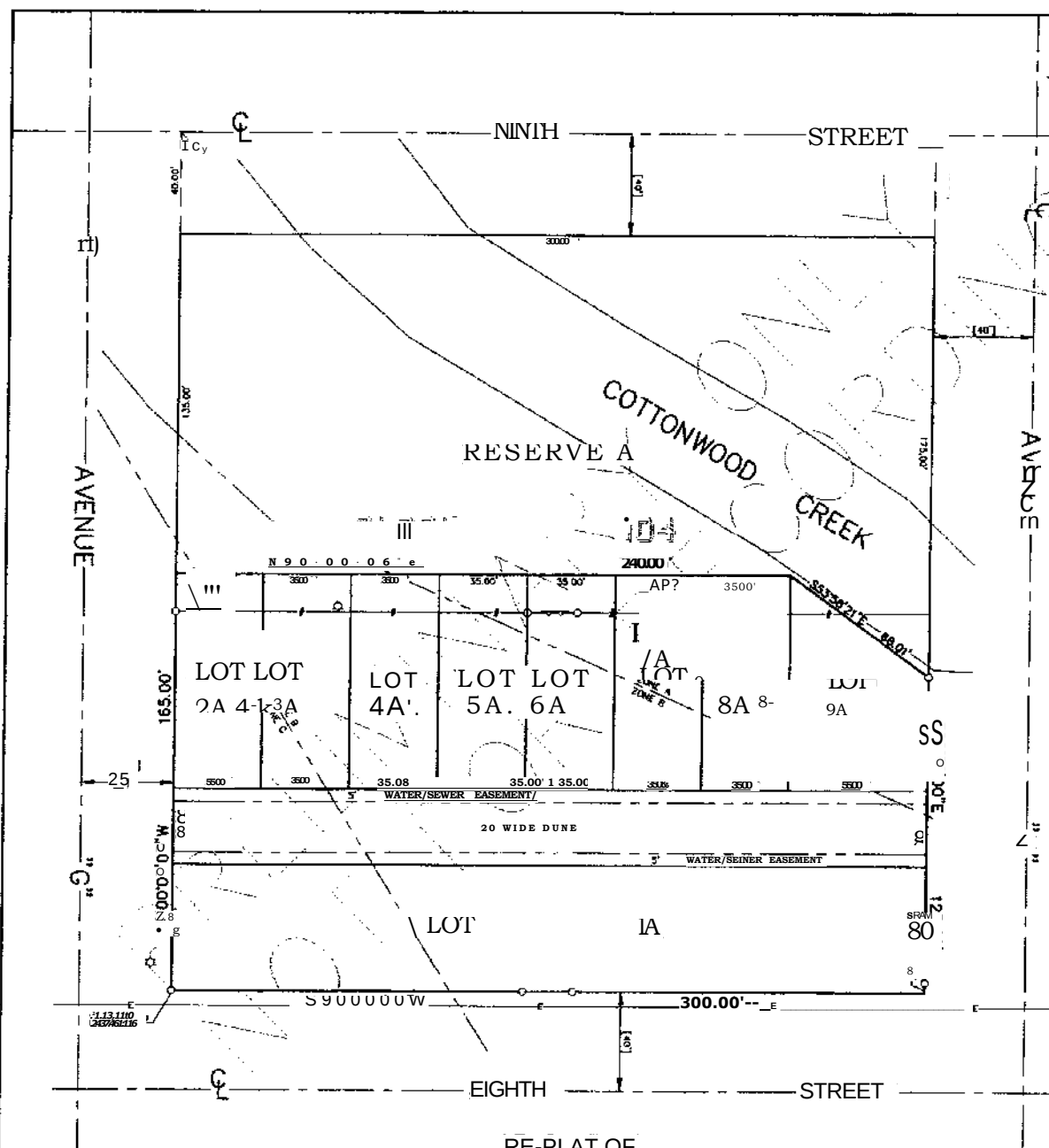
David Holubec, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey
City Attorney

Exhibits:

- "A"— the Property
 "B"— the Project
 "C"— List/Description of Reimbursable Public Improvements
 "D"— List of Prior Agreements
 "E"— Project Completion
 Schedule "F"— Insurance Requirements



RE-PLAT OF
OF BLOCK 104 OF THE
ORIGINAL TOWNSITE OF BAY CITY
I. & G. N. R. CO. SURVEY
ABSTRACT NO. 269
MATAGORDA COUNTY, TEXAS

FURTHER OWNER HEREBY CERTIF
1 MEND. OR REMOVE ANY COV
AS SAL HOLDMCS. LTD.. OMER
BENG BLOCK 104 OF THE ORI
HEREBY CONSENT TO THIS RE-
1

STUART LYNN

STATE OF TEXAS
COUNTY OF MATAGORDA

BEFORE ME, THE UNDERSIGNED
LYNN, KNOWN TO BE THE PERSON
INSTRUMENT AND ACKNOWLEDGE
AND CONSIDERATIONS THEREIN

GIVEN UNDER MY HAND AND SEAL

NOTARY PUBLIC, STATE OF TEXAS

~~DIRECTOR OF PUBLIC WORKS~~

THIS IS TO CERTIFY THAT THE D
TEXAS HAS APPROVED THIS RE
CITY IN CONFORMANCE MTH TH
THE CITY OF BAY CITY AS SNOW!
THIS DAY Cr

BARRY CALHOUN
DIRECTOR OF PUBLIC WORKS

INTY FRK S CERTIFICATI

STATE OF TEXAS
COUNTY OF MATAGORDA

JANET HICKL, CLERK OF COUNTY CLERK
MATAGORDA COUNTY, TEXAS, DO HEREBY
FOREGOING 9JBDIVISION PLAT WAS
ON THE _____ DAY OF _____
11_ AND WAS DULY RECORDED ON
2015 IN THE MATAGORDA COUNTY

COUNT/ CLERK
COUNTY OF MATAGORDA
STATE OF TEXAS

Exhibit "B"

The Project consists of developing Cottonwood Park a residential and mixed-use development in substantial conformity to the standards of form-based Codes along with a family friendly green space, plaza development, creek enhancements, and core infrastructure improvements.

Camille Drive was installed along with 320 linear feet of 6" PVC sanitary sewer line and 520 linear feet of 6" PVC water line.

Exhibit "C"**List/Description of Reimbursable Public Improvements****Cottonwood Park Development**

Phase I Estimated costs	\$ 100,000.00
Camille Street Improvements	
Actual costs:	
1) Survey	\$ 1,742.94
2) Engineering	\$ 7,500.00
3) Asphalt removal	\$ 6,070.00
4) 520' of 6" water lines	\$ 37,639.00
320' of 6" sewer lines	
5) 300' of electrical lines	\$ 10,300.00
6) 6,000 sqft (300' X 20') concrete street	\$ 28,576.78
7) Site grading & tree removal	\$ 5,282.50
Total actual costs	\$ 97,111.22
 Phase II Estimated costs	 \$ 100,000.00
Public Green Space and Park Area	
Pedestrian Bridge over Cottonwood Creek	\$ 25,000.00
Playground / Water Play Feature	\$ 40,000.00
Creekside Path	\$ 10,000.00
Sidewalks	\$ 25,000.00
	\$ 100,000.00

As provided in Section 2 of this Agreement and applicable law (including Texas Tax Code §311) reimbursements are limited to public improvements and will not exceed the amounts stated in this budget.

Exhibit "D"

List of Prior Agreements

1. DEVELOPMENT FINANCING AGREEMENT BY AND BETWEEN REINVESTMENT ZONE NUMBER ONE, CITY OF BAY CITY, AND THE CITY OF BAY CITY dated August 22, 2017.
2. DEVELOPMENT FINANCING AGREEMENT BY AND BETWEEN REINVESTMENT ZONE NUMBER ONE, CITY OF BAY CITY, AND BAY CITY COMMUNITY DEVELOPMENT CORPORATION dated _August 22, 2017.

Exhibit "E"

Project Completion Schedule

Phase I

Start February 2017

Complete June 2017

Phase II

Subject to reimbursement of Phase I

To begin on or before September 20, 2019 and to be
completed no later than 18 months thereafter.

Exhibit "F"

Insurance Requirements

Insurance standards are on file with the City and are acceptable.



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3966)

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Financial
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3966

**~ DISCUSS, CONSIDER AND/OR APPROVE THE PAYMENT
OF TIRZ #1 & TIRZ #2 INVOICES.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum

AGENDA ITEM FOR CITY COUNCIL APPROVAL

Consider/Approve TIRZ 1 expenditures as recommended by the TIRZ Board on July 17, 2019.

Tax Increment Reinvestment Zone #1

The Board of Directors shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. (Ord. 1556, 1567)

The TIRZ Board recommended the following invoices for payment on July 17, 2019.

Invoice Date	Invoice #	Requested/ Recommended by	Check Amount	Payee	Description	Category	Check Date
6/30/2019		N/A	\$1,636.50	City of Bay City	2.5% Admin Fee	Administrative Costs	
9/12/2019	N/A	TIRZ Board	\$60,764.44	SAL Holdings, LLC	Phase I- Cottonwood Park	Water, Sewer, Drainage	
TOTAL			\$62,400.94				

Notes: TIRZ Board approved up to 68,534.44 on Phase I Reimbursement (July 17, 2019).

AGENDA ITEM FOR CITY COUNCIL APPROVAL

Consider/Approve TIRZ 2 expenditures as recommended by the TIRZ Board on May 16, 2018.

Tax Increment Reinvestment Zone #2

The Board of Directors shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. (Ord. 1557, 1568)

The TIRZ Board recommended the following invoices for payment on May 16, 2018.

Invoice Date	Invoice #	Requested/ Recommended by	Check Amount	Payee	Description	Category	Check Date
6/30/2019		N/A	\$3,933.58	City of Bay City	2.5% Admin Fee	Administrative Costs	
9/12/2019	10101	TIRZ Board	\$31,249.27	Bay City Community Development Corporation	Reimb. TIRZ Set Up Costs (David Pettit)	Administrative Costs	
9/12/2019	10101	TIRZ Board	\$125,643.76	Bay City Community Development Corporation	Reimb. TIRZ Set Up Costs (David Pettit)	Street Improvements	
TOTAL			\$160,826.61				

Invoice was approved by TIRZ Board on May 16, 2018, however funds were not available.

Bay City Community Development Invoice Tracking

G/L Code	Account Title	CDC Invoice # 10102	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Balance to Pay
4422	Administrative Costs	\$31,249.27	\$0.00	\$31,249.27	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4423	Water Facilities and Improvements	\$143,834.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$143,834.91
4424	Sanitary Sewer Facilities and Improvements	\$143,834.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$143,834.91
4425	Storm Water Facilities and Improvements	\$161,748.47	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$161,748.47
4426	Street and Intersection Improvements	\$125,643.76	\$0.00	\$125,643.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4427	Open Space, Park and Recreation Facilities and Economic Development	\$2,238,879.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,238,879.31
4428	Grants	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total		\$2,845,190.63	\$0.00	\$156,893.03	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,688,297.60

Attachment: TIRZ 1 TIRZ 2 Agenda 9-12-19 (3966 : TIRZ #1 & TIRZ #2 Invoices)



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3952)

Meeting: 09/12/19 07:00 PM
Department: Parks & Recreation
Category: Grant
Prepared By: Shawn Blackburn
Initiator: Shawn Blackburn
Sponsors:
DOC ID: 3952

~ DISCUSS AND RECEIVE A DONATION OF TWO GAGA BALL PITS FUNDING IN THE AMOUNT OF \$3,500 AND APPROVE VOLUNTEER LABOR TO CONSTRUCT THE PITS.

This donation will allow a commercially manufactured gaga ball pit to be installed at Amistad Park and at Valiant Park by Caleb Spears and his Boy Scout Troop. Funding is from a donation by McCoy's Building Supply. This game combines dodging, striking, running and jumping; with the objective being the last player in the pit. Players hit a ball at each other with their hands and are eliminated if struck below the waist. The City does not currently have any ga-ga pits. Staff recommends a motion to accept the donation of \$3,500 funding and volunteer labor to construct two ga-ga pits.

COMMENTS - Current Meeting:

Eagle Scout, Caleb Spears raised funds for this Eagle Scout Project. The ball pits will be placed at Amistad and Valiant Parks.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum



City of Bay City Parks and Recreation Department

1209 10th St., Bay City, TX 77414

979-323-1150

August 30, 2019

To: Robert K. Nelson, Mayor

From: Shawn Blackburn, Director of Parks and Recreation

Re: Eagle Scout Donation

I have been approached by Mr. Caleb Spears regarding an Eagle Scout project he would like to perform for the City of Bay City. It involves creating ga-ga ball pits at Valiant Park across from the Junior High School and at Amistad Park. The game combines dodging, striking, running and jumping; with the objective of being the last person standing. Players hit the ball at each other with their hands and are eliminated if the ball strikes them on or below the waist (occasionally the knee). The game can be played by a group of individual players or with teams, as well as in one-on-one matches. Rules, ball types, pit surfaces, and pit sizes can vary widely at different venues. Caleb noted that Bay City does not have any pits to play in and would like to introduce the game to our citizens.

Mr. Spears then approached McCoy's Building Supply and convinced them to donate funding in the amount of \$3,500.00 towards his project which should cover the purchase price of two commercially manufactured ga-ga pits. Installation of the pits will be performed by Spears' Boy Scout Troop.

I am requesting that the Mayor and City Council accept this donation on behalf of the Bay City Parks and Recreation Department for the enhancement of our parks and enjoyment of our residents.

Attachment: gaga donation (3952 : Ga-ga Ball Pits)



Talk to the

ACCEPT / DECLINE

8.7.b

Amount: 3500

Donation & Sponsorship Application Form

Store Location or Store # Bay City (#116)

Account #

Email:

Log:

Date 6/12/19

PLEASE REVIEW THE DEFINITIONS OF EACH BEFORE MAKING YOUR CHOICE

Donation ☐

Materials or cash donation for a non-profit organization. Our donations are primarily housing-related.

Sponsorship ☒

Material, product or cash gift from McCoy's for an event, team or other entity that will in turn recognize McCoy's publicly for sponsoring or donating items or money—including but not limited to—logos, press releases and advertising (magazine, banner, etc.).

PLEASE READ → This form must be completed in its entirety and accompany all donation/sponsorship requests. Failure to complete entire form may delay or end processing. In addition, a Tax Exemption Certification form for your appropriate state is required (completed in its entirety, signed and dated in the past 12 months) if requesting party does not want to pay tax. Allow up to 4 weeks to process request.

Organization That Benefits from Donation or Sponsorship¹ Bay City Park & Recreation on behalf of Caleb Spears
Organization Address 95 Kingswood DR City Van Vleck State TX Zip 77482
Contact Phone (281) 771-4460 Other Contact Information (Email, Fax, etc.) Shaun Spears.1@gmail.com
Organization Representative Shaun Spears Signature Shaun Spears
Is this a non-profit 501c? Church Other ☒ What is the 11-digit non-profit ID #? N/A
Is this an Eagle Scout Project? YES If yes, please give Scout's information below:
Scout's Name Caleb Spears Scout's Email Shaun Spears.1@gmail.com Scout's Phone 281-771-4460 Troop # 45

If you are an organization, what is your purpose?

Specific purpose of this request? Eagle Scout Project to construct Gaga ball pits for the Bay City Parks

Who will do the work? Troop 45

Where will work be done? Bay City Park

Date work/project begins? 8/24/19

Date work/project ends? 9/4/19

Date you need this? 6/24/19

Amount of request \$3500.00

Please list requested materials here or provide a materials list:

See attached estimate for Gaga Ball Pit from Manufacturer.

SUBMIT YOUR REQUEST

→ All requests must include this form, a tax form (if applicable) and any other relevant information via: fax (800-293-6079), email (community-support@mccoy.com) or mailed to: Donations & Sponsorships, McCoy Corporation, P. O. Box 1028, San Marcos, TX 78667. Stores and those requesting donations & sponsorships will be notified by store management only if the request is approved.

¹Organization name & info must match info on tax certification. ²Please allow up to four weeks for your request to be processed. Thank you!

STORE MANAGER ONLY BELOW THIS LINE

Describe your knowledge of, or participation in, this donation or sponsorship:

Manager's Signature (without a signature, request may be automatically declined)

Note to Managers → Please make sure requestor has completely filled out this form and a tax form. Failure to do so will delay or end processing.

Revision Date: 6/22/16

Attachment: img-190830133909-0001 (3952 : Ga-ga Ball Pits)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3964)

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3964

**~ DISCUSS, CONSIDER AND/OR APPROVE APPOINTMENTS
TO THE CITY OF BAY CITY HOUSING AUTHORITY BOARD.
DANYAL MANNING, RONNIE REEVES, VIDALA RODAS-LEAL
AND THOMAS BATTLE.**

COMMENTS - Current Meeting:

LaWanda Davis spoke to Council about the Bay City Housing Authority projects.

This item was moved to Closed/Executive Session.



CITY OF BAY CITY

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

AGENDA ITEM REQUEST FORM

Complete Submissions Required:

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

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

Requestor: Lawanda Davis / Bay City Housing Authority Date Submitted: 08/12/2019
PRINTED NAME and/or CITY DEPARTMENT

☒ Citizen ☐ City Department ☐ Council Member

Address: 3012 Sycamore Ave
Bay City, TX 77414

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

director@baycitypha.org 1st September 9/5/2019

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

- 1) Describe item to be considered and area of City involved, if any:
Re-instate Certificates of Apartments for
Denzel Manning, Pamela Peebles, Vidalia
Reid. Appoint Resident Commissioner Thomas Battle.

- 2) Executive Summary of item and action by council sought:
Re-instate and Bless Board Members
Commissioners of the Bay City Housing Authority
Denzel Manning, Pamela Peebles, Vidalia
Reid. Appoint Resident Commissioner Thomas
Battle

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



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3974)

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Contract
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3974

**~ DISCUSS, CONSIDER AND/OR APPROVE THE CONTRACT
WITH STRATEGIC GOVERNMENT RESOURCES (SGR).**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum



Date: September 5, 2019

**Agreement for Executive Recruitment Services
for City Manager
between**

Strategic Government Resources, Inc. ("SGR")
and
City of Bay City, Texas ("Organization")

Scope of Services. SGR shall provide all services for recruitment as described in abbreviated form as follows:

- Develop a position profile and recruitment brochure for the position.
- Place ads in appropriate professional publications, as approved.
- Social media and email marketing of position.
- Identify high-probability prospects and follow up with those prospects.
- Receive, track, and maintain all inquiries and applications.
- Conduct a "triage" level review of all resumes and conduct initial phone/email conversations with candidates.
- Develop written questionnaire customized to the position, distribute questionnaires to semifinalist candidates, and evaluate responses.
- Conduct pre-recorded online interviews with up to 12 semifinalist candidates.
- Conduct Stage 1 Media Searches on up to 12 semifinalist candidates.
- Provide periodic updates regarding the progress of the search, as frequently as desired.
- Assist Organization in developing a short list of up to 6 finalist candidates recommended for interviews, and present a verbal briefing on relevant issues related to each.
- Assist in preparation of recommended interview questions and of the interview process.
- Conduct comprehensive Stage 2 Media Searches on up to 6 finalist candidates.
- Conduct psychometric assessments on up to 6 finalist candidates, if requested.
- Conduct Reference Checks. Our reference checks are the most comprehensive in the industry. We will talk to as many professional contacts as necessary in order to fully understand a given candidate's style, personality, strengths, and weaknesses. We will ask candidates for contacts from their current or most recent organization, including:

Attachment: Bay City CM Search Agreement (3974 : SGR Contract Approval)

- All Department Heads and/or Direct Reports
- Two Professional Peers in other organizations
- All Assistant or Deputy City Managers, if any
- All Elected Officials
- Two Community Leaders
- Any other individuals who would provide meaningful insights

We always seek out the candidate's greatest critics and greatest fans to ensure a complete, yet balanced, perspective and overview of each candidate.

- Conduct comprehensive background investigation on up to 6 finalist candidates consisting of SSN trace and address verification; credit and financial summaries and credit bureau report; personal information, address, and employment comparisons; county criminal and civil records search (for last three counties of residence); state criminal records search (for last three states of residence); county warrants and warrants; Federal criminal records search; InstaCriminal national search; Global homeland security search; sex offender records search; driving/motor vehicle records; education verification for highest degree obtained; employment verification (if desired); and military verification (if desired).

The Organization shall:

- Provide photos/graphics and information necessary to develop position profile brochure.
- Provide reproduction of hard copy brochure production, if desired.
- Provide any direct mailings desired by the Organization.
- Provide legal opinions to SGR regarding when and if any information must be released in accordance with Public Information requests.
- Reimburse finalists for travel-related expenses to interview.

SGR shall be compensated by the Organization as detailed below:

- Pricing
 - Professional Services = \$18,500.
 - Expenses Not-to-Exceed = \$8,000.
 - **Not-to-Exceed Maximum Price = \$26,500*** (Plus any optional services as described below, if desired.)
- Expense Items (included in not-to-exceed price above) - SGR considers incidentals to be covered by the professional services fee, and we do not bill the Organization for any expenses except for those explicitly detailed herein. The expense items included in the not-to-exceed amount are as follows.

- Professional production of a high-quality brochure. This brochure (typically four pages) is produced by SGR's graphic designer for a flat fee of \$1,500.
- Marketing and Ad Placements:
 - Announcement in SGR's 10 in 10 Leadership and Innovation e-newsletter.
 - Email blast to SGR's profession-specific opt-in subscriber list.
 - Featured post on SGR's website.
 - Featured ad on SGR's job board.
 - Promotions on SGR's social media pages – Facebook, Twitter, LinkedIn, Instagram.
 - Targeted ad placements on LinkedIn users' pages who have been selected by LinkedIn's algorithm to be a match for your job posting.
 - Ad placements with one national association and one state association. These two ads are billed at actual cost, with no markup for overhead. Additional ad placements, of the organization's choice, will be billed over and above the not-to-exceed maximum price.
- Printing of documents and materials are billed at 26 cents per page per copy, plus binders/binding. Shipping/mailing documents (to one location) is included in the not-to-exceed expenses above. Shipping is billed at actual cost. Flash drives are billed at \$10 each.
- Online Interviews. There is a cost of \$200 for each recorded online interview (up to 12 semifinalist candidates included in not-to-exceed expenses above).
- Comprehensive Media Reports – Stage 2. There is a cost of \$500 per candidate (up to 6 finalist candidates included in not-to-exceed expenses above).
- Comprehensive Background Investigation Reports. There is a cost of \$400 per candidate for our comprehensive background screening reports prepared by our licensed private investigation provider (up to 6 finalist candidates included in not-to-exceed expenses above).
- Travel and related costs for the Recruiter are incurred for the benefit of the Organization including travel to/from airport. Meals are billed back at a per diem rate of \$10 for breakfast, \$15 for lunch, and \$25 for dinner. Mileage will be reimbursed at the current IRS rate. All other travel-related expenses are billed back at actual cost, with no markup for overhead.
- Up to four (4) visits/trips by the Recruiter to the Organization. Any additional visits/trips by the Recruiter will be billed over and above the not-to-exceed maximum price.
- Billing
 - Professional fees for the search are billed in three equal installments during the course of the search. The initial installment is billed after the Organizational Inquiry and Analysis is completed. The second installment is billed when semifinalists are selected. The final installment is billed at the conclusion of the

search. Expense (reimbursable) items and supplemental services will be billed with each of the three installments, as appropriate.

Organization Contact for Invoicing:

Name: _____

Position: _____

Email: _____

Phone: _____

- **Optional/Supplemental Services (not included in not-to-exceed maximum price above)**
 - Candidate Travel. Candidates are typically reimbursed directly by the Organization for travel expenses. If the Organization prefers a different arrangement for candidate travel, SGR will be glad to accommodate the Organization's wishes.
 - Stakeholder Survey. SGR will conduct a Stakeholder Survey for \$1,000. SGR provides recommended survey questions and sets up an online survey. Stakeholders are directed to a web page or invited to take the survey by email. A written summary of results is provided to the organization.
 - Additional Ad Placements. Additional ad placements, as approved by the organization, that are not included in the not-to-exceed expenses will be billed back at actual cost with no markup for overhead.
 - DiSC or IOPT Assessments. There is a cost of \$150 per candidate for the DiSC or IOPT Management profile.
 - Site Visits to Communities of Finalist Candidates will be charged at a day rate of \$1,000 per day, plus travel expenses.
 - In the unexpected event the Organization shall request that unusual out of pocket expenses be incurred, said expenses will be reimbursed at the actual cost with no mark-up for overhead.
 - If the Organization desires any supplemental services not mentioned in this section, an estimate of the cost and hours to be committed will be provided at that time, and no work shall be done without approval. Supplemental services will be billed out at \$250 per hour.

Terms and Conditions:

- SGR guarantees that the Organization will be satisfied with the results of the recruitment process, or SGR will repeat the entire process at no additional professional fee until the Organization selects a candidate. Additionally, if the Organization selects a

candidate (that SGR has fully vetted through our recruitment process) who resigns or is released within 18 months of their hire date, SGR will repeat the process at no additional professional fee to the Organization. If the Organization circumvents SGR's recruitment process and selects a candidate that did not participate in the full recruitment process, this service guarantee is null and void.

- The Organization reserves the right to terminate this agreement at any time upon giving SGR seven days advanced written notice. In such event SGR will be compensated for all work satisfactorily completed up to and through the date of termination. In addition, SGR shall provide to the Organization all information obtained during the search process through the date of termination.
- The Organization acknowledges that the nature of executive recruitment is such that SGR engages in discussions with prospects throughout the process who may or may not ultimately become a candidate, and that SGR is utilizing its proprietary network of relationships to identify and engage prospective candidates, and that premature release of such proprietary information, including names of prospective candidates who SGR may be having conversations with as part of the recruitment process, may be damaging to the prospects and to SGR. Accordingly, the Organization acknowledges and, to the extent provided by law, agrees that all information related to this search is proprietary, and remains the property of and under the exclusive control of SGR, regardless of whether such information has been shared with the Organization or not, including all decisions regarding release of information, until such time that a finalist is named. At the time finalists are determined, all information related to the finalists shall become the property of the Organization and all decisions regarding public disclosure shall be determined by the Organization, except that psychometric assessments, questionnaires, and any information produced by SGR is proprietary and shall not become the property of the Organization or subject to disclosure.

Approved and Agreed to, this the _____ day of _____, 2019 by and between

Jennifer Fadden, President of Executive
Recruitment and Interim Management Services
Strategic Government Resources

City of West Lake Hills, Texas

Printed Name: _____

Title: _____



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Personnel
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3960

AGENDA ITEM (ID # 3960)

**~ DISCUSS MAYOR NELSON'S COMPENSATION PACKAGE
WITH THE CITY OF BAY CITY, TEXAS.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Litigation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3970

AGENDA ITEM (ID # 3970)

**~ EXECUTIVE SESSION PURSUANT TO TEXAS
GOVERNMENT CODE §551.071(2) FOR THE CITY COUNCIL
TO CONSULT WITH THE CITY ATTORNEY REGARDING
ATTORNEY/CLIENT PRIVILEGED MATTERS.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Litigation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3971

AGENDA ITEM (ID # 3971)

**~ EXECUTIVE SESSION PURSUANT TO TEXAS
GOVERNMENT CODE §551.071(1) FOR CONSULTATION WITH
CITY ATTORNEY REGARDING THE FOLLOWING LITIGATION:**

**(A) CAUSE NO. 19-E-0013, RONNIE DEAN REEVES,
VIDALA LEAL RODAS, DANYAL SHENIEL MANNING AND
THE BAY CITY HOUSING AUTHORITY VS. MARK A.
BRICKER, MAYOR, DEFENDANT; (B) CAUSE NO. 13-18-
00484-CV, MAYOR MARK A. BRICKER, JULIE ESTLINBAUM,
COUNCILWOMAN, POSITION 1, BILL CORNMAN,
COUNCILMAN, POSITION 2, AND THE CITY OF BAY CITY,
TEXAS V. ROBERT NEAL HEAD.**



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3972)

Meeting: 09/12/19 07:00 PM
Department: City Secretary
Category: Report
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3972

~ DISCUSS, CONSIDER AND/OR TAKE ACTION ON ITEM(S) LISTED IN EXECUTIVE/CLOSED SESSION, (IF ANY).

COMMENTS - Current Meeting:

Item 8.8 Housing Authority Appointments - Mayor Nelson's recommendation was to not reappoint Danyal Manning to the Housing Authority Board. Mayor Nelson recommended that Thomas Battle be appointed to the Housing Authority Board.

Item 9.1 Mayor's Salary - Shall stay the same for the next three months. Motion made by Bill Cornman and seconded by Jason Childers. Unanimously passed.

Item 9.2 No Action, other than the Housing Authority Appointment discussion (8.8).

Item 9.3 No Action.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Marceaux, Cornman, Sitz, Childers, Estlinbaum