



CITY OF BAY CITY

MINUTES • APRIL 25, 2019

Service Center

Regular Meeting – City Council

7:00 PM

2107 AVENUE M
BAY CITY, TX 77414

1. CALL TO ORDER

Mayor Mark A. Bricker called the meeting to order.

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILMAN, JASON CHILDERS

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
Mark A. Bricker	Mayor	Present	
William Cornman	Councilman	Present	
Becca Sitz	Councilwoman	Present	
Chrystal Folse	Mayor Pro-Tem	Present	
Jason Childers	Councilman	Present	
Julie Estlinbaum	Councilwoman	Present	

3. CERTIFICATION OF QUORUM

Mayor Mark A. Bricker certified the 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.

Jason Childers, Councilman

5. APPROVAL OF AGENDA

The agenda was unanimously approved as written by motion. The motion was made by Councilwoman, Chrystal Folse and seconded by Councilwoman, Becca Sitz.

6. APPROVAL OF MINUTES SUMMARY

1. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON APRIL 11, 2019, 7PM.

City Secretary, David Holubec

Correction: Councilwoman, Chrystal Folse made the motion for item 9.9 on the April 11, 2019 Minutes to be tabled indefinitely and was seconded by Councilwoman, Becca Sitz.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Jason Childers, Councilman
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

Enacted and approved this 25th day of April, 2019, at Bay City

7. 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.

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Crystal Mason reminded everyone in attendance about the upcoming City of Bay City Annual Spring Clean-Up Event scheduled for April 27, 2019.

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

1. Report

~ DISCUSS, CONSIDER, AND/OR APPROVE THE MATAGORDA COUNTY AMATEUR RADIO CLUB REQUEST TO HOLD THE 2018 FIELD DAY (24-HOUR) PUBLIC SERVICE EMERGENCY COMMUNICATIONS DEMONSTRATION IN LE TULLE PARK ON JUNE 22, 2019 AND JUNE 23, 2019.

Mark A. Bricker, Mayor

Rick Gangluff gave the presentation regarding this annual event.

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

Enacted and approved this 25th day of April, 2019, at Bay City

2. Presentation

~ RECEIVE AND DISCUSS AN UPDATE ON ONGOING PROJECTS AT THE BAY CITY REGIONAL AIRPORT.

James Mason, Airport Manager

Airport Manager, James Mason presented the current update regarding the events, improvements and future needs/plans of the Bay City Regional Airport. Staffing concerns were mentioned by Councilman, Bill Cornman and Councilman, Jason Childers. Mayor Mark A. Bricker felt the staffing concerns should be addressed in the

upcoming budgeting process. It was agreed by Council members to place the airport staffing needs on the May 9, 2019 Regular Council Agenda.

3. Presentation

~ RECEIVE AND DISCUSS THE QUARTERLY REPORT FROM THE TOURISM DEPARTMENT.

Heidi Martinez, Tourism Manager

Tourism Manager, Heidi Martinez, lead Mayor and Council members through her report regarding the many excellent things happening with the Tourism Department. She was commended by Mayor and Council members for the programs, events and continued success of the program.

4. Report

~ DISCUSS, CONSIDER, AND/OR APPROVE THE CITY'S QUARTERLY FINANCIAL AND INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2019.

Scotty Jones, Director of Finance

Finance Director, Scotty Jones lead Mayor and Council members through the quarterly financial and investment report. The reports were well received and approved by motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Chrystal Folsie, Mayor Pro-Tem
AYES:	Cornman, Sitz, Folsie, Childers, Estlinbaum

Enacted and approved this 25th day of April, 2019, at Bay City

5. Agreement

~ DISCUSS AND TAKE ANY NECESSARY ACTION REGARDING THE REAL PROPERTY IN WHICH THE CITY OF BAY CITY HOLDS A REVERSIONARY INTEREST AND IS CURRENTLY LEASED TO THE BAY CITY COUNTRY CLUB AND THE CLUB'S REQUEST TO EXTEND THE LEASE FOR AN ADDITIONAL THIRTY (30) YEARS.

Mark A. Bricker, Mayor

Eddie Simpson-Kocurek and James Scardami, representing the Bay City Country Club, presented the Clubs request to have a thirty (30) year lease extension. Although the request has support, Mayor and Council members were not sure if this was possible due to the question of ownership. It was decided that the City Attorneys and the Bay City Country Club's attorney would discuss options and Council would revisit this item in May, should an opinion be ready by that time.

RESULT:	TABLED	Next: 5/9/2019 7:00 PM
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9. CLOSED / EXECUTIVE SESSION

None

1. 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.

Mark A. Bricker, Mayor
None

2. Litigation

~ EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071(2) FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE COUNCIL, UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS, CLEARLY CONFLICTS WITH TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE.

Mark A. Bricker, Mayor
None

10. OPEN SESSION

None

1. Report

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

Mark A. Bricker, Mayor
No Action.

11. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Relay for Life
Pet Walk
VFW Market Days
Holy Cross Church Spring Bazaar

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, April 19, 2019 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker 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: 04/25/19 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3690

DISCUSSION ITEM (ID # 3690)

~ 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.



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3691)

Meeting: 04/25/19 07:00 PM
Department: City Secretary
Category: Minutes
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3691

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON APRIL 11, 2019, 7PM.

COMMENTS - Current Meeting:

Correction: Councilwoman, Chrystal Folse made the motion for item 9.9 on the April 11, 2019 Minutes to be tabled indefinitely and was seconded by Councilwoman, Becca Sitz.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Jason Childers, Councilman
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum



CITY OF BAY CITY

MINUTES • APRIL 11, 2019

Council Chambers

Regular Meeting – City Council

7:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER

Mayor Bricker called the meeting to order at 7:10PM.

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILWOMAN, BECCA SITZ

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
Mark A. Bricker	Mayor	Present	
William Cornman	Councilman	Present	
Becca Sitz	Councilwoman	Present	
Chrystal Folse	Mayor Pro-Tem	Present	
Jason Childers	Councilman	Present	
Julie Estlinbaum	Councilwoman	Present	

3. CERTIFICATION OF QUORUM

Mayor Bricker certified the 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.

Becca Sitz, Councilwoman

Councilwoman, Becca Sitz read the Mission Statement.

5. APPROVAL OF AGENDA

The agenda was unanimously approved as written by motion. The motion was made by Councilwoman, Chrystal Folse and seconded by Councilman, Jason Childers.

6. APPROVAL OF MINUTES SUMMARY

1. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON MARCH 28, 2019, 7PM.

City Secretary, David Holubec

The minutes were unanimously approved as written, by motion.

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

Enacted and approved this 11th day of April, 2019, at Bay City

7. PUBLIC COMMENTS

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Jerry Evans - Representing members of the Bay City Housing Authority, Mr. Evans gave a presentation and handout to Council regarding the removal of Housing Authority Commissioners by Mayor Bricker.

Vidala Leal - Spoke regarding the appointment proposal of Frank Paiz and his receiving a lease from the City for the Bay City House of Refuge.

8. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless requested by a member of the City Council. Public comment on consent agenda items may be heard without removing the item from the consent agenda. Each person providing public comment will be limited to 3 minutes.

1. Budget

RECEIVE REPORT AND TAKE ACTION ON THE FOLLOWING: ACCOUNTS PAYABLE DATED 01/07/2019, 01/11/2019, 01/17/2019, 1/24/2019, 1/30/2019, 02/7/2019, 02/14/2019, 02/21/2019, 02/28/2019, 03/08/2019, 03/13/2019, 03/22/2019; AND UTILITY REFUNDS DATED 01/02/2019, 02/01/2019, 02/25/2019, 03/01/2019, 03/13/2019.

Scotty Jones, Finance Director

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

Enacted and approved this 11th day of April, 2019, at Bay City

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

1. Recognition

~ RECEIVE AND DISCUSS THE BAY CITY PARKS MASTER PLAN'S SELECTION TO RECEIVE SPECIAL RECOGNITION FROM THE HOUSTON-GALVESTON AREA COUNCIL PARKS AND NATURAL AREA AWARDS IN THE PLANNING CATEGORY.

Shawn Blackburn, Parks Department Director

Shawn Blackburn, Parks Director, shared with Mayor and Council information regarding the City receiving the HGAC Award for the Parks Master Plan. The City received the award out of thirteen (13) other counties. Mr. Blackburn was commended by the Mayor and Council for his organization's accomplishments.

2. Presentation

~ RECEIVE AND DISCUSS THE BAY CITY PUBLIC LIBRARY QUARTERLY REPORT.

Samantha Denbow, Library Director

Library Director, Samantha Denbow reported to Mayor and Council the many things accomplished by the Bay City Public Library and shared future events.

3. Award

~ PRESENTATION OF 2018 TMLDA ACHIEVEMENT OF EXCELLENCE IN LIBRARIES AWARD.

Samantha Denbow, Library Director

Library Award - Mary Cohrs, Library Director for the City of Bellaire and representative of the Texas Municipal Library Directors Association, presented the award to library director, Samantha Denbow. The award is for excellence in library services. Libraries are judged based on ten (10) various criteria. The Bay City Public Library is in the top ten (10%) of libraries in the state, with fifty-one (51) libraries out of five-hundred-forty-eight (548) receiving the award. Congratulations to Director Denbow and the staff and volunteers of the Bay City Public Library.

4. Agreement

~ DISCUSS, CONSIDER AND/OR APPROVE AN AMENDMENT TO AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF BAY CITY AND MATAGORDA COUNTY REGARDING THE BAY CITY PUBLIC LIBRARY.

Scotty Jones, Finance Director

The City of Bay City and the County of Matagorda are requesting permission to enter into a new agreement regarding the housing of the Sargent Branch of the Bay City Library. The County has offered a county owned facility for the Sargent Library Branch. The Library would be required to pay utilities.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chrystal Folse, Mayor Pro-Tem
SECONDER:	Jason Childers, Councilman
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

Enacted and approved this 11th day of April, 2019, at Bay City

5. Ordinance

~ DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET IN THE AMOUNT OF \$75,000.00 FOR THE BAY CITY PARKS AND RECREATION DEPARTMENT.

Scotty Jones, Finance Director

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

Enacted and approved this 11th day of April, 2019, at Bay City

6. Policy

~ DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION ADOPTING A TAX ABATEMENT AND ECONOMIC DEVELOPMENT INCENTIVE POLICY.

Scotty Jones, Finance Director

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

Enacted and approved this 11th day of April, 2019, at Bay City

7. Financial

~ DISCUSS, CONSIDER AND/OR APPROVE AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN SAL HOLDINGS, LLC AND THE CITY OF BAY CITY REGARDING THE DEVELOPMENT OF AN 11.621 ACRE TRACT OWNED BY THE CITY.

Scotty Jones, Finance Director

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

Enacted and approved this 11th day of April, 2019, at Bay City

8. Report

~ RECEIVE AN UPDATE FROM THE CITY MANAGER COMPENSATION COMMITTEE AND TAKE NECESSARY ACTION, IF REQUIRED.

Jason Childers, Councilman

Council recommended the following after discussion:

Should the City Manager Form of Government Pass on May 4, 2019:

City Manager: Salary range of \$130-\$175K to cover the job description.

Mayor: \$600 monthly, plus travel.

Should the City Manager Form of Government NOT Pass on May 4, 2019:

Mayor: \$83K

RESULT:	APPROVED [4 TO 0]
MOVER:	William Cornman, Councilman
SECONDER:	Becca Sitz, Councilwoman
AYES:	Cornman, Sitz, Folse, Childers
ABSTAIN:	Estlinbaum

Enacted and approved this 11th day of April, 2019, at Bay City

9. Presentation

~ DENY OR APPROVE MAYOR MARK A. BRICKER'S REMOVAL OF DANYAL SHENIEL MANNING, VIDALA LEAL RODAS AND RONNIE REEVES FROM THE BAY CITY HOUSING AUTHORITY BOARD OF COMMISSIONERS.

Bill Cornman, Councilman

Councilman, Bill Cornman made a motion to accept Mayor Bricker's removal of the Housing Authority members. The motion failed to receive a second.

After the defeat of the agenda item, a motion, to table the agenda item indefinitely, was made by Councilwoman Becca Sitz and seconded by Councilwoman, Chrystal Folse. The motion passed, with Councilman, Jason Childers abstaining.

RESULT:	APPROVED [4 TO 0]
MOVER:	Becca Sitz, Councilwoman
SECONDER:	Chrystal Folse, Mayor Pro-Tem
AYES:	Cornman, Sitz, Folse, Estlinbaum
ABSTAIN:	Childers

Enacted and approved this 11th day of April, 2019, at Bay City

10. Appointment

~ DISCUSS, CONSIDER AND/OR APPROVE MAYOR MARK A. BRICKER'S APPOINTMENT OF VERONICA MAGANA, JOHNNIE MONTALBO AND FRANK PAIZ TO FILL VACANT SEATS ON THE BAY CITY HOUSING AUTHORITY BOARD OF COMMISSIONERS.

Mark A. Bricker, Mayor

No Action.

10.CLOSED / EXECUTIVE SESSION

NONE

1. 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.

Mark A. Bricker, Mayor

2. Litigation

~ EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071(2) FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE COUNCIL, UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS, CLEARLY CONFLICTS WITH TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE.

Mark A. Bricker, Mayor
None

11.OPEN SESSION

No Action.

1. Report

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

Mark A. Bricker, Mayor

12.ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

April 22, 2019 - Relay for Life Movie Night. Councilwoman Chrystal Folse

Bill Cornman - Questioned other Council members regarding contact from the Tribune in reference to an article where Mayor Bricker is quoted.

Julie Estlinbaum - Shared information about a Candidate Forum on Sunday, April 14th - NAACP

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:

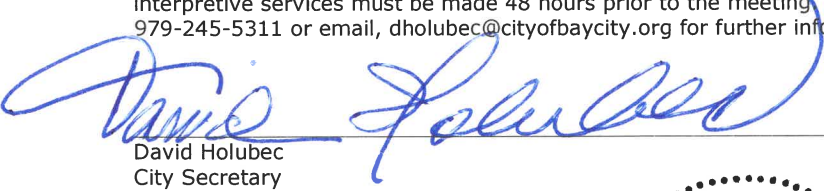
It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting 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, April 5, 2019 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker 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

AGENDA ITEM (ID # 3695)

Meeting: 04/25/19 07:00 PM
Department: City Secretary
Category: Report
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3695

**~ DISCUSS, CONSIDER, AND/OR APPROVE THE
MATAGORDA COUNTY AMATEUR RADIO CLUB REQUEST
TO HOLD THE 2018 FIELD DAY (24-HOUR) PUBLIC SERVICE
EMERGENCY COMMUNICATIONS DEMONSTRATION IN LE
TULLE PARK ON JUNE 22, 2019 AND JUNE 23, 2019.**

COMMENTS - Current Meeting:

Rick Gangluff gave the presentation regarding this annual event.

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

Facts and Information for the Matagorda County Amateur Radio Club April 16, 2019

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

Our club sponsors the W5WTM two meter VHF repeater which operates on a frequency of 146.12/.72. Our area two meter net meets weekly on Tuesday evening at 7 PM local time with 15 to 20 operators participating.. <http://www.qrz.com/db/W5WTM>

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

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

Background on Field Day approval process for 24 hour operation in LeTulle Park:
The Matagorda County Amateur Radio Club (MCARC) sponsors an annual operating event that is part of a nationwide activity scheduled for June 22nd and 23rd, 2019. This operation covers the entire 24 hour period from noon Saturday morning to noon on Sunday. We plan to occupy an area on the east side of LeTulle Park near the East Pavilion. Since this is a 24 hour activity, we would be operating through the night in the park (i.e. not camping) but operating two or more portable radio stations on emergency power. Starting in 2013 our group has received permission from City Council to hold this activity in LeTulle Park including the approval to operate through the night. The public park is an optimum location because it allows the public and interested officials to interact and learn about our amateur radio public service capabilities. We invite interested youth groups, like the Boy Scouts and encourage them to visit us and learn about ham radio. The Boy Scouts can receive merit badges and other credit for radio communication and Morse code, etc. Ham radio operators provide many types of voluntary public service communications. Amateur Radio Emergency Services are identified locally in the Matagorda County Emergency Plan and we have a current Letter of Agreement with the County Judge for backup communications in disaster situations. There are approximately 60 Federal Communications Commission licensed amateur radio operators in Matagorda County and surrounding area. 20 to 30 hams actively participate in our routine club activities.

We appreciate the support and insights from Kelly Penewitt, Parks and Recreation Supervisor and Chief Lister of the BCPD for their continuing support of this activity. We are requesting approval for this 24 hour Field Day operation on June 22nd and 23rd, 2019. Please contact Rick Gangluff with any questions or if any additional information is required. 979 245 9654

Example Operating Position near the East Pavilion



MCARC Banner Hung in the East Pavilion to Welcome the Public



Example of Public Information Display for Field Day



Matagorda County Amateur
Radio Club Field Day





City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

DISCUSSION ITEM (ID # 3689)

Meeting: 04/25/19 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3689

**~ RECEIVE AND DISCUSS AN UPDATE ON ONGOING
PROJECTS AT THE BAY CITY REGIONAL AIRPORT.**

COMMENTS - Current Meeting:

Airport Manager, James Mason presented the current update regarding the events, improvements and future needs/plans of the Bay City Regional Airport. Staffing concerns were mentioned by Councilman, Bill Cornman and Councilman, Jason Childers. Mayor Mark A. Bricker felt the staffing concerns should be addressed in the upcoming budgeting process. It was agreed by Council members to place the airport staffing needs on the May 9, 2019 Regular Council Agenda.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 04/25/19 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3699

AGENDA ITEM (ID # 3699)

**~ RECEIVE AND DISCUSS THE QUARTERLY REPORT FROM
THE TOURISM DEPARTMENT.**

COMMENTS - Current Meeting:

Tourism Manager, Heidi Martinez, lead Mayor and Council members through her report regarding the many excellent things happening with the Tourism Department. She was commended by Mayor and Council members for the programs, events and continued success of the program.

Visit Bay City

February 2019- April 2019

Quarterly Report

CURRENT PROJECTS

Matagorda County Visitors Guide 2019 – New design in the final proofing stage. Magazine will be ready the first week of May. Boxes will be shipped to all Texas Travel Information Centers in the state of Texas.

Arts & Culture Committee – Three murals have been chosen by the art committee. The first being a veteran's mural painted on the VFW Post 2438 North 60. Project will begin the week of April 22nd. The second is a mural of Sato the Guinness World Record holder for a horn spread on a steer. Building has been located, negotiations are in place. Third will be in Matagorda. [Vision 2040-Create a Lively Downtown Atmosphere, add color and life to downtown.](#)

Bird Blinds – Working with local High School Ag Shops and considering Boy Scout Troops to build the bird blinds. Visit Bay City will purchase materials and give donation to school club or organization for their work. Dimension of bird blinds given from Texas Parks Parks & Wildlife liaison. [Strategic Plan-Create Marketing Plan: Promote Bay City, Matagorda County as Birding Capitol.](#)

ONGOING PROJECTS

Love Where You Live Campaign – Promoting positivity in the community and local pride. T-shirts for sale \$20 a piece at Tourism Office or Utility Billing/water department. We've raised \$2,620. in t shirt sales, \$1,055. in the last quarter. [Strategic Plan-Develop Positivity Campaign: Positive Promotion](#)

Volunteer/Vendor List – Collecting names of volunteers, vendors and entertainers as a resource guide for tourism events. Any one that wants to be included email hmartinez@cityofbaycity.org

Visit Bay City TX Facebook/Instagram Page – Consistent engagement on Facebook and Instagram. We've reached over 1,000 page likes, gaining 600 likes since January 2019. Instagram up to 146 followers the account's reach was 1,086, with 2,505 impressions. [Strategic Plan-Social media moderator](#)

COMPLETED PROJECTS

Second Annual Wolf Moon Concert (Camofest Weekend) – The Wolf Moon Concert was highly attended. We received many compliments on the band, San Antonio Lights. The Camofest Committee plans to have the event go into the evening to encourage overnight stays. [Vision 2040-Enhance/Create Regular Downtown Events & Create Large Quarterly Events.](#)

Travel & Adventure Show Dallas 2019 – Visit Bay City’s first time at this show, partnership with bay City Mainstreet. Estimated 13,000 in attendance. International market, many from Japan, China and the Dallas region exposing us to new clientele. Travel agents also attended giving us a chance to showcase Bay City, Matagorda County. [Strategic Plan-Create Marketing Plan, Destination awareness in large Texas cities](#)

Texas Travel Industry Association 2019 Travel Expo – Held in Houston at the George R. Brown Convention Center. Sixty one-on-one appointments with employees from Texas Travel Information Centers in and around the state of Texas, Texas Parks & Wildlife staff and employees of other visitors’ centers including Fredericksburg, Beaumont and San Marcos.

Travel Writer Tour – Hosted Texas Highways writer, Matt Joyce, for a historic piece on the settlement along the Colorado River specifically highlighting Stephen F. Austin. Tour included the Matagorda County Museum, Selkirk Island, Matagorda Cemetery, Matagorda Episcopal Church, and the Burkhart Home. [Strategic Plan- Create Marketing Plan, Relationships with Travel Writers](#)

Concert Committee – The Bay City Tourism Council has created a committee to handle planning of future department concerts. Next is the Harvest Moon Day of the Dead Festival in November. Currently looking for committee chairs for various festival tasks. [Vision 2040-Create Large Quarterly Events.](#)

Create Destination Material/Shopping & Dining Guide – Designed and printed a shopping & dining guide for the Bay City Historic Downtown District. Rack card was utilized at Adventure Show and Travel Expo. Some will be mailed to Travel Information Centers in Texas. [Strategic Plan- Create Marketing Plan, Destination material](#)

Trade Show Displays – Designed new banner displays and tablecloth for trade shows reflecting our new logo. Also gives refreshed attractive look to our booth. The bird design caught the attention of many. [Strategic Plan-Marketing Plan, Develop New Logo & Brand Recognition](#)

Approved Sponsorship Applications –

- Visit Bay City sponsored the Matagorda Bay Bird Festival in February 2019
- Visit Bay City sponsored the Matagorda County Fair & Rodeo Concert in February 2019
- Visit Bay City Sponsored CAST presents Lion King Junior in June 2019

FUTURE PLANNING

Promote Art Culture & History – Develop Historic Driving Tour (possibly digital if budget allows). Update existing historic homes map. [Strategic Plan- Create Marketing Plan, Destination material](#)

Harvest Moon Concert Day of the Dead Festival – Planning for the Harvest Moon Day of the Dead fest has begun. Currently looking for committee chairs interested in growing the event.

Way Finding – Reached out to the Palacios wayfinding committee for their input on best practices. In the planning and development phase. [Strategic Plan-Better Signage](#)

Create Destination Material – Birding Map, Sample Itineraries and key map with boat ramps, piers, camping and bird blinds. [Strategic Plan- Create Marketing Plan, Destination material](#)

UPCOMING EVENTS

April 27th – Spring Cleanup Day, City of Bay City
May 6th – May 10th – National Travel & Tourism Week, Theme: Travel Matters
May 7th – Tourism Celebration Night (*Special Invite to Tourism Stakeholders & Volunteers*)
May 9th – Rock the Block, Downtown bay City
May 25th – Day on the Bay Wetland Kayak Tour, Matagorda Bay Nature Park
June 12th – Rock the Block, Downtown Bay City
June 15th – Full Moon Food Truck Festival, Matagorda County Birding Nature Center
June 20th – 23rd & June 27th – 30th – CAST presents Lion King Junior, BC High School Auditorium
July 4th – Sparks in the Park, Le Tulle Park Bay City, BC Parks & Recreation
July 4th – Palacios Lions Club 4th of July Celebration, Seawall in Palacios

February Texas Highways Magazine



FLOCK TO Bay City, Texas
 MATAGORDA COUNTY
 #1 BIRDING DESTINATION

Matagorda Bay Bird Fest
 February 15th-17th • Palacios, Tx

FEBRUARY 23rd
 Rodeo Concert featuring
 Parker McCollum

FEBRUARY 27th - MARCH 2nd
 Matagorda County
 Fair & Livestock Show

Contact Us At 979.323.1176 • www.visitbaycitytx.com

(TxDot) Texas Events Calendar



Experience SUMMER Bay City, Texas
 MATAGORDA COUNTY

2019 Summer Events

JUNE 15th - Full Moon Food Truck Festival
June 20 - Lion King Jr Musical
 June 20, 21, 22, 27, 28 at 7pm
 June 23 and 30 at 2pm

JULY 4th - Sparks in The Park at Letulle Park

Contact Us At 979.323.1176 • www.visitbaycitytx.com

June Texas Highways Magazine



FULL MOON FOOD TRUCK Festival

GREAT MUSIC • GOOD FOOD • COLD BEER

Matagorda County Birding Nature Center
Saturday, June 15th • 5PM-10PM

LIVE MUSIC BY:
COLBY SWIFT, AMERICAN IDOL CONTESTANT
CHAD COOKE BAND, HOUSTON, TX
Bring your lawn chairs or a blanket and enjoy the fun, food and country music.

\$5.00 PER PERSON
CHILDREN 12 AND UNDER FREE
979.323.1176 • VISITBAYCITYTX.COM

Travel & Adventure Show Dallas





City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3698)

Meeting: 04/25/19 07:00 PM
Department: Finance
Category: Report
Prepared By: Scotty Jones
Initiator: Scotty Jones
Sponsors:
DOC ID: 3698

~ DISCUSS, CONSIDER, AND/OR APPROVE THE CITY'S QUARTERLY FINANCIAL AND INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2019.

BACKGROUND:

Quarterly financial reports provide the most accurate reflection of the quarter activity for each major fund. Reports are provided to City Council via email with a formal presentation at the next available Council meeting. In addition, the Finance Committee meets quarterly to review the Investment Report in detail. This time also serves as an opportunity to discuss the City's finances. In the event that financial decisions or budgetary amendments need attention prior to this date-the Finance Director shall request a Special Called Meeting. All reports are posted to the City's website along with other financial information.

FINANCIAL IMPLICATIONS:

Timely financial data provides City Council time to make informed decisions to prevent any negative financial implications.

IMPACT ON COMMUNITY SUSTAINABILITY:

The report provides financial information to the public, i.e., costs of services, revenue sources, and capital project information.

RECOMMENDATION: Staff recommends City Council approve the Quarterly Financial & Investment Report.

ATTACHMENTS: Presentation at Meeting (Quarter Ending March 31, 2019)

COMMENTS - Current Meeting:

Finance Director, Scotty Jones lead Mayor and Council members through the quarterly financial and investment report. The reports were well received and approved by motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Chrystal Folse, Mayor Pro-Tem
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum



CITY OF BAY CITY

FY 2019 1st Quarter Financial Report

As of March 31, 2019

The City of Bay City Finance Department is dedicated to excellence in local government, comprehensive fiscal management, compliance and reporting. The Monthly Report is used to provide our internal and external customers financial reporting with easy to read narratives regarding the City's financial position.

*This report represents a general overview of financial operations through **March 2019**, the sixth month, and **50.00%** of FY 2019.*

1. The **Financial Summaries** provide comparative data for revenues and expenditures by fund. Data shows current monthly and year to date information as it relates to budget. Beginning fund balances are estimates until the final audit is complete.
 - The **General Fund** is the general operating fund of the City. It is used to account for all financial resources except those accounted for in other specific funds. This fund includes all general tax revenues and other receipts that are not restricted by law or contractual agreement to some other fund. General operating expenditures, fixed charges and capital improvement costs not paid through other funds are paid from this fund.
 - The **Public Utility Fund** accounts for the operations costs to provide water and sewer services to the citizens of Bay City.
 - The **Airport Fund** is used to account for the operations of the Airport, and to account for the rent generated from its T-hangers and fuel sold.
 - The **Hotel/Motel Occupancy Tax Fund** was established to directly enhance and promote tourism and the convention and hotel industry or other expenses as approved by State Law.
2. The **Investment Report** provides a description of investment activity during the quarter.

This report does not include all funds related to the City of Bay City's Operations—please refer to the City's Comprehensive Annual Financial Report & the City's Annual Budget available on the City's website (www.cityofbaycity.org).

Go to the Finance Department's Web Page for all financial transparency information. This includes audits, budgets, quarterly reports, and check registers

Attachment: 033119Qtrly (3698 : Quarterly Financial Report)

General Fund Overview

Revenue Highlights

Revenues total \$9,191,322 or 61.1% of the budget.

- Property Tax. The certified value totaled \$857 million. Through March, the City received \$4,116,643 or (92.3%) of the 4.4-million-dollar property tax maintenance and operation budget. Most property taxes were received by January to avoid penalties.
- Sales tax. Second Quarter Sales Tax Allocation to the City is up 4% (\$51,918) as compared to the second quarter in prior year. Sales tax is anticipated to exceed budget expectations.
- Franchise fees are in line with budget. Licenses & Permits exceed the budget target and is expected to exceed budget at year end.
- Fines and penalties (Court Fines, Arrest Fees) are below budget expectations by \$18,000.
- Charges for services represents sanitation fees - \$1,219,779 (50% of budget).
- Miscellaneous Revenue appears below budget; however this is due to the timing of grant payments and/or interlocal agreements. (i.e. Bay City Gas Company, County, BCCDC)

General Fund Expenditure Highlights

Expenditures total 6,264,971 or 43.1% of budget.

- Most departments are under the 50% budget target. Budgets that are over the budget target are primarily due to timing of payments.
 - o Fire Department- timing of support payment to the Volunteer Fire Department; timing of repairs and maintenance of equipment
 - o Recreation- timing of Parks events
 - o Recycling Center- timing of new recycling center project expenditures

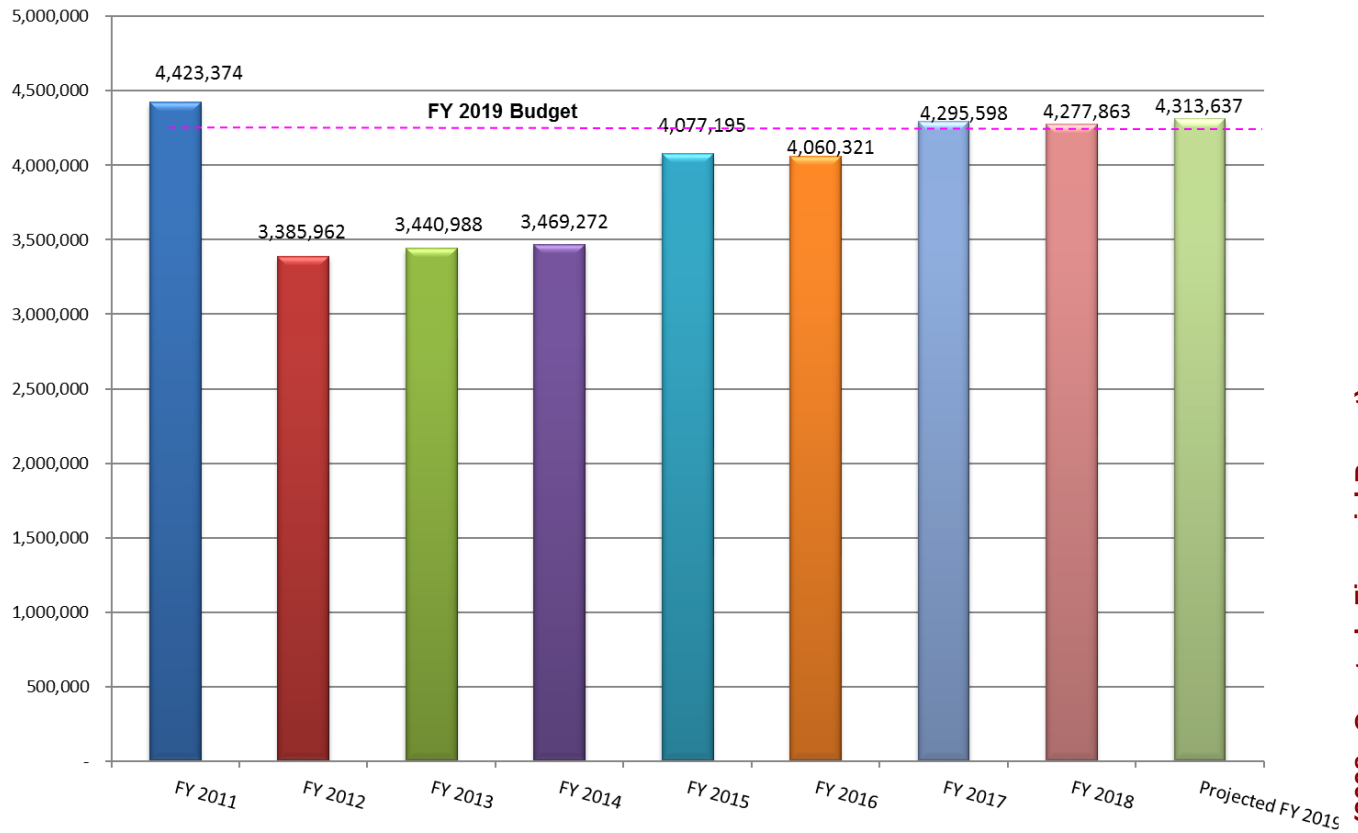
The General Fund's fund balance is budgeted to increase by \$500,000. **The city reserve level currently is below the minimum policy of 25%.** See bottom of page 3 for more clarification. The audited beginning cash position (October 1, 2018) was 2.2 million which represents approximately 16% operating reserve including transfers or 18% operating reserve excluding transfers. Transfers include funding for departments/funds such as Information Technology, Facilities/Equipment Maintenance, and the Bay City Airport. The City plans to build reserve over the next 1-2 years to meet or exceed the minimum 25% reserve requirement. Sales tax and departmental savings should aide in the building of the reserve by fiscal year end.

GENERAL FUND FINANCIAL SUMMARY

General Fund (Fund 11)					
Percent of Fiscal Year Complete	50%				
	Total Budget	YTD Actual*	Over(Under) Budget to Date	% FY 2019 Budget	
Beginning Fund Balance	\$ 2,218,367	\$ 2,218,367			
REVENUES					
Property Taxes	4,459,684	4,116,643	343,041	92.3%	
Sales Tax	4,275,000	2,201,688	2,073,312	51.5%	
Other Local Taxes (Franchise)	1,312,500	636,575	675,925	48.5%	
Charges for Services (Sanitation)	2,443,000	1,219,779	1,223,221	49.9%	
Fines & Penalties	203,000	83,302	119,698	41.0%	
Licenses & Permits	180,500	142,018	38,482	78.7%	
Miscellaneous	1,415,516	408,040	1,007,476	28.8%	
Transfers	741,800	383,276	358,524	51.7%	
Total Revenues	\$ 15,031,000	\$ 9,191,322	\$ 5,839,678	61.1%	
EXPENDITURES					
City Secretary	148,949	69,403	79,546	46.6%	
City General Services	2,708,449	1,334,922	1,373,527	49.3%	
Administrative Council	207,580	93,256	114,324	44.9%	
Main Street	55,800	17,263	38,537	30.9%	
Human Resources	246,623	123,075	123,548	49.9%	
Municipal Court	318,522	138,205	180,317	43.4%	
Finance	322,582	152,856	169,726	47.4%	
Police	4,463,977	2,087,329	2,376,648	46.8%	
Animal Impoundment	165,482	69,347	96,135	41.9%	
Fire Department	194,391	127,265	67,126	65.5%	
Street and Bridgne	3,230,327	1,049,454	2,180,873	32.5%	
Recycling Center	394,505	237,858	156,647	60.3%	
Parks	1,015,961	346,321	669,640	34.1%	
Riverside Park	273,517	100,170	173,347	36.6%	
Recreation	94,186	48,919	45,267	51.9%	
Pool Operations	266,681	65,650	201,031	24.6%	
Library	423,468	203,679	219,789	48.1%	
Total Expenditures	\$ 14,531,000	\$ 6,264,971	\$ 8,266,029	43.1%	
*YTD does not includes encumbrances					
Net Revenue (Expenditures)	\$ 500,000	\$ 2,926,351			
Ending Fund Balance	\$ 2,718,367	\$ 5,144,718			
% of Operating Reserves	19.78%	37.43%			
Fund Balance Target 90 days (25%)	\$ 3,435,795				
Over/(Under) min Policy Level (25%)	\$ (717,428)	\$ 1,708,924			

Attachment: 033119Qtrly (3698 : Quarterly Financial Report)

SALES TAX YEARLY COMPARISON



	2nd Quarter		% Change from Prior Year	Variance
	Fiscal Year 2018	Fiscal Year 2019		
January	439,783.22	420,788.91	-4.32%	(18,994.31)
February	549,838.49	568,926.16	3.47%	19,087.67
March	413,614.28	465,438.78	12.53%	51,824.50
Total	1,403,235.99	1,455,153.85	3.70%	51,917.86
City General Fund (75%)	1,052,426.99	1,091,365.39		38,938.40
BCCDC (25%)	350,809.00	363,788.46		12,979.47
	1,403,235.99	1,455,153.85		51,917.86

Attachment: 033119Qtrly (3698 : Quarterly Financial Report)

Public Utility Fund Overview

Revenue Highlights

- As a percentage of budget, total Water & Sewer Revenue is 50% being on target with budget expectations.

Expenditure Highlights

- Total expenditures for the Utility Fund sit nicely at 35% of budget.
- All departments are within budget expectations.

PUBLIC UTILITY FUND FINANCIAL SUMMARY

Utility Fund (Fund 61)					
Percent of Fiscal Year Complete	50%				
	Total Budget	YTD Actual*	Over(Under) Budget to Date	% FY 2019 Budget	
Beginning Fund Balance	\$ 2,822,798	\$ 2,822,798			
REVENUES					
Charges for Services	7,594,000	3,718,766	3,875,234	49%	
Fines & Penalties	175,000	76,017	98,983	43%	
Miscellaneous	10,000	60,488	(50,488)	605%	
Total Revenues	7,779,000	3,855,271	3,923,730	50%	
EXPENDITURES					
Utility General	4,448,218	1,844,708	2,603,510	41%	
Utility Maintenance	1,920,076	568,854	1,351,222	30%	
Water & WWTP Division	2,400,206	620,457	1,779,749	26%	
Warehouse Operations	86,500	36,639	49,861	42%	
Total Expenditures	\$ 8,855,000	\$ 3,070,657	\$ 5,784,343	35%	
*YTD does not include encumbrances					
Net Revenue (Expenditures)	\$ (1,076,000)	\$ 784,613			
Ending Fund Balance	\$ 1,746,798	\$ 3,607,411			
% of Operating Reserves	24.34%	50.26%			
Target 90 days (25%)	1,794,419				
Over/(Under) Target	\$ (47,621)				

Attachment: 033119Qtrly (3698 : Quarterly Financial Report)

Airport Fund Overview

Revenue Highlights

- As a percentage of budget, core Airport revenues are meeting budget expectations.
- Timing of TXDOT RAMP Grant causes “Miscellaneous” revenue to appear above the budget target.
- General Fund (Transfers In) subsidizes the Airport by \$250,000, an increase of \$100,000 over prior year to support the “runway project”.

Expenditure Highlights

- As a percentage of budget, total expenditures are 53%. Repairs and Maintenance represent 99% of budget—this is due to the timing of the relocation of the fuel system.

AIRPORT FUND FINANCIAL SUMMARY

Municipal Airport Fund (Fund 64)					
Percent of Fiscal Year Complete	50%				
	Total Budget	YTD Actual*	Over(Under) Budget to Date	% FY 2019 Budget	
Beginning Fund Balance	\$ 133,310	\$ 133,310			
REVENUES					
Charges for Services	-	300	(300)	0%	
Miscellaneous (Rentals, Grants)	156,000	100,754	55,246	65%	
Transfers (General Fund)	250,000	125,000	125,000	50%	
Other Revenue (Fuel Sales)	178,500	87,929	90,571	49%	
Total Revenues	\$ 584,500	\$ 313,983	\$ 270,517	54%	
EXPENDITURES					
Personnel	136,850	60,949	75,901	45%	
Supplies & Materials	154,000	99,059	54,941	64%	
Other Charges & Services	73,700	40,256	33,444	55%	
Repairs & Maintenance	124,900	124,092	808	99%	
Capital Expenditures	152,550	14,431	138,119	9%	
Total Expenditures	\$ 642,000	\$ 338,787	\$ 303,213	53%	
*YTD does not include encumbrances					
Net Revenue (Expenditures)	\$ (57,500)	\$ (24,804)			
Ending Fund Balance	\$ 75,810	\$ 108,506			
<i>No minimum Fund Balance Policy</i>					
General Fund subsidizes \$250,000					

Civic & Cultural Arts Fund (Hotel /Motel Fund) Overview

Revenue Highlights

- As a percentage of budget, total Hotel/Motel Fund is below budget target of 50%, this is due the timing of hotel payments. Most hotels remit tax on a monthly or quarterly basis. (January-March receipts will not be remitted until April)
- Miscellaneous (Civic Center rental fees) are above budget.

Expenditure Highlights

- Total expenditures are below the budget target; however this is due to the timing various budgets within the Hotel / Motel Fund.
- Council Discretionary is at 68% due to timing of payment to the Museum.

HOTEL/MOTEL FUND FINANCIAL SUMMARY

Civic & Cultural Arts Fund (Fund 25)				
Percent of Fiscal Year Complete	50%			
	Total Budget	YTD Actual*	Over(Under) Budget to Date	% FY 2019 Budget
Beginning Fund Balance	\$ 419,255	\$ 419,255		
Revenues				
Hotel Occupancy Tax	\$ 800,000	\$ 219,690	\$ 580,310	27%
Miscellaneous	79,000	55,229	\$ 23,771	70%
Total Revenues	\$ 879,000	274,919	\$ 604,081	31%
Expenditures				
Council Discretionary	\$ 133,000	90,000	43,000	68%
Tourism Department	263,000	126,264	136,736	48%
Civic Center	311,000	126,648	184,352	41%
Bay City Theatre	172,000	14,804	157,196	9%
Total Expenditures	\$ 879,000	\$ 357,717	\$ 521,283	41%
*YTD does not include encumbrances				
Net Revenue (Expenditures)	\$ -	\$ (82,798)		
Ending Fund Balance	\$ 419,255	\$ 336,457		
<i>Proposed to maintain \$50,000</i>				

Departmental Highlights - Quarter Activity

Building Department

Residential



5 NEW RESIDENTIAL HOMES (1st & 2nd Qtr)

Value Added: \$1,046,308 Total Taxes= \$6,853

Commercial

BUSINESS

2

1st Qtr Value Added: \$16 million (FB Stadium 15M; Ace Hardware 750K) Total Taxes= \$4,912

2nd Qtr Value Added 4.1 million (McCoys 2.5M; Boat Storage 110K, Recycling Center 577K, Burger King 950K Total Taxes= \$23,318

	1st Quarter FY 18	1st Quarter FY19	FY 18 vs FY 19 YTD
Building Inspections	260	494	234
	2nd Quarter FY 18	2nd Quarter FY19	
Building Inspections	463	453	-10
Total	723	947	Increase by 224

Street and Bridge

Utility

	Jan-March 2018	Jan-March 2019		Jan-March 2018	Jan-March 2019
Concrete Pavement Repair	11	6	Water Leaks	69	98
Ditch Cleaning	27	28	Meter Leaks	74	50
Asphalt Pavement Repair	72	73	Sewer Repairs	368	258
Utility/Asphalt/Concrete Repair	27	36	Low Pressure Reads	8	47
Signs	22	24	Meter Swaps	170	269
Traffic Control Devices	9	8	Water/Sewer Taps	20	8

Police Statistics

	Jan-March 2018	Jan-March 2019
Calls for service	7,136	7,302
Arrests	204	221
Cases assigned to CID	719	449
Cases cleared by CID	479	613

FINANCIAL CHALLENGES OF THE CITY

Governmental Funds

General Fund

Reserve Levels-The City needs to build reserves up to policy level over the next 1-2 fiscal years.

Proprietary Funds

Public Utility Fund

None

Airport

None

Monitoring:

Sales Tax

HB2- would limit the ability of a city or county to levy the I & S tax to pay for non-voted debt—this would have an immediate impact on the roll back calculation

SB2- would move the roll back rate from 8% to a number between 2.5-3.5%; this would limit the ability for a City to raise revenue for basic service needs (municipal inflation); smaller cities would get some relief possibly depending on current revenue and/or size of city

Investment Report 2nd Quarter Fiscal Year 2019

The City has a weighted average portfolio of 1 day with an average book yield of 1.86%. The City is liquid with 100% of the portfolio in a 0-1-year maturity. Average interest rates have increased since prior quarter. All short-term investments average over 2%. Investment earnings are \$60,638 for the quarter and up \$24,681 as compared to the same quarter last year. The investment strategy currently is to stay short with diversification (Checking & Investment Pools) to minimize interest rate risk in the future. However, in April 2019 the City will begin to build a ladder portfolio with some investment moving into 2-3 year maturities.

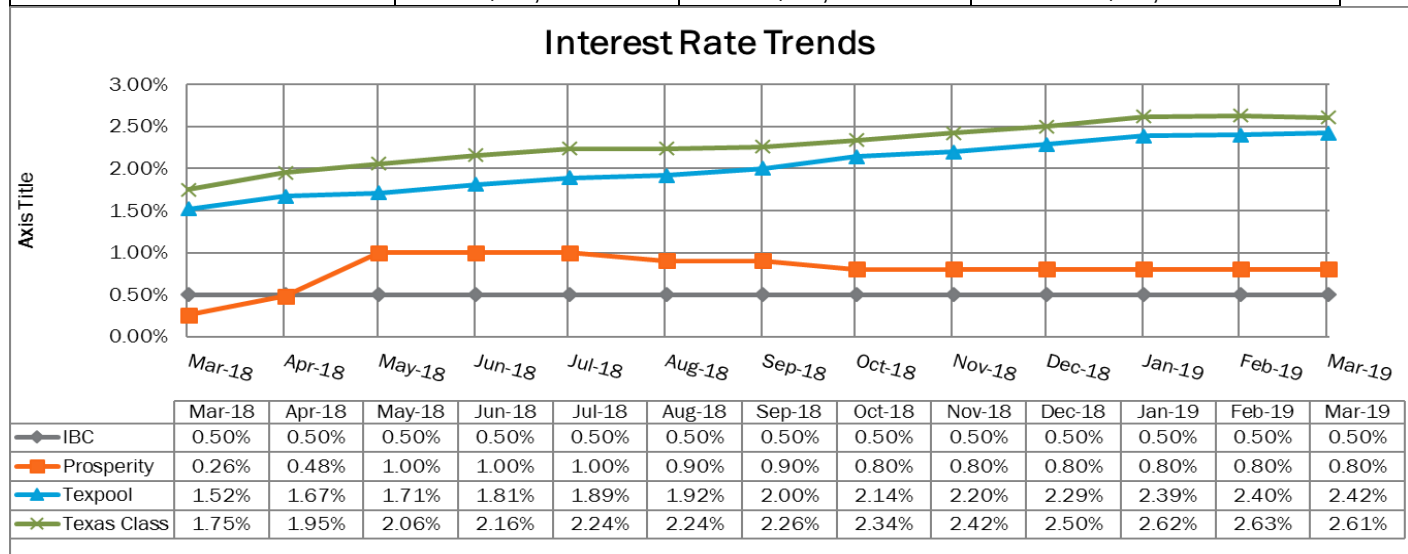
March 31, 2019 Balances

	Total Bal by Type	% of Portfolio
IBC	\$ 3,848,345.01	29%
Prosperity Bank	\$ 276,263.46	2%
Petty Cash/Cash Drawers	\$ 3,537.00	0%
Texpool	\$ 6,310,984.11	48%
Texas Class	\$ 2,835,703.71	21%
CD's	\$ -	0%
Securities	\$ -	0%
	\$ 13,274,833.29	100 %

Interest Earnings

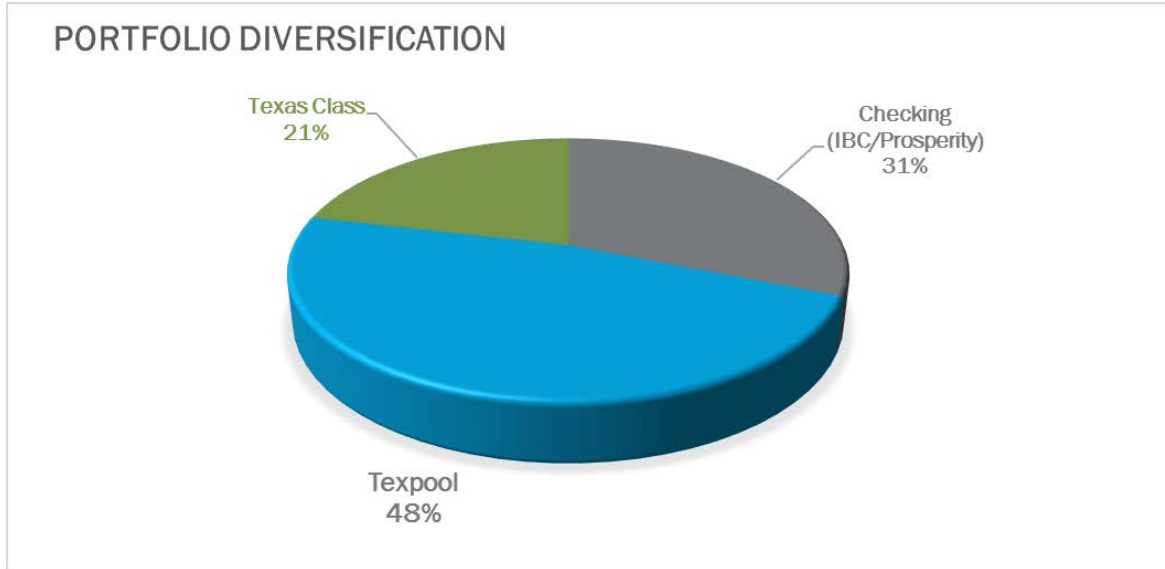
Interest received during the 2nd quarter totaled \$ 60,639 and represents interest paid on checking accounts and investments.

Portfolio	Qtr 03-31-18	Qtr 03-31-19	Over Prior Year
Interest Received	\$35,957	\$60,638	\$24,681



Portfolio Diversification

Portfolio Diversification is used to create a structure to reduce investment risks and a portfolio that will experience minimal volatility during economic cycles.



Portfolio Maturity Schedule

The goal is to ladder the City's portfolio. Due to some economic uncertainty and low interest rates, staying short for investment purposes is the strategy for any investments.

Years to Maturity	Face Value	% Total
0-1	\$13,274,833	100%
1-2	\$ 0	0%
2-3	\$ 0	0%
Total	\$13,274,833	100%

	City of BAY CITY vs. Benchmarks					
	for Quarter Ending March 31, 2019					
	BOOK VALUE	MARKET VALUE	Unrealized Gain/Loss	Average Book Yield	Benchmark Pools	Benchmark 90 Day T-Bill
	\$ 13,274,833	\$ 13,274,833	-	1.86%	2.51%	2.37%
	Weighted Average					
	Maturity	1.00 Day(s)		1.86% Yield		



City Council
1901 5Th Street
Bay City, TX 77414

TABLED

AGENDA ITEM (ID # 3697)

Meeting: 04/25/19 07:00 PM
Department: City Secretary
Category: Agreement
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3697

**~ DISCUSS AND TAKE ANY NECESSARY ACTION
REGARDING THE REAL PROPERTY IN WHICH THE CITY OF
BAY CITY HOLDS A REVERSIONARY INTEREST AND IS
CURRENTLY LEASED TO THE BAY CITY COUNTRY CLUB
AND THE CLUB'S REQUEST TO EXTEND THE LEASE FOR
AN ADDITIONAL THIRTY (30) YEARS.**

COMMENTS - Current Meeting:

Eddie Simpson-Kocurek and James Scardami, representing the Bay City Country Club, presented the Clubs request to have a thirty (30) year lease extension. Although the request has support, Mayor and Council members were not sure if this was possible due to the question of ownership. It was decided that the City Attorneys and the Bay City Country Club's attorney would discuss options and Council would revisit this item in May, should an opinion be ready by that time.

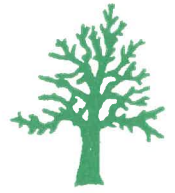
RESULT: TABLED

Next: 5/9/2019 7:00 PM



The Bay City Country Club

P. O. Box 1606
 Bay City, Texas 77404-1606
 (979) 245-5779
 bccountryclubtx@gmail.com



Subject: Proposal to extend reversionary deed.

Purpose: Bay City Country Club, a Texas Non-Profit Corporation, seeks to extend the reversionary deed granted October 19, 1954 for an additional 30 years. The current expiration date of October 19, 2029 would extend to October 19, 2059.

Background: In the original charter dated March 15, 1939, Bay City Country Club was formed for the purpose of golf and "other innocent sports".

On October 19, 1954, the original deed conveyed 82.57 acres to the Bay City Country Club for a term of 75 years at a cost of \$3000. Through the years, Bay City Country Club has increased value by adding a clubhouse, tennis courts and an Olympic-sized pool.

In August 1982, a bequest from the late Ester McDonald added 32.82 acres. This bequest was attached to the original deed and will revert to the City when the Club is relinquished.

Benefits:

1. Deed extension will preserve the legacy established by the City in 1954.
2. Deed extension will justify members' continued investments in a long-term plan for capital improvements to the facilities, further increasing the value to Bay City and the surrounding community.
3. Bay City Country Club supports the local economy as a viable small business, grossing approximately \$500,000 annually while employing 6 (six) full time staff and up to 10 augment staff.

Considerations:

1. In return for deed extension, Bay City Country Club offers the sum of \$10.00 and other good and valuable considerations, including conveying membership privileges to the current CEO of the City of Bay City.
2. Club facilities would be available for authorized City business purposes with no rental fees.

Supporting Arguments

1. Local industries rely on the Country Club as an integral portion of attract and retain strategies for new employees.
2. Bay City Country Club is essential for community growth. Both the City and the surrounding community derive many benefits from the recreation facilities. It is a prime location and economical venue for weddings, business and social events.
3. Civic organizations such as the Board of Realtors, Lions Club, Junior Service League and Runway for Life use the facilities regularly.
4. Cultural events such as Coastlaire and CAST productions are staged at the Club.
5. Bay City Country Club supports Matagorda County schools by hosting proms and 8th grade dances. School golf teams practice on the golf course free of charge on weekdays.



Bay City Community Development Corporation

1900 5th Street Bay City Texas 77414

979-245-8081

8.5.a

President Julie Fastinbaum
Vice-Pres. Floyce Brown
Secretary Becca Sitz
Loy Smeary
Bill Carmona
Tony Martinez
Frit Frankson

Executive Director
Jessica Russell
jessicarussell@baycity.org
Assistant Corporation
Secretary
Karen Stephens
Corporation Attorney
Jill Cornelius
Communication Treasurer
Jim Frankson

February 22, 2019

To Whom It May Concern:

The Bay City Community Development Corporation is proud to have the Bay City Country Club serving Bay City, Texas. As a long-standing establishment in our area, the Country Club offers amenities to our area and its members such as golf, swimming, and tennis.

The Club House and dining area are prime locations for weddings, business, and social events. The Club actively participates in local fundraising by contributing to silent auctions. We consider the Club to be a draw to both current and prospective residents of our community. Membership at the Club offers its guests an array of dining experiences and a comfortable inviting atmosphere. Location of the Club promotes Bay City Parks use and safety.

The Bay City Community Development Corporation support the ongoing function of the Bay City Country Club and hopes its rich history continues to thrive in our community.

Thank you,

Jessica Russell, Executive Director
BCCDC

Attachment: CC-3 (3697 : Bay City Country Club - Reversionary Interest)



South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

April 15, 2019

To Whom It May Concern:

STP Nuclear Operating Company is a proud Corporate Member of the Bay City Country Club. This long standing establishment has served the members of our community offering amenities such as golf, swimming and tennis. The Country Club is the only establishment in Matagorda County that offers such amenities in a private club experience.

Additionally, the Club House is a perfect location for weddings, business and social events. The garden room and ball room are utilized to serve different organizational meetings, and the entire Club House has been used time and again for beautiful wedding receptions. The Country Club is host to a variety of different golf and social events which provide a unique and fun experience for members and families.

The Country Club entertains families for lunch, dinner and Sunday brunch. The dining room also accommodates a variety of different events for members such as Valentine's Dinner, Easter Brunch or Mother's Day Buffet.

I look forward to the Country Club continuing as an integral part of the cultural experience of this area.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. T. Powell", is written over a light blue horizontal line.

G. T. Powell
President and Chief Executive Officer

Attachment: CC-3 (3697 : Bay City Country Club - Reversionary Interest)

THE STATE OF TEXAS

COUNTY OF MATAGORDA

KNOW ALL MEN BY THESE PRESENTS: That the City of Bay City, a municipal corporation situated in Matagorda County, Texas, and incorporated under the General Laws of the State of Texas, for and in consideration of the sum of \$10.00, cash to it in hand paid by the Bay City Country Club, a Texas non-profit corporation, and the agreements herein to be kept and performed by Grantee, has Granted, Bargained, Sold and Conveyed, and by these presents does Grant, Bargain, Sell and convey unto the Bay City Country Club, for the term hereinafter set forth, THE SURFACE ESTATE ONLY of 82.957 acres of land in Matagorda County Texas, out of the Thos. Cayce League, Abstract No. 14, being that portion of the park grounds now being used as a golf course and which said 82.957 acres is described by notes and bounds as follows:

BEGINNING at a point set for the Southwest corner of the Gulf Coast Water Company's property, the same being an interior corner of the tract;

THENSE East a distance of 195 feet along the South line of the said Gulf Coast Water Company's property and a North line of this tract to a point on the West bank of the Colorado River for the Northeast corner of this tract of land;

THENSE along the West bank of the Colorado River downstream with the following meanders: South 17 deg. 08 min. West 112 feet; South 22 deg. 47 min. West 325.2 feet; South 22 deg. 32 min. West 213.8 feet; South 0 deg. 17 min. West 200 feet; South 5 deg. 12 min. East 536 feet; and South 16 deg. 36 min. East 473.4 feet to a point for the Southeast corner of this tract in an existing fence;

THENCE along said fence with the following meanders; North 88 deg. 26 min. West 626 feet; North 88 deg. 35 min. West 300 feet; North 88 deg. 48 min. West 600 feet; and West 600 feet to a point for the Southwest corner of this tract;

THENCE North distance of 950.4 feet to a point for corner on the East right-of-way line of the protection levee;

THENCE along the East right-of-way line of said levee with the following meanders: North 21 deg. 40 min. East 462.5 feet; and North 27 deg. 45 min. East 325.8 feet to the Southwest corner of the A.E. Elliott tract of land and an interior corner of this tract;

THENSE East 651.6 feet along the South line of the said Elliott tract of land to its Southeast corner which is also an interior corner of this tract;

THENSE North 365 feet along the East line of the said Elliott tract of land to a point for corner which is in line with an existing fence made from cottonwood post;

THENSE East 1039 feet to the West property line of Gulf Coast Water Company's pump site;

THENSE 290 feet along the West line of the said Water Company's property to the place of beginning, containing within the foregoing described boundaries 82.957 acres of land, more or less.

Also that tract of land bequeathed by the Estate of Mrs. Elmore Hawkins McDonald, of the County of Matagorda, and the State of Texas, for and in consideration of the sum of \$10.00, and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto THE BAY CITY COUNTRY CLUB, a Texas non-profit corporation, all of the right, title and interest owned by Mrs. Elmore Hawkins McDonald at the date of her death in the following described real property in Matagorda County, Texas, to-wit:

That certain 32.82 acre tract of land out of the Thomas Cayce League, Abstract 14, in Matagorda County, Texas, being a portion of the land described in a Deed from F. Cornelius to W.E. Davant, et al, dated July 24, 1924, and recorded in Volume 70 at Page 117 of the Deed Records of Matagorda County, Texas and the said 32.82 acre tract is more particularly described as follows:

BEGINNING at a 6 inch cedar post set for the southwest corner of the land now used and occupied as a Golf Course, in the recognized south line of the Thomas Cayce League, and the said cedar post is the southeast corner of this tract;

THENSE North 950.4 feet along an old fence on the common line between this tract and the said Golf Course to a point for the northeast corner of this tract;

THENSE West 1686.2 feet along the north side of the west side of the Colorado River Protection Levee to the west bank of a slough for the northwest corner of this tract;

THENSE along the west bank of the said slough with the following meanders: South 43.7 feet; South 25 deg. 23 min. West 65.3 feet; South 0 deg. 56 min. East 123.0 feet; South 42 deg. 21 min. East 92.0 feet; South 77 deg. 15 min. East 86.1 feet; South 4 deg. 41 min. West 171.6 feet; South 32 deg. 52 min. East 211.9 feet; South 74 deg. 23 min. East 96.6 feet; and South 30 deg. 47 min. East 273.5 feet to a point on the recognized south line of the Thomas Cayce League for the southwest corner of this tract;

THENSE South 88 deg. 43 min. East 1232.5 feet along the recognized south line of the said Cayce League and old fence to the place of beginning containing 32.82 acres of land, more or less.

The term of which this grant is made by the city of Bay City begins as of October 19, 1954 and the grant herein made shall continue from and after such date for a term of 105 years, and at the end of such term, namely, October 19, 2059 A.D., the estate herein granted shall terminate and become reinvested in the City of Bay City, Texas, its successors and assigns.

As a part of the consideration for which this grant is made the Bay City Country Club, by the acceptance of this deed agrees with the City of Bay City, Texas as follows:

- (A) The Bay City Country Club shall not use the above described land for any purpose other than for country club and/or golf purposes;
- (B) At the expiration of the term for which this grand is made, namely on October 19, 2059, A.D., all improvements then on the above described land will become the property of the City of Bay City, Texas without cost to it.

The City of Bay City, Texas reserves all of the oil, gas and other minerals in, on and under the above described land, together with the right to use so much of the surface estate in said land as is reasonably necessary for exploring for, drilling for, producing, storing, and transporting the reserved oil, gas and other minerals.

TO HAVE AND TO HOLD the herein conveyed surface estate in and to the above- described acres of land, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Bay City Country Club, its successors and assigns, until October 19, 2059 A.D. and not thereafter.

IN WITNESS HEREOF, the City of Bay City, Texas has, by ordinance duly passed, caused these presents to be executed by Mark Bricker, its Mayor, and the corporate seal of the city of Bay City to be affixed hereto and attested by David Holubec, city Secretary of the City of Bay City, Texas, on this the ____ day of April, A.D. 2019.

CITY OF BAY CITY

By _____

Its Mayor

ATTEST:

David Holubec, City Secretary

THE STATE OF TEXAS

COUNTY OF MATAGORDA

BEFORE ME, the undersigned notary public, in and for said State and County, on this day personally appeared Mark Bricker, know to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be the Mayor of the City of Bay City, Texas, and acknowledged to me that he executed the foregoing deed of conveyance as the act and deed of the City of Bay City, Texas, and as its Mayor, for the purposes and consideration therein expressed in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of April, A.D. 2019.

Notary Public in and for Matagorda County, Texas

Attachment: CC-3 (3697 : Bay City Country Club - Reversionary Interest)

RENTAL AGREEMENT

PARTIES: This Rental Agreement is made and entered into by and between **THE CITY OF BAY CITY, TEXAS**, hereinafter called **OWNER**, and **THE BAY CITY COUNTRY CLUB**, hereinafter called **TENANT**, as follows:

PROPERTY: Owner rents to Tenant the following described property:

Two tracts of land located in the Thomas Cayce Survey, Abstract 14, Matagorda County, Texas, more particularly described on Exhibit A attached hereto.

PERIOD: Commencing on May 14, 1998, 1998, and terminating on October 19, 2029. Tenant shall have the option to renew this lease for an additional one year period.

TERMS: Rental shall be \$1.00 per year, payable in full upon execution hereof.

USE: Tenant shall use the property for golf course operations and maintenance, and for no other purpose.

INSPECTION: Owner reserves and shall have the right during reasonable hours to enter into and onto the premises and inspect said premises herein leased.

REPAIRS AND IMPROVEMENTS: Tenant shall be responsible for all repairs, maintenance, and improvements required by its use of the property. All improvements shall become the property of Owner upon termination hereof.

UTILITIES: Tenant shall be responsible for all utilities.

ADDITIONAL

TERMS: Tenant hereby agrees to indemnify and hold Owner harmless from any and all claims or causes of action arising out of its use and occupancy of the property.

EXECUTED in duplicate originals this 15th day of May, 1998.

THE BAY CITY COUNTRY CLUB, Tenant

By: _____

Mark A. Ludwig, President

THE CITY OF BAY CITY, TEXAS, Owner

By: _____

Charles Martinez, Jr., Mayor
1901 5th Street
Bay City, Texas 77414
409/245-2137

ATTEST:

Tammy Evans, City Secretary

33670

THE STATE OF TEXAS X

COUNTY OF MATAGORDA X

7.00

07 FEB 20

Vol. 717 p. 432

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That we, FRANK HAWKINS LEWIS and MARGARET LEWIS FURSE, as Co-Independent Executor and Executrix, respectively, of the Estate of Mrs. Elmore Hawkins McDonald, of the County of Matagorda, and the State of Texas, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto THE BAY CITY COUNTRY CLUB, a private club, Post Office Box 908, Bay City, Texas, 77414, all of the right, title and interest owned by Mrs. Elmore Hawkins McDonald at the date of her death in the following described real property in Matagorda County, Texas, to-wit:

That certain 32.82 acre tract of land out of the Thomas Cayce League, Abstract 14, in Matagorda County, Texas, being a portion of the land described in a Deed from F. Cornelius to W. E. Davant, et al, dated July 24, 1924, and recorded in Volume 70 at Page 117 of the Deed Records of Matagorda County, Texas, and the said 32.82 acre tract is more particularly described as follows:

BEGINNING at a 6 inch cedar post set for the southwest corner of the land now used and occupied as a Golf Course, in the recognized south line of the Thomas Cayce League, and the said cedar post is the southeast corner of this tract;

THENCE North 950.4 feet along an old fence on the common line between this tract and the said Golf Course to a point for the northeast corner of this tract;

THENCE West 1686.2 feet along the north side of the west side of the Colorado River Protection Levee to the west bank of a

DEED
VOL 717 PAGE 433

THENCE along the west bank of the said slough with the following meanders: South 43.7 feet; South 25° 23' West 65.3 feet; South 0° 56' East 123.0 feet; South 42° 21' East 92.0 feet; South 77° 15' East 86.1 feet; South 4° 41' West 171.6 feet; South 32° 52' East 211.9 feet; South 74° 23' East 96.6 feet; and South 30° 47' East 273.5 feet to a point on the recognized south line of the Thomas Cayce League for the southwest corner of this tract;

THENCE South 88° 43' East 1232.5 feet along the recognized south line of the said Cayce League and old fence to the place of beginning containing 32.82 acres of land, more or less.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns; and we do hereby bind the Estate, its successors and assigns, to warrant and defend all and singular the said premises unto the said Grantee, its successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof, by through or under it, but not otherwise.

However, both Grantors and Grantee acknowledge that this Special Warranty Deed is for a term of years, commencing on the date set out hereinbelow and running until October 19, 2029, when the Grantee's fee simple title in the above described property shall terminate and the fee simple title shall vest in the City of Bay City, Texas.

This conveyance is made and accepted by Grantee subject to the following matters, to the extent same are in effect at this time: Any and all restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent that they are still in effect, shown of record in the hereinabove mentioned County and State, and to all

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 0 1 1 1 0
 717 JUL 1982

other governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property.

NOTARY PUBLIC
 STATE OF TEXAS
 My Comm. Expires 12/31/82
 I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original instrument as the same appears in the records of the County Clerk of the County of Matagorda, State of Texas.



STATE OF TEXAS

County of Matagorda

August, 1982.

Frank Hawkins Lewis
 Frank Hawkins Lewis, Co-Independent
 Executor of the Estate of Mrs.
 Elmore Hawkins McDonald

Margaret Lewis Furse
 Margaret Lewis Furse, Co-Independent
 Executrix of the Estate of Mrs.
 Elmore Hawkins McDonald

THE STATE OF TEXAS X
 COUNTY OF MATAGORDA X

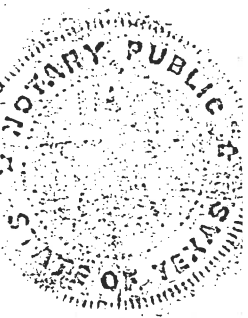
This instrument was acknowledged before me on the 17th
 day of August, 1982, by FRANK HAWKINS LEWIS as Co-Independent
 Executor of the Estate of Mrs. Elmore Hawkins McDonald.



Virginia M. Romine
 Notary Public in and for the
 State of Texas

THE STATE OF TEXAS X
 COUNTY OF MATAGORDA X

This instrument was acknowledged before me on the 17th
 day of August, 1982, by MARGARET LEWIS FURSE as Co-Independent
 Executrix of the Estate of Mrs. Elmore Hawkins McDonald.



Virginia M. Romine
 Notary Public in and for the
 State of Texas

THE STATE OF TEXAS
COUNTY OF MATAGORDA

11005

KNOW ALL MEN BY THESE PRESENTS: That the City of Bay City, a municipal corporation situated in Matagorda County, Texas, and incorporated under the General Laws of the State of Texas, for and in consideration of the sum of Three Thousand and no/100 Dollars (\$3,000.00) cash to it in hand paid by the Bay City Country Club, a corporation, and the agreements herein to be kept and performed by Grantee, has Granted, Bargained, Sold and Conveyed, and by these presents does Grant, Bargain, Sell and Convey unto the Bay City Country Club, for the term hereinafter set forth, THE SURFACE ESTATE ONLY of 82.957 acres of land in Matagorda County, Texas, out of the Thos. Gayce League, Abstract No. 14, being that portion of the park grounds now being used as a golf course, and which said 82.957 acres is described by metes and bounds as follows:

BEGINNING at a point set for the Southwest corner of the Gulf Coast Water Company's property, the same being an interior corner of the tract;

THENCE East a distance of 195 feet along the South line of the said Gulf Coast Water Company's property and a North line of this tract to a point on the West bank of the Colorado River for the Northeast corner of this tract of land;

THENCE along the West bank of the Colorado River downstream with the following meanders: South 17 deg. 08 min. West 112 feet; South 22 deg. 47 min. West 325.2 feet; South 22 deg. 32 min. West 213.8 feet; South 0 deg. 17 min. West 200 feet; South 5 deg. 12 min. East 536 feet; and South 16 deg. 36 min. East 473.4 feet to a point for the Southeast corner of this tract in an existing fence;

THENCE along said fence with the following meanders: North 88 deg. 26 min. West 626 feet; North 88 deg. 35 min. West 300 feet; North 88 deg. 48 min. West 600 feet; and West 600 feet to a point for the Southwest corner of this tract;

THENCE North a distance of 950.4 feet to a point for corner on the East right-of-way line of the protection levee;

THENCE along the East right-of-way line of said levee with the following meanders: North 21 deg. 40 min. East 462.5 feet; and North 27 deg. 45 min. East 325.8 feet to the Southwest corner of the A. E. Elliott tract of land and an interior corner of this tract;

THENCE East 651.6 feet along the South line of the said Elliott tract of land to its Southeast corner which is also an interior corner of this tract;

THENCE North 365 feet along the East line of the said Elliott tract of land to a point for corner which is in line with an existing fence made from cottonwood post;

THENCE East 1039 feet to the West property line of Gulf Coast Water Company's pump site;

THENCE South 290 feet along the West line of the said Water Company's property to the place of beginning, containing within the foregoing described boundaries 82.957 acres of land, more or less.

The term for which this grant is made by the City of Bay City begins

As a part of the consideration for which this grant is made, the Bay City Country Club, by the acceptance of this deed, agrees with the City of Bay City, Texas as follows:

(a) The Bay City Country Club shall not use the above described 82.957 acres of land for any purpose other than for country club and/or golf purposes;

(b) At the expiration of the term for which this grant is made, namely, on October 19, 2029 A. D., all improvements then on the above described 82.957 acres of land will become the property of the City of Bay City, Texas without cost to it. The City of Bay City, Texas reserves all of the oil, gas and other minerals in, on and under the above described land, together with the right to use so much of the surface estate in said land as is reasonably necessary for exploring for, drilling for, producing, storing, and transporting the reserved oil, gas and other minerals.

TO HAVE AND TO HOLD the herein conveyed surface estate in and to the above-described 82.957 acres of land, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Bay City Country Club, its successors and assigns, until October 19, 2029 A. D., and not thereafter.

IN WITNESS WHEREOF, the City of Bay City, Texas has, by ordinance duly passed, caused these presents to be executed by R. C. Gusman, its Mayor, and the corporate seal of the City of Bay City to be affixed hereto and attested by Myrtle Smith, City Secretary of the City of Bay City, Texas, on this the 12 day of November, A. D. 1954.

CITY OF BAY CITY

By R. C. Gusman
Its Mayor

ATTEST:

Myrtle Smith
Myrtle Smith, City Secretary

THE STATE OF TEXAS

COUNTY OF MATAGORDA

BEFORE ME, the undersigned notary public, in and for said State and County, on this day personally appeared R. C. Gusman, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be Mayor of the City of Bay City, Texas, and acknowledged to me that he executed the foregoing deed of conveyance as the Mayor and deed of the City of Bay City, Texas, and as its Mayor, for the



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 04/25/19 07:00 PM
Department: City Secretary
Category: Litigation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3693

AGENDA ITEM (ID # 3693)

**~ 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.**

COMMENTS - Current Meeting:

None



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 04/25/19 07:00 PM
Department: City Secretary
Category: Litigation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3692

AGENDA ITEM (ID # 3692)

**~ EXECUTIVE SESSION PURSUANT TO TEXAS
GOVERNMENT CODE §551.071(2) FOR CONSULTATION WITH
CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE
ATTORNEY TO THE COUNCIL, UNDER THE TEXAS
DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF
THE STATE BAR OF TEXAS, CLEARLY CONFLICTS WITH
TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS
GOVERNMENT CODE.**

COMMENTS - Current Meeting:

None



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3694)

Meeting: 04/25/19 07:00 PM
Department: City Secretary
Category: Report
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3694

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

COMMENTS - Current Meeting:

No Action.