



CITY OF BAY CITY

MINUTES • NOVEMBER 15, 2018

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 - MAYOR PRO TEM CHRYSTAL FOLSE

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

4. 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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Jo Halbert informed everyone that the Matagorda County Christmas Food Drive was underway. On Thanksgiving Day they would provide a hot meal. Ms. Halbert added that they would be accepting applications to provide food from the pantry.

5. 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. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM WORKSHOP HELD ON NOVEMBER 1, 2018, AT 5 P.M.

Rhonda Clegg, Director of Human Resources

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

Enacted and approved this 15th day of November, 2018, at Bay City

2. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON NOVEMBER 1, 2018.

Rhonda Clegg, Director of Human Resources

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

Enacted and approved this 15th day of November, 2018, at Bay City

3. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM WORKSHOP HELD ON NOVEMBER 1, 2018, AT 6 P.M.

Rhonda Clegg, Director of Human Resources

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

Enacted and approved this 15th day of November, 2018, at Bay City

6. PUBLIC HEARINGS

1. Public Hearing

~ CONDUCT A PUBLIC HEARING TO DISCUSS THE UPCOMING 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE.

Marla Jasek, P.E., Assistant Director of Public Works

Mrs. Jasek provided an overview of the grant and the need for the public hearing.

Councilman Cornman stated that the project was about \$400,000. Once the grant writer and engineer are paid, what is the percentage to do the work. Shirlene with Grantworks provided an explanation.

At 7:19 p.m. the Public Hearing was opened

At 7:19 p.m. the Public Hearing was closed

RESULT: WITHDRAWN

2. Public Hearing

~ CONDUCT A PUBLIC HEARING TO DISCUSS THE UPCOMING TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (TxCDBG-DR) PROGRAM APPLICATION TO THE TEXAS GENERAL LAND OFFICE.

Marla Jasek, P.E., Assistant Director of Public Works

Mrs. Jasek explained that they have been allotted over \$200,000 for this project. She went on to provide an overview of what the grant could be used for. Shirlene with Grantworks added that there was no match.

Councilman Cornman asked what was the timeframe associated with it, and Shirlene stated approximately 45 days to submit the application for proposed use of the funds.

At 7:23 p.m. the Public Hearing was opened

At 7:23 p.m. the Public Hearing was closed

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

1. Resolution

~ CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY OF BAY CITY TEXAS AUTHORIZING THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION TO ENTER INTO A CONTRACT WITH RETAIL STRATEGIES, LLC, FOR A PROJECT INVOLVING CONSULTING SERVICES AT AN INITIAL COST OF \$10,000.00 AND A FEE OF \$100.00/PER MONTH (SECOND READING).

Jessica Russell, BCCDC Executive Director

Councilman Childers asked if the \$10,000 was an up front fee, then \$100 a month. Mrs. Russell stated yes, and further explained the use of it.

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

RESOLUTION

Enacted and approved this 15th day of November, 2018, at Bay City

2. Planning / Plat

~ DISCUSS, CONSIDER, AND/OR APPROVE A PLAT FOR BRADLEY SUBDIVISION SECTION 2, LOCATED SOUTH OF CR 181 (COLE ROAD) IN THE BAY CITY, TX EXTRA TERRITORIAL JURISDICTION.

Marla Jasek, Asst Dir Public Works

Mrs. Jasek explained that it is located outside of the City limits, but it is within our ETJ. She added that the County approved the drainage and plat. Councilman Childers asked how long this had been in the process. Mrs. Jasek stated it has been going through a while, but the slow down was the Drainage District.

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

Enacted and approved this 15th day of November, 2018, at Bay City

3. Resolution

~ DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION COMMITTING THE CITY OF BAY CITY TO PROVIDE LOCAL MATCHING FUNDS TO SECURE AND COMPLETE THE FEMA HAZARD MITIGATION GRANT PROJECTS.

Marla Jasek, P.E., Assistant Director of Public Works

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

RESOLUTION

Enacted and approved this 15th day of November, 2018, at Bay City

4. Resolution

~ DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION TO AUTHORIZE SUBMISSION OF ONE OR MORE APPLICATIONS FOR HAZARD MITIGATION ASSISTANCE GRANT FUNDING AND DESIGNATE MAYOR AS THE AUTHORIZED REPRESENTATIVE AT ACT ON BEHALF OF THE HAZARD MITIGATION PROJECTS.

Marla Jasek, P.E., Assistant Director of Public Works

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

RESOLUTION

Enacted and approved this 15th day of November, 2018, at Bay City

5. Resolution

~ DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION TO DESIGNATE AN ENGINEERING SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT-RELATED ENGINEERING SERVICES FOR THE TEXAS DEPARTMENT OF AGRICULTURE'S 2019-2020 TxCDBG COMMUNITY DEVELOPMENT FUND.

Marla Jasek, P.E., Assistant Director of Public Works

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

RESOLUTION

Enacted and approved this 15th day of November, 2018, at Bay City

6. Resolution

~ DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION TO DESIGNATE AN ENGINEERING SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT-RELATED ENGINEERING SERVICES FOR THE GENERAL LAND OFFICE COMMUNITY DEVELOPMENT AND REVITALIZATION CDBG DISASTER RECOVERY FUND.

Marla Jasek, P.E., Assistant Director of Public Works

Councilman Cornman commented that it would help him if he had a list of all of the grants the City had.

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

RESOLUTION

Enacted and approved this 15th day of November, 2018, at Bay City

7. Report

~ DISCUSS PROGRESS ON UPDATING THE MOBILE HOME ORDINANCE AND DISCUSS/CONSIDER ACTING ON THE REINSTATEMENT OF THE CURRENT MOBILE HOME ORDINANCE.

Mayor Mark A. Bricker

The Mayor explained that the item was brought up several months ago. During the meeting it was approved to lift the permit and allow owners to use the mobile homes as rental property.

Councilman Childers stated that he had not done anything on the topic. He added that he had sent the Mayor an email stating that it should fall under the Mayor. He reiterated that it should fall under the Mayor or the Planning Commission.

Anne Marie asked for some clarification on the issue.

The Mayor recommended that it be reinstated to the current ordinance.

After discussion, it was the consensus to reinstate the ordinance.

MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY MAYOR PRO TEM FOLSE, TO REINSTATE THE CURRENT MOBILE HOME ORDINANCE. MOTION CARRIED BY UNANIMOUS VOTE.

8. Report

~ DISCUSS 16TH STREET POOL OPERATIONAL POLICY, RECENT REPAIRS, AND INTERLOCAL AGREEMENT BETWEEN CITY AND USERS OF POOL.

Mayor Mark A. Bricker

sb - since 2015 we have had an agreement with the ISD. both pools have been managed for the public's enjoyment. we do not spend a lot of money on the pool other than to keep it open and safe. the agreement is that we get to use their gymnasium, and they get to use our pool. when the ISD uses it, they have cart blanch.

cf - have we reached out to them lately. sb - reached out to the coach and he did not have much to say. mb - reached out to coach and he did not seem to have any words with me.

mb- he was caught off guards with some of the communications. he was unaware that some of the ISD would be coming to council.

jc - the sunset clause? sb - provided a brief history about the lights.

sb - the city provides lifeguards. if they can not see, then they cannot guard.

bc - do the lights in the pool work? sb - yes. bc - is anyone working on lights on the deck? sb - at the time when the lighting went down, no one was interested in paying for it. sb - received quote from city electrician for 800 for lights on the building.

mb - superintendent stated that they wouldn't mind putting up temporary lighting.

bc - are we using the gym at all. sb - its in ill repair.

bc - the major part of our problem is that we do not have relationships with these entities. mayor has to get with the superintendent to work out the agreement. we need to put lights on the building, and I don't care who pays for it.

bc- leave it on the agenda until it is done. word it so that action can be taken.

Mr. Blackburn explained the current agreement between the City and the ISD.

9. Report

~ DISCUSS AND DEFINE THE ROLE OF A COUNCIL LIAISON OFFICER.

Mayor Mark A. Bricker
table

10. Policy

~ DISCUSS, CONSIDER, AND/OR APPROVE THE 2019 CITY HOLIDAY SCHEDULE.

Rhonda Clegg, Director of Human Resources
bc je

8. CLOSED / EXECUTIVE SESSION

1. Report

~ TEXAS GOVERNMENT CODE, SECTION 551.087 – 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 CLEARLY CONFLICTS WITH THIS CHAPTER, NAMELY CONSULTATION WITH THE CITY ATTORNEY TO RECEIVE LEGAL ADVICE CONCERNING THE LAND RFP PROJECT FOR APPROXIMATELY 11 ACRES RESIDENTIAL DEVELOPMENT LOCATED AT THE EAST END OF VIRGINIA STREET BEHIND TRACTOR SUPPLY COMPANY.

Mayor, Mark A. Bricker

2. Report

~ 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 [MAYOR AND CITY COUNCIL]).

9. OPEN SESSION

1. Report

~ CITY COUNCIL MEMBERS SHALL RECONVENE IN OPEN SESSION AND MAY DISCUSS, CONSIDER, AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE THAT WAS LAWFULLY CONSIDERED AND DISCUSSED IN EXECUTIVE SESSION (IF NECESSARY).

Mayor, Mark A. Bricker

10. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

je - all county teams play tomorrow.

cf - everyone have a happy thanksgiving.

bs - enjoy christmas on the square sunday.

11. 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 Thursday, August 23, 2018 before 5:30 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.

Rhonda Clegg
Director of Human Resources



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3449)

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Minutes
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3449

**~ ACCEPT THE MINUTES SUMMARY FROM WORKSHOP
HELD ON NOVEMBER 1, 2018, AT 5 P.M.**

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



CITY OF BAY CITY

SUMMARY • NOVEMBER 1, 2018

Council Chambers**Workshop – City Council****5:00 PM**

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

1. CALL TO ORDER

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	

2. CERTIFICATION OF QUORUM**3. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**

1. Report ~ DISCUSS AND CONSIDER REVISIONS TO THE CITY OF BAY CITY HOME RULE CHARTER. -

Council discussed their concerns about the Charter with City Attorney, Anne Marie Odefey. Mrs. Odefey explained that she would need to look at what was published versus what was on the ballot.

Council moved on to the next item for discussion, other city charters. Councilman Childers informed the other members of Council that El Campo and Wharton did not have books, but sent him a link to their charters. Councilman Childers stated that he had spoken with El Campo's City Manager and that she was willing to speak with them. She wondered if they could speak over the phone, or if they wanted her there in person. Councilman Cornman preferred to have her in person. It was the consensus of Council to have her meet with them on December 11th, or the 13th. The 11th was the date Council preferred. Council will be working on a list of questions to provide to her, and will also provide the list of compiled questions to Mrs. Odefey.

When addressing the topic of cities that reverted back from City Manager to Mayor form of government, Councilman Cornman stated that he had not found one. He stated that he would speak with Mike, because Councilman Cornman believed had Mike had found 2. Mrs. Odefey asked if Council would like for her to ask Mr. Zech, and Councilman Cornman stated yes.

It was the consensus of Council to rewrite the Section 16.02, so that it would not require a charter commission every 5 years.

The next meetings will be November 8, 2018 and November 15, 2018, both at 6 p.m.

Councilman Bill Cornman

Attachment: 20181101 - Workshop (3449 : Minutes - November 1, 2018 Workshop 5 p.m.)

4. 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:

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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, October 26, 2018 before 5:00 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, dholumbec@cityofbaycity.org for further information.

Rhonda Clegg
Director of Human Resources



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3451)

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Minutes
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3451

**~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR
COUNCIL MEETING HELD ON NOVEMBER 1, 2018.**

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



CITY OF BAY CITY

SUMMARY • NOVEMBER 1, 2018

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 - COUNCILWOMAN, JULIE ESTLINBAUM**

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**4. 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.

Robert Vargas spoke to Mayor Council and stated that he had been in contact with a number of Council Members regarding the pool. He stated that the pool is in need of maintenance and repairs. There have been long standing issues with the heater, and they could not practice for three weeks. Now it's the lighting issue. He added that he felt like it was a safety issue.

Lisa Moya prepared a statement from which she read. Mrs. Moya thanked the members of Council for helping keep the pool going with the heater. She also thanked Angie. Mrs. Moya stated that December 2016 was the last time there had been pool lighting. Coach Button had to cancel a swim meet, because the sunset clause was enforced.

Jordon Vargas explained to Mayor and Council that she had been swimming with Coach Button since Junior High. She added that she and her team had put in a lot of work. Miss. Vargas went on to state that when problems come up like the heater and lighting, she feels like her hard work and her team's hard work is not recognized.

Allison Sliva thanked everyone for working to get things taken care of.

Angela Kennedy addressed a number of issues and concerns regarding the pool.

Fred Hernandez stated that he has known Angie for the last two years, and is a very good manager. He added that she has made the pool available to him. Mr. Vargas stated that he believed they needed lighting. Mr. Vargas commented that Angie has done a very good job and has gone out of her way to maintain the pool.

5. 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.

1. Minutes ~ ACCEPT THE MINUTES SUMMARY FROM WORKSHOP HELD ON OCTOBER 25, 2018. - **Approved**

Rhonda Clegg, Director of Human Resources

2. Minutes ~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON OCTOBER 25, 2018. - **Approved**

Rhonda Clegg, Director of Human Resources

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

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

A video presentation awarding the City of Bay City with the GFOA Award.

Mrs. Jones stated that it was a City award and it's a lot of hard work.
GFOA Representative & Finance Director, Scotty Jones

2. Report ~ DISCUSS, CONSIDER, AND/OR APPROVE THE QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING SEPTEMBER 30, 2018. - **Approved**

Mrs. Jones provided Mayor and Council with an updated report. She stated that there was one fund to add to the report, the TIRZ Fund. Mrs. Jones proceeded with reviewing the Quarterly Investment Report.

Councilman Cornman asked what the aggregate interest rate was, and Mrs. Jones stated less than 2%. Councilman Cornman asked if we were liquid, and Mrs. Jones stated very liquid.

Scotty Jones, Finance Director

3. Agreement ~DISCUSS, CONSIDER AND/OR APPROVE AN INUNDATION INTERLOCAL AGREEMENT BETWEEN MATAGORDA, WHARTON AND COLORADO COUNTIES. - **Approved**

Councilman Cornman stated that Wharton would be like the General Manager for the agreement. He added that Matagorda had already signed off. Councilman Cornman pointed out that at some point they will need money.
Councilman Bill Cornman

4. Report ~ DISCUSS, CONSIDER AND/OR TAKE ACTION ON A PLAN TO CONSISTENTLY INFORM CITIZENS OF CITY OPERATIONS REGARDING ROAD CLOSINGS, FACILITY CLOSINGS, UTILITY MAINTENANCE AND REPAIRS, ETC. -

Councilman Childers explained that the agenda item had a lot to do with the pools. He stated that they needed to open up communication with the citizens and business

partners, because it would have prevented a lot of heart ache. Councilman Childers stated that he would like for the administration to create something.

Councilwoman Sitz agreed with Councilman Childers. She added that at some point we have to have a proactive stance on the maintenance of the pool. She felt like they really let down the swimmers.

Mayor Pro Tem Folse stated that she texting back and forth with Mark. She added that the lights have been out since December 2016, but had we known about it we could have disclosed it. Mayor Pro Tem Folse stated that they run into it all when it comes to water leaks.

Councilman Childers stated that email was another medium of communication that could be used.

Mayor stated that he was not sure what Council wanted and could not read their minds as to what they considered important enough to provide them with an update. Councilman Jason Childers

7. CLOSED / EXECUTIVE SESSION

1. Litigation ~ TEXAS GOVERNMENT CODE, SECTION 551.071. CONSULTATION WITH ATTORNEY. A GOVERNMENTAL BODY MAY CONSULT WITH ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION: NAMELY ROBERT NEAL HEAD, PLAINTIFF VS. MARK A. BRICKER, MAYOR, JULIE ESTLINBAUM, COUNCILWOMAN, POSITION 1, BILL CORNMAN, COUNCILMAN, POSITION 2 AND THE CITY OF BAY CITY, TEXAS, DEFENDANTS. - **Withdrawn**

Mayor and Council adjourned into Executive Session.

No actions were taken.
Mayor, Mark A. Bricker

8. OPEN SESSION

1. Report ~ CITY COUNCIL MEMBERS SHALL RECONVENE IN OPEN SESSION AND MAY DISCUSS, CONSIDER, AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE THAT WAS LAWFULLY CONSIDERED AND DISCUSSED IN EXECUTIVE SESSION (IF NECESSARY). - **Withdrawn**

Mayor and Council reconvened into open session.

No action was taken.
Mayor, Mark A. Bricker

9. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Estlinbaum informed everyone that Bay City High School would be sending students to State, and that the Dungeoneer's are starting their production of Wonka.

10. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

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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 Thursday, October 25, 2018 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.

Rhonda Clegg
Director of Human Resources



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3450)

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Minutes
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3450

**~ ACCEPT THE MINUTES SUMMARY FROM WORKSHOP
HELD ON NOVEMBER 1, 2018, AT 6 P.M.**

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



CITY OF BAY CITY

SUMMARY • NOVEMBER 1, 2018

Council Chambers
Workshop – City Council
6:00 PM

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

1. CALL TO ORDER

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	

2. CERTIFICATION OF QUORUM

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

1. Report ~RECEIVE AND DISCUSS TOURISM UPDATE. -

Mrs. Martinez informed Mayor and Council that she was planning 3 festivals over the next couple of months.

On Saturday they would hold the Harvest Moon Festival from 2 p.m. to 9 p.m. at LeTulle Park. Mrs. Martinez informed Mayor and Council that they were getting into merchandising. They ordered the Square, so that they could take credit card payments. During the festival they would play Mexican Bingo and the Lady Lions would serve beverages. Mrs. Martinez stated that they spent more money on Facebook ads than ever before. Councilwoman Sitz asked where they could purchase the shirts from, and Mrs. Martinez stated Utility Billing. She asked if they thought about having them at the shops on the Square, or even at Stripes. Councilman Childers asked about the Art League. Mrs. Martinez stated that they would be making the altar for them, and that it was huge. Mrs. Martinez pointed out that there would also be face painting done at the festival.

The next festival is Flock Fest. It will be a huge event put on by six different organizations. Main Street is selling tickets. The festival will start at Nia's Town Square with breakfast; brunch at Fat Grass; 2 tours of Historic Homes; and it will end on the square with concerts from local bands and choirs.

With the Wolf Moon Concert they are looking to bring in a band that will draw out the younger crowds. Mrs. Martinez informed Mayor and Council that they have a really good promoter. They have thought about changing the name of the concert to Howl at the Moon. It will begin at 6, and is in conjunction with the Camo Fest.

Mrs. Martinez informed Mayor and Council that they finally got the Love Where You Live t-shirts, which they are selling for \$20. The shirts can be purchased from the website, with the square and the Water Department.

Attachment: 20181101 - Workshop 2 (3450 : Minutes - November 1, 2018 Workshop 6 p.m.)

Mrs. Martinez also informed Mayor and Council that the website was done; a new Facebook page was created; and that the billboard was up.
Heidi Martinez, Tourism Manager

2. Report ~ RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS INCLUDING STREET REHABILITATION PROJECTS, UTILITY PROJECTS, GRANT PROJECTS, AND NEW DEVELOPMENTS. -

Mr. Calhoun provided Mayor and Council with a handout of all ongoing projects within Public Works. Mr. Calhoun reviewed the document with Mayor and Council.
Barry Calhoun, Director of Public Works

3. Bid DISCUSS, CONSIDER, AND/OR REJECT THE CONSTRUCTION BID FOR THE COTTONWOOD LIFT STATION REHABILITATION PROJECT TO MERCER CONSTRUCTION COMPANY IN THE AMOUNT OF \$719,000.00. - **Approved**

Mr. Rodriguez explained that they have been working with Garver to look at different ways to address the scope of work. Mr. Dan Olsen with Garver reviewed the timeline of the project, as well as their decision to reject the bid, which was due to it being \$200,000 over budget. Councilman Childers asked if the only reason why the City received one bid was because contractors were busy, and Mr. Olsen stated yes. Mr. Calhoun added that a lot are busy due to Harvey work still being done.

Mr. Olsen stated that they considered compiling this project with another project to get a better economies of scale. He added that they received confirmation from the engineers that they would be able to extend the project out by a year. Councilman Childers asked if the City estimated that for the next year, and Mrs. Jones, Finance Director, stated yes, and that it was set for 2020. Councilman Childers asked how much, and Mrs. Jones stated that they attached \$600,000. Mr. Calhoun pointed out that the question was whether or not we could afford to do a larger project like this next year.

Councilman Cornman expressed his disappointment that the City was not going forward with the project. He asked what the final recommendation was, and Mr. Calhoun stated that he would like to re-bid. Councilman Cornman stated that he would support whatever Mr. Calhoun recommended. Councilman Childers asked for the time frame for re-bidding. Mr. Calhoun stated that they would be back by the second meeting in December or the first meeting in January.

MOTION BY MAYOR PRO TEM FOLSE, SECOND BY COUNCILMAN CHILDERS, TO REJECT THE CONSTRUCTION BID FOR THE COTTONWOOD LIFT STATION REHABILITATION PROJECT TO MERCER CONSTRUCTION COMPANY IN THE AMOUNT OF \$719,000.00, AND RE-BID. MOTION CARRIED BY UNANIMOUS VOTE.

Louis Rodriguez, Utilities Superintendent

4. 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.

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Rhonda Clegg
Director of Human Resources



City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

AGENDA ITEM (ID # 3442)

Meeting: 11/15/18 07:00 PM
Department: Public Works
Category: Public Hearing
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 3442

~ CONDUCT A PUBLIC HEARING TO DISCUSS THE UPCOMING 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE.

The City of Bay City plans to apply the 2019-2020 Texas Capital Fund Infrastructure Program grant from the Texas Community Development Block Grant (TxCDBG) Program of the Texas Department of Agriculture (TDA) to support public infrastructure improvements in the City of Bay City. The grant will potentially help fund improvements to the City's infrastructure that is currently identified in the City's Capital Improvements Plan. The plan is to use these funds to improve the water distribution system in the northwest quadrant of the City. This area includes Grace St to 8th St and Ave F to Ave A.

These TxCDBG funds come from HUD and are channeled down through TDA. Applicants can apply every two years. We are hearing from TDA that applications will be due in February 2019. The maximum amount is \$350,000. The City has a very good chance of scoring this cycle. Match is described in the Houston-Galveston Area Council (H-GAC) guidebook under MATCH/LEVEREAGE. For instance, if the City did a citywide project, the match would be \$52,500 (15% of grant request) as your population is greater than 2,000. However, if the project was for a target area, the population category is based on the actual number of beneficiaries to be served by the project activities.

The goal of the TxCDBG Program administered by the TDA is to develop viable communities by providing decent housing and a suitable living environment, as well as by expanding economic opportunities, principally for persons of low-to-moderate income. In awarding funding pursuant to Government Code Section 487.351(c), the TDA shall give priority to eligible activities in the areas of economic development, community development, rural health and rural housing to support workforce development.

The objectives of the TxCDBG Program are:

1. To improve public facilities to meet basic human needs, principally for low-to-moderate income persons;
2. To improve housing conditions, principally for persons of low-to-moderate income;
3. To expand economic opportunities by creating or retaining jobs, principally for low-to-moderate income persons; and
4. To provide assistance and public facilities to eliminate conditions hazardous to the public health and of an emergency nature.

The first step is to authorize procurement of professional services. Once administrative services have been procured, that firm will work with the City to solicit qualifications for an engineering firm. These 2 firms will work with the City to select the best possible project to garner the most points under the State and regional scoring criteria. There will be a required public hearing as in the past to solicit input from your citizens. Later, a resolution

will be brought to City Council for adoption that states the City is in favor of submitting the application and committing to the required match.

COMMENTS - Current Meeting:

Mrs. Jasek provided an overview of the grant and the need for the public hearing.

Councilman Cornman stated that the project was about \$400,000. Once the grant writer and engineer are paid, what is the percentage to do the work. Shirlene with Grantworks provided an explanation.

At 7:19 p.m. the Public Hearing was opened

At 7:19 p.m. the Public Hearing was closed

RESULT:	WITHDRAWN
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City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3443)

Meeting: 11/15/18 07:00 PM
Department: Public Works
Category: Public Hearing
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 3443

~ CONDUCT A PUBLIC HEARING TO DISCUSS THE UPCOMING TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (TxCDBG-DR) PROGRAM APPLICATION TO THE TEXAS GENERAL LAND OFFICE.

The City of Bay City plans to apply for Texas Community Development Block Grant - Disaster Recovery (CDBG-DR) grants through the U.S. Department of Housing and Urban Development (HUD) to support public infrastructure improvements in the City of Bay City. These grant will potentially help fund projects related to disaster recovery.

The Texas General Land Office (the Land Office) is the lead state agency for managing the State's Community Development Block Grant - Disaster Recovery (CDBG-DR) grants through the U.S. Department of Housing and Urban Development (HUD).

After Hurricane Harvey, the Texas General Land Office - CDBG - Disaster Recovery Division - HUD has given the final approval of the Action Plan. Now it's up to GLO to develop the application and guide. GLO charged the HGAC to come up with a Method of Distribution(MOD). A formula was used to distribute the funds that were allocated for the Cities and Counties outside the Harris County/Houston area.

According to the draft of the MOD, Bay City has been allocated \$287,006. No match is required for this fund. No application fee is required for this fund. These funds can be used to match any eligible Mitigation Projects, if needed.

Listed below are some examples of eligible (but not limited to) projects:

- Water System Improvements
- Wastewater System Improvements
- Drainage Improvements
- Housing Rehabilitation
- Gas System Improvements
- Road/Street Improvements

The CDBG-DR funds are authorized under Title I of the Housing and Community Development Act of 1974, and CDBG regulations in 24 CFR Part 570 govern the use of CDBG-DR funds. The design and development of the disaster recovery program must meet the CDBG regulations in 24 CFR Part 570. For disaster recovery allocations HUD is given broad authority to grant waivers and additional requirements that are issued in the Federal Register notices. CDBG eligible activities are listed in the regulations. These eligible activities must meet at least one of the three national objectives: benefits persons of low and moderate income, aid in the prevention or elimination of slum or blight, or meet an urgent need. The CDBG regulations required the compliance of other applicable laws and regulations.

The State CDBG-DR Program outlines the management and oversight responsibilities for the Land Office. The Land Office has planning, design, and administrative responsibilities from when the disaster event occurs and is allocated CDBG-DR funds from HUD, to the oversight

of the implementation of the housing and non-housing programs, and to the completion of the programs.

More information can be found on the Texas Rebuilds website:
<<http://texasrebuilds.org/Pages/State-Disaster-Recovery.aspx>>

COMMENTS - Current Meeting:

Mrs. Jasek explained that they have been allotted over \$200,000 for this project. She went on to provide an overview of what the grant could be used for. Shirlene with Grantworks added that there was no match.

Councilman Cornman asked what was the timeframe associated with it, and Shirlene stated approximately 45 days to submit the application for proposed use of the funds.

At 7:23 p.m. the Public Hearing was opened

At 7:23 p.m. the Public Hearing was closed



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

October 10, 2018

The Honorable Mark Bricker
 Mayor of Bay City
 1901 5th St.
 Bay City, TX 77414

Re: Hurricane Harvey Disaster Recovery Fund Applications

Dear Mayor Bricker:

Congratulations. Your community has been awarded Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by your regional council of governments, as follows:

- Local Infrastructure- \$287,005.83

The Texas General Land Office (GLO) is dedicated to assisting your community in the recovery process and would like to know whether you intend to apply for these CDBG-DR funds. Please notify the GLO of your community's decision to utilize these funds by November 30, 2018, using the email below.

The deadline for receipt of applications is January 31, 2019. If you or your staff have questions, please call or write our Deputy Director of Operations, Chelsea Buchholtz, at 512.475.5042 or Chelsea.Buchholtz.glo@recovery.texas.gov.

The GLO is dedicated to your success and grateful for your partnership in helping to rebuild an even stronger Texas. We look forward to working with you.

Sincerely,

GEORGE P. BUSH
 Commissioner, Texas General Land Office





City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

RESOLUTION (ID # 3420)

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Resolution
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3420

~ CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY OF BAY CITY TEXAS AUTHORIZING THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION TO ENTER INTO A CONTRACT WITH RETAIL STRATEGIES, LLC, FOR A PROJECT INVOLVING CONSULTING SERVICES AT AN INITIAL COST OF \$10,000.00 AND A FEE OF \$100.00/PER MONTH (SECOND READING).

COMMENTS - Current Meeting:

Councilman Childers asked if the \$10,000 was an up front fee, then \$100 a month. Mrs. Russell stated yes, and further explained the use of it.

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

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE
CONSULTING AND RELATED SERVICES**

THIS AGREEMENT is entered into by and between Retail Strategies, LLC, an Alabama limited liability company (hereinafter referred to as "Consultant") and City of Bay City, TX (hereinafter referred to as "Client") on this the 29 day of Oct., 2018, as follows:

WHEREAS, the Client desires to have performed those consultation services identified on Exhibit A attached hereto by Consultant (the "Project"); and,

WHEREAS, Consultant has agreed to provide professional consulting services for the Project to Client as further set forth below.

W-I-T-N-E-S-S-E-T-H:

NOW, THEREFORE, this agreement is made and entered into on the date first above written by and between the Client and Consultant, by which Consultant will provide professional consulting and related services to the Client as hereinafter specified:

3. SCOPE OF SERVICES

Consultant hereby agrees to provide professional services for Client in the form of consulting and related services for the Project as set out in Exhibit A. These professional services are consulting services and not that of a contractor or other provider.

2. TERM

The Term of this Agreement shall commence upon receipt of payment, and expire after completion of the Retail Academy Workshop as set forth in Exhibit A but no later than December 31, 2018.

3. COMPENSATION

As compensation for the consultation services provided herein by Consultant, Client agrees to pay Consultant a total of \$10,000. Consultant will invoice Client immediately upon execution of the contract. Client must remit payment within fourteen (14) days of receipt of invoice. Compensation shall be fully earned when paid and as such is nonrefundable.

4. CLIENT RESPONSIBILITIES

(a) **Information and Access.** In addition to paying Consultant for services according to the preceding paragraph, the Client shall also provide for Consultant: Access to its relevant personnel, facilities, and materials including, but not necessarily limited to, those items specified in Consultant's proposal to Client, and such records, reports, and information as reasonably requested by Consultant and in Client's possession. Client shall provide Consultant the following within five (5) days after execution of this agreement: Major employers with number of employees; schools and enrollment numbers; photographs of the community; community fun facts.

(b) **Scheduling of Workshop.** The Parties understand and agree that the Retail Academy Workshop will take place in Birmingham, AL and the time must be agreed upon by Consultant and Client a minimum of twenty (20) days prior to Workshop taking place.

5. **INTELLECTUAL PROPERTY**

The Client and Consultant, jointly and separately, acknowledge and agree that the intellectual property of both parties shall remain owned by the respective party. With the exception of Consultant's periodic and final reports generated for performance of this agreement to or for the Client (which shall belong to Client), reports, memorandums, electronic mail, facsimile transmissions and other written and prepared documents shall be owned by the party who authored, generated or who originally possessed the same and nothing in this agreement shall contravene said rights. The Client acknowledges that all intellectual property developed during the course of this agreement by Consultant shall belong exclusively to Consultant. However, the Client may utilize any of the foregoing for and on behalf of its internal operations, but will take steps reasonably necessary with its employees with respect to the use, copying, protection and security of the foregoing. All strategic plans and other materials delivered by Consultant to Client shall belong to Client.

6. **APPLICABLE LAWS**

Consultant, in its role as a professional service provider of consulting services, shall abide by all laws, rules and regulations applicable to such services.

7. **INSURANCE**

Consultant shall carry all appropriate and necessary insurance to be in compliance with state and federal laws regarding the insurance coverage of its employees.

8. DEFAULT AND TERMINATION

(a) **Default Termination**. In the event Consultant should violate any of the terms of this Agreement, Client shall provide Consultant with written notice of such default. Consultant shall have a period of thirty (30) days following such notice to cure any alleged deficiencies. Should Consultant fail to cure such default in the time period provided, Client shall be permitted to terminate this Agreement. All fees previously paid by Client to Consultant are understood to be fully earned when paid and are not subject to refund following any termination hereunder.

(b) **Automatic Termination**. This Agreement shall automatically expire the completion of the Retail Academy Workshop but no later than December 31, 2019.

9. NOTICES/PARTIES REPRESENTATIVES

All notices, bills, invoices and reports required by this agreement shall be sufficient if sent by the parties hereto in the United States Mail, postage prepaid thereon to the addresses noted below:

Client:	Jessica Russell Executive Director Bay City Community Development Corporation 1900 5th St, Bay City, TX 77414 jrussell@cityofbaycity.org
Consultant:	Retail Strategies, LLC 120 18 th Street South Suite 201 Birmingham, AL 35233 Attention: Ashton A. Antonetti, Legal Counsel

10. INDEPENDENT CONTRACTOR

While Consultant's role will be that of consultant to the Client, Consultant shall be and remain an independent contractor and not act in the role of an agent or legal representative on behalf of the Client. Consultant shall not have the authority to bind or obligate the Client, its officers, agents or employees.

11. MISCELLANEOUS

Third Party Beneficiaries: It is the intent of the parties hereto that there shall be no third party beneficiaries to this agreement.

Final Integration: This agreement, together with any exhibits or amendments hereto, constitutes the entire agreement of the parties, as a complete and final integration thereof with respect to its subject matter. All written or oral understandings and agreements heretofore had between and among the parties are merged into this agreement, which alone fully and completely expresses their understandings. No representation, warranty, or covenant made by any party which is not contained in this agreement or expressly referred to herein have been relied on by any party in entering into this agreement.

Force Majeure: Neither party to this agreement shall hold the other party responsible for damages or delay in performance caused by acts of God, strikes, lockouts or other circumstances beyond the reasonable control of the other or the other party's employees, agents or contractors.

Amendment in Writing: This agreement may not be amended, modified, altered, changed, terminated, or waived in any respect whatsoever, except by a further agreement in writing, properly executed by all of the parties.

Binding Effect: This Agreement shall bind the parties and their respective personal representatives, heirs, next of kin, legatee, distributees, successors, and assigns. If any provision in this agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Captions: The captions of this agreement are for convenience and reference only, are not a part of this agreement, and in no way define, describe, extend, or limit the scope or intent of this agreement.

Construction: This agreement shall be construed in its entirety according to its plain meaning and shall not be construed against the party who provided or drafted it.

Governing Law: This Agreement shall be construed under the laws of the State of Alabama.

Prohibition on Assignment and Delegation: No party to this agreement may assign or delegate its interests or obligations hereunder without the written consent of all other parties hereto obtained in advance of any such assignment or delegation. No such assignment or delegation shall in any manner whatsoever relieve any party from its obligations and duties hereunder and such assigning or delegating party shall in all respects remain liable hereunder irrespective of such assignment or delegation.

Waiver: Non-enforcement of any provision of this agreement by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remaining terms and conditions of the agreement.

Agreement Date/Counterparts: The date of this agreement is intended as and for a date for the convenient identification of this agreement and is not intended to indicate that this agreement was necessarily executed and delivered on said date. This instrument may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

Brokerage Rights: Client acknowledges that affiliates of Consultant act in the capacity of a real estate brokerage service business and may earn fees for services including brokerage, development, leasing and management fees in the performance of such affiliates services which may encompass a portion of the Project. In no event will the Client be responsible for any such fees, to the extent they are earned pursuant to this paragraph.

SIGNATURE PAGE TO FOLLOW

CLIENT:

City of Bay City, TX

By Julie J. EsthalaumTitle President BCCDCDate 10-29-18

CONSULTANT:

RETAIL STRATEGIES, LLC

By _____

Title _____

Date _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, TO AUTHORIZE THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION TO ENTER INTO A CONTRACT WITH RETAIL STRATEGIES, LLC, AT A COST OF \$10,000.00 PLUS AN ADDITIONAL MONTHLY FEE OF \$100.00 FOR THE LIFE OF THE CONTRACT (SECOND READING)

WHEREAS, the City of Bay City is a home rule city governed by its City Charter, and with a population of less than 20,000 inhabitants; and

WHEREAS, the Bay City Community Development Corporation, (BCCDC) is Type B development corporation established pursuant to the Texas Local Government Code Chapter 505, subchapter B; and

WHEREAS, in accordance with Texas Local Government Code Section 505.158 the BCCDC is authorized to provide land, building, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the board of directors to promote new or expanded business development projects; and

WHEREAS, in accordance with Texas Local Government Code Section 505.158 in order for the BCCDC's action to become final for projects, which require an expenditure of more than \$10,000, the city council must adopt a resolution authorizing the project after giving the resolution at least two (2) separate readings; and

WHEREAS, the BCCDC has identified the proposed contract with Retail Strategies, LLC as a Project qualified to receive expenditures from the corporation;

WHEREAS, at its Regular Board Meeting held, October 29, 2018, the BCCDC considered, and voted to approve a contract with Retail Strategies, LLC , at a cost of \$10,000.00 plus an additional monthly fee of \$100.00 for the life of the contract; and

WHEREAS, at a public hearing is not required under Texas Local Government Code Section 505.158 if the project is defined by Subchapter C, Chapter 501 in a municipality with a population of less than 20,000; and

WHEREAS, a copy of the agreement approved by the BCCDC is attached hereto as Exhibit "A"

WHEREAS, the City Council finds BCCDC project with Retail Strategies, LLC, shall promote new or expanded business development:

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

Section one.

In accordance with Texas Local Government Code Section 505.158, the City Council of Bay City, Texas, hereby authorizes the Project as described in the recitals above.

PASSED AND APPROVED ON SECOND READING AT BAY CITY TEXAS THIS 15th DAY OF NOVEMBER, 2018.

Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney

Attachment: R-2018- Retail Strategies (3420 : Retail Resolution)



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 11/15/18 07:00 PM
Department: Public Works
Category: Planning / Plat
Prepared By: Marla Jasek
Initiator: Marla Jasek
Sponsors:
DOC ID: 3425

ADOPTED

AGENDA ITEM (ID # 3425)

**~ DISCUSS, CONSIDER, AND/OR APPROVE A PLAT FOR
BRADLEY SUBDIVISION SECTION 2, LOCATED SOUTH OF
CR 181 (COLE ROAD) IN THE BAY CITY, TX EXTRA
TERRITORIAL JURISDICTION.**

This is a subdivision plat for the Bradley Subdivision, Section 2. (The 1st Bradley subdivision was approved as a minor plat with 2 lots.) The site is generally located northwest of the city near the River Oaks subdivision. This plat is being submitted to council for approval since the planning commission does not have enough members for a quorum.

The plat and associated documentation are attached for review. A signed copy of the letter for approval and certificate of completeness will be presented at the meeting. The preliminary pdf of the final plat is attached. Mylars of final plat with appropriate signatures will be provided upon approval.

Matagorda County Drainage District No. 1 approved the drainage and final plat at their regular meeting on October 23, 2018.

The Public Works department has reviewed the plat and the plat meet all requirements. Approval of the plat is recommended.

COMMENTS - Current Meeting:

Mrs. Jasek explained that it is located outside of the City limits, but it is within our ETJ. She added that the County approved the drainage and plat. Councilman Childers asked how long this had been in the process. Mrs. Jasek stated it has been going through a while, but the slow down was the Drainage District.

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



PLAT APPLICATION

**Municipal Services Building
1217 Avenue J
Bay City, TX 77414
979-323-1659**

Please Select Type:

- ☐ Preliminary Plat ☐ Amended Plat ☐ Replat/Minor Plat ☐ Site/Plans Review
☒ Final Plat ☐ Vacate Plat ☐ Development Plat ☐ Land Plan

Development Information

Plat Name: Bradley Subdivision, Section 2
 Lot & Block: 32.96 Acres out of a called 121.2325 Acre Tract,
as recorded in Clerk's File No. 2014-7226, M.C.O.R.
 Survey & Abstract: Bowman & Williams League, A-9
 Address: Cole Road / County Road 181
 Number of Lots: 6 Gross Acreage: 32.96 Acres
 Current Zoning: N/A and Use: N/A
 Proposed Use: Residential

Surveyor/Engineer Information

Firm Name: Doyle & Wachtstetter, Inc.
 Surveyor/Engineer: Travis T. Wachtstetter (RPLS 6577)
 Address: 131 Commerce Street
 City: Clute
 State: Texas Zip Code: 77531
 Telephone: (979)-265-3622 (Ex. 126)
 Fax: (979)-265-9940
 Email: Travis.W@DW-Surveyor.com

Owner Information

(If there is more than one owner, please attach a separate application.)
 ☼ Check here if property owner is represented by an authorized agent,
 and if so, please complete the next box.

Firm Name: BMDB Corporation
 Name: Bill Bradley, President
 Address: 1086 County Road 376
 City: West Columbia
 State: Texas Zip Code: 77486
 Telephone: 701-934-0591
 Fax: _____
 Email: bill.bradley@westconindustries.com

Representative/Agent Information

Firm Name: Alexander Land and Maps Inc.
 Name: Bryan Alexander
 Address: 24714 Hikers Bend Drive
 City: Katy
 State: Texas Zip Code: 77493
 Telephone: 979-323-8868
 Cell: 979-479-9447
 Email: landandmaps@gmail.com

Office Use Only

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Date Application Submitted: 11/16/18

Fee Collected: \$ 451 mg

Attachment: Bradley 2 application (3425 : Bradley 2 Subdivision Plat)

November 6, 2018

**RE: Final Plat Approval for Bradley Section 2
Located in ETJ on CR 181, Bay City, TX 77414**

Dear Council Members:

A subdivision plat, called Bradley Subdivision Section 2, has been submitted for approval by the City Council. This plat would normally be considered and approved by the Planning Commission but there are currently not enough members for a quorum. Section 98-40(a) allows for city council approval if the planning commission cannot meet.

BMDB Corporation owns a 121.2325-acre property within the city's extra territorial jurisdiction (ETJ) on CR 181 (aka Cole Road) which is listed as PID 10407 with the Matagorda County Appraisal District.

The property is native pasture with no improvements. A small portion (10 acres) was previously platted as a minor plat—filed as Bradley subdivision and referred to as Section 1 by the Bradleys. This new 32.96-acre subdivision creates six - 5 acre lots for residential construction.

The six new lots, labeled as Lots 3, 4, 5, 6, 7 and 8 have frontage on existing county roadways and exceed the minimum lot sizes. The proposed lots do not have access to city utilities since they are near the edge of the ETJ; however, a utility easement is being granted for future utility extension.

In accordance with an agreement adopted by the City and the County in 2003, the City has the exclusive authority to regulate subdivision plats in the ETJ of the City.

Plat approval involves three stages as required by Part II – Code of Ordinance, Chapter 98 – Subdivisions, Article II. Platting Procedures, etc.:

- (1) Departmental review by City Public Works and Gas Company;
- (2) Completeness Review by the Director of Public Works; and
- (3) Final Approval by City Planning Commission or City Council.

Departmental review and the Completeness Review have been completed. This report is a summary of the completeness review and prepared for the consideration of the third stage in the process, Final Approval.

Addresses: will coordinate with County 911 at time of construction

Attachment: Bradley 2 draft approval letter (3425 : Bradley 2 Subdivision Plat)

The subdivision plat has been reviewed and meets the following requirements:

- 1) Plat is on 18x24 with an appropriate scale.
- 2) Title and other drawing details required by this item are shown.
- 3) A 16' utility easement is being dedicated for future utilities. Drainage easements have been dedicated ensuring adequate drainage of the lots.
- 4) All data necessary to reproduce the plat on the ground is shown on the plat.
- 5) Certificate of approval for the by the City Council is on the face of the plat along with approval by the mayor and city secretary.
- 6) Title report and tax certificates have been provided.
- 7) The director of the corporation and the president of the bank (lien holder) will sign the plat.
- 8) No deed restrictions have been filed for this subdivision.
- 9) The appropriate note regarding the flood zone is on the plat.

The official 911 addresses will be coordinated with the County 911 coordinator by the owner(s). The coordinator has provided the ranges for the addresses, but the permanent address will not be assigned until requested by the owner.

Public Works has examined the plat and it conforms to all applicable criteria and standards. The final filing fee, as prescribed in Section 98-42, has been collected.

Approval of this Final Plat is recommended, and a Certificate of Completeness is attached.

Report prepared by Marla Jasek, PE, Assistant Director of Public Works.

Sincerely,

Barry Calhoun
Director of Public Works
City of Bay City

cc: David Holubec, City Secretary
File

Attachment: Bradley 2 draft approval letter (3425 : Bradley 2 Subdivision Plat)

November 2, 2018

**RE: Final Plat Approval for Bradley Section 2
Located in ETJ on CR 181, Bay City, TX 77414**

Dear Council Members:

A subdivision plat, called Bradley Subdivision Section 2, has been submitted for approval by the City Council. This plat would normally be considered and approved by the Planning Commission but there are currently not enough members for a quorum. Section 98-40(a) allows for City Council approval if the Planning Commission cannot meet.

BMDB Corporation owns a 121.2325 acre property within the City's Extra Territorial Jurisdiction (ETJ) on CR 181 (aka Cole Road) which is listed as PID 10407 with the Matagorda County Appraisal District. The property is native pasture with no improvements. A small portion (10 acres) was previously platted as a minor plat—filed as Bradley Subdivision and referred to as Section 1 by the Bradleys. This new 32.96 acre subdivision creates six - 5 acre lots for residential construction.

The six new lots, labeled as Lots 3, 4, 5, 6, 7 and 8 have frontage on existing county roadways and exceed the minimum lot sizes. The proposed lots do not have access to City utilities since they are near the edge of the ETJ; however, a utility easement is being granted for future utility extension.

In accordance with an agreement adopted by the City and the County in 2003, the City has the exclusive authority to regulate subdivision plats in the ETJ of the City.

Plat approval involves three stages as required by Part II – Code of Ordinance, Chapter 98 – Subdivisions, Article II. Platting Procedures, etc.:

- (1) Departmental review by Bay City Public Works Department and Bay City Gas Company;
- (2) Completeness Review by the Director of Public Works; and
- (3) Final Approval by City Planning Commission or City Council.

Departmental review and the Completeness Review have been completed. This report is a summary of the completeness review and prepared for the consideration of the third stage in the process, Final Approval.

Addresses: will coordinate with County 911 at time of construction

The subdivision plat has been reviewed and meets the following requirements:

- 1) Plat is on 18x24 with an appropriate scale.
- 2) Title and other drawing details required by this item are shown.
- 3) A 16' utility easement is being dedicated for future utilities. Drainage easements have been dedicated ensuring adequate drainage of the lots.
- 4) All data necessary to reproduce the plat on the ground is shown on the plat.
- 5) Certificate of approval for the by the City Council is on the face of the plat along with approval by the mayor and city secretary.
- 6) Title report and tax certificates have been provided.
- 7) The director of the corporation and the president of the bank (lien holder) will sign the plat.
- 8) No deed restrictions have been filed.
- 9) The appropriate note regarding the flood zone is on the plat.

The official 911 addresses will be coordinated with the County 911 coordinator by the owner(s). The coordinator has provided the ranges for the addresses, but the permanent address will not be assigned until requested by the owner.

The Public Works Department has examined the plat and it conforms to all applicable criteria and standards. The final filing fee, as prescribed in Section 98-42, has been collected.

Approval of this Final Plat is recommended, and a Certificate of Completeness is attached.

Report prepared by Marla Jasek, PE, Assistant Director of Public Works.

Sincerely,



Barry Calhoun
Director of Public Works
City of Bay City

cc: David Holubec, City Secretary
File

CITY OF BAY CITY

Certificate of Completeness

THIS ACKNOWLEDGES THAT THE SUBDIVISION PLAT FOR

Bradley, Section 2

HAS BEEN SUBMITTED AND CONFORMS TO ALL APPLICABLE REGULATIONS.

November 15, 2018

On this date, all items necessary for a technical review of the proposed Final Plat have been submitted and constitute a completeness of all items required in the City of Bay City Code of Ordinance Chapter 98 Subdivision.

**BMDB Corporation
1086 CR 376
West Columbia, TX 77486**



Barry Calhoun
Director of Public Works
City of Bay City, Texas





City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 11/15/18 07:00 PM
Department: Public Works
Category: Grant
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 3448

ADOPTED

RESOLUTION (ID # 3448)

**~ DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION
COMMITTING THE CITY OF BAY CITY TO PROVIDE LOCAL
MATCHING FUNDS TO SECURE AND COMPLETE THE FEMA
HAZARD MITIGATION GRANT PROJECTS.**

The City of Bay City is applying for FEMA Hazard Mitigation Assistance grant applications for funds for retrofitting the water supply, raising of bridges, flap gates on the Diversion Canal and EOC/Safe Room.

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

RESOLUTION

A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, COMMITTING THE CITY TO PROVIDE LOCAL MATCHING FUNDS TO SECURE AND COMPLETE THE FEMA HAZARD MITIGATION GRANTS FOR DR-4332.

WHEREAS, the City of Bay is applying for FEMA Hazard Mitigation Assistance grants for Retrofitting the water supply, raising of bridges, flap gates on the Diversion Canal and EOC/Safe Room; and

WHEREAS, the City of Bay City has been allocated funds for Harvey CDBG-DR Infrastructure projects through the regional Method of Distribution process for which some of these projects are eligible activities; and

WHEREAS, the City of Bay City anticipates receiving its CDBG-DR allocation in the first quarter of 2019.

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

- Section 1. That the City of Bay City commits to providing the 25% local share for the FEMA Hazard Mitigation Assistance grant projects; and
- Section 2. That the local share will be paid from the City's Harvey CDBG-DR Infrastructure distribution if and when such funds become available to the City, pending the required citizen participation requirements; and
- Section 3. That should these funds not be available for whatever reason, the City will pay its local share from the general fund.

PASSED AND APPROVED on first and final reading this _____ day of November 2018.

CITY OF BAY CITY, TEXAS

Mark Bricker, Mayor

ATTEST:

David Holubec, City Secretary

APPROVED as to FORM:

Anne Marie Odefey, City Attorney
ROBERTS, ODEFEY, WITTE & WALL, LLP
City of Bay City

Attachment: Resolution - 2018 HMA - Committ Local Matching Funds (3448 : FEMA HMA Grant - Committ Local Matching Funds)



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

RESOLUTION (ID # 3447)

Meeting: 11/15/18 07:00 PM
Department: Public Works
Category: Grant
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 3447

**~ DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION TO
AUTHORIZE SUBMISSION OF ONE OR MORE APPLICATIONS
FOR HAZARD MITIGATION ASSISTANCE GRANT FUNDING
AND DESIGNATE MAYOR AS THE AUTHORIZED
REPRESENTATIVE AT ACT ON BEHALF OF THE HAZARD
MITIGATION PROJECTS.**

The City of Bay City is considering the submission of FEMA Hazard Mitigation Assistance grant applications for funds for retrofitting the water supply, raising of bridges, flap gates on the Diversion Canal and EOC/Safe Room.

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

RESOLUTION

A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE SUBMISSION OF MULTIPLE HAZARD MITIGATION ASSISTANCE GRANT APPLICATIONS FOR DR-4332, APPOINTING THE MAYOR AS THE CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE TO ACT IN ALL MATTERS IN CONNECTION WITH THE FEMA MITIGATION GRANTS.

WHEREAS, the City of Bay is considering the submission of FEMA Hazard Mitigation Assistance grant applications for funds for Retrofitting the water supply, raising of bridges, flap gates on the Diversion Canal and EOC/Safe Room; and

WHEREAS, FEMA Mitigation Fund applicants are required to appoint an official to act as the Authorized Representative in all matters in connection with the Mitigation Grants.

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

- Section 1. That the City of Bay City is authorizing the submission of multiple applications for FEMA's Hazard Mitigation Assistance Grant Program; and
- Section 2. That the Mayor be appointed the Chief Executive Officer and Authorized Representative to act on behalf of the City in all matters in connection with the FEMA Mitigation Grants.

PASSED AND APPROVED on first and final reading this _____ day of November 2018.

CITY OF BAY CITY, TEXAS

Mark Bricker, Mayor

ATTEST:

David Holubec, City Secretary

APPROVED as to FORM:

Anne Marie Odefey, City Attorney
ROBERTS, ODEFEY, WITTE & WALL, LLP
City of Bay City

Attachment: Resolution - 2018 HMA - Authorize Mayor (3447 : FEMA HMA Grant - Submit Application and Mayor CEO & Rep)



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 11/15/18 07:00 PM
Department: Public Works
Category: Grant
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 3444

ADOPTED

RESOLUTION (ID # 3444)

**~ DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION TO
DESIGNATE AN ENGINEERING SERVICE PROVIDER TO
COMPLETE APPLICATION AND PROJECT-RELATED
ENGINEERING SERVICES FOR THE TEXAS DEPARTMENT
OF AGRICULTURE'S 2019-2020 TxCDBG COMMUNITY
DEVELOPMENT FUND.**

The City of Bay City plans to apply the 2019-2020 Texas Capital Fund Infrastructure Program grant from the Texas Community Development Block Grant (TxCDBG) Program of the Texas Department of Agriculture (TDA) to support public infrastructure improvements in the City of Bay City. The grant will potentially help fund improvements to the City's infrastructure that is currently identified in the City's Capital Improvements Plan. The plan is to use these funds to improve the water distribution system in the northwest quadrant of the City. This area includes Grace St to 8th St and Ave F to Ave A.

These TxCDBG funds come from HUD and are channeled down through TDA. Applicants can apply every two years. We are hearing from TDA that applications will be due in February 2019. The maximum amount is \$350,000. The City has a very good chance of scoring this cycle. Match is described in the Houston-Galveston Area Council (H-GAC) guidebook under MATCH/LEVEREAGE. For instance, if the City did a citywide project, the match would be \$52,500 (15% of grant request) as your population is greater than 2,000. However, if the project was for a target area, the population category is based on the actual number of beneficiaries to be served by the project activities.

The goal of the TxCDBG Program administered by the TDA is to develop viable communities by providing decent housing and a suitable living environment, as well as by expanding economic opportunities, principally for persons of low-to-moderate income. In awarding funding pursuant to Government Code Section 487.351(c), the TDA shall give priority to eligible activities in the areas of economic development, community development, rural health and rural housing to support workforce development.

The objectives of the TxCDBG Program are:

1. To improve public facilities to meet basic human needs, principally for low-to-moderate income persons;
2. To improve housing conditions, principally for persons of low-to-moderate income;
3. To expand economic opportunities by creating or retaining jobs, principally for low-to-moderate income persons; and
4. To provide assistance and public facilities to eliminate conditions hazardous to the public health and of an emergency nature.

The first step is to authorize procurement of professional services. Once administrative services have been procured, that firm will work with the City to solicit qualifications for an engineering firm. These 2 firms will work with the City to select the best possible project to

garner the most points under the State and regional scoring criteria. There will be a required public hearing as in the past to solicit input from your citizens. Later, a resolution will be brought to City Council for adoption that states the City is in favor of submitting the application and committing to the required match.

This agenda item is for City Council to award an engineering service provider to aid the City in the application preparation and project implementation.

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

RESOLUTION

A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER FOR THE 2019-2020 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT COMMUNITY DEVELOPMENT FUND PROJECT.

WHEREAS, the 2019-2020 TxCDBG Community Development Fund contract requires implementation by professionals experienced in the administration and implementation of federally-funded community development projects; and

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) for engineering services for application preparation and professional services has been completed in accordance with Texas CDBG requirements; and

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service.

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

- Section 1. That _____ be awarded a contract to provide Texas CDBG application and project-related **professional engineering services** for the 2019-2020 Community Development Fund project.
- Section 2. That any and all project related services, contracts, or commitments made with the above-named service provider are dependent on the award of 2019-2020 TxCDBG Community Development funds and successful negotiation of a contract with the service provider.

PASSED AND APPROVED on first and final reading this _____ day of November 2018.

CITY OF BAY CITY, TEXAS

Mark Bricker, Mayor

ATTEST:

David Holubec, City Secretary

APPROVED as to FORM:

Anne Marie Odefey, City Attorney
ROBERTS, ODEFEY, WITTE & WALL, LLP
City of Bay City



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

RESOLUTION (ID # 3445)

Meeting: 11/15/18 07:00 PM
Department: Public Works
Category: Grant
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 3445

**~ DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION TO
DESIGNATE AN ENGINEERING SERVICE PROVIDER TO
COMPLETE APPLICATION AND PROJECT-RELATED
ENGINEERING SERVICES FOR THE GENERAL LAND OFFICE
COMMUNITY DEVELOPMENT AND REVITALIZATION CDBG
DISASTER RECOVERY FUND.**

The City of Bay City plans to apply for Texas Community Development Block Grant - Disaster Recovery (CDBG-DR) grants through the U.S. Department of Housing and Urban Development (HUD) to support public infrastructure improvements in the City of Bay City. These grant will potentially help fund projects related to disaster recovery.

The Texas General Land Office (the Land Office) is the lead state agency for managing the State's Community Development Block Grant - Disaster Recovery (CDBG-DR) grants through the U.S. Department of Housing and Urban Development (HUD).

After Hurricane Harvey, the Texas General Land Office - CDBG - Disaster Recovery Division - HUD has given the final approval of the Action Plan. Now it's up to GLO to develop the application and guide. GLO charged the HGAC to come up with a Method of Distribution(MOD). A formula was used to distribute the funds that were allocated for the Cities and Counties outside the Harris County/Houston area.

According to the draft of the MOD, Bay City has been allocated \$287,006. No match is required for this fund. No application fee is required for this fund. These funds can be used to match any eligible Mitigation Projects, if needed.

Listed below are some examples of eligible (but not limited to) projects:

- Water System Improvements
- Wastewater System Improvements
- Drainage Improvements
- Housing Rehabilitation
- Gas System Improvements
- Road/Street Improvements

The CDBG-DR funds are authorized under Title I of the Housing and Community Development Act of 1974, and CDBG regulations in 24 CFR Part 570 govern the use of CDBG-DR funds. The design and development of the disaster recovery program must meet the CDBG regulations in 24 CFR Part 570. For disaster recovery allocations HUD is given broad authority to grant waivers and additional requirements that are issued in the Federal Register notices. CDBG eligible activities are listed in the regulations. These eligible activities must meet at least one of the three national objectives: benefits persons of low and moderate income, aid in the prevention or elimination of slum or blight, or meet an urgent need. The CDBG regulations required the compliance of other applicable laws and regulations.

The State CDBG-DR Program outlines the management and oversight responsibilities for the Land Office. The Land Office has planning, design, and administrative responsibilities from when the disaster event occurs and is allocated CDBG-DR funds from HUD, to the oversight of the implementation of the housing and non-housing programs, and to the completion of the programs.

More information can be found on the Texas Rebuilds website:
<<http://texasrebuilds.org/Pages/State-Disaster-Recovery.aspx>>

This agenda item is for City Council to award an engineering service provider to aid the City in the application preparation and project implementation.

COMMENTS - Current Meeting:

Councilman Cornman commented that it would help him if he had a list of all of the grants the City had.

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

RESOLUTION

A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROJECT.

WHEREAS, the Community Development Block Grant – Disaster Recovery (CDBG-DR) contract requires implementation by professionals experienced in the administration and implementation of federally-funded disaster recovery projects; and

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) for engineering services for application preparation and professional services has been completed in accordance with GLO-CDR requirements; and

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service.

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

- Section 1. That _____ be awarded a contract to provide CDBG application and project-related **professional engineering services** for the CDBG-Disaster Recovery project.
- Section 2. That any and all project related services, contracts, or commitments made with the above-named service provider are dependent on the award of CDBG-DR funds and successful negotiation of a contract with the service provider.

PASSED AND APPROVED on first and final reading this _____ day of November 2018.

CITY OF BAY CITY, TEXAS

Mark Bricker, Mayor

ATTEST:

David Holubec, City Secretary

APPROVED as to FORM:

Anne Marie Odefey, City Attorney
ROBERTS, ODEFEY, WITTE & WALL, LLP
City of Bay City

Attachment: Resolution - CDBG-DR - Engineer Service Provider (3445 : Resolution - Award Engr Service Provider CDBG-DR)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

DISCUSSION ITEM (ID # 3441)

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3441 A

**~ DISCUSS PROGRESS ON UPDATING THE MOBILE HOME
ORDINANCE AND DISCUSS/CONSIDER ACTING ON THE
REINSTATEMENT OF THE CURRENT MOBILE HOME
ORDINANCE.**

COMMENTS - Current Meeting:

The Mayor explained that the item was brought up several months ago. During the meeting it was approved to lift the permit and allow owners to use the mobile homes as rental property.

Councilman Childers stated that he had not done anything on the topic. He added that he had sent the Mayor an email stating that it should fall under the Mayor. He reiterated that it should fall under the Mayor or the Planning Commission.

Anne Marie asked for some clarification on the issue.

The Mayor recommended that it be reinstated to the current ordinance.

After discussion, it was the consensus to reinstate the ordinance.

MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY MAYOR PRO TEM FOLSE, TO REINSTATE THE CURRENT MOBILE HOME ORDINANCE. MOTION CARRIED BY UNANIMOUS VOTE.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

DISCUSSION ITEM (ID # 3422)

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3422 B

**~ DISCUSS 16TH STREET POOL OPERATIONAL POLICY,
RECENT REPAIRS, AND INTERLOCAL AGREEMENT
BETWEEN CITY AND USERS OF POOL.**

Recently, there were issues related to the pool heater. After major repairs were made as quickly as possible, the Mayor advised Bay City coach to call him if there were any other issues. That afternoon, apparently, it became obvious that a tournament could not be held at the pool because there was no lighting. Documents between the City and the Coach acknowledge this had been a known issue since 2016 and the users had continued to use the pool during non-daylight hours at their own risk. The City never represented it would be replacing the lights since when in 2016 they were removed. Much public discord, but not intergovernmental discord, ensued and Bay City ISD has now agreed to provide the lighting. It has been several years since the Interlocal between the users of the pool and City have reviewed the Interlocal between the users and these events present an opportune time to review duties and responsibilities of all parties. The City's interest is to have a safe environment at the least amount of cost because the primary users of the pool are not the public as a whole, but instead, many other entities.

COMMENTS - Current Meeting:

sb - since 2015 we have had an agreement with the ISD. both pools have been managed for the public's enjoyment. we do not spend a lot of money on the pool other than to keep it open and safe. the agreement is that we get to use their gymnasium, and they get to use our pool. when the ISD uses it, they have cart blanch.

cf - have we reached out to them lately. sb - reached out to the coach and he did not have much to say. mb - reached out to coach and he did not seem to have any words with me.

mb- he was caught off guards with some of the communications. he was unaware that some of the ISD would be coming to council.

jc - the sunset clause? sb - provided a brief history about the lights.

sb - the city provides lifeguards. if they can not see, then they cannot guard.

bc - do the lights in the pool work? sb - yes. bc - is anyone working on lights on the deck?
sb - at the time when the lighting went down, no one was interested in paying for it. sb - received quote from city electrician for 800 for lights on the building.

mb - superintendent stated that they wouldn't mind putting up temporary lighting.

bc - are we using the gym at all. sb - its in ill repair.

bc - the major part of our problem is that we do not have relationships with these entities. mayor has to get with the superintendent to work out the agreement. we need to put lights on the buidling, and I don't care who pays for it.

bc- leave it on the agenda until it is done. word it so that action can be taken.

Mr. Blackburn explained the current agreement between the City and the ISD.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3446 A

DISCUSSION ITEM (ID # 3446)

**~ DISCUSS AND DEFINE THE ROLE OF A COUNCIL LIAISON
OFFICER.**

COMMENTS - Current Meeting:

table



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3436

AGENDA ITEM (ID # 3436)

**~ DISCUSS, CONSIDER, AND/OR APPROVE THE 2019 CITY
HOLIDAY SCHEDULE.**

COMMENTS - Current Meeting:

bc je



HUMAN RESOURCES DEPARTMENT 2018-M-04

TO: All Employees

FROM: Rhonda Clegg, Director of Human Resources

DATE: November 5, 2018

SUBJECT: 2019 Holiday Schedule for the City of Bay City

2019 CITY OF BAY CITY HOLIDAY SCHEDULE

<u>DATE</u>	<u>HOLIDAY</u>	<u>DAY OF WEEK</u>	<u>TOTAL # OF DAY(S)</u>
January 1, 2019	New Year's Day	Tuesday	1
January 21, 2019	Martin Luther King, Jr.	Monday	1
February 18, 2019	President's Day	Monday	1
April 19, 2019	Good Friday	Friday	1
May 27, 2019	Memorial Day	Monday	1
July 4, 2019	Independence Day	Thursday	1
September 2, 2019	Labor Day	Monday	1
November 11, 2019	Veterans Day	Monday	1
November 28, 2019	Thanksgiving Day	Thursday	1
November 29, 2019	Thanksgiving Day After	Friday	1
December 24, 2019	Christmas Eve	Tuesday	1
December 25, 2019	Christmas Day	Wednesday	1
December 31, 2019	New Year's Eve	Tuesday	1

Please pass this information on to the employees within your departments, as well as the departments for which you are the liaison.

Thank you.
Human Resources



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3424

AGENDA ITEM (ID # 3424)

~ TEXAS GOVERNMENT CODE, SECTION 551.087 – 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 CLEARLY CONFLICTS WITH THIS CHAPTER, NAMELY CONSULTATION WITH THE CITY ATTORNEY TO RECEIVE LEGAL ADVICE CONCERNING THE LAND RFP PROJECT FOR APPROXIMATELY 11 ACRES RESIDENTIAL DEVELOPMENT LOCATED AT THE EAST END OF VIRGINIA STREET BEHIND TRACTOR SUPPLY COMPANY.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3440

DISCUSSION ITEM (ID # 3440)

**~ 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 [MAYOR
AND CITY COUNCIL]).**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3452)

Meeting: 11/15/18 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 3452

**~ CITY COUNCIL MEMBERS SHALL RECONVENE IN OPEN
SESSION AND MAY DISCUSS, CONSIDER, AND/OR TAKE
ACTION ON ANY ITEM LISTED ABOVE THAT WAS
LAWFULLY CONSIDERED AND DISCUSSED IN EXECUTIVE
SESSION (IF NECESSARY).**