



CITY OF BAY CITY

MINUTES • AUGUST 23, 2018

Council Chambers

Regular Meeting – City Council

7:00 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. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILWOMAN, BECCA SITZ

Texas State Flag Pledge:

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

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.

Bay City resident, Jo Halbert, addressed Mayor and Council regarding the City Charter. She encouraged everyone to work together and be positive.

Local business owner, Allen Green, representing the Bay City Historic Downtown Business Association, requested permission to be placed on a future Council agenda, regarding this groups desire to purchase electrical outlets for the light posts downtown, for additional Christmas lighting. It was decided that this request could be handled through Mayor Bricker's office and would not need to be placed as an agenda item.

Bay City resident, Mona Keen, addressed Council about the recent evaluation and future salary reduction for Mayor Bricker.

Bay City resident, Carol Wedgeworth, addressed Council regarding specific sections of the Charter she wished for them to review. Sections she recommended were: Page 6, Section 3.10 (b); Page 7, Section 4.03; and Page 14, Section 7.05 (a).

Bay City resident, Vicky Baltz, addressed Mayor and Council, regarding a request to hold a scheduled VFW Auxiliary event at the Bay City Service Center / USO later than 10PM on

October 27, 2018. Parks Director, Shawn Blackburn met with Mrs. Baltz and made arrangements with her regarding the event.

5. ACCEPT MINUTES SUMMARY

1. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON AUGUST 9, 2018.

City Secretary, David Holubec

Council meeting minutes from August 9, 2018 were accepted by Council.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

Enacted and approved this 23rd day of August, 2018, at Bay City

6. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. Resolution

~ DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION ESTABLISHING A POLICY FOR CONSUMPTION OF ALCOHOL UPON PUBLIC PROPERTY WITHIN THE CITY OF BAY CITY, TEXAS. WHEREAS, THE CITY OF BAY CITY CITY COUNCIL HAS THE AUTHORITY TO REGULATE CITY PROPERTIES IN THE SAME MANNER AS A PRIVATE PROPERTY OWNER.

Mayor, Mark A. Bricker

Council members approved the Consent Agenda items as presented. The motion was made by Councilman, Jason Childers and seconded by Councilwoman, Chrystal Folse.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

Enacted and approved this 23rd day of August, 2018, at Bay City

7. PUBLIC HEARINGS

1. Public Hearing

~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2019.

Finance Director, Scotty Jones

The Public Hearing to review and answer questions regarding the proposed Fiscal Year 2019 City Budget was started at 7:13PM. It was lead by Finance Director, Scotty Jones. There were no questions nor comments from the audience, so the hearing closed at 7:13PM.

2. Public Hearing

~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED PROPERTY (AD VALOREM) TAX RATE FOR FISCAL YEAR 2019.

Finance Director, Scotty Jones

The Public Hearing to review and answer questions regarding the proposed Fiscal Year 2019 City Tax Rate was started at 7:14PM. It was lead by Finance Director, Scotty Jones. There were no questions nor comments from the audience, so the hearing closed at 7:14PM.

3. Public Hearing

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

Finance Director, Scotty Jones

The Public Hearing to review and answer questions regarding the proposed City, Five-Year Capital Improvement Program, was started at 7:15PM. It was lead by Finance Director, Scotty Jones. There were no questions nor comments from the audience, so the hearing closed at 7:15PM.

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

1. Presentation

~ RECEIVE A PRESENTATION FROM VIC COLLINS REGARDING RURAL VOLUNTEER FIRE DEPARTMENT DISPATCH PROCEDURES.

Midfield Volunteer Fire Department Chief, Vic Collins

Markham Fire Chief, Robert Henske - Addressed Mayor and Council regarding the dispatch procedures for rural fire departments within Matagorda County.

Mayor Bricker, Police Chief, Robert Lister and County Judge, Nate McDonald also discussed the dispatch of fire department issues. It was recommended that the City/County solve the problem together and look into scheduling a workshop on the subject.

2. Presentation

~ DISCUSS, CONSIDER AND / OR TAKE ACTION ON THE PRESENTATION INVOLVING CHAPTER 54, MOBILE HOMES / MANUFACTURED HOMES WITHIN THE CITY LIMITS OF BAY CITY, TEXAS.

Bay City Resident, Jerry Manning

Mayor Bricker addressed Council regarding the current Chapter 54 Mobile Home Ordinance. The effectiveness of the ordinance is in question. It was recommended to suspend enforcement of the use portion of the ordinance, which involves electrical connection, until a committee can review and make recommendations. Councilman Jason Childers agreed to chair this committee.

The Chapter 54 Mobile Home Ordinance was suspended by motion. The motion was made by Councilman, Jason Childers and seconded by Councilwoman, Chrystal Folse.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

Enacted and approved this 23rd day of August, 2018, at Bay City

3. Presentation

~ DISCUSS, CONSIDER AND/OR APPROVE AN APPLICATION FOR A VEHICLE FOR HIRE IN THE CITY OF BAY CITY.

Applicant, Juana Amezquita

This agenda item was withdrawn, as per City Ordinance. It is being handled by the City Secretary's Office.

4. Grant

~ DISCUSS, CONSIDER AND/OR ADOPT RESOLUTION TO DESIGNATING AN ADMINISTRATION SERVICE PROVIDER FOR THE APPLICATION AND PROJECT IMPLEMENTATION OF THE 2019-2020 COMMUNITY DEVELOPMENT FUNDS AS ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE.

Director of Public Works, Barry Calhoun

Public Works Director, Barry Calhoun presented the grant information for waterline improvements on the northwest side of Bay City. This grant is to hire the grant administrator, GrantWorks.

The motion was made by Councilman, Bill Cornman and seconded by Councilwoman Chrystal Folse.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

Enacted and approved this 23rd day of August, 2018, at Bay City

5. Budget

~ DISCUSS, CONSIDER AND/OR APPROVE A PLAN FOR REPLACING THE USO / SERVICE CENTER ROOF AND OTHER NEEDED REPAIRS.

Mayor, Mark A. Bricker

Parks Director, Shawn Blackburn presented the roofing repairs needed at the USO / Service Center. Due to moisture build-up within the auditorium, ceiling fans will be installed. In order to replace the roof overlay, one layer will need to be removed in order to qualify for a Windstorm certificate. It's estimated about \$50,000 will be needed to make these repairs.

Finance Director, Scotty Jones, discussed funding options within the current FY 2018 budget. The Bay City Main Street program has also voiced interest in assisting with this project financially.

Council stressed the importance of this project moving forward, since the roof is leaking.

9. CLOSED / EXECUTIVE SESSION

1. Report

~ TEXAS GOVERNMENT CODE, SECTION 551.071(2) – 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. 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.

Mayor, Mark A. Bricker

3. Litigation

~ PURSUANT TO SEC. 551.071 OF THE TEXAS GOVERNMENT CODE (CONSULTATION WITH ATTORNEY) CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THE PENDING SETTLEMENT OFFER/AGREEMENT: CITY OF BAY CITY, TEXAS V. CP LIVING 23 (TEXAS) LP, CP LIVING (TX) LLC, AND CP 23 (TX).

Mayor, Mark A. Bricker

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

Enacted and approved this 23rd day of August, 2018, at Bay City

10. OPEN SESSION

Open.

1. Report

~ DISCUSS CONSIDER, AND TAKE ACTION ON ITEM(S) LISTED IN CLOSED / EXECUTIVE SESSION. TEXAS GOVERNMENT CODE, SECTION 551.071(2) – 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

This agenda item is on hold at this time. Council will receive an email update from the City Attorney once more is know.

2. Litigation

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

Mayor, Mark A. Bricker

No Action

3. Litigation

~ DISCUSS CONSIDER, AND TAKE ACTION ON ITEM(S) LISTED IN CLOSED / EXECUTIVE SESSION. TEXAS GOVERNMENT CODE, SECTION 551.071. CONSULTATION WITH ATTORNEY. A GOVERNMENTAL BODY MAY CONSULT WITH ITS ATTORNEY ABOUT THE PENDING OR CONTEMPLATED SETTLEMENT OFFER/AGREEMENT: CITY OF BAY CITY, TEXAS V. CP LIVING 23 (TEXAS) LP, CP LIVING (TX) LLC, AND CP 23 (TX).

Mayor, Mark A. Bricker

This agreement is almost final. The City Attorney is waiting to finalize the deal. The motion was made by Councilwoman, Julie Estlinbaum to accept the settlement agreement and seconded by Councilman, Bill Cornman.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

Enacted and approved this 23rd day of August, 2018, at Bay City

11. ITEMS/COMMENTS - MAYOR AND COUNCIL MEMBERS

Councilwoman, Julie Estlinbaum praised the 13th Street Pool appearance after her last visit.

Councilman, Bill Cornman, stated that he has witnessed the best summer swim season in about a decade. Good job to Parks Department. He also praised the committee working on the Railroad Steering group. A meeting is planned with Santa Fe Railroad Company in the future and TxDot support seems positive.

Councilman, Chrystal Folse, shared that Saturday, was a bowling tournament for "Relay for Life" involving the Schulman Movie Grill Team, 10AM.

12. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

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

Attendance By Other Elected or Appointed Officials:

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

Executive Sessions Authorized:

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

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Thursday, August 16, 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.

David Holubec
City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3306)

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Minutes
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3306

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON AUGUST 9, 2018.

COMMENTS - Current Meeting:

Council meeting minutes from August 9, 2018 were accepted by Council.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum



CITY OF BAY CITY

SUMMARY • AUGUST 9, 2018

Council Chambers

Regular Meeting – City Council

7:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Mark A. Bricker	Mayor	Excused	
William Cornman	Councilman	Present	
Becca Sitz	Councilwoman	Present	
Chrystal Folse	Mayor Pro-Tem	Present	
Jason Childers	Councilman	Present	
Julie Estlinbaum	Councilwoman	Present	

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."

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.

Bay City resident, William Bell, addressed the Council in regards to the city charter.

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

1. Planning / Plat ~ DISCUSS, CONSIDER, AND/OR APPROVE A PLAT FOR MCCOY'S BAY CITY, LOCATED NORTH OF THE INTERSECTION OF 7TH STREET (SH35) AND SARGENT DRIVE (FM 457) IN BAY CITY, TEXAS. - **Approved**

Assistant Director of Public Works, Marla Jasek, address the Council to gain approval for the plat. It has been reviewed by Public Works and they have a signed certificate of completeness.

Marla Jasek, Asst. Director Public Works

2. Report ~ CONSIDER PLACING A PROPOSAL TO ADOPT A TAX RATE FOR THE 2019 FISCAL YEAR AS AN ACTION ITEM ON THE AGENDA OF A FUTURE COUNCIL MEETING, SPECIFYING THEREIN THE DESIRED RATE AND PUBLISHING NOTICE THEREOF. - **Approved**

Mayor Pro Tem Chrystal Folse polled the votes. All Council members approved.

Finance Director, Scotty Jones

3. Report ~ CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2019 FISCAL YEAR BUDGET AND CAPITAL IMPROVEMENT PLAN FOR THURSDAY, AUGUST 23, 2018 AND THURSDAY AUGUST 30, 2018. - **Approved**

Finance Director, Scotty Jones

4. Report ~ CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2019 FISCAL YEAR TAX RATE FOR THURSDAY, AUGUST 23, 2018 AND THURSDAY AUGUST 30, 2018 (IF REQUIRED). - **Approved**

Finance Director, Scotty Jones

5. Contract ~ RECEIVE AN UPDATE ON THE CURRENT RENEWAL AGREEMENT WITH WASTE CORPORATION OF TEXAS, L.P. (WCA) FOR THE PROVISION OF SOLID WASTE COLLECTION SERVICES. -

Public Works Director, Barry Calhoun, provided a brief update on the proposed changes for the WCA contract. He advised that they are close to finalizing the changes. He is hoping to have the new contract approved before September 30, 2018 so that it can begin on October 1, 2018. Councilman Bill Cornman inquired about the costs that will be in the new contract. Mr. Calhoun stated that he had to meet with WCA to find out the new costs with the changes but that there would be an increase because of new services. These services may include sledge hauling for the sewer plant, management of the brush site, and curbside recycling.

Director of Public Works, Barry Calhoun

6. Report ~ DISCUSS, CONSIDER AND/OR TAKE ACTION ON DROPPED CALLS HOSTED BY ATT. -

Councilwoman Becca Sitz addressed the Council stating that she was receiving complaints of dropped calls for citizens that have AT&T as a cell provider. She has requested that the Mayor send a letter to AT&T to find out if the issue can be corrected. She addressed Marissa Valentine on the status of this letter. Mrs. Valentine advised that they are needing to know exactly what kind of information Councilwoman Sitz is requesting they put in the letter.

Councilwoman, Becca Sitz

7. Presentation ~ DISCUSS, CONSIDER AND/OR TAKE ACTION ON REPAIRS NEEDED ON THE DOWNTOWN PLANTER FAUCETS, HOSES AND TIMERS. -

Councilwoman Becca Sitz addressed the Council in regards to the issue of getting water to the planters. She stated that she has reported it several times but she isn't sure what the protocol is. She addressed Barry Calhoun, Director of Public Works, to ask if she could contact him personally regarding this. He advised her that she would need to contact the Mayor's office so that a work order can be issued to see what needs to be done. Councilman Bill Cornman also stated that a work order would need to be placed.

Councilwoman, Becca Sitz

8. Report ~ DISCUSS, CONSIDER, AND/OR TAKE ACTION ON THE DECISION TO CALL A SPECIAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 TO ALLOW VOTERS TO CONSIDER FOR OR AGAINST THE CHANGING OF THE CITY OF BAY CITY'S FORM OF GOVERNMENT FROM MAYOR TO CITY MANAGER. -

This item was tabled at 7:29 PM so that it could be discussed after the executive sessions. Councilwoman Julie Estlinbaum made a motion to table to the item and Councilman Jason Childers seconded the motion.

Council reconvened on this item at 9:09 PM. Councilman Jason Childers stated that changing the form of government from Mayor to City Manager item was put on the March 1, 2018 agenda for approval to be placed on the November 2018. At that meeting, it was approved to place it on the November ballot. However, the charter has errors and there is not enough time to get it ready to be on the November ballot. If the item is placed on the ballot in May 2019, it will give time to prepare the charter. Councilman Bill Cornman stated that the lawsuit put a stop to everything. He advised that the first thing that needed to be done was to fix the minor errors and to lace in the city manager option. He stated that the November 2018 date is unreasonable and that it will be hard work to get it ready for the May 2019 ballot. The Council is committed to placing the item on the ballot. He also stated that the item being placed on the May 2019 ballot is predicated to whether or not the lawsuit has been settled. Councilwoman Julie Estlinbaum stated that putting the item on the November 2018 ballot wasn't fair to either side. She advised that there were town hall meetings but they had poor participation.

Councilman Jason Childers made a motion to not hold a special election on November 6, 2018 to allow voters to vote on changing the city form of government. Councilwoman Julie Estlinbaum seconded the motion. All Council members approved the motion.

Councilman, Jason Childers

6. CLOSED / EXECUTIVE SESSION

Councilman Jason Childers made a motion to go into executive session. Councilwoman Julie Estlinbaum seconded the motion.

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. -

Mayor, Mark A. Bricker

2. Litigation ~ PURSUANT TO SEC. 551.071 OF THE TEXAS GOVERNMENT CODE (CONSULTATION WITH ATTORNEY) CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THE PENDING SETTLEMENT OFFER/AGREEMENT: CITY OF BAY CITY, TEXAS V. CP LIVING 23 (TEXAS) LP, CP LIVING (TX) LLC, AND CP 23 (TX). -

Mayor, Mark A. Bricker

3. Report ~ TEXAS GOVERNMENT CODE, SECTION 551.071(2) - 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

4. Report ~ PURSUANT TO SEC. 551.074 OF THE TEXAS GOVERNMENT CODE (PERSONNEL MATTERS) CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE SALARY OF THE MAYOR. -

Councilman, Jason Childers

7. OPEN SESSION

1. Litigation ~ DISCUSS CONSIDER, AND TAKE ACTION ON ITEM(S) LISTED IN CLOSED / EXECUTIVE SESSION. 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. -

Councilman Jason Childers addressed the public in regards to information that is going around town stating that the judges ruling. He advised that the Judge clearly stated that "he did not rule on these things as a matter of course". Councilman Childers advised that it is fake news that the city lost. He also stated that per the charter, the audio recordings are the official minutes for the meetings and that no previous Council would have allowed the Mayor to vote and that the charter review was just a recommendation. After receiving information on the cost of the trial versus an appeal, the appeal would be the quickest, cheapest, and most painless direction to go. Councilman Childers made a motion to appeal. Councilwoman Julie Estlinbaum seconded the motion.

Mayor, Mark A. Bricker

2. Litigation ~ DISCUSS CONSIDER, AND TAKE ACTION ON ITEM(S) LISTED IN CLOSED / EXECUTIVE SESSION. TEXAS GOVERNMENT CODE, SECTION 551.071. CONSULTATION WITH ATTORNEY. A GOVERNMENTAL BODY MAY CONSULT WITH ITS ATTORNEY ABOUT THE PENDING OR CONTEMPLATED SETTLEMENT OFFER/AGREEMENT: CITY OF BAY CITY, TEXAS V. CP LIVING 23 (TEXAS) LP, CP LIVING (TX) LLC, AND CP 23 (TX). -

There was no action taken.

Mayor, Mark A. Bricker

3. Report ~ DISCUSS CONSIDER, AND TAKE ACTION ON ITEM(S) LISTED IN CLOSED / EXECUTIVE SESSION. TEXAS GOVERNMENT CODE, SECTION 551.071(2) - 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. - **Tabled**

There was no action taken by the Council members. The city attorneys will provide a follow up at the next meeting.

Mayor, Mark A. Bricker

4. Report ~ DISCUSS, CONSIDER AND/OR TAKE ACTION ON ITEM(S) LISTED IN CLOSED/EXECUTIVE SESSION: - PURSUANT TO SEC. 551.074 OF THE TEXAS GOVERNMENT CODE (PERSONNEL MATTERS) CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE SALARY OF THE MAYOR. -

Councilman Jason Childers stated that on April 12, 2018 the Mayor was given an evaluation letter that had four main topics that needed improvements. He advised that with each topic was a way to fix the issue was listed. He also stated that the Mayor has made an effort but it isn't consistent. Councilman Childers made a motion

to decrease the Mayor's salary to \$63,000 and to be effective on October 1, 2018. Councilman Bill Cornman seconded the motion. All members approved.

Councilman Childers also stated that they would reevaluate the situation as needed. Councilman, Jason Childers

8. ITEMS/COMMENTS - MAYOR AND COUNCIL MEMBERS

Councilwoman Julie Estlinbaum stated that the last item discussed was not a decision that was made lightly and that the Mayor had multiple chances to sit in on the meetings where this was discussed. She also stated that on Friday, August 10, 2018, there would be a community pep rally at the high school at approximately 6 PM.

Councilman Bill Cornman advised that the Council was sending good thoughts to Mike Reddell.

9. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

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

Attendance By Other Elected or Appointed Officials:

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

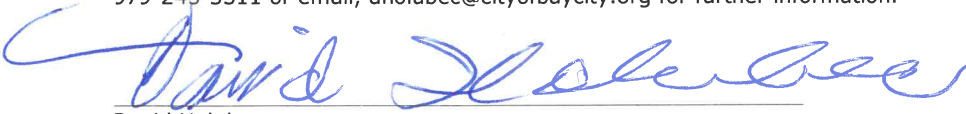
Executive Sessions Authorized:

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

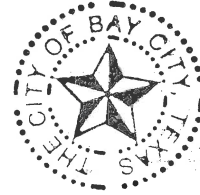
This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Friday, August 3, 2018 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

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.



David Holubec
City Secretary





City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3287)

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Resolution
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3287

**~ DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION
ESTABLISHING A POLICY FOR CONSUMPTION OF
ALCOHOL UPON PUBLIC PROPERTY WITHIN THE CITY OF
BAY CITY, TEXAS. WHEREAS, THE CITY OF BAY CITY CITY
COUNCIL HAS THE AUTHORITY TO REGULATE CITY
PROPERTIES IN THE SAME MANNER AS A PRIVATE
PROPERTY OWNER.**

COMMENTS - Current Meeting:

Council members approved the Consent Agenda items as presented. The motion was made by Councilman, Jason Childers and seconded by Councilwoman, Chrystal Folse.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

RESOLUTION - R-2018-25

A RESOLUTION ESTABLISHING THE POLICY FOR CONSUMPTION OF ALCOHOL UPON PUBLIC PROPERTY WITHIN THE CITY OF BAY CITY, TEXAS.

WHEREAS, the Bay City City Council believes that the allowance of alcoholic beverages at the Bay City USO / Service Center for the Bay City Pilot Club on October 18, 2018 will enhance the organizations 8th Annual “Celebrity Waiter,” charitable event; and,

WHEREAS, the Bay City City Council would like to ensure a safe and appropriate environment for event participants.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay City, Texas:

SECTION 1. Only beer, wine, or wine coolers shall be permitted upon the premises of the Bay City USO / Service Center on October 18, 2018.

SECTION 2. Kegged beer or beer requiring air to be dispensed from its container shall not be permitted.

SECTION 3. No alcohol will be sold upon the premises of the Bay City USO / Service Center but will be provided as part of the fundraiser experience by the Bay City Pilot Club organization.

SECTION 4. No alcohol will be allowed upon the premises of the Bay City USO / Service Center outside of this specific event.

SECTION 5. No one under twenty-one years of age will be allowed to consume any type of alcohol.

PASSED AND APPROVED by the City Council in Bay City, Texas, on this the 23rd day of August 2018.

Mark A. Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

David Holubec, City Secretary

City Attorney, Timothy Kirwin

Attachment: Alcohol Consumption - Pilot Club.doc (3287 : Resolution - Alcohol Consumption Policy)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3290)

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3290

**~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC
COMMENT ON THE CITY OF BAY CITY PROPOSED
OPERATING BUDGET FOR FISCAL YEAR 2019.**

COMMENTS - Current Meeting:

The Public Hearing to review and answer questions regarding the proposed Fiscal Year 2019 City Budget was started at 7:13PM. It was lead by Finance Director, Scotty Jones. There were no questions nor comments from the audience, so the hearing closed at 7:13PM.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3289)

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3289

**~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC
COMMENT ON THE PROPOSED PROPERTY (AD VALOREM)
TAX RATE FOR FISCAL YEAR 2019.**

During the public hearing, Mayor or Council need to inform the public that the tax rate will be considered by Council on 9/13 at 7:00 pm at City Hall.

After the hearing, the City shall give written notice of the 9/13 meeting in the form required by Sec. 26.06(d) of the Tax Code.

COMMENTS - Current Meeting:

The Public Hearing to review and answer questions regarding the proposed Fiscal Year 2019 City Tax Rate was started at 7:14PM. It was lead by Finance Director, Scotty Jones. There were no questions nor comments from the audience, so the hearing closed at 7:14PM.

2018 Governing Body Summary #1A*

Benchmark 2018 Tax Rates

City of Bay City

Date: 07/31/2018 01:45 P

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
Effective Tax Rate	\$0.64044	\$5,465,170	
One Percent \$100 Tax Increase***	\$0.64684	\$5,519,784	\$54,614
One Cent per \$100 Tax Increase***	\$0.650440	\$5,550,505	\$85,335
Notice & Hearing Limit****	\$0.64044	\$5,465,170	\$0
Rollback Tax Rate	\$0.70548	\$6,020,186	\$555,016
Last Year's Tax Rate	\$0.655000	\$5,589,417	\$124,247
Proposed Tax Rate	\$0.65500	\$5,589,417	\$124,247

*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

**Tax levies are calculated using line 19 of the Effective Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

***Tax increase compared to effective tax rate.

****The Notice and Hearing Limit is the highest tax rate that may be adopted without notices and a public hearing. It is the lower of the rollback tax rate or effective tax rate.

Attachment: Tax Rate Worksheet (3289 : Public Hearing - Property Tax Rate for Fiscal Year 2019)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3301)

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3301

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

COMMENTS - Current Meeting:

The Public Hearing to review and answer questions regarding the proposed City, Five-Year Capital Improvement Program, was started at 7:15PM. It was lead by Finance Director, Scotty Jones. There were no questions nor comments from the audience, so the hearing closed at 7:15PM.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3294

DISCUSSION ITEM (ID # 3294)

**~ RECEIVE A PRESENTATION FROM VIC COLLINS
REGARDING RURAL VOLUNTEER FIRE DEPARTMENT
DISPATCH PROCEDURES.**

COMMENTS - Current Meeting:

Markham Fire Chief, Robert Henske - Addressed Mayor and Council regarding the dispatch procedures for rural fire departments within Matagorda County.

Mayor Bricker, Police Chief, Robert Lister and County Judge, Nate McDonald also discussed the dispatch of fire department issues. It was recommended that the City/County solve the problem together and look into scheduling a workshop on the subject.



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3293)

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3293

**~ DISCUSS, CONSIDER AND / OR TAKE ACTION ON THE
PRESENTATION INVOLVING CHAPTER 54, MOBILE HOMES /
MANUFACTURED HOMES WITHIN THE CITY LIMITS OF BAY
CITY, TEXAS.**

COMMENTS - Current Meeting:

Mayor Bricker addressed Council regarding the current Chapter 54 Mobile Home Ordinance. The effectiveness of the ordinance is in question. It was recommended to suspend enforcement of the use portion of the ordinance, which involves electrical connection, until a committee can review and make recommendations. Councilman Jason Childers agreed to chair this committee.

The Chapter 54 Mobile Home Ordinance was suspended by motion. The motion was made by Councilman, Jason Childers and seconded by Councilwoman, Chrystal Folse.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum

Chapter 54

MOBILE HOMES, MANUFACTURED HOMES, RECREATIONAL VEHICLES AND PARKS***Article I. In General**

- Sec. 54-1. Definitions.
- Sec. 54-2. Building inspector's authority.
- Sec. 54-3. Notices and orders.
- Sec. 54-4. Compliance.
- Sec. 54-5. General penalty; continuing violations; abatement.
- Secs. 54-6—54-28. Reserved.

Article II. Mobile Homes, Manufactured Housing and Recreational Vehicle Regulations

Division 1. Generally

- Sec. 54-29. Definitions.
- Sec. 54-30. Authorized locations.
- Sec. 54-31. Placement standards and skirting requirements.
- Sec. 54-32. Upkeep, smoke detectors.
- Sec. 54-33. Restricted uses.
- Secs. 54-34—54-54. Reserved.

Division 2. Mobile Home Compliance

- Sec. 54-55. Definitions.
- Sec. 54-56. Finalized placement permit required for occupancy.
- Sec. 54-57. Placement inspection and fees.
- Sec. 54-58. Application.
- Sec. 54-59. Finalization of placement permit.
- Sec. 54-60. Revocation.
- Sec. 54-61. Utility disconnection.
- Secs. 54-62—54-80. Reserved.

Division 3. Recreational Vehicles

- Sec. 54-81. Placement.
- Sec. 54-82. Outside parks.
- Sec. 54-83. Responsibility of park owners and managers.
- Secs. 54-84—54-109. Reserved.

Article III. Mobile Home, Manufactured Housing and Recreational Vehicle Parks

Division 1. Generally

- Sec. 54-110. Definitions.
- Sec. 54-111. Location.
- Secs. 54-112—54-135. Reserved.

Division 2. Platting and Development

- Sec. 54-136. Mobile home park plat and recreational vehicle park plat.
- Sec. 54-137. Building or development permit required.

***State law reference**—Texas Manufactured Housing Standards Act, V.T.C.A., Occupations Code § 1201.001 et seq.

BAY CITY CODE

- Sec. 54-138. Application contents; fees.
- Sec. 54-139. Office building.
- Sec. 54-140. Review and approval process.
- Sec. 54-141. Permit appeals.
- Secs. 54-142—54-165. Reserved.

Division 3. Inspection

- Sec. 54-166. Maintenance.
- Sec. 54-167. Authority to inspect mobile home parks.
- Sec. 54-168. Hours of inspection and entry.
- Sec. 54-169. Correction of violations.
- Secs. 54-170—54-191. Reserved.

Division 4. Mobile Home Park Standards

- Sec. 54-192. Location.
- Sec. 54-193. Use for nonresidential purposes.
- Sec. 54-194. Requirements and principles.
- Sec. 54-195. Duties of owner; register.
- Sec. 54-196. Water, sanitary sewer, electrical and gas supply.
- Sec. 54-197. Fuel.
- Sec. 54-198. Additional construction.
- Sec. 54-199. Tiedown and foundation blocking standards.
- Sec. 54-200. Community maintenance standards; responsibilities of mobile home park owner.
- Sec. 54-201. Responsibility of the resident.
- Sec. 54-202. Insect and rodent control.
- Sec. 54-203. Special provisions applicable to existing nonconforming parks.
- Secs. 54-204—54-229. Reserved.

Division 5. Recreational Vehicle Park Standards

- Sec. 54-230. Location.
- Sec. 54-231. Use for nonresidential purposes.
- Sec. 54-232. Requirements and principles.
- Sec. 54-233. Duties of owner; register.
- Sec. 54-234. Water, sanitary sewer, electrical and gas supply.
- Sec. 54-235. Fuel.
- Sec. 54-236. Additional construction.
- Sec. 54-237. Community maintenance standards; responsibilities of recreational vehicle owner.
- Sec. 54-238. Responsibility of the resident.
- Sec. 54-239. Insect and rodent control.
- Sec. 54-240. Special provisions applicable to existing nonconforming parks.
- Secs. 54-241—54-258. Reserved.

Article IV. Mobile Home and Recreational Vehicle Subdivisions

- Sec. 54-259. Plat approval.
- Secs. 54-260—54-281. Reserved.

Article V. Sales and Storage

- Sec. 54-282. Residence prohibited.
- Sec. 54-283. Prohibited connections to utilities.
- Sec. 54-284. When connection to electricity permitted.
- Sec. 54-285. Authorization.
- Sec. 54-286. Sales office permitted.

MOBILE HOMES, MANUFACTURED HOMES, RECREATIONAL VEHICLES AND PARKS

- Sec. 54-287. Dealer's responsibility.
- Sec. 54-288. Surfacing required.
- Sec. 54-289. Density and perimeter buffering.
- Sec. 54-290. Fencing.
- Sec. 54-291. Site drawings; permit required; period of implementation.
- Sec. 54-292. Additional requirements.
- Secs. 54-293—54-317. Reserved.

Article VI. Miscellaneous

- Sec. 54-318. Alternative materials and methods of construction.
- Sec. 54-319. Variations and provisions.
- Secs. 54-320—54-341. Reserved.

Article VII. Trailers

- Sec. 54-342. Authorized locations.
- Sec. 54-343. Building permit required.

ARTICLE I. IN GENERAL

Sec. 54-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any reference to the masculine gender including, but not limited to "him" and "his" in this chapter also includes the feminine gender.

Accessory structure means any allowable structural addition to a mobile home including, without limitation, awnings, carports, cabanas, Florida rooms, porches, ramadas, storage building, utility room and similar appurtenant structures.

Alteration means the replacement, addition, modification, and removal, or installation of any equipment in a new manufactured home after sale by a manufacturer to a retailer, but prior to sale and installation by a retailer to a purchaser, which may effect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. The term "alteration" includes any modifications made in the manufactured home which may affect the compliance of the home with the standards, as established by the Texas Department of Labor Standards or the U.S. Department of Housing and Urban Development, but it does not include the repair or replacement of a component or appliance requiring "plug-in" to an electrical receptacle, if the replaced item is of the same configuration and rating as the replacement; or the addition of an appliance that requires plug-in to an electrical receptacle and that was not provided with the manufactured home by the manufacturer, if rating of the appliance does not exceed the rating of the receptacle to which the appliance is connected.

Building inspector means the designated representative of the city who is responsible for enforcing building codes.

Camping trailer means a portable unit mounted on wheels and constructed of collapsible partial side walls which fold for towing by another vehicle and unfold to provide temporary living quarters for recreational, camping or trailer use.

Construction trailer means any trailer or temporary structure associated with the construction process.

Dependent means not self-contained and not having a water-flush toilet, lavatory and shower connected to outside facilities.

Finalized means, as to any permit, that all work authorized by the permit has been completed in due compliance with law.

HUD-code manufactured home means a structure:

- (1) Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
- (2) Built on a permanent chassis;
- (3) Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- (4) Transportable in one or more sections; and
- (5) In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet.

The term "HUD-code manufactured home" includes the plumbing, heating, air conditioning, and electrical systems of the home, and does not include a recreational vehicle as defined by 24 CFR 3282.8(g).

Manufactured housing or manufactured home means a HUD-code manufactured home or a mobile home and collectively means and refers to both.

Mobile home means a structure that was constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 feet or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation

when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile home lot means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

Mobile home park means a contiguous development of land which has been planned and improved for the placement of mobile homes.

Mobile home stand means the space within the lot on which the mobile home or travel trailer is to be located.

Mobile home subdivision means a duly recorded subdivision for mobile homes approved by the city in accordance with all applicable codes, ordinances, laws, rules and regulations.

Modular home means a structure that is fabricated off-site in one or more component parts and therefore assembled on-site as a permanent dwelling structure.

Motor home means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

Recreational vehicle means a unit which contains facilities for either sleeping or temporary living quarters, or both, and which has its own motive power or is designed to be mounted on or towed by another motor vehicle. The term "recreational vehicle" includes, but is not limited to a motor home, truck camper, travel trailer and camping trailer; provided, however a recreational vehicle does not include a boat, a mobile home or a modular home.

Recreational vehicle park means a contiguous development of land which has been planned and improved for the placement of recreational vehicles.

Sales lot means any premises used by a retailer for showing mobile homes to potential customers or any tract of land used for showing recreational vehicles to potential customers excepting premises used and owned by an individual showing a

recreational vehicle which he owns and has used when such individual has not shown or sold more than two recreational vehicles to potential customers in any 12-month period.

Self-contained means having a water-flush toilet, lavatory, tub or shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle and which facilities are also capable of being connected to outside utilities. Further, a recreational vehicle shall not be self-contained unless all plumbing fixtures and electrical outlets are both capable of being operated independent of connections to sewer, water and electrical systems and capable of being connected to outside utilities.

Skirting means concealment from view of the undercarriage on all sides of a mobile home and/or manufactured home. Skirting attachments must be constructed with metal, vinyl, wood, masonry, or other material approved by the city.

Solid fence means any fence constructed of masonry, metal, or wood or any combination of such materials and may be screened with venetian blinds, plantings or other appropriate materials to obscure visibility.

Trailer or temporary trailer means any trailer or portable structure which is built on a permanent chassis and designed to be used for nonresidential purposes other than, or in addition to, a dwelling with or without a permanent foundation which is or will be, connected to the required utilities which use is permitted herein for a limited period of time only, such as a construction office used at a construction site. Except as otherwise specifically provided, the term "trailer" as used in this chapter means and includes the terms "trailer" and "temporary trailer," but shall not include the term "travel trailer."

Travel trailer means a vehicular, portable structure on a permanent chassis, designed by the manufacturer to be towed by another vehicle and used as a temporary dwelling, and which meets the definition of the term "temporary living quarters" or "permanent living quarters" as applicable to its use.

- (1) *Temporary living quarters* means a travel trailer intended to be used for recre-

ational, camping or travel use and of such size and weight so as not to require a special highway movement permit and which complies with the standards of NFPA 501-C, dated 1982, or the ANSI standards for the construction of travel trailers which were in effect at the time the travel trailer was constructed.

- (2) *Permanent living quarters* means a travel trailer which may be occupied indefinitely (without limit as to the length of time it is occupied) which:
- In the traveling mode does not require a special highway permit;
 - Is less than eight feet in width;
 - Is less than 40 feet in length exclusive of pulling or tow equipment;
 - Has a minimum floor area of 120 square feet;
 - When placed on location, has all the amenities, facilities and capabilities of a mobile home; and
 - Complies with standards of NFPA 501-C, dated 1982, or the ANSI standards for the construction of travel trailers which were in effect at the time the travel trailer was constructed.

Truck camper means a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides to be loaded onto and unloaded from the bed of a truck.

(Code 2000, § 54-1; Ord. No. 1294, § 2, 9-26-2002; Ord. No. 1301, § 1, 3-27-2003)

State law reference—Definitions, V.T.C.A., Occupations Code § 1201.003.

Sec. 54-2. Building inspector's authority.

Except as otherwise specified in this chapter, the building inspector shall be the permit and license issuance officer for all permits and licenses required pursuant to this chapter. He shall prescribe forms therefor including all information reasonably and necessarily required for his enforcement of the provisions of this chapter. He shall also have authority to establish reasonable

and necessary administrative rules and regulations relating to the performance of his duties under this chapter, including, but not limited to the place where license and permit applications will be received and the times when inspections will be made.

(Code 2000, § 54-2; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-3. Notices and orders.

The building inspector shall issue all necessary notices or orders to remove or abate illegal or unsafe conditions and to ensure compliance with all the requirements of this chapter for the safety, health and general welfare of the public.

(Code 2000, § 54-3; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-4. Compliance.

When any person shall have been notified by a written notice by the city that any condition may exist or work being done by him as owner, agent, or in any other capacity, is in violation of the provisions of this chapter, it shall be his duty to abate the violation within the time specified in the written notice. Such time shall not exceed ten days and the building inspector may provide for immediate compliance when a serious threat to life or substantial damage to property may exist.

(Code 2000, § 54-4; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-5. General penalty; continuing violations; abatement.

(a) *Penalty.* Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a Class C misdemeanor and subject to the fines provided in section 1-16. Each day's violation shall constitute a separate violation.

(b) *Abatement.* In addition to the penalties provided in subsection (a) of this section, any condition caused or permitted to exist in violation of any of the provisions of this chapter or any ordinance shall be deemed a public nuisance and may be abated by the city as provided by law.

(Code 2000, § 54-5; Ord. No. 1294, § 2, 9-26-2002)

Secs. 54-6—54-28. Reserved.

**ARTICLE II. MOBILE HOMES,
MANUFACTURED HOUSING AND
RECREATIONAL VEHICLE
REGULATIONS**

DIVISION 1. GENERALLY

Sec. 54-29. Definitions.

Except as otherwise specifically provided, the term "mobile home," as used in this division, means and includes the terms "mobile home" and "manufactured housing."

(Code 2000, § 54-35; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-30. Authorized locations.

(a) Placement of a mobile home for use or occupancy as a residential dwelling, constructed prior to June 15, 1976, shall be prohibited within the corporate limits of the city. Said prohibition will be prospective and shall not apply to a mobile home previously legally permitted and used or occupied as a residential dwelling within the city. Permits for such use occupancy shall be granted by the city for replacement of a mobile home constructed prior to June 15, 1976, within the corporate limits with a HUD-code manufactured home, provided the placement of such replacement manufactured home can meet the setback and distance requirements in this Code.

(b) Except as permitted in subsection (a) of this section and subject to lawful compliance with this Code, a mobile home may be placed, or permitted to remain within corporate limits of the city, if and only if, it is situated:

- (1) In a mobile home park licensed pursuant to article III of this chapter;
- (2) In a duly platted and recorded mobile home subdivision, meeting all requirements of article IV of this chapter;
- (3) In a mobile home sales lot;
- (4) Upon a site purchased by a landowner prior to the effective date of the ordinance from which this article is derived, provided that the occupancy of the mobile home meeting HUD-code manufactured

home standards will meet the requirements of being a homestead as set forth in V.T.C.A., Property Code ch. 41. The landowner and occupant of the mobile home shall never utilize the mobile home as a rental unit or commercial property. Successor owners of such property and mobile home shall also be allowed to occupy same as long as it is occupied as a homestead and not converted to rental or commercial property. This homestead exception further requires that the initial landowner and occupant shall make written application for a mobile home placement permit with the city on or before July 1, 2003, otherwise this one-time homestead exception shall forever expire at midnight on such date;

- (5) Upon a site that such mobile home has continuously occupied prior to and since the effective date of the ordinance from which this article is derived, provided that such occupation was lawful on that date, and further provided, that the continued occupation thereof does not pose a significant danger to the health or safety of persons within the mobile home or to others;
- (6) Upon a site that such mobile home has occupied prior to and since annexation of the site by the city, provided that such mobile home has continuously occupied the site since the date the site was annexed, and further provided, that the continued occupation thereof does not pose a significant danger to the health or safety of persons within the mobile home or to others;
- (7) The exemption for existing mobile homes shall apply to the mobile home being occupied prior to and at the time the adoption date of the ordinance from which this chapter is derived as defined in subsection (b)(5) of this section, or to the mobile home being occupied prior to and since the time of annexation as defined in subsection (b)(6) of this section, and shall include any replacement mobile homes for such site, provided such replacement

is made within six months of the date the existing mobile home being replaced has been removed, damaged or destroyed, if the placement of such replacement mobile home meeting HUD-code manufactured home standards can meet the setback and distance requirements found in this Code.

(c) It shall be unlawful for any person to park or place a mobile home at any location not authorized by this chapter, or to permit or suffer any mobile home to remain within the corporate limits of the city in any location not authorized pursuant to this chapter.

(d) A recreational vehicle may not be placed on any property except as specifically permitted in this chapter.

(e) Notwithstanding the provisions of this section, all permits, licenses and approvals for occupancy issued pursuant to this chapter are hereby made expressly subject to applicable deed restrictions and covenants running with the land to which they pertain and no such permit, license or approvals for occupancy shall be construed as authorizing any violation thereof.
(Code 2000, § 54-36; Ord. No. 1294, § 2, 9-26-2002; Ord. No. 1301, §§ 2, 3, 3-27-2003)

Sec. 54-31. Placement standards and skirting requirements.

(a) Placement of mobile homes and recreational vehicles within mobile home parks shall be as set forth in article III of this chapter.

(b) Mobile homes placed outside of mobile home parks shall conform to the requirements of all sections in this chapter.

(c) All mobile homes shall have skirting installed before a certificate of occupancy will be issued.
(Code 2000, § 54-37; Ord. No. 1294, § 2, 9-26-2002; Ord. No. 1301, § 4, 3-27-2003)

Sec. 54-32. Upkeep, smoke detectors.

(a) All mobile homes and recreational vehicles, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by

this Code or by standards adopted by this Code, or by any other law, in a mobile home or recreational vehicle, shall be maintained in good working order.

(b) No persons shall occupy a mobile home or recreational vehicle, regardless of the age of the mobile home or recreational vehicle, unless there is installed therein smoke detectors approved by the city, or as required by law for that particular mobile home or recreational vehicle.

(c) All smoke detectors in a mobile home or recreational vehicle shall be maintained so that they are in good working order at all times.
(Code 2000, § 54-38; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-33. Restricted uses.

Mobile homes and recreational vehicles shall only be permitted for residential use or occupancy.
(Code 2000, § 54-39; Ord. No. 1294, § 2, 9-26-2002)

Secs. 54-34—54-54. Reserved.

DIVISION 2. MOBILE HOME COMPLIANCE

Sec. 54-55. Definitions.

Except as otherwise specifically provided, the term "mobile home," as used in this division, means and includes the terms "mobile home" and "manufactured housing."
(Code 2000, § 54-90; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-56. Finalized placement permit required for occupancy.

(a) It shall be unlawful for any person to use or occupy in whole or in part, make use of any utility service, or to furnish a utility to any mobile home which has been placed or replaced within the corporate limits of the city until and unless a placement permit therefor has been issued and requirements thereof complied with and finalized.

(b) It shall be unlawful for any person to allow another person to use or occupy in whole or in part, make use of any utility service, or to furnish utility service to any mobile home which has been placed or replaced within the corporate limits of the city on a premises belonging to such person, or over which such person has control until and unless a placement permit therefor has been issued and requirements thereof complied with and finalized.

(Code 2000, § 54-91; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-57. Placement inspection and fees.

(a) Each mobile home placed or replaced within the corporate limits of the city for the first time shall be inspected by the building inspector to determine that its placement is in accordance with the provisions of this chapter. A fee for such placement inspection is hereby established and shall be collected in the amount specified in the building code for building permit fees. In consideration of such fee, the applicant shall be entitled to the original inspection of the placement of the mobile home and one reinspection for deficiencies, if required.

(b) Each mobile home moved from one location in the city to another, for which a mobile home placement permit has already been issued, shall be subject to a transfer fee for the mobile home placement inspection.

(Code 2000, § 54-92; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-58. Application.

(a) Any person desiring to place or replace a mobile home shall make application for the resulting mobile home upon one or more forms prescribed by the building inspector setting forth:

- (1) A description of the resulting mobile home by dimensions, manufacturer and serial or identification number.
- (2) The name and address of the person having title to the resulting mobile home.
- (3) The date of manufacture of the resulting mobile home.

(4) Whether the resulting mobile home has affixed to it a seal, label, or decal certifying its compliance with standards adopted by the Texas Department of Labor and Standards pursuant to V.T.C.A., Occupations Code § 1201.001 et seq., or a seal, label or decal issued by another state certifying its compliance with standards promulgated for mobile homes by the United States Department of Housing and Urban Development.

(5) If the resulting mobile home has affixed to it a seal, label or decal as described in subsection (a)(4) of this section, the applicant shall certify whether or not there have been any alterations to the mobile home since the seal, label or decal was affixed.

(6) The proposed location of the resulting mobile home by legal description, plot plan, diagram or other means which is adequate to advise the building inspector of the exact placement and stand and its relationship to property lines and other structures.

(7) The license number of the mobile home park operator if the resulting mobile home is to be placed in a mobile home park.

(8) The county clerk's recording information for the plat thereof if the resulting mobile home is to be placed in a mobile home subdivision.

(9) Any information necessary to determine compliance with any applicable regulations pertaining to floodproofing in floodprone areas.

(10) The utilities to be provided to the resulting mobile home and the source and availability thereof.

(11) Any additional information the building inspector finds will aid him in the enforcement of this chapter or other laws applicable to mobile homes.

(b) The application shall be signed by the owner of the resulting mobile home or his agent, and if the resulting mobile home is to be lawfully

placed outside a mobile home park, by the owner of the land on which the resulting mobile home is to be located.

(Code 2000, § 54-93; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-59. Finalization of placement permit.

A placement permit shall be finalized by the building inspector and occupancy of the mobile home shall be authorized when:

- (1) The applicant has obtained all applicable permits and inspections under this Code and the city building codes.
- (2) The building inspector has found that the mobile home and its placement meet all applicable requirements of the city's ordinances and all state laws, which may be enforced by the city.

(Code 2000, § 54-94; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-60. Revocation.

The city council may revoke any mobile home and/or recreational vehicle park license issued under this chapter if it has been determined by a court of competent jurisdiction that any of the provisions of this chapter have been violated. However, before the license may be revoked, the city council must give ten days notice to the holder of the license and hold a public hearing thereon. After the license has been revoked, the license may be reissued if the reasons for the revocation have been duly corrected and any fines imposed have been paid.

(Code 2000, § 54-95; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-61. Utility disconnection.

(a) When any utility service to a mobile home is disconnected, it shall be the duty of the utility company to disconnect, lock, seal or otherwise prevent the unauthorized connection or reconnection of such utility service. In the event that the service is provided on a submetering or other basis whereby the utility company's billing is not made directly to the offending mobile home resi-

dent, then such duty to disconnect or prevent shall rest upon the non-offending person contracting for service with the utility company.

(b) A mobile home which has not been replaced, but which has had any utility service thereto disconnected, may be reconnected to such utility service, provided that:

- (1) A placement permit has been previously issued and finalized for such mobile home at the site on which it is located; and
- (2) A permit has been obtained for reconnection for any electrical utilities and the building inspector has found, upon inspection, that the exterior wiring service on the mobile home is in such condition that it may be serviced.

(Code 2000, § 54-96; Ord. No. 1294, § 2, 9-26-2002)

Secs. 54-62—54-80. Reserved.

DIVISION 3. RECREATIONAL VEHICLES

Sec. 54-81. Placement.

(a) It shall be unlawful for any person to place, use or occupy a recreational vehicle within the corporate limits of the city unless such placement, use or occupancy is specifically authorized by this chapter. Further, it shall be unlawful for any person to permit, allow or suffer the placement, use or occupancy of a recreational vehicle on any property under his ownership or control unless such placement, use or occupancy is specifically authorized by this chapter.

(b) Any computation of time under the provisions of this division shall commence from the date that the recreational vehicle is placed.

(Code 2000, § 54-118; Ord. No. 1294, § 2, 9-26-2002; Ord. No. 1301, § 5, 3-27-2003)

Sec. 54-82. Outside parks.

(a) A recreational vehicle may be parked or stored outside a mobile home or recreational vehicle park so long as no one occupies it for permanent use, no utilities are connected to the

recreational vehicle, and the vehicle is not parked on or extending over public property, unless parked on the street in full compliance with the laws.

(b) An occupied recreational vehicle may be lawfully parked or temporarily placed on any private property for a period not to exceed 14 days in any consecutive six-month period.

(c) It shall be unlawful for any person to park any mobile home or recreational vehicle on any street in the city in which such parking blocks the natural flow of traffic or creates a hazard. Under no circumstance shall any person park a mobile home or recreation vehicle on a public street within the city for a period in excess of three hours.

(Code 2000, § 54-119; Ord. No. 1294, § 2, 9-26-2002; Ord. No. 1301, § 6, 3-27-2003)

Sec. 54-83. Responsibility of park owners and managers.

No mobile home park or recreational vehicle park or owner or manager of such a park shall allow, suffer or permit one or more persons to use a recreational vehicle in such park in violation of any provisions of this chapter.

(Code 2000, § 54-120; Ord. No. 1294, § 2, 9-26-2002; Ord. No. 1301, § 7, 3-27-2003)

Secs. 54-84—54-109. Reserved.

**ARTICLE III. MOBILE HOME,
MANUFACTURED HOUSING AND
RECREATIONAL VEHICLE PARKS**

DIVISION 1. GENERALLY

Sec. 54-110. Definitions.

Except as otherwise specifically provided, the term "mobile home," as used in this article, only means and includes the terms "mobile home" and "manufactured housing." The term "mobile home park" means and includes the terms "mobile home park" and "manufactured housing park."

(Code 2000, § 54-166; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-111. Location.

In addition to the requirements contained herein, each boundary of a mobile home park must be at least 200 feet from any permanent building or structure located outside the park, unless separated therefrom by a solid fence at least six feet in height.

(Code 2000, § 54-167; Ord. No. 1294, § 2, 9-26-2002; Ord. No. 1301, § 8, 3-27-2003)

Secs. 54-112—54-135. Reserved.

**DIVISION 2. PLATTING AND
DEVELOPMENT**

Sec. 54-136. Mobile home park plat and recreational vehicle park plat.

(a) Any person developing a mobile home park or a recreational vehicle park shall become familiar with the requirements of this chapter.

(b) Whenever any mobile home park or a recreational vehicle park is proposed and before any building or development permit for the erection of any structure shall be granted by the building inspector as provided in this article, the person desiring to develop such park shall present to the city council for consideration, a properly prepared plat in accordance with requirements established in chapter 98, with the exception of the filing requirement in the county clerk's office.

(c) All proposed mobile home park plats or recreational vehicle park within the city or its extraterritorial jurisdiction shall be submitted to the city council for consideration.

(d) A fee shall be applicable for a mobile home park plats or recreational vehicle parks.

(Code 2000, § 54-168; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-137. Building or development permit required.

It shall be unlawful for any person to construct, alter or extend any mobile home park or recre-

ational vehicle park within the city without first having obtained a building or development permit therefor from the building inspector.

(Code 2000, § 54-169; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-138. Application contents; fees.

(a) All applications for mobile home park or recreational vehicle park building or development permits shall be submitted to the building inspector with the required fee in accordance with the building code of the city and shall contain the following:

- (1) The name and address of the applicant;
- (2) The street address and legal description of the land on which the mobile home park or recreational vehicle park development is to be, or is located;
- (3) Complete engineering plans and specifications of the proposed development showing, but not limited to the following:
 - a. The area and dimensions of the tract of land;
 - b. The number, location, and size of all mobile home or recreational vehicle lots;
 - c. Designations clearly showing:
 1. Each lot designated for recreational vehicles;
 2. Each lot designated for dependent recreational vehicles;
 3. Each lot designated for self-contained recreational vehicles not connected to the park's utilities; and
 4. Each lot designed for mobile homes (such term not to include recreational vehicles);
 - d. The location and width of roadways and walkways and vehicle parking;
 - e. The location of water and sewer lines and riser pipes;
 - f. The location and details of fire hydrants;

- g. The location of standpipes if a standpipe system is to be installed;
- h. Plans and specifications of the required mobile home park office or recreational vehicle office and all buildings constructed within the mobile home park or recreational vehicle park;
- i. The location and details of all electrical and gas systems; and
- j. Site drainage plan and proximity to any 100-year floodplains.

(b) The building inspector shall require that all or any portion of the plans and specifications be certified by a professional engineer registered in the state.

(Code 2000, § 54-170; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-139. Office building.

(a) *Parks with more than 20 lots.* Each mobile home park with more than 20 lots shall construct a building to be known as the "administrative office" with a sign designating it as such, in which shall be kept copies of all records pertaining to the management and supervision of the park, as well as all rules and regulations of the park, and such records, rules and regulations shall be made available for inspection by the building inspector.

(b) *Parks with 20 lots or less.* Mobile home parks with 20 lots or less shall be required to permanently post in a prominent place at or near the entrance to the mobile home park a placard or notice containing the name and address of a person authorized by the park owner to respond to notifications on a 24-hour basis.

(c) *Nonconforming parks.* Nonconforming mobile home parks existing on the effective date of the ordinance from which this section is derived will be required to comply with subsection (b) of this section, regardless of the number of lots therein.

(Code 2000, § 54-196; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-140. Review and approval process.

When, upon review of all applications for a building or development permit, the building inspector is satisfied that the proposed plan meets with the requirements of this chapter, and other applicable provisions of this Code, and any other applicable laws, rules and regulations, the permit will be issued. The issuance of the building or development permit shall not excuse the permittee from obtaining any other separate permits required under the building code of the city for specific work necessary in the construction of the mobile home park or for subsequent repair or maintenance thereof.

(Code 2000, § 54-171; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-141. Permit appeals.

Any appeals which a person may desire to make based upon the refusal of the building inspector to issue any mobile home park or recreational vehicle park development or building permit for construction or maintenance work therein shall be made in accordance with the appeal procedures as provided in section 2-267.

(Code 2000, § 54-172; Ord. No. 1294, § 2, 9-26-2002)

Secs. 54-142—54-165. Reserved.**DIVISION 3. INSPECTION****Sec. 54-166. Maintenance.**

Every person owning or operating a mobile home park shall maintain such park, and any facilities, fixtures, private utilities, septic systems, and permanent equipment in connection therewith, in a clean and sanitary condition free from litter, high weeds, noxious odors and shall maintain such equipment and fencing in a state of good repair.

(Code 2000, § 54-195; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-167. Authority to inspect mobile home parks.

The city's building inspector or his designee is hereby authorized and directed to make such

inspections as are necessary or desirable to determine satisfactory compliance with this chapter and all other applicable ordinances and laws.

(Code 2000, § 54-197; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-168. Hours of inspection and entry.

The persons designated in section 54-167 shall enforce the provisions of this chapter. Upon presentation of proper identification to the licensee, responsible agent or other persons in charge of any mobile home park, such persons may enter any building, structure, dwelling, vacant mobile home, or premises which the mobile home park operator is responsible for maintaining, but not including any private property owned, leased or in possession and control of individuals living within the mobile home park, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday; provided, however, that in case of an emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life or severe property damage, such persons may enter the aforesaid structures and premises at any time upon presentation of proper identification. Such persons are hereby authorized and directed to seek an administrative search warrant as provided by law if denied admission to inspect any such premises.

(Code 2000, § 54-198; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-169. Correction of violations.

Whenever, upon inspection of any mobile home park, the building inspector finds that conditions or practices exist which are in violation of this chapter, or regulations issued thereunder, the building inspector shall give notice in writing to the park owner or such owner's agent that unless such conditions or practices are corrected within a reasonable period of time specified in the notice issued by the building inspector, a citation shall be issued.

(Code 2000, § 54-184; Ord. No. 1294, § 2, 9-26-2002)

Secs. 54-170—54-191. Reserved.

DIVISION 4. MOBILE HOME PARK STANDARDS

Sec. 54-192. Location.

(a) A mobile home park may be located upon any property within the corporate limits of the city provided:

- (1) The site is a contiguous development of land comprised of a minimum of two acres and not less than ten mobile home stands;
- (2) No valid and applicable deed restrictions or other land use restrictions prohibit the development or use of the site as a mobile home park;
- (3) Soil conditions, groundwater level, drainage, proximity to 100-year floodplain, and topography do not constitute hazards to the residents' health or safety;
- (4) The site is not to be exposed to objectionable smoke, dust, noise, odors, or other adverse influences;
- (5) The use of the site, as proposed, is not in any flood hazard area; and
- (6) The location of this site is in compliance with the requirements of this chapter.

(b) A nonconforming mobile home park existing on the effective date of the ordinance from which this division is derived will not be required to comply with subsection (a)(1) of this section. (Code 2000, § 54-210; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-193. Use for nonresidential purposes.

No part of any mobile home park shall be used for nonresidential purposes, except such uses that are recreational or required for the direct servicing and well-being of park residents and for the proper management and maintenance of the mobile home park and the required mobile home park office. Laundromats for park residents may be allowed along with vending machines. (Code 2000, § 54-211; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-194. Requirements and principles.

(a) The mobile home park shall conform to the following requirements:

- (1) The mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- (2) Each mobile home lot within the park shall:
 - a. Consist of a minimum of 3,600 square feet; and
 - b. Be at least 35 feet wide at the front stand.
- (3) A mobile home shall be harbored on each lot stand so that:
 - a. There shall be a minimum clearance of 25 feet from front of lot line.
 - b. There shall be at least 21 feet side clearance between each mobile home.
 - c. End-to-end clearance shall be not less than ten feet.
 - d. There shall be at least ten feet clearance between mobile homes and any building within the mobile home park or from any property line bounding the mobile home park, except storage buildings.
- (4) All mobile home lots shall abut upon a public street, common area street or driveway and shall meet the following requirements:
 - a. Public entrance, private entrance and any public or private collector streets within the mobile home park shall be at least 28 feet wide.
 - b. All other private common area streets or driveways within the mobile home park shall be at least 28 feet wide.
 - c. All private common area streets or driveways shall be well marked in the daytime and lighted at night.
 - d. The minimum quality of all public streets which are to be dedicated to the city and private common area

streets or driveways shall be six inches of concrete and constructed in accordance with the most current edition of the design standards for the city.

- e. Any noncommon area private streets and private driveways may be six inches of graded limestone base or its equivalent.

- (5) For each mobile home lot, there shall be two off-street parking spaces provided.
- (6) All public and private utilities shall be installed underground.

(b) Subsections (a)(2) through (6) of this section will not apply to nonconforming mobile home parks existing on the effective date of the ordinance from which this division is derived, as long as such park continues to be operated without ceasing as a mobile home park at the same location on the effective date of the ordinance from which this chapter is derived. However, the owner of a nonconforming mobile home park shall physically establish a minimum clearance of ten feet in all directions between mobile homes, manufactured housing and/or recreational vehicles and additions thereto. All other articles and sections shall apply to nonconforming parks.

(Code 2000, § 54-212; Ord. No. 1294, § 2, 9-26-2002; Ord. No. 1301, §§ 10, 11, 3-27-2003)

Sec. 54-195. Duties of owner; register.

(a) It shall be the duty of the owner, his agent, representative or manager to prescribe rules and regulations for the management of the park; to make adequate provisions for the enforcement of the rules; and to enforce any and all subsequent rules and regulations which may be adopted for the management of such park. Copies of all such rules and regulations shall be furnished to the city secretary. In addition thereto, it shall be the duty of the park owner, his agent, representative or manager to comply strictly with the following:

- (1) Provide for regular inspection of all public and private utilities.
- (2) Provide for the collection and removal of garbage and other waste material.

- (3) Prohibit the placing or storage of unsightly material or inoperative vehicles of any kind.
- (4) All sewer traps not in use shall be capped.
- (5) Provide and maintain safe and sanitary public and private utility connections to each mobile home lot.
- (6) Maintain neat, clean, sanitary and safe common areas of the park, and require residents to properly maintain private property.
- (7) Ensure that each mobile home is so placed on the stand in such a manner that the full length of the frame can be firmly blocked to the concrete footings or concrete runners.
- (8) Each mobile home stand shall be assigned a number and this number shall be displayed on the street side of the mobile home.
- (9) Provide or demand that all mobile homes have skirting constructed within 30 days after home being placed.
- (10) Subsections (a)(7) and (9) of this section shall apply only to mobile homes placed in mobile home parks after the effective date of the ordinance from which this division is derived.

(b) The mobile home park owner or his agent shall maintain a park register showing:

- (1) The names of persons leasing or residing in the park showing the mobile home lot on which they are leasing or residing.
- (2) The serial number of each mobile home which is located in the park; whether the mobile home is a mobile home as defined in V.T.C.A., Occupations Code § 1201.001 et seq., a HUD-code manufactured home, a recreational vehicle connected to the park's utilities, a self-contained recreational vehicle not connected to the park's utilities, or a dependent recreational vehicle; the make, manufacturer, model, year, length and width of the mobile home, and the lot on which each such mobile home is located.

- (3) The date each mobile home is placed in the park and the date it is removed from the park.
- (4) The date each recreational vehicle is placed in the park and the date it is removed from the park.

The park register shall be available for inspection at all reasonable times to the persons designated in section 54-167 and other properly identified officials whose duties may necessitate access to the information contained therein.

(c) The park register shall be initiated on January 1 of each year, and shall be retired on December 31. Old registers shall be retained on the premises for at least three years following the retirement.
(Code 2000, § 54-213; Ord. No. 1294, § 2, 9-26-2002; Ord. No. 1301, §§ 12, 13, 3-27-2003)

Sec. 54-196. Water, sanitary sewer, electrical and gas supply.

All mobile homes used as dwellings shall be properly connected to an approved water, sanitary sewer (septic, if allowable), gas and electrical system, and terminate within the mobile home stand.
(Code 2000, § 54-214; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-197. Fuel.

Bottled gas shall not be used at individual mobile home lots unless the containers are properly connected. Bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a mobile home or within five feet of a door thereof. State and local regulations applicable to the handling of bottled gas and fuel oil must be followed by the park owner and residents. The maximum number of gallons of bottled gas per mobile home shall be no more than one five-gallon and one 15-gallon container. The maximum amount of fuel oil per mobile home shall not be more than 55 gallons.
(Code 2000, § 54-215; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-198. Additional construction.

It shall be unlawful for any person operating a mobile home park or occupying a mobile home within a mobile home park to construct, or permit to be constructed, any additional structure, building or shelter in connection with or attached to a mobile home, except, however, awnings of canvas or metal, suitably constructed, may be attached to such mobile home, as well as accessory structures as defined herein including portable prefabricated, temporary rooms, for the express purpose of increasing mobile home living area, commonly called, among other references, a "cabana," which meet the following requirements:

- (1) Of metal only, fire resistive, double wall, mechanical joint panels, (no welded joints between panels permitted);
- (2) Strength of materials and structure to meet the minimum standards of the most current edition of the standard building code, as adopted by the city;
- (3) Capable of being dismantled or moved;
- (4) Such rooms shall be completely dismantled or removed from the site at the time the mobile home to which it is accessory is moved;
- (5) Finish and appearance to be as near the same as possible to the mobile home to which it is accessory;
- (6) The length must not exceed the length of the mobile home to which it is accessory; and
- (7) When additions are made, such additions shall be computed as part of the mobile home stand.

(Code 2000, § 54-216; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-199. Tiedown and foundation blocking standards.

(a) The installation of manufactured housing shall comply with the standards and requirements of the state manufactured housing code.

(b) All manufactured housing must have adequate tiedowns pursuant to, V.T.C.A., Occupations Code § 1201.001 et seq.

(c) Manufactured housing shall be placed on piers and footings meeting the following requirements:

- (1) Piers and footings shall be installed directly under the main frame or chassis of the mobile home. They shall be located under both frame rails. Piers shall be spaced so that the center of no pier is farther than ten feet from the center of the next one.
- (2) All footings shall be of solid concrete-type construction, at least 16 inches in length, 16 inches in width, and four inches in height. All grass and organic material shall be removed from beneath the footing, and the pier footing shall be placed on stable soil.
- (3) Piers shall be constructed of standard eight-inch-by-eight-inch solid concrete-type construction blocks. Treated wood blocks and shims used for leveling shall be no more than four inches in overall thickness per pier, and blocks shall be at least 7¼ inches wide and 15 inches thick.
- (4) Piers similar to those described in this subsection (c) such as adjustable screw anchor columns may be used if they are attached to both the frame rail and to a concrete pad at least four inches thick.
- (5) The following may be substituted for footings as described in subsection (2) of this section:
 - a. Two runners, each 36 inches wide, and as long as a mobile home are to be harbored upon such stand.
 - b. Runners to be four inches thick, reinforced concrete with four Number 4 bars over the full length of the runner and tied 12 inches on center with Number 4 bar.
 - c. Reinforcing steel shall be supported on chairs no less than every three feet.

(Code 2000, § 54-217; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-200. Community maintenance standards; responsibilities of mobile home park owner.

(a) The mobile home park owner shall provide adequate supervision to maintain the park in compliance with this chapter and to keep its facilities and equipment in good repair and in clean sanitary condition.

(b) The licensee shall notify or have an agent notify the mobile home park community residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

(c) The mobile home park owner shall supervise or have an agent supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections. Where permits are required, they shall refuse to allow connections that are in violation hereof or require permits. (Code 2000, § 54-218; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-201. Responsibility of the resident.

(a) The mobile home park resident (owner or tenant) shall comply with all applicable requirements of this Code and shall maintain his mobile home site, its facilities and equipment in good repair and in clean sanitary condition.

(b) The owner of mobile home shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management. The mobile home owner shall obtain all city licenses and permits where required. (Code 2000, § 54-219; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-202. Insect and rodent control.

(a) Grounds, buildings and structures shall be maintained free from insect and rodent harborage and infestation.

(b) The mobile home park community shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places

for flies, mosquitoes and other pests. The mobile home park owner or his agent shall be responsible to accomplish this.

(c) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground.

(d) The growth of brush, weeds and grass shall be controlled by the park owner or his agent to prevent harborage of ticks, chiggers and other noxious insects. Open common areas shall be maintained free of heavy undergrowth of any description.

(e) No person shall keep, store or allow any motor vehicle to remain on the premises of a mobile home park if such motor vehicle is incapable of being operated under its own power; provided however, this subsection shall not be applicable to a recreational vehicle.
(Code 2000, § 54-220; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-203. Special provisions applicable to existing nonconforming parks.

(a) A mobile home park constructed prior to the effective date of the ordinance from which this chapter is derived, or prior to the annexation of the land on which the mobile home park is located, may continue to be used as a mobile home park although not constructed in accordance with the provisions of this chapter if:

- (1) The mobile home park meets all other requirements of law which were applicable at the time of its original construction as a mobile home park;
- (2) The mobile home park contains no conditions which constitute a threat to the health and safety of its residents or the public in general; and
- (3) The mobile home park otherwise complies with this chapter.

(b) Any additions, alterations, repairs and replacements to existing nonconforming parks will have to meet the requirements of this chapter.

(c) Notwithstanding the provisions of subsection (a) of this section, a mobile home park that was constructed before the effective date of the ordinance from which this chapter is derived, or before annexation by the city, may not be enlarged so as to expand the number of stands therein unless the enlargement is constructed in full and current compliance with the requirements set forth in this chapter.

(Code 2000, § 54-221; Ord. No. 1294, § 2, 9-26-2002)

Secs. 54-204—54-229. Reserved.

DIVISION 5. RECREATIONAL VEHICLE PARK STANDARDS

Sec. 54-230. Location.

(a) A recreational vehicle park may be located upon any property within the corporate limits of the city provided:

- (1) The site is a contiguous development of land comprised of a minimum of two acres and not less than ten mobile home recreational vehicle stands;
- (2) No valid and applicable deed restrictions or other land use restrictions prohibit the development or use of the site as a mobile home park;
- (3) Soil conditions, groundwater level, drainage, proximity to the 100-year floodplain, and topography do not constitute hazards to the residents' health or safety;
- (4) The site is not to be exposed to objectionable smoke, dust, noise, odors, or other adverse influences;
- (5) The use of the site, as proposed, is not in any flood hazard area; and
- (6) The location of this site is in compliance with the requirements of this chapter.

(b) A nonconforming recreational vehicle park existing on the effective date of the ordinance from which this division is derived will not be required to comply with subsection (a)(1) of this section.

Sec. 54-231. Use for nonresidential purposes.

No part of any recreational vehicle park shall be used for nonresidential purposes, except such uses that are recreational or required for the direct servicing and well-being of park residents and for the proper management and maintenance of the mobile home park and the required recreational vehicle park office. Laundromats for park residents may be allowed along with vending machines.

Sec. 54-232. Requirements and principles.

(a) The recreational vehicle park shall conform to the following requirements:

- (1) The recreational vehicle park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- (2) Each recreational vehicle lot within the park shall:
 - a. Consist of a minimum of 1,800 square feet; and
 - b. Be at least 30 feet wide at the front stand.
- (3) A recreational vehicle shall be harbored on each lot stand so that:
 - a. There shall be a minimum clearance of 25 feet from front of lot line.
 - b. There shall be at least 20 feet side clearance between each recreational vehicle.
 - c. End-to-end clearance shall be not less than ten feet.
 - d. There shall be at least ten feet clearance between mobile homes and any building within the recreational vehicle park or from any property line bounding the recreational vehicle park, except storage buildings.
- (4) All mobile home lots shall abut upon a public street, common area street or driveway and shall meet the following requirements:
 - a. Public entrance, private entrance and any public or private collector streets within the recreational vehicle park shall be at least 28 feet wide.

- b. All other private common area streets or driveways within the recreational vehicle park shall be at least 28 feet wide.
 - c. All private common area streets or driveways shall be well marked in the daytime and lighted at night.
 - d. The minimum quality of all public streets which are to be dedicated to the city and private common area streets or driveways shall be six inches of concrete and constructed in accordance with the most current edition of the design standards for the city.
 - e. Any non-common area private streets and private driveways may be six inches of graded limestone base or its equivalent.
- (5) For each mobile home lot, there shall be two off-street parking spaces provided.
 - (6) All public and private utilities shall be installed underground.

(b) Section 54-194(a)(2) through (a)(6) will not apply to nonconforming mobile home parks existing on the effective date of the ordinance from which this chapter is derived, as long as such park continues to be operated without ceasing as a mobile home park at the same location on the effective date of the ordinance from which this chapter is derived. However, the owner of a nonconforming mobile home park shall physically establish a minimum clearance of ten feet in all directions between mobile homes, manufactured housing and/or recreational vehicles and additions thereto. All other articles and sections shall apply to nonconforming parks.

Sec. 54-233. Duties of owner; register.

(a) It shall be the duty of the owner, his agent, representative or manager to prescribe rules and regulations for the management of the park; to make adequate provisions for the enforcement of the rules; and to enforce any and all subsequent rules and regulations which may be adopted for the management of such park. Copies of all such rules and regulations shall be furnished to the

city secretary. In addition thereto, it shall be the duty of the park owner, his agent, representative or manager to comply strictly with the following:

- (1) Provide for regular inspection of all public and private utilities.
 - (2) Provide for the collection and removal of garbage and other waste material.
 - (3) Prohibit the placing or storage of unsightly material or inoperative vehicles of any kind.
 - (4) All sewer traps not in use shall be capped.
 - (5) Provide and maintain safe and sanitary public and private utility connections to each recreational vehicle lot.
 - (6) Maintain neat, clean, sanitary and safe common areas of the park, and require residents to properly maintain private property.
 - (7) Ensure that each recreational vehicle is so placed on the stand in such a manner that the full length of the frame can be firmly blocked to the concrete footings or concrete runners.
 - (8) Each recreational vehicle stand shall be assigned a number and this number shall be displayed on the street side of the mobile home.
- (b) The recreational vehicle park owner or his agent shall maintain a park register showing:
- (1) The names of persons leasing or residing in the park showing the recreational vehicle lot on which they are leasing or residing.
 - (2) The date each recreational vehicle is placed in the park and the date it is removed from the park.

The park register shall be available for inspection at all reasonable times to the persons designated in section 54-167 and other properly identified officials whose duties may necessitate access to the information contained therein.

(c) The park register shall be initiated on January 1 of each year, and shall be retired on December 31. Old registers shall be retained on the premises for at least three years following the retirement.

Sec. 54-234. Water, sanitary sewer, electrical and gas supply.

All recreational vehicles used as dwellings shall be properly connected to an approved water, sanitary sewer, (septic, if allowable), gas and electrical system, and terminate within the mobile home stand.

Sec. 54-235. Fuel.

Bottled gas shall not be used at individual recreational vehicle lots unless the containers are properly connected. Bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a recreational vehicle or within five feet of a door thereof. State and local regulations applicable to the handling of bottled gas and fuel oil must be followed by the park owner and residents. The maximum number of gallons of bottled gas per recreational vehicle shall be no more than one five-gallon and one 15-gallon container. The maximum amount of fuel oil per recreational vehicle shall not be more than 55 gallons.

Sec. 54-236. Additional construction.

It shall be unlawful for any person operating a mobile home park or occupying a recreational vehicle within a recreational vehicle park to construct, or permit to be constructed, any additional structure, building or shelter in connection with or attached to a mobile home, except, however, awnings of canvas or metal, suitably constructed, may be attached to such recreational vehicle, as well as accessory structures as defined herein including portable prefabricated, temporary rooms, for the express purpose of increasing recreational vehicle living area, commonly called among other references a "cabana," which meet the following requirements:

- (1) Of metal only, fire resistive, double wall, mechanical joint panels, (no welded joints between panels permitted);

- (2) Strength of materials and structure to meet the minimum standards of the most current edition of the standard building code, as adopted by the city;
- (3) Capable of being dismantled or moved;
- (4) Such rooms shall be completely dismantled or removed from the site at the time the mobile home to which it is accessory is moved;
- (5) Finish and appearance to be as near the same as possible to the mobile home to which it is accessory;
- (6) The length must not exceed the length of the mobile home to which it is accessory; and
- (7) When additions are made, such additions shall be computed as part of the mobile home stand.

Sec. 54-237. Community maintenance standards; responsibilities of recreational vehicle owner.

(a) The person to whom a license for a recreational vehicle park owner is issued shall provide adequate supervision to maintain the park in compliance with this chapter and to keep its facilities and equipment in good repair and in clean sanitary condition.

(b) The licensee shall notify or have an agent notify the recreational vehicle park community residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

(c) The licensee recreational vehicle park owner shall supervise or have an agent supervise the placement of each recreational vehicle on its recreational vehicle stand, which includes securing its stability and installing all utility connections. Where permits are required, they shall refuse to allow connections that are in violation hereof or require permits.

Sec. 54-238. Responsibility of the resident.

(a) The recreational vehicle park resident (owner or tenant) shall comply with all applicable requirements of this Code and shall maintain his recreational vehicle site, its facilities and equipment in good repair and in clean sanitary condition.

(b) The owner of recreational vehicle shall be responsible for proper placement of his mobile home on its recreational vehicle stand and proper installation of all utility connections in accordance with the instructions of the park management. The recreational vehicle owner shall obtain all city licenses and permits where required.

Sec. 54-239. Insect and rodent control.

(a) Grounds, buildings and structures shall be maintained free from insect and rodent harborage and infestation.

(b) The recreational vehicle park community shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. The mobile home park owner or his agent shall be responsible to accomplish this.

(c) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground.

(d) The growth of brush, weeds and grass shall be controlled by the park owner or his agent to prevent harborage of ticks, chiggers and other noxious insects. Open common areas shall be maintained free of heavy undergrowth of any description.

(e) No person shall keep, store or allow any motor vehicle to remain on the premises of a recreational vehicle park if such motor vehicle is incapable of being operated under its own power; provided however, this subsection shall not be applicable to a recreational vehicle.

Sec. 54-240. Special provisions applicable to existing nonconforming parks.

(a) A recreational vehicle park constructed prior to the effective date of the ordinance from which this chapter is derived, or prior to the annexation of the land on which the recreational vehicle park is located, may continue to be used as a recreational vehicle park although not constructed in accordance with the provisions of this chapter if:

- (1) The recreational vehicle park meets all other requirements of law which were applicable at the time of its original construction as a recreational vehicle park;

- (2) The recreational vehicle park contains no conditions which constitute a threat to the health and safety of its residents or the public in general; and
- (3) The recreational vehicle park otherwise complies with this chapter.

(b) Any additions, alterations, repairs and replacements to existing nonconforming parks will have to meet the requirements of this chapter.

(c) Notwithstanding the provisions of subsection (a) of this section, a mobile home park that was constructed before the effective date of the ordinance from which this chapter is derived, or before annexation by the city, may not be enlarged so as to expand the number of stands therein unless the enlargement is constructed in full and current compliance with the requirements set forth in this chapter.

Secs. 54-241—54-258. Reserved.

ARTICLE IV. MOBILE HOME AND RECREATIONAL VEHICLE SUBDIVISIONS

Sec. 54-259. Plat approval.

Mobile home and recreational vehicle subdivision plats will be considered and approved for recordation in the same manner and subject to the same provisions of this Code as are applicable to plats for other residential subdivisions, provided that no such mobile home or recreational vehicle subdivision plat will be approved by the city unless the following additional requirements are complied with:

- (1) It shall contain a minimum of four two acres of land and not less than 20 lots; and
- (2) It shall be restricted by deed restriction so that no permanent type residential dwelling shall be permitted therein.

(Code 2000, § 54-230; Ord. No. 1294, § 2, 9-26-2002)

Secs. 54-260—54-281. Reserved.

ARTICLE V. SALES AND STORAGE

Sec. 54-282. Residence prohibited.

No mobile home or recreational vehicle shall be permitted to be occupied for residential use on a sales lot, unless the requirements for a mobile home park or recreational vehicle park are complied with.

(Code 2000, § 54-236; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-283. Prohibited connections to utilities.

No mobile home or recreational vehicle on a sales lot may be connected to any utilities except as authorized in this article.

(Code 2000, § 54-237; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-284. When connection to electricity permitted.

A mobile home or a recreational vehicle located on a sales lot for display purposes may only be connected to electricity if:

- (1) It has been placed on a sales lot designated for sale of mobile homes or recreational vehicles connected to electricity pursuant to a plan submitted to and approved by the building inspector.
- (2) The sales lot has a valid authorization for connection of either mobile homes or recreational vehicles, or both, to electricity at all times the mobile home or recreational vehicle is connected to electricity.
- (3) The connection to the mobile home or recreational vehicle is in compliance with all applicable ordinances.
- (4) All electrical wiring in the mobile home or recreational vehicle meets the requirements of:
 - a. The National Electrical Code that was in effect at the time the mobile home or recreational vehicle was manufactured;
 - b. Any addition or amendment of the National Electrical Code that was

issued after the date the mobile home or recreational vehicle was manufactured; or

- c. Federal or state laws regulating the installation of electrical wiring in mobile homes at the time the mobile home was manufactured, if the structure is a mobile home.

(Code 2000, § 54-238; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-285. Authorization.

To obtain authorization for connection of either mobile homes or recreational vehicles, or both, to electricity, the owner or operator of the sales lot shall make application therefor on a form furnished by the city for such purpose.

(Code 2000, § 54-239; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-286. Sales office permitted.

The owner or operator of a mobile home sales lot may apply for a placement permit for one mobile home thereon to be connected to utilities for use as an office and for demonstration purposes.

(Code 2000, § 54-240; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-287. Dealer's responsibility.

(a) As to any sales lot operated by a holder of a manufactured housing retailer's certificate issued pursuant to V.T.C.A., Occupations Code § 1201.001 et seq., as amended, the holder of such certificate shall ensure that all requirements of this article are complied with.

(b) As to any sales lot which is not operated by a holder of a manufactured housing retailer's certificate issued pursuant to V.T.C.A., Occupations Code § 1201.001 et seq., as amended, the person who operates such lot shall ensure that all requirements of this article are met.

(c) No person shall show the interior of any mobile home or recreational vehicle to any person if such mobile home or recreational vehicle has been connected to utilities unless the requirements of this article have been met.

(Code 2000, § 54-241; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-288. Surfacing required.

(a) All portions of lots or tracts of land used for egress or ingress in the operation of a mobile home sales lot or storage lot shall be constructed and maintained in accordance with the standards as set out in this article. Acceptable surface materials and specifications for sales lots and ingress, egress rights-of-way include:

(1) Concrete paving:

- a. Subgrade: Minimum six-inch lime stabilized subgrade.
- b. Surface: Minimum six-inch concrete paving with Number 4 bars c-c, each way.
- c. Concrete: 5½-sack mix, 3,500 psi 28-day compressive strength.

(2) Asphalt paving:

- a. Subgrade: Minimum six-inch lime stabilized subgrade.
- b. Base: Minimum eight-inch flexible base conforming to Texas Department of Transportation Item 247, Type A, B or C, Grade 1 or Grade 2.
- c. Surface: Minimum 1½-inch Hot Mix Asphaltic Concrete pavement conforming to Texas Department of Transportation Item 340, Type D.

(3) Stone or rock:

- a. Subgrade: Minimum six-inch lime stabilized subgrade.
- b. Base: Minimum eight-inch flexible base conforming to Texas Department of Transportation Item 247, Type A, B or C, Grade 1 or Grade 2.

(b) In addition to these requirements, the city director of public works shall be vested with the power to require other and additional requirements including more stringent requirements when the same are deemed to be appropriate and necessary by the director of public works to accomplish the objectives as set out in this chapter and in this Code.

(c) At least 125 feet of depth with a minimum width of 25 feet used as ingress and egress into the mobile home sales or storage lot shall be constructed and maintained as herein required.

(d) The director of public works shall be authorized to approve alternative materials or methods of construction when such alternative methods or materials shall neither be in conflict with the objectives of this Code, nor will result in construction of a lesser or inferior standard as provided in this article.

(e) The provisions of this section shall be applicable to all storage and sales lots whether constructed and/or opened prior to, or subsequent to, the effective date of the ordinance from which this section is derived. The owner and/or operator of a sales or storage lot existing at the date of the effective date of the ordinance from which this section is derived may apply for an exemption application for exemption with the director of public works. An exemption may be granted if the director of public works finds upon appropriate investigation and analysis that:

- (1) The presently existing paving or surfacing material is of sufficient stability and quality to accomplish the intent of this section and will provide a surface comparable to that intended herein;
- (2) The projected useful life of the surface will extend at least more than two years beyond the effective date of the ordinance from which this section is derived; and
- (3) The surface and subsurface were installed in accordance with readily accepted paving and surface preparation techniques.

(f) The director of public works is authorized to issue certificates of exemption at any time prior or subsequent to the effective date of the ordinance from which this section is derived. Any certificate issued shall only be applicable to surfaces existing as of the effective date of the ordinance from which this section is derived and any replacement, except ordinary and usual repairs shall be constructed in accordance with all provisions of this Code.

(g) If the exemption application is denied, the owner and/or operator may appeal the decision of the director of public works to the city manager within ten days of the decision of the director of public works.

(Code 2000, § 54-242; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-289. Density and perimeter buffering.

(a) All mobile homes placed within a sales or storage lot shall maintain a minimum four-foot surface and aerial separation between any other mobile home, manufactured house or other buildings on all sides and in all directions. This regulation and provision shall be deemed the minimum requirement and shall not be superseded by any other setback requirements that may otherwise be required in this Code or by other law providing for a lesser setback.

(b) No mobile home or manufactured house shall at any time be placed closer than five feet to any abutting property line for any area of land used for mobile home sales or storage. The required five-foot perimeter shall be deemed a perimeter buffer and shall be the minimum setback and shall not be superseded by any other setback requirements that may be otherwise required in this Code or by other law providing for a lesser setback. The required open space shall be free of storage or other materials and shall at all times be maintained as open space and shall be mowed as needed or paved with an appropriate impervious surface.

(Code 2000, § 54-243; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-290. Fencing.

(a) All sales or storage lots first opened after the final passage of the ordinance from which this article is derived shall be fenced on all sides, except such sides as shall abut a public street. The required fence shall be constructed of materials that are constructed and designed to block or limit, by at least 90 percent, the field of vision of any person from an adjacent track or parcel of land, and shall be of a height not less than six feet as measured from the mean elevation of the land

or area where it is situated. In addition, an access gate of sufficient size shall be provided to permit the safe and proper movement of mobile homes and manufactured housing upon the public streets and roadways without damage to fence or gate.

(b) The provisions of this section shall not be applicable if the proposed sales or storage lot shall be situated at least 200 feet from any preexisting building or structure.

(c) At such later time as a building or structure shall be permitted and constructed within 200 feet of a lot or tract of land used for the storage or sales of mobile homes, the owner or other person operating the storage or sales lot for mobile homes shall have 60 days from the date of completion of the adjacent building and structure to construct the required fence.

(d) Any continuing use of land for the storage or sales of mobile homes and manufactured housing after receipt of a notice from the building inspector to construct the required fence shall be deemed a violation of this Code.

(Code 2000, § 54-244; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-291. Site drawings; permit required; period of implementation.

Prior to constructing any facilities or improvements, or using any lots or land for a mobile home sales or storage lot, the owner or operator thereof shall submit an application and site drawing as hereinafter required:

- (1) All mobile home and/or manufactured housing sales and/or storage lots shall submit site drawings and such information as may be required in an application to the building inspector in accordance with the city's building code, this Code and all other laws and ordinances that have been properly adopted showing the location of all proposed or existing buildings and structures, access ways, parking lots, internal roads and other improvements, on the site or lot, including the locations or areas designated for mobile homes which are to be placed on the site for sale, parts sales, repairs, office use or storage. Such drawing shall also show the

location of all electrical disconnect boxes, as well as water and gas disconnection. Each plan shall specify the location of all fire hydrants or other devices used for internal fire control or suppression.

- (2) Upon review of such application and information submitted, including plans and drawings, and upon finding the same comply with the requirements of this Code and other applicable law, the director of public works may issue a mobile home/manufactured home certification of compliance. Issuance of a permit shall only certify that the required site plans have been reviewed, and it shall not be understood by anyone that the city has found and determined that the proposed plan will be actually constructed in conformity with this Code or any other law or regulation. The director of public works may withhold the issuance of a required permit if it is found that the proposed development is not in accordance with this Code, law, regulation, or that the existence of the proposed use of the lot or land will likely constitute an actual adverse impact to the health, safety and well-being of the city and its residents.

- (3) The city may periodically inspect all mobile home sales and/or storage lots to review compliance with all applicable provisions required herein and make any necessary revisions to the site drawings to reflect required changes.

(Code 2000, § 54-245; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-292. Additional requirements.

Mobile home sales and/or storage lots and all operations thereon shall at all times comply with all other applicable provisions in the Code, including but not limited to those provisions governing health, sanitation and nuisances as provided within city ordinances, and those provisions governing building and construction as provided within city ordinances as well as any other state or federal laws, rules or regulations which may be applicable.

(Code 2000, § 54-246; Ord. No. 1294, § 2, 9-26-2002)

Secs. 54-293—54-317. Reserved.

ARTICLE VI. MISCELLANEOUS

Sec. 54-318. Alternative materials and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed in this chapter, provided any such alternate has been approved by the city. The variance committee as provided in section 2-267 may approve any such alternate provided that the proposed design is satisfactory and that the material and method of work offered is, for the purpose intended, at least the equivalent of that prescribed by the city in this chapter in quality, strength, effectiveness, fire-resistance, durability and safety.
(Code 2000, § 54-261; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-319. Variations and provisions.

Variations and modifications of the general requirements of mobile homes, mobile home parks and recreational vehicle parks will be considered by the variance committee as provided in section 2-267 when in its judgment special or particular factors and conditions warrant such variation and they do not affect the general application or spirit of these rules and regulations.
(Code 2000, § 54-262; Ord. No. 1294, § 2, 9-26-2002)

Secs. 54-320—54-341. Reserved.

ARTICLE VII. TRAILERS

Sec. 54-342. Authorized locations.

(a) A trailer may not be placed on any property except as specifically permitted in this chapter, and it shall be unlawful for any person to place, use or occupy such trailer within the city unless such placement, use or occupancy is specifically authorized by this chapter. Further, it shall be unlawful for any person to permit, allow or suffer the placement, use or occupancy of a trailer on

any property under his ownership or control unless such placement, use or occupancy is specifically authorized by this chapter.

(b) Construction trailers or offices shall be permitted at construction sites for nonresidential purposes and shall only be approved for the duration of the construction project.
(Code 2000, § 54-271; Ord. No. 1294, § 2, 9-26-2002)

Sec. 54-343. Building permit required.

All trailers shall be permitted only as temporary structures in accordance with the city's building code. Such permit shall not be assessed a fee and shall state therein the date it expires. Such trailer shall be completely removed upon the expiration of the permit, unless an extension is applied for and approved.
(Code 2000, § 54-272; Ord. No. 1294, § 2, 9-26-2002)

Chapters 55—57

RESERVED

Attachment: 54 Mobile Homes, Manufactured Homes, Etc - As of 032012 (3293 : Chapter 54 Mobile Homes, Manufactured Homes)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3291

AGENDA ITEM (ID # 3291)

**~ DISCUSS, CONSIDER AND/OR APPROVE AN APPLICATION
FOR A VEHICLE FOR HIRE IN THE CITY OF BAY CITY.**

COMMENTS - Current Meeting:

This agenda item was withdrawn, as per City Ordinance. It is being handled by the City Secretary's Office.



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 08/23/18 07:00 PM
Department: Public Works
Category: Grant
Prepared By: Barry Calhoun
Initiator: Barry Calhoun
Sponsors:
DOC ID: 3307

ADOPTED

AGENDA ITEM (ID # 3307)

**~ DISCUSS, CONSIDER AND/OR ADOPT RESOLUTION TO
DESIGNATING AN ADMINISTRATION SERVICE PROVIDER
FOR THE APPLICATION AND PROJECT IMPLEMENTATION
OF THE 2019-2020 COMMUNITY DEVELOPMENT FUNDS AS
ADMINISTERED BY 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.

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 grant administrator to aid the City in the application preparation and project implementation. One proposal was received on August 13, 2018 that was submitted by GrantWorks. The City has used GrantWorks on numerous CDBG grants and they are well versed in managing this particular grant program.

The City has been award many CDBG grants in the past and it is the recommendation of staff to award the grant administration service to GrantWorks.

COMMENTS - Current Meeting:

Public Works Director, Barry Calhoun presented the grant information for waterline improvements on the northwest side of Bay City. This grant is to hire the grant administrator, GrantWorks.

The motion was made by Councilman, Bill Cornman and seconded by Councilwoman Chrystal Folse.

RESULT:	APPROVED [UNANIMOUS]
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 of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with Texas CDBG requirements;

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 **GrantWorks** be awarded a contract to provide Texas CDBG application and project-related administration services for the 2019-2020 Community Development Fund project.
- Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider.

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

CITY OF BAY CITY, TEXAS

Mark Bricker, Mayor

ATTEST:

David Holubec, City Secretary

APPROVED as to FORM:

Timothy B. Kirwin, City Attorney
Kirwin Law Firm, PLLC
City of Bay City

Form P508

Texas Community Development Block Grant
Phase Two Solicitation for Administrative Services
Evaluation of Proposals

Applicant Community:	City of Bay City						
Evaluation Team: (at least three persons required, including one local official)	Name of Evaluator				Title		
	Barry Calhoun				Director of Public Works		
	Louis Rodriguez				Utilities Superintendent		
	Chrystal Folse				Mayor Pro Tem		
Description of Anticipated Project:	Community Development 2019-2020						
Date Solicitation Sent:	8/3/2018						
Responses received:	Name of Firm				Date Response Received		
	GrantWorks				8/20/2018		
Evaluation of Proposals:	Enter for each criterion and proposal: • Points awarded (if scoring was used on Form P506), or • Evaluation such as Highly Advantageous (H), Advantageous (A), Not Advantageous (N), or Unacceptable (U).						
Name of Firm	Experience	Prior Work Performance	Capacity to Perform	Proposed Cost	Other _____	Other _____	Notes
GrantWorks	30	30	20	20			
Firm Recommended:	GrantWorks						
Firm Selected:	GrantWorks						
	* If Firm Selected differs from Firm recommended by Evaluators, provide explanation						
Conflict of Interest Evaluated by:	☒ No conflict exists ☐ Request for waiver submitted to TDA						
Date Awarded by Governing Body:	8/23/2018						
Signature of Lead Evaluator:	Barry Calhoun						



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3288)

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Budget
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3288

**~ DISCUSS, CONSIDER AND/OR APPROVE A PLAN FOR
REPLACING THE USO / SERVICE CENTER ROOF AND
OTHER NEEDED REPAIRS.**

COMMENTS - Current Meeting:

Parks Director, Shawn Blackburn presented the roofing repairs needed at the USO / Service Center. Due to moisture build-up within the auditorium, ceiling fans will be installed. In order to replace the roof overlay, one layer will need to be removed in order to qualify for a Windstorm certificate. It's estimated about \$50,000 will be needed to make these repairs.

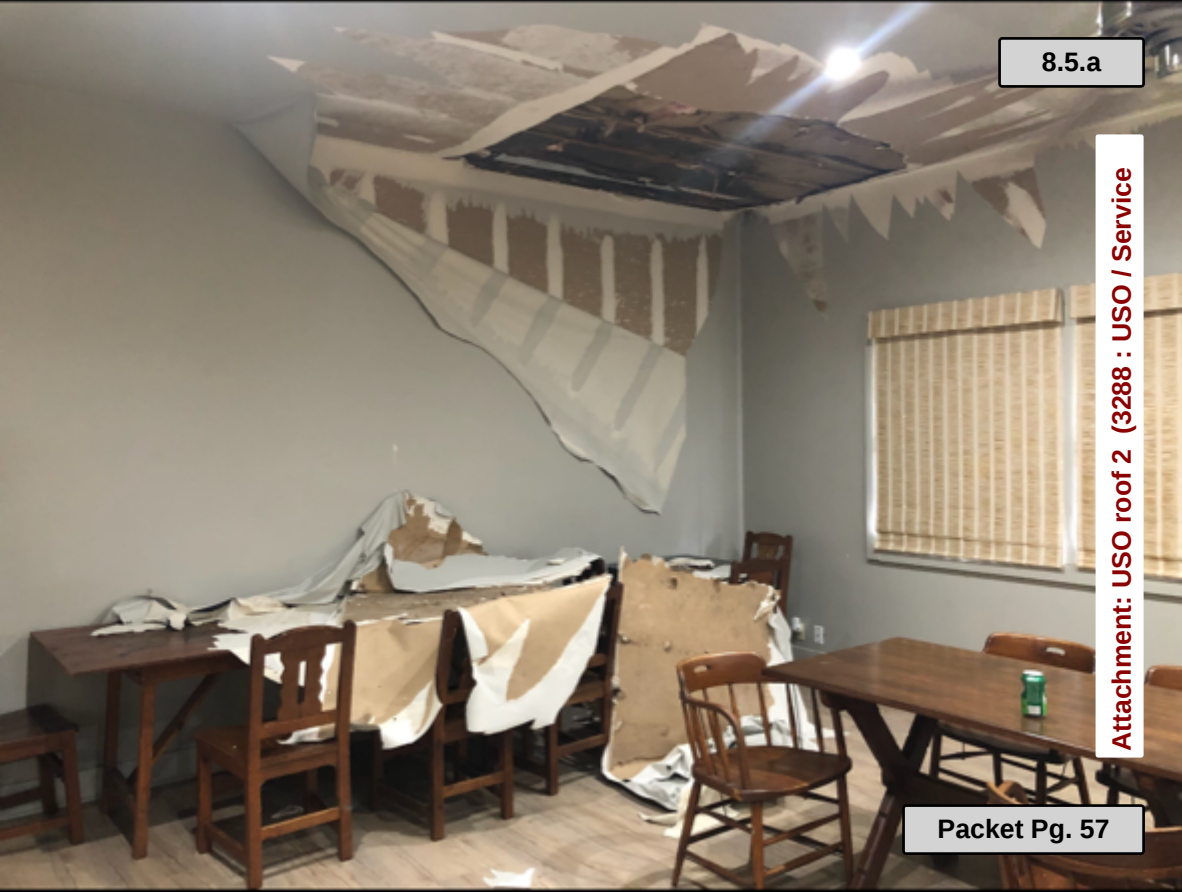
Finance Director, Scotty Jones, discussed funding options within the current FY 2018 budget. The Bay City Main Street program has also voiced interest in assisting with this project financially.

Council stressed the importance of this project moving forward, since the roof is leaking.

8.5.a

Attachment: USO roof 2 (3288 : USO / Service

Packet Pg. 57





Date: July 13, 2018

PROPOSAL

Prepared by Rocky DeMarco
Cell phone 512-718-3069

Customer Name:

City of Bay City
1217 Ave. J
Bay City, TX 77414
Barry Calhoun 979-245-7236

Job Name/Location:

****New Duro-Last Roofing System****
Bay City -USO
2105 Ave. M
Bay City, TX 77414

Proposal Based on Ultimate Roofings contract # 2092415 with TIPS USA

SCOPE OF WORK

We hereby propose to furnish the materials & labor necessary for the completion of the following roofing project, unless otherwise noted: **USO, Bay City, TX**

Furnish and install Duro-Last 50 mil energy efficient/sustainable membrane over asphalt system . Duro-Weave Moisture barrier under Duro-Last system , w/ Duro-Last insulation-plates & assoc. fasteners. Furnish and install Duro-Last Roofing System according to manufacturers specifications including:

- *Duro-Last 50 mil reinforced single-ply energy efficient/sustainable roof membrane –White color
- *Duro-Last Pre-fabricated curb flashings at all existing roof curbs
- *Duro-Last Pre-fabricated pipe flashings at all sewer stack and other round penetrations
- *Duro-Last Pre-fabricated roof drain boots, strainers and CDR rings
- *Duro-Last Pre-fabricated parapet wall flashing at all roof to wall joints
- *Duro-Last termination bar around all penetration curbs
- *Duro-Last poly-plates and associated fasteners
- *Duro-Last patented 2 way membrane venting system
- *Duro-Last service pad on service side of A.C. units
- *Duro-Last fascia bar termination on all sections
- *Duro-Last Duro Weave moisture barrier under Duro-Last membrane
- *Duro-Last termination in gutters
- *Duro-Last 15yr warranty-see details below
- *Clean up and remove all roofing related debris

Note: final proposed price includes TDI wind certification and TIPS-USA fees.

Total price for roof area replacement (approx. 7,506 sq. ft. of material)\$36,978.26
Total price if tax exempt (if not there will be a tax rate of 8.25% added).....\$36,978.26

*The Duro-Last System carries a 15 year **NON-PRORATED** manufacturer's full replacement cost **MATERIAL AND LABOR** warranty (with **NO EXCLUSIONS** for consequential damages or ponding water). Consequential damage is covered for the full 15 years. After final inspection, the Duro-Last Inspector will generate the appropriate warranty documents and have them available per the terms and conditions stated herein.



ULTIMATE ROOFING

— S Y S T E M S —

Date: July 13, 2018

PROPOSAL

Prepared by Rocky DeMarco
Cell Phone 512-718-3069

Customer Name:

City of Bay City
1217 Ave. J
Bay City, TX 77414

Job Name/Location:

****New Duro-Last Roofing System****
Bay City -USO
2105 Ave. M
Bay City, TX 77414

SCOPE OF WORK

Disclaimer: Any additional work required, tear out, electrical, HVAC, plumbing, mechanical or lightning protection, will only be initiated upon owners approval accompanied with a change order.

- Any Alterations or deviation from the scope of work involving extra costs including, but not limited to, additional materials and labor will be executed only upon written change orders submitted to Ultimate Roofing Systems, which will result in an extra charge over this proposal.
- The base price does not include any allowances for roof deck replacement or for other hidden damages.
- Proposal based on overlay of existing roof . permits and bonding are included.
- Ultimate Roofing Systems is not responsible for existing conditions of roof, or for defects in the design or construction of the building, (including any design that allows ponding water on the roof) its structural components or fixtures, modifications or additions which are made on, to or through the Duro-Last Roofing System.
- Ultimate Roofing Systems is not responsible for conduit whether on the roof, within the roof or below the existing roofing system.
- Ultimate Roofing is not responsible for the calibration, recalibration, readjustment and/or testing on any electronic equipment such as but not limited to satellite dish, camera security, communication equipment, GPS devices, or recertification of lightning rods (grounding system).

Please be advised that noise created by installation of roof is normal and is expected during working hours. If this is an issue please advise prior to commencement.

1108 Challa Drive Cedar Park, TX 78613

Phone: 512-257-2807 Fax: 512-257-1202

Attachment: USO Roofing Bid (3288 : USO / Service Center Repairs)

All material is guaranteed to be as specified, and the above work to be performed in accordance with the specifications submitted for the above work and completed in a substantial workmanlike manner for the sum of: [\$36,978.26] with payments to be as follows.

50% deposit upon signing agreement (\$18,489.13),

Balance due upon completion of project (\$ 18,489.13).

Any alteration or deviation from above specifications involving extra costs will be executed only upon written change orders and will become an extra charge over and above the proposal. All change orders must be pre-paid prior to commencement. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance upon above project. The building owner is responsible to secure any items within or around the building that could be disturbed by the process of the work to be performed. The building owner agrees to supply to Ultimate Roofing Systems, at no charge, use of power/ water supply, space for signage, and access to the roof and all areas of the exterior of the buildings including: designated space for cranes, dumpsters, material storage, and portable toilets. We will make every attempt to work with your schedule and keep any inconveniences that you may encounter to a minimum. All warranties and lien waivers will be issued after the receipt of final payment. After 30 days accounts will be charge interest at a rate of 18% annum. Should there be a default in payment according to the contract terms, the customer shall be responsible for any/all collections and attorney fees.

NOTICE TO OWNER:

Any person or company supplying labor or materials for this project on your property may file a lien against your property if that person or company is not paid for their contributions. Under Texas law you have the right to pay persons who supplied labor or materials for this project directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the project unless we give you a lien waiver signed by persons who supplied any labor or materials for the improvement and who gave you timely notice.

Respectfully submitted by Ultimate Roofing Systems

Date 17-13-18

Per Rocky DeMarco

Note: This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date _____

Signature _____

Date _____

Signature _____



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Report
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3296

AGENDA ITEM (ID # 3296)

~ TEXAS GOVERNMENT CODE, SECTION 551.071(2) – 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: 08/23/18 07:00 PM
Department: City Secretary
Category: Litigation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3295

AGENDA ITEM (ID # 3295)

**~ 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.**



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Litigation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:

DOC ID: 3297

ADOPTED

AGENDA ITEM (ID # 3297)

**~ PURSUANT TO SEC. 551.071 OF THE TEXAS
GOVERNMENT CODE (CONSULTATION WITH ATTORNEY)
CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION
TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY
REGARDING THE PENDING SETTLEMENT
OFFER/AGREEMENT: CITY OF BAY CITY, TEXAS V. CP
LIVING 23 (TEXAS) LP, CP LIVING (TX) LLC, AND CP 23 (TX).**

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Report
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3300

AGENDA ITEM (ID # 3300)

**~ DISCUSS CONSIDER, AND TAKE ACTION ON ITEM(S)
LISTED IN CLOSED / EXECUTIVE SESSION. TEXAS
GOVERNMENT CODE, SECTION 551.071(2) – 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.**

COMMENTS - Current Meeting:

This agenda item is on hold at this time. Council will receive an email update from the City Attorney once more is know.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 3299)

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Litigation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3299

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

COMMENTS - Current Meeting:

No Action



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 3298)

Meeting: 08/23/18 07:00 PM
Department: City Secretary
Category: Litigation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3298

**~ DISCUSS CONSIDER, AND TAKE ACTION ON ITEM(S)
LISTED IN CLOSED / EXECUTIVE SESSION. TEXAS
GOVERNMENT CODE, SECTION 551.071. CONSULTATION
WITH ATTORNEY. A GOVERNMENTAL BODY MAY CONSULT
WITH ITS ATTORNEY ABOUT THE PENDING OR
CONTEMPLATED SETTLEMENT OFFER/AGREEMENT: CITY
OF BAY CITY, TEXAS V. CP LIVING 23 (TEXAS) LP, CP LIVING
(TX) LLC, AND CP 23 (TX).**

COMMENTS - Current Meeting:

This agreement is almost final. The City Attorney is waiting to finalize the deal. The motion was made by Councilwoman, Julie Estlinbaum to accept the settlement agreement and seconded by Councilman, Bill Cornman.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Cornman, Sitz, Folse, Childers, Estlinbaum