

ORDINANCE NO. _____

ORDINANCE AMENDING THE CITY CODE OF ORDINANCES CHAPTER 26; ARTICLE II (“MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS”) PROVIDING NUMBER OF PERMITS ON STATE HIGHWAYS; PROVIDING A PERMIT RENEWAL PERIOD; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Be it Ordained by the City Council of the City of Bay City that the following amendments are adopted as Amendments to Chapter 26; Article II; Section 26-23(g) and (i) of the Code of Ordinances.

Section One. The following additions are to be made to Section 26-23 of Chapter 26, Article II of the Code of Ordinances. All insertions are made with red colored letters and all deletions are shown as such.

Section 26-23(g) – Permit Requirements –

(g) No more than ~~four (4)~~ **eight (8)** mobile food establishment permits will be issued for locations located adjacent to Texas 35 ~~or~~ **and** Texas 60. Such permits shall be issued on the earliest date of submission of the completed application. When ~~four (4)~~ **eight (8)** permits have been issued on either Texas 35 ~~or~~ **and** Texas 60, no more permits shall be issued for locations on the respective highway.

(i) Every mobile food establishment permit shall be renewed each year in like manner as the original permit application. Existing permit holders who renew their permit ~~at least~~ **within** thirty (30) days prior to the expiration of the exiting permit, shall be allowed to maintain their location(s) on Texas 35 and ~~or~~ Texas 60. However, if said permit holders renew their permit 30 days or less from the expiration of their permit, the permit application shall be treated as a new application and will be subject to the limitation on the number of permits issued on Texas 35 and Texas 60.

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with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

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

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

Section Four. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on this _____ day of _____, 2020.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

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



BAY CITY

REVISED MINUTES • SEPTEMBER 10, 2015

Council Chambers

Regular Meeting

7:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER & CERTIFICATION OF QUORUM

Attendee Name	Title	Status	Arrived
Mark Bricker	Mayor	Present	
Julie Estlinbaum	Mayor Pro-Tem	Present	
William Cornman	Councilman	Present	
Chrystal Folse	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Carolyn Thames	Councilwoman	Present	

2. INVOCATION & PLEDGE OF ALLEGIANCE - MAYOR PRO TEM JULIE ESTLINBAUM

Texas State Flag Pledge:

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

3. 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 Marilyn Alvarado spoke about the Parks and Recreation item on the agenda. She stated that in the past she had not participated in many of the Parks and Recreation activities. Ms. Alvarado informed everyone that she really enjoyed Sparks in the Park and other events, and would be more involved with their activities.

Bay City resident David Torrez stated the he had been very disappointed with Council. He asked why the City did not pull up the flags, because they would be tattered if the Northern came in. Mr. Torrez stated that he was disappointed about the roads. The Chateaux Residents were treated as step children. Their roads were deplorable. He went on to state that they had asked for security lights, and he did not see why the City did not add the lights. Mr. Torrez informed Mayor and Council again of the ¾ inch piece of plywood covering a hole near Holy Cross. Mr. Torrez stated that LeTulle Park was bad, and that it was the City's main park. Mr. Torrez spoke to Council and stated that they worked for the citizens, and did not understand why they did not help the citizens. He pointed out that there was a leak in front of IBC Bank. He stated that the City fixed it once, but it was back. Mr. Torrez stated that someone cut down a tree on Highway 60, and it was placed in the City's easement. He added that it was still there.

Bay City resident Richard Muniz informed Mayor and Council that with all of the traffic drivers had been using Old Van Vleck road as a cut through. It was being used as a speedway in the evening and early morning.

4. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:**1. Public Hearing**

PUBLIC HEARING ON PROPOSED TAX RATE INCREASE FOR 2015-2016 FISCAL YEAR.

The Mayor prefaced the Public Hearing by announcing that the City would adopt the same tax rate of \$.60209.

The Mayor opened the Public Hearing at 7:16 p.m.

Bay City resident, David Torrez, stated that there should not be an increase. He added that the City should give them money back. He asked if they really thought they deserved any more money.

The Mayor closed the public hearing at 7:18 p.m.

Councilman Cornman pointed out that the City called it a tax increase, but it really was not. He added that the property valuation had increased.

2. Public Hearing

PUBLIC HEARING ON PROPOSED FY 2015-2016 BUDGET.

The Mayor opened the Public Hearing at 7:20 p.m.

Bay City resident David Torrez stated that each year the City budgeted money for roads, and the citizens get nothing from it.

The Mayor closed the Public Hearing at 7:22 p.m.

The Mayor announced that the vote on the tax rate would be September 21st.

3. Proclamation

PRESENTATION OF PROCLAMATION PROCLAIMING SEPTEMBER AS FAMILY MEALTIME 2015, AND DIRECT STAFF AS NECESSARY.

Chinatu Gladrich, Texas A&M AgriLife Extension

RESULT: TABLED

Next: 9/21/2015 7:00 PM

4. Policy

DISCUSSION REGARDING PANCHE'S TACOS COMPLIANCE WITH CHAPTER 26 ARTICLE II DIVISION 2 - MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS, AND DIRECT STAFF AS NECESSARY.

Liova Guajardo, Operator of Pancho's Tacos

The Mayor explained that he received a request from Pancho's to be the agenda, but wanted to reach out to Council for one of them to sponsor the item.

Councilwoman Folse explained that they had been in business for five years. Their permit had expired and in that time another vendor took the last spot on Highway 35.

After discussion, it was agreed by Council that the total number of mobile food vendors allowed on 35 and 60 would be 8, and that a vendor would have a 30 day grace period after their permit expired to renew it.

MOTION BY COUNCILMAN JOHNSON, SECOND BY COUNCILWOMAN FOLSE, TO INCREASE TO EIGHT AND NOT TO DESIGNATE A HIGHWAY, AND NOT TO ENFORCE THE CODE UNTIL THE PAPERWORK IS DONE. MOTION CARRIED BY UNANIMOUS VOTE.

5. Report

RECEIVE UPDATE ON PARKS AND RECREATION DEPARTMENT AND PROGRAMS, AND DIRECT STAFF AS NECESSARY.

Kelly Penewitt, Parks and Recreation Supervisor

Parks and Recreation Supervisor, Kelly Penewitt, informed Mayor and Council that Parks and Recreation mowed over 300 acres of parkland, 24 lift stations, 18 water wells, and other miscellaneous properties. Ms. Penewitt reviewed the activities and programs put on by Parks and Recreation. She further explained that they would begin designating certain events to be held on certain days. Community Services Director, John Garr, added that they would be purchasing a banner to go across the State Highways to help promote their events.

Ms. Penewitt stated that they had increased the number of days the pools had been opened. She added that they are working to take care of some of the issues with the pool.

Councilman Cornman asked if there were safety issues with the play-scape at LeTuelle, and Ms. Penewitt stated yes. She went on to state that the playground was outdated for the park. Councilman Cornman added that if there were safety issues, then they need to address it. Ms. Penewitt pointed out that LeTulle was not a park that was budgeted.

Councilwoman Folse stated that she would like to see a more structured Open Gym Program. Councilwoman Folse asked what were they doing with Hardeman Park. Ms. Penewitt stated that the football program currently mows the field. Councilwoman Folse asked if the property was the City's and Ms. Penewitt stated yes.

6. Agreement

CONSIDER AND/OR APPROVE INCREASING SANITATION RATE BY 3%, AND DIRECT STAFF AS NECESSARY.

Mayor Mark A. Bricker

Mayor Pro Tem Estlinbaum stated that she would like to wait on the item since Dustin was working on the new policies.

The Mayor stated that he was trying to get this in before the budget was passed, and he predicted that WCA would come back for a CPI Rate increase. Councilman Cornman asked if the 3% was in the budget, and the Mayor stated yes.

MOTION BY COUNCILWOMAN THAMES, SECOND BY COUNCILMAN CORNMAN, TO INCREASE SANITATION RATE BY 3%. MOTION CARRIED BY UNANIMOUS VOTE.

Councilman Cornman stated that they had a good budget.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

DISCUSSION ITEM (ID # 2006)

Meeting: 09/10/15 07:00 PM
Department: Mayor's Office
Category: Policy
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 2006

4.4

**DISCUSSION REGARDING PANCHO'S TACOS COMPLIANCE
WITH CHAPTER 26 ARTICLE II DIVISION 2 - MOBILE FOOD
COURTS AND MOBILE FOOD ESTABLISHMENTS, AND
DIRECT STAFF AS NECESSARY.**



CITY OF BAY CITY

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

AGENDA ITEM REQUEST FORM

Complete Submissions Required:

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

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

Requestor: Linda Guajardo
PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: 09/01/2015

☒ Citizen

☐ City Department

☐ Council Member

Address: 3209 13th St
Bay City, TX 77414

Preferred contact: ☒ Cell (979) 240-0136 or (979) 245-3154
☐ E-mail ☐ Work phone ☐ Fax

I respectfully request the below item be placed on the 9/10 Agenda for City Council consideration.

- 1) Describe item to be considered and area of City involved, if any: Space for Food
Trailer on Hwy 35 in Bay City, TX
- 2) Executive Summary of item and action by council sought: We have been in business
4 yrs and the previous owner provided incorrect information
as to when inspection was due. We have been doing inspections
on that month since 2012 with nothing said about wrong date.
This year, they told us we were late and they gave away our spot
and we had to close
- 3) Do you need time to present this item? ☒ Yes ☐ No If so, how much? 30 min?

September 2, 2015

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

To Whom It May Concern:

Our names are Joe and Liova Guajardo and we are the owners and operators of Pancho's, the food trailer parked at 303 7th Street in Bay City. Pancho's has been in business for five years and we have been owner and operators of it for four of those years. We are both senior citizens (Joe is 69 and Liova is 76) who are running this business in our retirement years for the love of doing it.

To explain the situation briefly, when we took over the business in 2012, the previous owner told us the permits were due to be renewed every August. We started doing permits in August 2012 and have gotten the permits done every August without anyone mentioning anything was late or attaching any late fees. When we got our permit done in August 2015, however, we encountered a problem. We were told our permits were due to be renewed in July and, since we were late they gave away our spot and we would have to close down. They did offer that we could move our trailer to Highway 60, where there was a spot open, but there is no where we can find that has the amenities we need to set up our business. And beyond that, we have been in business here for five years.

We take care of many city employees, including giving free food to all Bay City Police Department and Bay City Volunteer Fire Department employees. We also serve food for many employees of the local plants that come to see us every morning that we are open. We take great pride in preparing special diabetic meals for some patients as well as meeting other special dietary needs of our customers.

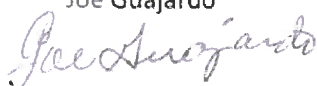
Looking at the spots that are currently occupied and therefore prohibiting us to continue to be open, there is one that is not even open for business and the owner does not have any plans to open it in the immediate future as he has secured alternate employment. There is another that comes in and sets up from another town and brings all of his supplies and ingredients with him. We buy all of our ingredients locally, so Bay City is profiting and getting our tax money.

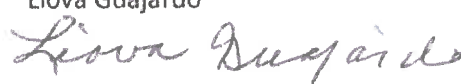
Attached you will find signatures from 165 people with even more on their way. These are local people who eat at our trailer and understand the difficult situation we have been put in and support us being reopened. As Bay City continues to grow, why would more spots not be opened for food trailers? There is an increasing need in our town that we want to help fill.

Please do not take away our abilities to take care of our customers.

Thank you for your time and consideration.

Sincerely,

Joe Guajardo


Liova Guajardo


Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

KEEP OUR FOOD TRAILERS

OPEN: (Pancho's)

1. Regina Murray Bay City, TX.
2. Diana F. Serrato Bay City, TX
3. William F. Holbrook Bay City, TX
4. David G. Walsh Bay City, TX
5. Isaac L. Odom Bay City, TX
6. Jo L. Ortega - 956-207-8929 Edinburg, TX
7. Anthony Moore Bay City, TX
8. Billie L. Linares
9. Mike S. Serrato
10. David L. Serrato
11. Mike Serrato
12. Charles H. H. H. 979-240-9173
13. Raul Serrato
14. Jesus M. Serrato Bay City, TX
15. Freddy Munguia
16. MITCHELL M. Serrato 323-307-5435
17. RESERVOIR L. Serrato 432-940-1835
18. John A. Cox 1117060000 900-1129
19. Paul Serrato
20. Sam Serrato 479-321-2101 Bay City, TX
21. Billie Serrato 956-661-7854 Bay City, TX
22. Serrato 979-557-3101
23. Tony Serrato 979-479-4148

24 Stella Trestice 323-1171
 25 Jim [unclear] 2408907
 26 Belinda Jones 330-6476
 27 Richard Jones 330-8058
 28 Dionne Jones 330-6075
 29 Richard Jones III
 30 Tom Uher
 31 Diane Eckhoff
 32 Thomas Cox
 33 [unclear]
 34 Zara Trevino
 35 Jason Morales
 36 Chad Yablin
 37 Leonard Bonoulen
 38 Brad Yablin
 39 Judy Yablin
 40 Sheri Mangum
 41 [unclear]
 42 Mark Keith Wesley
 43 [unclear]
 44 Kelsey Funtler
 45 Kim Smith 979-997-6840
 46 Heather Fichter 979-318-1918
 47 Felicia Rodriguez
 48 Wilbert Jones 979-248-5191
 49 Tyler Bret Attaway 979-557-9558
 50 Larry Weldon 557-6192

KEEP OUR Food TRAIL, OPEN

4.4.b

31 Doll Wiley

32 CE Slater

33 Don & Edna H. J. L. C. Propane

34 Maya Wilkinson

35 Steven Henry

36 Martha Wilkinson

37 Mike March

38 Jordan Austin

39 Carl Williams

40 Logan Williams

41 Braden Bridgell

42 Joshua Coombs

43 Gary Mather

44 Amy Lili

45 David Lili

46 David Lili

47 David Lili

48 David Lili

49 David Lili

50 David Lili

51 David Lili

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63 David Lili

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

KEEP OUR FOOD TRAILER OPEN

4.4.b

- 78 Rene R Gonzalez
- 79 ~~Brennan Roman~~
- 80 Jacob Ramsey
- 81 Benigno Alfaro
- 82 Jerry Sozalsky
- 83 BOB FOOTE
- 84 Susan Wells
- 85 Carl Lopez
- 86 Jaime Gutierrez
- 87 Noe Lupe Quintana
- 88 Melaine Shulbert
- 89 Jan BAROSIT
- 90 Jan Bank
- 91 Shigael McCenaha
- 92 Mariceth Wry
- 93 YULMIRA GUINIA
- 94 MARVA NIXON
- 95 Alyssa Kutzler
- 96 Joshua Perez
- 97 Nicholas Kuchner
- 98 Johnny Perez
- 99 MARTIN MEDINA / 
- 100 Pamela Lambert
- 101 Haylee Law
- 102 Nicholas Moore
- 103 Salvador Lopez
- 104 Alexandria Arguello
- 105 Suzan Williams

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

KEEP FOOD TRAILERS

4.4.b

- 106 JOSE A Esquivel AF
 107 Martin Bengel
 108 Courtney Gann
 109 Rose Mary Bengel
 110 Ty Allison
 111 Rene Castillo
 112 Austin Slater
 113 Brent Seidel
 114 Ronald Gomez
 115 Efram Ryblos
 116 Lois Aguilar
 117 ~~Paul Ag~~
 118 Anthony Adley
 119 DL Ross
 120 ~~Jim Bledin~~
 121 ~~Jeanette Bledin~~
 122 Chris Bouldin
 123 Rhonda Franklin
 124 Raven Bess
 125 Aaron Robert
 126 Jonathon Bess
 127 Patricia Bess
 128 Susan Bermea
 129 Feliciano Luna
 130 ~~Ken Mills~~
 131 ~~Ken Mills~~
 132 Jim Slater

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

KEEP FOOD TRAILER OPEN

4.4.b

- 133 THOMPSON CAT
134 Megan Bartek
135 Barry Jay
136 Kristi Hayes
137 Justin Thune
138 DAVID L. BYERS ~~DAVID L. BYERS~~ (Keep Open)
139 Rachel Richardson
140 Sharon Richardson
141 Rebecca Richardson
142 Robert Matthews
143 Kathy Abels
144 Megan Saha
145 Stacey Goodman
146 J. F. F. F.
147 J. F. F. F.
148 Cameron Douglas
149 Lauren Berna
150 Monica O'Neil
151 RYAN ASHCRAFT
152
153
154
155
156
157
158

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

Support for PANCHO'S

1. Travis Faris
2. Kathy Farley
3. Megan Barrett
4. Donna Leot
5. Courtney Cunningham
6. Eileen McBissick
7. Susan M. Harrell
8. Ruby Flores
9. Melissa Bautista
10. Chuck Ar
11. Leslie Koebeig
12. Ray J. Darr
13. Diana Lathan
14. Nicole Brown

ORDINANCE NO. 1461

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 26; ARTICLE II; BY ADDING A NEW SECTION 26, ENTITLED "MOBILE FOOD ESTABLISHMENTS"; PROVIDING FOR PENALTY; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, mobile food trucks and food trailers are currently prohibited within Bay City' Corporate Limits; and

WHEREAS, council desires to establish regulations to allow food trucks and food trailers within the City's Corporate Limits and protect the morals, health, safety and welfare of the community; and

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

Section one. Amendment to Municipal Code of Ordinances Chapter 26 Article II. The City of Bay City's Code of Municipal Ordinances, Chapter 26 (entitled "Businesses") Article II (entitled "Licensing") is hereby amended by adding a new section 2 (entitled "Mobile Food Establishments"), which shall include all of the language contained in **Exhibit "A"**, which is attached hereto and incorporated herein for all purposes.

Section two. Penalty. Violation of any provision of this ordinance is a class C misdemeanor and subject to the penalties prescribed in Section 1-16 of the City's Code of Ordinances.

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

Section four. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent

Council Member:

Voted Aye

Voted No

Absent

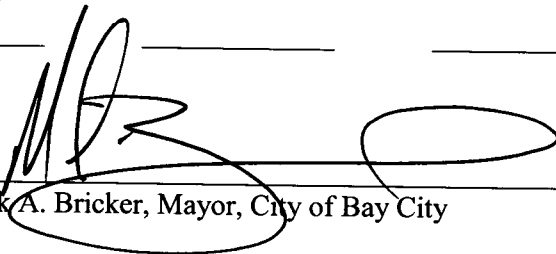
Julie L. Estlinbaum

Bill Cornman

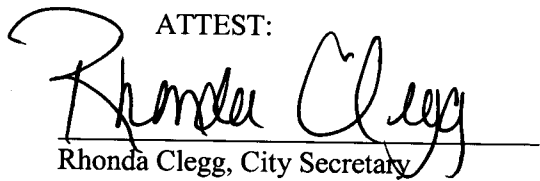
Chrystal Folse

Clarence Fenner

Carolyn Thames


Mark A. Bricker, Mayor, City of Bay City

ATTEST:


Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

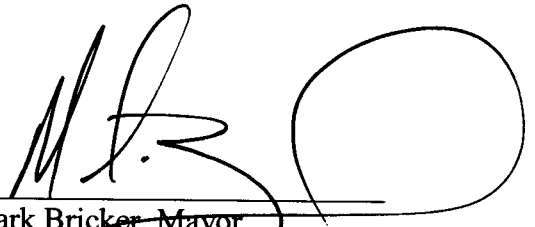

City Attorney



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

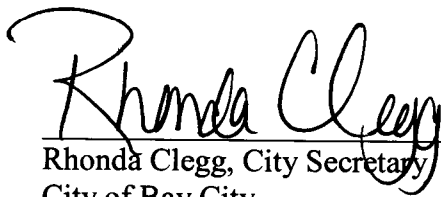
This ordinance shall become effective upon passage, approval and publication of the notice attached hereto as Exhibit "B", in the City's Official Newspaper, in accordance with Texas Local Government Code Sections 52.004(b) and 52.013.

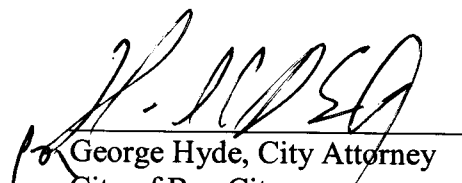
PASSED AND APPROVED on this 13th day of June, 2013.


Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:


Rhonda Clegg, City Secretary
City of Bay City


George Hyde, City Attorney
City of Bay City

