



BAY CITY

MINUTES • FEBRUARY 23, 2017

Council Chambers

Regular Meeting

7:00 PM

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

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE - MAYOR PRO TEM CHRYSTAL FOLSE

Texas State Flag Pledge:

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

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

3. CERTIFICATION OF QUORUM

4. APPROVAL OF AGENDA

Councilwoman Julie Estlinbaum made a motion to approve and Mayor Pro Tem Chrystal Folse seconded the motion. The motion was approved.

5. PUBLIC COMMENTS

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

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Bay City resident, Richard Leumann, addressed the Mayor and Council in regards to the trains using their horns while passing through the city.

Bay City resident, Becca Sitz, stated that there were new bistro tables downtown and that they were trying to produce some soft goods to make it more community minded. She also stated that they had a ground breaking for the newest homes on Cottonwood Creek.

Bay City resident, Alicia Waters, addressed the Mayor and Council in regards to trees being cut down in the Historic District.

6. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

7. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:**1. Report**

RECEIVE AN UPDATE FROM THE HISTORIC COMMISSION REGARDING CERTIFICATES OF APPROPRIATENESS AND THE "TREES ARE TERRIFIC" PROGRAM.

Judith Allen

Judith Allen, Chairman of the Historic Commission, addressed the Mayor and Council in regards to the trees in the historic community. She provided them with a handout for a Trees are Terrific poster contest. She stated that the heritage trees should be protected and that working to create a tree ordinance has developed into tree management. A sustainable tree program is needed. She stated that Shawn Blackburn, Parks and Recreation Director, is willing to assist with the program. She advised that the Historic Commission is asking for a resolution to add tree protection and a tree program to Ordinance 1332. Mrs. Allen then asked if a city ordinance was a law. City Attorney, Shannon Kackley, stated that it was. Mrs. Allen then proceeded to question why the laws are not being followed in regards to a house that is being moved into the Historic District. The property owner has not given a COA application to the Historic Commission. Councilman Bill Cornman made a motion to halt the moving in of the new structure until the home owner made contact with the Historic Commission to provide them with the COA application. Mayor Pro Tem Chrystal Folse seconded the motion. The motion carries. It is for direction only. Mayor Mark Bricker advised that he would call the property owner when the meeting was over.

2. Contract

DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ADMINISTRATION SERVICES AND SOFT COSTS PROJECT MANAGEMENT SERVICES FOR THE HOME OWNER REHABILITATION ASSISTANCE PROGRAM.

Scotty Jones, Director of Finance

Finance Director, Scotty Jones, stated that the next step in the grant approval process was to approve the administration services.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Folse, Cornman, Estlinbaum, Thames
EXCUSED:	Johnson

Enacted and approved this 23rd day of February, 2017, at Bay City

3. Public Hearing

PUBLIC HEARING ON THE PROPOSED ANNEXATION OF PROPERTIES IN THE GOLDEN GLEN SUBDIVISION I.&G.N. RAILROAD COMPANY ABSTRACTS 268 AND 276, MATAGORDA COUNTY, TEXAS; SKYEMC II R.P.T. STONE ¼ LEAGUE ABSTRACT 92 AND ELISHA HALL LEAGUE ABSTRACT 45, MATAGORDA COUNTY, TEXAS; JACKSON ELECTRIC COOPERATIVE

SUBDIVISION I.&G.N. RAILROAD ABSTRACTS 339 AND 275, MATAGORDA COUNTY, TEXAS; LIVE OAK ESTATES SUBDIVISION I.&G.N. RAILROAD COMPANY ABSTRACT 270, MATAGORDA COUNTY, TEXAS; AND I. & G.N. RAILROAD SURVEY NUMBERS 4 AND 5, ABSTRACT 274.

Marla Jasek, Assistant Director of Public Works

Public Works Director, Barry Calhoun, addressed the Mayor and Council giving them the areas that are included in the annexation. Councilman Bill Cornman asked if Jackson Electric would be the only one that would increase the taxes. Mr. Calhoun advised that it would be Jackson Electric and the homes that were being annexed that are behind the high school. Councilwoman Julie Estlinbaum asked if the annexation included the houses past that. Mr. Calhoun advised that no, it only included the houses to Charles Haley. Mayor Mark Bricker opened the Public Hearing at 7:46 PM. There were not any speakers during the Public Hearing. Mayor Bricker closed the meeting at 7:47 PM.

4. Public Hearing

CONDUCT A PUBLIC HEARING ON TO AMEND AN ORDINANCE DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CITY AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE TO BE KNOWN AS REINVESTMENT ZONE NUMBER THREE, CITY OF BAY CITY .

DC Dunham, BCCDC Executive Director

DC Dunham, Executive Director of the Bay City Community Development Corporation, addressed the Mayor and Council stating that an amendment needed to be done to the TIRZ #3 ordinance. Mayor Mark Bricker opened the Public Hearing at 7:49 PM.

Bay City resident, William Popek, asked if the TIRZ had already been created. City Attorney, Shannon Kackley, stated that it had been locked in but the boundaries have changed. Mr. Popek questioned whether or not the base values were locked in requiring the city to give support services based off taxes brought in from the \$350,000 land purchase. He also asked if the city would be selling bonds. Mayor Bricker said no, that the developer would be putting the money up front. Mayor Pro Tem Chrystal Folse did advise that the TIRZ would reimburse the developer. Mr. Popek wanted to know what was addressed in the previous Executive Sessions in regards to this. Mr. Kackley informed him that they could not discuss what was talked about in those sessions. Mr. Popek stated that there were other subdivisions that didn't have a TIRZ and they were doing fine. He stated that the general fund would have to pay for this because of the frozen tax base. Mrs. Dunham advised that there is a 5% administration fee. Mr. Popek wanted to know why all subdivisions aren't getting a TIRZ and if it was only because the developer came and requested one. He specifically mentioned the Golden Glen subdivision. Councilwoman Julie Estlinbaum advised that when the Golden Glen subdivision was built it was not inside the city limits and that the city had just finished annexing it. Mayor Bricker stated that the city has had issues getting home builders to our area. Councilman Bill Cornman informed Mr. Popek that even though the TIRZ was approved by the city, it still has 2 other entities that had to approve it. He also stated that county tax dollars could be used to help build the infrastructure. He also stated that property values would go up which would increase the property taxes. He advised that property taxes go to help develop areas and that sales tax goes toward city services. Mr. Popek stated that he agrees with the increased values but is concerned with the increased traffic. He then brought up houses for sale in the Golden Glen subdivision. He is questioning why the city doesn't let supply and demand work. Councilman Cornman advised that the city doesn't have the supply. Mayor Bricker informed Mr. Popek that

the infrastructure would be verified so that the city was not responsible for paying for it.

Bay City resident, Mona Keen, asked if the Mayor and Council knew how many houses could be on a one way street with a cul de sac in Houston. She advised that the answer is 34.

Bay City resident, Bill Franz, requested that the Mayor and Council consider all aspects or proposed developments, particularly how the traffic will affect their street. Councilman Cornman stated that once Public Works Director Barry Calhoun and others have looked at it, a recommendation would be given to the Planning Commission for approval. Mayor Bricker advised that this is just the first step. He stated that we wouldn't want to create everything and not have the funding mechanism in place.

Bay City resident, Esau Rodriguez, asked if the property that is being developed was public or private. Mayor Bricker stated that it was private property. He asked what the property would fall under in Tax Code Chapter 311.005. Mrs. Dunham stated that it met all aspects of the code. Mr. Rodriguez then asked what does Chapter 311.006 mean? Mr. Kackley stated that he would have to look up the code and get back with Mr. Rodriguez as he is not prepared for that question at this time. Mr. Rodriguez asked why they are only focusing on one street. Mayor Bricker advised that street and access points have to be figured out with Public Works.

Mayor Bricker closed the Public Hearing at 8:21 PM.

RESULT:	WITHDRAWN
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5. Ordinance

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE (AMENDMENT TO ORDINANCE NO. 1590) DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CITY AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE TO BE KNOWN AS REINVESTMENT ZONE NUMBER THREE, CITY OF BAY CITY; CREATING A BOARD OF DIRECTORS FOR THE ZONE; AND ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE.

Mayor Mark A. Bricker

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carolyn Thames, Councilwoman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Folse, Cornman, Estlinbaum, Thames
EXCUSED:	Johnson

ORDINANCE

Enacted and approved this 23rd day of February, 2017, at Bay City

6. Report

DISCUSS, CONSIDER, AND/OR APPROVE A CITY OF BAY CITY CLEANUP DAY.

Councilman Bill Cornman

Councilman Bill Cornman addressed the Mayor and other Council members in regards to a Bay City Cleanup Day. It was stated that the city had a cleanup day in the past but it did not work. It was suggested that a workshop was needed in order to get everything organized. Mayor Pro Tem Chrystal Folse stated that when this happens we could possibly have days where the landfill is free to use. Councilwoman Julie Estlinbaum stated that we needed to have educational components run in the newspaper, possibly once a week. She also stated that we needed to do some outreach at the schools. It was decided to have a workshop prior to the next council meeting in order to discuss this.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Pro Tem Chrystal Folse thanked Mayor Bricker for the cupcakes. Councilwoman Julie Estlinbaum stated that the weekend started off rodeo week and that there would be a food show on Saturday.

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 Agenda City Council August 8, 2013 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, February 16, 2017 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

Rhonda Clegg
City Secretary