



BAY CITY

MINUTES • NOVEMBER 3, 2016

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	
Chrystal Folse	Mayor Pro-Tem	Present	
William Cornman	Councilman	Present	
Julie Estlinbaum	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Carolyn Thames	Councilwoman	Excused	

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILMAN STEVEN JOHNSON

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.

Mayor Mark Bricker advised the citizens that the three minute speaking rule would be put in place.

Bay City resident, David Torres, addressed the Mayor and Council on many topics including the water bills, taxes, and road material. Bay City resident, Stanley Rosenthal, spoke about the need for a red light on Hamman Road near the rodeo grounds. Mr. Rosenthal requested to address the Mayor and Council again during the next portion of the meeting. Mayor Bricker revisited Public Comments at 7:57 PM to allow him to speak. Mr. Rosenthal addressed the topic of rupturing oil pipelines.

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

1. Resolution

DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION AUTHORIZING AN ECONOMIC PERFORMANCE AGREEMENT FOR AN ECONOMIC INCENTIVE BETWEEN BAY CITY COMMUNITY DEVELOPMENT CORPORATION AND SMBG - BAY CITY LLC TO INCLUDE AN OPTION TO PURCHASE THE SCHULMAN FAMILY ENTERTAINMENT CENTER (FIRST READING).

DC Dunham, BCCDC Executive Director

There were not any approvals to be made as a second reading will happen at the November 17, 2016 Council meeting.

RESULT: TABLED

Next: 11/17/2016 7:00 PM

2. Report

RECEIVE AND DISCUSS SAFETY REPORT FOR THE PUBLIC WORKS DEPARTMENT AND PARKS & RECREATION DEPARTMENT FOR APRIL 2016 THROUGH OCTOBER 2016.

Marla Jasek, Asst. Director of Public Works

Assistant Director of Public Works, Marla Jasek, provided the Mayor and Council with an update in regards to safety. She spoke in reference to employee injuries and also gave a rundown of the topics for the monthly safety meetings.

RESULT: WITHDRAWN

3. Ordinance

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS AMENDING SECTION 94-135 OF THE BAY CITY CODE OF ORDINANCES TO CONFIRM ALLEY EASEMENTS IN ALL SUBDIVISIONS OR ACREAGE IN CITY LIMITS WHERE SUCH ALLEYS HAVE BEEN IN EXISTENCE, BUT MAY HAVE NOT BEEN EXPRESSLY PLATTED OR CONVEYED.

Marla Jasek, Assistant Director of Public Works

Public Works Director, Barry Calhoun, addressed the Mayor and Council to get the 1945 date stricken from the Code of Ordinances. If this is not passed, they would have to go to each home that doesn't have a recorded easement for utility lines. It would be a costly and lengthy project. The utility lines are already in place. The City was denied grant funding because these easements were not recorded. City Attorney, Shannon Kackley, stated that these easements were already implied.

RESULT: TABLED

Next: 11/17/2016 7:00 PM

4. Bid

DISCUSS, CONSIDER AND/OR APPROVE AWARDED THE CONSTRUCTION BID FOR THE 2015 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND CONTRACT 7215202 FOR MAIN STREET BRICK PAVERS SIDEWALK PROJECT ON 6TH STREET IN FRONT OF BAYTEX HOTEL TO STAFF CONCRETE CONSTRUCTION IN THE AMOUNT OF \$129,829.00 AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND STAFF CONCRETE CONSTRUCTION.

Barry Calhoun, Director of Public Works

Public Works Director, Barry Calhoun, stated that this was a continuation of the Brick Pavers Project that was done on the Square.

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

Enacted and approved this 3rd day of November, 2016, at Bay City

5. Resolution

DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION TO DESIGNATE AN ADMINISTRATION SERVICE PROVIDER AND AN ENGINEERING SERVICE PROVIDER FOR A 2016 TEXAS CAPITAL FUND.

Barry Calhoun, Director of Public Works

Public Works Director, Barry Calhoun, stated that he wanted to apply for another Texas Capital Fund grant because there is a potential developer that would like to build a truck stop across from Tenaris. The process to apply for the grant has changed, requiring Mr. Calhoun to seek approval from the Council before applying. The City will not incur any costs unless they move forward with the project. It would then be brought back to Council for approval. The associated costs would be provided at that time.

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

RESOLUTION

Enacted and approved this 3rd day of November, 2016, at Bay City

6. Planning / Plat

DISCUSS, CONSIDER, AND/OR APPROVE A MOTION REQUIRING THE DIRECTOR OF PUBLIC WORKS TO PREPARE AN ANNEXATION SERVICE PLAN THAT PROVIDES THE EXTENSION OF FULL MUNICIPAL SERVICES TO THE AREAS TO BE ANNEXED BY THE CITY OF BAY CITY.

Marla Jasek, Assistant Director of Public Works

Assistant Director of Public Works, Marla Jasek, advised that this would be a "clean up" annexation for properties that were not included in the previous plans. This plan is in the early stages so property owners have not yet been contacted. Mayor Pro Tem Chrystal Folse stated that she would like to see a map of the area included in this plan. Mrs. Jasek advised that Jones and Carter were working to get one created.

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

Enacted and approved this 3rd day of November, 2016, at Bay City

7. Resolution

DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION AUTHORIZING THE SUBMISSION OF FEMA HAZARD MITIGATION GRANTS FOR CRITICAL FACILITY GENERATORS FOR THE BAY CITY REGIONAL AIRPORT, WASTEWATER TREATMENT PLANT, AVENUE B AND 4TH STREET WATER PLANT, AND AVENUE I SEWER LIFT STATION; AND AUTHORIZE THE PROCUREMENT OF A CONSULTANT AND AN ENGINEERING FIRM TO DEVELOP THE APPLICATION AND IMPLEMENT THE GRANT; CONTINGENT UPON AWARD.

Barry Calhoun, Director of Public Works

The new process to apply for the grant requires Council approval prior to the application being submitted. Each location would have a separate application.

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

RESOLUTION

Enacted and approved this 3rd day of November, 2016, at Bay City

8. Resolution

DISCUSS, CONSIDER AND ADOPT A RESOLUTION FOR THE CITY OF BAY CITY, TEXAS TO APPOINT THE MAYOR OF BAY CITY, TEXAS AS THE CHIEF EXECUTIVE OFFICER AND AUTHORIZING REPRESENTATIVE TO ACT IN ALL MATTERS IN CONNECTION WITH THE HAZARD MITIGATION GENERATOR GRANTS; AND AUTHORIZE COMMITMENT OF THE CITY TO THE 25% LOCAL MATCHING FUNDS TO SECURE AND COMPLETE THE HMA GRANTS.

Barry Calhoun, Director of Public Works

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

RESOLUTION

Enacted and approved this 3rd day of November, 2016, at Bay City

9. Resolution

DISCUSS, CONSIDER AND/OR ADOPT A RESOLUTION AUTHORIZING THE PROCUREMENT OF ENGINEERING SERVICES FOR THE FEMA HAZARD MITIGATION GRANT PROGRAM GENERATOR APPLICATIONS DEVELOPMENT & SUBSEQUENT IMPLEMENTATION CONTINGENT UPON AWARD FOR GRANT APPLICATIONS UNDER DR-4245 & DR-4255. THE LOCATIONS FOR GENERATORS INCLUDE CITY HALL, FIRE DEPARTMENT, PUBLIC WORKS MUNICIPAL SERVICES BUILDING/EMERGENCY COMMAND CENTER AND THE CIVIC CENTER/STAGING AREA FOR HURRICANE EVACUATIONS.

Barry Calhoun, Director of Public Works

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

RESOLUTION

Enacted and approved this 3rd day of November, 2016, at Bay City

5. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Mark Bricker stated the items that would need to be re-addressed as well as speaking about the new dog park. Mayor Bricker would also like a workshop on the Vision 2040 Plan to take place on December 1, 2016 at 5:30. Mayor Pro Tem Chrystal Folse advised that neither she nor Councilman Steven Johnson would be at the next meeting. Councilman Bill Cornman requested that an item be placed on the agenda for possibly approving the recommendation for an architectural firm for the theater. It was also requested that the possibility of a traffic light at Hamman Road and FM 2668 be placed on the next agenda. Councilwoman Julie Estlinbaum spoke about the Bay City Black Cats advancing along with the theater department. She also spoke of a pancake supper that was to take place. Councilman Steven Johnson spoke about Bark in the Park.

6. 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 Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Friday, October 28, 2016, 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