



BAY CITY

MINUTES • JULY 14, 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	Excused	
Steven Johnson	Councilman	Excused	
Carolyn Thames	Councilwoman	Present	

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILWOMAN JULIE ESTLINBAUM

Texas State Flag Pledge:

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

Councilwoman Carolyn Thames gave the invocation and Pledge of Allegiance in the absence of Councilwoman Julie Estlinbaum.

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, Jerry Evans, addressed the Mayor and Council in regards to concerns with the city charter. He has an issue with the consent agenda item and also the TIRZ appointment item. He stated that all the power to appoint and remove board members lies up on the Council members and not the Mayor. This is to have a separation of powers. City Attorney, Shannon Kackley, stated that the Mayor initiates the process but the council consents. Councilman Bill Cornman made a motion to post pone the consent agenda item indefinitely. Mayor Pro Tem Chrystal Folse seconded this motion. The motion carries. Mayor Pro Tem Folse and Councilwoman Carolyn Thames would like to speak about this without any name recommendations.

Bay City resident, Joe Lozano, addressed the Mayor and Council in response to Mr. Evans comments. He stated the section of the charter that Mr. Evans referred to is no longer in the charter.

Bay City resident, Bobby Head, addressed the Mayor and Council asking about split voting. City Attorney, Shannon Kackley, stated that there are certain things that the Mayor is no able to vote on. He also addressed the Mayor and Council in regards to the 9/11 meetings.

Mitch Thames, President of the Bay City Chamber of Commerce, stated that the Board of Directors has authorized the Chamber to begin a fundraising drive for the purpose of purchasing a 12x18 plaque for Andy Hawkins.

4. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

1. Appointment

DISCUSS, CONSIDER, AND/ OR APPROVE THE REMOVAL OF BOBBY WILKINSON AND MARIA AGUILERA FROM THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS DUE TO THE EXPIRATION OF THEIR TERMS ON JUNE 15, 2016.

Mayor Mark A. Bricker

Councilman Bill Cornman made a motion during public comments to table this item indefinitely. Mayor Pro Tem Chrystal Folsie seconded the motion. The motion carries.

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

1. Policy

SWEARING-IN OF RE-ELECTED COUNCIL MEMBERS JULIE ESTLINBAUM AND BILL CORNMAN FOR POSITIONS 1 AND 2, RESPECTIVELY.

Lillie Norris, Deputy City Secretary

This item was tabled until the next meeting when both Council members are in attendance.

2. Appointment

DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION APPOINTING BOARD MEMBERS TO REPRESENT THE CITY OF BAY CITY TO TAX INCREMENT REINVESTMENT ZONE NUMBERS 1 AND 2, APPOINT CHAIRPERSONS, DETERMINE TERMS, AND DIRECT STAFF AS NECESSARY.

Councilman Bill Cornman

The Mayor and Council had a discussion in regards to the TIRZ boards and board member recommendations.

RESULT:	WITHDRAWN
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3. Agreement

DISCUSS, CONSIDER, AND/OR APPROVE RATIFYING THE LEASE AGREEMENT BETWEEN CITY OF BAY CITY AND HERZIK FITNESS LLC. FOR OLD PARKS AND RECREATION BUILDING LOCATED AT 1912 AVENUE I, BAY CITY, TX.

Mayor Mark A. Bricker

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

Enacted and approved this 14th day of July, 2016, at Bay City

4. Property

DISCUSS, CONSIDER AND/OR APPROVE THE COMMUNITY ACTORS OF SOUTH TEXAS USING THE TEXAS THEATER FOR ITS SPRING PRODUCTION, AND DIRECT STAFF AS NECESSARY.

Mayor Pro Tem Chrystal Folse

Former Mayor Knapik addressed the Mayor and Council in regards to using the Texas Theater for its productions and rehearsals. Councilwoman Carolyn Thames made a motion to approve the use of the building for both productions and rehearsals. Mayor Pro Tem Chrystal Folse seconded the motion. The motion carries.

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

Enacted and approved this 14th day of July, 2016, at Bay City

5. Report

DISCUSS WCA's CURRENT OPERATIONS AND DIRECT STAFF AS NECESSARY.

Matt Cartier, WCA Site Manager

Matt Cartier, WCA, addressed the Mayor and Council to provide an update. He advised that they are fully staffed at this time but they did have some recent turnover. Councilman Bill Cornman advised that is what we hear with each update and he doesn't want to hear that anymore. Councilman Cornman also asked about citizens using the call in system. Mr. Cartier stated that the call in system is working but they need to get better on tagging the trash. Mr. Cartier also addressed the issue of the brush build up and stated that they will have trucks that will be picking up only brush. They will also have trucks coming in from other areas on Wednesdays to help stay on top of the brush pickup.

6. Property

DISCUSS, CONSIDER, AND/OR APPROVE A REQUEST TO ABANDON THE ALLEYWAY WITHIN BLOCK 142 OF THE BAY CITY ORIGINAL TOWNSITE BETWEEN 2ND STREET AND THE UNION PACIFIC RAILROAD TRACKS, AND DIRECT STAFF AS NECESSARY.

Marla Jasek, Asst Director of Public Works

Per City Attorney, Shannon Kackley, the ordinance has not been finalized at this time. It will appear on a later agenda as a consent agenda item once it has been completed.

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

Enacted and approved this 14th day of July, 2016, at Bay City

7. Grant

DISCUSS, CONSIDER, AND APPROVE A RESOLUTION AWARDED A CONTRACT FOR ADMINISTRATION SERVICES AND A CONTRACT FOR ENGINEERING SERVICES FOR THE 2016 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND CONTRACT NO. 7216112 FOR THE STREET IMPROVEMENTS AND DRAINAGE IMPROVEMENTS PROJECT FOR THE SCHULMAN MOVIE BOWL GRILL DEVELOPMENT, AND AUTHORIZE MAYOR TO EXECUTE A CONTRACT IN A FORM APPROVED BY THE CITY ATTORNEY, AND DIRECT STAFF AS NECESSARY.

Barry Calhoun, Director of Public Works

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

Enacted and approved this 14th day of July, 2016, at Bay City

6. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Carolyn Thames asked if there was an update on the Andy Hawkins sign. Mayor Mark Bricker stated that former Councilman Enich was going to be paying for it. Mayor Pro Tem Chrystal Folsie stated that he has already started fundraising to raise the funds for it.

Councilman Bill Cornman stated that the Civic Center looks nice on the outside that something needs to be done to make City Hall look nicer and more professional.

7. 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 Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Friday, July 8, 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