



# BAY CITY

REVISED MINUTES • DECEMBER 17, 2015

**Council Chambers**

**Regular Meeting**

**7:00 PM**

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

## 1. CALL TO ORDER & CERTIFICATION OF QUORUM

Mayor Mark Bricker certified that a quorum was present and that Councilman Steven Johnson was excused. Councilwoman Carolyn Thames was coming in late. She arrived at 7:32 PM.

| 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    | Excused |         |
| Carolyn Thames   | Councilwoman  | Present |         |

## 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."

Councilman Steven Johnson was excused from the meeting. Councilman Bill Cornman gave the invocation.

## 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.

There were not any public comments.

## 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.

There were not any consent agenda items.

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|------------------|------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | Julie Estlinbaum, Mayor Pro-Tem    |
| <b>SECONDER:</b> | William Cornman, Councilman        |
| <b>AYES:</b>     | Estlinbaum, Cornman, Folse, Thames |
| <b>EXCUSED:</b>  | Johnson                            |

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

### 1. Ordinance

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES REGARDING THE VARIANCE COMMITTEE; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Marla Jasek, Asst Director of Public Works

Marla Jasek, Assistant Director of Public Works, addressed the Mayor and Council in regards to amending this ordinance. This would change the committee to 1 Council member and 3 citizens. The Director of Public Works and the Building Inspector would be non-voting members. Mayor Mark Bricker advised that there have been some concerns so it may be made to go through the same steps of the parade permits in which multiple departments have to sign off on it. The Mayor would still sign off on it if the committee approves the variance. The Mayor's signature would be procedural and not need to be included in the ordinance changes. Councilwoman Chrystal Folse moved to approve and Mayor Pro Tem Julie Estlinbaum seconded the motion. It was approved.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>     |
| <b>MOVER:</b>    | Chrystal Folse, Councilwoman    |
| <b>SECONDER:</b> | Julie Estlinbaum, Mayor Pro-Tem |
| <b>AYES:</b>     | Estlinbaum, Cornman, Folse      |
| <b>ABSENT:</b>   | Thames                          |
| <b>EXCUSED:</b>  | Johnson                         |

## ORDINANCE

Enacted and approved this 17th day of December, 2015, at Bay City

### 2. Agreement

DISCUSS, CONSIDER, AND/OR APPROVE THE SALE OF SURPLUS REAL PROPERTY OWNED BY THE CITY - 2702 AVE. B - AND DIRECT STAFF AS NECESSARY.

Dustin Hodges, Executive Assistant

Dustin Hodges, Executive Assistant, addressed Mayor and Council in regards to the surplus property that was talked about by Erik Frankson (Ward Real Estate) and Mr. Fields in the December 3, 2015 meeting. A motion was needed in order to move forward with the sell of the property.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>     |
| <b>MOVER:</b>    | Chrystal Folse, Councilwoman    |
| <b>SECONDER:</b> | Julie Estlinbaum, Mayor Pro-Tem |
| <b>AYES:</b>     | Estlinbaum, Cornman, Folse      |
| <b>ABSENT:</b>   | Thames                          |
| <b>EXCUSED:</b>  | Johnson                         |

Enacted and approved this 17th day of December, 2015, at Bay City

3. Report

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

Dustin Hodges, Executive Assistant

Dustin Hodges, Executive Assistant, along with 3 representatives from WCA addressed the Mayor and Council to provide the update. Mr. Hodges advised that he had just received the new flyers and brochures so WCA will be mailing them out to all the citizens. Pedro Pratt of WCA stated that when he did his evaluation he noticed some shortfalls in the processes and training that were rolling over into customer service issues. They will begin implementing normal best practices including having the drivers leave communication for the citizens as to why they trash may not have been picked up. The information would also be relayed back to dispatch and other staff.

4. Agreement

DISCUSS, CONSIDER AND/OR APPROVE RATIFYING THE AWARD OF THE BID FOR THE PURCHASE OF ELECTRICITY TO RELIANT FOR AN EFFECTIVE KWH RATE OF 0.09635.

Mayor Mark A. Bricker

Mayor Mark Bricker advised that the new rate would save the city money. Our current contract is not up until September 2016 so it would not start until then. The new rate is with our current provider.

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

Enacted and approved this 17th day of December, 2015, at Bay City

5. Agreement

DISCUSS, CONSIDER, AND/OR APPROVE PROPOSED CHANGES TO THE COMMUNITY SERVICES RATES AND FEES SCHEDULE, ESTABLISH EFFECTIVE DATE FOR THE NEW RATES AND FEES, AND TO DIRECT STAFF AS NECESSARY.

John Garr, Community Services Director

John Garr, Director of Community Services, addressed the Mayor and Council in regards to the proposed changes in the service rates and fees. Mr. Garr stated that he reached out to the tenants regarding the rate increase and has not received any complaints. Councilman Bill Cornman stated that Councilman Steven Johnson had proposed the freezing of rates for the tenants over the age of 60. Mr. Garr stated

that because of the TX DOT grants we are required to treat everyone fairly so we cannot discriminate against anyone. Mayor Mark Bricker asked for information on the discount if the fees were paid for a year in advance. Per Mr. Garr, the previous discount was 6% if you paid for the full year and 3% if you paid for six months. Councilwoman Carolyn Thames stated that she was at the meeting where Mr. Garr explained the rate increases to the tenants and the one tenant over the age of 65 was ok with the increase. Councilman Bill Cornman moved to approve and Councilwoman Carolyn Thames seconded the motion.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | William Cornman, Councilman        |
| <b>SECONDER:</b> | Carolyn Thames, Councilwoman       |
| <b>AYES:</b>     | Estlinbaum, Cornman, Folse, Thames |
| <b>EXCUSED:</b>  | Johnson                            |

Enacted and approved this 17th day of December, 2015, at Bay City

6. Report

DISCUSS, CONSIDER, AND/OR APPROVE REDUCING THE BUILDING FEES, AND DIRECT STAFF AS NECESSARY.

Mayor Pro Tem Julie Estlinbaum

Mayor Pro Tem Julie Estlinbaum stated that these fees were approved months ago but they needed to be looked at again. She met the Barry Calhoun, Marla Jasek, and Otis Justice in regards to the fees. Mr. Justice is going to take another look and reduce them on a scale. In regards to those that have already paid the higher fees, they can receive an 80% refund. When questioned about why only 80%, Mr. Justice stated that it would go towards the administration side of processing.

7. Bid

DISCUSS, CONSIDER, AND/OR APPROVE AWARDED THE CONSTRUCTION BID FOR CP HOMES WASTEWATER SERVICE EXTENSION LIFT STATION AS PART OF THE TEXAS CAPITAL FUND GRANT NO. 713102 TO THE LOWEST RESPONSIBLE BIDDER AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND THE LOWEST RESPONSIBLE BIDDER.

Barry Calhoun, Director of Public Works

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|------------------|------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | William Cornman, Councilman        |
| <b>SECONDER:</b> | Carolyn Thames, Councilwoman       |
| <b>AYES:</b>     | Estlinbaum, Cornman, Folse, Thames |
| <b>EXCUSED:</b>  | Johnson                            |

Enacted and approved this 17th day of December, 2015, at Bay City

8. Report

RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS INCLUDING STREET REHABILITATION PROJECTS, UTILITY PROJECTS, GRANT PROJECTS, SIEMENS ENERGY SAVINGS PROJECT, NEW DEVELOPMENT AND BUILDING PERMITS, AND DIRECT STAFF AS NECESSARY.

Barry Calhoun, Director of Public Works

Barry Calhoun, Director of Public Works, addressed the Mayor and Council to provide the update. Amongst the updates, he stated that the Katy Water Tower project was complete, the Tenaris Force Main is 65% complete and the lift station is about 15% complete. Councilman Bill Cornman asked when the next phase of street work would begin. Mr. Calhoun advised that Phase 3 should begin in April 2016.

9. Bid

DISCUSS, CONSIDER AND/OR APPROVE AWARDING THE CONSTRUCTION BID FOR THE CP HOMES WASTEWATER SERVICE EXTENSION GRAVITY SANITARY SEWER AND FORCE MAIN SEWER AS PART OF THE TEXAS CAPITAL FUND GRANT NO. 713102 TO THE LOWEST RESPONSIBLE BIDDER AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND THE LOWEST RESPONSIBLE BIDDER.

Barry Calhoun, Director of Public Works

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

Enacted and approved this 17th day of December, 2015, at Bay City

10. Ordinance

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES, ADOPTING THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES, WITH CERTAIN ADDITIONS, DELETIONS, AND AMENDMENTS, AS THE BUILDING CODE OF THE CITY OF BAY CITY; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Marla Jasek, Asst Director of Public Works

Marla Jasek, Assistant Director of Public Works, and Otis Justice, Building Inspector, addressed the Mayor and Council in regards to the ordinance. Chapter 22 of the Code of Ordinances includes the Admin. Code, existing Building Code, and the Energy Code. This was approved based on changing the effective date to March 1, 2016.

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| <b>RESULT:</b>   | <b>APPROVED AS AMENDED [UNANIMOUS]</b> |
| <b>MOVER:</b>    | Julie Estlinbaum, Mayor Pro-Tem        |
| <b>SECONDER:</b> | Chrystal Folse, Councilwoman           |
| <b>AYES:</b>     | Estlinbaum, Cornman, Folse, Thames     |
| <b>EXCUSED:</b>  | Johnson                                |

**ORDINANCE**

Enacted and approved this 17th day of December, 2015, at Bay City

11. Ordinance

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, WITH CERTAIN ADDITIONS, DELETIONS, AND AMENDMENTS, AND SETTING FEES; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Marla Jasek, Asst Director of Public Works

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|------------------|------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | Carolyn Thames, Councilwoman       |
| <b>SECONDER:</b> | Chrystal Folse, Councilwoman       |
| <b>AYES:</b>     | Estlinbaum, Cornman, Folse, Thames |
| <b>EXCUSED:</b>  | Johnson                            |

### ORDINANCE

Enacted and approved this 17th day of December, 2015, at Bay City

#### 12. Presentation

DISCUSS THE POSSIBILITY OF LEASING OUT THE CITY'S ARMORY BUILDING TO A NON-PROFIT ORGANIZATION AND DIRECT STAFF AS NECESSARY.

Mayor Mark A. Bricker

Mayor Mark Bricker advised that they opted out of making the building into office space for the city. Frankie Cole, Impact, met with the Mayor to discuss the possibility of leasing out the building. She advised that she would like to come and address the Mayor and Council if they were willing to lease the building. Councilwoman Chrystal Folse stated that she wants to hear more about the plans for the building. Councilwoman Carolyn Thames said that it could be brought back to the next council meeting. Mayor Bricker advised that he would speak to her about coming to the meeting.

#### 13. Report

RECEIVE UPDATE ON THE VISION 2040 PLAN AND TAKE ANY ACTION THAT IS NECESSARY.

Mayor Mark A. Bricker

Mayor Mark Bricker advised that the TIRZ districts had passed and that the Form-Based Codes and the On The Roads workshops helped to implement the Vision 2040 Plan. He also stated that the Planning Commission is getting educated on the matters.

## 6. EXECUTIVE SESSION

#### 1. Agreement

PURSUANT TO SECTION 551.087 (ECONOMIC DEVELOPMENT), THE CITY COUNCIL WILL DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE OR TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY COUNCIL HAS RECEIVED FROM A PROSPECTIVE DEVELOPER THAT THE CITY COUNCIL SEEKS TO HAVE LOCATE IN OR NEAR THE CITY AND/OR WHICH THE CITY COUNCIL IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS.

Mayor Mark A. Bricker

An Executive Session did not take place as there were not any updates that needed to be discussed.

**RESULT:            WITHDRAWN**

## 7. OPEN SESSION

### 1. Report

RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY FOR ITEMS DISCUSSED IN EXECUTIVE SESSION.

Mayor Mark A. Bricker

Council reconvened from a short recess at 8:37 PM.

## 8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Everyone was wished a Merry Christmas.

Mayor Mark Bricker stated that he was asked to be on the committee for new schools. Councilwoman Carolyn Thames stated that Mayor Bricker was also named to the Boyscout District Committee. Councilman Bill Cornman addressed why the city did not have a 5 year Capital Plan since the charter states that we are supposed to have one. Mayor Bricker stated that Beverly Griffith, Interim Finance Director, would work on this after the beginning of the year. Councilman Cornman also stated that a Dunn Heat Exchangers tour needed to be organized for the emergency responders in the city.

## 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 Call Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Monday, December 14, 2015 before 6:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

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Lillie Norris  
Deputy City Secretary