



BAY CITY

REVISED MINUTES • NOVEMBER 19, 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, Brady Bowers, addressed the Mayor and Council stating that the city was looking good.

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

1. Public Hearing

CONDUCT A PUBLIC HEARING ON 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 ONE, CITY OF BAY CITY.

David Pettit

David Pettit addressed the Mayor and Council in regards to the TIRZ hearings. He stated that they would be combining items 4:1 and 4:2 so that only one public hearing was necessary. He gave information on the concept of public financing and the two proposed TIRZ districts. The districts would be Tax Increment Reinvestment Zones 1 & 2. He advised that Chapter 311 of the Tax Code outlines the procedures for creating and amending a TIRZ.

Once the information was given, the public hearing started at 7:16 PM. Bay City resident, Joe Lazano, addressed the Mayor and Council stating that this was all

contingent on Tenaris starting in 2017 and that they are receiving conflicting messages. Bay City resident, Brady Bowers, also addressed the Mayor and Council stating that this is what the city needed as long it is set up correctly. The public hearing ended at 7:20 PM.

Councilman Steven Johnson addressed whether or not board members for the TIRZ have already been chosen. According to Mayor Bricker, we would need to see who the participants were. Mr. Pettit stated that he would propose a 9 member board and that each taxing jurisdiction would have until March 1, 2016 for their appointment. He also advised that the board would be a recommending body but that the City Council would have the final decision.

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

Enacted and approved this 19th day of November, 2015, at Bay City

2. Public Hearing

CONDUCT A PUBLIC HEARING ON 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 TWO, CITY OF BAY CITY.

David Pettit

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

Enacted and approved this 19th day of November, 2015, at Bay City

3. Policy

DISCUSS, CONSIDER, AND/OR APPROVE 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 ONE, CITY OF BAY CITY AND ADVISE STAFF AS NECESSARY.

David Pettit

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

Enacted and approved this 19th day of November, 2015, at Bay City

4. Policy

DISCUSS, CONSIDER, AND/OR APPROVE 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 TWO, CITY OF BAY CITY AND ADVISE STAFF AS NECESSARY.

David Pettit

This ordinance was approved with the two changes that were made. They were to the recital and to include the ETJ.

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

Enacted and approved this 19th day of November, 2015, at Bay City

5. Proclamation

A PROCLAMATION DECLARING APRIL AS FAIR HOUSING MONTH.

Barry Calhoun, Director of Public Works

Barry Calhoun, Public Works Director, advised that earlier in the year the city applied for and was awarded a grant for the sewer improvements. One of the conditions of the grant required the city to declare April as the Fair Housing Month.

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

Enacted and approved this 19th day of November, 2015, at Bay City

6. Resolution

DISCUSS, CONSIDER, AND ADOPT RESOLUTION TO DESIGNATE ADMINISTRATION AND ENGINEERING SERVICE PROVIDERS FOR THE 2015 TEXAS CDBG FUND CONTRACT 7215031 FOR SEWER IMPROVEMENTS AND DIRECT STAFF AS NECESSARY.

Barry Calhoun, Director of Public Works

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

RESOLUTION

Enacted and approved this 19th day of November, 2015, at Bay City

7. Resolution

DISCUSS, CONSIDER, AND/OR APPROVE RESOLUTION TO DESIGNATE AUTHORIZED SIGNATORS FOR THE 2015 TEXAS CDBG PROGRAM CONTRACT 7215031 FOR SEWER IMPROVEMENTS AND DIRECT STAFF AS NECESSARY.

Barry Calhoun, Director of Public Works

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

RESOLUTION

Enacted and approved this 19th day of November, 2015, at Bay City

8. Resolution

DISCUSS, CONSIDER, AND APPROVE A RESOLUTION ADOPTING REQUIRED CDBG CIVIL RIGHTS POLICIES AND DIRECT STAFF AS NECESSARY.

Barry Calhoun, Director of Public Works

Public Works Director, Barry Calhoun, advised that these policy changes were required in order to receive the grant.

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

RESOLUTION

Enacted and approved this 19th day of November, 2015, at Bay City

9. Report

DISCUSS, CONSIDER, AND/OR APPROVE FUNDING TO RE-ROOF THE USO BUILDING AND DIRECT STAFF AS NECESSARY.

John Garr, Director of Community Services

This item has been tabled. Mayor Mark Bricker advised the Barry Calhoun, Public Works Director, brought in another roofer to make sure that the decking doesn't need to be replaced before moving forward with this project.

10. Budget

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE AMENDING THE 2014-2015 FISCAL BUDGET AND DIRECT STAFF AS NECESSARY.

Beverly Griffith, Interim Finance Director

Interim Finance Director, Beverly Griffith, addressed both item 4:10 and 4:11 at the same time. The amendments were approved and the votes were polled.

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

Enacted and approved this 19th day of November, 2015, at Bay City

11. Budget

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE AMENDING THE 2015-2016 FISCAL BUDGET AND ADVISE STAFF AS NECESSARY.

Beverly Griffith, Interim Finance Director

Interim Finance Director, Beverly Griffith, addressed both item 4:10 and 4:11 at the same time. The amendments were approved and the votes were polled.

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

Enacted and approved this 19th day of November, 2015, at Bay City

12. Report

DISCUSS, CONSIDER, AND/OR APPROVE MONTHLY FINANCIAL STATEMENTS AS OF JUNE 30, 2015; JULY 31, 2015; AND AUGUST 31, 2015, AND DIRECT STAFF AS NECESSARY.

Beverly Griffith, Interim Finance Director

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

Enacted and approved this 19th day of November, 2015, at Bay City

13. Agreement

DISCUSS, CONSIDER, AND/OR APPROVE A VARIANCE FOR THE CAMO FEST TO TAKE PLACE IN THE DOWNTOWN DISTRICT ON JANUARY 23, 2016, PLACEMENT OF ANY RESTRICTIONS, AND ADVISE STAFF AS NECESSARY.

Mayor Mark A. Bricker

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

Enacted and approved this 19th day of November, 2015, at Bay City

14. Report

PROVIDE AN UPDATE ON CURRENT WCA OPERATIONS AND ADVISE STAFF AS NECESSARY.

Dustin Hodges, Executive Assistant

Dustin Hodges, Executive Assistant, addressed the Mayor and Council to provide an update on WCA operations. He advised that since the last meeting he has received complaints from commercial businesses such as McDonald's and HEB. He stated that the issue with McDonald's has been cleared but the issue with HEB is still being looked into. They are trying to determine who owns the compactor at HEB as repairs are needed on the door seal in order for it to be serviced. WCA and HEB are both claiming that the other has ownership of it. Councilman Steven Johnson stated that he wondered how long we would continue to hear excuses from WCA. Mr. Hodges advised that they are not getting at the root of the problem to fix their issues. Councilwoman Chrystal Folsie advised that it appears we only see improvements when Mr. Hodges has to call them and that we need improvement when the customers call. Councilman Bill Cornman advised that we need some type of measurement system so that we can measure their performance. It would need to be a quality program that measures the defects and complaints to determine which ones are avoidable and which ones are not. This system would need to include a penalty system. Mayor Mark Bricker stated that we need a back up contractor to pick up those that WCA misses and subtract that amount from their invoice. Mr. Hodges advised that he has created an online form that will allow the citizens to fill out when they have a complaint. The submission will go to both the city and to WCA.

RESULT: TABLED

Next: 12/17/2015 7:00 PM

15. Report

DISCUSS THE NEW PROPOSED PARKS AND RECREATION FEES, TAKE ANY ACTION, AND ADVISE STAFF, AS NECESSARY.

Councilman Steven Johnson

Councilman Steven Johnson addressed the Mayor and Council in regards to the airport fees, not the Parks and Recreation fees. He stated that he was going to be an advocate and recuse himself. He advised that there were several tenants on fixed incomes so the fee structure needed to be looked at. He gave several options which are as follows: citizen to non-citizen rates, freezing the fee for those on fixed incomes, senior citizen discounts, or going up by \$5.00 a year for the next five years. Mayor Mark Bricker stated that the new fees that were previously brought to Council would match us to what other areas have for fees. This item is to be brought back for the December 17, 2015 council meeting.

16. Agreement

DISCUSS POSSIBLE PAINTING OPTIONS FOR THE KATY WATER TOWER AND PROVIDE GUIDANCE TO STAFF.

Mayor Mark A. Bricker

Mayor Mark Bricker addressed the Council in regards to putting the Black Cats logo on one side of the Katy water tower and "Home of the Black Cats" on the opposite side. This was approved by the Council.

17. Report

RECEIVE UPDATE ON THE VISION 2040 PLAN , TAKE ANY ACTION, AND ADVISE STAFF AS NECESSARY.

Mayor Mark A. Bricker

Mayor Mark Bricker stated that a successful workshop was completed on this subject prior to the last council meeting.

5. EXECUTIVE SESSION

The open session adjourned at 8:36 PM.

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

The Executive Session began at 8:40 PM and adjourned at 9:09 PM.

RESULT:

TABLED

Next: 12/17/2015 7:00 PM

6. OPEN SESSION

The Open session reconvened at 9:11 PM.

7. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

They wished all a Happy Thanksgiving. Mayor Pro Tem Julie Estlinbaum stated that Small Business Saturday was November 28, 2015. Councilman Steven Johnson advised that the Crime Stoppers meetings were held on the first Tuesday of the month.

8. 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 Monday, November 16, 2015 before 6:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

Lillie Norris
Deputy City Secretary