



BAY CITY

REVISED MINUTES • SEPTEMBER 21, 2015

Council Chambers

Regular Meeting

7:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER & CERTIFICATION OF QUORUM

Quorum certified

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 CAROLYN THAMES

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.

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.

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

1. Appointment

CONSIDER AND/OR APPROVE APPOINTMENT OF RAY TENNANT, JR. TO PLANNING COMMISSION

Mayor, Mark A. Bricker

Enacted and approved this 21st day of September, 2015, at Bay City

2. Appointment

CONSIDER AND/OR APPROVE APPOINTMENT OF RAY TENNANT, JR. AS CHAIRMAN OF THE PLANNING COMMISSION

Mayor, Mark A. Bricker

Enacted and approved this 21st day of September, 2015, at Bay City

3. Appointment

CONSIDER AND/OR APPROVE MAYOR'S APPOINTMENT OF BEVERLY GRIFFITH AS THE INTERIM FINANCE DIRECTOR AND BE APPROVED AS AN AUTHORIZED SIGNATURE FOR FINANCIAL TRANSACTIONS, AND DIRECT STAFF AS NECESSARY.

Mayor, Mark A. Bricker

Enacted and approved this 21st day of September, 2015, at Bay City

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

1. Proclamation

PRESENTATION OF PROCLAMATION PROCLAIMING OCTOBER 3, 2015 AS FAMILY FUN DAY RESOURCE FAIR, AND DIRECT STAFF AS NECESSARY.

Mayor, Mark A. Bricker

A proclamation was given by Mayor Mark A. Bricker for the Family Fun Day Resource Fair. This event will be held at Le Tulle Park on October, 3 2015 from 3pm-6pm.

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

Enacted and approved this 21st day of September, 2015, at Bay City

2. Proclamation

PRESENTATION OF PROCLAMATION PROCLAIMING SEPTEMBER AS FAMILY MEALTIME 2015, AND DIRECT STAFF AS NECESSARY.

Mayor, Mark A. Bricker

A proclamation was given by Mayor Mark A. Bricker claiming September 2015 to be the Family Meal Time month to help encourage family time along with healthy eating.

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

Enacted and approved this 21st day of September, 2015, at Bay City

3. Report

DISCUSS CURRENT WCA OPERATIONS AND DIRECT STAFF AS NECESSARY

Dustin Hodges, Executive Assistant

Dustin Hodges addressed the Mayor and Council to provide the update. He brought Melvin Moore, WCA, forward to provide information on the changes they have made. He stated that they added 4 call in line that will allow more than one person to answer the phones. These lines can all be active at the same time. The citizens had not yet been made aware of the call in system as the lines were just installed. They have increased the amount of office personnel by extending job offers to two Bay City residents. They have added 40 new carts to their inventory and were working to have another 30 by the end of the week. They are also in the process of acquiring more equipment from the Houston district. They have added a mechanic and are wanting to add another. They have cross trained a driver for the grapple truck. They are implementing a new system called Geo-Fencing that will allow them to track a truck on its route and will alert the supervisor should it go off route.

Dustin Hodges stated that he is working on a possible ordinance that would assist in keeping used tires off the streets. This ordinance would impose a fee per tire if the tires are not left with the tire shop upon replacing them. Should the tires be left with the tire shop, it would be only one fee for all tires. This will help keep track of any tires that are being dumped in the streets. Per the council, they would like this item brought back to them.

4. Report

RECEIVE RECRUITMENT EFFORTS UPDATE AND DIRECT STAFF AS NECESSARY.

Mayor Mark A. Bricker

This item was brought forth to discuss and selecting a headhunting firm to help find a candidate for the Financial Director and Assistant Financial Director positions that are currently open. Councilman Bill Cornman made a motion to accept City Secretary Rhonda Clegg's recommendation of SGR. Councilwoman Carolyn Thames seconded the motion. Councilman Cornman also stated that a committee needed to be formalized to help give information to the job candidates along with helping to organize the interview process. The committee that was chosen during the meeting is as follows: Mayor Mark A. Bricker, Interim Finance Director Beverly Griffith, Councilwoman Carolyn Thames, and Councilman Bill Cornman.

5. Ordinance

CONSIDER AND/OR APPROVE AN AMENDMENT TO THE PERSONNEL POLICY APPROVED MARCH 26, 2015, TO BE EFFECTIVE IMMEDIATELY.

Rhonda Clegg, City Secretary

A poll was conducted to receive the votes for approval.

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

ORDINANCE

Enacted and approved this 21st day of September, 2015, at Bay City

6. Ordinance

CONSIDER AND/OR PASS AND APPROVE AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF BAY CITY FISCAL YEAR 2015-2016 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICATED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURES INHERENT, EXPRESSED, AND INCLUDED THEREIN AND DISCUSS ALLOCATION OF FUNDS BUDGETED FOR EMPLOYEE RAISES.

Mayor Mark A. Bricker

Mayor Mark A. Bricker advised the Interim Finance Director Beverly Giffith had made changes on the day of this meeting but that the totals were reflective of what was included. A poll was conducted to receive the votes for approval.

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

ORDINANCE

Enacted and approved this 21st day of September, 2015, at Bay City

7. Ordinance

CONSIDER AND/OR APPROVE THE ADOPTION OF A TAX RATE OF .60209, WITH THE MAINTENANCE AND OPERATIONS RATE TO BE .49162 OF THE TAX RATE AND THE DEBT SERVICE RATE (I&S) TO EQUAL .11047, BY APPROVING AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF BAY CITY'S FISCAL YEAR 2015-2016.

Mayor Mark A. Bricker

Three motions were made as required by law to approve the maintenance and operations tax rate, the debt service rate, and the property tax rate. Per Assistant City Attorney, Shannon Kackley, the Texas Tax Code requires these motions to be read separately. A poll was conducted to receive the votes for approval. Councilman Bill Cornman stated that the city was not increasing taxes and that the rate is the same as last year. However, the effective tax rate is lower. The citizens taxes should not increase unless their property value increases.

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

ORDINANCE

Enacted and approved this 21st day of September, 2015, at Bay City

8. Budget

CONSIDER AND/OR APPROVE A MOTION TO RATIFY THE PROPERTY TAX RATE REFLECTED IN THE BUDGET FOR THE CITY OF BAY CITY FISCAL YEAR 2015-2016.

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

Enacted and approved this 21st day of September, 2015, at Bay City

9. Budget

CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET IN THE AMOUNT OF \$73,044, AND DIRECT STAFF AS NECESSARY.

Barry Calhoun, Director of Public Works

Public Works Director Barry Calhoun addressed the Mayor and Council in regards to a budget amendment for rehab work on Grace Street. They are trying to get a tank back in service prior to Dunn Heat Exchangers starting their work. A poll was conducted to receive the votes for approval.

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

Enacted and approved this 21st day of September, 2015, at Bay City

10. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING RATES FOR BUILDING PERMITS, INCLUDING PLAN REVIEW, PLUMBING, ELECTRICAL, MECHANICAL AND FIRE PERMITS, AND ESTABLISH EFFECTIVE DATE FOR THE NEW RATES, AND TO DIRECT STAFF AS NECESSARY.

Marla Jasek, Assistant Director of Public Works

Assistant Director of Public Works Marla Jasek addressed the Mayor and Council in regards to amending the Building Department fees. The current percentage rates do not allow us to receive enough money in order to fund the current operation of the department. The current rate is 2-3%. There was not an actual ordinance attached to this item. This item was approved. However, the actual ordinance poll will be placed on the meeting for October 8, 2015.

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

ORDINANCE

Enacted and approved this 21st day of September, 2015, at Bay City

11. Report

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

Mayor Mark A. Bricker

Mayor Mark A. Bricker advised that he was planning to have a workshop with the council members on October 22, 2015 at 6pm to review the plan goals.

6. EXECUTIVE SESSION

1. Report

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING THE EXTENSION OF WATER AND SEWER SERVICE IN ACCORDANCE WITH CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE.

The open session convened at 7:54 PM. The executive session began at 7:56 PM. Upon discussion with the City Attorney, this item will be revisited in an Executive session at the meeting on October 8, 2015. The Executive session ended at 8:12 PM.

7. OPEN SESSION

1. Report

CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND MAY CONSIDER AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE FOR CONSIDERATION/DISCUSSION IN EXECUTIVE SESSION (IF NECESSARY).

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Bill Cornman stated that he would not be able to attend the next meeting on October 8, 2015. Councilwoman Carolyn Thames advised that there would be a beach clean up this weekend.

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 Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Thursday, September 17, 2015 before 6:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

Rhonda Clegg
City Secretary