



BAY CITY

REVISED MINUTES • JUNE 25, 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	Excused	

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.

David Torres, a resident of Bay City, addressed the Mayor and Council in regards to mowing, sidewalks, street repair, street signs, and the Bay City Police Dept. Marilyn Alvarado, a resident of Bay City, addressed the Mayor and Council to dispute a statement made by resident David Torres.

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.

All consent items were approved.

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

1. Report

CONSIDER AND/OR APPROVE THE MONTHLY FINANCIAL STATEMENTS AS OF MAY 31, 2015

Phill Conner, Finance Director

Enacted and approved this 25th day of June, 2015, at Bay City

2. Appointment

CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT OF JASON CHILDERS TO MAIN STREET BOARD.

Mayor Mark A. Bricker

Enacted and approved this 25th day of June, 2015, at Bay City

3. Ordinance

CONSIDER AND/OR APPROVE AMENDING CHAPTER 86 (ENTITLED SECOND HAND GOODS), ARTICLE III (ENTITLED GARAGE SALES), BY AMENDING SECTIONS 86-47 AND 86-48 BY ELIMINATING THE NEED TO OBTAIN PERMIT AND REDUCING THE FREQUENCY OF SALES FROM ONE EVERY SIX MONTHS TO UNLIMITED; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Mark A. Bricker

ORDINANCE

Enacted and approved this 25th day of June, 2015, at Bay City

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

1. Public Hearing

CONDUCT A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CITY'S SUBDIVISION REGULATIONS CONTAINED IN CHAPTER 98 OF THE CITY CODE OF ORDINANCES

Marla Jasek, Assist. Director of Public Works

Marla Jasek, Assistant Direct of Public Works, addressed the Mayor and Council advising that a public hearing was a requirement in order to amend the city's subdivision regulations. At 7:17 pm, Mayor Mark A. Bricker advised that the meeting was now a public hearing. Bay City resident David Torres addressed the Mayor and Council in regards to a house being built just outside the city limits. At 7:19 pm, Mayor Mark A. Bricker advised that the public hearing was adjourned.

2. Ordinance

DISCUSS, CONSIDER AND/OR APPROVE DRAFT REVISIONS AND ADDITIONS TO CHAPTER 98 SUBDIVISION ORDINANCE AND INSTRUCT CITY ATTORNEY ON PREPARATION OF AMENDMENTS TO CHAPTER.

Marla Jasek, Assistant Director of Public Works

Marla Jasek, Assistant Director of Public Works, proposed revisions and additions to the subdivision ordinance. Councilwoman Chrystal Folse addressed Marla to verify that the revisions would not make it more difficult for contractors to build. Marla advised that it would not cause any difficulties as it is in compliance with state law.

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

ORDINANCE

Enacted and approved this 25th day of June, 2015, at Bay City

3. Ordinance

CONSIDER AND/OR APPROVE AMENDING CHAPTER 2 (ENTITLED ADMINISTRATION), ARTICLE VII (ENTITLED COMMITTEES AND COMMISSIONS*), DIVISION 3 (ENTITLED PLANNING COMMISSION) BY AMENDING SECTION 2-271 BY INCREASING THE NUMBER OF MEMBERS FROM FIVE TO SEVEN AND BY AMENDING SECTION 2-271(5)(a) BY REQUIRING THE MAJORITY OF THE MEMBERS TO RESIDE IN CITY LIMITS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Mark A. Bricker

Mayor Mark A. Bricker advised that this was a follow up from the meeting on June 11, 2015.

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

ORDINANCE

Enacted and approved this 25th day of June, 2015, at Bay City

4. Report

DISCUSS IMPLEMENTING A PROCESS TO ADDRESS PLANNING COMMISSION ITEMS WHEN THE COMMISSION IS UNABLE TO MEET, AND DIRECT STAFF TO TAKE ANY NECESSARY ACTION.

Councilman Bill Cornman

Councilman Bill Cornman addressed the Mayor, Barry Calhoun, and Marla Jasek in regards to the meetings of the Planning Commission. The Planning Commission will not have a meeting until August which could cause a hold up of certain actions. He advised that there needed to be a way to move forward with the approval process when the Planning Commission was not able to meet. Councilman Cornman suggested that reviewing and approving plats be given to Barry Calhoun or Marla Jasek. It could then be presented to the council for final approval. Per City Attorney, George Hyde, state law does require the approval of a Planning Commission or the City Council so presenting it to the council as a consent item would work.

5. Appointment

CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT OF STEVE SMITH TO THE PLANNING COMMISSION.

Mayor Mark A. Bricker

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

Enacted and approved this 25th day of June, 2015, at Bay City

6. Presentation

RECEIVE UPDATE ON BAY CITY RECOVERY RESOURCE CENTER.

Jonnie Montalbo

Jonnie Montalbo, a resident of Bay City, addressed the Mayor and Council in regards to the Bay City Recovery Resource Center. Due to financial reasons, she has been unable to obtain the non-profit permit in order to acquire a lease from the city to use the building. She advised that she already has organizations that are ready to assist her with fundraising. City Attorney, George Hyde, advised that the city can issue a license to use the building that is revocable if the non-profit status has not been achieved within an agreed upon time frame. She was advised that it would be within 2-4 weeks that she would have the building. Councilman Bill Cornman moved to approve this option and Mayor Pro Tem Julie Estlinbaum seconded the motion. All council members approved it.

7. Agreement

CONSIDER AND/OR APPROVE A CHAPTER 380 AGREEMENT BETWEEN THE CITY OF BAY CITY AND HENDERSON FABRICATION, INC. PROVIDING INCENTIVES TO INCREASE JOBS AND RETAIN EXISTING COMPANIES WITHIN THE CITY

Mayor Mark A. Bricker

DC Dunham, Executive Director of the Bay City Community Development Corporation, advised the Mayor and Council that Henderson Fabrication, Inc. Has applied for a tax abatement with Matagorda County. However, the Commissioners Court has not reviewed the final application because they are waiting on the agreement from the city in order to proceed. Henderson Fabrication, Inc. Stated that they have not started on any of the improvements because they were informed to wait until the agreements were completed.

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

Enacted and approved this 25th day of June, 2015, at Bay City

8. Budget

CONSIDER AND APPROVE AN ORDINANCE AMENDING THE 2014-2015 FISCAL BUDGET FOR THE REMAINING COST OF THE WATER LINE AND FORCE MAIN LINE FOR DUNN HEAT EXCHANGERS.

Phill Conner, Finance Director & Barry Calhoun, Public Works Director

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

Enacted and approved this 25th day of June, 2015, at Bay City

9. Report

RECEIVE THE 2014 BAY CITY POLICE DEPARTMENT ANNUAL REPORT.

Chief Roger Barker

Bay City Police Chief Roger Barker addressed the Mayor and Council to give the police departments annual report. He advised that there were several projects such as the Drug Box Program, Explorer's, using body cameras, and a food drive that were completed. Councilman Bill Cornman asked Chief Barker if the police department turnover rate had gotten better. Chief Barker stated that it has gotten better and the efforts that were made for employees raises have helped. Councilman Steven Johnson asked if there has been a lot of damage to any of the body cameras. Chief Barker asked Sgt. James Reckaway to answer this. Sgt. Reckaway advised that the cameras have held up very well and that only one has been lost during use.

10. Grant

Grant CONSIDER AND/OR APPROVE THE CITY OF BAY CITY APPLYING FOR THE 2016-2017 OFFICE OF THE ATTORNEY GENERAL CRIME VICTIM SERVICES GRANT.

Chief Roger Barker

Bay City Police Chief Roger Barker addressed the Mayor and Council in regards to accepting the 2016-2017 Office of the Attorney General Crime Victim Services Grant. He spoke highly of Letty Ramos as she is the individual who handles this. He stated that she always exceeds her goals and now also handles this for Matagorda County as well as the city. Councilman Steven Johnson moved to approve the grant. Mayor Pro Tem Julie Estlinbaum seconded the motion. The motion carried as all council members approved it.

11. Property

CONSIDER AND/OR APPROVE DESIGNATING FIVE (5) CITY-OWNED VEHICLES AS SURPLUS.

Sgt. James Reckaway

Sgt. James Reckaway with the Bay City Police Department addressed the Mayor and Council for approval of designating city-owned vehicles as surplus. It was originally thought to be 5 vehicles. However, it was only 4 vehicles. Sgt. Reckaway advised that the money could be used for other equipment. Councilwoman Chrystal Folse moved to approve this request. Mayor Pro Tem Julie Estlinbaum seconded the motion. The motion carried as all council members approved it.

12. Bid

DISCUSS, CONSIDER, AND/OR APPROVE AWARDING OR REJECTING THE CONSTRUCTION BID FOR THE STREET REHAB PHASE II FULL DEPTH RECONSTRUCTION PROJECT TO THE LOWEST RESPONSIBLE BIDDER, JAMES CONSTRUCTION GROUP, LLC., IN THE AMOUNT OF \$3,733,320.30.

Barry Calhoun, Director of Public Works

Barry Calhoun, Director of Public Works, addressed the Mayor and Council in regards to a bid that was received for the Street Rehab Phase II Full Depth Reconstruction Project. It was recommended that the bid be rejected and re-bid because it was over the budget that was allotted for the project. Mayor Mark A. Bricker asked about a comparison between asphalt and concrete for the roads. Mr. Calhoun advised that it would be more expensive. Councilman Bill Cornman requested a project cost sheet from Mr. Calhoun that showed the money amounts that are available, that have been spent, and that have already been committed. Councilman Steven Johnson made a motion to reject all bids and go out for re-bid. Mayor Pro Tem Julie Estlinbaum seconded the motion. The motion carried as all council members approved it.

RESULT:	WITHDRAWN
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13. Bid

DISCUSS, CONSIDER AND/OR APPROVE AWARDING A BID TO PRECISION PNEUMATICS, INC. TO FURNISH AND INSTALL THREE (3) NATURAL GAS GENERATORS FOR THE CITY OF BAY CITY AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BAY CITY AND PRECISION PNEUMATICS, INC. IN A FORM APPROVED BY THE CITY ATTORNEY

Barry Calhoun, Director of Public Works

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

Enacted and approved this 25th day of June, 2015, at Bay City

14. Presentation

DISCUSS TAX INCREMENT REINVESTMENT ZONE (TIRZ) WORKSHOP HELD ON JUNE 25, 2015 AT THE CIVIC CENTER AND PROVIDE DIRECTION TO STAFF, IF NECESSARY.

Mayor Mark A. Bricker

Mayor Mark A. Bricker stated that he wanted to provide an opportunity for the Council members to talk about the workshop that was held. Councilman Bill Cornman stated that it was not complicated but due to the amount of options it can become complicated. He thinks that it needs to be considered because of the economic impact. Mayor Bricker and Mayor Pro Tem Julie Estlinbaum agreed with him.

15. Policy

DISCUSS REEVALUATING THE CURRENT NEW HOME CONSTRUCTION INCENTIVE PROGRAM.

Mayor Mark A. Bricker

Mayor Mark A. Bricker gave some recommendations for the New Home Construction Incentive Program. City Attorney George Hyde stated that he would need any changes or other recommendations prior to the next council meeting so that an ordinance can be prepared. This item will be added to the agenda for the next meeting.

16. Report

RECEIVE UPDATE ON SELL OF SURPLUS CITY PROPERTY.

Mayor Mark A. Bricker

Eric Frankson with Ward Real Estate addressed the Mayor and Council. He advised that they have received offers on 1/3 of the properties. City Attorney George Hyde advised that the actual offer amounts could not be presented to the council during a public meeting because they are still in negotiations. The council would need to go into an executive session in order to hear the offers. Councilwoman Chrystal Folse made a motion to move into an executive session. Mayor Pro Tem Julie Estlinbaum seconded the motion. The Mayor halted the public meeting at 8:36 PM to convene into an executive session. The executive session began at 8:39 PM. At 8:54 PM, the executive session ended. At 8:56 PM, the open meeting resumed.

17. Report

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

Mayor Mark A. Bricker

No information was presented.

18. Report

STATUS UPDATE RELATIVE TO THE REPAIR PLAN FOR NILE VALLEY ROAD.

Councilman Steven Johnson advised that communications needed to start with TXDOT to see what type of funding can be done for the project. Councilman Bill Cornman agreed. Matt Breazeale, of Jones & Carter, and Barry Calhoun, Director of Public Works, advised they are trying to get a meeting put together to discuss this.

6. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Chrystal Folse stated that Wounded Warriors would be coming through town at 4pm on Friday, June 26, 2015.

Councilman Bill Cornman advised that there is a tight deadline for the new Tenaris training building and that they may request help from the city in the form of manpower in order to assist with moving equipment.

Mayor Mark A. Bricker stated that they would need to reschedule the budget meeting that was to take place on the 11th. He would not be able to attend. It was decided to try for the 18th for the 1st meeting. He advised that he would send out an email to verify the date change.

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 Thursday, June 18, 2015, 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