



BAY CITY

REVISED MINUTES • MAY 28, 2015

Council Chambers

Regular Meeting

7:00 PM

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

1. CALL TO ORDER & CERTIFICATION OF QUORUM

Mayor Mark A. Bricker certified that a quorum was present.

Attendee Name	Title	Status	Arrived
Chrystal Folse	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Mark Bricker	Mayor	Present	
Carolyn Thames	Mayor Pro-Tem	Present	
Julie Estlinbaum	Councilwoman	Present	
William Cornman	Councilman	Present	

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILMAN BILL CORNMAN

Texas State Flag Pledge:

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

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.

Bay City residents Brady Bowers and David Torres addressed the Mayor and Council on multiple items.

Bay City resident and business owner Derrick Parks addressed the Mayor and Council in regards to the pot holes on city streets.

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 no items to address.

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

1. Recognition

PRESENTATION OF THE "KEY TO THE CITY" TO THE MATAGORDA COUNTY CALVARY.

Mayor Mark A. Bricker

The Matagorda County Cavary was not in attendance to accept the "Key to the City."

2. Property

CONSIDER AND/OR APPROVE THE MATAGORDA COUNTY AMATEUR RADIO CLUB REQUEST TO HOLD THE 2015 FIELD DAY (24-hOUR) PUBLIC SAFETY ACTIVITY IN LETULLE PARK ON JUNE 27, 2015 AND JUNE 28, 2015.

Rick Gangluff

Rick Gangluff with the Matagorda County Amateur Radio Club addressed the Mayor and Council to seek approval to hold the 2015 Field Day Public Service Activity in LeTulle Park. It is set to begin at 1pm on Saturday, June 27, 2015 and end at 1pm on Sunday, June 28, 2015. It was approved.

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

Enacted and approved this 28th day of May, 2015, at Bay City

3. Agreement

CONSIDER AND/OR APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BAY CITY AND MATAGORDA REGIONAL MEDICAL CENTER FOR LABORATORY SERVICES.

Captain Robert Lister, BCPD

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

Enacted and approved this 28th day of May, 2015, at Bay City

4. Resolution

CONSIDER AND/OR APPROVE THE ACCEPTANCE OF A TEXAS DEPARTMENT OF TRANSPORTATION TRAFFIC SAFETY PROGRAM GRANT FOR THE CLICK IT OR TICKET CAMPAIGN AND AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT

Captain Robert Lister, BCPD

The acceptance of the TXDLOT grant was approved.

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

RESOLUTION

Enacted and approved this 28th day of May, 2015, at Bay City

5. Presentation

RECEIVE AND DISCUSS A PRESENTATION ON THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) SOURCE WATER PROTECTION PROGRAM.

Krystal Mason, Water/Wastewater Quality Coordinator

Krystal Mason, Water/Wastewater Quality Coordinator, provided the Mayor and Council with an update on the City's participation in the SWAP program. The program is voluntary and has two phases. The first phase is completed by TCEQ to outline the capture zones. The second is completed by the City and involves the implementation of the waste water plant. A report is provided upon completion of phase one. There are several City employees looking over the report. The plan/program will include public outreach such as flyers and social media. There will be a meeting on July 14, 2015 at 1:30 pm at the Service Center in regards to this program.

6. 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, addressed the Mayor and Council in reference to the draft revisions and additions to Chapter 98 Subdivision Ordinance. City Attorney, George Hyde, assisted with the presentation. Section 98-3 was amended so that no address or permit can be assigned to a property unless it has been platted. However, there are some properties that are not required to be platted. An amendment was added to include that information. Section 98-46 which required deed approval, is no longer needed with the amendments made to section 98-3. The platting process is needed for approving subdivisions to allow for needed easements. Both George Hyde and Marla Jasek advised that a public hearing was needed before the revisions and additions can be considered for approval. George Hyde advised that Chapter 2.12.004, which is a state law, requires property to be platted for dedicated public utilities. If a plat is divided into 2 or more lots without being platted it is an illegal subdivision. When a property is platted, the developer is responsible for making sure there are proper right of ways and easements to go "to and through" the next property.

RESULT:

TABLED

Next: 6/25/2015 7:00 PM

7. Presentation

SAFETY REPORT FOR THE PUBLIC WORKS DEPARTMENT AND PARKS AND RECREATION DEPARTMENT FOR JANUARY 2015 TO APRIL 2015.

Marla Jasek, Assistant Director of Public Works

Marla Jasek, Assistant Director of Public Works, advised that there were new faces on the Safety Committee and that department heads were welcome to attend the meetings. Since January 1, 2015 several incidents have been handled. The topics of the monthly meetings were: January - Preparations for freezing weather; February - heart healthy; March - snakes, insects, poison ivy; April - waste water treatment; May - CPR and AED refreshers. She stated that June's topic would be overall summer safety at home and at work. She informed us that there would be a new uniform vendor along with new uniforms.

8. Report

RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS.

Barry Calhoun, Director of Public Works

Barry Calhoun, Director of Public Works, provided the Mayor and Council with updates on current projects. He gave updates on Phase 2: A and B. Councilman Bill Cornman asked how the updates worked with Tenaris. Barry Calhoun advised that the sewer meter had been swapped out and it, along with the water meter, has been tested. Councilman Cornman also requested information on the money that had been borrowed for these projects. Mr. Calhoun informed him that all money would be spent and that there are several ways they are using it. All council members requested a list of the roadways that have been and still need to be fixed. Mr. Calhoun also spoke about the bids that were opened at 4pm for the Force Main, Water, and Lift Station projects. There will be a Special Call Meeting on Thursday, June 4, 2015 at 6pm in regards to the bids.

9. Report

STATUS UPDATE ON REPAIR OPTIONS FOR NILE VALLEY ROAD

Councilman Steven Johnson advised that they are looking into a couple different avenues for Nile Valley Road. Matthew Breazeale advised that there were two different options to find funding outside of City bonds. Per Councilman Bill Cornman, this will remain on the agenda until a decision is made.

10. Report

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

Mayor Mark A. Bricker

Mayor Mark A. Bricker advised that the North Downtown Plan meetings have been halted until the developer lets us know what he needs from the City. He also advised that Dustin Hodges presented the 2040 presentation to the Planning Commission.

6. EXECUTIVE SESSION**1. Personnel**

HOLD EXECUTIVE SESSION TO DELIBERATE PERSONNEL MATTERS TO DELIBERATE THE MAYOR'S PERFORMANCE AND SEEK LEGAL ADVICE AS NECESSARY PURSUANT TO SECTION 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE.

Mayor Mark A. Bricker and the Council Members convened into Executive session.

7. OPEN SESSION**1. Report**

ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.

Open session reconvened.

There was no action taken.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Julie Estlinbaum stated that she spoke with one of the lifeguards at the pool and that there were a lot of people and they had a great time. She said there were still a few lifeguard issues but that Parks and Recreation was working on that.

Councilwoman Chrystal Folse advised that the pool would be open on Friday, May 29, 2015 for the school district. It would also be open on Tuesday, June 2, 2015 and Thursday, June 4, 2015 for them.

Councilman Bill Cornman advised that he would not be attendance for the Council meeting on June 11, 2015.

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, May 21, 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