



BAY CITY

REVISED MINUTES • SEPTEMBER 25, 2014

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
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 STEVEN JOHNSON

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.

MATTHEW HOLT, REQUESTED TO BE PLACED ON THE NEXT COUNCIL MEETING AGENDA CONCERNING HIS VARIANCE REQUEST.

SUSAN DANCER, RETAIL MANAGER OF COASTAL AUTOMOTIVE REQUESTED THAT THE COUNCIL VOTE AGAINST THE WRECKER ORDINANCE. MS. DANCER POINTED OUT, THE APPLICATION PROCESS, THE FACT THAT THE TOWING COMPANIES ARE LOCALLY OWNED, AND SHE FELT THE LAWYER WHO DREW UP THE ORDINANCE WAS UNAWARE OF WHAT THIS COMMUNITY NEEDED. SHE SUGGESTED THAT EVERYONE TAKE A STEP BACK, REVISIT THE ORDINANCE, SO THAT THE BUSINESSES ARE PROTECTED AS WELL AS THE CITIZENS.

RICKY CLINTON, COMMENTED ON THE PRE-TREATMENT ORDINANCE, STATING THE MOST IMPORTANT PART OF ANY NEW ORDINANCE IS TO HAVE IT IN PLACE AND KNOWING WHO WOULD ENFORCE IT.

JOHN LOVELADY. REQUESTED THAT COUNCIL GIVE THE PILOTS A CHANCE TO REVIEW THE NEW AVIATION ORDINANCE, BEFORE IT'S PASSAGE.

JERRY HANCE, EXPRESSED HIS CONCERNS ON THE GARBAGE PICK UP, STATING THERE ARE PILES OF DEBRIS THAT'S NOT BEING PICKED UP ON A REGULAR SCHEDULE AND THE PILES CONTINUE TO GET HIGHER.

DAVID TORRES, QUESTIONED THE CITY SPENDING 600,000 IN LAWYERS AND ENGINEERS FEES. HE ALSO QUESTIONED, AFTER A VEHICLE ACCIDENT, WHY THE DEBRIS IS LEFT ON THE SIDE OF THE ROAD, OR PUSHED INTO SOMEONE YARD STATING THAT IT IS A HAZARD AND IT SHOULD BE REMOVED. MR. TORRES EXPRESSED HIS CONCERNS ABOUT THE ROAD CONDITIONS, AND THE BIG HOLE IN THE OLD K-MART PARKING LOT.

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.

1. Report

CONSIDERATION AND ACTION ON MONTHLY FINANCIAL STATEMENT AS OF AUGUST 31, 2014.

Phill Conner, Finance Director

Enacted and approved this 25th day of September, 2014, at Bay City

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

1. Report

DISCUSS AND PROVIDE DIRECTION TO STAFF REGARDING WATER AND SEWER LINES SERVING MATAGORDA OILFIELD SPECIALTY.

Councilwoman Chrystal Folse

CHRIS SCHNEIDER, OF MATAGORDA OILFIELD SPECIALTY ADDRESSED MAYOR AND COUNCIL , REQUESTING THAT WATER AND SEWER SERVICE TO BE PLACED ON THEIR PROPERTY. MR. SCHNEIDER POINTED OUT THEY HAD BEEN INCORPORATED AND HAD BEEN PAYING CITY TAXES FOR OVER 30 YEARS. ADDITIONALLY HE NOTED THE CITY HAD ISSUED A BUILDING PERMIT FOR RENOVATIONS TO THEIR BUILDING ON THE BASIS OF PROVIDING WATER AND SEWER SERVICE TO HIS BUSINESS. BUT DIDN'T DELIVER ON THE PROMISE WHEN THEY APPLIED FOR A SEWER TAP, WHICH THE CITY RETURNED THEIR CHECKS.

PUBLIC WORKS DIRECTOR BARRY CALHOUN, STATED THE PROBLEM IS TRYING TO GET UTILITIES TO THE LOCATION. THE CITY HAS NO SEWER OR WATER LINES IN THAT AREA. HE STATED IT WOULD COST THE CITY APPROXIMATELY 272,000 TO BRING WATER AND SEWER TO THEIR PROPERTY.

AFTER SOME DELIBERATION BETWEEN MATAGORDA OILFIELD SPECIALTY, MAYOR BRICKER, BARRY CALHOUN AND CITY ATTORNEY HABIB ERKAN. COUNCILMAN CORNMAN SUGGESTED THAT THE ISSUE OF EXTENDING WATER AND SEWER TO MATAGORDA OILFIELD SPECIALTY PROPERTY APPEAR ON THE AGENDA UNTIL IT'S RESOLVED.

2. Report

DISCUSS, CONSIDER, DIRECTION TO STAFF AND POSSIBLE ACTION ON A DEVELOPMENT AGREEMENT WITH THE DEVELOPERS OF A PROPOSED SHOOTING CLUB.

Eric Rooth

ERIC ROOTH, STATED THAT THE LAWYERS ARE STILL WORKING ON THE CONTRACT.

3. Contract

CONSIDER AND/OR APPROVE THE SELECTION OF BAY CITY JANITORIAL AND BEST CARPET CARE TO PROVIDE JANITORIAL / MAINTENANCE SERVICES AND AUTHORIZING THE MAYOR TO A CONTRACT WITH SAID VENDOR FOR SAID SERVICES.

Dustin Hodges, Public Information Officer

RESULT:	APPROVED [5 TO 0]
MOVER:	William Cornman, Councilman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman
ABSTAIN:	Bricker

Enacted and approved this 25th day of September, 2014, at Bay City

4. Budget

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE 2013-2014 FISCAL YEAR BUDGET.

Phill Conner, Finance Director

RESULT:	TABLED	Next: 10/23/2014 7:00 PM
----------------	---------------	---------------------------------

5. Personnel

DISCUSS AND ACTION ON SETTING QUALIFICATIONS FOR EMPLOYEE ELIGIBILITY TO RECEIVE RECENTLY APPROVED SALARY INCREASES.

Mayor Mark A. Bricker

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

Enacted and approved this 25th day of September, 2014, at Bay City

6. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING CHAPTER 110 OF THE CITY'S CODE RELATING TO NON-CONSENT TOWING OF VEHICLES; ESTABLISHING A FRANCHISE FOR USE OF CITY STREETS FOR PURPOSES OF CONDUCTING NON-CONSENT TOWING SERVICES; ESTABLISHING NON-CONSENT TOWING FEES; AND ESTABLISHING ADDITIONAL PROVISION RELATING TO NON-EXCLUSIVE FRANCHISE AGREEMENTS FOR TOWING SERVICE PROVIDERS; PROVIDING FOR PENALTY, CUMULATIVE AND CONFLICTS CLAUSE, SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

Captain Robert Lister, Bay City Police Department

CHIEF BARKER, EXPLAINED THE ORDINANCE IS TO ENSURE THE WRECKER COMPANIES HAVE MET CERTAIN REQUIREMENTS. CHIEF ADDED THAT MOST CITIES HAVE A WRECKER POLICY OR ORDINANCE IN PLACE TO PROTECT THE CITY AND THE CITIZENS.

COUNCILMAN CORNMAN, QUESTIONED WHAT THE PROBLEM WAS WITH THE WRECKER SERVICE?

CHIEF BARKER, STATED THAT THE POLICE DEPARTMENT HAD BEEN RECEIVING NUMEROUS COMPLAINTS THAT PEOPLE ARE BEING OVER CHARGED BY THE WRECKER SERVICE OR POLICE TOWS.

HE HOPES BY HAVING AN ORDINANCE IN PLACE IT WOULD HELP TO ALLEVIATE SOME OF THE COMPLAINTS.

COUNCIL EXPRESS THE NEED TO REVISIT THE ORDINANCE AND DECIDE ON A SOLUTION.

RESULT: TABLED

Next: 2/12/2015 7:00 PM

7. Agreement

CONSIDER AND/OR APPROVE A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR TOWING AND STORAGE SERVICES TO BE PROVIDED ON A ROTATIONAL BASIS AND DIRECT STAFF ON EXECUTIVE OF FRANCHISE AGREEMENT WITH SELECTED VENDORS.

Captain Robert Lister, Bay City Police Department

RESULT: TABLED

Next: 2/12/2015 7:00 PM

8. Ordinance

CONSIDERATION AND ACTION ON AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 114, BY ESTABLISHING ARTICLE VI, AN INDUSTRIAL PRETREATMENT PROGRAM; SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS; AUTHORIZING THE ISSUANCE OF WASTEWATER DISCHARGE PERMITS; AUTHORIZING MONITORING, COMPLIANCE, AND ENFORCEMENT ACTIVITIES; ESTABLISHING ADMINISTRATIVE REVIEW PROCEDURES; REQUIRING USER REPORTING; AND PROVIDING FOR THE SETTING OF FEES FOR THE EQUITABLE DISTRIBUTION OF COSTS RESULTING FROM THE PROGRAM ESTABLISHED HEREIN; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Barry Calhoun, Director of Public Works

RESULT: TABLED

Next: 2/26/2015 7:00 PM

9. Bid

CONSIDER AND/OR APPROVE AWARDED THE BID FOR STRIPING VARIOUS STREETS TO THE LOWEST RESPONSIBLE BIDDER, BATTERSON, LLP, IN THE AMOUNT OF \$29,329.44., AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SAID BIDDER FOR SAID SERVICES.

Marla Jasek, P.E., Assistant Director of Public Works

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

Enacted and approved this 25th day of September, 2014, at Bay City

10. Report

RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS.

Barry Calhoun, Director of Public Works

PUBLIC WORKS DIRECTOR BARRY CALHOUN, GAVE AN UPDATE ON THE PUBLIC WORKS PROJECTS, STATING THE STREET REHAB FOR BAYOU, NORTH AND CHATEAU ARE COMING ALONG VERY WELL, THEY SHOULD MEET THE COMPLETION DATE.

MR. CALHOUN, ALSO STATED ON PHASE II, HE HAD MET WITH CIVIL CORP AND THOMPSON DRIVE WILL BE THE 1ST STREET ON THE LIST TO BE REPAIRED.

THE TENARIS WATER AND SEWER MAIN IS COMPLETE, THE REMAINING COMPONENTS OF THAT PROJECT, IS TO INSTALL THE WATER METERS.

MR. CALHOUN, REPORTED THAT THE CITY IS CURRENTLY REPAIRING A MAJOR SEWER LINE ON COTTONWOOD.

MR. CALHOUN, REPORTED IT WOULD COST \$424,000 TO REHAB THE KATY WATER TOWER. HE ALSO SAID IT WOULD COST 1.5 MILLION DOLLARS TO REHAB ALL OF THE WATER TANKS. HOWEVER, THE GRACE TANK IS IN WORST SHAPE, WHICH HE WOULD LIKE FOR THE CITY TO ADDRESS THIS YEAR.

MR. CALHOUN, REPORTED ON THE DEMOLITION PROJECT OF (5) ABANDONED HOUSES, 2504 AVENUE D; 2812 AVENUE C; 404 THOMPSON DR; 3124 AVENUE D AND 1400 1ST STREET, WHICH WERE DEMOLISHED BY THE CITY. THE PROJECT IS ALMOST COMPLETE.

THERE IS NO ACTIVITY WITH DUNN HEAT EXCHANGERS. HOWEVER, MR. DUNN HAS HIRED A CONTRACTOR WHICH IS APACHE.

CP HOMES THERE IS NO ACTIVITY OR AN UPDATE AT THIS TIME. MAIN STREET PAVERS ARE 60% COMPLETE, THEY ARE JUST AWAITING A RESPONSE FROM THE STATE.

OAK MANOR VILLAS HAS FOUR (4) RENTERS.

MR. CALHOUN, STATED THAT THE 9'ERS RESTAURANT HAS APPLIED FOR THEIR BUILDING PERMITS, HOLIDAY INN EXPRESS ESTIMATED THEIR BEGINNING OF CONSTRUCTION NEXT MONTH, AND PAPA JOHN PIZZA WILL BEGIN CONSTRUCTION IN JANUARY 2015.

11. Presentation

RECEIVE QUARTERLY PUBLIC WORKS SAFETY UPDATE.

Marla Jasek, Assistant Director of Public Works

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

Enacted and approved this 25th day of September, 2014, at Bay City

12. Amendment

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 18 AVIATION, BY AMENDING DIVISION 2 OPERATIONS AND DIVISION 3 PUBLIC AND TENANT USE, SETTING FORTH UNIFORM REQUIREMENTS OF USERS OF THE BAY CITY REGIONAL AIRPORT; PROVIDING RULES AND REGULATIONS FOR THE EFFICIENT AND SAFE OPERATION OF THE AIRPORT; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

John Garr, Community Services Director

RESULT:	TABLED	Next: 11/20/2014 7:00 PM
----------------	---------------	---------------------------------

13. Agreement

CONSIDER AND/OR TAKE ACTION ON A COMMERCIAL AVIATION LEASE AGREEMENT FOR A PROPOSED TENANT AT THE BAY CITY REGIONAL AIRPORT.

John Garr, Community Services Director

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

Enacted and approved this 25th day of September, 2014, at Bay City

14. Agreement

Consider and/or approve a Chapter 380 Economic Development and Construction Agreement regarding installation of fixtures at the Bay City Regional Airport.

John Garr

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

Enacted and approved this 25th day of September, 2014, at Bay City

15. Appointment

DISCUSS, CONSIDER AND/OR APPROVE THE 2015 HOUSTON-GALVESTON AREA COUNCIL REPRESENTATIVE AND ALTERNATE FOR THE CITY OF BAY CITY, TX.

Mayor Mark A. Bricker

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

Enacted and approved this 25th day of September, 2014, at Bay City

6. EXECUTIVE SESSION

1. Personnel

IN ACCORDANCE WITH TEXAS GOVERNMENT CODE SECTIONS 551.071 (CONSULTATION WITH ATTORNEY) AND 551.074 (PERSONNEL) CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO RECEIVE ADVICE FROM THE CITY ATTORNEY AND DELIBERATE THE MAYOR'S COMPENSATION.

9:25 P.M. COUNCIL ADJOURNED INTO EXECUTIVE SESSION

9:39 p.m. COUNCIL RECONVENED INTO OPEN SESSION.

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).

9:36 P.M. COUNCIL RECONVENED INTO OPEN SESSION.

MOTION MADE BY COUNCILMAN CORNMAN, SECONDED BY MAYOR PRO TEM THAMES, TO INCREASE THE MAYOR'S SALARY TO 80,000 per year.

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

Enacted and approved this 25th day of September, 2014, at Bay City

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS**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 Monday, September 22, 2014, 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