



BAY CITY

REVISED MINUTES • AUGUST 28, 2014

Council Chambers

Regular Meeting

7:00 PM

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

1. CALL TO ORDER & CERTIFICATION OF QUORUM

7:03 P.M. - REGULAR COUNCIL MEETING WAS CALLED TO ORDER.

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 - COUNCILWOMAN 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.

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. Budget

RECEIVE REPORT AND TAKE ACTION ON THE FOLLOWING: ACCOUNTS PAYABLE 7/3/14, 7/10/14, 7/17/14 & 7/24/14, 7/31/14; DIRECT PAYABLES 7/3/14, 7/3/14, 7/3/14 & 7/24/14; UTILITY REFUNDS 7/3/14, 7/3/14, 7/3/14 & 7/31/14.

Phill Conner, Interim Finance Director

Enacted and approved this 28th day of August, 2014, at Bay City

2. Report

RECEIVE INVESTMENT REPORT AS OF JUNE 30, 2014, FROM INTERIM THE FINANCE DIRECTOR.

Phill Conner, Interim Finance Director

Enacted and approved this 28th day of August, 2014, at Bay City

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

1. Budget

RECEIVE REPORT ON FINANCIAL STATEMENTS AS OF JULY 31, 2014, FROM THE INTERIM FINANCE DIRECTOR.

Phill Conner, Interim Finance Director

INTERIM FINANCE DIRECTOR PHILL CONNER, GAVE A BRIEF REPORT STATING AS OF JULY 31ST, THE GENERAL FUND REVENUE HAS EXCEEDED EXPENSES BY 488,000 YEAR TO DATE. THE UTILITY FUND BALANCE HAS EXCEEDED EXPENSES BY 634,708 YEAR TO DATE.

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

Enacted and approved this 28th day of August, 2014, at Bay City

2. Public Hearing

PUBLIC HEARING ON PROPOSED PROPERTY TAX RATE OF .60209 CENTS PER \$100 OF TAXABLE VALUE FOR FISCAL YEAR 2014-2015.

Phill Conner, Interim Finance Director

7:11 p.m. - MAYOR OPENED THE PUBLIC HEARING.

7:11 p.m. - MAYOR CLOSED THE PUBLIC HEARING.

3. Amendment

DISCUSS, CONSIDER AND/OR APPROVE AMENDING SECTIONS 66-111 AND 66-112 OF THE CITY OF BAY CITY'S CODE OF ORDINANCES TO HAVE THE LEGAL AGE FOR PURCHASE AND POSSESSION OF TOBACCO PRODUCTS BE 19 YEARS OF AGE.

Joseph Ramsey

JOSEPH RAMSEY, OF THE DEPARTMENT OF STATE HEALTH SERVICES, REQUESTED THAT COUNCIL PASS AN ORDINANCE, TO RAISE THE LEGAL AGE TO PURCHASE AND BE IN POSSESSION OF TOBACCO PRODUCTS TO 19 YEARS OF AGE.

CITY ATTORNEY GEORGE HYDE, EXPLAINED STATE LAW REGULATES THE SELL OF TOBACCO PRODUCTS AT 18 YEARS OR OLDER, ANY ORDINANCE THAT WAS PASSED WITH POSSESSION OF TOBACCO PRODUCTS THAT WAS INCONSISTENT WITH STATE LAW WOULD NOT BE ENFORCEABLE.

MAYOR BRICKER, SUGGESTED WHAT WOULD BE APPROPRIATE IS FOR COUNCIL TO PASS A RESOLUTION, GETTING THE STATE INVOLVED IN PUSHING FOR MORE STRICTER PRACTICES ON TOBACCO USE.

MOTION MADE BY COUNCILWOMAN ESTLINGBALT, SECONDED BY MAYOR PRO TEM THAMES, TO SEND A RESOLUTION TO THE STATE REQUESTING TO RAISE THE LEGAL AGE TO PURCHASE AND/OR BE IN POSSESSION OF TOBACCO PRODUCTS TO THE AGE 19 TO 21.

4. Report

DISCUSS, CONSIDER AND/OR RECEIVE DIRECTION ON A REQUEST FROM THE DEVELOPERS OF THE PROPOSED BAY CITY SHOOTING CLUB FOR ECONOMIC INCENTIVES AND A DEVELOPMENT AGREEMENT.

Eric Rooth
7:26 p.m.

ERIC ROTH, EXPLAINED THE PROCESS OF ERECTING THE SHOTGUN SHOOTING RANGE. WHICH WILL BE LOCATED OFF NORTH STATE HIGHWAY 60, WHICH IS IN THE ETJ OF BAY CITY, TEXAS. MR. ROTH REQUESTED THROUGH THE CITY OF BAY CITY THE ECONOMIC DEVELOPMENT TWO DOCUMENTS, WHICH INCLUDE A "NON-ANNEXATION" AGREEMENT ALSO KNOW AS A 212 AGREEMENT, AND A "NOISE ABATEMENT" AGREEMENT WHICH IS KNOW AS A 380 AGREEMENT.

COUNCIL EXPRESSED THEIR CONCERNS ABOUT THE NOISE ORDINANCE.

COUNCILWOMAN JULIE ESTLINBAUM, THINKS ITS A GOOD IDEA, WAS A CONCERNED ABOUT THE NOISE, HOWEVER SHE VOLUNTEERED TO VISIT THE RANGE, AND RETURN TO COUNCIL WITH A REPORT.

5. Budget

DISCUSS, CONSIDER AND/OR APPROVE DECLARING OLD PRINTERS, COPIERS, AND ASSOCIATED SUPPLIES AS SURPLUS AND AUTHORIZE STAFF TO SELL SAID SURPLUS PRINTERS, COPIERS, AND ASSOCIATED SUPPLIES THROUGH THE USE OF AN ONLINE AUCTION AND/OR SEALED BIDS AND AUTHORIZE THE PROCEEDS FROM THE SALE TO BE USED TO PURCHASE NEW EQUIPMENT AND SUPPLIES.

Jennifer Gresham, Interim IT Manager
7:52 p.m.

COUNCIL APPROVED AUTHORIZING STAFF TO SELL SAID SURPLUS PRINTERS, COPIERS AND ASSOCIATED SUPPLIES THROUGH THE USE OF AN ONLINE AUCTION AND/OR SEALED BIDS AND AUTHORIZE THE PROCEEDS FROM THE SALE TO BE USED TO PURCHASE NEW EQUIPMENT AND SUPPLIES.

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

Enacted and approved this 28th day of August, 2014, at Bay City

6. Policy

DISCUSS, CONSIDER AND/OR APPROVE A PROPOSED FACILITY USAGE AGREEMENT FOR THE CITY OF BAY CITY AQUATIC FACILITIES.

Kelly Penewitt, Parks and Recreation Supervisor
7:54 p.m.

COUNCIL WOULD LIKE TO TABLE THE PROPOSED FACILITY USAGE AGREEMENT UNTIL THE LOCAL AUTHORITIES, AND POWER USERS HAVE A CHANCE TO REVIEW AND GIVE INPUT.

RESULT: TABLED

Next: 9/11/2014 7:00 PM

7. Report

BAY CITY VISION 2014 COMPREHENSIVE PLAN a. RECEIVE INFORMATION FROM ECONOMIC DEVELOPMENT DIRECTOR DUNHAM ON THE PROGRESS WITH THE BAY CITY VISION 2014 COMPREHENSIVE PLAN. b. DISCUSSION AND POSSIBLE DIRECTION BY CITY COUNCIL

DC Dunham, BCCDC Executive Director
8:05 p.m.

COUNCIL, WOULD LIKE TO TABLE THIS ITEM UNTIL A TOWN HALL MEETING IS CALLED TO GET INPUT FROM THE CITIZENS, AND OTHER ORGANIZATIONS.

8. Report

WCA SOLID WASTE FRANCHISE AGREEMENT a) RECEIVE A REPORT FROM A REPRESENTATIVE OF WCA ON THE COMPANY'S PERFORMANCE OF SANITATION OPERATIONS. b) DISCUSSION AND DIRECTION FROM CITY COUNCIL.

Terry Ramey, WCA General Manager and Mayor A. Mark Bricker
8:11 p.m.

TERRY RAMEY, OF WCA GAVE A REPORT ON THE COMPLAINT LOG AND TRANSFER STATION. HE ALSO REPORTED THAT CODE ENFORCEMENT HAS BEEN ASSISTING THEM ON PROBLEMS. HE PASSED OUT BROCHURES WHICH ARE COLOR CODED OF THE DIFFERENT SECTIONS OF TOWN, AND INDICATING WHICH DAYS THEY WILL COLLECT TRASH OR BRUSH.

9. 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
8:22 p.m.

PUBLIC WORKS DIRECTOR BARRY CALHOUN REQUESTED THAT THIS ITEM IS TABLED UNTIL THE SECOND MEETING IN SEPTEMBER.

RESULT: TABLED**Next: 9/25/2014 7:00 PM****10. Report**

RECEIVE AND DISCUSS AN UPDATE BY PUBLIC WORKS DIRECTOR BARRY CALHOUN ON ALL ONGOING PUBLIC WORKS PROJECTS.

Barry Calhoun, Director of Public Works
8:25 pm

PUBIC WORKS DIRECTOR BARRY CALHOUN, GAVE AN UPDATE ON PHASE I WORK ON NORTH DRIVE STATING IT WILL BE COMPLETED BY SEPTEMBER 22, 2014. THE PHASE I WATER LINE PROJECT IS ALMOST COMPLETE. HE ALSO REPORTED THEY WILL BEGIN WORK ON CHATEAU DRIVE, ON NOVEMBER 26TH, WITH THE COMPLETION DATE SET FOR JANUARY 28TH.

COUNCIL QUESTIONED IF THE REPAIRS TO THE AMERICAN LEGION PARKING LOT WERE INCLUDED IN THE PHASE I PROJECT? MR. CALHOUN REPORTED YES AFTER THE COMPLETION OF CHATEAU DRIVE.

MR. CALHOUN DISCUSSED THE REPAIRS TO THE DIFFERENT RAILROAD INTERSECTIONS.

IN REGARDS TO PHASE II OF THE STREET REHAB PROJECT, MR. CALHOUN DISCUSSED SPLITTING THIS PROJECT INTO (2) PHASES, WHICH HE WILL GIVE COUNCIL AN UPDATE AT THE 2ND MEETING OF EACH MONTH.

THE TENARIS PROJECT CONSISTED OF INSTALLING A WATER LINE AND PHASE I OF THE SEWER FORCE MAIN LINE, WHICH ALL OF THE WORK HAS BEEN DONE. COUNCIL QUESTIONED IF THE COST WAS ON SCHEDULE? MR. CALHOUN, REPLIED YES, THE ESTIMATED COST WAS \$684,000 AND THE LOWEST BID WAS \$549,187, WITH NO COST TO THE CITY.

MR. CALHOUN, ALSO GAVE AN UPDATE ON THE 15" SEWER LINE REPAIRS ON WILLOW, THE GOLDEN GLEN PROJECT, CP HOMES PROJECT AND THE DUNN HEAT EXCHANGER PROJECT.

11. Report

RECEIVE UPDATE ON PREVIOUSLY APPROVED EFFORT TO CLEAN UP THE GOLDEN GLEN SUBDIVISION.

Mayor Mark A. Bricker
8:47 p.m.

GOLDEN GLEN RETENTION POND AND OTHER LOTS WERE NOT INCLUDED ON THE LIST.

COUNCIL INSTRUCTED MR. CALHOUN TO HAVE THE RETENTION POND MOWED BY THE CITY THIS TIME.

6. EXECUTIVE SESSION

8:55 p.m.
9:44 p.m.

1. Appointment

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074, ENTITLED "PERSONNEL MATTERS", CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE POSSIBLE APPOINTMENT AND EMPLOYMENT OF PHILL CONNER AS CITY TREASURE/FINANCE DIRECTOR.

Mayor Mark A. Bricker
9:44 pm

COUNCIL APPROVED THE APPOINTMENT AND EMPLOYMENT OF PHILL CONNER AS FINANCE DIRECTOR.

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

Enacted and approved this 28th day of August, 2014, at Bay City

7. OPEN SESSION

1. Report

AT THE CONCLUSION OF THE EXECUTIVE SESSION CITY COUNCIL SHALL RECONVENE INTO REGULAR SESSION AND MAY TAKE SUCH ACTION AS CITY COUNCIL DEEMS APPROPRIATE WITH REGARDS TO MATTERS DISCUSSED IN EXECUTIVE SESSION INCLUDING ACTION ON THE MAYOR'S NOMINATION OF PHILL CONNER TO SERVE AS CITY TREASURE/FINANCE DIRECTOR.

9:45 p.m.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

9:46 p.m.

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, August 25, 2014 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