



BAY CITY

REVISED MINUTES • MAY 8, 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	Absent	
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.

TAYLOR VASEK, INTRODUCED SHELBY HERMAN, SIERRA KALKO AND RACHEL SCHUMACKER FROM THE BAY CITY HIGH SCHOOL GOVERNMENT CLASS. AS A PROJECT FOR THEIR FINALS, THE GROUP CAME TO OBSERVE THE CITY COUNCIL.

CECILIA PENA, PRESIDENT OF THE JUNIOR SERVICE LEAGUE, INTRODUCED NEW VOLUNTEERS, KIM JANISE, SAMANTHA HUDGINS, AND ASHLEY HAGG.

MITCH THAMES, PRESIDENT OF THE CHAMBER OF COMMERCE, REMINDED THE CITIZENS OF THE AMERICAN RED CROSS FUNDRAISER, SATURDAY MAY 10TH. MARKET DAYS AND 5K FUN RUN ON MAY 17TH. MR. THAMES WILL BE ATTENDING A TEXAS WINDSTORM INSURANCE ASSOCIATION MEETING IN GALVESTON ON MAY 23RD.

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:	William Cornman, Councilman
SECONDER:	Steven Johnson, Councilman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman
ABSENT:	Bricker

1. Appointment

CONSIDER AND/OR APPROVE MAYOR MARK BRICKER, COUNCILMAN BILL CORNMAN, DC DUNHAM, JUDGE NATE MCDONALD, MIKE STROTHEIDE, RAFAEL GONZALES, RAY TENNANT, JR, SARAH CRAFT, BLAYNE FINLAY, ANGIE PAGEL, TERRY FARRAR, JERRY MANNING, JOE GONZALES, KYLE JACOBS, KALEIGH SEIDEL, JOSE RODRIGUEZ, AND ERWIN WARD; AS THE MAYOR'S APPOINTEES TO THE BAY CITY COMPREHENSIVE PLAN STEERING COMMITTEE.

Mayor Mark A. Bricker

COUNCILMAN CORNMAN, COMMENTED HE HAD WRITTEN MAYOR BRICKER A LETTER REQUESTING THAT MITCH THAMES IS ADDED TO THE STEERING COMMITTEE.

MOTION BY COUNCILMAN CORNMAN, TO ACCEPT THE LIST OF NAMES PRESENTED AND TO ADD MITCH THAMES TO THE STEERING COMMITTEE, SECONDED BY COUNCILMAN JOHNSON. MOTION CARRIED BY UNANIMOUS VOTE.

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

1. Report

RECEIVE A REPORT FROM WCA WASTE CORPORATION ON SANITATION AND SOLID WASTE COLLECTION OPERATIONS IN THE CITY OF BAY CITY.

Terry Ramey, WCA General Manager

TERRY RAMEY, GENERAL MANAGER OF WCA GAVE AN UPDATE ON THE BROCHURE WHICH WILL BE DISTRIBUTED THROUGHOUT THE CITY INFORMING THE PUBLIC OF HEAVY TRASH PICK UP, HOLIDAY SCHEDULES, ETC. HE ALSO INFORMED COUNCIL WCA HAS A LOCAL OFFICE, WHICH IS LOCATED AT 700 AVENUE F, THE NUMBER IS 1-844-523-0976, WITH JOYCE CAMRON ON SIGHT TO ASSIST THE PUBLIC.

COUNCIL REQUESTED THAT MR. RAMEY RETURN AND GIVE AN UPDATE ON THE PROGRESS.

2. Report

DISCUSS, CONSIDER AND POSSIBLE DIRECTION TO STAFF TO BRING TO CITY COUNCIL (1) AN AGREEMENT WITH BAY CITY YOUTH SOCCER CLUB FOR FINANCIAL SUPPORT (TO OFFSET UTILITY COSTS) FOR SOCCER PROGRAMS IN THE CITY AND (2) AN AMENDMENT TO THE BUDGET TO REFLECT SUCH FINANCIAL SUPPORT.

Irma Frahm, Bay City Youth Soccer Club

TRIPP FRAHM, WITH BAY CITY YOUTH SOCCER CLUB, PASSED OUT LETTERS AND DOCUMENTS TO THE COUNCIL. MR. FRAHM ASKED THAT MAYOR AND COUNCIL REVIEW THE AGREEMENT CONCERNING THE UTILITIES OF THE SOCCER CLUB. HE ALSO ASK THAT MAYOR AND COUNCIL DISCHARGE THE UTILITY FEE'S.

JOHN GARR, STATED AFTER REVIEWING THE CONTRACTS, IT IS THE POLICY OF THE CITY TO TAKE CARE OF THE UTILITIES FOR THE PARKS. HE ASK THAT COUNCIL WOULD CONSIDER THE REQUEST TO DISCHARGE THE FEE'S.

COUNCILMAN JOHNSON, MOTION THE CITY WOULD ASSIST THE SOCCER CLUB ANYWAY POSSIBLE.

CITY ATTORNEY GEORGE HYDE, STATED AFTER SPEAKING WITH MR. GARR AND PARK AND RECREATION DIRECTOR KELLY PENEWITT, THEIR SUGGESTION IS TO COME UP WITH A UNIFORM POLICY THAT PROVIDES FOR THESE SERVICES ON AN EQUAL BASICS FOR ALL OF THE DIFFERENT SPORTS.

3. Presentation

DISCUSS REPAIRS NEEDED TO AMERICAN LEGION HALL PARKING SPACES AND POSSIBLE DIRECTION TO STAFF.

Manuel Ramos/ American Post #11 Commandar

COUNCILMAN CORNMAN, SUGGESTED THAT BARRY CALHOUN TAKE A LOOK AT THE PARKING SPACES. THEN WORK UP AN ESTIMATE OF HOW MUCH IT WOULD COST FOR REPAIRS.

RESULT: TABLED

Next: 5/22/2014 7:00 PM

4. Report

CONSIDER AND/OR APPROVE THE MAYOR'S REQUEST TO TABLE ALL ACTION ITEMS AND DISCUSSION ITEMS RELATING TO THE TENARIS NEGOTIATIONS WITH THE CITY OF BAY CITY.

Mayor Mark A. Bricker

COUNCIL TABLED ITEM 5.5 UNTIL THE MAYOR AND ALL ARE IN ATTENDANCE.

RESULT: TABLED

Next: 5/22/2014 7:00 PM

5. Public Hearing

IN ACCORDANCE WITH SECTION 1.04 OF THE BAY CITY CHARTER, THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO RECEIVE TESTIMONY AND OPINIONS REGARDING A PETITION REQUESTING THE DE-ANNEXATION OF APPROXIMATELY 200 ACRES LOCATED SOUTH OF STATE HIGHWAY 35 AND EAST OF SHOWBOAT ROAD AND CONSIDER ACTION ON AN ORDINANCE PROVIDING FOR THE DE-ANNEXATION OF APPROXIMATELY 200 ACRES, LOCATED SOUTH OF STATE HIGHWAY 35 AND EAST OF SHOWBOAT ROAD, FROM THE CITY LIMITS; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

RESULT: APPROVED [UNANIMOUS]

MOVER: William Cornman, Councilman

SECONDER: Steven Johnson, Councilman

AYES: Folse, Johnson, Thames, Estlinbaum, Cornman

ABSENT: Bricker

Enacted and approved this 8th day of May, 2014, at Bay City

6. Property

CONSIDERATION AND ACTION ON AN ORDINANCE PROVIDING FOR THE EXPANSION OF THE CITY OF BAY CITY'S EXTRATERRITORIAL JURISDICTION UPON PETITION OF THE OWNER OF APPROXIMATELY 1534 ACRES LOCATED SOUTH OF STATE HIGHWAY 35 AND EAST OF SHOWBOAT ROAD; PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Enacted and approved this 8th day of May, 2014, at Bay City

7. Ordinance

CONSIDER, DISCUSS AND/OR APPROVE AN ORDINANCE LOWERING SPEED LIMITS ON TEXAS STATE HIGHWAY 35 NORTH

Marla Jasek, Assistant Director of Public Works

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

ORDINANCE

Enacted and approved this 8th day of May, 2014, at Bay City

8. Report

DISCUSS THE PLANNING, FINANCING, AND DESIGN COMPONENTS OF A ROAD IMPROVEMENT PLAN FOR CITY STREETS AND ROADS.

Barry Calhoun, Director of Public Works and Phill Conner, Interim Finance Director
COUNCIL DISCUSSED THE INCREASE OF THE COST ESTIMATE OF PHASE I WHICH DOUBLE SINCE THE SURVEY OF 1 1/2 YEARS PRIOR. COUNCIL QUESTIONED HOW LONG AFTER EVERYTHING IS IN PLACE FOR PHASE II PROJECTS TO GET STARTED.

CITY ATTORNEY GEORGE HYDE SUGGESTED, WHEN THE CITY STARTS HAVING DEVELOPMENT COME IN. TO HAVE THE PLANNING COMMISSION CREATE IMPACT FEE'S.

6. EXECUTIVE SESSION

8:02 p.m. - Convened into Executive Session

Tabled

Canceled 05/15/2014

1. Appointment

PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE THE CITY COUNCIL WILL CONVENE IN CLOSED SESSION TO DELIBERATE ON THE APPOINTMENT & DUTIES OF THE ASSOCIATE MUNICIPAL JUDGE, DUE TO THE RESIGNATION OF THE PRIOR ASSOCIATE MUNICIPAL JUDGE.

2. Property

CITY COUNCIL SHALL CONVENE IN CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY REGARDING LEGAL ISSUES AND TO DELIBERATE REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH TENARIS/MAVERICK TUBE CORPORATION RELATING TO THE INCENTIVE AGREEMENTS BETWEEN THE PARTIES PURSUANT TO TEXAS GOVERNMENT CODE §551.071 AND §551.087.

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 CORNMAN, WILL BEGIN INVESTIGATING ONE STOP SHOPPING.

MAYOR PRO TEM THAMES, WILL BE DEALING BLACK JACK AT THE RED CROSS FUND RAISER.

COUNCILMAN CORNMAN, ANNOUNCE THERE IS A SAFETY MEETING THE FIRST WEDNESDAY, OF THE MONTH AT THE MUNICIPAL SERVICE BUILDING.

CITY ATTORNEY GEORGE HYDE, ANNOUNCE HIS DAUGHTER WILL BE GRADUATING FROM TEXAS A & M UNIVERSITY.

MAYOR PRO TEM THAMES, ANNOUNCE THAT HER SON AND DAUGHTER IN LAW RECEIVED THEIR MBA 'S.

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, May 5, 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