



BAY CITY

REVISED MINUTES • MARCH 27, 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 - 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.

Arthur M. Shaft expressed his concerns about heavy trash and brush pick-up, suggesting that the trash company should provide a schedule for the City.

Diane Stone, expressed her concerns for the safety of the children at the swimming pools and also the condition of the Hilliard pool. Ms. Stone questioned the application process of the City regarding life guards, she stated the City should have a certified pool operator.

David Torres, expressed his concerns about the condition of the streets, sidewalks and he questioned if the citizens were responsible for the cost of the water meters.

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:	Carolyn Thames, Mayor Pro-Tem
SECONDER:	William Cornman, Councilman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

1. Proclamation

A PROCLAMATION DECLARING APRIL AS FAIR HOUSING MONTH.

D.C. Dunham, BCCDC Executive Director

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

1. Property

PUBLIC HEARING ON THE PROPOSED ANNEXATION OF APPROXIMATELY 254.3 ACRES OF LAND GENERALLY LOCATED EAST OF MCCROSKY ROAD AND NORTH OF STATE HIGHWAY 35 BY THE CITY OF BAY CITY.

7:11p.m. -Convened into Public Hearing.

David Torres questioned what was being annexed; if Van Vleck was being annexed; and if the City would be responsible for supplying the utilities to the properties

7:14 pm - Adjourn from Public Hearing.

2. Property

ANNEXATION OF APPROXIMATELY 254.3 ACRES OF LAND GENERALLY LOCATED EAST OF MCCROSKY ROAD AND NORTH OF STATE HIGHWAY 35 BY THE CITY OF BAY CITY: A.) ACCEPTANCE OF NON-ANNEXATION AGREEMENTS EXECUTED AND SUBMITTED BY OWNERS OF CERTAIN PROPERTY WITHIN THE AREA PROPOSED TO BE ANNEXED. B.)DIRECTION TO THE CITY ENGINEER TO SURVEY THE AREA PROPOSED TO BE ANNEXED WITH ALL PROPERTIES SUBJECT TO NON-ANNEXATION AGREEMENTS NOT TO BE INCLUDED IN THE SURVEY.

Assistant City Habib Erkan reminded Mayor and City Council that there were two that responded with signed dis-annexation agreements.

Mr. Erkan informed council that they could approve or disapprove the agreement and authorize the City Engineer to adjust the survey of these properties, so in April Council could approve the annexation by Ordinance.

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

Enacted and approved this 27th day of March, 2014, at Bay City

3. Report

PROVIDE UPDATE ON THE PROGRESS OF PLACING AN EMERGENCY DOME SHELTER FACILITY AT THE HOSPITAL CAMPUS AND DISCUSS THE POSSIBILITY OF SCHEDULING A JOINT MEETING OF THE CITY COUNCIL AND MATAGORDA COUNTY COMMISSIONERS TO RECEIVE AND GIVE INFORMATION REGARDING THE STATUS OF THE EMERGENCY DOME SHELTER PROJECT.

Councilman Bill Cornman

Councilman Cornman explained that the Dome Shelter would be a fitness and rehabilitation center associated with the hospital. He also explained that it would be FEMA funded and the project would cost approximately \$8 million dollars to fund.

Councilman Cornman proposed that Council meet on April 7th, between 10:30a.m. and 11:00 a.m. with Commissioners Court to listen to a regional power presentation from Pepco and to discuss project.

4. Bid

CONSIDER AND/OR APPROVE AWARDING THE USO RESTORATION PHASE II WINDOWS BID TO ESTELL ALLEN BUILDERS, AND AUTHORIZING THE MAYOR TO NEGOTIATE A CONTRACT.

DC Dunham / John Garr

John Garr, ask that council award Estell Allen Builders with the USO Restoration Phase II Windows contract.

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

Enacted and approved this 27th day of March, 2014, at Bay City

5. Change Order

CONSIDER AND/OR APPROVE CHANGE ORDERS IN THE AMOUNT OF \$3,788.64 TO COVER UNFORESEEN ELECTRICAL AND CONSTRUCTION AND \$2,600.00 FOR AIR CONDITIONING UPGRADES TO THE NORTH AND SOUTH MEETING ROOMS, FOR THE USO BUILDING RENOVATION.

John Garr, Community Services Director

John Garr asked council to award the change order in the amount of \$3,788.64 to cover unforeseen electrical and construction, also \$2,600.00 for air conditioning upgrades to the North and South meeting rooms.

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

Enacted and approved this 27th day of March, 2014, at Bay City

6. Report

DISCUSS AND TAKE POSSIBLE ACTION ON THE DEVELOPMENT OF A COMPREHENSIVE STRATEGY/LONG RANGE PLAN FOR THE CITY'S ETJ.

Councilman Cornman

Councilman Cornman, reported that D. C. Dunham had sent out RFP's to six different firms and only one firm had responded.

The firm would combine Bay City's Long Range Plan, the Old Bay City United Plan and a few elements from the Bay City Master Plan into one document.

Councilman Cornman recommended that council approve up to \$100,000 which should come out of the general fund balance, \$5,000 allotted from the Planning Commission, and other organizations.

MOTION WAS MADE BY COUNCILWOMAN FOLSE, SECONDED BY COUNCILMAN JOHNSON TO APPROVE UP TO \$100,000 FROM THE GENERAL FUND TO BE USED TO FUND THE COMPREHENSIVE STRATEGY. MOTION CARRIED BY UNANIMOUS VOTE.

7. Property

DISCUSS, CONSIDER AND/OR TAKE ACTION TO CLEAN UP THE GOLDEN GLEN SUBDIVISION, TO INCLUDE BUT NOT LIMITED TO CURB SIDE VEGETATION, STREET SWEEPING, AND RETENTION POND.

Councilman Bill Cornman

Councilman Cornman proposed that the City kill the vegetation along the curb, mow the retention pond and keep it mowed in the Golden Glen subdivision.

MOTION MADE BY COUNCILWOMAN ESTLINBAUM, SECONDED BY MAYOR PRO TEM THAMES, TO HAVE THE CITY KILL THE GRASS ALONG THE CURB, AND TO KEEP THE RETENTION POND MOWED. MOTION CARRIED BY UNANIMOUS VOTE.

6. EXECUTIVE SESSION

1. Report

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

7:40 CONVENE INTO EXECUTIVE SESSION

7. OPEN SESSION

1. Report

CITY COUNCIL MAY RECONVENE IN OPEN SESSION AND CONSIDER AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE FOR CONSIDERATION/DISCUSSION IN EXECUTIVE SESSION (IF NECESSARY).

8:10 pm RECONVENE INTO OPEN SESSION

MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY MAYOR PRO TEM THAMES, TO AUTHORIZE THE CITY ENGINEER TO MOVE FORWARD WITH THE BID PROCESS FOR PHASE I OF WATER AND SEWER IN RELATION TO TENARIS. MOTION CARRIED BY UNANIMOUS VOTE.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Pro Tem Thames thanked everyone for their thoughts and prayers after the passing

of her mother.

Councilwoman Folse announced next Saturday, April 5th there would be a clean up around Bay City.

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, March 24, 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