



CITY OF BAY CITY

MINUTES • FEBRUARY 4, 2019

Council Chambers

Special Meeting – City Council

6:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Mark A. Bricker	Mayor	Excused	
William Cornman	Councilman	Present	
Becca Sitz	Councilwoman	Present	
Chrystal Folse	Mayor Pro-Tem	Present	
Jason Childers	Councilman	Present	
Julie Estlinbaum	Councilwoman	Present	

2. CERTIFICATION OF QUORUM

Mayor Pro Tem, Folse certified a quorum was present.

3. APPROVAL OF AGENDA

The agenda was unanimously approved as written. Councilman, Jason Childers made the motion, which was seconded by Councilwoman, Becca Sitz.

4. 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.

Bobby Head - Nile Valley Road - Barricade has been hit numerous times. Is now a danger to motorist.

Ronnie Reeves - Nile Valley Road - Agreed with Mr. Head about barricade issue. Discussed Mayor Bricker's statements and questioned whether Mayor Bricker was intending to run for mayor again.

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

1. Ordinance

~ DISCUSS AND CONSIDER ORDINANCE #1630 CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019 TO ALLOW VOTERS TO CONSIDER FOR OR AGAINST THE CHANGING OF THE CITY OF BAY CITY'S FORM OF GOVERNMENT FROM MAYOR TO CITY MANAGER AND OTHER SPECIFIC CHARTER AMENDMENTS AND MAYOR BRICKER'S VETO OF SAID ORDINANCE.

Chrystal Folse, Mayor Pro Tem

Mayor Pro Tem, Chrystal Folse started the agenda item. City Attorney, Anne Marie Odefey, read statements from Mayor Bricker, regarding the Veto of the Ordinance. She also reviewed the Override document.

Councilman, Jason Childers stated he was disappointed by the Mayor's Veto. Stated that the Mayor rarely came forward with his opinions in previous meetings. Other areas of concern, included the following points:

1. Job description for the position of Mayor
2. Accountability
3. Salary range for the Mayor, needs to be set. Possibly \$60,000 to \$85,000 range
4. Measures and propositions should be posted on the City's website
5. Some areas of concern are organizational/administrative issues
6. Efficiencies and Effectiveness are areas to address

Councilwoman, Julie Estlinbaum discussed Mayor's lack of meeting attendance and the fact that if he knew back in October, there was a question regarding the salary for the Mayor's position as asked by a potential candidate, why he did not bring the subject up earlier. Council's focus is to educate the public on the changes recommended for the Charter.

Councilwoman, Becca Sitz - Stated she appreciate the Council. Appears that Mayor feels Council is being unfair. Salary range is needed.

Councilman, Bill Cornman stated the Veto is ridiculous. He does not feel a job description is needed for the Mayor. The Charter outlines the role of the Mayor. Agreed that a formal process for evaluating the Mayor's performance would be a good thing. Discussed the possibility of an interim City Manager, if the City Manager form of government passes. Possible \$85,000 salary range for New Mayor. Lawsuit got in the way of holding the Charter election in November 2018. Wait until after Feb. 15th to determine salary range.

Councilwoman, Chrystal Folse stated the salary for the Mayoral position should stay at the lowered salary Mayor Bricker is currently making. Stated the Veto is ridiculous.

6. ITEMS / COMMENTS - MAYOR AND COUNCIL

Councilwoman, Becca Sitz - Someone needs to take care of the Nile Valley issue. Mayor Pro Tem Folse stated she would call Barry Calhoun. February 19th, TxDOT plans a meeting to discuss things that will affect our area. Someone needs to attend.

Councilman, Jason Childers stated he appreciate guest attendance.

7. 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 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 Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Wednesday, January 30, 2019 before 6:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

The facility is wheelchair accessible and accessible parking spaces available. Request for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary's Office at 979-245-5311 or email, dholubec@cityofbaycity.org for further information.

David Holubec
City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

ORDINANCE (ID # 3556)

Meeting: 02/04/19 06:00 PM
Department: City Secretary
Category: Discussion
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3556

~ DISCUSS AND CONSIDER ORDINANCE #1630 CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019 TO ALLOW VOTERS TO CONSIDER FOR OR AGAINST THE CHANGING OF THE CITY OF BAY CITY'S FORM OF GOVERNMENT FROM MAYOR TO CITY MANAGER AND OTHER SPECIFIC CHARTER AMENDMENTS AND MAYOR BRICKER'S VETO OF SAID ORDINANCE.

COMMENTS - Current Meeting:

Mayor Pro Tem, Chrystal Folse started the agenda item. City Attorney, Anne Marie Odefey, read statements from Mayor Bricker, regarding the Veto of the Ordinance. She also reviewed the Override document.

Councilman, Jason Childers stated he was disappointed by the Mayor's Veto. Stated that the Mayor rarely came forward with his opinions in previous meetings. Other areas of concern, included the following points:

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Possible \$85,000 salary range for New Mayor. Lawsuit got in the way of holding the Charter election in November 2018. Wait until after Feb. 15th to determine salary range.

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ORDINANCE NO. ____1630_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD WITHIN THE CITY, ON MAY 4, 2019, FOR THE PURPOSE OF AMENDMENTS TO THE BAY CITY HOME RULE CHARTER; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; AND AUTHORIZING A CONTRACT WITH MATAGORDA COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, according to its Charter, the City Council of the City of Bay City, Texas, appointed a Charter Review Commission that has recommended to City Council to submit to the qualified voters of the City several amendments to the Charter for their adoption or rejection thereof, and the City Council finding some of the proposed amendments to the existing City Charter of the City of Bay City, Texas are advisable, pursuant to Section 9.004(a) of the Texas Local Government Code; and

WHEREAS, Section 9.004(b) of the Texas Local Government Code requires that an ordinance be approved ordering said election to be held on the first authorized uniform election date prescribed by the Texas Election Code and establishing the procedure to be followed in said election; and

WHEREAS, Section 41.001 of the Texas Election Code establishes May 4, 2019, as a uniform election date for the purposes of conducting an election; and

WHEREAS, the City Council had considered and hereby approves for public vote, in the form of ballot propositions, the following measures recommended by the Charter Review Commission and approved by City Council; and

WHEREAS, the City Council of the City of Bay City, Texas, hereby directs City staff to publish notice of a special charter election to be held on May 4, 2019, that shall be conducted in accordance with Sections 9.001, 9.004 and 9.005 of the Texas Local Government Code and all other applicable election laws.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS:

SECTION 1.
CHARTER AMENDMENT ELECTION CALLED

The City Council does hereby order an election to submit to the voters of the City of Bay City proposed amendments to the Bay City Home Rule Charter, to be held on Saturday, May 4, 2019. Such election shall be held at the precincts and the polling places designated in Exhibit “A” or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election. At such election, the proposed amendments to the Bay City Home Rule Charter are in the form of the proposed Measures in Exhibit “B” (“Measures”) and shall be placed on the ballot in the form of the Propositions in Exhibit “C” (“Propositions”) and be submitted to the qualified voters of the City. Official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against each Proposition, and with such propositions to be expressed substantially as found in Exhibit “C”, attached hereto and made a part hereof for all purposes.

SECTION 2.
NOTICE OF ELECTION

The City Secretary shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Secretary as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Bay City on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendments. The City Secretary shall deliver notice of this election to the county clerk and voter registrar of Matagorda County as otherwise required by law.

SECTION 3.
ANTICIPATED FISCAL IMPACT

There are a total of three (3) propositions on the ballot for the May 4, 2019 special charter amendment election. It is estimated that all of the proposed amendments are anticipated to have fiscal impact to the City of Bay City if all of those proposed amendments are approved at the special election. Proposition No. A is anticipated to have a fiscal impact on the City of Bay City of an increase of an estimated \$70,000 annually, plus one-time cost for the hiring process. Proposition No. B is anticipated to have a fiscal impact on the City of Bay City of a decrease in cost of \$10,000 per election not held. Proposition No. C is anticipated to have a fiscal impact on the City of Bay City of a decrease in cost of \$40,000 estimated cost every five (5) years.

SECTION 4.
ELECTION SERVICES CONTRACT AND PROCEDURAL MATTERS

The Mayor is hereby authorized to execute the necessary contract(s) and agreements, joint or otherwise, with the Matagorda County Elections Administrator, or any other public entity, for the purpose of having Matagorda County furnish all or any portion of the election services and equipment needed by the City Secretary to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and all other applicable statutes and laws. The election services contract with the County shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures necessary to conduct the election. Matters contained in this ordinance relating to discretionary, procedural matters may be amended by approval of the Mayor, and procedural matters not established by this ordinance will be established by resolution of City Council.

SECTION 5.
SAVINGS CLAUSE

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 6.
SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 7.
REPEALER

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 8.
PROPER NOTICE AND MEETINGS

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and 41 purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 9.
EFFECTIVE DATE

This Ordinance shall become effective upon adoption and publication as required by law.

APPROVED AND ADOPTED this 24th day of January, 2019.

CITY OF BAY CITY, TEXAS

Mark A. Bricker, Mayor

ATTEST:

Approved By:

David Holubec, City Secretary

Anne Marie Odefey, City Attorney

Attachment: ORDINANCE calling special election for charter amendments (004) (3556 : Calling for a Special Election)