



CITY OF BAY CITY

MINUTES • JANUARY 23, 2019

Civic Center

Special Meeting – City Council

7:00 PM

201 7TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER

Mayor Pro Tem, Chrystal Folsie called the meeting to order. Mayor Bricker was excused.

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

2. CERTIFICATION OF QUORUM

Mayor Pro Tem Folsie certified a quorum was present.

3. APPROVAL OF AGENDA

The agenda was unanimously approved by motion. The motion was made by Councilman, Jason Childers and seconded by Councilman, Bill Cornman.

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

1. Report

~ TOWN HALL MEETING - DISCUSS AND CONSIDER REVISIONS TO THE CITY OF BAY CITY HOME RULE CHARTER.

Bill Cornman, Councilman

Mayor Pro Tem, Chrystal Folsie lead the agenda item. Councilwoman, Julie Estlinbaum and Councilman, Bill Cornman gave background information on the Council's work on the Charter changes. City Attorney, Anne Marie Odefey, reviewed the different propositions and explained the measures and how the night's documents were set up for review. There were 23 citizens present in the audience. The following public comments were made to Council:

1.Christopher Cegielski - Questioned what the process would be if the City Manager option passed and in a few years time, the City Manager option wasn't working, what is the process for changing back to a Mayor-Council form of government. Mr. Cornman stated that few cities ever change back, once the decision is made, but it would involve going back to the voters.

Mr. Cegielski also asked if Council had considered adding another Council member or take away the Mayor's vote due to the equal number (6) of votes the members would possess, once the Mayor was considered a Council member. It was stated that the voting issue had been discussed, at length, but no changes were planned at the moment.

2. Jerry Evans - Added to Mr. Cegielski's question, stating that Article 15 allows for the government to be changed by the people. He also wanted clarification on Proposition B which regarded terms of office. Mr. Cornman stated that Council terms would be three (3) consecutive terms period.
3. Robert Nelson - Questioned how a tie would be determined regarding an item with six (6) voting members. It was stated that the item would die as allowed by Robert's Rules of Order. It would have to be re-introduced at another meeting.
4. Bobby Head - Stated he was not aware of another City in Texas that allowed for an even number of voters. Recommended adding another Council member. He also questioned who would appoint members to the Bay City Housing Authority. It was stated that the Mayor would make these specific appointments.
5. James Allen - Reported a typographical error found on page 11 regarding the Fire Marshall and the use of the word may/shall. He also questioned the inclusion of limitations on condemnation. It was stated that there was nothing included in the Charter changes regarding a limitation on condemnation, however City Attorney Odefey stated that the Texas Legislature had added many laws addressing this issue over the past few years.
6. Terrence Allen - Assuming the City Manager proposition passes, who is in charge during the transitional period? It was stated that during the estimated eight (8) to fifteen (15) month transitional period, the elected Mayor would be in charge of managing the City.
7. Bruce Krostcoft - Stated he knew there were pros/cons for both City Manager and Mayor forms of government, however he supported the City Manager form of government due to the educational requirements and the experience needed for a City Manager to hold the position. He stated he could live with either option.
8. Jimmy Huey - Discussed the option of staggering the Council / Mayor position elections due to the need for continuity concerns. He recommended the possibility of having a 2, 2, 2 term scenario. This was discussed at length by the Council as the Charter changes were being discussed. There are many variables involved and no change has been planned at this moment from what is currently in the new measure.
9. Linda C. Leissner - Questioned weather the City Manager form of government would give Council more power. It was stated that no, the Council would not have more power. The City Manager would be responsible to the Council. She also asked who would be involved with the Matagorda County EOC during a natural disaster. It was stated that both the Mayor and the City Manager would be involved.
10. Alicia Waters - Thanked the Council for considering the City Manager form of government. Questioned whether there would be specific measures in place to review the City Manager's performance as there would be for a CEO in the corporate world. It was stated that performance measures are readily available for Cities to use and would certainly be a component of the position.
11. Rusty Atkinson - Reported typographical errors on 4.02 and 5.01(f) referring to veto powers of the mayor. Questioned if the Conservator of the Police would still be held by the Mayor. The answer was yes.

After no further questions nor comments, the Council members thanked the audience participation.

5. 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 Friday, January 11, 2019 before 7:00 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

DISCUSSION ITEM (ID # 3519)

Meeting: 01/23/19 07:00 PM
Department: City Secretary
Category: Report
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 3519

~ TOWN HALL MEETING - DISCUSS AND CONSIDER REVISIONS TO THE CITY OF BAY CITY HOME RULE CHARTER.

COMMENTS - Current Meeting:

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