



BAY CITY

MINUTES • MARCH 14, 2017

Council Chambers

Special Meeting

5:30 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER & CERTIFICATION OF QUORUM

Attendee Name	Title	Status	Arrived
Mark Bricker	Mayor	Present	
Chrystal Folse	Mayor Pro-Tem	Present	
William Cornman	Councilman	Present	
Julie Estlinbaum	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Carolyn Thames	Councilwoman	Present	

2. APPROVAL OF AGENDA

MOTION BY COUNCILWOMAN THAMES, SECOND BY MAYOR PRO TEM CHRYSTAL FOLSE, TO APPROVE THE AGENDA. MOTION CARRIED BY UNANIMOUS VOTE.

3. EXECUTIVE SESSION

Mayor adjourned open session at 5:37 p.m.

Mayor and Council entered into Executive Session at 5:39 p.m.

1. Report

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074 PERSONNEL TO ALLOW THE CITY COUNCIL TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY AND TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, AND DUTIES OF THE DIRECTOR OF HUMAN RESOURCES.

2. Report

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074 PERSONNEL TO ALLOW THE CITY COUNCIL TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY AND TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, AND DUTIES OF THE CITY SECRETARY.

3. Report

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 CONSULTATION WITH CITY ATTORNEY TO ALLOW THE CITY COUNCIL TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THE DUTIES OF THE CITY SECRETARY.

4. Report

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 CONSULTATION WITH CITY ATTORNEY TO ALLOW THE CITY COUNCIL TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THE DUTIES AND OBLIGATIONS OF THE MAYOR AND CITY COUNCIL.

4. OPEN SESSION

1. Report

CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND MAY DISCUSS, CONSIDER, AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE THAT WAS CONSIDERED AND DISCUSSED IN EXECUTIVE SESSION (IF NECESSARY).

MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY MAYOR PRO TEM FOLSE, TO APPOINT DAVID HOLUBEC AS CITY SECRETARY EFFECTIVE MAY 11TH. MOTION CARRIED BY UNANIMOUS VOTE.

2. Appointment

DISCUSS, CONSIDER, AND/OR APPROVE THE MAYOR'S APPOINTMENT OF C. DAVID HOLUBEC AS THE CITY SECRETARY.

Mayor Mark A. Bricker
No action taken

RESULT:	WITHDRAWN
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3. Ordinance

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE CREATING THE HUMAN RESOURCES DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Mark A. Bricker
Councilman Cornman pointed out that if we are to follow the Charter we needed to create the Library Department and Airport Department.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Folse, Cornman, Estlinbaum, Johnson, Thames

ORDINANCE

Enacted and approved this 14th day of March, 2017, at Bay City

4. Appointment

DISCUSS, CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT OF RHONDA CLEGG AS THE DIRECTOR OF HUMAN RESOURCES.

Mayor Mark A. Bricker
To be effective May 11th.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Chrystal Folsie, Mayor Pro-Tem
AYES:	Folsie, Cornman, Estlinbaum, Johnson, Thames

Enacted and approved this 14th day of March, 2017, at Bay City

5. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Thames asked why they are approving the agenda, and Mayor stated that we are following Roberts Rules of Order.

Mayor Pro Tem Folsie asked that Executive Session be placed on the agenda for next week to discuss items 3-4.

6. 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 Friday, June 21, 2013 before 6:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

Rhonda Clegg

City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 03/14/17 05:30 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2562

DISCUSSION ITEM (ID # 2562)

**PURSUANT TO TEXAS GOVERNMENT CODE SECTION
551.074 PERSONNEL TO ALLOW THE CITY COUNCIL TO
RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY AND
TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, AND
DUTIES OF THE DIRECTOR OF HUMAN RESOURCES.**



City Council
1901 5Th Street
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SCHEDULED

Meeting: 03/14/17 05:30 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2563

DISCUSSION ITEM (ID # 2563)

**PURSUANT TO TEXAS GOVERNMENT CODE SECTION
551.074 PERSONNEL TO ALLOW THE CITY COUNCIL TO
RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY AND
TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, AND
DUTIES OF THE CITY SECRETARY.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 03/14/17 05:30 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2564

DISCUSSION ITEM (ID # 2564)

**PURSUANT TO TEXAS GOVERNMENT CODE SECTION
551.071 CONSULTATION WITH CITY ATTORNEY TO ALLOW
THE CITY COUNCIL TO RECEIVE LEGAL ADVICE FROM THE
CITY ATTORNEY REGARDING THE DUTIES OF THE CITY
SECRETARY.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 03/14/17 05:30 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2566

DISCUSSION ITEM (ID # 2566)

**PURSUANT TO TEXAS GOVERNMENT CODE SECTION
551.071 CONSULTATION WITH CITY ATTORNEY TO ALLOW
THE CITY COUNCIL TO RECEIVE LEGAL ADVICE FROM THE
CITY ATTORNEY REGARDING THE DUTIES AND
OBLIGATIONS OF THE MAYOR AND CITY COUNCIL.**



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 03/14/17 05:30 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2565

DISCUSSION ITEM (ID # 2565)

**CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND
MAY DISCUSS, CONSIDER, AND/OR TAKE ACTION ON ANY
ITEM LISTED ABOVE THAT WAS CONSIDERED AND
DISCUSSED IN EXECUTIVE SESSION (IF NECESSARY).**

COMMENTS - Current Meeting:

MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY MAYOR PRO TEM FOLSE, TO
APPOINT DAVID HOLUBEC AS CITY SECRETARY EFFECTIVE MAY 11TH. MOTION CARRIED
BY UNANIMOUS VOTE.



City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

Meeting: 03/14/17 05:30 PM
Department: City Secretary
Category: Appointment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2561

AGENDA ITEM (ID # 2561)

**DISCUSS, CONSIDER, AND/OR APPROVE THE MAYOR'S
APPOINTMENT OF C. DAVID HOLUBEC AS THE CITY
SECRETARY.**

COMMENTS - Current Meeting:

No action taken

RESULT:	WITHDRAWN
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City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 2559)

Meeting: 03/14/17 05:30 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2559

**DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE
CREATING THE HUMAN RESOURCES DEPARTMENT;
PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL
ORDINANCES AND PARTS THEREOF IN CONFLICT
HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

COMMENTS - Current Meeting:

Councilman Cornman pointed out that if we are to follow the Charter we needed to create the Library Department and Airport Department.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Folse, Cornman, Estlinbaum, Johnson, Thames

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 2 (ENTITLED “ADMINISTRATION”), ARTICLE IV (ENTITLED “DEPARTMENTS”) CREATING A HUMAN RESOURCES DEPARTMENT; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 7.05(b) of the City Charter authorizes City Council to create departments; and

WHEREAS, the City Council desires to establish the Human Resources Department and set forth its organization and procedures for its operations; and

WHEREAS, City Council finds that the establishment of the Human Resources Department is in the best interest of the public welfare;

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

Section one. The Code of Ordinances, Chapter 2 (entitled “Administration”), Article IV (entitled “Departments”) is hereby amended by creating Division 3, Human Resources Department and adding the language that is set out in **Exhibit “A”** attached hereto and incorporated by reference as if fully set forth herein.

Section two. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section three. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section four. Effective Date. This Ordinance shall become effective immediately upon its passage, approval, and publication as provided by law.

PASSED AND APPROVED on this _____ day of January 2017.

Mark Bricker, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Rhonda Clegg, City Secretary
City of Bay City

M. Shannon Kackley, Asst. City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH,
PC

Attachment: ORDINANCE NO. - HR Department (2559 : HR Department Creation)

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Julie L. Estlinbaum	_____	_____	_____
Bill Cornman	_____	_____	_____
Chrystal Folse Mayor Pro Tem	_____	_____	_____
Steven Johnson	_____	_____	_____
Carolyn Thames	_____	_____	_____

City of Bay City

Mark A. Bricker, Mayor,

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

M. Shannon Kackley, Assistant City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

EXHIBIT A

CHAPTER 2

ARTICLE IV – DEPARTMENTS

DIVISION 3 – HUMAN RESOURCES DEPARTMENT

Section 2-168. Established, composition. The Human Resources Department is established pursuant to Section 7.05 of the City Charter.

Section 2-169. Director of Human Resources; appointment and qualifications. There shall be a Human Resources Department, the head of which shall be the Director of Human Resources, who is appointed by the Mayor, with the approval of the City Council as set forth in section 7.05 of the City Charter. The Director of Human Resources shall have the proper knowledge of human resources to properly perform the duties of the office.

Section 2-170. Personnel. The Director of Human Resources shall have the authority to appoint deputies, assistants, and employees in the department as approved by the Mayor.

Section 2-171. Powers and duties. The Director of Human Resources shall administer and supervise all human resources affairs of the City and shall:

- a). Responsible for the administration of employee benefits.
- b). Responsible for compliance with federal, state and local legislation pertaining to all personnel matters.
- c). Work directly with Department Directors to assist them in carrying out their responsibilities on personnel matters.
- d). Maintain and update personnel files, both file and the Human Resources Information System (Incode).
- e). Hire, train, evaluate, develop and discipline assigned personnel.
- f). Develop long term goals for recruitment and selection, employee compensation, benefits administration, employee relations and retention, training and development, and risk management.
- g). Annually review and discuss personnel policy amendments with Department Directors.

Sec. 2-172. Surety bonds. In accordance with Section 7.03 of the City Charter, any director of administrative department whose duties include the handling of moneys and any employee whose duties include the handling of moneys belonging to the City shall, before entering upon the duties of their office or employment, make bond in some responsible surety company, acceptable to the City Council for such amount as the City Council may prescribe. The premium of the bond shall be paid by the City. The City Council may also require any such surety bond to be further conditioned that the principal thereon will faithfully perform and discharge the duties of their office, and if there are provisions of State law bearing upon the functions of their office under

which the execution of a surety bond is required, it shall be further conditioned to comply therewith.



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 2560)

Meeting: 03/14/17 05:30 PM
Department: City Secretary
Category: Appointment
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2560

DISCUSS, CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT OF RHONDA CLEGG AS THE DIRECTOR OF HUMAN RESOURCES.

COMMENTS - Current Meeting:

To be effective May 11th.

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