



BAY CITY

MINUTES • SEPTEMBER 29, 2016

Council Chambers

Special Meeting

7:00 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. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:

1. Ordinance

DISCUSS, CONSIDER AND/OR APPROVE THE ADOPTION OF A TAX RATE OF .60209, WITH THE MAINTENANCE AND OPERATIONS RATE TO BE .48811 OF THE TAX RATE AND THE DEBT SERVICE RATE (I&S) TO EQUAL .11398, BY APPROVING AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF BAY CITY'S FISCAL YEAR 2016-2017.

Mayor Mark A. Bricker

Councilwoman Estlinbaum clarified that the City would have the same tax rate as last year. She asked the Mayor to explain what M&O was and what it meant. The Mayor explained that M&O means the Maintenance and Operations of the City; what it takes to operate. MOTION BY COUNCILWOMAN THAMES, SECOND BY COUNCILWOMAN ESTLINBAUM, TO ADOPT THE M&O AS PRESENTED. MOTION CARRIED BY UNANIMOUS VOTE.

Councilwoman Estlinbaum asked the Mayor to explain what I&S was and what it meant. The Mayor explained that I&S meant Interest and Sinking and the money collected for that rate went to pay the City's debt. MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY COUNCILWOMAN THAMES, TO ADOPT THE DEBT SERVICE RATE AS PRESENTED. MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILMAN CORNMAN MOVED THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.60209, WHICH IS EFFECTIVELY AN 1% INCREASE IN THE TAX RATE, MAYOR PRO TEM FOLSE SECONDED THE MOTION. MOTION CARRIED BY UNANIMOUS VOTE.

COUNCIL WAS POLLED.

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

ORDINANCE

Enacted and approved this 29th day of September, 2016, at Bay City

2. Ordinance

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF BAY CITY FISCAL YEAR 2016-2017 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICATED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURES INHERENT, EXPRESSED, AND INCLUDED THEREIN AND DISCUSS ALLOCATION OF FUNDS BUDGETED FOR EMPLOYEE RAISES.

Mayor Mark A. Bricker

MOTION BY COUNCILWOMAN ESTLINBAUM, SECOND BY COUNCILMAN CORNMAN, TO PROVIDE A 3% ACROSS THE BOARD INCREASE BEGINNING OCTOBER 1ST, INCLUDING THE MAYOR. MOTION CARRIED BY UNANIMOUS VOTE.

COUNCIL WAS POLLED.

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

ORDINANCE

Enacted and approved this 29th day of September, 2016, at Bay City

3. EXECUTIVE SESSION

Mayor and Council adjourned from open session at 7:12 p.m.

1. Contract

PURSUANT TO TEXAS GOVERNMENT CODE §551.071 (CONSULTATION WITH ATTORNEY) CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO CONSULT WITH THE CITY ATTORNEY REGARDING THE CONTRACT WITH WASTE CORPORATION OF TEXAS, L.P. (WCA) FOR SOLID WASTE COLLECTION.

Mayor and Council entered into Executive Session at 7:16 p.m.

Mayor adjourned from Executive Session at 7:31 p.m.

RESULT:	WITHDRAWN
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4. OPEN SESSION

Mayor and Council reconvened into open session at 7:32 p.m.

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).

Mayor informed the public that there is a billing dispute of underpayment between the City and WCA, and we are currently working through it.

5. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Estlinbaum confirmed that Council would meet next Saturday around 9:30 a.m. at the Service Center.

Mayor Pro Tem Folsie reminded everyone that the Waste Collection day would be Saturday.

Councilman Cornman informed Mayor and Council that he was in receipt of David Pettit's proposal and would forward it to Mrs. Clegg, and then have her forward it to Council.

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 Monday, September 26, 2016, 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



City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 2415)

Meeting: 09/29/16 07:00 PM
Department: City Secretary
Category: Budget
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2415

**DISCUSS, CONSIDER AND/OR APPROVE THE ADOPTION OF
A TAX RATE OF .60209, WITH THE MAINTENANCE AND
OPERATIONS RATE TO BE .48811 OF THE TAX RATE AND
THE DEBT SERVICE RATE (I&S) TO EQUAL .11398, BY
APPROVING AN ORDINANCE LEVYING A TAX RATE FOR
THE CITY OF BAY CITY'S FISCAL YEAR 2016-2017.**

Three motions are required by law. 1) Motion to adopt the M&O rate as presented; 2) Motion to adopt the Debt Service rate as presented; and, 3) "I move that the property tax rate be increased by the adoption of a tax rate of \$.06209, which is effectively an 1% increase in the tax rate.

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

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE TAX RATE OF \$0.60209 PER \$100.00 OF ASSESSED VALUATION FOR THE CITY OF BAY CITY, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017, LEVYING A MAINTENANCE AND OPERATIONS RATE OF \$.48811 AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPAL AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY LEVYING A DEBT SERVICE RATE OF \$.11398; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; PROVIDING A SERVERABILITY CLAUSE HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of Bay City, Texas, has on this date, by way of separate Ordinance, duly approved, adopted a Budget for the operation of the City for fiscal year 2016-17; and

WHEREAS, the aforesaid Ordinance anticipates and requires the levy of an *ad valorem* tax on taxable property in the City of Bay City; and

WHEREAS, the Chief Appraiser of Matagorda County Tax Appraisal District has prepared and certified the appraisal roll for the City of Bay City, Texas, that roll being that portion of the approved appraisal roll of the Bay City Tax Appraisal District which lists property taxable by the City of Bay City, Texas; and

WHEREAS, it is necessary to levy such an *ad valorem* tax at a given rate to generate revenues sufficient to meet the projected expenses of the City for FY 2016-2017; and

WHEREAS, the City has acknowledged that:

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE BY \$33,955.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY ONE PERCENT AND WILL LOWER TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$3.51; and

WHEREAS, the City has fully and timely complied with all notice and other requirements relative to the adoption of a tax rate for FY 2016-2017.

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

Section one. There is hereby levied for the FY 2016-2017 upon all real property situated within the corporate limits of the City of Bay City, Texas, and upon all personal property which is owned within the corporate limits of the City of Bay City, Texas on January 1, 2016, except so much thereof as may be exempt by the Constitution or laws of the State of Texas, a total tax of \$0.60209 on each \$100 of assessed valuation on all taxable property, which total tax herein so levied shall consist and be comprised of the following components:

- a. An *ad valorem* tax rate of \$0.48811 on each \$100 of assessed valuation of all taxable property is hereby levied for general City purposes and to pay the current operating expenses of the City of Bay City, Texas, for the fiscal year ending September 30, 2017, which tax, when collected shall be appropriated to and for the credit of the General Fund of the City of Bay City, Texas.
- b. An *ad valorem* tax rate of \$0.11398 on each \$100 of assessed valuation of taxable property is hereby levied for the purpose of creating an Interest and Sinking Fund with which to pay the interest and principal of the valid bonded indebtedness, and related fees of the City of Bay City, now outstanding and such tax, when collected, shall be appropriated and deposited in and to the credit of the General Debt Service Fund of the City of Bay City, Texas, for fiscal year ending September 30, 2017.

Section two. The City of Bay City shall have lien on all taxable property located in the City of Bay City to secure the payments of taxes, penalty, and interest, and all costs of collection, assessed and levied hereby.

Section three. Taxes are payable in Bay City, Texas at the Office of the Tax Assessor/Collector of Matagorda County. The City shall have available all the rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

Section four. The tax roll presented to the City Council, together with any supplements thereto, are hereby accepted and approved.

Section five. A copy of the "Vote Results" sheet for this Ordinance, reflecting the record vote of the City Council on this Ordinance, shall be attached to this Ordinance by the City Secretary, and shall constitute a part of this Ordinance for all purposes.

Section six. Should any paragraph, sentence, provision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance, as a whole or any part or provision thereof, other than the part or parts adjudged to be invalid, illegal, or unconstitutional.

Section seven. This ordinance shall be in full force and effect from and after its adoption by the City Council and publication of its caption as the law and the City Charter provide in such cases.

Section eight. All other ordinances and Code provisions in conflict herewith are hereby repealed, but only to the extent of any such conflict or inconsistency and all other provisions of the Bay City Code and ordinances not in conflict herewith shall remain in full force and effect.

Section nine. The repeal of any ordinance or parts thereof by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying, or altering any penalty accruing or to accrue, nor as affecting any rights of the City under any section or provision of any ordinance at the time of passage of this Ordinance.

PASSED AND APPROVED on this _____ day of September 2016.

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
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

<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	_____	_____	_____

Mark A. Bricker, Mayor, City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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

Attachment: ORDINANCE NO. 2016-2017 Tax Rate (2415 : Adoption of Tax Rate)



City Council
1901 5Th Street
Bay City, TX 77414

Meeting: 09/29/16 07:00 PM
Department: City Secretary
Category: Budget
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2414

ADOPTED

ORDINANCE (ID # 2414)

**DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE
ADOPTING THE BUDGET FOR THE CITY OF BAY CITY
FISCAL YEAR 2016-2017 AND ALL DESIGNATED, SPECIFIED,
NOTED, AND INDICATED LEVIES, RATES, RESERVES,
REVENUE PROVISIONS, AND PLANNED EXPENDITURES
INHERENT, EXPRESSED, AND INCLUDED THEREIN AND
DISCUSS ALLOCATION OF FUNDS BUDGETED FOR
EMPLOYEE RAISES.**

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

ORDINANCE _____

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BAY CITY, TEXAS FOR FISCAL YEAR 2016-2017 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICTED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURE INHERENT: EXPRESSED AND INCLUDED THEREIN; PROVIDING FOR A CUMULATIVE CLAUSE: PROVIDING FOR SEVERABILITY: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bay City, Texas, is desirous of adopting a budget for the fiscal year of 2016-2017 and

WHEREAS, the proposed budget was placed on file with the City Secretary on the 29th day of August, 2016; and

WHEREAS, a public hearing on the budget for the City of Bay City for the year 2016-2017 has heretofore been published in accordance with the law; and

WHEREAS, the required time has passed since the last public hearing as required by the City of Bay City Home Rule Charter; and

WHEREAS, it is necessary, at this time that said budget is adopted.

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

Section one. Budget Approved. The budget for the fiscal year 2016-2017, a copy of which is attached hereto as **Exhibit “A”** is hereby approved and adopted and does include:

- a. all designated, specified, noted, and indicated levies, rate, reserves, revenues provisions, and planned expenditures inherent, expressed, and included therein; and
- b. a contingent appropriation of 0.5 percent of the total budget to be used for unforeseen expenditures. Expenditures from this appropriation shall be made only with Council approval, and a detailed account of all expenditures shall be recorded and reported.

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 October 1, 2016.

PASSED AND APPROVED on this _____ day of September 2016.

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
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

<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	_____	_____	_____

Mark A. Bricker, Mayor, City of Bay City

ATTEST:

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

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



City Council
1901 5Th Street
Bay City, TX 77414

WITHDRAWN

Meeting: 09/29/16 07:00 PM
Department: City Secretary
Category: Contract
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2430

AGENDA ITEM (ID # 2430)

**PURSUANT TO TEXAS GOVERNMENT CODE §551.071
(CONSULTATION WITH ATTORNEY) CITY COUNCIL SHALL
CONVENE IN EXECUTIVE SESSION TO CONSULT WITH THE
CITY ATTORNEY REGARDING THE CONTRACT WITH WASTE
CORPORATION OF TEXAS, L.P. (WCA) FOR SOLID WASTE
COLLECTION.**

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

SCHEDULED

Meeting: 09/29/16 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 2429

DISCUSSION ITEM (ID # 2429)

**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).**