



BAY CITY

MINUTES • JULY 6, 2017

Council Chambers

Regular Meeting

7:00 PM

**1901 5TH STREET
BAY CITY, TX 77414**

1. CALL TO ORDER

The Regular City Council meeting was called to order by Mayor Mark A. Bricker.

2. INVOCATION & PLEDGE OF ALLEGIANCE - MAYOR PRO TEM BILL CORNMAN

Texas State Flag Pledge:

"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

The invocation and pledges to the flags were lead by Mayor Pro Tem, Bill Cornman.

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

3. CERTIFICATION OF QUORUM

Certification of Quorum was recognized.

4. APPROVAL OF AGENDA

The agenda was reviewed and approved by motion. Motion was made by Councilwoman Julie Estlinbaum and seconded by Councilman Jason Childers. Approved unanimously.

5. 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.

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Bay Citian David Torres addressed Mayor Bricker and Councilmembers regarding the following concerns:

- Councilmembers are here for the people.
- Right-of-way next to Payless Shoe Source needs to be mowed and a sidewalk constructed.
- Right-of-way on the southside of HWY 35, across from Payless Shoe Source needs mowing and a sidewalk constructed.

- HWY 60 between the Fit For Life Gym and the Museum - needs parallel parking due to oversize trucks.
- City streets need work.
- Treat all Bay Citians fairly.

6. 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.

1. Resolution

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, RATIFYING THE APPOINTMENT OF THE CHARTER REVIEW COMMISSION; MEMORIALIZING ITS CHARGE, DELEGATED AUTHORITY AND MODE OF OPERATION; AND SETTING ITS TERM.

Mayor Mark A. Bricker

Item moved to Regular Items for Discussion. Charter Review Commissioners names were read by the Mayor. Mayor and Councilmembers thanked the Commissioners for serving. The resolution was signed by Mayor Bricker.

2. Appointment

CONSIDER AND/OR APPROVE THE APPOINTMENT OF COUNCILWOMAN BECCA SITZ TO THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS FOR A TWO YEAR TERM.

DC Dunham, BCCDC Executive Director

Item moved to Regular Items for Discussion. Councilwoman Becca Sitz was approved by motion to serve as a board member on the Bay City Community Development Corporation board of directors. Motion was made by Councilwoman Chyrstal Folse and seconded by Councilwoman Julie Estlinbaum. Unanimously approved.

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

1. Resolution

DISCUSS, CONSIDER, AND/OR APPROVE A MOTION REQUIRING THE DIRECTOR OF PUBLIC WORKS TO PREPARE AN ANNEXATION SERVICE PLAN THAT PROVIDES THE EXTENSION OF FULL MUNICIPAL SERVICES TO THE AREAS TO BE ANNEXED BY THE CITY OF BAY CITY.

Marla Jasek, Asst Director of Public Works

Public Works Director Barry Calhoun gave a presentation regarding the proposed annexation of property by the City.

This Annexation Plan is a preliminary plan. Possible future development in these areas. This plan involves steps that need to take place for the annexation process. There is possible legislation that could affect the annexation process, thus resulting in an aggressive timeline. Mayor Bricker commented that as he understood the potential legislative bill, it possibly only affected cities with a population over 100,000 citizens.

Councilman, Bill Cornman liked the idea but felt Council needed more cost information and potential impact on the City budget.

Councilmembers agreed and made the decision to place the plan on hold until more information, regarding cost could be obtained by Mr. Calhoun.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

New City intern Dandee Cabanay was introduced to Councilmembers. He is a Senior at Bay City High School.

Councilwoman Becca Sitz stated that "Sparks in the Park" was fabulous. She also discussed how the City and the Mainstreet program had power washed the downtown sidewalks. Cleaner appearance.

Mayor Bricker reported on the following items:

- Cost estimate on quiet zones.
- Economic Action Committee (EAC) member from Council needs to be elected.
- Mainstreet Committee member nominations are needed.
- Housing Authority Chairperson is needed.
- Council Budget Workshop 5:30PM on July 25th.
- Workshop agendas will be planned for the first Council meeting of the month.
- Public Information Officer, Dustin Hodges will be leaving on July 13th. He's done an excellent job for the City.
- Sparks in the Park was truly successful with about 2,000 people attending. Good event.

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 Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Friday, June 30, 2017 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

David Holubec
City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/06/17 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 2685

RESOLUTION (ID # 2685)

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY
CITY, TEXAS, RATIFYING THE APPOINTMENT OF THE
CHARTER REVIEW COMMISSION; MEMORIALIZING ITS
CHARGE, DELEGATED AUTHORITY AND MODE OF
OPERATION; AND SETTING ITS TERM.**

COMMENTS - Current Meeting:

Item moved to Regular Items for Discussion. Charter Review Commissioners names were read by the Mayor. Mayor and Councilmembers thanked the Commissioners for serving. The resolution was signed by Mayor Bricker.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, RATIFYING THE APPOINTMENT OF THE CHARTER REVIEW COMMISSION; MEMORIALIZING ITS CHARGE, DELEGATED AUTHORITY AND MODE OF OPERATION; AND SETTING ITS TERM

WHEREAS, the City of Bay City is a home rule city governed by its City Charter; and

WHEREAS, section 16.02 of the City Charter authorizes Council to appoint a Charter Review Commission (the "Commission") of nine qualified voters in June of the second year after approval of the Charter and every fifth June thereafter and further provides that Council shall serve on the Commission as ex-officio, voting members; and

WHEREAS, pursuant to Section 16.02; Council appointed a Commission a Special Meeting on June 29, 2017; and

WHEREAS, Council adopts this Resolution to ratify the appointments and to memorialize the charge, authority, mode of operation and term of the Commission.

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

Section One

Membership: City Council ratifies the appointment to the Commission of the following: Marilyn Alvarado, Floyse Brown, Brandon Cox, Erik Frankson, Dustin Hodges, Susan Reed, Roland Rodriguez, Jessica Russell, and Edna Simpson-Kocurek. Alternate members are: Abby Herreth, Tammi Tinnin, and Lester Wenk. In addition, pursuant to Section 16.02 of the City Charter members of this Council shall serve on the Commission as ex-officio, voting members. The City Secretary shall serve as secretary to the Commission in an ex-officio, non-voting capacity. The City Attorney shall serve on the Commission in an ex-officio, non-voting, legal advisory capacity.

Section Two

Charge: The duties of the Commission include the following:

- (1) Inquire into the operation of the City Government and determine whether any Charter provisions require revision.
- (2) Propose recommendations for City departments to ensure compliance with this Charter.
- (3) Propose Charter amendments, if any, to the Council.
- (4) Before the expiration of its term, the Commission shall issue a final written report, relative to the Commissions deliberations, to the City Council.

Section Three

Authority: The Commission shall have the power to hold public hearings, compel the attendance of any officer or employee of the City, and compel the production of any City records.

Section Four

Mode of operation: The Commission may conduct its meetings and complete its task as it sees fit subject to the requirement that follow:

- (1) All meetings shall be held in conformance with the Texas Open Meetings Act.
- (2) All records of proceedings shall be retained by the City Secretary and shall be available as “public records” as defined in the Texas Public Information Act.
- (3) A chairperson and vice chairperson shall be selected by the Commission from its membership.
- (4) A quorum shall exist when 5 of the 9 appointed members are present.
- (5) Recommendations shall be approved by a simple majority of those present.
- (6) Attendance of Commission members by telephone or video conferencing, or voting by proxy shall not be permitted, with the sole exception that the City Attorney may attend by video conferencing.
- (7) The Commission may not authorize the expenditure of any public funds without the prior approval of City Council.
- (8) The Commission shall endeavor to bring final proposals to Council for Charter revisions no later than November 16, 2017.

Section Five

Term: The Commission’s term shall commence on July 16, 2017, and expire on January 16, 2018.

PASSED AND APPROVED on this 6th day of July 2017.

Mark A. Bricker, Mayor
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

David Holubec, City Secretary

M. Shannon Kackley, Asst. City Attorney



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 07/06/17 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 2684

AGENDA ITEM (ID # 2684)

**CONSIDER AND/OR APPROVE THE APPOINTMENT OF
COUNCILWOMAN BECCA SITZ TO THE BAY CITY
COMMUNITY DEVELOPMENT CORPORATION'S BOARD OF
DIRECTORS FOR A TWO YEAR TERM.**

COMMENTS - Current Meeting:

Item moved to Regular Items for Discussion. Councilwoman Becca Sitz was approved by motion to serve as a board member on the Bay City Community Development Corporation board of directors. Motion was made by Councilwoman Chyrstal Folse and seconded by Councilwoman Julie Estlinbaum. Unanimously approved.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

RESOLUTION (ID # 2683)

Meeting: 07/06/17 07:00 PM
Department: Public Works
Category: Property
Prepared By: Marla Jasek
Initiator: Marla Jasek
Sponsors:
DOC ID: 2683 A

**DISCUSS, CONSIDER, AND/OR APPROVE A MOTION
REQUIRING THE DIRECTOR OF PUBLIC WORKS TO
PREPARE AN ANNEXATION SERVICE PLAN THAT PROVIDES
THE EXTENSION OF FULL MUNICIPAL SERVICES TO THE
AREAS TO BE ANNEXED BY THE CITY OF BAY CITY.**

A map is attached showing the proposed areas being considered for annexation. These areas are considered to have high potential for development within the next few years. In accordance with Local Government Code 46.065(a), the governing body (council) must direct its planning department (public works) to prepare a service plan that provides for the extension of full municipal services to the areas to be annexed prior to the publication of the notice of the first hearing.

A schedule showing the important dates for the proposed annexation is also attached.

COMMENTS - Current Meeting:

Public Works Director Barry Calhoun gave a presentation regarding the proposed annexation of property by the City.

This Annexation Plan is a preliminary plan. Possible future development in these areas. This plan involves steps that need to take place for the annexation process. There is possible legislation that could affect the annexation process, thus resulting in an aggressive timeline. Mayor Bricker commented that as he understood the potential legislative bill, it possibly only affected cities with a population over 100,000 citizens.

Councilman, Bill Cornman liked the idea but felt Council needed more cost information and potential impact on the City budget.

Councilmembers agreed and made the decision to place the plan on hold until more information, regarding cost could be obtained by Mr. Calhoun.

City of Bay City Annexation Plan 2017

Ordinance Passage Date: 9/28/2017

1. City Charter Requirements 1.04

(basically follows State law)

2. Fewer than 100 tracts--**YES**
3. Is the property in the City's ETJ? **YES**
4. Is the property contiguous to City limits ? **YES**
5. Offer Non-annexation Development Agreements to properties that qualify. (43.035).
YES
6. Provision of Services to Annexed area. Before publication of the notice of the first hearing required under Sec. 43.063, Council shall direct planning or CM to prepare a service plan that provides for the extension of full municipal services. (43.065(a)).

City Council Resolution to order preparation of Service Plan at Meeting on 7/6 /2017.

7. Provide written notice to property owners, public entities (and private entities providing public services, ISD, and railroad companies (certified mail)) before the 30th day before the 1st hearing. (43.062, 43.905). (include required information!!!!) **last date 7/25/17**

Notices to property owns, public entities, private entities providing public services, ISD, and railroad companies will be mailed on 7/21/2017. Notices to railroad companies must be certified.

8. Notice of 1st public hearing (publish in newspaper on or after 20th day but before the 10th day before the date of hearing). Get affidavit of proof of publishing from newspaper. Date range is **8/4/17** to **8/14/17** for **8/24/17** hearing date. (43.063(c)).

Publish in Newspaper on 8/13/2017 (both hearing dates)

Must get to paper by ??? (David)

9. Notice of 2nd public hearing (publish in newspaper on or after 20th day but before the 10th day before the date of hearing). Get affidavit of proof of publishing from newspaper. Date range is 8/18/17 to 8/28/17 for 9/7/17 hearing date. (43.063(c)).

Publish in Newspaper on 8/20/17 (both hearing dates)

Must get to paper by ??? (David)

10. Post Notice on Website. Post notice of each hearing on or after the 20th day but before the 10th day before the date of the hearing. (43.063(c)).

Post notice of both hearings on website from 8/4/2017 (just keep posted until Council votes on annexation ordinance)

11. 1st public hearing – on or after 40th day but before the 20th day before institution of proceedings. Date range is 8/19/17 to 9/8/17. (43.063(a)).

First Public Hearing is on 8/24/17 (regular meeting) (35 days before institution of proceedings on 8/31).

12. 2nd public hearing – on or after 40th day but before the 20th day before institution of proceedings. Date range is 8/19/17 to 9/8/17. (43.063(a)).

Second Public Hearing is on 9/7/17 (special called meeting) (21 days before institution of proceedings on 8/31).

13. Institution of Proceedings.

Passage of Ordinance is on 9/28/17 (regular meeting).

14. File certified copy with County Clerk within 30 days of adoption of ordinance. (41.0015).

File with County Clerk no later the 10/28/2017.

15. Annexation must be completed within 90 days after the date the city institutes annexation proceedings. (43.064(a)).

Finalize Annexation proceedings by 12/27/2017.

July 2017						
◀ Jun 2017						Aug 2017 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6 City Council Meeting Present plan to council and get direction for service plan	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25 30 th day prior to 8/24 latest date to mail all notices	26	27 City Council Meeting	28	29
30	31					

August 2017						
◀ Jul 2017						Sep 2017 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4 20 th day prior to 8/24	5
6	7	8	9	10 City Council Meeting	11	12
13 Advertise 1 st Public Hearing	14 10 th day prior to 8/24	15	16	17	18 20 th day prior to 9/7	19 40 th Day prior to 9/28
20 Advertise 2 nd Public Hearing	21	22	23	24 City Council Meeting 1 st Public Hearing	25	26
27	28 10 th day prior to 9/7	29	30	31		

September 2017						
◀ Aug 2017						Oct 2017 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7 Special Called City Council Meeting— 2nd Public Hearing	8 20 th day prior to 9/28	9
10	11	12	13	14 City Council Meeting	15	16
17	18	19	20	21	22	23
24	25	26	27	28 City Council Meeting Meeting—annexation Ordinance considered by council	29	30

After annexation, do not forget to notify the following within 30 days: county offices, state comptroller, AEP, JEC, WCA, NewWave, AT&T, Bay City Gas (franchise agreements).



Scale: 1 inch equals 10 Miles

- _____



This product is of

Coordinate System: NAD83 TX S CENTRAL 4204 FEET
Vertical Datum: NAVD 1988

Coordinate System: NAD83 TX S CENTRAL 4204 FEET
Vertical Datum: NAVD 1988

