



# **BAY CITY**

## **MINUTES • JUNE 8, 2017**

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**Council Chambers****Regular Meeting****7:00 PM**

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

### **1. CALL TO ORDER**

### **2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILWOMAN JULIE ESTLINBAUM**

Texas State Flag Pledge:

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

| <b>Attendee Name</b> | <b>Title</b>  | <b>Status</b> | <b>Arrived</b> |
|----------------------|---------------|---------------|----------------|
| 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       |                |

### **3. CERTIFICATION OF QUORUM**

### **4. APPROVAL OF AGENDA**

The agenda was approved by motion.

Councilwoman Carolyn Thames made the motion and it was seconded by Councilwoman Julie Estlinbaum.

Motion was 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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Mitch Thames - Bay City Chamber of Commerce - Matagorda County on the cover of Texas Highways Magazine.

Chris Rodriguez - Meet the Chief - Open House Police Dept.

June 20th 5:30-7PM

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

1. Appointment

SWEARING-IN AN INDUCTION OF RE-ELECTED COUNCILMEMBER CHRYSTAL FOLSE.

David Holubec, City Secretary

2. Appointment

SWEARING-IN AND INDUCTION OF NEWLY ELECTED COUNCILMEMBER BECCA SITZ.

David Holubec, City Secretary

3. Appointment

SWEARING-IN AND INDUCTION OF NEWLY ELECTED COUNCILMEMBER JASON CHILDERS.

David Holubec, City Secretary

Sworn in by Judge Childers

4. Personnel

SWEARING-IN OF CAPTAIN ROBERT LISTER AS POLICE CHIEF OF THE BAY CITY POLICE DEPARTMENT.

David Holubec, City Secretary

5. Report

PRESENTATION OF THE BAY CITY POLICE DEPARTMENT'S 2016 ANNUAL REPORT OF STATISTICAL INFORMATION AND SUMMARY REPORT OF 2016 EVENTS AND ACCOMPLISHMENTS.

Chief Robert Lister

Police Chief Robert Lister gave the 2016 Annual Police Department Report, comparing statistical data from previous years and sharing the various ways the department is involved in the community.

6. Policy

DISCUSS, CONSIDER, AND/OR APPROVE AMENDING THE CITY OF BAY CITY BANK DEPOSITORY AUTHORIZED SIGNATURE CARD TO ADD POLICE CHIEF ROBERT LISTER TO THE POLICE FORFEITURE AND POLICE PENDING FORFEITURE BANK ACCOUNTS.

Mayor Mark A. Bricker

The authorization was given for Chief Robert Lister to sign on the Police Forfeiture and Police Pending Forfeiture bank accounts.

Motion was made by Councilman Bill Cornman and seconded by Councilman Jason Childers

Motion was unanimously approved.

7. Report

DISCUSS A REQUEST FROM JIMMY MARTIN HUBBARD, SR. TO DE-ANNEX FROM THE CITY THE FOLLOWING PROPERTY - PARCELS 8117, 21334, 21335, JOHN DUNCAN SURVEY, ABSTRACT 150, W.J. MAYNARD SURVEY, ABSTRACT 356, MATAGORDA COUNTY, TEXAS.

Mayor Mark A. Bricker

Mr. Jay Hubbard discussed his family's request to De-annex property owned by the Hubbard family with Council members.

Discussion involved the reasons for a delay in requesting the de-annexation. It was decided that this agenda item would be placed on the June 22, 2017 Regular Council Meeting agenda for a public hearing and/or possible action by Council.

8. Resolution

DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR A 2017 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – TEXAS CAPITAL FUND GRANT OF UP TO \$425,000 TO CONSTRUCT DRAINAGE, WATER, SEWER, AND/OR STREET IMPROVEMENTS TO BENEFIT A PROPOSED MCCOY'S BUILDING SUPPLY STORE TO BE LOCATED BEHIND CHILI'S RESTAURANT ON SH 35, AND THAT DESIGNATES THE MAYOR AS THE CITY'S AUTHORIZED SIGNATORY.

Barry Calhoun or DC Dunham

A Resolution was discussed and passed authorizing the submission of an application to the Texas Department of Agriculture for a 2017 Texas Community Development Block Grant Program - Texas Capital Fund Grant of up to \$425,000.00 to construct various improvements to benefit a proposed McCoy's Building Supply Store.

Motion was made by Councilman Bill Cornman and seconded by Councilwoman Julie Estlinbaum.

Motion was unanimously approved.

9. Appointment

DISCUSS, CONSIDER, AND/OR APPROVE THE APPOINTMENT OF ESAU RODRIGUEZ AND DENISE FORTENBERRY TO THE FRIENDS OF THE PARK ADVISORY BOARD.

Shawn Blackburn

The appointment of new Park Advisory Board members Esau Rodriguez and Denise Fortenberry was approved.

Motion was made by Councilwoman Julie Estlinbaum and seconded by Councilman Jason Childers.

Motion was unanimously approved.

10. Report

UPDATE ON ONGOING PARKS & RECREATION PROJECTS, ACTIVITIES, AND NEW DEVELOPMENTS.

Shawn Blackburn

Parks & Recreation Director Shawn Blackburn outlined projects, activities and new developments in the parks department. He also discussed the recent Parks Survey and Master Plan.

Note:

1014 surveys were completed online

#### 11. Audit

DISCUSS, CONSIDER, AND/OR APPROVE HARRISON, WALDROP, AND UHEREK, L.L.P. TO PROVIDE AUDIT SERVICES FOR THE CITY OF BAY CITY FOR THE YEAR ENDING SEPTEMBER 30, 2017.

Scotty Jones, Finance Director

Finance Director, Scotty Jones recommended to Council the hiring of Harrison, Waldrop and Uherek, L.L.P. to provide audit services for the City of Bay City for the year fiscal year ending September 30, 2017. The fee for the service is \$36,000.00.

Motion was made by Councilman Jason Childers and seconded by Councilwoman Julie Estlinbaum.

Motion was unanimously approved.

#### 12. Budget

DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE ADOPTING BUDGET AMENDMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017.

Scotty Jones, Director of Finance

Finance Director, Scotty Jones discussed the various budget amendments that were necessary to streamline accounts and funding sources so they are correctly reflected in the budget.

Motion to approve was made by Councilman Bill Cornman and seconded by Councilwoman Becca Sitz.

Motion was unanimously approved.

#### 13. Agreement

DISCUSS, CONSIDER, AND/OR APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BAY CITY AND MATAGORDA COUNTY REGARDING THE BAY CITY PUBLIC LIBRARY.

Scotty Jones, Finance Director

Finance Director Scotty Jones discussed the interlocal lease agreement between the City of Bay City and Matagorda County regarding the Bay City Public Library.

Motion to approve the agreement was made by Councilwoman Chrystal Folse and seconded by Councilwoman Julie Estlinbaum.

Motion was approved unanimously.

#### 14. Property

DISCUSS, CONSIDER, AND/OR TAKE ACTION TO DEVELOP A PLAN TO FILL THE VACANT SPACE ADJACENT TO THE BAY CITY PUBLIC LIBRARY.

Councilman Bill Cornman

Councilmembers and Mayor Bricker discussed the vacant city-owned building adjacent to the Bay City Public Library on 7th Street. The lease brought in roughly \$80,000.00 revenue a year for the City. It was decided that a plan regarding the marketing of the building needed to be organized. Becca Sitz agreed to work with Mayor Bricker on this plan.

## **7. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS**

Mayor Mark A. Bricker

1. Welcomed the new Council members again and reminded them about the group phot session after the meeting.
2. Announced the resignation of Bay City Housing Authority Board Chairman, Lamar Evans after 38 years of service to the City.
3. Discussed the ongoing work being done on the Masonry Ordinance Proposal.
4. Announced that is was time for the Charter Review Committee to be appointed for the review of the Bay City Home Rule Charter.
5. Election of Mayor Pro-Tem will be on the June 22, 2017 Regular Council Meeting agenda.
6. Discussed the the need for City's Boards, Committees and Commissions to review by-laws and procedures.

Councilwoman Julie Estlinbaum

1. Welcomed new councilmembers.

Councilman Bill Cornman

1. Mentioned the need for the 2040 Plan to be reviewed.
2. Asked if Mayor Bricker had sent the leter to TxDOT requesting the possibility of changing the speed limit to 50 MPH between Bay City and Van Vleck on Highway 35.

Councilwoman Chrystal Folse

1. Mentioned Schulman's Entertainment Center and invited everyone to visit.

## **8. 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 Monday, June 5, 2017 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

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David Holubec  
City Secretary