



BAY CITY

MINUTES • MAY 25, 2017

Council Chambers

Regular Meeting

7:00 PM

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

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE - STEVEN JOHNSON

Texas State Flag Pledge:

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

bc

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	Excused	
Carolyn Thames	Councilwoman	Present	

3. CERTIFICATION OF QUORUM

4. APPROVAL OF AGENDA

Councilwoman Carolyn Thames made the motion to accept the agenda, and Mayor Pro Tem Chrystal Folse seconded the motion. Motion carried.

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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A. Bay Citian, Jo Halbert addressed the Mayor and Council members regarding the following subjects:

1. Public works - water leak. Information was great on City Information Call Line. Thanked the City.

B. Bay Citian, Richard Mr. Lehmann addressed the Mayor and Council regarding the Train Quiet Zone subject.

He recently met with Assistant Public Works Director, Marla Jasek who gave him an update on the research surrounding this subject.

Lehmann Learned the following:

1. Tracks - East /West, North/South
2. Disappointed in the cost of rail road crossing gates and signals costing \$100,000 each location.
3. East/West most important. Start on East.
4. He will continue his survey of the City's train traffic.

C. Bay Citian, David Torres addressed the Mayor and Council members regarding the following subjects:

1. Unhappy about the recent City election.
2. Nichols road is terrible. Dont allow trucks.
3. Suggested Requiring new businesses to add sidewalks. When are we going to start connecting the sidewalks? Old light poles with heavy concret bases around the city need to be reomoved.
4. Feels the City's sidewalk Surveys are a waste of money.

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. Report

DISCUSS, CONSIDER, AND/OR APPROVE THE MATAGORDA COUNTY AMATEUR RADIO CLUB REQUEST TO HOLD THE 2017 FIELD DAY (24-HOUR) PUBLIC SERVICE EMERGENCY COMMUNICATIONS DEMONSTRATION IN LE TULLE PARK ON JUNE 24, 2017 AND JUNE 25, 2017.

Rick Gangluff

Matagorda County Amateur Radio Club organizer, Rick Gangluff, requested permission from the Mayor and City Council to hold the annual Field Day in LeTulle Park on June 24th & 25th, 2017. Motion to approve was made by Councilman Bill Cornman and seconded by Councilwoman Carolyn Thames. Motion approved unanimously.

2. Report

DISCUSS, CONSIDER AND/OR APPROVE RATIFYING THE RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION FOR THE TXDOT TRANSPORTATION ALTERNATIVE PROGRAM FOR THE HWY 60 SIDEWALK PROJECT.

Dustin Hodges

***This item was removed from the Consent Agenda Items and placed in the Regular Items for Discussion area of the Agenda.

City of Bay City Administrative Assistant, Dustin Hodges discussed and requested the Mayor and City Council approve the ratification of the Resolution, authorizing the City to submit an application for the TxDOT Transportation Alternative Program for the HWY 60 sidewalk project.

There is a 13% matching grant rquirement. Total is \$379,000 and the City's match is \$57,000. If the City is unable to contribute the matching grant amount, the grant can be declined. Letters of support will assist the City's chances with TxDOT. More letters were needed.

Motion to ratify was made by Councilwoman Carolyn Thames and seconded by Councilwoman Julie Estlinbaum. Motion unanimously passed.

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

1. Presentation

DISCUSS, CONSIDER, AND/OR APPROVE THE REQUEST FROM UNITED METHODIST AREA REACH OUT MINISTRY BY YOUTH (UMARMY) FOR THE CITY TO WAIVE BUILDING PERMIT FEES WHILE UMARMY MAKES REPAIRS TO HOMES OF THE NEEDY IN THE CITY JUNE 4-11, 2017.

Jo Halbert

Bay Citian Jo Halbert requested the Mayor and City Council members grant a Building Permit Fee waiver for construction projects that would be performed by the United Methodist Area Reach Out Ministry By Youth (UMARMY) on June 4 - 11, 2017. This organization has been assisting with projects in Bay City for a number of years. The UMARMY organization understands that they must have the projects inspected by the Building Inspector. Motion was made to approve the request by Councilwoman Carolyn Thames and seconded by Councilwoman Julie Estlinbaum. Motion was unanimously approved.

2. Contract

DISCUSS, CONSIDER, AND/OR APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF BAY CITY, TEXAS AND WASTE CORPORATION OF TEXAS, L.P. (WCA) TO CHANGE THE DATE WCA IS REQUIRED TO MEET WITH CITY COUNCIL TO DISCUSS CONSUMER PRICE INDEX DATA SUPPORTING CHANGES IN FEES.

Scotty Jones, Finance Director

Bay City Finance Director, Scotty Jones discussed the request by Waste Corporation of Texas, L. P. (WCA) to change the date WCA is required to meet with the City Council to discuss consumer price index data supporting changes in fees. The request changes the date from March to June, annually. No financial impact will occur from this change.

Motion to approve was made by Councilwoman Julie Estlinbaum and seconded by Councilman Bill Cornman. Motion unanimously approved.

3. Report

DISCUSS, CONSIDER AND/OR APPROVE RATIFYING THE RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION FOR THE TXDOT TRANSPORTATION ALTERNATIVE PROGRAM FOR THE "SOUTHERN PACIFIC TRAILWAY" EXPANSION AND IMPROVEMENTS PROJECT.

Dustin Hodges

City of Bay City Administrative Assistant, Dustin Hodges discussed and requested the Mayor and City Council approve the ratification of the Resolution, authorizing the City to submit an application for the TxDOT Transportation Alternative Program for the Southern Pacific Trailway project.

Letters of support will assist the City's chances with TxDOT. More letters were needed.

Motion to ratify was made by Carolyn Thames and seconded by Councilwoman Julie Estlinbaum. Motion unanimously passed.

4. Report

DISCUSS THE CITY OF BAY CITY BECOMING A RAILROAD QUIET ZONE CITY.

Mayor Mark A. Bricker

Mayor Mark A. Bricker reported the latest update regarding the City's attempt to be a Rail Road Quiet Zone City. The City Council members have agreed to explore the possibilities of becoming a Rail Road Quiet Zone. Based on prior research, the City assumes there will need to be upgrades to several railroad crossings at the expense of the City. This plan is to understand and contemplate the process, identifying necessary actions, and discovering funding resources and assigning a timeframe for the project's completion. The steps shall include:

1. Council agrees to explore making the City a designated Rail Road Quiet Zone city.
2. Notify Railroad companies (Union Pacific and BNSF) of the City's interest in becoming a quiet zone city and seek their input on how to proceed further.
3. Receive outline of required actions and infrastructure upgrades (Underway).
4. Review information and assess time frame and funding options.
5. Create a plan for City implementation.
6. Propose resolution to City Council that outlines plan.
7. Implementation of Resolution in Capital Budgeting.

5. Report

RECEIVE AND DISCUSS AN UPDATE ON ONGOING PUBLIC WORKS PROJECTS INCLUDING STREET REHABILITATION PROJECTS, UTILITY PROJECTS, GRANT PROJECTS, SIEMENS ENERGY SAVINGS PROJECT, AND NEW DEVELOPMENTS.

Barry Calhoun, Director of Public Works

Public Works Director, Barry Calhoun gave the Mayor and City Council an update on Public Works, street rehabilitation, utility, and grant projects and the Siemens Energy Savings project.

6. Report

DISCUSS, CONSIDER, AND/OR APPROVE REQUESTING THE MAYOR TO SEND A LETTER TO THE PROPER TEXAS DEPARTMENT OF TRANSPORTATION PERSONNEL REQUESTING THE SPEED LIMIT ON EAST HIGHWAY 35, WHERE THE CURRENT SPEED LIMIT IS 60 MPH, BE REDUCED TO 50 MPH.

Councilman Bill Cornman

Councilman Bill Cornman discussed the possibility of the Council requesting the Mayor to contact TxDOT in reference to lowering the speed limit from 60MPH to 50MPH on Highway 35 between Bay City and Van Vleck due to safety concerns due to the increase in traffic in that area.

Councilman Bill Cornman stated he understood a traffic light was to be placed by TxDOT, at the intersection of HWY 35 and McCrosky Road, but he still feels the turn out from the Schulman complex is dangerous.

A motion was made requesting the Mayor to contact TxDOT was made by Councilman Bill Cornman and seconded by Mayor Pro Tem Chrystal Folse. Motion was unanimously approved.

7. Report

DISCUSS THE POLICY AND PROCEDURES WHEN NOTIFYING MEMBERS OF COUNCIL AND THE PUBLIC IN TIMES OF AN EMERGENCY.

Mayor Pro Tem Chrystal Folse

Mayor Pro Tem Chrystal Folse asked to discuss the procedures to be followed by the Mayor, City Directors and City Councilmembers when an emergency arises in the City. This agenda item was due to a water main break on Sunday May 21, 2017.

Mayor Bricker requested Council members not to contact city directors regarding City situations and instead, contact the Mayor.

Mayor Pro Tem stated she felt obligated to address the water main break due to citizens contacting her regarding the situation and had no communication regarding the water leak.

Mayor Bricker stated he had no contact from any Council members regarding the water leak.

Mayor Bricker reminded the Council that consultant, Ron Cox will be working with the Council and City employees regarding government policies and communication and the ability to function as a team.

Both parties agreed that communication needs to be a focus.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Pro Tem requested audio feed of council meetings that used the manual audio system instead of the MinuteTraq system, be uploaded in a more timely fashion. She also reported on the Schulman Entertainment facility's opening on June 1st.

Councilwoman Julie Estlinbaum discussed Tenaris success in our community with scholarships, and jobs for our citizens.

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, May 18, 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