

BAY CITY

AGENDA • MARCH 9, 2017

Council Chambers

Regular Meeting

7:00 PM

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



Mayor

Mark Bricker

Mayor Pro-Tem

Chrystal Folse

Councilman

William Cornman

Councilwoman

Julie Estlinbaum

Councilman

Steven Johnson

Councilwoman

Carolyn Thames

Phrase or additional picture or information here

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."

3. CERTIFICATION OF QUORUM**4. APPROVAL OF AGENDA****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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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.

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

1. Resolution DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION AUTHORIZING THE DETERMINATION OF THE FINANCIAL AND MANAGERIAL FEASIBILITY FOR AN INDOOR, ALL-PURPOSE NATATORIUM IN THE CITY OF BAY CITY TO SERVE MATAGORDA COUNTY.

Councilman Bill Cornman

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

Richard Lehmann

3. Report DISCUSS THE CITY OF BAY CITY COMPLETING NILE VALLEY ROAD TO FM 2668.

Richard Lehmann

4. Presentation DISCUSS REVISIONS TO CHAPTER 106 OF THE CITY CODE OF ORDINANCES TO ALLOW A VARIANCE PROCESS TO PERMIT ALTERNATIVE TOWER STRUCTURES, TO DELETE THE REQUIREMENT OF MAINTAINING A LIST OF EXISTING TOWER STRUCTURES, AND TO REQUIRE A BUILDING PERMIT TO CONSTRUCT A TOWER STRUCTURE IN THE CITY.

Lila Burns, Burns Telecommunication Services, LLC

5. Report DISCUSS, CONSIDER, AND/OR APPROVE THE CITY OF BAY CITY CONTRIBUTING TO THE HOLIDAY DECORATIONS FOR THE DOWNTOWN SQUARE.

Mayor Pro Tem Chrystal Folse

6. Agreement DISCUSS, CONSIDER, AND/OR APPROVE A LEASE AGREEMENT BETWEEN THE CITY OF BAY CITY AND MATAGORDA COUNTY FOR THE USE OF THE COUNTY'S ELECTION EQUIPMENT.

Rhonda Clegg, City Secretary

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

Mayor Mark A. Bricker

8. 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

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

Mayor Mark A. Bricker

8. EXECUTIVE SESSION

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.

9. OPEN ITEMS

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).

10. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

11. 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 Thursday, February 16, 2017 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