

BAY CITY

REVISED AGENDA • MARCH 23, 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. CERTIFICATION OF QUORUM****3. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILMAN STEVEN JOHNSON**

Texas State Flag Pledge:

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

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. Ordinance DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS ANNEXING TO THE CITY OF BAY, TEXAS A TOTAL OF 19.17 ACRES OF LAND LOCATED JACKSON ELECTRIC COOPERATIVE SUBDIVISION, I.&G.N. RAILROAD ABSTRACTS 339 and 275, MATAGORDA COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY OF BAY CITY'S CITY LIMITS; ADOPTING A SERVICE PLAN PROVIDING FOR THE EXTENSION OF MUNICIPAL SERVICES TO THE AREA SO ANNEXED AND GRANTING ALL INHABITANTS AND OWNERS OF PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING ALL INHABITANT BY THE ACTS, ORDINANCES, AND REGULATIONS OF THE CITY OF BAY CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Marla Jasek, Assistant Director of Public Works

2. Ordinance DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS ANNEXING TO THE CITY OF BAY, TEXAS A TOTAL OF 27.77 ACRES OF LAND LOCATED IN THE R.P.T. STONE ¼ LEAUGE ABSTRACT 92 AND ELISHA HALL LEAUGE ABSTRACT 45, MATAGORDA COUNTY, TEXAS, BEING COMIRMISED OF SKYEMC SECTION II, AND PORTIONS OF SECOND STREET SPUR AND CHARLES HALEY DRIVE, AND EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY OF BAY CITY'S CITY LIMITS; ADOPTING A SERVICE PLAN PROVIDING FOR THE EXTENSION OF MUNICIPAL SERVICES TO THE AREA SO ANNEXED AND GRANTING ALL INHABITANTS AND OWNERS OF PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING ALL INHABITANT BY THE ACTS, ORDINANCES, AND REGULATIONS OF THE CITY OF BAY CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Marla Jasek, Assistant Director of Public Works

3. Ordinance DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS ANNEXING TO THE CITY OF BAY, TEXAS A TOTAL OF 9.81 ACRES OF LAND LOCATED IN THE LIVE OAK ESTATES SUBDIVISION, SECTION 1, INCLUDING PORTIONS OF 12TH STREET, MATAGORDA COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY OF BAY CITY'S CITY LIMITS; ADOPTING A SERVICE PLAN PROVIDING FOR THE EXTENSION OF MUNICIPAL SERVICES TO THE AREA SO ANNEXED AND GRANTING ALL INHABITANTS AND OWNERS OF PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING ALL INHABITANT BY THE ACTS, ORDINANCES, AND REGULATIONS OF THE CITY OF BAY CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Marla Jasek, Assistant Director of Public Works

4. Ordinance DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS ANNEXING TO THE CITY OF BAY, TEXAS A TOTAL OF 3.27ACRES OF LAND LOCATED I.&G.N. RAILROAD SURVEY NUMBER 4, ABSTRACT 274, AND 5, ABSTRACT 273, MATAGORDA COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY OF BAY CITY'S CITY LIMITS; ADOPTING A SERVICE PLAN PROVIDING FOR THE EXTENSION OF MUNICIPAL SERVICES TO THE AREA SO ANNEXED AND GRANTING ALL INHABITANTS AND OWNERS OF PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING ALL INHABITANT BY THE ACTS, ORDINANCES, AND REGULATIONS OF THE CITY OF BAY CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Marla Jasek, Assistant Director of Public Works

5. Ordinance DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS ANNEXING TO THE CITY OF BAY, TEXAS A TOTAL OF 26.78 ACRES OF LAND LOCATED IN THE GOLDEN GLEN SUBDIVISION, SAVE AND EXCEPT LOTS 1, 2, AND 3, BLOCK 2, MATAGORDA COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY OF BAY CITY'S CITY LIMITS; ADOPTING A SERVICE PLAN PROVIDING FOR THE EXTENSION OF MUNICIPAL SERVICES TO THE AREA SO ANNEXED AND GRANTING ALL INHABITANTS AND OWNERS OF PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING ALL INHABITANT BY THE ACTS, ORDINANCES, AND REGULATIONS OF THE CITY OF BAY CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Marla Jasek, Assistant Director of Public Works

6. Property DISCUSS THE FRANCHISE AGREEMENT IN APPENDIX A ARTICLE II DIVISION 1 OF THE CITY CODE OF ORDINANCES AND CONSIDER USE OF THE AVENUE G RIGHT-OF-WAY BETWEEN COTTONWOOD CREEK AND 12TH STREET FOR EXPANSION OF THE AEP SUBSTATION LOCATED ON THE SOUTHWEST CORNER OF 12TH STREET AND AVENUE G

John M. Garcia, AEP and Marla Jasek, Asst. Director Public Works

7. Ordinance DISCUSS, CONSIDER, AND/OR APPROVE AMENDING CHAPTER 106 - TELECOMMUNICATION OF THE CITY OF BAY CITY CODE OF ORDINANCES TO ALLOW SPECIFIED STRUCTURES AND PROVIDE A VARIANCE PROCESS.

Marla Jasek, Assistant Director of Public Works

8. Property DISCUSS, CONSIDER, AND/OR AUTHORIZE THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT, APPROVED BY THE CITY ATTORNEY, BETWEEN THE CITY AND STAR LAUNDRY LOCATED AT 2008 AVE L, BAY CITY, TEXAS.

Marla Jasek, Asst. Director Public Works

9. Resolution DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION ADOPTING THE 2016 MATAGORDA COUNTY, TEXAS HAZARD MITIGATION PLAN.

Marla Jasek, Assistant Director of Public Works

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

Councilman Bill Cornman

8. EXECUTIVE SESSION

1. Report PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH CITY ATTORNEY), CITY COUNCIL WILL CONSULT WITH THE CITY ATTORNEY REGARDING THE LEGAL REMEDIES AVAILABLE TO THE COUNCIL TO RESPOND TO A COMPLAINT AGAINST THE MAYOR.

Councilwoman Chrystal Folse

2. Report PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH CITY ATTORNEY), CITY COUNCIL WILL CONSULT WITH THE CITY ATTORNEY REGARDING COUNCIL MEMBER PAST AND CURRENT COMPENSATION AND GROUP HEALTH INSURANCE BENEFITS OF MAYOR PRO TEM CHRYSAL FOLSE UNDER SECTION 4.04 OF THE CITY CHARTER.

Mayor Mark A. Bricker

3. Report PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH CITY ATTORNEY), CITY COUNCIL WILL CONSULT WITH THE CITY ATTORNEY REGARDING THE PUBLICATION OF THE EXECUTIVE SESSION AUDIOTAPE FROM THE MARCH 14, 2017 SPECIAL CALLED MEETING.

Mayor Mark A. Bricker

9. OPEN SESSION

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, March 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