

BAY CITY

AGENDA • APRIL 13, 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 - MAYOR PRO TEM CHRYSAL FOLSE**

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.

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. Appointment DISCUSS, CONSIDER AND/OR CONSENT TO THE MAYOR'S APPOINTMENT OF SUE CROW AND CHRISTY BISHOP TO THE CONVENTION AND VISITOR BUREAU.

Mayor Mark A. Bricker

2. Resolution DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS RECOGNIZING THE APPOINTMENT OF COUNTY COMMISSIONER GARY GRAHAM TO BOARD OF DIRECTOR POSITION NUMBER ONE TO REINVESTMENT ZONE NUMBER ONE, CITY OF BAY CITY, TEXAS (DOWNTOWN).

Mayor Mark A. Bricker

3. Resolution DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS RECOGNIZING THE APPOINTMENT OF COUNTY COMMISSIONER GARY GRAHAM TO BOARD OF DIRECTOR POSITION NUMBER TWO TO REINVESTMENT ZONE NUMBER TWO, CITY OF BAY CITY, TEXAS (MOVIE THEATER).

Mayor Mark A. Bricker

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

1. Appointment DISCUSS, CONSIDER AND/OR CONSENT TO THE MAYOR'S APPOINTMENT OF ROBERT LISTER AS THE CHIEF OF POLICE TO BE EFFECTIVE JUNE 1, 2017.

Mayor Mark A. Bricker

2. Budget DISCUSS, CONSIDER, AND/OR APPROVE ALLOTING FUNDS TO THE ROTARY CLUB TO BE USED TO EXPAND THE STAGE AT THE BAY CITY CIVIC CENTER FOR THE ANNUAL ROTARY EVENT.

Brandon Cox

3. 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

4. Planning / Plat DISCUSS, CONSIDER AND/OR APPROVE PRIOR APPROVAL OF A REQUEST FOR CONSTRUCTION OF A FREE-STANDING STEEL LATTICE TOWER PROPOSED TO BE CONSTRUCTED AT 2003 KILOWATT DRIVE, BAY CITY, TEXAS IN ACCORDANCE WITH CHAPTER 106 OF THE BAY CITY CODE OF ORDINANCES.

Marla Jasek, Asst. Director of Public Works

5. Property DISCUSS, CONSIDER, AND/OR AUTHORIZE THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT, APPROVED BY THE CITY ATTORNEY, BETWEEN THE CITY AND STAR 35 LAUNDRY LOCATED AT 2008 AVE L, BAY CITY, TEXAS.

Marla Jasek, Asst. Director Public Works

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

Councilman Bill Cornman

7. Report DISCUSS, CONSIDER, AND/OR APPROVE A CITY OF BAY CITY CLEANUP DAY.

Councilman Bill Cornman

8. Policy DISCUSS POLICIES PERTAINING TO TITLE 15 OF THE TEXAS ELECTION CODE AND SECTION 39.02 OF THE TEXAS PENAL CODE.

Mayor Mark A. Bricker

9. Report DISCUSS, CONSIDER AND/OR TAKE ACTION AS DEEMED APPROPRIATE CONCERNING THE MAYOR'S JUDGMENT RELATIVE TO THE POSTING OF DEROGATORY AND LEADING NEGATIVE MESSAGES DIRECTED AT INDIVIDUALS ON HIS FACEBOOK PAGE AND OTHER FORMS OF SOCIAL MEDIA.

Councilman Bill Cornman

8. EXECUTIVE SESSION

1. Personnel PURSUANT TO TEXAS GOVERNMENT CODE §551.074 (PERSONNEL MATTERS) CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION REGARDING THE APPOINTMENT OF THE CHIEF OF POLICE.

Mayor Mark A. Bricker

2. Agreement PURSUANT TO TEXAS GOVERNMENT CODE §551.071 AND §551.087, THE CITY COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE REGARDING A PROPOSED HOTEL OCCUPANCY TAX REIMBURSEMENT AGREEMENT WITH CANDLEWOOD SUITES TO REIMBURSE 50 PERCENT OF HOTEL OCCUPANCY TAXES GENERATED BY THE HOTEL IF CERTAIN REQUIREMENTS ARE SATISFIED.

Scotty Jones, Director of Finance

3. Report PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH CITY ATTORNEY), CITY COUNCIL WILL CONSULT WITH THE CITY ATTORNEY REGARDING COMPENSATION AND GROUP HEALTH INSURANCE BENEFITS OF MAYOR PRO TEM CHRYS TAL FOLSE UNDER SECTION 4.04 OF THE CITY CHARTER AND TO DISCUSS A SETTLEMENT AND COMPROMISE AGREEMENT.

Mayor Mark A. Bricker

4. Report PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY), COUNCIL SHALL CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING JOCELYN AMTOWER.

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).

Mayor Mark A. Bricker

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, April 6, 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