

CITY OF BAY CITY
MINUTES • MARCH 24, 2020

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting (MOVED)

6:00 PM

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



Mayor

Robert K. Nelson

Councilman

William Cornman

Mayor Pro Tem

Jason W. Childers

Councilman

Brent P. Marceaux

Councilwoman

Becca Sitz

Councilwoman

Julie Estlinbaum

Bay City is committed to developing and enhancing the long-term prosperity, sustainability, and health of the community.

CALL TO ORDER

Mayor Robert K. Nelson called the Regular Council Meeting to order at 6:07 p.m.

INVOCATION & PLEDGE

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

(Mayor Pro Tem Jason Childers)

The Invocation and Pledges were led by Mayor Pro Tem Jason Childers.

CERTIFICATION OF QUORUM

A quorum was met.

PRESENT

Mayor Robert K. Nelson
Mayor Pro Tem Jason W. Childers
Councilman William Cornman
Councilman Brent P. Marceaux
Councilwoman Becca Sitz
Councilwoman Julie Estlinbaum

MISSION STATEMENT

The City Of Bay City is a community that fosters future economic growth, strives to deliver superior municipal services, invests in quality of life initiatives and is the gateway to the great outdoors. We encourage access to our unique historical and eco-cultural resources while maintaining our small-town Texas charm.

The City's Mission Statement was read by Mayor Pro Tem Jason Childers.

APPROVAL OF AGENDA

Motion made by Councilman Marceaux, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

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.

There were no Public Comments.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD FEBRUARY 25, 2020.

(Rhonda Clegg, Acting Deputy City Secretary)

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Cornman.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

2. DISCUSS, CONSIDER AND/OR APPROVE TRANSFERRING THE CITY OF BAY CITY'S COOPERATIVE TEAMWORK AND RECYCLING ASSISTANCE MEMBERSHIP TO KEEP TEXAS BEAUTIFUL AND THE NEW KEEP TEXAS RECYCLING PROGRAM.

(Marla Jasek, Assistant Director of Public Works)

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Cornman.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

3. DISCUSS, CONSIDER AND TAKE NECESSARY ACTION TO RATIFY THE CONTRACT BETWEEN THE CITY OF BAY CITY, TEXAS AND LSPS SOLUTIONS, LLC., FOR PROFESSIONAL SERVICES TO CONDUCT A RISK AND RESILIENCE ASSESSMENT AND EMERGENCY RESPONSE PLAN.

(Barry Calhoun, Director of Public Works)

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Cornman.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

4. DISCUSS, CONSIDER, AND TAKE NECESSARY ACTION TO RATIFY THE CONTRACT BETWEEN THE CITY OF BAY CITY, TEXAS AND JONES & CARTER FOR PROFESSIONAL ENGINEERING SERVICES AND SURVEYING SERVICES IN CONNECTION WITH THE RECONSTRUCTION OF THE NILE VALLEY ROAD PROJECT.

(Barry Calhoun, Director of Public Works and Scotty Jones, Finance Director)

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Cornman.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

5. PRESENTATION OF 2019 TEXAS MUNICIPAL LIBRARY DIRECTORS ASSOCIATION (TMLDA) ACHIEVEMENT IN LIBRARY EXCELLENCE AWARD.

(Samantha Denbow, Library Director)

Tabled until second Council Meeting in April.

6. RECEIVE SPECIAL RECOGNITION FROM THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) PARKS AND NATURAL AREA AWARDS IN THE PROJECTS LESS THAN \$500,000 CATEGORY, THE BAY CITY PARKS AND RECREATION DREAMSCAPE.

(Shawn Blackburn, Director of Parks and Recreation)

Tabled until second Council Meeting in April.

7. DISCUSS, CONSIDER AND/OR APPROVE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019.

(Scotty Jones, Finance Director)

Mrs. Jones informed Mayor and Council that the City was in a good position for the future. She pointed out that the City received a clean opinion, which was referenced on page 2. Mrs. Jones moved on to page 9, General Fund Highlights. She pointed out that the General Fund increased almost 1 million dollars. Mrs. Jones stated that Water and Sewer was also in good shape.

Mayor Pro Tem Childers announced that Thursday was the ratings call. Mrs. Jones stated that she hoped for a tick up. And added that the City had a lot of good things happening in the community.

Motion made by Councilman Cornman, Seconded by Councilwoman Estlinbaum.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

8. DISCUSS, CONSIDER AND/OR APPROVE ACCEPTING A \$2,000 DONATION FROM LONESTAR GC3 TO HOLD THE RIVERSIDE PARK SMOKE-OFF COOKOUT AT RIVERSIDE PARK.

(Shawn Blackburn, Director of Parks and Recreation)

Mr. Blackburn stated that he wanted to get Riverside Park open and one of the things we wanted to do was hold a Smoke-off. One way to hold this event would be to have cash prizes. The contractor agreed to donate the funds for the cash prizes.

Motion made by Councilwoman Estlinbaum, Seconded by Councilman Marceaux.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

9. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION TO ENTER INTO A PERFORMANCE AGREEMENT WHICH PROVIDES ECONOMIC INCENTIVES UNDER A BUSINESS RESILIENCY PROGRAM (SECOND READING).

(Jessica Russell, BCCDC Executive Director)

Councilwoman Estlinbaum reminded Council that the item had been presented at the last meeting, and the approval of the item would add money to the program for established businesses.

Motion made by Councilwoman Sitz, Seconded by Councilman Marceaux. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum.

10. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION TO ENTER INTO A PERFORMANCE AGREEMENTS WHICH PROVIDE ECONOMIC INCENTIVES UNDER A BUSINESS RETENTION AND EXPANSION PROGRAM (FIRST READING).

(Jessica Russell, BCCDC Executive Director)

Councilwoman Estlinbaum stated the approval of this item would allow for the adding of money to the account.

Motion made by Councilwoman Sitz, Seconded by Councilman Marceaux.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Estlinbaum

11. DISCUSS, CONSIDER AND/OR APPROVE A VARIANCE REQUEST TO PLACE A 4 FEET SIDEWALK BETWEEN HOUSES, INSTEAD OF AN 8 FEET SIDEWALK AS REQUIRED BY SECTION 99-6 OF THE CITY'S CODE OF ORDINANCE.

(DC Dunham, Lynn & Associates)

Mrs. Dunham, before beginning, asked that we keep Mrs. Anne Ryan in our thoughts and prayers.

Mrs. Dunham moved on to the agenda item by explaining that she would like to have the standard size sidewalk at 4 feet, so that there would be more green space. Councilman Cornman asked what they would be doing with Lot B. Mrs. Dunham stated that it would remain green space. The plan, however, would be to continue to enhance that area.

Councilman Cornman asked how she picked 4 feet. Mrs. Dunham stated that it was the standard in most areas, and that the only reason this came up was because of the form based codes. Mayor Pro Tem Childers asked if this had been previously approved, and Marla Jasek, Assistant Director of Public Works, stated it was not previously approved because of the form based codes.

There was discussion between the Mayor, Council and Mrs. Dunham regarding whether the use of the sidewalk would be used by the public. It was noted that the use of the

sidewalk was a way for people to visit those in the homes. The Mayor pointed out that we know what the form based codes are, so we should be going off of the form based codes.

Councilman Cornman asked why if it is 8 feet in the code, then why is it not 8 feet. Mr. Stuart Lynn of Lynn and Associates, stated that he did not believe it was the intent to have 8 feet sidewalks in between homes--maybe on the streets.

Councilman commented that if it is 8 feet, then why was it not 8 feet. Mr. Lynn stated that he did not think it was the intent to have 8 feet sidewalks in between homes, maybe on streets. Mrs. Jasek explained that in accordance with those type of houses there is supposed to be a sidewalk in front of the house and on the side. The Code says 8 - 10 feet.

The Mayor felt that they should make it aesthetically consistent and make both sidewalks 5 feet.

Councilman Marceaux amended his motion from 4 feet in front of the homes to 5 feet, with the one on Avenue G remaining at 5 ft.

The Mayor stated that going forward we will stick with the form based code.

Motion made by Councilman Marceaux, Seconded by Councilwoman Estlinbaum.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

12. DISCUSS, CONSIDER AND/OR APPROVE THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE BAY CITY GAS COMPANY TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF BAY CITY FOR THE NILE VALLEY ROAD PROJECT AND OTHER ROAD PROJECTS.

(Mayor, Robert K. Nelson)

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Cornman.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

13. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF BAY CITY FOR THE NILE VALLEY ROAD PROJECT AND OTHER ROAD PROJECTS (PUBLIC HEARING AND FIRST READING).

(Mayor, Robert K. Nelson)

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Marceaux.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,

Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

14. DISCUSS, CONSIDER AND/OR APPROVE A SERVICE AGREEMENT WITH AVENUE INSIGHTS & ANALYTICS, LLC CONSULTANT SERVICES.

(Scotty Jones, Finance Director)

Mrs. Jones explained the contract and how it would help to educate the City's hoteliers with compliance. It is an annual contract with three one year terms. The contract would help them to begin paying their taxes online, however the City would still be able to accept it in-house if the hotelier preferred. There would be no cost to the City, if the company finds a hotel in non-compliance it would be a 40% recovery fee. There would be no more than 2 hotel audits a year. The contract would not take effect until the next budget. Mrs. Jones pointed out that there is a \$2,500 start fee, and \$150 per hotel which is a total of \$3,300. This would be paid out of H.O.T money. The City would have to pay for the hotel audits, which would cost \$2,000 per audit.

Mrs. Jones and City Council continued to discuss the contract and the cost to the City.

Mrs. Jones suggested to Mayor and Council that the item be table, so that she could work with Heidi in Tourism to see how hoteliers felt about paying online. It was the consensus of Council to go with Mrs. Jones' recommendation to meet with the hoteliers.

After receiving guidance from Mrs. Odefey, Council tabled the item indefinitely.

Motion made by Councilwoman Estlinbaum, Seconded by Councilman Marceaux.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

15. DISCUSS, CONSIDER AND ADOPT A RESOLUTION TO DESIGNATE AUTHORIZED SIGNATORS FOR THE 2019 TEXAS CDBG PROGRAM CONTRACT 7219029.

(Barry Calhoun, Director of Public Works)

Mr. Calhoun informed Mayor and Council that the City was awarded the grant in the amount of \$350,000, with the City's matching at 25%.

Motion made by Councilman Cornman, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

16. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION ADOPTING REQUIRED CDBG CIVIL RIGHTS POLICIES SIGNATURES FOR THE 2019 TEXAS CDBG PROGRAM CONTRACT 7219029.

(Barry Calhoun, Director of Public Works)

Motion made by Councilman Cornman, Seconded by Mayor Pro Tem Childers.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

17. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION PROCLAIMING APRIL AS FAIR HOUSING MONTH FOR THE 2019 TEXAS CDBG PROGRAM CONTRACT 7219029.

(Barry Calhoun, Director of Public Works)

Motion made by Councilwoman Estlinbaum, Seconded by Mayor Pro Tem Childers.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

18. DISCUSS, CONSIDER AND/OR DESIGNATE AN ENGINEERING SERVICE PROVIDER FOR PROFESSIONAL ENGINEERING AND SURVEYING TO DEVELOP REGIONAL DRAINAGE; AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT, APPROVED BY THE CITY ATTORNEY, WITH THE ENGINEERING SERVICE PROVIDER.

(Marla Jasek, Assistant Director of Public Works)

Mrs. Jasek informed Mayor and Council that out of the 4 RFQ's sent and reviewed, Jones and Carter were on top.

Motion made by Mayor Pro Tem Childers, Seconded by Councilwoman Sitz.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

19. DISCUSS, CONSIDER AND ADOPT A RESOLUTION TO DESIGNATE AUTHORIZED SIGNATORS FOR THE HURRICANE HARVEY – INFRASTRUCTURE CDBG DISASTER RECOVERY PROGRAM CONTRACT 20-065-048-C142.

(Barry Calhoun, Director of Public Works)

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Marceaux.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

20. Discuss, consider and approve a resolution adopting required CDBG-DR Civil Rights policies for the Hurricane Harvey - Infrastructure CDBG Disaster Recovery program contract 20-065-048-C142.

(Barry Calhoun, Director of Public Works)

Motion made by Councilwoman Estlinbaum, Seconded by Mayor Pro Tem Childers.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,
Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

21. Discuss, consider and approve a resolution proclaiming April as Fair Housing Month for the Hurricane Harvey - Infrastructure CDBG Disaster Recovery program contract 20-065-048-C142.

(Barry Calhoun, Director of Public Works)

Motion made by Councilwoman Estlinbaum, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

22. DISCUSS, CONSIDER AND/OR APPROVE POSTPONING THE MAY 2, 2020 GENERAL ELECTION UNTIL NOVEMBER 3, 2020.

(Rhonda Clegg, Acting Deputy City Secretary)

Mrs. Clegg explained to Mayor and Council the reason for postponing the May Election, and referred to the Texas Secretary of State, Election Division's Election Advisory.

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Marceaux. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Marceaux, Councilwoman Sitz Voting Abstaining: Councilman Cornman, Councilwoman Estlinbaum

CLOSED / EXECUTIVE SESSION

Adjourned from Open Session at 7:18 p.m.

Entered into Executive Session at 7:20 p.m.

Adjourned from Executive Session at 7:38 p.m.

23. CLOSED MEETING TO DISCUSS PERSONNEL MATTERS IN ACCORDANCE WITH TITLE 5, SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (TO DISCUSS APPOINTMENT, EMPLOYMENT, EVALUATION, RESPONSIBILITIES AND DUTIES, REASSIGNMENT, DISCIPLINE OR DISMISSAL OF AN OFFICER OR EMPLOYEE, OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE: HOUSING AUTHORITY BOARD MEMBER.

24. PURSUANT TO TEXAS GOVERNMENT CODE §551.071(2) TO CONSULT WITH THEIR ATTORNEY REGARDING ATTORNEY - CLIENT PRIVILEGED MATTERS.

OPEN SESSION

Discuss, consider and/or take action on item(s) listed in Executive/Closed Session, (if any).

25. DISCUSS, CONSIDER AND/OR TAKE ANY ACTION ON ITEM(S) LISTED IN EXECUTIVE/CLOSED SESSION, (IF ANY).

Entered into Open Session at 7:40 p.m.

Motion made by Councilman Marceaux, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum not to re-appoint Ronnie Reeves on Housing Authority Board.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Estlinbaum asked for everyone to stay safe, healthy and to self-isolate.

Councilman Cornman informed everyone that multiple counties are working to figure out the Colorado River, and hopes to have the person heading this come and speak to Council for an update. Councilwoman Estlinbaum added that these discussions were due to Harvey.

ADJOURNMENT

Motion made by Councilman Marceaux, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum