

**CALL TO ORDER**

Mayor Robert Nelson called the meeting to order at 6:00PM.

**INVOCATION & PLEDGE**

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

Councilman Brent Marceaux provided the invocation and led the pledge.

**CERTIFICATION OF QUORUM**

Mayor Robert Nelson certified that a quorum was present.

**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.

Councilman Brent Marceaux read the mission statement.

**APPROVAL OF AGENDA**

Councilman Brent Marceaux made a motion to approve the agenda and Mayor Pro Tem Jason Childers seconded the motion.

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 not any public comments.

**CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**

1. Discuss, Consider and/or approve the minutes from the Regular City Council Meeting - February 11, 2020. (City Secretary, David Holubec)

Mayor Pro Tem Jason Childers requested that a change be made on one of the items as it had two approvers listed.

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

2. 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 shall provide economic incentives under a business retention and expansion program. (2nd Reading) (City Secretary, David Holubec)

Motion made by Councilman Cornman, Seconded by Councilwoman Sitz.

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

3. 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 shall provide economic incentives under a business retention and expansion **FACADE GRANT** Program. (2nd Reading) (City Secretary, David Holubec)

Motion made by Councilman Cornman, Seconded by Councilwoman Sitz.

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

#### **REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**

4. Consider the adoption of Resolution No. R-2020-28, A Resolution by the City Council of the City of Bay City, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Approving the Preparation of a Preliminary Official Statement and Notice of Sale; and Approving Other Matters Incidental Thereto (Finance Director, Scotty Jones)

Finance Director, Scotty Jones, addressed the Mayor, City Manager and Council to provide them information on the Certificate of Obligation.

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

5. Receive and discuss the Bay City Police Department 2019 Annual Report. (Police Chief, Robert Lister)

Police Chief, Robert Lister, addressed the Mayor, City Manager, and Council to provide them with an update on the 2019 Police Department statistics. A few of the topics mentioned were the 0% homicide rate, use of force cases, traffic stops, and an increase in traffic accidents. Chief Lister gave an overview of the amount of cases handled by the 7 Investigators employed by the department. Another topic that was addressed were the little amount of training hours that the report showed. This was due to personnel shortage. Councilman Brent Marceaux requested that the next update include the case

closure rate by Investigations. Chief Lister stated that they do have that information, it was just not included in the report.

6. Discuss, consider and/or approve recommended changes to the Bay City Tourism Council Bylaws. (Tourism Manager, Heidi Martinez)

Tourism Manager, Heidi Martinez, addressed the Mayor, City Manager and Council to seek approval for changes that need to be made to the tourism bylaws. The changes are for the mission statement, board member terms, and changing from a consensus vote to a majority vote. The changes were approved.

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

7. Status update relative to the Aquatic Center Feasibility Study - current state and the path forward.(Councilman William Cornman)

Councilman Bill Cornman stated that he wanted to provide an update on the feasibility study. He advised that the CDC funded this study and that the city hasn't spent any money on it. The feasibility results should be ready sometime during March. He would like to have a joint meeting with the Council and CDC once the results are in. He stated that there would be two options listed. One that has been seen by the Council and a second one featuring a smaller pool to optimize maintenance and program costs. He also advised that this project would not be able to move forward without having partners. The partners include the hospital, ISD, County, City, and CDC. Councilman Cornman also stated that if the project did not move forward, the 16th Street pool would have to be renovated. If the project moves forward, two of the city's pools would be shut down. When the project is completed, the 16th Street pool would shut down immediately and the Hilliard pool would be turned into a splash pad.

It was stated that we need to have an open house meeting that includes the contractors, engineers, and volunteers so that any questions regarding this project could be answered.

## **CLOSED / EXECUTIVE SESSION**

The Mayor, City Manager, and Council went into executive session at 6:53PM.

8. Executive Session - To discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (To discuss appointment, employment, evaluation, responsibilities, discipline or dismissal of an officer or employee, or to hear a

complaint or charge against an officer or employee) (City Secretary) {Interim City Manager recap}.

Councilman Bill Corman made a motion to terminate City Secretary, David Holubec, effective immediately. Mayor Pro Tem Jason Childers seconded the motion. The motion was passed.

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

9. Executive session pursuant to Texas Government Code §551.071(1) for consultation with the City Attorney regarding the following: Cause No. 19-E-0013, Ronnie Dean Reeves, Vidala Leal Rodas, Danyal Sheniel Manning and the Bay City Housing Authority Vs. Mark A. Bricker, Mayor, Defendant.

No action taken.

10. Executive session pursuant to Texas Government Code §551.071(2) to consult with their attorney regarding attorney - client privileged matters.

No action taken.

## **OPEN SESSION**

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

The open session was reconvened at 8:12PM.

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

Once back in open session, executive session item 8 was discussed. The information discussed is listed under that item.

## **ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS**

Councilman Bill Cornman stated that he would be out of town for the next Council meeting on March 10th but that he would like a workshop beforehand to come up with a contingency plan if the coronavirus happens to reach our area. This workshop will start at 5:00PM. Mayor Robert Nelson stated that we need to make contact with Emergency Management and the hospital to see if they have a plan in place.

Mayor Pro Tem Jason Childers congratulated Councilman Cornman on his grandson's baseball accolades.

Councilwoman Becca Sitz stated that she would like to get together a campaign for cleaning up the town.

## **ADJOURNMENT**

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

### **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 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.

### **CERTIFICATION OF POSTING**

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 **Wednesday, February 19, 2020 before 7:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

The facility is wheelchair accessible and accessible parking spaces available. Request for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary's Office at 979-245-5311 or email, [dholumbec@cityofbaycity.org](mailto:dholumbec@cityofbaycity.org) for further information.