

**CITY OF BAY CITY**  
**MINUTES • OCTOBER 13, 2020**

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**COUNCIL  
CHAMBERS | 1901  
5th Street**

**City Council Regular Meeting**

**6:00 PM**

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



**Mayor**

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Robert K. Nelson

**Councilman**

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William Cornman

**Mayor Pro Tem**

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Jason W. Childers

**Councilman**

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Brent P. Marceaux

**Councilwoman**

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Becca Slitz

**Councilwoman**

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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 meeting to order at 6:01 PM.

**INVOCATION & PLEDGE**

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

*Councilman Bill Cornman*

**CERTIFICATION OF QUORUM****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.

*Councilman Bill Cornman*

**APPROVAL OF AGENDA**

Motion made by Mayor Pro Tem Childers to approve the agenda, Seconded by Councilman Marceaux.

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

**PUBLIC COMMENTS**

David Torrez, 1616 Cottonwood, suggested using drug money to repair sidewalks. Mr. Torrez discussed other issues regarding streetlights, road, and waste management performance.

**CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL****1. Minutes from the Regular City Council meeting on September 22, 2020**

Motion made by Councilman Cornman to approve the minutes from September 22, 2020, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL****2. Appointment ~ Consider, and/or approve the re-appointment of Associate Municipal Court Judge Mark Finlay.**

Judge Thompson requested to appoint Mark Finley an Associate Judge. Marceaux stated that Judge Finley does an exceptional job and we are very fortunate to have both Thompson and Finley.

Motion made by Mayor Pro Tem Childers to approve the appointment, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried and Judge Thompson swore in Judge Finlay.

**3. Policy ~ Discuss, consider, and/or approve the 2021 City of Bay City Holiday Schedule.**

Rhonda introduced the proposed holiday schedule for the City. Councilman Cornman brought up Council Meetings on holiday weeks. Councilwoman recommended changing meeting date in December from the 8th and 22nd to the 1st and 15th. Council requested the change be put on the next agenda.

Motion made by Councilman Cornman to approve the City Holiday Schedule for 2021, Seconded by Councilman Marceaux. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

**4. Resolution ~ Resolution of the City Council of the City of Bay City, Texas requesting financial assistance from the Texas Water Development, Authorizing the filing of an application for assistance; and making certain findings in connection therewith.**

Barry Calhoun, Public Works Director, introduced the resolution for Jessica Russell. In March, Council awarded engineering services for drainage, and we are looking for grant opportunities from TWD. The City is eligible for 29%.

Motion made by Councilwoman Sitz to approve the Resolution requesting financial assistance from Texas Water Development, Seconded by Councilman Marceaux. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

**5. Ordinance ~ Ordinance amending the City Code of Ordinances Chapter 2; Article II ("Meetings and Rules of Order") deleting the requirement of electronic**

**recording of City Council Proceedings; providing for a cumulative and conflicts clause, providing for a severability clause; and providing for an effective date.**

Jeanna Thompson, City Secretary, reviewed the Ordinance amendment. Public comments came from from James Folse and Crystal Folse opposing the change to the Ordinance. Discussions were made and Ms. Thompson assured that the practice of recording Council meeting would continue. A policy was recommended. The Ordinance was polled by Mayor Nelson.

Motion made by Councilwoman Sitz to approve the Ordinance amending the City Code of Ordinance Chapter 2; Article II, Seconded by Councilman Marceaux.  
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

**6. Discussion ~ Discuss, consider, and/or approve a software upgrade with Neptune.**

Shawna Burkhart, City Manager, summarized Sieman's work doing the city wide meter upgrade with Neptune meters. Neptune has upgrade their software and to replace the 1200 meters we must upgrade those in ground with the new software. Ms. Burkhart stated that we do not desire a relationship with Neptune, they are not honoring their warranty. Cost of \$20,000 to \$25,000 software upgrade to utilize the meters in the ground but we will not buy more meters from Neptune - and go to Badger meters. 100 of badger to test is a cost of \$40,000, which is in the budget. Councilman Cornman and Councilman Marceaux asked Cornman suggested looking at the life cost and compare to manual meter readers.

**7. Discussion ~ Discuss, consider, and/or approve to begin trial testing of the Badger meters.**

Motion made by Councilman Cornman to approve the trial testing of Badger meters, Seconded by Councilman Marceaux. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

**8. Discussion ~ Discuss TxDOT proposal to upgrade traffic signals and add turn lanes at two locations on Highway 60.**

Shawna Burkhart, City Manager, reviewed response form TxDOT. TxDOT proposed to not upgrade Avenue g and Avenue H at Highway 35, but will upgrade 6th and 8th streets on highway 60. Ms. Burkhart stated that they have met with the county and they have concerns because they are losing parking on north and west side of courthouse. Councilman Cornman stated that his thoughts are that at some place in this process is an approval and we need a sketch/drawing for approval. Ms. Burkhart added that this is still in a study phase - 2 to 3 years out. Councilwoman Sitz recommended changing the timing of the lights as opposed to changing/removing parking. Councilwoman

Estlinbaum agreed with Councilwoman Sitz. Councilwoman Sitz also recommended "no left turns".

## **CLOSED / EXECUTIVE SESSION**

Mayor Nelson adjourned the regular session at 7:02 pm and Council went into an Executive session.

### **9. Personnel**

**~ 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: CITY MANAGER.**

### **10. Presentation**

**~ EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE (DELIBERATION REGARDING ECONOMIC DEVELOPMENT).**

### **11. Legal**

**~ EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE (CONSULTATION WITH COUNSEL ON LEGAL MATTERS). THE CITY COUNCIL WILL DISCUSS OR DELIBERATE REGARDING OAG OPINION.**

## **OPEN SESSION**

Council adjourned the Executive Session at 8:05 pm and reconvened the Regular session.

Item #9: Mayor Pro Tem Childers made a motion to approve a \$5,000 raise for the City Manager effective immediately, seconded by Councilman Cornman. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

There was no action taken on Items #10 and #11 of the Executive session.

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

### **ADJOURNMENT**

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

Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried and the meeting was adjourned at 8:11 PM.

**PASSED AND APPROVED**, this \_\_\_\_ day of \_\_\_\_\_, 2020.

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ROBERT K. NELSON, MAYOR  
CITY OF BAY CITY, TEXAS

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JEANNA THOMPSON  
CITY SECRETARY