



CITY OF BAY CITY
MINUTES • FEBRUARY 11, 2020

Council Chambers

Regular Meeting – City Council

6:00 PM

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

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILWOMAN, BECCA SITZ

Texas State Flag Pledge:

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

Attendee Name	Title	Status	Arrived
Robert K. Nelson	Mayor	Present	
Brent P. Marceaux	Councilman	Present	
William Cornman	Councilman	Present	
Becca Sitz	Councilwoman	Present	
Jason W. Childers	Mayor Pro Tem	Present	
Julie Estlinbaum	Councilwoman	Present	

3. CERTIFICATION OF QUORUM

Mayor Nelson certified a quorum was present.

4. MISSION STATEMENT

1. Presentation

~ OUR MISSION: 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.

Councilwoman, Becca Sitz

5. APPROVAL OF AGENDA

The agenda was approved as written, by motion. The motion was made by Mayor Pro Tem, Jason W. Childers and seconded by Councilman, Brent P. Marceaux.

6. 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.

None.

7. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. Minutes

~ ACCEPT THE MINUTES SUMMARY FROM THE REGULAR COUNCIL MEETING HELD ON JANUARY 14, 2020.

City Secretary, David Holubec

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

2. Budget

~ DISCUSS AND/OR APPROVE ACCOUNTS PAYABLE FOR OCTOBER, NOVEMBER AND DECEMBER 2019.

Finance Director, Scotty Jones

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

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8. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. Award

~ RECOGNIZE THE BAY CITY HIGH SCHOOL WELDING CLASS FOR THE CONSTRUCTION OF HANDICAP ACCESSIBLE HANDRAILS AT THE BAY CITY REGIONAL AIRPORT.

Airport Manager, James Mason

The Bay City High School Welding class was recognized for their outstanding job in building handicap railing for walkways at the Bay City Regional Airport.

2. Personnel

~ SWEARING-IN OF MATAGORDA COUNTY APPOINTEES, GARY FARIS AND WAYNE NEAL AS BOARD MEMBERS OF THE BAY CITY / MATAGORDA COUNTY JOINT AIRPORT ZONING BOARD.

City Secretary, David Holubec

City Secretary, David Holubec, swore-in newly appointed Bay City Regional Airport Joint Zoning Board members, Gary Faris and Wayne Neal.

3. Agreement

~ DISCUSS, CONSIDER AND/OR APPROVE A COMMERCIAL AVIATION LEASE AGREEMENT WITH WILLIAMS FIELD SERVICES - GULF COAST COMPANY, L.P., A DELAWARE LIMITED PARTNERSHIP, AT THE BAY CITY REGIONAL AIRPORT.

Airport Manager, James Mason

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Becca Sitz, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

4. Agreement

DISCUSS, CONSIDER AND/OR APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BAY CITY, TEXAS AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY (TXDPS)

Katy Plunkett, Court Administrator

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

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5. Property

~ DISCUSS, CONSIDER AND/OR AUTHORIZE THE MAYOR/CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR AN UN-NUMBERED LOT IN BLOCK 8 OF SECTION 3 IN MC DONALD MEADOWS ADDITION IN BAY CITY, TEXAS FOR THE PURPOSE AND OPERATION AS A LIFT STATION.

Marla Jasek, Asst Director Public Works

Louis Rodriguez, Assistant Director of Public Works presented the agenda item.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

6. Planning / Plat

~ DISCUSS, CONSIDER, AND/OR APPROVE A SUBDIVISION PLAT FOR SH 60 RETAIL CENTER SUBDIVISION, LOCATED IN THE 3601 BLOCK OF AVENUE F IN THE BAY CITY, TEXAS.

Assistant Public Works Director, Marla Jasek

Barry Calhoun, Public Works Director, presented the agenda item.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

7. Bid

~ DISCUSS, CONSIDER, AND/OR APPROVE AWARDING THE CONSTRUCTION BID FOR THE RIVERSIDE PARK BOAT RAMP IMPROVEMENTS TO K-C LEASE SERVICE, INC DBA MATAGORDA CONSTRUCTION & MATERIALS IN THE AMOUNT OF \$63,540.00 AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND MATAGORDA CONSTRUCTION & MATERIALS

Shawn Blackburn, Parks and Recreation Director
Councilwoman, Becca Sitz and Councilman, Brent Marceaux were appreciative that a local contractor was the winning bidder.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

8. Presentation

~ RECEIVE AND DISCUSS THE BAY CITY PUBLIC LIBRARY STATUS REPORT.

Library Director, Samantha Denbow

Library Director, Samantha Denbow, presented the library's quarterly report of activities. Council members praised the Library Team for their dedication and successful programs.

9. Report

~ RECEIVE THE TOURISM MANAGER'S REPORT.

Tourism Manager, Heidi Martinez

Tourism Manager, Heidi Martinez, presented the Tourism Department report, which included past and future events. She was commended by Mayor and Council for her outstanding program.

10. Report

~ DISCUSS, CONSIDER, AND/OR APPROVE THE CITY'S QUARTERLY FINANCIAL AND INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2019.

Scotty Jones, Director of Finance

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

11. Policy

~ DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION TO ADOPT THE CITY'S INVESTMENT POLICY.

Scotty Jones, Finance Director

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Brent P. Marceaux, Councilman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

12. Agreement

~ DISCUSS, CONSIDER AND/OR APPROVE AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF BAY CITY AND MATAGORDA COUNTY FOR THE OPERATION OF THE BAY CITY SERVICE CENTER.

Finance Director, Scotty Jones

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

13. Resolution

~ 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.

BCCDC Director, Jessica Russell

The second reading of this resolution will be held at the February 25, 2020 Regular City Council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

RESOLUTION

Enacted and approved this 11th day of February, 2020, at Bay City

14. Resolution

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 FAÇADE GRANT PROGRAM.

BCCDC Director, Jessica Russell

The second reading of this resolution will be held at the February 25, 2020 Regular City Council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason W. Childers, Mayor Pro Tem
SECONDER:	William Cornman, Councilman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

RESOLUTION

Enacted and approved this 11th day of February, 2020, at Bay City

15. Budget

~ DISCUSS, CONSIDER AND/OR APPROVE BUDGET AMENDMENT(S) TO THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S 2020 FISCAL BUDGET, TO INCREASE PROGRAM EXPENDITURES.

BCCDC Director, Jessica Russell

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Becca Sitz, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

16. Report

~ DISCUSS, CONSIDER, AND/OR APPROVE THE MATAGORDA COUNTY AMATEUR RADIO CLUB REQUEST TO HOLD THEIR ANNUAL FIELD DAY (24-HOUR) PUBLIC SERVICE EMERGENCY COMMUNICATIONS DEMONSTRATION IN LE TULLE PARK EACH YEAR AS COORDINATED WITH THE PARKS AND POLICE DEPARTMENTS.

City Secretary, David Holubec

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Councilman
SECONDER:	Becca Sitz, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

17. Presentation

~ RECEIVE THE ANNUAL REPORT FOR THE FISCAL YEAR 2019, FROM THE CITY SECRETARY'S OFFICE.

David Holubec, City Secretary

City Secretary, David Holubec presented the 2019 Annual Report from the City Secretary's office.

18. Ordinance

~ DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE ORDERING A GENERAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF BAY CITY, TEXAS, ON SATURDAY, MAY 2, 2020, FOR THE PURPOSES OF ELECTING TWO (2) CITY COUNCIL MEMBERS AND APPOINTING ELECTION JUDGES; DESIGNATING THE DATE FOR A RUNOFF ELECTION, IF NEEDED; REPEALING ALL OR PART OF ORDINANCES AND RESOLUTIONS WHICH CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

City Secretary, David Holubec

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

ORDINANCE

Enacted and approved this 11th day of February, 2020, at Bay City

19. Agreement

~ DISCUSS, CONSIDER, AND/OR APPROVE A JOINT ELECTION AGREEMENT BETWEEN THE CITY OF BAY CITY AND BAY CITY INDEPENDENT SCHOOL DISTRICT.

City Secretary, David Holubec

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

20. Agreement

~ DISCUSS, CONSIDER, AND/OR APPROVE A LEASE AGREEMENT BETWEEN THE CITY OF BAY CITY AND MATAGORDA COUNTY FOR THE USE OF THE COUNTY'S ELECTION EQUIPMENT.

David Holubec, City Secretary

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Councilwoman
SECONDER:	Jason W. Childers, Mayor Pro Tem
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

9. CLOSED / EXECUTIVE SESSION

1. Personnel

~ 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 [PERMANENT CITY MANAGER].

Robert K. Nelson, Mayor

Council members and Mayor approved an agreement with Shawna D. Burkhart, for the position of City Manager for the City of Bay City, Texas. (Open Session Vote)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Jason W. Childers
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

2. Litigation

~ EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1) FOR CONSULTATION WITH CITY ATTORNEY REGARDING THE FOLLOWING LITIGATION: 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.

Mayor, Robert K. Nelson

3. Report

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

Mayor, Robert K. Nelson

10. OPEN SESSION

1. Report

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

Mayor, Robert K. Nelson
Council members and Mayor approved an agreement with Shawna D. Burkhardt, for the position of City Manager for the City of Bay City, Texas.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	William Cornman, Julie Estlinbaum
AYES:	Nelson, Marceaux, Cornman, Sitz, Childers, Estlinbaum

Enacted and approved this 11th day of February, 2020, at Bay City

11.ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Council members and Mayor commended Mr. Richard Morton on his work with the City as the Interim City Manager.

12.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 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.

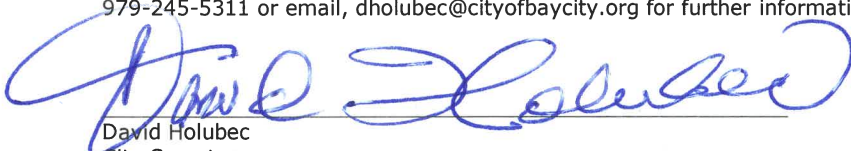
Executive Sessions Authorized:

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 Wednesday, February 5, 2020 before 6:00 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, dholubec@cityofbaycity.org for further information.



David Holubec
City Secretary

