

**CITY OF BAY CITY**  
MINUTES • AUGUST 25, 2020

**COUNCIL  
CHAMBERS | 1901  
5th Street**

**Regular Council Meeting**

**6:00 PM**

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



**Mayor**

Robert K. Nelson

**Councilman**

William Cornman

**Councilman**

Brent P. Marceaux

**Councilwoman**

Becca Slitz

**Mayor Pro Tem**

Jason W. Childers

**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 meeting called to order at 6:01pm

**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

**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.

Mayor Pro Tem Jason Childers

**APPROVAL OF AGENDA**

Motion made by Councilman Marceaux to approve the agenda, Seconded by Councilwoman Sitz.

Voting Yea: Mayor Nelson, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz.  
Motion carried.

**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.

**PUBLIC HEARING(S)**

1. **Public Hearing ~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY PROPOSED BUDGET FOR FISCAL YEAR 2021.**  
Scotty Jones, Finance Director
  
2. **Public Hearing ~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION PROPOSED BUDGET FOR FISCAL YEAR 2020.**  
Scotty Jones, Finance Director
  
3. **Public Hearing ~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED PROPERTY (AD VALOREM) TAX RATE FOR FISCAL YEAR 2021.**  
Scotty Jones, Finance Director
  
4. **Public Hearing ~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY PROPOSED CAPITAL IMPROVEMENT PROGRAM.**  
Scotty Jones, Finance Director

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

Motion made by Councilwoman Estlinbaum to approve the consent agenda items, Seconded by Mayor Pro Tem Childers.

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

5. **MEETING MINUTES OF BUDGET WORKSHOP ON JULY 28, 2020**
6. **MINUTES OF REGULAR COUNCIL MEETING ON JULY 28, 2020**
7. **MINUTES OF RATE WORKSHOP ON AUGUST 4, 2020**
8. **MINUTES OF SPECIAL CALLED MEETING ON AUGUST 4, 2020**
9. **MINUTES OF BUDGET WORKSHOP ON AUGUST 6, 2020**

**10. MINUTES OF BUDGET WORKSHOP ON AUGUST 11, 2020****11. MINUTES OF REGULAR COUNCIL MEETING ON AUGUST 11, 2020****REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL****12. UPDATE ON NILE VALLEY ROAD PROJECT.**

Matt Breazeale, PE

Matt Beazeale was unable to attend but Barry Calhoun, Public Works Director, provided updates of program estimates. Mr. Calhoun stated that he has received second set of plans and is reviewing this week, and then the plan is to have a sit down meeeting with Matt Beazeale to review construction plans. Mr. Calhoun also stated that after agreements we will be ready to bid out around October. The amount is \$5.1 million for project. Projected time frame 9 months to complete.

**13. REVIEW AND DISCUSS HOUSEHOLD HAZARDOUS WASTE CONTRACT AGREEMENT AND GIVE STAFF DIRECTION.**

Robert K. Nelson, Mayor

Discussion of decision to rate to customer through water billing of .94 or 50/50 with City. Verify if budgeted or to move to fire marshal and bring back to council to determine actual fee. Councilwomen Estlinbaum recommended 50/50 for 6 months then phase out. Councilman Cornman wants to know what total water customers are going to be paying . Item tabled till 8th of September

Motion made by Councilman Cornman to table the item, Seconded by Councilwoman Estlinbaum.

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

**14. DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES CHAPTER 26; ARTICLE II (“MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS”) PROVIDING NUMBER OF PERMITS ON STATE HIGHWAYS; PROVIDING A PERMIT RENEWAL PERIOD; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Jeanna Thompson, City Secretary

Motion made by Councilman Cornman to approve the Ordinance, Seconded by Mayor Pro Tem Childers. Council was polled: voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

**15. DISCUSS AND/OR APPROVE HIRING RESOLUTION FOR AN ADMINISTRATION/PROJECT DELIVERY SERVICE PROVIDER TO COMPLETE**

**APPLICATION AND PROJECT IMPLEMENTATION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) FUNDING THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).**

Alyssa Dibbern, Engineering Tech

Motion made by Councilwoman Estlinbaum to approve the Resolution, Seconded by Mayor Pro Tem Childers.

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

**16. A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE SELECTION OF A PROFESSIONAL SERVICE PROVIDER FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT -MITIGATION (CDBG-MIT) PROGRAM FUNDED THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).**

Alyssa Dibbern, Engineering Tech

Motion made by Mayor Pro Tem Childers to approve the Resolution, Seconded by Councilwoman Sitz.

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

**17. A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACTS FOR THE 2020 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION/MAIN STREET PROGRAM PROJECT.**

Alyssa Dibbern, Engineering Tech

Motion made by Mayor Pro Tem Childers to approve the Resolution, Seconded by Councilwoman Sitz.

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

**18. DISCUSS, CONSIDER AND/OR APPROVE RENAMING OF CITY STREET TO "TOM UHER MEMORIAL HIGHWAY".**

Shawna Burkhart, City Manager

Shawna Burkhart, City Manager, stated that it came to her attention that Highway 35 was to be named Tom Uher Memorial Highway. TxDOT informed the City that Highway 35 is designated as Stephen F. Austin and will not approve the name change. Ms. Burkhart suggested Highway 60 or FM2668.

Motion made by Mayor Pro Tem Childers to rename Highway 60 to "Tom Uher Memorial Highway", Seconded by Councilwoman Estlinbaum.

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

**19. REPORT ON THE STATUS OF THE PROJECT TO RE-ENFORCE THE COLUMN SUPPORTS FOR THE EQUIPMENT/CHEMICAL ROOM OF THE 16TH STREET SWIMMING POOL.**

Shawna Burkhart, City Manager

Shawn Blackburn, Parks & Rec Director, reported on the status of the pool. Lynn Construction will put in steel frame for \$29,000, this does not solve all the problems but it does solve the worse and buys us time until we know what other options we have. There is a 3 year warranty on the work. Lynn has been given notice to proceed with the work. The facility will stay open during the work.

**20. DISCUSS, CONSIDER AND/OR APPROVE THE INTERLOCAL AGREEMENT WITH MATAGORDA COUNTY FOR FOOD ESTABLISHMENT INSPECTIONS.**

Shawna Burkhart, City Manager

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

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

**21. DISCUSS, CONSIDER AND/OR APPROVE THE DISASTER PREPARATION AGREEMENT WITH MATAGORDA COUNTY.**

Shawna Burkhart, City Manager

Krystal Mason is the emergency contact for the City.

Motion made by Councilwoman Estlinbaum to approve the agreement, Seconded by Councilwoman Sitz.

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

**CLOSED / EXECUTIVE SESSION**

- 22. 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.**

Major Nelson adjourned the Regular session and Council convened into the Executive session at 6:39 pm.

**OPEN SESSION**

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

Mayor Nelson adjourned from the Executive session and reconvened into the Regular session at 7:29pm. Council took no action on the Executive session item: Title 5, Section 551.074 of the Government Code (Personnel).

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

**ADJOURNMENT**

Motion made by Mayor Pro Tem Childers to adjourn, Seconded by Councilman Marceaux.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum. Council adjourned at 7:30 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