

CITY OF BAY CITY

MINUTES • JUNE 09, 2020

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

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

Meeting called to order at 6:00 pm

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)

Mayor pro Tem Jason Childers lead the invocation and pledge.

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

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

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)

Mayor Pro Tem Jason Childers read the Mission Statement

APPROVAL OF AGENDA

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

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

Motion made by Councilman Cornman, Seconded by Councilwoman Estlinbaum.

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

1. **APPROVE THE APPOINTMENT OF JEANETTE BELL AND ROBERT KNOX TO THE BAY CITY COMMUNITY DEVELOPMENT BOARD.**
(Robert K. Nelson, Mayor)
2. **APPOINTMENT OF TROY HALFMAN TO MAINSTREET BOARD.**
(Robert K. Nelson, Mayor)
3. **May 12, 2020 Work Shop Minutes Approval**
4. **May 12, 2020 Regular Council Meeting Minutes Approval**
5. **May 26, 2020 Work Shop Meeting Minutes Approval**
6. **May 26, 2020 Regular Council Meeting Minutes Approval**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

7. **RECEIVE AND DISCUSS UPDATES OF THE ONGOING TOURISM COUNCIL.**

(Heidi Martinez, Tourism Manager)

Heidi Martinez gave a report highlighting current plans and activities. The phases of opening up have restrictions placed by the Governor due to COVID-19.

8. **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)

Shawn Blackburn presented the award received from HGAC for the Dreamscape playground at LeTulle Park. Councilman Marceaux added that the community feed back has been 100% positive. Shawna Burkhardt, City Manager, added that there was an article in Parks & Recreation Magazine highlighting the Dreamscape playground at LeTulle. It was noted that Community Development contributed \$150,000 towards the project.

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

(Samantha Denbow, Library Director)

Samantha Denbow presented the achievement award received by TMLDA. Recipients of the award must exceed in ten areas.

10. DISCUSS, CONSIDER, AND/OR REJECT THE CONSTRUCTION BID FOR THE MISCELLANEOUS CONCRETE REPAIRS TO HLAVINKA CONSTRUCTION COMPANY AND AWARD THE CONSTRUCTION BID FOR THE MISCELLANEOUS CONCRETE REPAIRS TO LOWEST RESPONSIBLE BIDDER AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND ZACHERY PHILLIPS, INC.

(Barry Calhoun, Public Works Director)

Lowest bidder awarded during the May 12th Council meeting has withdrawn their bid. Bringing this item back to Council to consider the next lowest bidder.

Motion made by Councilman Cornman.

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

11. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY OF BAY CITY NAMING THE TEXAS DEPARTMENT OF TRANSPORTATION AS ITS AGENT FOR THE PURPOSES OF APPLYING FOR, RECEIVING AND DISBURSING FUNDS FOR SPECIFIED IMPROVEMENTS TOTALING \$7,548,000.00 AND FOR THE ADMINISTRATION OF CONTRACTS NECESSARY FOR THE BAY CITY REGIONAL AIRPORT.

(James Mason, Airport Manager)

Motion made by Mayor Pro Tem Childers, Seconded by Councilwoman Estlinbaum.

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

12. DISCUSS AND TAKE ACTION TO REJECT BIDS RECEIVED ON "A" AND "E" HANGERS, AND CALL FOR BID FOR CONSTRUCTION FOR "E" HANGER ONLY.

(James Mason, Airport Manager)

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

13. DISCUSS, CONSIDER AND/OR APPROVE REGIONAL DRAINAGE STUDY ENGINEERING SERVICES AND FUNDING SOURCES IN THE AMOUNT OF \$306,000.

(Alyssa Dibbern, Engineering Tech)

Drainage study consists of eight tasks. Councilman Cornman asked who will be leading the project, Community Development Director or Major. Councilman also asked if Jones & Carter is coordinating with other groups working on river flooding. Councilman Marceaux asked about remaining funding issues. CDC Director replied that the County Commissioners have not yet committed. Council agreed on \$53,000 but not to exceed. Councilman Cornman asked that the CDC Director and the City Manager put together a plan that states who is responsible for what. City Attorney, Anne Marie Odefey, recommends an interlocal agreement.

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

14. UPDATE ON IMPROVEMENTS ON THE COTTONWOOD CREEK DIVERSION CHANNEL.

(Matt Breazeale, Jones & Carter Engr)

Update from Jones & Carter that the structural engineer is on board, debris screen easier to clean, surveyors out in two weeks. They are three months from construction and should be completed by February 2022.

15. DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING SECTION 6.11 THE CITY OF BAY CITY PERSONNEL GUIDELINES TO BE EFFECTIVE IMMEDIATELY.

(Shawna Burkhart, City Manager)

Motion made by Councilwoman Estlinbaum, Seconded by Councilwoman Sitz.

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

16. DISCUSS, CONSIDER, AND/OR APPROVE HARRISON, WALDROP, AND UHEREK, L.L.P. TO PROVIDE AUDIT SERVICES FOR THE CITY OF BAY CITY FOR THE YEAR ENDING SEPTEMBER 30, 2020.

(Scotty Jones, Finance Director)

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

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

City Manager, Shawna Burkhart, informed Council that there will be two budget workshops next week. Council discussed time and 3:00 p.m. was agreed on.

ADJOURNMENT

Meeting adjourned at 7:15 p.m.

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

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, June 3, 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.

PASSED AND APPROVED, this 23rd day of June, 2020.



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



JEANNA THOMPSON
CITY SECRETARY

