



# CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, March 23, 2021 at 6:00 PM  
COUNCIL CHAMBERS | 1901 5th Street

---

## COUNCIL MEMBERS

**Mayor:** Robert K Nelson

**Mayor Pro Tem:** Jason W. Childers

**Council Members:** Brent P. Marceaux, Becca Sitz, Floyce Brown, Jim Folse

*Bay City is committed to developing and enhancing the long-term prosperity, sustainability, and health of the community.*

---

## AGENDA

---

**THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:**

*ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).*

### CALL TO ORDER

### 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

### 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

### APPROVAL OF MINUTES

1. Meeting minutes of Regular Council meeting of March 9, 2021

**2. Meeting minutes of Council Workshop on March 2, 2021****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.

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

- 3. Ordinance ~ An Ordinance amending Ordinance 818 adopted by the Joint Airport Zoning Board of the City of Bay City - Matagorda County, and amending the City of Bay City Code of Ordinances Chapter 18 Aviation, Article II ("Airport Zoning"); providing a penalty; providing for severability; and providing an effective date. James Mason, Airport Manager**
- 4. Resolution ~ A Resolution of the City Council of the City of Bay City, Texas ("City"), approving (I) the Resolution of the Board of Directors of Bay City Community Development Corporation ("Corporation") regarding a loan in the amount of \$ 3,190,660.65; (II) A sales tax remittance agreement between the City and the Corporation; (III) resolving other matters incident and related to the loan; and (IV) the authority of the Mayor to execute, on behalf of the City, a General Certificate of the City and the Sales Tax Remittance Agreement. Jessica Russell, BCCDC Executive Director**
- 5. Property ~ Discuss, consider, and/or approve surplus property of Police Department vehicles for auction and/or donation. Robert Lister, Chief of Police**
- 6. Variance ~ Discuss, consider, and/or approve a variance to Chapter 98,100 building line requirement requirements at Meadowood S/D Phase 1, Lot 26, Block 2 (4512 Starling Dr.) Angela Thomas, Fusion Development Inc**
- 7. Declaration ~ Discuss, consider, and/or approve an extension of the Declaration of Local State of Disaster. Robert K. Nelson, Mayor**
- 8. Presentation ~ Discussion of waiver of Pilot Fees with Bay City Housing Authority. La Wanda Davis, PHA Executive Director, and Bill Bell, Commissioner**
- 9. Financials ~ Discuss, consider, and/or approve the City of Bay City waiving the Bay City Housing Authority payment in lieu of taxes (Pilot) fees for fiscal years ending March 31, 2012 through March 31, 2020, not to exceed \$82,793. Shawna Burkhart, City Manager**

**CLOSED / EXECUTIVE SESSION**

- 10. Pursuant to Texas Government Code Section 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.**

11. Pursuant to Texas Government Code 551.071(2) to consult with its attorney on attorney client matters.
12. Pursuant to Texas Government Code Section 551.072 to discuss the purchase, exchange, lease, or value of real property.
13. Pursuant to Texas Government Code Section 551.087, (1) to discuss commercial or financial information that BCCDC has received from a business prospect that BCCDC seeks to have locate, stay, or expand in Bay City and with which BCCDC is conducting economic development negotiations; and/or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
14. Pursuant to the Texas Government Code Section 551.074 (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.

#### **OPEN SESSION**

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

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

#### **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.

### **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 **Friday, March 19, 2021 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.