



CITY COUNCIL REGULAR MEETING (MOVED) CITY OF BAY CITY

**Tuesday, March 24, 2020 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street**

Due to the City of Bay City practicing social distancing, City Hall Council Chambers will not be open to the public. Citizens may call (979) 323-1125 to listen and participate during the live meeting (i.e. public comments and to speak on agenda items). You can watch the live meeting by clicking on the following link: [City Council Meeting - Live](#)

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Jason W. Childers

Council Members: William Cornman, Brent P. Marceaux, Becca Slitz, Julie Estlinbaum

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

AGENDA

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.

APPROVAL OF AGENDA

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.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

- 1. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD FEBRUARY 25, 2020.**

(Rhonda Clegg, Acting Deputy City Secretary)

2. **DISCUSS, CONSIDER AND/OR APPROVE TRANSFERRING THE CITY OF BAY CITY'S COOPERATIVE TEAMWORK AND RECYCLING ASSISTANCE MEMBERSHIP TO KEEP TEXAS BEAUTIFUL AND THE NEW KEEP TEXAS RECYCLING PROGRAM.**

(Marla Jasek, Assistant Director of Public Works)

3. **DISCUSS, CONSIDER AND TAKE NECESSARY ACTION TO RATIFY THE CONTRACT BETWEEN THE CITY OF BAY CITY, TEXAS AND LSPS SOLUTIONS, LLC., FOR PROFESSIONAL SERVICES TO CONDUCT A RISK AND RESILIENCE ASSESSMENT AND EMERGENCY RESPONSE PLAN.**

(Barry Calhoun, Director of Public Works)

4. **DISCUSS, CONSIDER, AND TAKE NECESSARY ACTION TO RATIFY THE CONTRACT BETWEEN THE CITY OF BAY CITY, TEXAS AND JONES & CARTER FOR PROFESSIONAL ENGINEERING SERVICES AND SURVEYING SERVICES IN CONNECTION WITH THE RECONSTRUCTION OF THE NILE VALLEY ROAD PROJECT.**

(Barry Calhoun, Director of Public Works and Scotty Jones, Finance Director)

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

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

(Samantha Denbow, Library Director)

6. **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)

7. **DISCUSS, CONSIDER AND/OR APPROVE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019.**

(Scotty Jones, Finance Director)

8. **DISCUSS, CONSIDER AND/OR APPROVE ACCEPTING A \$2,000 DONATION FROM LONESTAR GC3 TO HOLD THE RIVERSIDE PARK SMOKE-OFF COOKOUT AT RIVERSIDE PARK.**

(Shawn Blackburn, Director of Parks and Recreation)

9. **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 AGREEMENT WHICH PROVIDES ECONOMIC INCENTIVES UNDER A BUSINESS RESILIENCY PROGRAM (SECOND READING).**

(Jessica Russell, BCCDC Executive Director)

- 10. 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 (FIRST READING).**

(Jessica Russell, BCCDC Executive Director)

- 11. DISCUSS, CONSIDER AND/OR APPROVE A VARIANCE REQUEST TO PLACE A 4 FEET SIDEWALK BETWEEN HOUSES, INSTEAD OF AN 8 FEET SIDEWALK AS REQUIRED BY SECTION 99-6 OF THE CITY'S CODE OF ORDINANCE.**

(DC Dunham, Lynn & Associates)

- 12. DISCUSS, CONSIDER AND/OR APPROVE THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE BAY CITY GAS COMPANY TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF BAY CITY FOR THE NILE VALLEY ROAD PROJECT AND OTHER ROAD PROJECTS.**

(Mayor, Robert K. Nelson)

- 13. 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 AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF BAY CITY FOR THE NILE VALLEY ROAD PROJECT AND OTHER ROAD PROJECTS (PUBLIC HEARING AND FIRST READING).**

(Mayor, Robert K. Nelson)

- 14. DISCUSS, CONSIDER AND/OR APPROVE A SERVICE AGREEMENT WITH AVENUE INSIGHTS & ANALYTICS, LLC CONSULTANT SERVICES.**

(Scotty Jones, Finance Director)

- 15. DISCUSS, CONSIDER AND ADOPT A RESOLUTION TO DESIGNATE AUTHORIZED SIGNATORS FOR THE 2019 TEXAS CDBG PROGRAM CONTRACT 7219029.**

(Barry Calhoun, Director of Public Works)

- 16. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION ADOPTING REQUIRED CDBG CIVIL RIGHTS POLICIES SIGNATURES FOR THE 2019 TEXAS CDBG PROGRAM CONTRACT 7219029.**

(Barry Calhoun, Director of Public Works)

- 17. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION PROCLAIMING APRIL AS FAIR HOUSING MONTH FOR THE 2019 TEXAS CDBG PROGRAM CONTRACT 7219029.**

(Barry Calhoun, Director of Public Works)

18. DISCUSS, CONSIDER AND/OR DESIGNATE AN ENGINEERING SERVICE PROVIDER FOR PROFESSIONAL ENGINEERING AND SURVEYING TO DEVELOP REGIONAL DRAINAGE; AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT, APPROVED BY THE CITY ATTORNEY, WITH THE ENGINEERING SERVICE PROVIDER.

(Marla Jasek, Assistant Director of Public Works)

19. DISCUSS, CONSIDER AND ADOPT A RESOLUTION TO DESIGNATE AUTHORIZED SIGNATORS FOR THE HURRICANE HARVEY – INFRASTRUCTURE CDBG DISASTER RECOVERY PROGRAM CONTRACT 20-065-048-C142.

(Barry Calhoun, Director of Public Works)

20. Discuss, consider and approve a resolution adopting required CDBG-DR Civil Rights policies for the Hurricane Harvey - Infrastructure CDBG Disaster Recovery program contract 20-065-048-C142.

(Barry Calhoun, Director of Public Works)

21. Discuss, consider and approve a resolution proclaiming April as Fair Housing Month for the Hurricane Harvey - Infrastructure CDBG Disaster Recovery program contract 20-065-048-C142.

(Barry Calhoun, Director of Public Works)

22. DISCUSS, CONSIDER AND/OR APPROVE POSTPONING THE MAY 2, 2020 GENERAL ELECTION UNTIL NOVEMBER 3, 2020.

(Rhonda Clegg, Acting Deputy City Secretary)

CLOSED / EXECUTIVE SESSION

23. 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: HOUSING AUTHORITY BOARD MEMBER.

24. pursuant to Texas Government Code §551.071(2) to consult with their attorney regarding attorney - client privileged matters.

OPEN SESSION

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

25. DISCUSS, CONSIDER AND/OR TAKE ANY 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 **Tuesday, March 17, 2020 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.