



# CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, April 28, 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](#)

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## COUNCIL MEMBERS

**Mayor:** Robert K Nelson

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

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

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

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## 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."*

(Councilman Brent Marceaux)

### 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.

(Councilman Brent Marceaux)

### 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 OF THE WORKSHOP HELD ON APRIL 7, 2020.**  
(Rhonda Clegg, Acting Deputy City Secretary)
2. **DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON APRIL 7, 2020.**  
(Rhonda Clegg, Acting Deputy City Secretary)
3. **DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE WORKSHOP HELD ON APRIL 17, 2020.**  
(Rhonda Clegg, Acting Deputy City Secretary)
4. **DISCUSS, CONSIDER AND/OR APPROVE ACCOUNTS PAYABLE, DIRECT PAYABLE AND UTILITY REFUNDS FOR JANUARY, FEBRUARY AND MARCH 2020.**  
(Scotty Jones, Finance Director)

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

5. **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, 2016 THROUGH MARCH 31, 2019, NOT TO EXCEED \$68,009.25.**  
(Mayor Robert K. Nelson)
6. **DISCUSS, CONSIDER AND/OR APPROVE AMENDING THE RENTAL TERMS FOR THE HOUSE OF REFUGE.**  
(Mayor Robert K. Nelson)
7. **DISCUSS, CONSIDER AND/OR APPROVE THE UPDATED DISCLOSURE PROCEDURES.**  
(Scotty Jones, Finance Director)
8. **CONSIDER THE ADOPTION OF ORDINANCE NO. 1646: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF BAY CITY, TEXAS, TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020; LEVYING A TAX AND PROVIDING THE SECURITY AND PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO.**  
(Scotty Jones, Finance Director)
9. **DISCUSS, CONSIDER AND/OR APPROVE THE QUARTERLY FINANCIALS AND INVESTMENT REPORT FOR THE PERIODS ENDING MARCH 31, 2020.**

(Scotty Jones, Finance Director)

10. **DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ADOPTING A "BUDGET AMENDMENT #2 TO THE "ANNUAL BUDGET OF THE CITY OF BAY CITY, TEXAS, FOR THE FISCAL YEAR 2020"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.**

(Scotty Jones, Finance Director)

11. **DISCUSS, CONSIDER AND/OR APPROVE THE RESOLUTION OF DENIAL OF AEP'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR.**

(Scotty Jones, Finance Director)

12. **DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR FUNDS THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR A HOME PROGRAM CONTRACT AND/OR RESERVATION AGREEMENT, AND DIRECT STAFF AS NECESSARY.**

(Scotty Jones, Finance Director)

13. **DISCUSS, CONSIDER AND/OR APPROVE DISCOUNTING THE CITY'S WATER BILLS FOR FUTURE BILLING PERIOD(S) AS DETERMINED BY COUNCIL.**

(Councilman Bill Cornman)

14. **DISCUSS, CONSIDER AND/OR RATIFY THE MAYOR'S DISASTER DECLARATION OF MARCH 16, 2020 AND ALL SUBSEQUENT DISASTER DECLARATIONS.**

(Mayor Robert K. Nelson)

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)

#### **CLOSED / EXECUTIVE SESSION**

16. **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, COMPENSATION, DISCIPLINE OR DISMISSAL OF AN OFFICER OR EMPLOYEE, OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE [MAYOR]).**

(Councilman Bill Cornman)

**OPEN SESSION****17. DISCUSS, CONSIDER AND/OR TAKE ACTION ON ITEM(S) LISTED IN EXECUTIVE/CLOSED SESSION, (IF ANY).**

(Mayor Robert K. Nelson)

**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 **Thursday, April 23, 2020**

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