

**CALL TO ORDER**

Mayor Robert K. Nelson called the meeting to order at 6:02 PM.

**INVOCATION & PLEDGE**

Texas State Flag Pledge: *"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."*

(Councilman Bill Cornman)

**CERTIFICATION OF QUORUM**

Mayor Pro Tem Jason Childers made a motion to certify that a quorum was present.  
Councilwoman Julie Estlinbaum seconded the motion.

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

**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 Bill Cornman)

**APPROVAL OF AGENDA**

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

**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 not any public comments.

**CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL****1. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON APRIL 28, 2020.**

(Rhonda Clegg, Acting Deputy City Secretary)

Councilman Bill Cornman requested that a correction be made to an Executive Session item regarding Mayor Robert K. Nelson's salary. He stated that the salary amount should be included in the minutes. Mayor Pro Tem Jason Childers made a motion to approve the minutes with the corrections. Councilwoman Julie Estlinbaum seconded the motion. The motion carries.

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

**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL****2. DISCUSS, CONSIDER AND/OR APPROVE A REQUEST FROM THE STARBUCKS CONTRACTOR TO REBATE UTILITY TAP FEES.**

(Shawna Burkhart, City Manager)

City Manager, Shawna Burkhart, addressed the Mayor and Council stated that she had received a request asking the city to consider a rebate on the four tap fees for Starbucks. It was stated that if the request had come in prior to the start of construction, something may have been possible as an incentive. It was also stated that the city does not have a program for tap fee rebates. Councilman Bill Cornman made a motion to deny the request and Councilman Brent Marceaux seconded the motion. The motion carries.

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

**3. DISCUSS, CONSIDER AND/OR APPROVE WAIVING LIENS ASSESSED AGAINST 0 AVENUE B, BAY CITY, TEXAS.**

(Melinda Moudy, Bay City Realty)

City Manager, Shawna Burkhart, addressed the Mayor and Council on behalf of Melinda Moudy with Bay City Realty. Mrs. Moudy was requesting a waiver of liens for the property located at Lot 9, Block 26 on Avenue B. Mrs. Burkhart recommended that the liens older than 2012 be waived but the liens from 2012 to current remain until paid. Documentation is not available for the liens prior to 2012. Councilman Bill Cornman made a motion to waive the liens prior to 2012 and Mayor Pro Tem Jason Childers seconded the motion. The motion carries.

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

**4. DISCUSS, CONSIDER, AND/OR APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BAY CITY AND MATAGORDA COUNTY REGARDING THE BAY CITY PUBLIC LIBRARY.**

(Samantha Denbow, Library Director)

Library Director, Samantha Denbow, advised that there were not any changes to the interlocal agreement from the last time it was approved.

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

**5. RECEIVE QUARTERLY UPDATE ON LIBRARY OPERATIONS.**

(Samantha Denbow, Library Director)

Library Director, Samantha Denbow, provided an update on the library operations. Some of the information given included at-home bags, curbside pickup, virtual programs and digital services and Senior shout-outs on the facebook page. They will slowly begin re-opening to allow for minimal computer usage for job searches by

appointment only. The library is also doing online story time and how-to videos. Ms. Denbow also advised that they are doing outreach programs to daycare's. They are moving towards and online format for the summer programs and will also be working with Main Street to have a small business scavenger hunt that will give weekly clues.

**6. RECEIVE UPDATE FROM AIRPORT MANAGER ON THE CARES ACT AND ITS EFFECT ON THE AIRPORT**

(James Mason, Airport Manager)

Airport Manager, James Mason, advised that the airport would be receiving \$30,000 from the CARES fund to help offset any capital losses due to Covid-19.

**7. DISCUSS, CONSIDER AND/OR APPROVE RATIFYING 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 AND FOR THE ADMINISTRATION OF CONTRACTS NECESSARY FOR THE BAY CITY REGIONAL AIRPORT.**

(James Mason, Airport Manager)

Airport Manager, James Mason, provided the Mayor, City Manager and Council with information regarding the resolution for the runway/taxiway at the airport and the funds that would be needed to move forward with the project. Without the project, the airport would be limited on the size of the aircraft that would be able to utilize the airport. The monetary amounts on the original resolution were incorrect but the City Attorney has the correct amounts. The project would be done in three phases.

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

**8. DISCUSS, CONSIDER, AND/OR AWARD THE CONSTRUCTION BID FOR THE MISCELLANEOUS CONCRETE REPAIRS TO THE 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 THE LOWEST RESPONSIBLE BIDDER.**

(Barry Calhoun, Director of Public Works)

Public Works Director, Barry Calhoun, addressed the Mayor and Council via conference call to provide them with his bid recommendation. He recommended that the city go with Hlavinka. They were the lowest bidder. He did advise that he made contact with them as their bid was so much lower than the others that were received. They stated that they made an error by leaving off the mobilization fee but that they would honor the bid that they turned in.

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Cornman.  
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilwoman Estlinbaum  
Voting Nay: Councilman Marceaux, Councilwoman Sitz

- 9. DISCUSS, CONSIDER, AND/OR APPROVE AWARDING THE CONSTRUCTION BID FOR THE KATY WATER PLANT IMPROVEMENTS PROJECT TO C.F. MCDONALD ELECTRIC, INC. IN THE AMOUNT OF \$584,469.00 AND AUTHORIZE THE MAYOR/CITY MANAGER TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND C.F. MCDONALD ELECTRIC, INC.**

(Louis Rodriguez, Assistant Director of Public Works)

Assistant Director of Public Works, Louis Rodriguez, addressed the Mayor, City Manager and Council. He recommended that they approve the bid for CF McDonald Electric, INC. This company has been used before. Only 1 bid was received and it was under budget.

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

- 10. RECEIVE AN UPDATE ON RIVERSIDE PARK.**

(Shawn Blackburn, Director of Parks and Recreation)

Parks and Recreation Director, Shawn Blackburn, provided an update on Riverside Park. He stated that his plan was for the park to be self-supporting and that if approved it could open up as soon as June 1, 2020. He advised that they are not currently taking reservations but as soon as the park opens back up they can.

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

Councilwoman Julie Estlinbaum stated that the directors provided good reports to the Council. Councilman Brent Marceaux advised that there were some concerns about the process at the brush site and that he emailed them to the City Manager. City Manager Shawna Burkhart stated that she did receive the email and has answers to the questions and that she hopes to have the information sent out tomorrow. Councilwoman Becca Sitz requested an update on hiring a new City Secretary. Mrs. Burkhart stated that they had an interview later this week.

## **ADJOURNMENT**

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 **Friday, May 8, 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](mailto:dholubec@cityofbaycity.org) for further information.