

**CITY OF BAY CITY**  
MINUTES • APRIL 28, 2020

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**COUNCIL  
CHAMBERS | 1901  
5th Street**

**City Council Regular Meeting**

**6:00 PM**

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**1901 5TH STREET  
BAY CITY TX, 77414**



**Mayor**

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Robert K. Nelson

**Councilman**

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William Cornman

**Mayor Pro Tem**

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Jason W. Childers

**Councilman**

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Brent P. Marceaux

**Councilwoman**

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Becca Sitz

**Councilwoman**

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Julie Estlinbaum

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

**CALL TO ORDER**

Mayor Nelson called the meeting to order at 6 p.m.

**INVOCATION & PLEDGE**

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

Councilman Marceaux led the invocation and pledges.

**CERTIFICATION OF QUORUM**

A quorum was present.

**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 Cornman, Seconded by Councilwoman Sitz.

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 Brent Marceaux read the City's Mission Statement.

**APPROVAL OF AGENDA**

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

**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**

- 1. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE WORKSHOP HELD ON APRIL 7, 2020.**

(Rhonda Clegg, Acting Deputy City Secretary)

Councilman Marceaux pointed out that in Workshop Minutes the word should be 'fine', instead of 'find', when referring to Councilwoman Estlinbaum's comments.

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

- 2. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON APRIL 7, 2020.**

(Rhonda Clegg, Acting Deputy City Secretary)

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

- 3. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE WORKSHOP HELD ON APRIL 17, 2020.**

(Rhonda Clegg, Acting Deputy City Secretary)

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 ACCOUNTS PAYABLE, DIRECT PAYABLE AND UTILITY REFUNDS FOR JANUARY, FEBRUARY AND MARCH 2020.**

(Scotty Jones, Finance Director)

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

**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)

Mayor Nelson informed Council that the Housing Authority had not paid their PILOT Fees in four years. He added that there was nothing that could be done about it.

Councilman Cornman asked whether there was an agreement, and Mrs. Jones stated that the City has an agreement with the Housing Authority. He also asked if the City sent them a notice, and Mrs. Jones stated no. Mayor Pro Tem Childers asked if the City had any recourse, and the Mayor stated no.

Councilman Cornman believed the City should waive the fees but going forward the Housing Authority needed to live up to the agreement. Councilwoman Estlinbaum asked if the money came from the rent they collected, and the Mayor stated yes. He added that the fees should be a part of their budget.

There was discussion between Mayor and Council on possibly waiting on HUD to complete their audit. Mrs. Burkhart pointed out that the request was made in perpetuity. City Attorney, Anne Marie Odefey, informed her that the City could not bind future Council.

Motion made by Councilman Marceaux, Seconded by Councilwoman Estlinbaum, to deny the request now and wait for the audit.

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

Voting Nay: Councilman Cornman

**6. DISCUSS, CONSIDER AND/OR APPROVE AMENDING THE RENTAL TERMS FOR THE HOUSE OF REFUGE.**

(Mayor Robert K. Nelson)

Mayor Nelson explained that Frank Paiz's church was currently absorbing the cost of the House of Refuge. The Mayor proceeded to read the House of Refuge's successes. The Mayor suggested that they be charged \$1 like the City does others that use City buildings. Councilwoman Estlinbaum pointed out whatever they decided would not extend their agreement. The agreement is set to expire in 2021.

Mayor Pro Tem Childers wondered if this would delay the inevitable, since the original intent was for two (2) years and they would then purchase a home or build.

There was discussion between Mayor and Council regarding different options.

The Mayor made a motion to reduce their rent to \$1 a year. The motion failed.

Motion made by Councilwoman Estlinbaum, Seconded by Mayor Pro Tem Childers, to reduce the rent to \$250 for the remainder of the contract effective May 1, 2020 through March 31, 2021.

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

**7. DISCUSS, CONSIDER AND/OR APPROVE THE UPDATED DISCLOSURE PROCEDURES.**

(Scotty Jones, Finance Director)

Mrs. Jones informed Mayor and Council that she received assistance from Jonathan Frels. She added that this is something that she does every year.

Jonathan Frels spoke about disclosure procedures and the new changes.

Council pointed out two errors within the document, and Mrs. Jones stated that she would get them updated.

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.

**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)

Mrs. Jones provided Mayor and Council with an updated ordinance.

Mr. James Gilley reviewed the details of the bond sale document. They went out for a \$9,055,000 bond, and after adjustments that amount is \$8,965,000. He added that it would be a 30-day closing process. They should close on or before May 21<sup>st</sup>.

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

**9. DISCUSS, CONSIDER AND/OR APPROVE THE QUARTERLY FINANCIALS AND INVESTMENT REPORT FOR THE PERIODS ENDING MARCH 31, 2020.**

(Scotty Jones, Finance Director)

Mrs. Jones reviewed the second quarter financials.

Councilwoman Sitz requested that the City's Attorneys send a letter to Siemens regarding the issues with the meters.

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

- 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)

Mrs. Jones reviewed the proposed department budget amendments.

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

- 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)

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Marceaux.

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

- 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)

Mrs. Jones provided some back history on the HOME Program. She explained that there would be no City match requirements for this program. Mrs. Jones added that there have been five homes approved and six more in the pipeline.

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

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

(Councilman Bill Cornman)

Mrs. Jones provided Mayor and Council with updated numbers. Mayor Pro Tem Childers asked if there were any inquiries. Mrs. Jones stated some businesses and residents. Mrs. Jones stated that what she had seen were businesses that are not open asking to be shut off. The trash service is a high cost and they are not really there. Mayor and Council discussed different options. The recommendation of staff remained the same. Mrs. Burkhart stated that if Mayor and Council chose to do this, she suggested that it be on the consumption portion and not the fixed.

Council took no action.

Mayor Pro Tem Childers asked that the item be placed back on the second meeting in May.

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

(Mayor Robert K. Nelson)

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

**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)

Mrs. Burkhart explained the proposed amendments to Section 6.11.

Councilman Cornman suggested that Mrs. Burkhart add words that would allow her to suspend the policy, and to better define what the employees would be paid hourly, when using the words, 'up to'.

Mrs. Burkhart stated she would bring the changes back to Council.

**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)

Mayor and Council adjourned from Open Session at 8:05 p.m.

Mayor and Council went into Executive Session at 8:09 p.m.

Mayor and Council adjourned from Executive Session at 8:30 p.m.

**OPEN SESSION**

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

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

(Mayor Robert K. Nelson)

Mayor and Council reconvened into Open Session at 8:30 p.m.

Motion made by Mayor Pro Tem Childers, Seconded by Councilwoman Sitz, upcoming three (3) pay periods compensate the Mayor \$2,000 per pay period for services during the COVID-19, this is in addition to his current \$600.

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

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

Councilwoman Estlinbaum asked everyone to be safe.

Councilman Cornman commented that Shawna needed be taken around town. He pointed out that we would need critique after the current situation.

Mayor Nelson reminded the public of today's Facebook Live.

### **ADJOURNMENT**

Mayor Nelson adjourned the meeting at 8:35 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