



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, April 07, 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 Sitz, 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."*

(Councilwoman Julie Estlinbaum)

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.

(Councilwoman Julie Estlinbaum)

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 WORKSHOP HELD MARCH 24, 2020.**
(Rhonda Clegg, Acting Deputy City Secretary)
- 2. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD MARCH 24, 2020.**
(Rhonda Clegg, Acting Deputy City Secretary)
- 3. DISCUSS, CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT OF WILLIAM (BILL) BELL, JR. TO THE BAY CITY HOUSING AUTHORITY BOARD OF COMMISSIONER.**
(Mayor Robert K. Nelson)

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 4. DISCUSS, CONSIDER AND/OR APPROVE DISCOUNTING THE CITY'S WATER BILLS FOR FUTURE BILLING PERIOD(S) AS DETERMINED BY COUNCIL.**
(Councilman Bill Cornman)
- 5. 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 SECOND READING).**
(Mayor, Robert K. Nelson)
- 6. 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 (SECOND READING).**
(Jessica Russell, BCCDC Executive Director)

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, April 3, 2020 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

CITY OF BAY CITY
MINUTES • MARCH 24, 2020

COUNCIL CHAMBERS 1901 5th Street	Workshop	5:00 PM
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1901 5TH STREET
BAY CITY TX,77414



Mayor

Robert K. Nelson

Councilman

William Cornman

Councilman

Brent P. Marceaux

Councilwoman

Becca Sitz

Mayor Pro Tem

Jason W. Childers

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

The Mayor called the meeting to order at 5:07 p.m.

CERTIFICATION OF QUORUM

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

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

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.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

- 1. Discuss the wisdom of directing City staff to do some level of forward thinking to establish a "framework" plan for dealing with a potential pandemic type situation, focusing on critical services & materials that must be provided for public safety and well-being.**

(Mayor, Robert Nelson)

The Mayor spoke about the meeting he had attended with staff, County Officials, hospital officials, etc.

City Manager, Shawna Burkhart, explained the City's current processes and operations.

Councilman Cornman asked what the City was doing for employees with PPE. Mr. Calhoun stated that they were conducting business as usual. Employees are being cognizant of their surroundings. Employees use PPE when responding to calls. Councilman Cornman asked if there were any back up plans. Mr. Calhoun stated that we would receive assistance from other municipalities and contractors.

- 2. DISCUSS, CONSIDER AND/OR APPROVE A PATH FORWARD FOR THE CITY OF BAY CITY'S CURRENT SEWER SURCHARGE RATE AND OUR CURRENT FEE STRUCTURE.**

(Mayor Pro Tem, Jason Childers)

Mayor Pro Tem Childers asked if the City had Impact Fees, because he could not find them on the City's Fee Schedule. Mr. Calhoun stated that the City did not have Impact

Fees, but a Capital Recovery Fee. Mayor Pro Tem Childers asked if we ever erroneously charged that fee, and Mr. Calhoun stated no.

ADJOURNMENT

Motion made by Mayor Pro Tem Childers, Seconded by Councilwoman Sitz.

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

Meeting adjourned at 5:44 p.m.

CITY OF BAY CITY
MINUTES • MARCH 24, 2020

COUNCIL CHAMBERS 1901 5th Street	City Council Regular Meeting (MOVED)	6:00 PM
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1901 5TH STREET
BAY CITY TX, 77414



Mayor

Robert K. Nelson

Councilman

William Cornman

Mayor Pro Tem

Jason W. Childers

Councilman

Brent P. Marceaux

Councilwoman

Becca Sitz

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

Mayor Robert K. Nelson called the Regular Council Meeting to order at 6:07 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."*

(Mayor Pro Tem Jason Childers)

The Invocation and Pledges were led by Mayor Pro Tem Jason Childers.

CERTIFICATION OF QUORUM

A quorum was met.

PRESENT

Mayor Robert K. Nelson
Mayor Pro Tem Jason W. Childers
Councilman William Cornman
Councilman Brent P. Marceaux
Councilwoman Becca Sitz
Councilwoman Julie 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.

The City's Mission Statement was read by Mayor Pro Tem Jason Childers.

APPROVAL OF AGENDA

Motion made by Councilman Marceaux, 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 no Public Comments.

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)

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

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)

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

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)

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

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)

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

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)

Tabled until second Council Meeting in April.

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)

Tabled until second Council Meeting in April.

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

(Scotty Jones, Finance Director)

Mrs. Jones informed Mayor and Council that the City was in a good position for the future. She pointed out that the City received a clean opinion, which was referenced on page 2. Mrs. Jones moved on to page 9, General Fund Highlights. She pointed out that the General Fund increased almost 1 million dollars. Mrs. Jones stated that Water and Sewer was also in good shape.

Mayor Pro Tem Childers announced that Thursday was the ratings call. Mrs. Jones stated that she hoped for a tick up. And added that the City had a lot of good things happening in the community.

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 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)

Mr. Blackburn stated that he wanted to get Riverside Park open and one of the things we wanted to do was hold a Smoke-off. One way to hold this event would be to have cash prizes. The contractor agreed to donate the funds for the cash prizes.

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

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)

Councilwoman Estlinbaum reminded Council that the item had been presented at the last meeting, and the approval of the item would add money to the program for established businesses.

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

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)

Councilwoman Estlinbaum stated the approval of this item would allow for the adding of money to the account.

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

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)

Mrs. Dunham, before beginning, asked that we keep Mrs. Anne Ryan in our thoughts and prayers.

Mrs. Dunham moved on to the agenda item by explaining that she would like to have the standard size sidewalk at 4 feet, so that there would be more green space. Councilman Cornman asked what they would be doing with Lot B. Mrs. Dunham stated that it would remain green space. The plan, however, would be to continue to enhance that area.

Councilman Cornman asked how she picked 4 feet. Mrs. Dunham stated that it was the standard in most areas, and that the only reason this came up was because of the form based codes. Mayor Pro Tem Childers asked if this had been previously approved, and Marla Jasek, Assistant Director of Public Works, stated it was not previously approved because of the form based codes.

There was discussion between the Mayor, Council and Mrs. Dunham regarding whether the use of the sidewalk would be used by the public. It was noted that the use of the

sidewalk was a way for people to visit those in the homes. The Mayor pointed out that we know what the form based codes are, so we should be going off of the form based codes.

Councilman Cornman asked why if it is 8 feet in the code, then why is it not 8 feet. Mr. Stuart Lynn of Lynn and Associates, stated that he did not believe it was the intent to have 8 feet sidewalks in between homes--maybe on the streets.

Councilman commented that if it is 8 feet, then why was it not 8 feet. Mr. Lynn stated that he did not think it was the intent to have 8 feet sidewalks in between homes, maybe on streets. Mrs. Jasek explained that in accordance with those type of houses there is supposed to be a sidewalk in front of the house and on the side. The Code says 8 - 10 feet.

The Mayor felt that they should make it aesthetically consistent and make both sidewalks 5 feet.

Councilman Marceaux amended his motion from 4 feet in front of the homes to 5 feet, with the one on Avenue G remaining at 5 ft.

The Mayor stated that going forward we will stick with the form based code.

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

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)

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

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)

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

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

(Scotty Jones, Finance Director)

Mrs. Jones explained the contract and how it would help to educate the City's hoteliers with compliance. It is an annual contract with three one year terms. The contract would help them to begin paying their taxes online, however the City would still be able to accept it in-house if the hotelier preferred. There would be no cost to the City, if the company finds a hotel in non-compliance it would be a 40% recovery fee. There would be no more than 2 hotel audits a year. The contract would not take effect until the next budget. Mrs. Jones pointed out that there is a \$2,500 start fee, and \$150 per hotel which is a total of \$3,300. This would be paid out of H.O.T money. The City would have to pay for the hotel audits, which would cost \$2,000 per audit.

Mrs. Jones and City Council continued to discuss the contract and the cost to the City.

Mrs. Jones suggested to Mayor and Council that the item be table, so that she could work with Heidi in Tourism to see how hoteliers felt about paying online. It was the consensus of Council to go with Mrs. Jones' recommendation to meet with the hoteliers.

After receiving guidance from Mrs. Odefey, Council tabled the item indefinitely.

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

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)

Mr. Calhoun informed Mayor and Council that the City was awarded the grant in the amount of \$350,000, with the City's matching at 25%.

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

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)

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

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)

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

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)

Mrs. Jasek informed Mayor and Council that out of the 4 RFQ's sent and reviewed, Jones and Carter were on top.

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

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)

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

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)

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

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)

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

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

(Rhonda Clegg, Acting Deputy City Secretary)

Mrs. Clegg explained to Mayor and Council the reason for postponing the May Election, and referred to the Texas Secretary of State, Election Division's Election Advisory.

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

CLOSED / EXECUTIVE SESSION

Adjourned from Open Session at 7:18 p.m.

Entered into Executive Session at 7:20 p.m.

Adjourned from Executive Session at 7:38 p.m.

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).

Entered into Open Session at 7:40 p.m.

Motion made by Councilman Marceaux, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum not to re-appoint Ronnie Reeves on Housing Authority Board.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Estlinbaum asked for everyone to stay safe, healthy and to self-isolate.

Councilman Cornman informed everyone that multiple counties are working to figure out the Colorado River, and hopes to have the person heading this come and speak to Council for an update. Councilwoman Estlinbaum added that these discussions were due to Harvey.

ADJOURNMENT

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

RESOLUTION _____

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

WHEREAS, the City of Bay City is a home-rule municipality governed by its City Charter, and has a population of less than 20,000 inhabitants; and

WHEREAS, the Bay City Community Development Corporation (BCCDC) is a Type B development corporation established pursuant to Chapter 505, subchapter B, of the Texas Local Government Code, and the City Council of the City of Bay City, Texas is the BCCDC's authorizing unit; and

WHEREAS, in accordance with Section 505.158(b) of the Texas Local Government Code, the BCCDC may not undertake a Project authorized under Section 505.158 that requires an expenditure of more than \$10,000.00 until the City Council of the City of Bay City, Texas adopts a resolution authorizing the Project after giving the resolution at least two separate readings; and

WHEREAS, the BCCDC has approved participation in the Nile Valley Road Project for repairs and construction pertaining to Nile Valley Road in Bay City, Texas, with any excess proceeds made available for repairs or construction of additional roads within Bay City upon a finding of BCCDC that such project is required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises in and near the City of Bay City, Texas; and

WHEREAS, the Project meets the requirements of Chapter 501, subchapter C, Authorized Projects, and Chapter 505, subchapter D, Authorized Projects, of the Texas Local Government Code;

WHEREAS, the City Council of the City of Bay City, Texas finds that a public hearing was held by BCCDC on this program on February 24, 2020; and

WHEREAS, the original cost of the Project is approximately \$ _____, and

WHEREAS, the City Council of the City of Bay City, Texas finds the Project is required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises in and near the City of Bay City, Texas; and

WHEREAS, the action authorized by this Resolution is in furtherance of the public interest, for good government, peace, order, trade and commerce of the City of Bay City, Texas and necessary for properly carrying out the authority granted by law to the City of Bay City, Texas and the BCCDC; and

WHEREAS, the Board of Directors of the BCCDC has found that the Project shall promote new or expanded business development; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. In accordance with Section 505.158 (b) of the Texas Local Government Code, the City Council hereby authorizes the Project as described in the recitals above after all prerequisites have been satisfied.

PASSED AND APPROVED ON FIRST READING AT THE CITY OF BAY CITY, TEXAS ON _____, 2020, AND ON SECOND READING AT THE CITY OF BAY CITY, TEXAS ON _____, 2020.

APPROVED AND ADOPTED on _____, 2020.

ROBERT K. NELSON, MAYOR
CITY OF BAY CITY, TEXAS

ATTEST

DAVID HOLUBEC, CITY SECRETARY
CITY OF BAY CITY, TEXAS

APPROVED AS TO FORM:

ANNE MARIE ODEFEY,
CITY ATTORNEY

INTERLOCAL COOPERATION AGREEMENT BETWEEN
CITY OF BAY CITY, TEXAS AND BAY CITY COMMUNITY
DEVELOPMENT CORPORATION REGARDING IMPROVEMENTS
TO NILE VALLEY ROAD AND OTHER ROADS TO PROMOTE BUSINESS
DEVELOPMENT WITHIN THE CITY OF BAY CITY, TEXAS

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF MATAGORDA §

This Interlocal Cooperation Agreement is made and entered into effective the latest date shown below, between the City of Bay City (hereinafter “City”), a political subdivision of the State of Texas, acting by and through its duly elected City Council and the Bay City Community Development Corporation (hereinafter “BCCDC”), an economic development corporation receiving public funds within the City of Bay City pursuant to Texas Local Government Code Chapter 505, a pseudo-political subdivision of the State of Texas, acting by and through its duly appointed Board of Directors.

WITNESSETH:

In consideration of the mutual covenants and agreements set forth in this Agreement, and other good and valuable consideration stated herein below, City and BCCDC hereby mutually agree as follows:

ARTICLE I. - PURPOSE

It is the purpose of this Agreement to improve and encourage the efficiency and effectiveness of the City and BCCDC (the “Parties”) by authorizing the fullest range of intergovernmental cooperation.

The City and BCCDC desire the improvement of Nile Valley Road which will provide an alternate route for business travel which would promote the development of

new or expanded business enterprises. Further, there are many other streets within the City that if repaired, would promote the development of new or expanded business enterprises in the areas repaired and benefit the citizens and constituents of each of the Parties (hereinafter the "Projects"). The Parties enter into this Agreement for those purposes.

Specifically, City agrees to assume project responsibility, including, but not limited to, planning, contracting, engineering and construction, and all administrative functions, to complete the Projects and issue \$6,000,000.00 in debt for those specific purposes. BCCDC has agreed to pay one-half (1/2) of the debt service on the Projects as described below.

ARTICLE II. - AUTHORITY

This Agreement is entered into by the parties hereto pursuant to the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code. This Agreement shall be governed by and subject to the laws of the State of Texas. Any of the terms and conditions of this Agreement are subject to and shall be construed in accordance with the construction of the Texas Interlocal Cooperation Act recited hereinabove.

BCCDC's participation is based on promoting or developing new or expanded business enterprises.

ARTICLE III. - TERMS

It is the intent of the parties that the following shall be the obligations of each party to this Agreement:

1. City assumes responsibility, including, but not limited to, planning, contracting, engineering and construction, to complete the Projects and issue

approximately \$6,000,000.00 in financing (the “Debt”) by the appropriate method as allowed by law and at the City’s discretion. The City shall endeavor to arrange financing in the most favorable way to benefit the Parties. The City shall exchange information with BCCDC regarding the process of financing and shall seek its input.

2. Because the City is acting as a conduit to complete the Project that BCCDC desires to accomplish, but that it would not otherwise undertake, BCCDC shall have the obligation to pay one-half (1/2) of the Debt associated with the Projects, said one-half (1/2) being in the amount of \$3,000,000.00, including the financial obligation associated with the same. Other than being the applicant for the debt and assuming all legal responsibility for the Project, including if BCCDC would default or otherwise not pay their share of the Debt, City shall not be responsible for the annual Debt service payment. The Debt service for BCCDC’s one-half (1/2 share) is estimated to be approximately \$240,000.00 per year for a fifteen (15) year term and BCCDC agrees to pay this amount beginning at least thirty (30) days prior to the date when each payment becomes due. The final numbers shall be communicated to BCCDC in writing as soon as they become available to the City.

3. The Parties agree that the Nile Valley Road project is the first priority and if all funds contemplated in this Agreement are expended on the Nile Valley Road project, there shall be no further obligation of BCCDC as to the financing of any other projects contemplated. However, if excess funds exist following the completion of the Nile Valley Road project, the City may propose to repair and/or construct one or more designated roads within the City of Bay City upon consultation with BCCDC and a finding by BCCDC that repair or construction of such roads is undertaken to attract and promote existing and future

businesses and the expansion of the same. Once the excess funds project is approved by BCCDC, the roads to be improved or developed within the project shall be at the sole discretion of City.

4. Should there be cost overruns as to the Projects, the City shall assume any further financial responsibility for the costs associated with the Projects contemplated by this Agreement.

5. The term of this Agreement shall commence on the date of execution hereof and shall terminate when the project contemplated by this Agreement is fully completed and the portion of the debt service obligated to be paid by BCCDC is paid in full by BCCDC.

ARTICLE IV. - MISCELLANEOUS PROVISIONS

This Agreement constitutes the entire agreement between BCCDC and City and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this Agreement.

No amendment, modifications, or alteration of the terms of this Agreement shall be binding unless it is in writing, dated subsequent to the date of this Agreement, and duly executed by the parties to this Agreement.

This Agreement shall be binding upon and inure to the benefits of the parties hereto, their respective successors and assigns.

EXECUTED IN MULTIPLE ORIGINALS, retained by each party hereto, effective on the latest date shown below.

CITY OF BAY CITY, TEXAS

BAY CITY COMMUNITY
DEVELOPMENT CORPORATION

By: _____
Robert K. Nelson, Mayor

By: _____
Julie Estlinbaum, President

Date of Meeting Approved: _____

Date of Meeting Approved: _____

ATTEST:

ATTEST:

By: _____
David Holubec, City Secretary

By: _____
Becca Sitz, Secretary

RESOLUTION _____**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.**

WHEREAS, the City of Bay City is a home-rule municipality governed by its City Charter, and has a population of less than 20,000 inhabitants; and

WHEREAS, the Bay City Community Development Corporation (BCCDC) is a Type B development corporation established pursuant to Chapter 505, subchapter B, of the Texas Local Government Code, and the City Council of the City of Bay City, Texas is the BCCDC's authorizing unit; and

WHEREAS, in accordance with Section 505.158(b) of the Texas Local Government Code, the BCCDC may not undertake a Project authorized under Section 505.158 that requires an expenditure of more than \$10,000.00 until the City Council of the City of Bay City, Texas adopts a resolution authorizing the Project after giving the resolution at least two separate readings; and

WHEREAS, the BCCDC has approved a Business Retention and Expansion Program that provides 50% matching funds for Projects related to façade improvement, sign improvements, property improvement, and/or demolition, to promote new or expanded business development (Sec. 505.158 of the Texas Local Government Code). Loan amounts will be awarded for one-half the cost of the improvements with available grants ranging from up to \$5,000 to up to \$15,000 for any one project; and

WHEREAS, the Project meets the requirements of Chapter 505, subchapter C, Authorized Projects, and Chapter 505, subchapter D, Authorized Projects, of the Texas Local Government Code;

WHEREAS, the City Council of the City of Bay City, Texas finds that the public hearing required under Section 505.159 of the Texas Government Code was held by BCCDC on this program on February 24, 2020; and

WHEREAS, the original cost of the Project is approximately \$100,000.00, and BCCDC desires to continue the Project with \$100,000.00 in additional funding; and

WHEREAS, the City Council of the City of Bay City, Texas finds the Project will promote new and expanded business enterprises in and near the City of Bay City, Texas; and

WHEREAS, the action authorized by this Resolution is in furtherance of the public interest, for good government, peace, order, trade and commerce of the City of Bay City, Texas and necessary for properly carrying out the authority granted by law to the City of Bay City, Texas and the BCCDC; and

WHEREAS, the Board of Directors of the BCCDC has found that the Project shall promote new or expanded business development; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. In accordance with Section 505.158 (b) of the Texas Local Government Code, the City Council hereby authorizes the Project as described in the recitals above after all prerequisites have been satisfied.

PASSED AND APPROVED ON FIRST READING AT THE CITY OF BAY CITY, TEXAS ON _____, 2020, AND ON SECOND READING AT THE CITY OF BAY CITY, TEXAS ON _____, 2020.

APPROVED AND ADOPTED on _____, 2020.

ROBERT K. NELSON, MAYOR
CITY OF BAY CITY, TEXAS

ATTEST

DAVID HOLUBEC, CITY SECRETARY
CITY OF BAY CITY, TEXAS

APPROVED AS TO FORM:

ANNE MARIE ODEFEY,
CITY ATTORNEY