

CITY OF BAY CITY
MINUTES • SEPTEMBER 26, 2023

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

6:00 PM

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



Mayor

Robert K. Nelson

Mayor Pro Tem

Blayne Finlay

Councilman

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilman

Benjamin Flores

Through a united and collaborative effort, we seek to grow the City of Bay City with a diverse culture that is proud to call Bay City home. We envision a thriving family-centered community where citizens are involved in the future development of our city. We desire our citizens to work, play, worship and shop in the community in which we live. Visitors are welcomed and encouraged to enjoy the friendly environment and amenities the citizens and business owners have created together.

CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 6:12 p.m.

PRESENT

Mayor Robert K. Nelson
Mayor Pro Tem Blayne Finlay
Councilman Benjamin Flores
Councilman Jim Folse
Councilman Brad Westmoreland
Councilwoman Becca Sitz

INVOCATION & PLEDGE

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

Councilman James Folse

MISSION STATEMENT

The City of Bay City is committed to fostering future economic growth by collaborating with our citizens, employers, current and future businesses, as well as the Community and Economic Development Centers. We strive to deliver superior municipal services and to invest in quality-of-life initiatives such as housing, businesses, jobs and activities for all citizens. We make a concerted effort to respond to resident's concerns in a timely and professional manner in order to achieve customer satisfaction.

Councilman James Folse

APPROVAL OF AGENDA

Motion made by Mayor Pro Tem Finlay to approve the agenda, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

PUBLIC COMMENTS

Jessica Sheppard, Bay City Sentinel, presented an anonymous letter from a city employee and read it to the council. David Torres stated that none of council has taken care of us and we need someone with real knowledge.

AWARDS & PROCLAMATIONS

1. **Proclamation ~ Proclamation recognizing October 5, 2023 as "Bay City Teachers' Day"**. Mayor Robert K. Nelson

Mayor Robert K. Nelson read the proclamation and presented it to several area teachers in attendance.

ACKNOWLEDGEMENT FROM CITY MANAGER

Shawna Burkhart, City Manager, introduced the new Public Works Director Herb Blomquist. Ms. Burkhart also stated that we have a tremendous staff who does tremendous work. Ms. Burkhart acknowledged the work of Krystal Mason, Mike Burchard, and Wes Davis.

ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER

Councilman Flores stated that 123 days to do the budget is exhausting and asked if the process could be expedited. Councilman Folse announced that Chick-Fil-A has their sign up. Mayor Nelson stated that if you get out and see, we are growing and new housing coming in. Mayor asked for the citizen's support.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

2. **City Council Regular meeting minutes of September 12, 2023.**
3. **City Council Special Called meeting minutes of September 21, 2023.**

Motion made by Mayor Pro Tem Finlay to approve the consent items, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

4. **Presentation ~ Public Works report and presentation.**

Mike Burchard, Utility Foreman, gave a demonstration of a water tap and areas of the tap that malfunction and how they repair them.

Krystal Mason, Assistant Public Works Director, presented work order stats and project updates. Councilman Westmoreland noted the progress with work orders.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

5. **Appointment ~ Discuss, consider, and/or approve the appointment of Thomas Battle and Cheryl Rutherford to the Public Housing Authority.**

Mayor Robert K. Nelson stated that the Housing Authority changed their By Laws from 5 commissioners to 7 commissioners.

Motion made by Councilman Folse to approve the appointment of Thomas Battle and Cheryl Rutherford to the Public Housing Authority, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

6. **Bid ~ Discuss, consider and/or approve awarding the bid to Boettcher Hlavinka Company, LLC for the Service Center (USO) Window Replacement Project and**

Authorize the City Manager to execute a contract approved to form by the City Attorney. Scotty Jones, Finance Director

Motion made by Councilwoman Sitz to approve awarding the bid to Boettcher Hlavinka Company, LLC and option #2, for the Service Center (USO) Window Replacement Project and Authorize the City Manager to execute a contract approved to form by the City Attorney, Seconded by Councilman Folsie. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 7. Bid ~ Discuss, consider and/or select GFL Environmental for the Solid Waste Collection and Disposal and Recycling Services and Authorize the Mayor and/or City Manager to execute a contract approved to form by the City Attorney between the City of Bay City and GFL Environmental.** Krystal Mason, Assistant Public Works Director

Motion made by Councilman Westmoreland to approve proposal #4 from GFL Environmental for the Solid Waste Collection and Disposal and Recycling Services and Authorize the Mayor and/or City Manager to execute a contract approved to form by the City Attorney between the City of Bay City and GFL Environmental, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 8. Property ~ Discuss, consider, and/or approve a declaration of unusable equipment, supplies, and materials as surplus and authorize staff to sell said surplus equipment, supplies, and materials through the use of an online auction or other means.** Krystal Mason, Assistant Public Works Director

Motion made by Councilman Folsie to approve a declaration of unusable equipment, supplies, and materials as surplus and authorize staff to sell said surplus equipment, supplies, and materials through the use of an online auction or other means, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 9. Personnel ~ Summary of Health Benefits for 2023-2024 Fiscal Year.**

Shawna Burkhart presented the actual numbers of employees signed up for health benefits, stating that overall was a 15.8% increase of cost to city.

- 10. Committee ~ Discuss, consider and/or approve the creation and appointments of an ADHOC Health Insurance Committee.**

Councilman Westmoreland presented stating as we continue to struggle with affordability of our health insurance benefits and trying to manage that along with cost of living increases for employees and paying competitive wages, all these things

desirable to us, would like us to look at whole heartedly with our offerings. Councilman Westmoreland, Councilman Folse, Mayor Pro Tem Finlay, and Mayor Nelson each expressed interest to be on the committee.

Motion made by Councilwoman Sitz to approve the creation and appointments of an ADHOC Health Insurance Committee, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

11. Budget ~ Discuss, consider, and/or approve the Bay City Community Development Corporation's Budget for Fiscal Year 2024.

Motion made by Councilwoman Sitz to approve the Bay City Community Development Corporation's Budget for Fiscal Year 2024, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

12. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Texas adopting the City of Bay City Five Year Capital Improvement Program. Scotty Jones, Finance Director

Motion made by Councilwoman Sitz to approve a Resolution of the City of Bay City, Texas adopting the City of Bay City Five Year Capital Improvement Program, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

13. Ordinance ~ An Ordinance adopting an Operating Budget for the City of Bay City, Texas for Fiscal Year 2024 and all designated, specified, noted, and indicated levies, rates, reserves, revenue provisions, and planned expenditure inherent, expressed, and included therein; providing for a cumulative clause: providing for severability: and providing for an effective date. Scotty Jones, Finance Director

Motion made by Councilwoman Sitz to approve an ordinance adopting an Operating Budget for the City of Bay City, Texas for Fiscal Year 2024 and all designated, specified, noted, and indicated levies, rates, reserves, revenue provisions, and planned expenditure inherent, expressed, and included therein; providing for a cumulative clause: providing for severability: and providing for an effective date, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 14. Budget ~ Consider, and/or approve a motion to ratify the Property Tax increase reflected in the Budget for the City of Bay City Fiscal Year 2023.** Scotty Jones, Finance Director

Motion made by Councilwoman Sitz to approve a motion to ratify the Property Tax increase reflected in the Budget for the City of Bay City Fiscal Year 2023, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 15. Ordinance ~ An Ordinance adopting the Tax Rate of \$0.56995 per \$100.00 of assessed valuation for the City of Bay City, Texas, for the purpose of paying the current expenses of the City for the Fiscal Year ending September 30, 2024, levying a maintenance and operations rate of \$0.43453 and for the further purpose of creating a sinking fund to retire the principal and interest of the bond indebtedness of the City, levying a debt service rate of \$0.13542; providing for a lien on all real and personal property to secure payment of taxes due thereon; providing a severability clause herewith; and providing for an effective date.** Scotty Jones, Finance Director

Motion made by Councilman Flores to approve an Ordinance adopting the Tax Rate of \$0.56995 per \$100.00 of assessed valuation for the City of Bay City, Texas, for the purpose of paying the current expenses of the City for the Fiscal Year ending September 30, 2024, levying a maintenance and operations rate of \$0.43453 and for the further purpose of creating a sinking fund to retire the principal and interest of the bond indebtedness of the City, levying a debt service rate of \$0.13542; providing for a lien on all real and personal property to secure payment of taxes due thereon; providing a severability clause herewith; and providing for an effective date, Seconded by Councilman Folsie. Voting Yea: Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Voting Nay: Mayor Nelson. Motion carried.

- 16. Report ~ Discuss, consider and review proposed amendments to Appendix B Fee Schedule.**

Fee Ordinance to be presented at next council meeting and will include solid waste and utilities.

- 17. Policy ~ Discuss, consider, and/or approve a Resolution to adopt the City's Investment Policy.** Scotty Jones, Finance Director

Motion made by Councilman Folsie to approve a Resolution to adopt the City's Investment Policy, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 18. Resolution ~ A Resolution of the City of Bay City, Texas, declaring certain real property owned by the City of Bay City to be surplus and authorizing the Mayor to institute proceedings in accordance with Texas Local government Code Section.** Jeanna Thompson, City Secretary

Jeanna Thompson, City Secretary, presented the parcels that have been recommended by the Real Property Committee, adding that each was vacant and that Cottonwood Creak runs through them with the exception of one. Assistant City Attorney, Dennis Arriaga, stated that City Attorney Anne Marie Odefey wanted Council to be aware that the City must inform prospective buyers that the property is in a flood plain.

Motion made by Councilman Folsie to approve a Resolution of the City of Bay City, Texas, declaring certain real property owned by the City of Bay City to be surplus and authorizing the Mayor to institute proceedings in accordance with Texas Local government Code Section, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 19. Appointment ~ Discuss, consider, and/or approve the appointment of a city representative and an alternate to Houston-Galveston Area Council's 2024 General Assembly.** Robert K. Nelson, Mayor

Motion made by Mayor Pro Tem Finlay to appoint Councilman Benjamin Flores as a City representative and Councilwoman Sitz as an alternate to the H-GAC 2024 General Assembly, Seconded by Councilman Folsie. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned into an executive session at 7:41 p.m.

- 20. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
- 21. Personnel ~ 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 of an officer or employee: Assistant City Manager**

RECONVENE AND ACTION

Council reconvened back into regular session at 8:38 pm. Council took no action on items #20.

Motion on Item #21 made by Mayor Nelson to appoint Scotty Jones as Assistant City Manager, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay,

Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz.
Motion carried.

ADJOURNMENT

Motion made by Councilman Flores to adjourn, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried and meeting adjourned at 8:39 p.m.

PASSED AND APPROVED, this 10th day of October 2023.

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

JEANNA THOMPSON
CITY SECRETARY