

CITY OF BAY CITY
MINUTES • APRIL 16, 2024

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Special Called Meeting

5:00 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 5:01 p.m. and quorum present.

PRESENT

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

PLEDGE OF ALLEGIANCE**PUBLIC COMMENTS**

There were no public comments.

CLOSED / EXECUTIVE SESSION

Council adjourned and went into executive session at 5:03 p.m

1. **Executive Session pursuant to Section 551.071(1) of the Texas Government Code (Consultation with Counsel on Legal Matters)**
2. **Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
3. **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, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee.**

RECONVENE OPEN SESSION

Council reconvened into a regular session at 7:01 p.m.

4. **Take action regarding matters discussed in executive session.**

Council took no action on items #1, 2, and 3.

5. **Airport Zoning Ordinance ~ Discussion with Kirk Shaffer, Bay City native, Airport Consultant and Former member of FAA Leadership.**

Scotty Jones, Interim City Manager, introduced David Sergie with David K. Sergi & associates, PC. David Sergi discussed the history of the airport zoning ordinance, including

its origins in 1966 and amendments in 1970 and 1978. Mr. Sergi then turned the presentation over to Chris Shaffer.

Chris Shaffer introduced himself to Council, disclosing personal connections to Councilman Finley and other local officials, and gave a history of his extensive experience in aviation law and policy, including stints as FAA administrator and private practice.

Mr. Shaffer emphasized aviation safety and the potential impact of turbine towers on Bay City Municipal Airport, adding, the turbines would increase the difficulty for small planes to take off from Bay City Municipal Airport and would make the pilots' jobs harder. He highlighted potential safety risks of wind turbines interfering with aircraft radar signals. Mr. Shaffer suggested that approving the turbine towers would restrict airport growth and emphasized the airports' economic impact and safety concerns.

Mr. Shaffer pointed out potential issues with installing five turbine towers at an airport, including impact on pilots and airport noise regulations. Mr. Shaffer argued that adding turbine towers near airports would increase pilot workload and decrease aircraft payload capacity, and airport restrictions could violate the Airport Noise and Capacity Act of 1990. Mr. Shaffer cautioned against narrowly focusing on FAA grant assurances and instead consider broader considerations.

Mr. Shaffer discussed FAA grants and potential legal consequences for violations, adding that the FAA can cut off funding for non-compliance with regulations, including discretionary and entitlement funding. Mr. Shaffer warned of FAA's ability to claw back grants for six years, even for minor violations.

Mr. Shaffer emphasized aviation safety as the top priority for the airport's growth and development, encouraging the audience to stay focused on safety.

Anne Marie Odefey, City Attorney, added that everything above 200' is FAA safety and everything below 200' is local airport safety.

Ms. Odefey stated that a tentative meeting date of April 29th at 7:00 p.m. and on April 23rd to approve rules.

Mayor Pro Tem Finlay thanked Airport Manager, James Mason.

ADJOURNMENT

Motion made by Councilman Flores to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried and Council adjourned at 8:02 p.m.