

**CITY OF BAY CITY**  
MINUTES • APRIL 11, 2023

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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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Blayne Finlay

**Mayor Pro Tem**

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Jim Folse

**Councilman**

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Bradley Westmoreland

**Councilwoman**

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Becca Sitz

**Councilwoman**

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Floyce Brown

*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.*

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**CALL TO ORDER AND CERTIFICATION OF QUORUM**

The meeting was called to order by Mayor Robert K. Nelson at 6:00 pm and a quorum was certified.

**PRESENT**

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

**INVOCATION & PLEDGE**

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

*Councilman Bradley Westmoreland*

**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 Bradley Westmoreland*

**APPROVAL OF AGENDA**

Motion made by Councilman Westmoreland to approve the agenda with section "Items/Comments from Mayor, Councilmember and City Manager" moved to after "Public Comments", Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

**PUBLIC COMMENTS**

Dorkus Kleinhans, 1809 Willow, stated that she is working on a petition regarding Riverside Park. Ms. Kleinhans added that they expect a lot from council and want them to be the heroes and not the villains. Ms. Kleinhans believes Riverside Park could be self sufficient with help.

Ben Flores stated that he is campaigning regarding streets.

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Andrea Love, 2911 Avenue D, asked Council to offer an incentive for homestead tax exemption credit.

David Torres, 1616 Cottonwood, stated that he was concerned about the sidewalk doesn't go towards Mary St and concerned about kids walking to school.

### **ACKNOWLEDGEMENT FROM CITY MANAGER**

Shawna Burkhart, City Manager, acknowledge the Police Departments work on solving a recent shooting. Ms. Burkhart also acknowledged Public Works staff and appreciated the assistance given during this transition.

### **CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**

- 1. City Council Regular Meeting minutes of March 28, 2023.**
- 2. City Council Workshop Meeting minutes of March 28, 2023.**

Motion made by Mayor Pro Tem Folse to approve with correction on page 10 Chick-fil-e to Chick-fil-A of the Regular Council Meeting minutes of March 28th, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

### **PROCLAMATIONS**

- 3. Proclamation ~ Month of April 2023 as "Sexual Assault and Child Abuse Awareness Month.** Brittany Matthews, Crisis Center Deputy Director

Mayor Nelson read the proclamation and presented it to members of the Crisis Center.

- 4. Proclamation ~ Proclamation recognizing April 23 - 29, 2023 as National Library Week.**

Mayor read the proclamation and presented it to Samantha Denbow on behalf of the Bay City Library.

### **REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**

- 5. Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Van Vleck I.S.D. the Library Cards for Students Program.** Samantha Denbow, Library Director

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

6. **Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Bay City I.S.D. the Library Cards for Students Program.** Samantha Denbow, Library Director

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

7. **Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Palacios I.S.D. the Library Cards for Students Program.** Samantha Denbow, Library Director

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

8. **Bid ~ Discuss, consider, and/or award the construction bid for Project CE2023-001 JETA: Jet A Fuel System Improvements 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 Bassco Services Inc.**

James Mason, Airport Manager, presented the bid to improve the 20 year old jet fuel system. Mayor Pro Tem Folse and Scotty Jones, Finance Director, discussed the available ARPA funds for the project.

Motion made by Mayor Pro Tem Folse to award Bassco Services, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

9. **Contract ~ Discuss, consider, and/or approve Contract Amendment No. 1 adding professional services for Work Order No. 9 WWTP Construction Management and Inspection, amending the original contract between City of Bay City and Garver, LLC dated October 27th, 2020.**

Shawna Burkhart, City Manager, stated that the contract was to add professional engineering services to start construction. Tyson Hann with Garver stated that this amends the original contract and gets LEM construction going. Councilman Westmoreland asked how many Garver employees are on this project and Mr. Hann answered around 75. Councilman Finlay stated that he was not expecting additional costs and Ms. Burkhart explained that this is applied in the five year plan as expected not additional.

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

**10. Resolution ~ Discuss, consider, and/or approve resolution granting execution of an advance funding agreement with the state to replace or rehabilitate 8th St bridge over Cottonwood Creek.**

Gabriel Lopez, Engineering Tech, introduced the resolutions for agenda items 10, 11, and 12. Each resolution to receive funding to repair bridges over Cottonwood Creek. Mr. Lopez added that this was 100% grant funding. Councilman Westmoreland asked about adding additional bridges and Mr. Lopez answered that they were waiting on a report.

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

**11. Resolution ~ Discuss, consider, and/or approve resolution granting execution of an advance funding agreement with the state to replace or rehabilitate Ave H bridge over Cottonwood Creek.** Gabriel Lopez, Engineering Tech

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

**12. Resolution ~ Discuss, consider, and/or approve resolution granting execution of an advance funding agreement with the state to replace or rehabilitate Hamman Rd bridge over Cottonwood Creek.** Gabriel Lopez, Engineering Tech

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

**13. Ratify ~ Discuss, review and/or approve ratifying adjusted utility fees.**

Scotty Jones, Finance Director, discussed base rate for 1.5" and 2" and how it impacted residential customers. Ms. Jones requested to ratify the adjusted fees.

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

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**CLOSED / EXECUTIVE SESSION**

Council adjourned into an executive session at 7:16 pm.

14. **Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
15. **Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**
16. **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: City Manager**

**RECONVENE AND ACTION**

Council reconvened into a regular session at 10:20 pm and took no action on item #14, 15, and 16.

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

Councilman Blayne Finlay thanked Chief Rodriguez and Sargent Hadash for the ride-along. Councilman Finlay stated that he attended the Riverside Smoke Out and it was an excellent event and well attended.

Mayor Pro Tem Jim Folse thanked the game warden and deputies who came out and rescued teens lost on the river.

Councilman Bradley Westmoreland thanked Dorcus Kleinhans for recognizing the Library and added that Samantha Denbow does a wonderful job at the library. Councilman Westmoreland thanked Shawna Burkhart and staff for efforts for being stewards of the city and having its best interest.

**ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and council adjourned at 10:21 pm.

**PASSED AND APPROVED**, this 25th day of April 2023.

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

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JEANNA THOMPSON  
CITY SECRETARY